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ACTS

AND

RESOLVES

PASSED BY THE

GENERAL COURT OF MASSACHUSETTS

IN THE YEAR

1990

PUBLISHED BY

Michael Joseph Connolly

SECRETARY OF STATE



The General Court, which was chosen on November 8, 1988, assembled on Wednesday, the third day of January, 1990 for the second 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 1990.

Chapter 1. **AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF FRANKLIN.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 705 of the acts of 1989 is hereby amended by striking out section 18 and inserting in place thereof the following section:-

Section 18. This act shall be submitted to the voters of the town of Franklin in the form of the following seven questions which shall be placed on the ballot in the annual or special election to be held in the year nineteen hundred and ninety and each of which shall be followed by a brief summary prepared by the town counsel.

"Shall section one of an act passed by the general court in the year nineteen hundred and eighty-nine, entitled 'An act relative to the charter of the town of Franklin' be accepted?"

"Shall sections two, three, four, six, seven, eight, ten, fourteen, fifteen, sixteen and seventeen of an act passed by the general court in the year nineteen hundred and eighty-nine, entitled 'An act relative to the charter of the town of Franklin' be accepted?"

"Shall section five of an act passed by the general court in the year nineteen hundred and eighty-nine, entitled 'An act relative to the charter of the town of Franklin' be accepted?"

"Shall section nine of an act passed by the general court in the year nineteen hundred and eighty-nine, entitled 'An act relative to the charter of the town of Franklin' be accepted?"

"Shall section eleven of an act passed by the general court in the year nineteen hundred and eighty-nine, entitled 'An act relative to the charter of the town of Franklin' be accepted?"

"Shall section twelve of an act passed by the general court in the year nineteen hundred and eighty-nine, entitled 'An act relative to the charter of the town of Franklin' be accepted?"

"Shall section thirteen of an act passed by the general court in the year nineteen hundred and eighty-nine, 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 2. This act shall take effect upon its passage.

Approved February 21, 1990.

Chapter 2. **AN ACT FURTHER REGULATING THE CAPE COD COMMISSION.**

Be it enacted, etc., as follows:

SECTION 1. Section 18 of chapter 716 of the acts of 1989 is hereby amended by adding the following paragraph:-

A budget proposal reflecting the commission's anticipated revenues and expenses for fiscal year nineteen hundred and ninety, or any portion of fiscal year nineteen hundred and ninety during which the commission is authorized to exist, shall be submitted, in accordance with Barnstable county's emergency administrative and budgetary procedures, no later than forty-five days following an affirmative vote in the special election referred to in section twenty-one. The county may reimburse itself for the amount of the commission's approved fiscal year nineteen hundred and ninety expenses, less any revenue received or generated by the commission, out of the additional two million dollars which the county may levy in fiscal year nineteen hundred and ninety-one, in accordance with subsection (d), so long as the total amount levied in fiscal year nineteen hundred and ninety-one does not exceed two million dollars.

SECTION 2. Section 21 of said chapter 716 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- 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 and the county shall pay all of the costs of said election.

SECTION 3. Said section 21 of said chapter 716 is hereby further amended by inserting after the first para
graph the following paragraph:-

The amount referred to in the ballot question found in the preceding paragraph shall be calculated by the commissioners of said Barnstable county in cooperation with the department of revenue, based upon the nineteen hundred and ninety recapitulation sheet for each municipality or, if a nineteen hundred and ninety recapitulation sheet is not available at the time the calculation is made for a municipality then upon the equalized valuation for such municipality, and which amount shall be certified in writing by the said commissioners and submitted to the town clerk for each municipality in said county no later than thirty days prior to the date of the county wide election.

SECTION 4. Said section 21 of said chapter 716 is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Within thirty days from the date of passage the state secretary shall provide a

copy of this act to the county commissioners and to each of the fifteen town clerks who shall make the copy available for distribution to voters who may request copies. The attorney general shall prepare a fair and concise summary of this act which shall provide a copy of the same to the county commissioners and the town clerks no later than thirty days prior to the date set for the county wide election. The county commissioners shall file a copy of the summary prepared by the attorney general with the county clerk who shall distribute it to all elected county and municipal officials and to all members of the county's legislative delegation. The town clerk of each municipality shall mail a copy of said summary to each registered voter no later than ten days prior to the date set for said election together with a notice that copies of this act are available from the town clerk upon request. The county shall pay the costs of the mailing.
Emergency Letter: March 2, 1990 @ 11:09 A.M. Approved February 28, 1990.

Chapter 3. **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 Kathleen M. McKeon in the town of Plainville on April twenty-seventh, nineteen hundred and ninety, between Diane Seiler and Sean Patrick McKeon, both of said town of Plainville, and the state secretary shall issue to said Kathleen M. McKeon a certificate of such authorization.

Approved March 2, 1990.

Chapter 4. **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 Suzanne L. Hart in the town of Amesbury on March tenth, nineteen hundred and ninety between David C. Theriault and Donna L. Russell, both of the town of Topsfield, and the state secretary shall issue to said Suzanne L. Hart a certificate of said authorization.

Approved March 8, 1990.

Chapter 5. **AN ACT ESTABLISHING THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE BOARD OF ASSESSORS OF THE CITY OF NEW BEDFORD.**

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of New Bedford an administrative assistant to the board of assessors who shall have charge and control of the assessing department.

A. Appointment; Term; Qualification.

The administrative assistant shall be a resident of the city of New Bedford, appointed by the mayor, with the approval of the city council, for a term of five years. Said assistant shall have a bachelor's degree from an accredited four year college or university with major course work in accounting, finance, business or public administration, economics, statistics, real estate, computer science, engineering or mathematics and not less than five years of paid, full-time experience in the public or private sector where the primary task involved the assessment or appraisal of real property, two years of which were in mass appraisal or assessment administration; provided, however, that possession of any one or more of the following certificates or memberships may be substituted for the bachelor's degree requirement: (1) Certified Massachusetts Assessor, (2) Certified Appraisal Evaluation, (3) Designated member of Society of Real Estate Appraisers, (4) Designated member of the American Institute of Real Estate Appraisers, or any other professional designations which qualify a candidate to perform the duties of administrative assistant. The provisions of this subsection may be waived by the

mayor, with the approval of a two-thirds vote of the city council, if the mayor determines that there is no reasonable expectations that qualified persons will be able and willing to accept appointment as administrative assistant; provided, however, that a waiver granted pursuant to this subsection must be renewed annually. If such waiver is not presented to the city council by the first regularly scheduled meeting of the city council in April, then such administrative assistant shall cease to hold office. The waiver provided for herein shall be granted for not more than three consecutive times as to each person.

B. Assistants and Employees; Compensation.

All assistants and other employees deemed necessary to carry out the work of the assessing department shall be appointed by the administrative assistant and in accordance with the provisions of chapter thirty-one of the General Laws. Each member of the department, including the administrative assistant, shall devote a full business day to the duties of the department. The mayor shall fix the compensation for the administrative assistant and such employees, subject to the approval of the city council.

C. Duties and Responsibilities.

The administrative assistant shall have all the powers and perform the duties of assessors of cities in accordance and in compliance with the General Laws, except as otherwise provided herein, and in addition shall:

1) Coordinate, administer, and supervise all non-elected employees in the assessing department in the provision of all services and activities of such department.

2) Establish full and fair cash valuations and classifications of all property, real and personal, on an annual basis in conformity with the General Laws relating thereto.

3) Provide for the custody, control, confidentiality, and security of all documents, materials, records, or information, in whatever form, of the assessing department, including without limitation the records of the board of assessors.

4) Review every application for abatement or exemption of taxes and excises. The administrative assistant shall submit his recommendation in writing to the board of assessors for action thereon. Said board may grant or deny the abatement as recommended, or substitute another amount. If an application for abatement or exemption is not granted or denied as provided for above prior to the expiration of three months from the date of filing such application, it shall be deemed to be denied for all purposes including those of section sixty-four of chapter fifty-nine of the General Laws.

5) Possess exclusive authority, subject to all general or special laws or local ordinances relating thereto, to initiate, negotiate and execute on behalf of the assessing department all contracts for goods and services relating to the assessing function of the city.

6) Conduct investigations and studies on all matters relating to the valuation, assessment, abatement and exemption of properties.

7) Make reports and recommendations to the board of assessors, mayor and city council concerning valuation, assessment, abatement and exemption policies to promote economy and efficiency in assessment administration.

8) Represent the city before judicial and administrative bodies on all matters related to the administration and enforcement of the duties and responsibilities of the assessing department.

9) Develop, implement and maintain uniform systems, controls and procedures, consistent with local ordinances and regulations or policies prescribed by the financial officers of the city, for all financial activities of the assessing department.

10) Develop and prepare a detailed, annual budget and spending plan for the assessing department.

11) Make rules with the approval of the city council and the mayor for the administration of the provisions contained in this section.

12) Possess such other powers and duties as the mayor and city council may, from time to time, direct.

SECTION 2. The assessing department shall remain open to the public Monday through Friday during normal business hours excepting legal holidays.

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

Approved March 15, 1990.

Chapter 6. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF WESTFORD.

Be it enacted, etc., as follows:

SECTION 1. Any holder of elective office in the town of Westford with more than six months remaining in the term of office may be recalled therefrom by the voters in the manner provided in this act. A recall petition shall not be filed against an officer within three months after taking office.

A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall provided that the affidavit is signed by at least twenty-five voters from each precinct in said town.

The town clerk shall thereupon deliver to said voters petition blanks demanding such recall, printed forms of which the town clerk shall keep available. Such 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 the persons to whom they are issued, the number of blanks so issued; the name of the person whose recall is sought; the office from which removal is sought; the grounds of recall as stated in the affidavit and shall demand the election of a successor to said office. A copy of the petition shall be entered in a record book kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days following the date of the filing of the affidavit, and shall have been signed by at least ten percent of the registered voters of each precinct of the town as of the date of the most recent town election and containing their names and addresses.

The town clerk shall within twenty-four hours of receipt submit the petition to the registrar of voters who shall within five working days certify thereon the number of signatures that are names of registered voters of the town.

SECTION 2. If the petition shall be certified by the town clerk to be sufficient, he shall submit the same with the town clerk's certificate to the board of selectmen within five working days. Upon receipt of the certificate the board shall within five working days give written notice of such petition and certificate to the officer sought to be recalled. 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 on a date fixed by them 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 not proceed. 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 the elections, unless otherwise provided in this act.

SECTION 3. The incumbent shall continue to perform the duties of the office until the recall election. If he is not recalled, the incumbent shall continue in the office for the remainder of the unexpired term subject to recall as before except as provided herein. If recalled in the election, the officer 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 4. 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) Immediately next to each proposition there shall be a broken arrow in which the voter, by connecting both lines of the arrow, may vote for either of the said propositions.

Under the propositions shall appear the phrase, candidates to fill vacancy if recall vote is in the affirmative, 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 5. In the case of an officer subjected to recall election and not recalled thereby, no recall petition shall be filed against such officer until at least ninety days after the election at which the officer's recall was submitted to the voters of the town.

SECTION 6. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any town office within one year after such recall or such resignation.

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

Approved March 23, 1990.

Chapter 7. AN ACT RELATIVE TO THE MEMBERSHIP OF THE SCHOOL COMMITTEE OF THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 4 of the charter of the town of Plymouth, 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 clause (b) of paragraph 4-1-1 of section 1 and inserting in place thereof the following clause:-

(b) a school committee of seven members;

SECTION 2. Chapter 9 of said charter is hereby amended by adding at the end thereof the following section:-

Section 4 Plymouth School Committee

9-4-1 At the next special or annual town election of the town of Plymouth next following the effective date of the amendment to the charter to add a seventh member to the Plymouth School Committee, the Town of Plymouth shall elect one additional member to serve for a term of three years. Thereafter, on every year in which the term of office of an elected member expires, Plymouth shall, at its annual

election, elect a member or members to serve for a term of three years.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Plymouth at a special or annual town election in the form of the following question, which shall be placed upon an official ballot to be used at said election:- "Shall an act passed by the General Court in the year nineteen hundred and ninety, entitled 'An Act relative to the membership of the school committee of the town of Plymouth' be accepted?". If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 23, 1990.

Chapter 8. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 5 of the charter of the town of Plymouth, which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by adding at the end thereof the following two sections:-

Section 7 *Recall of elective officeholders*

5-7-1 Any elected officeholder may be recalled by the voters as herein provided.

5-7-2 Five hundred registered voters of the town may file with the town clerk an affidavit containing the name of the officeholder sought to be recalled and a statement of the grounds for recall, provided, however, that not more than fifty names shall be from any one precinct of the town.

5-7-3 The town clerk shall thereupon deliver to the ten voters first named on such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms which shall be kept available. The blanks when issued shall be signed by the town clerk and shall have the official seal attached thereto. They shall be dated and addressed to the board of selectmen, and shall contain the names of the ten persons to whom they are issued, the number of petitions to be issued, the name of the officeholder whose recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to such office.

5-7-4 A copy of the petition shall be entered in the town meeting records. The recall petition shall bear the signatures and residential addresses of at least fifteen percent of the registered voters, and shall be returned to the town clerk within twenty working days after the filing of the affidavit. The petitions containing the signatures requesting a recall election need not all be submitted at the same time.

5-7-5 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 seven working days certify thereon the number of signatures which are names of registered voters.

5-7-6 If the petition shall be found and certified by the registrars of voters to be sufficient, the town clerk shall submit the same with a certificate so stating to the board of selectmen. The board of selectmen shall, within three working days, give written notice by registered mail of the receipt of the certificate to the officeholder sought to be recalled.

5-7-7 If the officeholder does not resign within five days thereafter, the board of selectmen shall order a special election to be held on a date fixed by them, which shall be 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 elections is to occur within one hundred days after the date of the certificate, the board of selectmen shall postpone the holding of the special election to the date of such other election.

5-7-8 Any officeholder sought to be removed may not be a candidate to succeed to the same office in the recall election. The nomination of 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 general law relating to elections, and the election to replace the officeholder sought to be removed shall be held on the same day as the recall election.

5-7-9 The incumbent shall continue to perform the duties of office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term. An incumbent having successfully survived a recall election shall not again be subject to recall during the same term of office. If recalled, the incumbent shall be deemed removed upon the qualification of the successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

5-7-10 The form of the question to be voted upon shall be substantially as follows: "Shall [here insert the name and title of the elective officeholder whose recall is sought] be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall shall exceed twenty percent of the registered voters of the town.

5-7-11 No person, having been removed from office by recall or having resigned from office while recall proceedings were pending, shall be appointed to any town office within two years following said removal or resignation.

5-7-12 Recall proceedings shall not be initiated during the first or last one hundred and eighty days of any officeholder's term of office.

Section 8 *Recall of Precinct Members*

5-8-1 Representative town meeting members shall be subject to recall as

generally provided in section seven, provided:

(a) that the words "representative town meeting member" shall be substituted for the word "officeholder" throughout section seven;

(b) that in clause 5-7-2 the number "one hundred and twenty-five" shall be substituted for the number "five hundred," and that the names submitted shall all be those of registered voters residing in the precinct of the intended recall election;

(c) that in clause 5-7-4, the petition shall include the signatures and residential addresses of at least fifteen percent of the registered voters residing in the precinct, and that the words "ten working days" shall be substituted for the words "twenty working days";

(d) that in clause 5-7-7 the words "special precinct election" shall be substit uted for the words "special election";

(e) that in clause 5-7-10 the words "of the precinct" shall be substituted for the words "of the town";

(f) that any vacancy created by a recall election shall be filled in accordance with the provisions of Section 9 of Chapter 2 of this charter.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Plymouth at a special or annual town election in the form of the following question, which shall be placed upon an official ballot to be used at said election:- "Shall an act passed by the General Court in the year nineteen hundred and ninety entitled 'An act providing for recall elections in the town of Plymouth' be accepted?". If a majority of votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 23, 1990.

Chapter 9. AN ACT RELATIVE TO THE DATE FOR ELECTING TOWN OFFICERS IN THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 5 of the charter of the town of Plymouth, 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 paragraph 5-1-1 of section 1 and inserting in place thereof the following paragraph:-

5-1-1 Beginning in nineteen hundred and ninety-one, the regular election for all town offices shall be by official ballot held on the second Saturday of May of each year.

SECTION 2. The provisions of section one shall take effect on January first,

nineteen hundred and ninety-one.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Plymouth at a special or annual town election in the form of the following question, which shall be placed upon an official ballot to be used at said election:- "Shall an act passed by the General Court in the year nineteen hundred and ninety entitled 'An Act relative to the date for electing town officers in the town of Plymouth', be accepted?". If a majority of the votes in answer to said question is in the affirmative then this act shall thereupon take full effect, but not otherwise.

Approved March 23, 1990.

Chapter 10. AN ACT RELATIVE TO THE MEMBERSHIP OF THE PLYMOUTH-CARVER REGIONAL SCHOOL DISTRICT COMMITTEE IN THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 4 of the charter of the town of Plymouth, 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 clause (c) of paragraph 4-1-1 of section 1 and inserting in place thereof the following clause:-

(c) a Plymouth-Carver Regional School District Committee of seven members, three of whom shall be elected from Plymouth for three year overlapping terms. At the next special or annual town election of the Town of Plymouth next following the effective date of this amendment to the charter, the Town of Plymouth shall elect one additional member to serve for a term of three years. Thereafter, in every year in which the term of office of the elected member expires, Plymouth shall, at its annual election, elect a member or members to serve for a term of three years.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Plymouth at a special or annual town election in the form of the following question, which shall be placed upon an official ballot to be used at said election:- "Shall an act passed by the General Court in the year nineteen hundred and ninety, entitled 'An Act relative to the membership of the Plymouth-Carver regional school district committee in the town of Plymouth' be accepted?". If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 23, 1990.

Chapter 11. **AN ACT RELATIVE TO MUNICIPAL DISPUTE RESOLUTION PROCEDURES.**

Be it enacted, etc., as follows:

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

Emergency Letter: March 30, 1990 @ 2:36 P.M. Approved March 30, 1990.

Chapter 12. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by the Honorable Joseph L. Tauro, as he is a judge of the United States District Court, in the city of Boston, on May nineteenth, nineteen hundred and ninety, between Victoria Burke and Jeffrey Oppenheim both of the town of Marblehead, and the state secretary shall issue to said Honorable Joseph L. Tauro in his capacity as aforesaid a certificate of such authorization.

Approved April 5, 1990.

Chapter 13. **AN ACT PROVIDING THAT THE POLICE FORCE OF THE TOWN OF SHARON SHALL BE SUBJECT TO THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and nine of the acts of nineteen hundred and seventy-six is hereby repealed.

SECTION 2. Persons appointed to positions of the regular police force of the town of Sharon, excluding the position of the chief of such force, shall be subject to the provisions of chapter thirty-one of the General Laws; provided, however, that the civil service status of the incumbents of the positions of the regular police force of the town of Sharon shall be determined by the provisions of section fifty-six of said chapter thirty-one; provided, further, that those individuals who had been appointed prior to April fifth, nineteen hundred and seventy-seven who are subject to the provisions of said chapter thirty-one shall continue to be subject to the provisions of said chapter thirty-one.

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

Approved April 5, 1990.

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 Russell Z. Baron of the city of Cleveland Heights in the state of Ohio, as he is an attorney in the state of Ohio, in the town of Danvers on April twenty-ninth, nineteen hundred and ninety between Hallie Baron and William J. Harrison, both of the town of Watertown, and the state secretary shall issue to said Russell Z. Baron in his capacity as aforesaid a certificate of such authorization.

Approved April 13, 1990.

Chapter 15. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

Whereas, The deferred operation of this act would 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 J. Kumin in the town of Natick on June twenty-third, nineteen hundred and ninety between Elizabeth W. McCarthy and James W. Thomson, both of said town of Natick and the state secretary shall issue to said Daniel J. Kumin a certificate of such authorization.

Approved April 13, 1990.

Chapter 16. **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 Walsh in the town of Sudbury on April twenty-first, nineteen hundred and ninety between Claudia M. Bushey of the town of Framingham and Richard Bennett of the town of Ashland, and the state secretary shall issue to said John Walsh a certificate of such authorization.

Approved April 17, 1990.

Chapter 17. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

which is to immediately authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Eileen M. Shaevel, associate justice in the probate and family court department of the commonwealth, in the town of West Tisbury, on June tenth, nineteen hundred and ninety between Jane Elizabeth Price and David Ansin Schwartz both of the city of Boston, and the state secretary shall issue to said Eileen M. Shaevel in her capacity as aforesaid a certificate of such authorization.

Approved April 17, 1990.

Chapter 18. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by William O'Leary in the town of Falmouth on April twenty-first, nineteen hundred and ninety between Susan Arnsworth and Andrew Groag, both of the town of Falmouth, and the state secretary shall issue to said William O'Leary a certificate of such authorization.

Approved April 17, 1990.

Chapter 19. AN ACT TO PROVIDE PROTECTION TO MASSACHUSETTS CORPORATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide protection to Massachusetts corporations, including their shareholders, employees, suppliers and customers and the communities in which the corporation's facilities are located, 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 156B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after section 50 thereof the following section:-

Section 50A. (a) Except as provided in paragraph (b) of this section and notwithstanding anything to the contrary in this chapter or in the articles of organization or by-laws of any registered corporation, the directors of a registered corporation shall be classified, with respect to the time for which they severally hold office, into three classes, as nearly equal in number as possible; the term of office of those of the first class ("Class I Directors") to continue until the first annual meeting following the date such registered corporation becomes subject to this paragraph (a) and until their successors are duly elected and qualified; the term of office of those of the second class ("Class II Directors") to continue until the second annual meeting following the date such registered corporation becomes subject to this paragraph (a) and until their successors are duly elected and qualified; and the term of office of those of the third class ("Class III Directors") to continue until the third annual meeting following the date such registered corporation becomes subject to this paragraph (a) and until their successors are duly elected and qualified. At each annual meeting of a registered corporation subject to this section, the successors to the class of directors whose term expires at that meeting shall be elected to hold office for a term continuing until the annual meeting held in the third year following the year of their election and until their successors are duly elected and qualified. On or prior to the date on which a registered corporation first convenes an annual meeting following the time at which such registered corporation becomes subject to paragraph (a), the board of directors of such registered corporation shall adopt a vote designating, from among its members, directors to serve as Class I Directors, Class II Directors and Class III Directors. Notwithstanding this paragraph (a), the articles of organization may confer upon holders of any class or series of preference or preferred stock the right to elect one

or more directors who shall serve for such term, and have such voting powers, as shall be stated in the articles of organization; provided, however, that no such provision of the articles of organization which confers upon such holders any such right and which is filed with the state secretary after the effective date of this paragraph (a) shall become effective unless prior to its adoption it was approved by a vote of a majority in number of the directors of such registered corporation.

(b)(i) The provisions of this section shall apply to every registered corporation (whether or not notice of an annual meeting of such registered corporation has been given on or prior to the effective date of this section), unless the board of directors of such registered corporation, or the stockholders of such registered corporation by a vote of two-thirds of each class of stock outstanding at a meeting duly called for the purpose of such vote which meeting occurs after January 1, 1992, shall adopt a vote providing that such corporation elects to be exempt from the provisions of paragraph (a) of this section. Upon adoption of any such vote, the provisions of paragraph (a) of this section shall, unless otherwise provided in such vote, become immediately ineffective with respect to such registered corporation and the provisions of section 50 of this chapter shall become immediately effective with respect to such registered corporation as soon as the provisions of paragraph (a) of this section are no longer effective.

(ii) In the event that any registered corporation shall so elect by vote of the board of directors to be exempt pursuant to clause (i) of this paragraph (b) such registered corporation may at any time thereafter adopt a vote of its board of directors electing to be subject to the provisions of paragraph (a) of this section. In the event that any registered corporation shall so elect by vote of 2/3 of the shareholders adopted after January 1, 1992 to be exempt pursuant to clause (i) of this paragraph (b) such registered corporation may at any time thereafter adopt a vote of 2/3 of the shareholders electing to be subject to the provisions of paragraph (a) of this section. Upon adoption of any such vote, the provisions of this section shall, unless otherwise provided in such vote, immediately become effective.

(c) Notwithstanding anything to the contrary in this chapter or in the articles of organization or by-laws of any registered corporation, in the case of directors of a registered corporation who are classified with respect to the time for which they severally hold office pursuant to paragraph (a) of this section, stockholders may effect, by the affirmative vote of a majority of the shares outstanding and entitled to vote in the election of directors, the removal of any director or directors or the entire board of directors only for cause.

(d) Notwithstanding anything to the contrary in this chapter or in the articles of organization or by-laws of any registered corporation, in the case of directors of a registered corporation who are classified with respect to the time for which they severally hold office pursuant to paragraph (a) of this section, (i) vacancies and newly created directorships, whether resulting from an increase in the size of

the board of directors, from the death, resignation, disqualification or removal of a director or otherwise, shall be filled solely by the affirmative vote of a majority of the remaining directors then in office, even though less than a quorum of the board of directors, (ii) any director elected in accordance with clause (i) of this paragraph (d) shall hold office for the remainder of the full term of the class of directors in which the vacancy occurred or the new directorship was created and until such director's successor shall have been elected and qualified, (iii) no decrease in the number of directors constituting the board of directors shall shorten the term of any incumbent director, and (iv) the number of directors of a registered corporation subject to paragraph (a) of this section shall be fixed only by vote of its board of directors.

(e) As used in this section, the following words shall have the following meanings:-

(1) "Annual meeting", any annual meeting of stockholders and any special meeting of stockholders in lieu of an annual meeting provided for by law, the articles of organization, by-laws or otherwise.

(2) "Cause", with respect to the removal of any director of a registered corporation, only (i) conviction of a felony, (ii) declaration of unsound mind by order of court, (iii) gross dereliction of duty, (iv) commission of an action involving moral turpitude, or (v) commission of an action which constitutes intentional misconduct or a knowing violation of law if such action in either event results both in an improper substantial personal benefit and a material injury to the registered corporation.

(3) "Registered corporation", any corporation to which the provisions of paragraph (a) of section three of this chapter apply, and which has a class of voting stock registered under the Securities Exchange Act of 1934, as amended; provided, that if a corporation is subject to paragraph (a) of this section at the time it ceases to have any class of voting stock so registered, such corporation shall nonetheless be deemed to be a registered corporation for a period of twelve months following the date it ceased to have such stock registered.

(f) Nothing in this section shall be deemed to amend, modify or otherwise effect the validity of any provision of the articles of organization or by-laws of any corporation during any period that it elects not to be subject to paragraph (a) of this section, whether or not currently in effect, providing for the division of directors into classes as contemplated by section fifty of this chapter. No provision of the articles of organization or by-laws of any registered corporation that is subject to paragraph (a) of this section, whether or not currently in effect, shall render inapplicable any provision of this section or require the board of directors of such corporation to adopt any vote pursuant to paragraph (b) of this section. No vote adopted by a board of directors electing not to be subject to paragraph (a) of this

section shall render invalid, or prevent adoption of, any amendment to such corporation's articles of organization as contemplated by section fifty of this chapter.

SECTION 2. Chapter 149 of the General Laws, as most recently amended by chapter 242 of the acts of 1989, is hereby amended by inserting after section 183 thereof the following new section:-

Section 184. (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 contested meeting date; provided, however, that such person or persons are a registered corporation subject to the provisions of paragraph (a) of section 50A of chapter one hundred and fifty-six B and are subject to a contested meeting.

"Contested meeting date", the date any contested meeting takes place.

"Contested meeting", a contested meeting for the election of directors of a registered corporation, the purpose of which contest is to facilitate an acquisition of 50% or more of the outstanding voting securities of the registered corporation.

"Department", the department of labor and industries.

"Employee", any person employed for hire by an employer in any lawful employment.

"Registered corporation", any corporation subject to the provisions of paragraph (a) of section fifty A of chapter one hundred and fifty-six B which has a class of voting stock registered under the Securities Exchange Act of 1934, as amended (hereinafter referred to as the "act"); provided, however, that if a corporation is subject to paragraph (a) of such section at the time it ceases to have any class of voting stock so registered, such corporation shall nonetheless be deemed to be a registered corporation for a period of twelve months following the date it ceased to have such stock so registered.

"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 section 13(d) and 14(d) of 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 contested meeting.

"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 the shorter of either: (i) a period of twelve calendar months following a contested meeting date of such control transferor or (ii) the period between a contested meeting date of such control transferor and a transfer of control of such control transferor is entitled to a one time lump-sum payment from the control transferor 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) 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 transaction, 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; or

(iv) an individual or a fiduciary who holds the securities or the beneficial interest therein for the benefit of any of the foregoing persons.

(4) The control transferee obtained control through the enforcement of rights under pledge or other security interest created in good faith and not for the purpose of circumventing the purposes of this section 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.

(d) Any amounts paid to an employee pursuant to subsection (b) of this section

shall be credited against any amounts payable by a control transferee to such employee pursuant to section one hundred and eighty-three of this chapter. The control transferor is responsible for maintaining such records as may be required for adequate implementation of this provision.

(e) The control transferor 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 ten business days of the occurrence of a contested meeting. Such control transferor shall also provide written notice to the department that a contested meeting 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 in 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 this chapter. 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 this chapter.

(g) For purposes of determining eligibility under subsection (b), all determinations shall be as of the contested meeting date, unless specifically stated otherwise in this section.

(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.

Approved April 18, 1990.

Chapter 20. **AN ACT RELATIVE TO CERTAIN PROBATION OFFICERS OF THE TRIAL COURT.**

Be it enacted, etc., as follows:

Notwithstanding any general or special law or any rule or regulation to the contrary, the trial court of the commonwealth is hereby authorized and directed to establish a sick leave bank for probation officer Lloyd Mills and probation officer Christopher Aylward. Each probation officer in the bargaining unit represented by Local 254 S.E.I.U. may voluntarily contribute one of their sick days to said bank for use by probation officer Mills and probation officer Aylward.

Emergency Letter: April 30, 1990 @ 3:57 P.M. Approved April 18, 1990.

Chapter 21. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Maria Buckley in the city of Salem, on April twenty-eighth, nineteen hundred and ninety between Cheryl Ann Butler and Frank James Brandauer both of Altadena, California, and the state secretary shall issue to said Maria Buckley a certificate of such authorization.

Approved April 26, 1990.

Chapter 22. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage in the town of Eastham, by the Honorable W. James O'Neill, 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. Pavlofsky, both of the town of Orleans, and the state

secretary shall issue to said Honorable W. James O'Neill in his capacity as aforesaid a certificate of such authorization.

Approved April 30, 1990.

Chapter 23. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Isaac Borenstein, as he is a justice in the district court department Lawrence division, in the city of Newton, on May twentieth, nineteen hundred and ninety between Sally D. Whelan and Jeffrey A. Smith both of the city of Newton and the state secretary shall issue to said Isaac Borenstein in his capacity as aforesaid a certificate of such authorization.

Approved April 30, 1990.

Chapter 24. **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-ONE.**

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 sixty-four days after the annual organization of the city council of the city of Springfield in the year nineteen hundred and ninety, the mayor shall submit to the city council the annual budget which shall be a statement of the amounts recommended by said mayor for the proposed expenditures of said city

for the fiscal year ending June thirtieth, nineteen hundred and ninety-one.

SECTION 2. If, upon the expiration of one hundred and sixty-four days after the annual organization of the city council of the city of Springfield in the year nineteen hundred and ninety, the mayor has failed to submit to the city council said annual budget for the fiscal year ending June thirtieth, nineteen hundred and ninety-one, said city council shall prepare said annual budget by June thirtieth, nineteen hundred and ninety, and such preparation shall be subject to the same applicable requirements as the mayor's annual budget.

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

Approved May 1, 1990.

Chapter 25. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF TEMPLETON.

Be it enacted, etc., as follows:

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

SECTION 2. Any qualified voter of the town may make and file with the town clerk an affidavit containing the name of the officer sought to be removed and a statement of the grounds of removal. The town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks for such recall. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto, and shall be dated and addressed to the board of selectmen. Said blanks shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be removed, the office from which removal is sought, the grounds of removal as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within fourteen days after the filing of the affidavit and shall be signed by qualified voters of the town, equal in number to at least fifteen percent of the qualified voters of the town as of the date such affidavit was filed with the town clerk. To every signature shall be added the place of residence of the signer, giving the street and number. The said recall petition shall be submitted, at or before five o'clock in the afternoon of the Monday preceding the day on which it must be filed, to the registrars of voters in said town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters in said town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the board of selectmen

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

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

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

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

For the recall (name of officer).

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

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

SECTION 7. No recall petition shall be filed against an officer of said town

within six months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

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

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

Approved May 7, 1990.

Chapter 26. AN ACT AUTHORIZING ESTIMATED TAX PAYMENTS IN THE CITY OF BEVERLY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Beverly 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 one-half of the total actual tax bill for fiscal year nineteen hundred and eighty-nine. 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 actual tax bill for fiscal year nineteen hundred and eighty-nine. 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 the thirtieth day after the mailing of the notice of such preliminary second half estimated tax payment, 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 May 7, 1990.

Chapter 27. **AN ACT INCREASING THE AMOUNT OF MONEY FOR A CAPITAL OUTLAY PROGRAM TO EXPAND AND UPGRADE CERTAIN CORRECTIONAL FACILITIES.**

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 347 of the acts of 1982 is hereby amended by striking out the words "sixty-two million one hundred thousand", inserted by section 41A of chapter 208 of the acts of 1988, and inserting in place thereof the words:- seventy-one million six hundred thousand.

SECTION 2. Said section 8 of said chapter 347 is hereby further amended by striking out, in line 14, the word "seven" and inserting in place thereof the word:- fifteen.

SECTION 3. This act shall take effect as of January sixteenth, nineteen hundred and ninety.

Approved May 9, 1990.

Chapter 28. **AN ACT PROVIDING THAT CHIEF GUS A. THEODORE MAY CONTINUE EMPLOYMENT WITH THE PALMER FIRE DISTRICT NO. 1.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Gus A. Theodore, chief of Palmer Fire District No. 1, is hereby authorized to continue in such position until and including February twenty-eighth, nineteen hundred and ninety-one; 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 such position subsequent to said February twenty-eighth, nineteen hundred and ninety unless and until he shall have been examined, at his own expense, by an impartial physician designated by the Hampden county

retirement board to determine such capability. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to February twenty-eighth, nineteen hundred and ninety, and upon retirement said employee shall receive a superannuation allowance equal to that to which he would have been entitled to had he retired on said date.

SECTION 2. The provisions of this act shall take effect as of February twenty-eighth, nineteen hundred and ninety.

Approved May 10, 1990.

Chapter 29. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine the solemnization of a marriage by Richard P. Dana, as he is a registered notary public in the state of Maine, in the town of Orleans on June second, nineteen hundred and ninety between Ann Foster of the town of Orleans and Peter Van Dyke of the town of Harwich, and the state secretary shall issue to said Richard P. Dana in his capacity as aforesaid a certificate of such authorization.

Approved May 11, 1990.

Chapter 30. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Joseph D. Steinfield in the town of Nantucket on October seventh, nineteen hundred and ninety between Lisa Ann Foster and Alan Sherburne both of the town of Nantucket, and the state secretary shall issue to said Joseph D. Steinfield a certificate of such authorization.

Approved May 11, 1990.

Chapter 31. **AN ACT AUTHORIZING THE TOWN OF ERVING TO CONVEY A CERTAIN PARCEL OF LAND IN SAID TOWN TO DANA AND THERESA DODGE.**

Be it enacted, etc., as follows:

The town of Erving is hereby authorized to convey to Dana Dodge and Theresa Dodge a certain parcel of land, acquired by said town for water supply purposes in a deed dated July twenty-fourth, nineteen hundred and eleven, and recorded in the registry of deeds in the county of Franklin, book 578, page 110.

Approved May 11, 1990.

Chapter 32. **AN ACT RELATIVE TO THE WATER SUPPLY DISTRICT OF ACTON.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 326 of the acts of 1912, as amended by section 1 of chapter 667 of the acts of 1962, is hereby further amended by adding the following paragraph:-

The Water Supply District of Acton shall also include a certain parcel of land located in the town of Acton and the town of Littleton being a part of land described in deed recorded in the southern district registry of deeds in the county of Middlesex, Book 18953, Page 23.

SECTION 2. If said parcel of land described in section one shall cease to be used as a child care center for a period in excess of two years, said parcel shall cease to be a part of said Water Supply District of Acton and said district shall discontinue water supply to said parcel without liability to said District.

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

Approved May 15, 1990.

Chapter 33. **AN ACT AUTHORIZING THE BOARD OF FIRE PREVENTION REGULATIONS TO ISSUE A CERTIFICATE TO JOSEPH O'REILLY AS AN OIL BURNER TECHNICIAN.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately issue an oil burner technician certificate, therefore 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 one hundred and forty-eight of the General Laws or any other general or special law to the contrary, the board of fire prevention regulations is hereby authorized and directed to issue a certificate as an oil burner technician to Joseph O'Reilly of the city known as the town of Watertown, who was previously licensed to preform such work.

Approved May 17, 1990.

Chapter 34. **AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF USO APPRECIATION DAY.**

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 12QQ, inserted by chapter 643 of the acts of 1989, the following section:-

Section 12RR. The governor shall annually issue a proclamation setting apart the fourth day of February as USO Appreciation Day, and recommending that said day be observed in an appropriate manner by the people.

Approved May 17, 1990.

Chapter 35. **AN ACT RELATIVE TO A CERTAIN EMERGENCY LOAN OF PLYMOUTH COUNTY.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-six A of chapter thirty-five of the General Laws, or the terms of the loan authorized by the emergency board on June fifth, nineteen hundred and eighty-nine for Plymouth county, the county is hereby authorized to refund said loan by the issuance of bonds or notes for a period of three years. Payments on such refunding bonds or notes shall be made in accordance with section twelve of chapter sixty-four D of the General Laws, and shall be scheduled so that no more than two-thirds of the principal amount of the original loan approved by the emergency board remains outstanding at the end of fiscal nineteen hundred and ninety, no more than one-third of the principal remains outstanding at the end of fiscal nineteen hundred and ninety-one, and none of the principal is outstanding at the end of fiscal nineteen hundred and ninety-two.

Approved May 21, 1990.

Chapter 36. AN ACT RELATING TO THE PUBLICATION OF CITY ORDINANCES.

Be it enacted, etc., as follows:

Chapter 43 of the General Laws is hereby amended by striking out section 23, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 23. Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published once in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance, at least ten days before its final passage, provided, that if any ordinance or proposed ordinance, or codification of ordinances or proposed ordinances, shall exceed in length eight octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the city council in a municipal bulletin or printed pamphlet, and if so published in full at least ten days before its final passage, said publication shall be deemed sufficient without the newspaper publication as herein required.

Approved May 21, 1990.

Chapter 37. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage,

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Marc J. Becker in the town of Dedham on July fourteenth, nineteen hundred and ninety between Harry Grill and Elizabeth C. Fitzpatrick, both of the city of Boston, and the state secretary shall issue to said Marc J. Becker a certificate of said authorization.

Approved May 22, 1990.

Chapter 38. **AN ACT ESTABLISHING AN EMERGENCY RESERVE FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY.**

Be it enacted, etc., as follows:

SECTION 1. To provide for the supplementing of certain items in the general appropriation act the sums set forth in section two for the purpose and subject to the conditions specified therein is hereby appropriated from the General Fund, subject to 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, for the fiscal year ending June thirtieth, nineteen hundred and ninety, the sum so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

Item		
1102-3301	BUREAU OF STATE BUILDINGS	$1,045,000
1108-5200	EMPLOYEE HEALTH BENEFITS/GROUP INSURANCE COMMISSION	$32,000,000
1599-3315	PRISONER TRANSPORTATION	$455,000
4400-4000	COMMONHEALTH	$2,500,000
4406-2000	GENERAL RELIEF	$2,000,000
4406-5000	GENERAL RELIEF HEALTH	$6,000,000
4513-1005	HEALTHY START	$1,000,000
4540-0001	DPH HOSPITALS	$5,000,000

SECTION 2A. Section two of chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine is hereby amended by striking out Item 7511-8802 and inserting in place thereof the following item:

Item		
7511-8802	For	a study, and the preparation of plans, if necessary, and for the design and construction of a campus for North Shore Community College in the town of Danvers, including, but not limited to, the acquisition of land, the acquisition of land with buildings thereon, demolition, alteration, renovation, and repair, including the cost of furnishings and equipment $3,250,000

SECTION 2B. Section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three is hereby amended by striking out Item 7511-8841 and inserting in place thereof the following item:

Item		
7511-8841	For	a study, and the preparation of plans, if necessary, and for the design and construction of a campus for North Shore Community College in the town of Danvers, including, but not limited to, the acquisition of land, the acquisition of land with buildings thereon, demolition, alteration, renovation, and repair, including the cost of furnishings and equipment $37,050,000

SECTION 2C. 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, property including any and all interests in a site in Danvers, recorded in Book 5818, page 496 in the Essex South Registry of Deeds., to be approximately 66.916 acres, more or less, as determined by said deputy commissioner, together with any necessary easements, wherever located, and licenses in connection therewith to be used as the site for a North Shore Community College campus, to be designed and constructed, notwithstanding the provisions of any municipal zoning ordinance or law, but pursuant to applicable general or special laws. Provided further, the deputy commissioner is hereby authorized and directed, notwithstanding the provisions of section forty E through forty I inclusive of said chapter seven of the General Laws, to grant and acquire, whether by purchase, gift, lease, land exchange, eminent domain pursuant to chapter seventy-nine of the General Laws, or otherwise, any and all easements necessary for utility, road, and other purposes, and all licenses, mineral rights and water rights, as are required in connection with the design, construction and operation of North Shore Community College campus in the town of Danvers.

SECTION 2D. The property will be further described in a deed approved as to form by the attorney general and filed in the Essex South Registry of Deeds.

SECTION 2E. All unexpended balances previously appropriated in the following accounts: Item 7511-8802 of section two of chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine and Item 7511-8841 of section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, are hereby transferred and made available for the purposes of this act, provided further, that no payment shall be made for the acquisition of any privately owned property, until independent appraisals of the value of the property have been made by qualified, disinterested appraisers.

Approved May 24, 1990.

Chapter 39. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF SANDWICH TO APPOINT THE TOWN TREASURER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-one of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Sandwich shall appoint a suitable person as town treasurer for a term of one year and the person so appointed shall have all the powers and duties by law vested in the office of treasurer. Upon qualification and appointment of the treasurer pursuant to the authority contained in this act, the elected incumbent of the office of treasurer of said town shall cease to exercise the powers and duties of said office.

SECTION 2. This act shall take effect on May first, nineteen hundred and ninety-two.

Approved May 30, 1990.

Chapter 40. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Joel Baron in the town of Plymouth on June third, nineteen hundred and ninety between Linda Claire Baron and Anton Nicholas Suttora both of Bethesda, Maryland, and the state secretary shall issue to said Joel Baron a certificate of such authorization.

Approved May 31, 1990.

Chapter 41. **AN ACT ESTABLISHING CERTAIN FINANCIAL PROVISIONS FOR THE CITY OF LAWRENCE.**

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence is hereby authorized to capitalize certain sums, the amortization amount, resulting from extraordinary costs incurred in fiscal year nineteen hundred and eighty-nine and fiscal year nineteen hundred and ninety. The city of Lawrence is hereby authorized to fund the amortization amount over a period starting with fiscal year nineteen hundred and ninety-one and not exceeding five years. The amortization amount for the purposes of this act, shall be the amount, determined by the city of Lawrence and certified by the commissioner of revenue; provided, however, that in no event shall the amortization amount exceed three million, one hundred thousand 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 Lawrence may, subject to the approval of the commissioner of revenue, deduct, for fiscal year nineteen hundred and ninety, the amortization amount as certified by the commissioner of revenue 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 Lawrence may similarly deduct: for fiscal year nineteen hundred and ninety-one, an amount not greater than eighty percent of the amortization amount; for fiscal year nineteen hundred and ninety-two, an amount not greater than sixty percent of the amortization amount; for fiscal year nineteen hundred and ninety-three, an amount not greater than forty percent of the amortization amount, and for fiscal year nineteen hundred and ninety-four, 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-four 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 Lawrence. The commissioner of revenue is further authorized, as a condition of his annual approval as provided for herein, to require that the city of Lawrence 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 Lawrence 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 Lawrence. The failure of the city of Lawrence 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. There is hereby established in the city of Lawrence the city of Lawrence fiscal oversight board consisting of the secretary of administration and finance, or his designee; the commissioner of education, or his designee; the commissioner of revenue, or his designee; the director of accounts, or his designee; the mayor of the city of Lawrence; the president of the city council, or his designee; and a designee of the school committee.

Said board shall initiate and assure the implementation of appropriate initiatives to secure the financial stability of the city of Lawrence, and shall continue in existence until June thirtieth, nineteen hundred and ninety-one unless the members by majority vote shall annually vote to continue the operation of the board from year to year during the term of the amortization as authorized pursuant to section one.

Until such time as the fiscal oversight board shall cease to exist, no appropriation, loan order or transfer by the city council shall take effect until approved by the fiscal oversight board. The board shall have full authority to adopt such rules and procedures as it deems necessary and appropriate to effectuate the purposes of this act.

In each year during which the fiscal oversight board continues in existence, the mayor shall, at the same time as the annual budget is submitted to the city council, provide to the board a copy of the proposed annual budget together with a supporting revenue and expenditure statement in such detail as the board may prescribe. The board shall review such budgetary information and issue a report of its findings no later than twenty days after receipt of the budget and revenue and

expenditure statement.

In order to promote and ensure the fiscal stability of the city of Lawrence the board may require the filing of a detailed annual work plan by each municipal department which shall be approved by the mayor, setting forth certain actions which will be implemented by every such department through its department head to ensure greater efficiency in the delivery of services to the residents of the city of Lawrence.

Each work plan shall be in such detail as the board may prescribe and may include, but not be limited to, a plan for improved financial and spending controls; budget guidelines and objectives for the fiscal year nineteen hundred and ninety-one, and for such other fiscal years for which the board may remain in existence; a professional and nonprofessional staffing plan; and a plan for other proposed savings to be implemented in fiscal year nineteen hundred and ninety-one, and for such other fiscal years for which the board may remain in existence. Any such plan submitted by the school department shall be approved by the school committee.

Prior to March first of each year for which the fiscal oversight board shall remain in existence, the school committee shall file with the said board a proposed budget in such detail as the board may prescribe for the ensuing fiscal year. The board shall review the proposed budget and issue a report of its findings by June first following the date of filing.

During the course of each fiscal year in which the fiscal oversight board is in existence, the board may require that a status report be filed with the board by each department head on a quarterly basis.

The board shall have full authority to waive any reporting or filing requirements contained in this section; provided, however, that in no event may the board waive the requirements included herein relating to the submission by the school committee of a proposed annual budget for the ensuing fiscal year.

The fiscal oversight board may prepare such reports of its findings and reviews as it deems appropriate, and issue such recommendations for further action to the mayor, city council, municipal department heads or agencies of the commonwealth as the board determines necessary. The members of the board shall serve without compensation.

SECTION 3. On or before August first of each year, or within ten days after the approval by the city council and the mayor of the city of Lawrence 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, shall submit to the director of budget and finance and the comptroller, with a copy to the city clerk who shall transmit the same to the city council, in such form as the comptroller 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, January first through the last day of February, March first through April thirtieth, and May first through June thirtieth.

Whenever the director of budget and finance or the comptroller 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 attorney, the director of budget and finance or comptroller as appropriate, and to the city clerk who shall forthwith transmit the same to the city council and the fiscal oversight board, if such board remains in existence at the time. Upon such a determination and notice thereof the director of budget and finance 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 director of budget and finance 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, director of budget and finance, comptroller and fiscal oversight board, if such board remains in existence at the time. 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, city council and fiscal oversight board, if then in existence, 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 on or 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 the 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 4. The city of Lawrence 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.

Commencing with fiscal year nineteen hundred and ninety-one and for all fiscal years thereafter, prior to the date when the tax rate 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 an amount, the supplemental reserve fund sum, as determined under the provisions herein, such amount to be certified to the board of assessors by the comptroller.

The supplemental reserve fund sum for fiscal year nineteen hundred and ninety-one shall be an amount equal to one-half of one percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; the supplemental reserve fund sum for fiscal year nineteen hundred and ninety-two shall be an amount equal to one percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; the supplemental reserve fund sum for fiscal year nineteen hundred and ninety-three shall be an amount equal to one and one-half percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; and the supplemental reserve fund sum for fiscal year nineteen hundred and ninety-four and each subsequent fiscal year shall be an amount equal to two percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; provided further that such amounts may be increased by penalty adjustments as provided for herein.

In each year the amount required to be raised for such special reserve fund may be reduced by the amount, if any, remaining in the reserve fund established for the preceding year after all expenditures have been made therefrom as herein authorized, and such remaining amount shall be retained in the special reserve fund provided for the then current fiscal year.

Transfers or expenditures may be made from the special reserve fund of any fiscal year during that fiscal year only and then only by the mayor with the approval of the city council, and provided further that if the fiscal oversight board continues in existence at the time of such transfer or expenditure, only with the approval of said board. Each such transfer or expenditure request by the mayor shall be accompanied by a written statement detailing the amount and the reason for such transfer or expenditure. Except for such transfers or expenditures as hereabove authorized, there shall be no other transfers or expenditures from such fund, nor shall there be any charges against such fund nor reductions in the amount of such fund.

If in any fiscal year the special reserve fund as provided for herein is depleted by transfers or expenditures in excess of fifty percent of the amount certified for that year by the comptroller plus the amount of any penalty adjustment as provided for hereinafter, or if the city incurs net 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 of the gross amount to be raised for the year with respect to which the use of the reserve fund or the deficits were incurred as the case may be. Such 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; provided further, however, that if such penalty adjustment

increase shall be made for fiscal years nineteen hundred and ninety-two, nineteen hundred and ninety-three, nineteen hundred and ninety-four or nineteen hundred and ninety-five, it shall be in addition to the percentage increase in the reserve fund provided for hereinabove. 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. All amounts required by this act to be raised for each fiscal year shall be certified to the board of assessors by the comptroller 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 by one quarter of one 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, 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; provided that such decrease shall not reduce the fund below one and one-half 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, and provided further that such reduction, if any, shall not work to eliminate or modify such subsequent penalty adjustments as may arise under the provisions hereinabove.

The city of Lawrence fiscal oversight board, notwithstanding the foregoing, shall have full authority during any year in which it is in existence, to waive or modify any of the requirements of this section to the extent that it determines that such action is necessary to ensure the fiscal stability of the city of Lawrence.

SECTION 5. No official of the city of Lawrence, 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 the 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 the 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.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary, for purposes of temporary borrowing pursuant to the provisions of section four of chapter forty-four of the General Laws, the city of Lawrence, for fiscal years nineteen hundred and ninety and years thereafter, shall hereby be authorized to incur debt and issue notes therefor to an amount which shall not exceed in the aggregate the total tax levy of the fiscal year preceding the fiscal year in which the debt is incurred, together with the net amount received during such preceding fiscal year from the excise on motor vehicles and trailers, as provided by chapter sixty A of the General Laws, and the payments made by the commonwealth in lieu of taxes on account of property taken for institutions or for metropolitan district purposes, and the amounts estimated by the commissioner of revenue under the provisions of section twenty-five A of chapter fifty-eight of the General Laws to be distributable to the city of Lawrence in the fiscal year for which the loan is authorized.

SECTION 7. This act shall take effect upon its passage, except that the provisions of section three 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.

Approved May 31, 1990.

Chapter 42. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ELECTION IN THE TOWN OF AMHERST.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Amherst at its nineteen hundred and ninety annual town election held on March thirteenth, nineteen hundred and ninety 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 May 31, 1990.

Chapter 43. 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 Gilda H. Palano in the town of Northampton on June second, nineteen hundred and ninety, between Ellen Lescourt and John Pryor, both of said town of Northampton, and the state secretary shall issue to said Gilda H. Palano a certificate of such authorization.

Approved May 31, 1990.

Chapter 44. **AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF BRAINTREE AS THE FIREFIGHTER, JOSEPH A. GRAZIANO MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The bridge located on Ivory street over railroad tracks in the town of Braintree shall be designated and known as the firefighter Joseph A. Graziano Memorial bridge in memory of firefighter Joseph A. Graziano. The department of public works shall erect a suitable marker thereat bearing said designation in compliance with the standards of said department.

Approved June 1, 1990.

Chapter 45. **AN ACT DESIGNATING A CERTAIN BRIDGE ON WASHINGTON STREET IN THE TOWN OF NATICK AS THE MASSACHUSETTS STATE TROOPER GEORGE L. HANNA MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The bridge carrying Washington street over the Massachusetts Bay Transportation Authority commuter rail in the town of Natick shall be designated and known as the Massachusetts State Trooper George L. Hanna Memorial bridge in memory of George L. Hanna, a native of Natick and a state trooper killed in the line of duty.

A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved June 1, 1990.

Chapter 46. **AN ACT AUTHORIZING THE EXTENSION OF TIME FOR MAKING CERTAIN TEMPORARY LOANS BY THE CITY OF CHICOPEE.**

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 378 of the acts of 1984 is hereby amended by striking out, in line 5, the word "three" and inserting in place thereof the following word:- six.

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

Approved June 4, 1990.

Chapter 47. **AN ACT RELATIVE TO REDUCTION IN RANK FOR CERTAIN PUBLIC EMPLOYEES IN THE TOWN OF CHELMSFORD.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary, if permanent employees of the fire force of the town of Chelmsford 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 based on their length of service 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 to the next lower title or titles in succession in 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 June 4, 1990.

Chapter 48. **AN ACT ESTABLISHING THE QUALIFICATIONS FOR THE POSITION OF TOWN ADMINISTRATOR IN THE TOWN OF WAREHAM.**

Be it enacted, etc., as follows:

Article 4 of the charter of the town of Wareham which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 4-1 and inserting in place thereof the following section:-

Section 4-1. The board of selectmen with the agreement of seventy-five percent of its members shall hire a town administrator and negotiate a contract for a term not to exceed three years. Said contract shall be renegotiated six months prior to the termination of the existing contract. The office of town administrator shall not be subject to the consolidated personnel by-law, if any. The town administrator shall be hired solely on the basis of his executive and administrative qualifications and shall be a person of proven professional ability, especially fitted by education, training and previous experience in municipal administration to perform the duties of the office. He shall not have served in any elective office in the town of Wareham for at least twelve months prior to his appointment. He shall devote his full time to the office and shall not hold any other public office, elective or appointive, nor shall he engage in any other business, occupation or profession during his term, unless such action is approved in advance in writing, by the board of selectmen. The town may, from time to time by by-law, establish such additional qualifications as seem necessary and appropriate.

Approved June 4, 1990.

Chapter 49. **AN ACT INCREASING THE AMOUNT OF MONEY WHICH THE COUNTY OF BARNSTABLE MAY EXPEND TO ASSIST IN THE INVESTIGATION, ARREST AND PROSECUTION OF PERSONS VIOLATING THE NARCOTIC DRUG LAW.**

Be it enacted, etc., as follows:

Section 1 of chapter 95 of the acts of 1969 is hereby amended by striking out the word "twenty", inserted by chapter 443 of the acts of 1971, and inserting in place thereof the word:- thirty.

Approved June 4, 1990.

Chapter 50. **AN ACT AUTHORIZING THE ISSUANCE OF CERTAIN REFUNDING BONDS BY THE GREATER NEW BEDFORD REGIONAL VOCATIONAL HIGH SCHOOL DISTRICT.**

Be it enacted, etc., as follows:

SECTION 1. The Greater New Bedford Regional Vocational Technical High School District is hereby authorized, subject to the prior approval of the commissioner of revenue, to borrow at one time or from time to time a sum not to exceed four million three hundred thousand dollars in the aggregate to refund all or a portion of the districts bonds coming due in the years nineteen hundred and ninety and nineteen hundred and ninety-one in the principal amount of two million five hundred and eighty-five thousand dollars, to refund all or a portion of the districts revenue anticipation notes on the principal amount of one million six hundred and eighty-five thousand dollars which were issued to pay a like amount of the districts bonds which came due in April and May of nineteen hundred and eighty-nine and to pay for expenses of issue in connection with the refundings.

SECTION 2. For the purposes described in section one, the district may, subject to the prior approval of the commissioner of revenue, issue refunding bonds which shall be payable in not more than ten years from their dates and which shall bear on their face the words Greater New Bedford Regional Vocational Technical High School District Refunding Loan, Act of 1990. The maturities of the refunding bonds shall be arranged so that for each issue the annual combined payments of principal and interest shall be as nearly equal as practicable in the opinion of the district treasurer or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. The district may also issue notes under section seventeen of chapter forty-four of the General Laws in anticipation of the refunding bonds. Except as provided herein, any borrowing under this act shall be subject to the provisions of chapter four hundred and twenty-eight of the acts of nineteen hundred and seventy-one.

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

Approved June 5, 1990.

Chapter 51. **AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO POSTPONE THE VOTE ON A REFERENDUM QUESTION RELATIVE TO PARK LAND.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Pittsfield is hereby authorized to postpone to a date to be

set by the city council, which shall be no later than the date of the municipal election to be held in the year nineteen hundred and ninety-one, the referendum question on a vote of the city council taken on March thirteenth, nineteen hundred and ninety authorizing the submission to the general court of a home rule petition authorizing the city of Pittsfield to grant an easement in a parcel of park land in said city.

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

Approved June 5, 1990.

Chapter 52. **AN ACT REGULATING CONDOMINIUM CONVERSION AND OTHER REMOVALS OF CONTROLLED RENTAL UNITS IN THE CITY OF CAMBRIDGE.**

Be it enacted, etc., as follows:

SECTION 1. The General Court finds and declares that:

(a) In order to meet the serious public emergency that continues to exist in the City of Cambridge with respect to the housing of a substantial number of its citizens, it is necessary to regulate the removal of controlled rental housing units from the market.

(b) The city's existing powers to regulate such removals pursuant to Chapter 36 of the Acts of 1976, as amended, have proven inadequate, and many such units continue to be removed from rent control.

(c) Since the November 20, 1989 Steinbergh v. Cambridge Rent Control Board decision, 406 Mass. 147 (1989), hundreds of individual condominium units have been transferred or sold thereby creating a substantial risk of the removal of controlled rental housing units from the rental market.

(d) In order to regulate such removals effectively, it is necessary to regulate the sale of condominium units by the owners of rent controlled buildings, for the reasons stated in the Report of the Cambridge City Council Committee on Rent Control dated May 28, 1981.

(e) In order to regulate such removals effectively, it is also necessary for the City of Cambridge to have the additional powers conferred by Section 3 of this Act.

SECTION 2. In the City of Cambridge, no owner of a building for which a condominium master deed has been recorded shall, directly or indirectly, sell, offer for sale, or agree to sell any controlled rental unit therein, unless the board has granted a removal permit for that unit, or unless the sale or offer is to, or the agreement is with, a current tenant of the unit who holds an exemption certificate. The board shall issue an exemption certificate to any person who files with it an affidavit in a form prescribed by the board, stating that he is a current tenant of the unit, that he occupied it as a tenant before August 10, 1979, and that he intends in

good faith to occupy it indefinitely as its owner. Nothing in this act shall prevent an owner of a building or any portion thereof from conveying his entire interest in the building in good faith to one purchaser, who shall then be subject to the provisions of this act to the same extent as the original owner.

SECTION 3. (a) Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of General Laws chapters one hundred and fifty-six B, one hundred and fifty-seven, and one hundred and eighty-three A, the City of Cambridge may, by ordinance, further regulate and control the removal of controlled rental units from the rental housing market, the reduction in the total number of controlled rental units in a building, structure or part thereof, or the change in form of ownership of a building, structure or part thereof containing controlled rental units. Such regulations and controls may include, but are not limited to, the authority to:

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

(ii) require that no person shall convert a controlled rental unit to a condominium or cooperative without first obtaining a removal permit for that purpose from the rent control board. "Convert" shall include recording a master deed pursuant to the provisions of chapter one hundred and eighty-three A of the General Laws or filing articles of organization pursuant to chapters one hundred and fifty-six B or one hundred and fifty-seven of the General Laws, or advertising, offering for sale or selling a unit as a condominium or cooperative unit.

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

(b) Any hearings regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section five of Chapter 36 of the Acts of 1976, as amended.

SECTION 4. Section 9(a) of Chapter 36 of the Acts of 1976 is hereby amended by deleting subsection (8) thereof and by substituting the following:

(8) the landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law; except that no action shall be brought under this clause to recover possession from a tenant who is sixty years of age or older and who occupied the unit continuously since before the recording of the master deed, or to recover possession of a condominium unit subject to chapter 8.44 of the Cambridge Municipal Code.

SECTION 5. Violation of any provision of this act, or of any ordinance or regulation adopted hereunder, shall constitute a violation of Chapter 36 of the Acts of 1976, as amended. In addition, the board or any person aggrieved by a violation

of this act or any such ordinance or regulation may enforce its provisions in a civil action for damages or for declaratory or injunctive relief.

SECTION 6. The City of Cambridge may adopt ordinances, and the board may adopt regulations, to carry out the purposes of this act.

SECTION 7. Any person who is aggrieved by any action, regulation or order of the board may appeal or file a complaint pursuant to Section 10 of Chapter 36 of the Acts of 1976, as amended, unless otherwise defined in this act.

SECTION 8. The provisions of this act shall not apply to any building containing six or fewer units that has been occupied continuously, from on and after January 1, 1970 until January 1, 1990, by the owner of record as of January 1, 1970 or a member of that owner of record's family provided that any one family in the City of Cambridge may obtain this exemption for only one building and provided that any family seeking to avail itself of this exemption swears by affidavit, under oath, that it owns or has a beneficial interest in only one building containing rent controlled units in the City of Cambridge.

For the purposes of this section, "owner of record" shall mean any owner as of January 1, 1970 named on the deed recorded at the Middlesex Registry of Deeds for the building for which this exemption is sought provided that the owner of record is an individual and not a corporate, trust or other business entity. This exemption shall not be available to corporations, trusts or other business entities.

For the purposes of this section, "family" shall mean an individual, an individual's spouse, parents, children, brother, sister, grandchildren, great grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law.

For the purpose of this section, "continuous occupancy" shall mean the continuous physical residence by the owner of record as of January 1, 1970 or a family member of that owner of record of the building from on and after January 1, 1970 until January 1, 1990. The exemption shall not apply to any building that was not occupied by the owner of record as of January 1, 1970 or a family member of that owner of record for a period of more than twelve months, in the aggregate, between January 1, 1970 and January 1, 1990; and, in no event, shall the exemption apply to any building that remained unoccupied by the owner of record as of January 1, 1970 or a family member for any period of time where a tenant broke the chain of continued occupancy by the owner of record or a family member.

SECTION 9. The City of Cambridge, in consultation with organizations representing owners of rent controlled properties in Cambridge, rent controlled tenants and other interested parties, shall examine and consider the following rent control issues, particularly as they affect so-called small owners of rent controlled properties in Cambridge: (1) whether the capital improvement rent adjustment procedure, set forth in regulation 75 of the Cambridge Rent Board, operates fairly; (2) whether the fair base rent formula, set forth in regulation 75-02 of the Cambridge

Rent Board, should be updated to provide for new minimum rents; (3) whether, under what circumstances and to what degree, owners of rent controlled properties should be allowed to pass along increases in property taxes, water and sewer fees and pass along increases in property insurance costs to tenants; (4) whether the allowable management fee for owner-occupiers of rent controlled properties should be increased; (5) whether prospective employees and hearing officers of the Cambridge Rent Control Board should be prohibited from owning or leasing rent controlled property in the City of Cambridge. The City of Cambridge shall examine and consider these issues and any other issues it deems relevant to the administration and enforcement of rent control, particularly as relates to the availability of decent and affordable housing for low and moderate income tenants and the problems experienced by so-called small property owners of rent controlled property who owner-occupy their property and are not actively engaged in the business of owning and renting property; and shall make findings of fact and prepare recommendations, based upon the findings, and transmit both the findings and the recommendations to the Joint Committee On Local Affairs, not later than July 1, 1991.

SECTION 10. If any section or any provision of any section of this act or the application of such section or any such provision of any such section to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such section or such provision of such section to other persons or circumstances shall not be affected thereby; provided also that nothing herein shall be construed to limit the authority of the city and the rent control board to regulate removal of controlled rental units as previously judicially determined.

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

Approved June 6, 1990.

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 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 Patti B. Saris, as she is a justice of superior court department of the trial court, in the city of Boston on June ninth, nineteen hundred and ninety between Benjamin M. Davis and Dana Maria Krystofek both of said city of Boston, and the state secretary shall issue to said Honorable Patti B. Saris in her capacity as aforesaid a certificate of such authorization.

Approved June 7, 1990.

Chapter 54. **AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO AWARD A CERTAIN CONTRACT AND PAY A CERTAIN UNPAID BILL.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the award of a contract by the town of Marblehead to the Xerox Corporation for the lease/purchase of a copy machine and all actions taken pursuant to said contract are hereby ratified, validated and confirmed to the same extent as if such contract had been awarded pursuant to the provisions of all general and special laws. The town treasurer of the town of Marblehead is hereby authorized to make all payments due to Xerox Corporation pursuant to said contract.

Approved June 7, 1990.

Chapter 55. **AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO PAY A CERTAIN UNPAID BILL.**

Be it enacted, etc., as follows:

The town treasurer of the town of Marblehead is hereby authorized to pay from available funds to the Dec-Tam Corporation, the sum of one hundred twenty-one thousand three hundred and eighty dollars for asbestos abatement and removal in school buildings, notwithstanding the failure of said town to comply with the provisions of any general or special law.

Approved June 7, 1990.

Chapter 56. **AN ACT AUTHORIZING THE TOWN OF SOUTHBRIDGE TO PAY CERTAIN BILLS.**

Be it enacted, etc., as follows:

The town of Southbridge, acting by and through its town treasurer, is hereby authorized to pay from available funds the following bills: Edward L. Canter, Inc. the sum of eleven thousand and forty-seven dollars for school supplies; A. Menard and Sons, Inc. the sum of three thousand nine hundred and seventy-eight dollars for replacement windows and P. M. Benoit Masonry the sum of five thousand five hundred and sixty dollars for sidewalk reconstruction, notwithstanding the failure of said town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contracts.

Approved June 7, 1990.

Chapter 57. **AN ACT RELATIVE TO A PROCEDURES CLERK OF THE PROBATE AND FAMILY COURT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or any rule or regulation to the contrary, the probate and family court of the commonwealth is hereby directed to establish a sick leave bank for procedures clerk II, Karen Marshall. Each employee of the probate and family court in the commonwealth may voluntarily contribute one or more of his or her sick days to said bank for use by procedures clerk Marshall.

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

Approved June 8, 1990.

Chapter 58. **AN ACT RELATIVE TO THE HALE HOSPITAL FUND BALANCE ACCOUNT.**

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 4 of chapter 569 of the acts of 1985, as amended by section 2 of chapter 231 of the acts of 1987, is hereby further amended by striking out the fourth and fifth sentences and inserting in place thereof the following two sentences:- At the close of each fiscal year any deficit in the Hale Hospital Fund Balance Account, to the extent such deficit is the result of operating revenues of the hospital being less than the sum of *(i)* operating expenses, excluding depreciation and amortization, *(ii)* expenditures for purchases of property, plant and equipment and *(iii)* net payments by the hospital of long-term debt of the city issued for hospital purposes, shall be reported by the auditor to the assessors, who shall include the amount so reported in the aggregate appropriations to be assessed in the next subsequent tax levy, unless the city has provided

funds to eliminate such deficit. Any deficit so assessed shall be subject to all applicable provisions of chapter fifty-nine of the General Laws.

SECTION 1A. Said chapter 569 is hereby further amended by inserting after section 4A, inserted by section 3 of chapter 231 of the acts of 1987, the following section:-

Section 4B. Notwithstanding the provisions of any general or special law to the contrary, there shall be established in the city of Haverhill a Hale municipal hospital finance review board, hereinafter referred to as the board. The board shall consist of the mayor or his designee, who shall serve as the chairperson of the board; the city auditor; a representative of the city council who shall be a member thereof; a representative of the business community appointed by the mayor with the approval of the city council, who shall be a resident of the city and be especially suited by reason of his education, training or experience to serve on the board; and a representative of the board of trustees of Hale municipal hospital. The members of the board shall serve without compensation. Action by the board shall require a majority vote of the full membership of the board.

The board is constituted to promote the fiscal stability of the Hale municipal hospital and the city of Haverhill, and in furtherance thereof, no appropriation, transfer of funds or loan order relating to the Hale municipal hospital shall take effect until approved by the board. The board shall have full authority to adopt such rules and procedures as it deems necessary and appropriate to effectuate the purposes of this act.

Not later than one hundred and twenty days prior to the end of each fiscal year of the city, the board of trustees of Hale municipal hospital, or their duly designated agent, shall submit in writing to the mayor and the board a proposed annual budget, comprehensive in nature and including all operating and capital expenditure categories, for the ensuing fiscal year, together with a supporting revenue and expenditure statement. The foregoing financial documents shall be submitted in such detail and form as the board may prescribe. The board shall review such budgetary information and issue a report of its findings no later than twenty days after receipt of the budget and revenue and expenditure statement. The provisions of this paragraph shall be effective and fully applicable with respect to the annual budget for Hale municipal hospital for fiscal year nineteen hundred and ninety-two and all fiscal years thereafter.

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 board of trustees of Hale municipal hospital, or their duly designated agent, shall submit to the board, the mayor, the city council, and the city auditor an expenditure plan for all categories of spending relating to the Hale municipal hospital, which plan shall specifically indicate the total expenditures for each quarterly period of the fiscal year. Such specification of total quarterly expenditures shall establish a binding allotment of funds with respect to each

quarterly period, and no expenditures in excess of a quarterly allotment together with any surpluses remaining from prior quarters shall be made unless approved by the mayor and the board. Within thirty days of the close of each quarterly period, the trustees of Hale municipal hospital, or their duly designated agents, shall submit to the board, mayor, city council, and city auditor a written report of expenditures and receipts of such quarterly period.

The board shall have exclusive authority, subject only to the approval of the mayor, to engage and employ without specific appropriation such financial, accounting, legal or health care consultants as the board deems necessary and appropriate to assist the board in making determinations with respect to the finances of the Hale municipal hospital. In no event, however, shall the annual expenditure of monies during any fiscal year for consulting services as authorized herein exceed one quarter of one percent of the annual appropriation to the Hale municipal hospital in the preceding fiscal year. The expenditures authorized by the board pursuant to this paragraph shall be chargeable directly to the annual appropriation to the Hale municipal hospital for the fiscal year in which the consulting services are rendered.

In no event shall the certified public accountant selected to independently audit the activities of the Hale municipal hospital, as required by section four, be different for any fiscal year from the independent auditor performing the general city government audit for the same fiscal year unless the selection of the different independent auditor is approved by the board and a written statement of the reasons for selecting a different independent auditor is filed with the city clerk by the signatories to the hospital audit contract.

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

Approved June 8, 1990.

Chapter 59. **AN ACT RELATIVE TO CIVIL SERVICE PREFERENCE OF CERTAIN MEMBERS OF THE FAMILY OF SHERMAN GRIFFITHS FOR APPOINTMENT TO THE BOSTON POLICE DEPARTMENT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-six of chapter thirty-one of the General Laws or any other general or special law to the contrary, a brother or sister of Sherman Griffiths, a police officer of the city of Boston who was killed while in the performance of his duty as the result of an assault on his person on February eighteenth, nineteen hundred and eighty-eight, who passes the required written and physical examinations for entrance to the police service

shall have his name certified for original appointment to the police department of the city of Boston before all other persons on the eligible list for such appointment; provided, however, that if more than one person is deemed to be eligible pursuant to the provisions of this act, the names of such persons shall be certified in the order of their respective scores on the open competitive civil service examination for such police service.

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

Approved June 8, 1990.

Chapter 60. AN ACT FURTHER REGULATING CERTAIN MORTGAGE LIMITS.

Be it enacted, etc., as follows:

SECTION 1. Subsection A of section 2 of chapter 167E of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clause (4).

SECTION 2. Subsection B of said section 2 of said chapter 167E is hereby amended by striking out paragraph 14, as so appearing, and inserting in place thereof the following paragraph:-

14. *Loans Outside the Commonwealth.* - Any such bank, subject to regulations made by the commissioner, may make, acquire by purchase, participate in or service mortgage loans: (a) on real estate located outside of the commonwealth, on which the notes have been endorsed for insurance by the Federal Housing Administrator, or combined with secondary mortgages guaranteed in full by the United States of America under the Servicemen's Readjustment Act of nineteen hundred and forty-four; (b) on real estate located outside of the commonwealth, on which the notes have been guaranteed in part by the administrator of veterans' affairs as provided by chapter forty-six of the acts of nineteen hundred and forty-five; and (c) on real estate located outside of its lending area as defined in this subsection, which loans are of the several classes specified in paragraphs 1 to 12, inclusive. No investment shall be made under this paragraph if, at the time of such investment, such bank is refusing to allow, receive or consider applications regarding mortgage loans on real estate located within the commonwealth, except that this prohibition shall not be deemed to affect any investment which such bank has entered into by a written commitment, but only to the extent of such commitment.

Such mortgage loans may be made or acquired, notwithstanding the restrictions contained in this subsection and section seven.

Approved June 8, 1990.

Chapter 61. AN ACT RELATIVE TO THE THEFT AND MUTILATION OF LIBRARY MATERIALS AND PROPERTY.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out sections 99 and 100, as appearing in the 1988 Official Edition, and inserting in place thereof the following three sections:-

Section 99. As used in sections ninety-nine A and one hundred, the following words shall have the following meanings:-

"Library materials and property", any book, plate, picture, portrait, photograph, broadside, engraving, painting, drawing, map, specimen, print, lithograph, chart, musical score, catalog card, catalog record, statue, coin, medal, computer software, film, periodical, newspaper, magazine, pamphlet, document, manuscript, letter, archival material, public record, microform, sound recording, audio-visual material in any format, magnetic or other tape, tape recorder, film projector or other machinery or equipment, electronic data-processing record, artifact or other documentary written or printed material regardless of the physical form or characteristics which is a constituent element of a library's collection or any part thereof, belonging to, on loan to or otherwise in the custody of any library. Library materials and property shall also include the walls, wainscotting or any part of the library, or any other building or room used for library business or the appurtenances thereof, including furnishings.

"Library premises", the interior of the building, structure or other enclosure in which a library is located, bookmobiles and kiosks, the exterior appurtenances to such building, structure or enclosure is located.

Section 99A. Whoever willfully conceals on his person or among his belongings any library materials or property and removes said library materials or property, if the value of the property stolen exceeds two hundred and fifty dollars, shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not less than one thousand nor more than twenty-five thousand dollars, or both; or, if the value of the property stolen does not exceed two hundred and fifty dollars, shall be punished by imprisonment in jail for not more than one year or by a fine of not less than one hundred nor more than one thousand dollars, or both, and ordered to pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by the governing board of said library.

Any person who has properly charged out any library materials or property, and who, upon neglect to return the same within the time required and specified in the by-laws, rules or regulations of the library owning the property, after receiving notice from the librarian or other proper custodian of the property that the same

is overdue, shall willfully fail to return the same within thirty days from the date of such notice shall pay a fine of not less than one hundred nor more than five hundred dollars and shall pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by said governing board. Each piece of library property shall be considered a separate offense.

The giving of a false identification or fictitious name, address or place of employment with the intent to deceive, or borrowing or attempting to borrow any library material or property by: the use of a library card issued to another without the other's consent; the use of a library card knowing that it is revoked, canceled or expired; or, the use of a library card knowing that it is falsely made, counterfeit or materially altered shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

The willful alteration or destruction of library ownership records, electronic or catalog records retained apart from or applied directly to the library materials or property shall be punished by imprisonment in the state prison for not more than five years or by a fine of not less than one thousand nor more than twenty-five thousand dollars, or both, and shall pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by the governing board having jurisdiction.

Section 100. Whoever willfully, maliciously or wantonly writes upon, injures, defaces, tears, cuts, mutilates or destroys any library material or property, shall make restitution in full replacement value of the library materials or property, and, in addition, shall be punished by imprisonment in a house of correction for not more than two years or by a fine of not less than one hundred nor more than one thousand dollars, or both.

A law enforcement officer may arrest without warrant any person he has probable cause to believe has violated the provisions of section ninety-nine A and this section. The statement of an employee or agent of the library, eighteen years of age or older, that a person has violated the provisions of said section ninety-nine A and this section shall constitute probable cause for arrest by a law enforcement officer authorized to make an arrest in such jurisdiction. The activation of an electronic anti-theft device shall constitute probable cause for believing that a person has violated the provisions of this section.

A library shall prepare posters to be displayed therein in a conspicuous place. Said posters shall contain a summary and explanation of said section ninety-nine A and this section.

Approved June 8, 1990.

Chapter 62. **AN ACT RELATIVE TO THE DATE OF THE ANNUAL TOWN ELECTION IN THE TOWN OF STOUGHTON.**

Be it enacted, etc., as follows:

SECTION 1. Article 8 of the charter of the town of Stoughton which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 8-1 and inserting in place thereof the following section:-

Section 8-1. Time of Elections.

Regular town elections for the elective offices specified in this charter and for other elective offices as required by the General Laws shall be held twenty-eight days before the annual town meeting. The polls shall not close before eight o'clock post meridiem.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Stoughton at the annual election to be held in the year nineteen hundred and ninety or at any regular or special election to be held thereafter in the form of the following question which shall be placed on the official ballot to be used for the election:-

"Shall An Act passed by the General Court in the year nineteen hundred and ninety, entitled 'An act relative to the date of the annual town election in the town of Stoughton', 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 June 8, 1990.

Chapter 63. **AN ACT AUTHORIZING THE TOWN OF DRACUT TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO NASON'S QUICK-MART 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 Dracut is hereby authorized to issue to Nason's Quick-Mart Inc. a license for the sale of wines and malt 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 issuing of this license shall reduce by one any increase in licenses issued due to census reapportionment under said section seventeen.

Emergency Letter: June 12, 1990 @ 11:05 A.M. Approved June 8, 1990.

Chapter 64. AN ACT AUTHORIZING THE APPOINTMENT OF ALTERNATE ASSESSORS IN THE TOWN OF ACTON.

Be it enacted, etc., as follows:

The town of Acton is hereby authorized to appoint one or more alternate assessors to act as assessors in the absence of one or more of the assessors of said town.

Approved June 8, 1990.

Chapter 65. AN ACT RELATIVE TO THE PAYMENT OF A CERTAIN COURT JUDGMENT BY THE CITY OF EVERETT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-three of chapter fifty-nine of the General Laws or any other general or special law to the contrary, the city of Everett is authorized to raise over consecutive years amounts required to satisfy judgments not to exceed five million dollars in total, against the city in the civil action entitled Bordinaro et al v. City of Everett. Amounts to be raised shall be certified annually by the city treasurer to the board of assessors prior to the approval of a tax rate, and any amount certified shall not be less than one-fifteenth of the total of the final judgment.

SECTION 2. The city of Everett is authorized to borrow, at one time, a sum not exceeding in the aggregate five million dollars and to issue therefor bonds or notes the proceeds of which shall be deposited into an account established by the city to be used to finance any amounts not raised, as described in section one, for the purpose of satisfying a judgment against the city in the civil action entitled Bordinaro et al v. City of Everett. Such bonds or notes shall bear on their face the words City of Everett Judgment Account Loan, Act of 1990 and shall be payable within ten years from its date, or if said loan is issued after July first, nineteen hundred and ninety-five, such loan shall be payable before June thirtieth, two thousand and six.

SECTION 3. Indebtedness incurred under this act shall not be included in determining the statutory limit of indebtedness of the city under section ten of

chapter forty-four of the General Laws but, except as provided herein, shall otherwise be subject to the provisions of said chapter forty-four.

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

Approved June 12, 1990.

Chapter 66. AN ACT INCREASING THE MEMBERSHIP OF THE LAKE QUINSIGAMOND COMMISSION.

Be it enacted, etc., as follows:

Section 1 of chapter 294 of the acts of 1916, as appearing in section 1 of chapter 357 of the acts of 1973, is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences:- There shall be an unpaid commission, to be known as the Lake Quinsigamond commission, consisting of one person appointed by the county commissioners of the county of Worcester, the chief of police of the city of Worcester, ex officio, one member of the Worcester conservation commission to be appointed by the city manager thereof, one member of the Shrewsbury conservation commission, to be appointed by the moderator of said town, the chief of police, ex officio, of the town of Shrewsbury, and one member of the Grafton conservation commission to be appointed by the moderator of said town, and three members who shall be residential landowning abutters on Lake Quinsigamond and who have demonstrated an interest regarding water quality, fishing, boating and other recreational activities and environmental, wildlife and habitat matters on said lake, who may represent the city of Worcester and the towns of Grafton and Shrewsbury, and shall be appointed by the county commissioners of the county of Worcester. Said county commissioners shall consult with the Lake Quinsigamond Watershed Association and shall appoint said three members from nine names from said communities nominated by the said watershed association who shall be qualified landowners as set forth above. In the event the town of Grafton has not appointed the member as provided for, and the position remains vacant for at least sixty days, the Grafton town manager shall appoint a resident of said town who is an abutting landowner on said lake or if the said town manager fails to so appoint, a lake resident abutter from the town of Shrewsbury or the city of Worcester may be appointed by the said county commissioners, and such appointed member shall serve for a term as provided for in this section.

Approved June 12, 1990.

Chapter 67. **AN ACT REMOVING THE MINIMUM AGE REQUIREMENT FOR A LICENSE TO ENGAGE IN THE PRIVATE DETECTIVE BUSINESS.**

Be it enacted, etc., as follows:

Section 24 of chapter 147 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 14 and 15, the words "at least twenty-five years of age and".

Approved June 12, 1990.

Chapter 68. **AN ACT RELATIVE TO SALARIES OF JUSTICES IN THE COMMONWEALTH.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty of chapter six hundred and forty-eight of the acts of nineteen hundred and eighty-seven, any person appointed on or after July first, nineteen hundred and eighty-seven to a position, the salary of which is fixed by the provisions of section twenty-two of chapter two hundred and eleven, section two of chapter two hundred and eleven A or section four of chapter two hundred and eleven B of the General Laws, shall receive the salary or compensation provided for such position by sections three to eight, inclusive, of said chapter six hundred and forty-eight of the acts of nineteen hundred and eighty-seven, to be effective as of the date of his appointment.

Emergency Letter: June 12, 1990 @ 3:40 P.M. Approved June 12, 1990.

Chapter 69. **AN ACT AUTHORIZING TEMPORARY LICENSES FOR WINE AUCTIONS BY NONPROFIT CHARITABLE CORPORATIONS.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 138 of the General Laws is hereby amended by inserting after section 15A the following section:-

Section 15B. The local licensing authority in any city or town which votes to authorize the granting of licenses for the sale of any alcoholic beverage may, with the approval of the alcoholic beverages control commission, grant temporary licenses for the sale of wines at auction, not to be drunk on the premises, to ap-

plicants which are nonprofit charitable corporations organized under chapter one hundred and eighty and registered with the public charities division of the office of attorney general. Each such license shall describe the premises to which it applies, and may be granted only for premises which are either the principal place of business or headquarters of the applicant and legally zoned to allow such sales, or the premises of a licensee under section twelve or fifteen. No license shall be for a duration of more than ten consecutive calendar days, and no holder of any license shall be granted more than two such licenses in any calendar year. The amount of the license fee shall not exceed the minimum fee provided for in this chapter for holders of licenses to sell wine. Any holder of a temporary license for the sale of wines at auction shall be permitted to conduct such auctions on any day and at any time permitted under section twelve. Any wine sold under this section must be donated at no charge to the license holder, and all proceeds from such sales must be used for the holder's charitable purposes. The application procedures under section fifteen A shall not apply for temporary licenses for the sale of wines at auction, but applications may be granted by the local licensing authority according to the local procedure for granting licenses under section fourteen. Local licensing authorities may impose conditions as to hours of operation of such auctions, and such other terms and conditions as are necessary to preserve public order.

SECTION 2. This act shall become inoperative on July first, nineteen hundred and ninety-two.

Approved June 13, 1990.

Chapter 70. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Michael Zimmer, in the town of

Washington on June sixteenth, nineteen hundred and ninety between Katarina Gavora and Robert I. Mantyla, both of the city of Worcester, and the state secretary shall issue to said Michael Zimmer a certificate of such authorization.

Approved June 14, 1990.

Chapter 71. AN ACT RELATIVE TO PROVIDING FINANCIAL STABILITY IN THE TOWN OF SALISBURY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of the law to the contrary, the town of Salisbury is hereby authorized to carry a deficit of one million one hundred eight thousand eight hundred seventy-five dollars and seventy-nine cents and to raise said deficit in ten equal payments over ten consecutive fiscal years commencing in fiscal year nineteen hundred and ninety-one. The amounts raised in each of fiscal years nineteen hundred and ninety-one through two thousand to fund said deficit shall be transferred to the sewer operating and maintenance account.

SECTION 2. If, in any fiscal year, there shall be a net surplus in the sewer operating and maintenance account after providing for all expenses, interest charges and payment on the principal as they accrue upon any bonds or notes issued on behalf of the sewer system, such surplus may be used to reimburse the town for monies theretofore paid on account of the sewer operation.

Emergency Letter: June 21, 1990 @ 10:00 A.M. Approved June 14, 1990.

Chapter 72. AN ACT ESTABLISHING A WILDLANDS CONSERVATION STAMP AND A WILDLANDS ACQUISITION ACCOUNT.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 131 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "ten", in line 25, the following words:- ; provided, however, that one dollar from the sale of each sporting, fishing, trapping and hunting license shall be credited to the wildlands acquisition account established by section two A.

SECTION 2. Said chapter 131 is hereby further amended by inserting after section 2, as appearing in the 1988 Official Edition, the following section:-

Section 2A. There is hereby established within the Inland Fisheries and Game Fund, a wildland acquisition account which shall be credited monies received from the sale of wildland conservation stamps, the portion of the fees for sporting, fishing, trapping and hunting licenses to be credited under the provisions of section

two, contributions thereto and any grant monies from the federal government or other public and private sources.

Said account, subject to appropriation, shall be used only for the purchase of land containing wildlife habitat and for costs directly related to the administration of the wildlands stamp program.

The director may contract with the seller of wildlands for installment payments provided that the total of all such installment payments does not exceed seventy-five percent of the previous year's income to the wildlands acquisition account. Acquisition of all lands so purchased shall be made with the advice and consent of the fisheries and wildlife board. All such lands shall be acquired exclusively for protection and management of wildlife habitat and shall be available for fishing, trapping, and hunting.

SECTION 3. Said chapter 131 is hereby further amended by inserting after section 13, as so appearing, the following section:-

Section 13A. Except as hereinafter provided, no person shall fish, trap, or hunt in the commonwealth without first having obtained a wildlands conservation stamp, which shall be issued by the director or his duly authorized agent upon the payment of five dollars; provided, however, that persons who are exempted from licensing requirements need not purchase such a stamp; provided, further, that persons issued fishing, sporting, trapping, or hunting licenses without charge shall be issued said stamp without charge; and provided, further, that no person who has purchased a stamp with any current resident license to fish, trap, or hunt shall be required to pay the fee for a wildlands conservation stamp for any additional current license or any duplicate license. The director is hereby authorized to issue stamps in such form as he may prescribe and may issue rules and regulations necessary for the implementation of this section. The stamp may be imprinted directly on fishing, sporting, trapping, or hunting licenses or issued separately at the discretion of the director.

Approved June 14, 1990.

Chapter 73. AN ACT REQUIRING PAYROLL DEDUCTIONS TO BE MADE IN A TIMELY MANNER.

Be it enacted, etc., as follows:

Section 8 of chapter 154 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 31, the word "fourteen" and inserting in place thereof the word:- seven.

Approved June 14, 1990.

Chapter 74. **AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO ENTER INTO A CONTRACT WITH THE GUSCHOV NEWBURY ELDERLY HOUSING PROJECT FOR SEWAGE DISPOSAL.**

Be it enacted, etc., as follows:

SECTION 1. The city of Newburyport, acting through its board of sewer commissioners with the approval of the mayor, is hereby authorized to enter into an agreement with the Guschov Newbury Elderly Housing Project located in the town of Newbury, for the disposal of sewage emanating from said project.

Said contract may allow for the use of the system of sewer mains, or any portion thereof, belonging to the city of Newburyport. The board of sewer commissioners with the approval of the mayor may extend, renew, amend or alter said contract or any part thereof.

Said housing project 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 Newburyport, including:

(a) Engineering, planning and drawing fees for the design or redesign of any mains or systems necessary to carry the flow from said project.

(b) Obtaining, utilizing and protecting easements or other rights necessary for laying mains to transport sewage from said project to the mains of the city of Newburyport.

(c) The laying, maintaining, and servicing of the mains laid from said project to the mains of the city of Newburyport.

(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 said project to the mains of the city of Newburyport.

(e) The periodic cost of operation, as determined by the city of Newburyport.

SECTION 2. The city of Newburyport is hereby authorized to exercise all of the powers conferred by sections four to twenty-four, inclusive, of chapter eighty-three of the General Laws with respect to the provision of sewer entry permits and related services to said housing project.

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

Approved June 15, 1990.

Chapter 75. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY 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 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 of appropriation, subject to 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, 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.

Item		
	LEGISLATURE.	
	Senate.	
0112-0100	For in-house printing, duplicating and other expenses, prior appropriation continued.	
	Judiciary.	
	Supreme Judicial Court.	
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 and twenty-seven positions	$11,000,000
	Trial Court.	
0330-0300	For the salaries and expenses of the administrative staff, including not more than one hundred positions	$2,900,000
	Executive.	
	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	$28,645

Item

Treasurer and Receiver-General.
Office of the Treasurer.

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

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, 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, however, 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 further, that all payments for the purposes hereinbefore described shall be made only pursuant to a distribution of monies from the said fund; provided further, 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; and, provided further, that no funds may be expended from this item other than by deposit in the commonwealth's pension liability fund $4,500,000

Local Aid Fund	59.0%
General Fund	33.9%
Highway Fund	7.0%
Inland Fisheries and Game Fund	0.1%

0612-1920 For the payment of funeral expenses of a police cadet pursuant to chapter six hundred and twenty-one of the acts of nineteen hundred and eighty-nine $6,831

0612-3000 For pensions of retired judges or their widows $90,000

Debt Service.

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, however, 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 $30,701,421

0699-9300 For the purpose of rebating to the federal government excess investment earnings on certain notes issued by the commonwealth in December, nineteen hundred and eighty-nine; provided, however, that any expenditure from this appropriation shall be reimbursed from the unexpended balances of the Commonwealth Liability Reduction Fund and the Medicaid Assistance Liability Fund; and, provided further, that any such reimbursement shall not be in violation of any existing bond covenants $2,297,519

Executive Office for Administration and Finance.

Office of Quality Assurance.

1100-1101 For the office of quality assurance for mentally retarded class members, which shall be a state

Item

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 $14,175

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, however, 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; 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 $115,000

Office of Employee Relations.

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, however, that said contributions shall be calculated as provided in the applicable collective bargaining agreement, and shall be paid to such trust funds on a monthly basis, or on such other basis as the applicable collective bargaining agreement provides $4,450,000

Group Insurance Commission.

1108-5200 For the commonwealth's share of the group insurance premium and plan costs; provided, however, 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; and, provided further, 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 $29,500,000

Public Employee Retirement Administration.

1108-6200 For the purposes of workers' compensation paid to public employees $15,000,000

Highway Fund	35.0%
General Fund	65.0%

Item

Reserves

1599-0008 For a reserve for tort claims $136,800

1599-0013 For a reserve for the cities and towns' unemployment health insurance contributions and the state's unemployment health contribution due under section fourteen G of chapter one hundred and fifty-one A of the General Laws; provided, however, that the commissioner of the department of employment and training shall provide to the secretary of administration and finance quarterly estimates of said contributions due; provided further, that upon approval of the secretary of administration and finance the treasurer shall transfer funds from this account to the medical security trust fund established in chapter one hundred and eighteen F of the General Laws $2,510,000

1599-2038 For the payment of deficiencies in certain appropriations for previous fiscal years based upon schedules provided to the house and senate committees on ways and means; provided, that the comptroller is hereby authorized to charge such payments to other items of appropriation and allocations thereof 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; provided, however, that no less than ninety-four thousand nine hundred and seventy-seven dollars of the amount appropriated herein, be used for the purposes of prior year commitments to the New England Board of Higher Education $4,869,977

1599-3315 For the transportation of prisoners to and from the several departments of the trial court by the sheriffs of the various counties, including the cost of personal services and the purchase of vehicles and other equipment for said purposes; provided, however, that the commissioner of administration is hereby authorized to advance to the county treasurer of each county the 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

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	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	$100,000
	Local Aid Fund 100.0%	
1599-3384 For	a reserve for the payment of certain court judgments, settlements and legal fees, in accordance 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 ninety or a prior fiscal year and which derive from causes of action initiated in said fiscal year or a prior fiscal year; provided, however, that the comptroller is hereby authorized to charge such payments to this item	$5,000,000
1599-3407 For	the purpose of municipal reimbursements to be paid according to the provisions of chapter four hundred and seventy of the acts of nineteen hundred and eighty-three; provided, however, 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, that a report of said committee shall 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; and, 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	$210,000
	Local Aid Fund 100.0%	
1599-3507 For	the reimbursement of insurance costs	$30,221
1599-3694 For	the reimbursement to a certain city in accordance with the provisions of chapter two hundred and twenty-nine of the acts of nineteen hundred and eighty-nine	$500,000
	Massachusetts Commission for the Blind.	
4110-1010 For	aiding the adult blind	$379,895
4110-1024 For	the payment of prior year medical assistance claims	$6,000,000

Item

Department of Youth Services.

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 $68,000

Department of Correction.

4349-0001 For the administration and operation of the commonwealth's correctional facilities, including not more than four thousand seven hundred positions $500,000

Department of Public Welfare.

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, however, that the department may allocate funds to other agencies for the purposes of this program $557,200

4402-5500 For a medical assistance program for the disabled; provided, however, 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; 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 further 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; 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; and, provided further, that the department is authorized to transfer funds between items 4402-5400, 4402-5500, and 4402-5600 for the purposes of the Medicaid program $251,600,000

4403-2000 For a program of aid to families with dependent children; provided, however, 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 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 $32,578,000

4403-2100 For a program of emergency assistance for recipients of aid to families with dependent children; provided, however, that the department shall prepare and promulgate rules and regulations to prevent abuse in the emergency assistance program; provided further, said rules and

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	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	$18,189,000
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, however, 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	$5,200,000
4406-2000 For	a program of general relief, including a program of emergency assistance; provided, however, 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; and, 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	$6,731,000
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, however, 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 further, 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	$1,100,000

Department of Public Health.

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	

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residing in the commonwealth; provided further, that pursuant to an inter-agency 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 by this section; and provided further, that the department shall submit a report, on a quarterly basis, to the house and senate committees on ways and means which shall include, but not be limited to, the number of women served during that quarter, categories of age, types of services provided, and expenditures made, including not more than twenty-four positions $536,000

4540-0001 For the maintenance of and for certain improvements at the department of public health hospitals; provided, however, that not less than twenty-five million dollars shall be available for Lemuel Shattuck Hospital, including not more than three thousand four hundred and sixty-five positions $5,189,000

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 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, 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 $1,162,000

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, however, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund $8,639,000

4800-0040 For the delivery of group care services to children in the care of the department; provided, however, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund $744,000

4800-0250 For regional direct services; provided, however, 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

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	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 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; and, provided further, that 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	$4,608,000
	Department of Mental Retardation.	
5983-0100 For	the operation of facilities for the mentally retarded, including not more than ten thousand four hundred and fifty positions	$6,900,000
	Executive Office of Transportation and Construction. 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	$16,117,296
	General Fund 80.0%	
	Highway Fund 20.0%	
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, however, 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 A of the General Laws and section forty-five of chapter eight hundred and *eleven of the acts* of nineteen hundred and eighty-five	$1,166,546
	General Fund 80.0%	
	Highway Fund 20.0%	

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Board of Education.

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, however, that notwithstanding any provisions of chapter seventy-one or any other general or special law Item 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 chapter two hundred and forty of the acts of nineteen hundred and eighty-nine $32,624

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, however, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and upon approval of the commissioner the treasurer shall be authorized to make such payments directly to the service provider for services provided on or after July first, nineteen hundred and eighty-nine; provided, further, that funding appropriated herein may reimburse private schools for prior fiscal years' tuitions; and, provided further, that the commonwealth shall not pay more than sixty percent of the cost of any such residential placement $4,000,000

Local Aid Fund 100.0%

Board of Regents.

7077-0020 For the expenses of the New England Board of Higher Education and for the expenses of the members of said board $109,000

Executive Office of Public Safety.

Department of Public Safety.

8312-0415 For the payment of a certain court judgment entered in Suffolk superior court, civil action number 50090 $1,069,498

Division of Inspection and Regulation.

8315-1000 For the administration of the division; provided, however, 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, further, that the commission shall charge professional boxers for the cost of said eye exams; provided further, that a doctor's certificate from

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another state will be accepted as evidence of such an examination; and, 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 $118,000

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 thirty positions $200,000

Executive Office of Labor.
Board of Conciliation and Arbitration.

9420-0100 For the expenses of the board of conciliation and arbitration, including not more than nineteen positions $360,000

Labor Relations Commission.

9430-0100 For the administration of the commission, including not more than twenty-eight positions $115,000

SECTION 2C.

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Executive Office for Administration and Finance.
Office of the Comptroller.

1103-1101 The state comptroller may expend revenues in an amount not to exceed one million two hundred 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, however, that expenditures of revenues authorized by this item to be retained by the comptroller shall be made from, and only upon receipt of, federal reimbursement for such costs; and, provided further that the comptroller shall report quarterly, to the house and senate committees on ways and means on the findings of said project, provided further that this item shall expire on June thirtieth, nineteen hundred and ninety-one $1,250,000

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Group Insurance Commission.

1108-5202 The group insurance commission shall retain revenues from the percentage of applicable premium allowed by the federal consolidated omnibus budget reconciliation act, as amended, in a total amount not to exceed twenty-four thousand dollars; provided, however, that said amount be expended pursuant to the provisions of item 1108-5100 of section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine $24,000

Reserves.

1599-3100 Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration is hereby authorized to charge against individual appropriation accounts amounts for deposit into this item of appropriation, which amounts shall be expended by the commissioner of administration for the payment of contributions to the unemployment compensation fund and the medical security trust fund to support the cost of certain employment security benefits; provided, however, that the amount which is so charged, in the aggregate, shall equal the contributions required by the provisions of chapter one hundred and fifty-one A of the General Laws, during the period beginning July first, nineteen hundred and eighty-nine and ending June thirtieth, nineteen hundred and ninety; and, provided further, that said amount which is so charged to each appropriation account shall be based upon the actual unemployment benefits which were paid to former employees funded through said appropriation accounts during the eighteen month period prior to July first, nineteen hundred and eighty-nine $7,000,000

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 to exceed twenty-two million four hundred fifty thousand dollars, for the provision of substitute care $22,450,000

Board of Regents.
Data Processing System and Enrollment System.

7066-0003 The data processing system and enrollment auditing system operated by the board of regents is hereby authorized to expend up to three hundred and fifty thousand dollars in fees and charges collected for data processing services rendered to agencies, institutions, and other educational organizations of the commonwealth, for the purpose of defraying the cost of operations of the

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data processing network, pursuant to item 7066-0003 of section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine $350,000

SECTION 3. Notwithstanding the provisions of 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 ninety 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 ninety; provided, however, that each amount so transferred shall be charged to such funds as specified in the item to which said amount is transferred: 0699-1800, 0699-1801, 0699-1900, 0699-2800, 0699-2900, 0699-3800, 0699-3801, 0699-3900, 0699-4800, 0699-4801, 0699-4900, 0699-5800, 0699-5801, 0699-5900, 0699-6800, 0699-6801, 0699-6900, 0699-7800, 0699-7801, 0699-7900, 0699-8300, 0699-8301, 0699-8302, 0699-8400, 0699-8401, 0699-8402, 0699-9100, 0699-9200.

SECTION 4. Section 8 of chapter 23D 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:- There shall be in the executive office of labor, but not subject to its jurisdiction, an economic stabilization trust administered by the secretary of labor and the secretary of economic affairs.

SECTION 5. Section 46 of chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after the word "welfare,", in line 17, the following words:- medical security,.

SECTION 6. Section 71D of said chapter 151A, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Said reemployment assistance program shall be administered by the secretary of labor and the secretary of economic affairs through the industrial services program.

SECTION 7. The auditor of the commonwealth shall have prepared an independent analysis and evaluation of the existing employment and training, hereinafter called "ET - Choices", program. Said evaluation shall include, but not be limited to, an analysis of any existing disincentives to economic independence and gaps in said ET - Choices program. More specifically, the evaluation shall include a description of the program participants; the nature and types of employment positions offered or filled; and an analysis of the success and failure rates of the existing program. The evaluation shall entail an examination of the supportive services offered to participants of the program such as day care and medical expenses, and the effect of the availability of such services on the success or failure of the participants in the program. Such study shall also include an analysis of the costs to the commonwealth of the program. Such study shall be completed by September thirtieth, nineteen hundred and ninety and shall be submitted to the secretary of the executive office of human services and to the joint committee on human services and elderly affairs.

SECTION 8. The secretary of the executive office of human services, in consultation with the secretary of the executive office of labor, shall create a plan and feasibility analysis for a mandatory work program for recipients of public assistance funds. Said plan shall incorporate the findings of the evaluation conducted by the department of public welfare on the existing employment and training program set forth in section seven. Said plan shall include the eligibility requirements and exemptions therefrom of all proposed program participants. Said plan shall also include, but not be limited to, job training and readiness programs; educational

programs such as remedial education, English as a second language and vocational education; supportive services programs for participants, such as medical care, day care, and transportation assistance; job search programs; and transitional programs. For each such program and combination thereof, the plan shall set forth the estimated annual cost to the commonwealth for fiscal years beginning July first, nineteen hundred and ninety and July first, nineteen hundred and ninety-one. The plan shall set forth the nature and types of employment proposed to be filled by program participants. The plan shall identify whether and to what extent private sector positions will be utilized, how such positions shall be identified and secured, and the incentives to private sector employers that shall be utilized. The secretary shall also identify the nature and extent to which public sector positions will be filled by program participants and shall set forth the method by which such positions shall be filled. The secretary shall identify federal waivers, if any, required to fulfill the plan, including the waiver for payment incentives that are coupled with part-time employment opportunities, and shall set forth the timetable necessary to obtain such waivers. The plan shall be submitted to the joint committee on human services and elderly affairs no later than December thirty-first, nineteen hundred and ninety.

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

SECTION 10. 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.

Board of Allied Mental Health Professionals	
Application	$ 90.00
Temporary Permit	$ 60.00
Initial License	$120.00
Renewal	$120.00

Approved June 20, 1990.

Chapter 76. **AN ACT PROVIDING FOR AN ALTERNATE MEMBER FROM THE TOWN OF TOLLAND TO THE SOUTHWICK-TOLLAND REGIONAL SCHOOL COMMITTEE.**

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the board of selectmen in the town of Tolland is hereby authorized to appoint an alternate member from said town to the Southwick-Tolland regional school committee.

Approved June 20, 1990.

Chapter 77. **AN ACT RELATIVE TO THE PROTECTION OF PENSIONS.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 235 of the General Laws is hereby amended by inserting after section 34 the following section:-

Section 34A. The right or interest of any person in an annuity, pension, profit sharing or other retirement plan or individual retirement account maintained in accordance with the federal Employee Retirement Income Security Act of 1974 or in any annuity or similar contract purchased with assets distributed from any of the foregoing, shall be exempt from the operation of any law relating to insolvency and shall not be attached or taken on execution or other process to satisfy any debt or liability of such person, except as may be necessary to satisfy (i) an order of a court concerning divorce, separate maintenance or child support under chapters two hundred and eight, two hundred and nine and two hundred and seventy-three or (ii), in the event of the conviction of such person of a crime, an order of a court requiring him to satisfy a monetary penalty or make restitution to the victim of such crime.

SECTION 2. Section 28 of chapter 246 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 two sentences:- Except as otherwise permitted by law, amounts held by a trustee for a defendant in a pension shall be reserved in the hands of the trustee and shall be exempt from attachment. For purposes of this section, the word "pension" shall mean any annuity, pension, profit sharing or other retirement plan or individual retirement account maintained in accordance with the federal Employee Retirement Income Security Act of 1974.

Approved June 20, 1990.

Chapter 78. AN ACT RELATIVE TO ECONOMIC DEVELOPMENT.

Be it enacted, etc., as follows:

Section 81D of chapter 41 of the General Laws is hereby amended by adding the following paragraph:-

A city or town which has an established master or study plan under section eighty-one A and applies for a state grant from the commonwealth shall prepare and keep on file within such city or town an economic development supplement; provided, however, that such city or town shall not be required to prepare such supplement if such city or town has a supplement on file. Such supplement shall be at least one page in length and shall contain the goals of the city or town with respect to industrial or commercial development, affordable housing, and preservation of parks and open space.

Approved June 20, 1990.

Chapter 79. AN ACT FURTHER REGULATING CREDIT UNIONS.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter 171 and inserting in place thereof the following chapter:-

CHAPTER 171.

CREDIT UNIONS.

Section 1. As used in this chapter the following words shall, unless the context otherwise requires, have the following meanings:-

"Central Credit Union Fund, Inc.", the corporation established by chapter two hundred and sixteen of the acts of nineteen hundred and thirty-two.

"Commissioner", the commissioner of banks.

"Corporate credit union", a federally chartered credit union primarily serving other credit unions. A corporate credit union is primarily serving other credit unions when the total dollar amount of the shares and deposits received from other credit unions plus loans to other credit unions exceeds fifty percent of the total dollar amount of all such shares, deposits and loans. For the purposes of this definition, the term "other credit unions" shall include state and federally chartered credit unions.

"Credit union", a corporation organized under this chapter or corresponding provisions of earlier laws.

"Credit union employees retirement association" or "retirement association", the association formed pursuant to sections eighty-two to eighty-four, inclusive.

"Dividend", payments on shares paid from the earnings which actually have

been collected during the dividend period next preceding and which remain after the deduction of all expenses, interest on deposits and shares and the amounts required to be set apart to the loan reserve and investment reserve or such dividend may be declared in whole or in part from the undivided earnings of preceding years remaining after the aforesaid deductions for such years.

"Federal credit union", a credit union organized under the provisions of the Federal Credit Union Act.

"Foreign credit union", a credit union organized under the laws of another state in the United States.

"Interest", earnings paid on deposits.

"Massachusetts Credit Union Share Insurance Corporation", the corporation established by chapter two hundred and ninety-four of the acts of nineteen hundred and sixty-one.

"Member", a person who holds one or more shares in the credit union.

"Minor", a person under eighteen years of age.

"National Credit Union Administration" or "Administration", the agency established by the Federal Credit Union Act to charter and regulate federal credit unions and which operates the National Credit Union Share Insurance Fund.

"Organization member", any fraternal organization, voluntary association, partnership or corporation, having a usual place of business within the commonwealth and composed principally of individual members or stockholders who are themselves eligible to membership in a credit union or the Central Credit Union Fund, Inc.

"Share" or "share account", a balance which constitutes the capital of the credit union and is held by the credit union in accordance with its by-laws. The sum of all shares and share accounts constitutes the equity capital of the credit union.

Section 2. Ten or more persons, resident in the commonwealth, who have associated themselves by a written agreement with the intention of forming a corporation for the purpose of accumulating and receiving the savings of its members in payment for shares or on deposit, in making loans to them at reasonable rates for provident purposes and investing, as hereinafter provided, the funds so accumulated, may with the consent of the commissioner, become such a corporation upon complying with sections two to six, inclusive. Such corporation shall have all the powers and privileges, be subject to all the duties, restrictions and liabilities set forth in all General Laws relating to such corporations and may undertake such other activities relating to the purpose of the corporation as the by-laws may authorize.

The agreement of association shall specifically state:

(a) that the subscribers thereto associate themselves with the intention of forming a corporation;

(b) the name by which the corporation shall be known. A corporation organized under this chapter shall include in its corporate name the words "credit

union". Other distinguishing words may be used;

(c) the location of the principal office of the corporation, which shall be within the commonwealth;

(d) the purposes for which the corporation is formed and the nature of the business to be transacted; and

(e) the name of each incorporator, his residence and the post office address.

Each incorporator shall subscribe his name to the agreement of association.

Section 3. A notice of the intention of the subscribers to form such a credit union shall be given to the commissioner.

Credit unions shall be organized under the provisions of sections two to six, inclusive, after such notice and hearing, if any, as the commissioner may require.

Such an application for a proposed credit union shall be accompanied by an investigation fee, the amount of which shall be determined by the commissioner of administration under the provision of section three B of chapter seven. In determining whether the public convenience and advantage will be promoted by the establishment of such credit union, the commissioner shall consider the proposed field of operation and the standing of the proposed incorporators.

Section 4. The first meeting of the incorporators shall be called by a notice signed either by the incorporator who is designated in the agreement for the purpose or by a majority of the incorporators, and such notice shall state the time, place and purposes of the meeting. A copy of the notice shall, at least seven days before the day appointed for the meeting, be given to each incorporator or left at his residence or usual place of business or deposited in the post office, postage prepaid, and addressed to him at his residence or usual place of business, and another copy thereof and an affidavit of one of the signers that the notice has been duly served shall be recorded with the records of the corporation. If all of the incorporators shall, in writing endorsed upon the agreement of association, waive such notice and fix the time and place of the meeting, no such notice shall be required. At such first meeting, or at any adjournment thereof, the incorporators shall organize by the choice by ballot of a temporary clerk who shall be sworn, by the adoption of by-laws and by the election in such manner as the by-laws may determine, of directors, a clerk or secretary, and such other officers as the by-laws may prescribe. The temporary clerk shall make and attest a record of the proceedings until the clerk or secretary has been chosen and sworn,

Section 5. The clerk or secretary and a majority of the directors elected at such first meeting shall make and sign, under penalties of perjury, articles of organization in duplicate, setting forth:

(a) a true copy of the agreement of association, the names of the subscribers thereto and the name, residence and post office address of each of the officers and directors of the corporation;

(b) the date of the first meeting and the successive adjournments thereof, if any.

One duplicate original of the articles so signed shall be submitted to the

commissioner, and the other, together with the records of the proposed corporation, to the state secretary, who shall examine the same, and who may require such amendment thereof or such additional information as he deems necessary. If he finds that the articles conform to the preceding sections relative to the organization of the corporation and that section three has been complied with, he shall so certify and endorse his approval thereon. The articles shall be filed within thirty days thereafter in the office of the state secretary, who, upon receipt of a fee, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven, said state secretary shall issue a certificate of incorporation in the following form:

COMMONWEALTH OF MASSACHUSETTS

Be it known that whereas (the names of the subscribers to the agreement of association) have associated themselves with the intention of forming a corporation under the name of (the name of the corporation), for the purpose (the purpose declared in the agreement of association), and have complied with the statutes of the commonwealth in such case made and provided, as appears from the articles of organization of said corporation, duly approved by the state secretary and recorded in this office: Now, therefore, I (the name of the state secretary), secretary of the commonwealth of Massachusetts, do hereby certify that said (the names of the subscribers to the agreement of association), their associates and successors, are legally organized and established as, and are hereby made, an existing corporation under the name of (name of the corporation), with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto.

Witness my official signature hereunto subscribed and the great seal of the commonwealth of Massachusetts hereunto affixed, this _____ day of _____ in the year _____ (the date of the filing of the articles of organization).

The state secretary shall sign the certificate of incorporation and cause the great seal of the commonwealth to be thereto affixed, and such certificate shall have the force and effect of a special charter. The existence of every such corporation shall begin upon the filing of the articles of organization in the office of the state secretary. He shall also cause a record of the certificate of incorporation to be made and such certificate, or such record or a certified copy thereof, shall be conclusive evidence of the existence of such corporation.

Section 6. If it appears that all requirements of law have been complied with, that the credit union is a regular member of the Massachusetts Credit Union Share Insurance Corporation or has arranged to have its shares and deposits insured by the National Credit Union Administration Share Insurance Fund, and that the qualifications of the personnel are satisfactory, the commissioner, shall, if satisfied that the proposed field of operation is favorable to the success of such corporation and that the standing of the proposed incorporators is such as to give assurance that its affairs will be administered in accordance with the spirit of this chapter, issue

a certificate authorizing such corporation to begin the transaction of business. No such corporation shall begin the transaction of business until such a certificate has been granted.

No credit union shall receive any deposits or payments on account of shares or make any loans, until its by-laws have been approved in writing by the commissioner.

A credit union shall organize and commence business within six months from the date of its incorporation, otherwise its charter shall become void.

So much of chapter one hundred and sixty-seven as relates to supervision by the commissioner shall apply to credit unions so far as applicable.

Section 7. No person, partnership or association, and no corporation, except one incorporated under this chapter or corresponding provisions of earlier laws or the Federal Credit Union Act or one incorporated as a credit union under the laws of any other state and authorized to do business in the commonwealth, shall hereafter receive payments on shares or deposits from its members and loan such payments on shares and deposits in the manner of a credit union or transact business under any name or title containing the words "credit union"; provided, however, that an association of credit unions or an organization, corporation or association, whose membership or ownership is primarily limited to credit unions, may transact business in accordance with the purposes for which it was established under any name or title containing the words "credit union". Whoever violates any provision of this section shall be punished by a fine of not more than one thousand dollars, and the supreme judicial and superior courts shall have jurisdiction in equity to enforce the provisions of this section.

Section 8. With the written consent of the commissioner, the location of the main office of a credit union may be changed.

After such notice and hearing as the commissioner may require and with his written permission and under such conditions as he may approve, a credit union may establish and maintain one or more branch offices or depots in the county wherein the main office is located or on a site within twenty-five miles from the premises of the main office in any city or town in another county. Any of the usual business transacted by a credit union at its main office may be transacted at a branch office. The business at a depot shall be transacted only on such days as may be designated by the board of directors and shall be limited to the receipt of deposits and the collection of moneys due or payable to the credit union, and such business shall be subject to such other conditions, if any, as may be prescribed by the commissioner. Not more than one application by a credit union to establish a branch office or depot under this paragraph outside the county in which its main office is located shall be approved in any calendar year.

With the written consent of the commissioner a branch office or depot may be closed, or its location may be changed.

The offices of any credit union consolidating or merging under section seventy-

eight may be maintained as branch offices of such other credit union, with the written permission of and under such conditions, if any, as may be approved by the commissioner; provided, however, that the main office of such credit union either is situated within the county wherein the main office of such other credit union is located or within twenty-five miles of the premises of the main office of such other credit union. No credit union shall be given permission pursuant to this section more than once in any one calendar year to maintain offices of another credit union whose main office is located outside of the county wherein the main office of such credit union is located, or to establish a branch office outside of the county wherein its main office is located.

Mobile branch banking may be authorized by the commissioner in the county wherein the main office of such credit union is located under such conditions as said commissioner may approve and subject to such regulations as said commissioner may establish.

Section 9. The shareholders of every such corporation shall make and adopt by-laws, consistent with law, for the government of its affairs. The by-laws shall provide for and determine:

(a) The name of the corporation.

(b) The purposes for which it is formed.

(c) The condition of residence, occupation or association which qualify persons for membership.

(d) The conditions on which shares may be paid in, transferred and withdrawn.

(e) The conditions on which deposits may be received and withdrawn.

(f) The method of receipting for money paid on account of shares or deposits or repaid on loans.

(g) The number of directors and the number of years for each term.

(h) The number of members of the credit committee.

(i) The time of holding regular meetings of the board of directors, the credit committee and the auditing committee.

(j) The duties of the several officers.

(k) The entrance fees, if any, to be charged.

(l) The fines, if any, to be charged for failure to meet obligations to the corporation punctually.

(m) The date of the annual meeting.

(n) The manner in which members shall be notified of the annual meeting and special meetings.

(o) The number of members who shall constitute a quorum at all meetings.

(p) Such other policies as may be deemed to be necessary.

Section 10. The by-laws may be amended at any annual meeting, or at a special meeting called for the purpose, by a three-fourths vote of all of the members present and entitled to vote; provided, however, that the notice of the meeting and of the proposed amendment is given each member in the manner prescribed in said

by-laws. No amendment or amendments containing a change in the conditions of residence, occupation or association which qualify persons for membership, or change in location, or change in name shall become operative until approved in writing by the commissioner.

Section 11. The annual meeting of the corporation shall be held at such time and place as the by-laws prescribe but not later than one hundred and twenty days after the close of the fiscal year. The fiscal year of every credit union shall end at the close of business on the last business day of December. Special meetings may be called at any time by a majority of the directors and shall be called by the clerk upon written application of ten or more members entitled to vote. Notices of all meetings of the corporation and of all meetings of the board of directors and of committees shall be given in the manner prescribed in the by-laws; provided, however, that all meetings of the shareholders and depositors shall be posted in a conspicuous place, for at least seven days prior to the meeting, within each office or branch office of said corporation.

No member shall be entitled to vote by proxy or have more than one vote and, after a credit union has been incorporated for one year, no member thereof shall be entitled to vote until he has been a member for more than three months. An organization member or persons who are parties to a joint account may cast one vote on such a share or deposit account at any of its meetings by a duly delegated agent or a party to such a joint account. A minor shall not have the right to vote.

The members at each annual meeting shall elect directors, fix the maximum amount to be loaned to any one member, vote on any proposed amendment to the by-laws, approve expenses of the auditing and credit committees not otherwise approved at a special meeting and act on such matters as required under law.

Section 12. The business and affairs of a credit union shall be managed by a board of not less than eleven directors unless the number of members of such union is less than eleven. The directors shall be elected at the annual meetings. All members of said board shall be sworn to the faithful performance of their duties and shall hold their several offices unless sooner removed as hereinafter provided, until their successors are qualified. A record of every such qualification shall be filed and preserved with the records of the corporation. Directors shall be elected for not less than one nor more than three years, as the by-laws shall provide.

If the term is more than one year, they shall be divided into classes, and an equal number, as nearly as may be, elected each year. If a director ceases to be a member of the credit union, his office shall thereupon become vacant. The by-laws may authorize the continuance, as honorary directors, of those persons who shall have served as directors for ten years or more. No such honorary director shall be deemed to be an officer or member of the board of directors of such corporation, nor shall he receive compensation or be required to attend meetings or be authorized to perform any duties.

Section 13. The board of directors shall have the general direction of the affairs

of the corporation and shall meet as often as may be necessary, but not less than once each month. A quorum shall consist of not less than a majority of the directors. If less than a quorum is present, a majority of those present may adjourn the meeting until the next regular meeting or another time prior thereto. It shall act upon all applications for membership and upon the expulsion of members; determine the rate of interest on loans subject to the limitations contained in this chapter; shall decide on all applications for real estate mortgage loans after receipt of the certification by the credit committee of the application in the manner hereinafter provided; shall determine the rate of interest to be paid on deposits; may declare dividends as provided in section twenty-nine, and shall fill vacancies in the board of directors and committees until the next annual election. The establishment of deposit accounts or the discontinuance thereof may be authorized by the board of directors of the credit union. It shall make recommendations to the members of the credit union relative to the maximum amount to be loaned to any one member; the need of amendments to the by-laws, and other matters upon which, in its opinion, the members should act at any regular or special meeting. The board of directors may borrow money for and on behalf of the credit union as authorized by section seventy-three. It may, by a two-thirds vote, remove from office for cause any officer or any member of any committee. It may also elect an honorary president, who shall be a member of said credit union. Said honorary president shall not be compensated in any way by the credit union.

Section 14. The board of directors may expel from a credit union any member who has not carried out his engagements with it, who has been convicted of a criminal offense, or who neglects or refuses to comply with the provisions of this chapter or of the by-laws of the credit union, or whose private life is a source of scandal, or who habitually neglects to pay his debts, or who becomes insolvent or bankrupt, or who has deceived the corporation or any committee thereof with regard to the use of borrowed money; provided, however, that no member shall be so expelled until he has been informed in writing of the charges against him, after reasonable notice and an opportunity to be heard thereon.

The amounts paid in on shares or deposited by members who have withdrawn or have been expelled shall be paid to them, in the order of withdrawal or expulsion, but only as funds therefor become available and after deducting any amounts due from such members to the credit union. Such expulsion shall not operate to relieve a member from any outstanding liability to the credit union.

Section 15. The directors, at a regularly scheduled meeting or at a special meeting of the directors called for the purpose and thereafter at their first meeting after the annual meeting, shall elect from their own number a chairman of the board and a clerk and shall elect persons who may or may not be directors to hold the offices of president and treasurer and may elect vice-presidents and assistant treasurers, all of whom shall be officers of the corporation and shall elect such other officers as may be necessary for the transaction of the business of the credit union.

The offices of president and treasurer shall not be held by the same person. The offices of president and chairman of the board may be held by the same person and the offices of clerk and treasurer may be held by the same person.

At such meeting, the directors shall also elect from their own number a credit committee of not less than three members, an auditing committee of not less than three nor more than five members, and an investment committee of three members; provided, however, that no member of the board of directors shall be a member of both the credit and the auditing committee unless the number of members of the credit union is less than eleven.

Officers shall be sworn to the faithful performance of their duties and shall hold their several offices unless sooner removed, as provided in section thirteen, until their successors are qualified.

The board of directors may appoint an executive committee or a membership officer from among the board, other than the treasurer, an assistant treasurer or a loan officer and authorize such committee or officer to approve applications for membership under such conditions as the board may prescribe; provided, however, that the committee or officer so authorized shall submit to the board at each monthly meeting a list of approved or pending applications for membership received since the previous monthly meeting, together with such other related information as the by-laws or the board may require.

Notwithstanding the provisions of section seventeen, the board of directors may delegate to one or more loan officers, who need not be members of the credit committee or to an employee, who need not be a member of the board of directors, the power to make all loans provided for in this chapter, with the exception of real estate loans. All loans made by such loan officer or employee shall be reported to the credit committee within seven days from the date of the loan.

Section 16. The auditing committee shall keep fully informed at all times as to the financial condition of the credit union. It shall hold meetings at least once each month, shall keep records thereof and shall examine carefully the cash and accounts of the credit union monthly; such committee shall certify the monthly statements submitted by the treasurer; shall make a thorough audit of the books, including income and expense, semi-annually; further, such committee shall report to the board of directors its findings, together with its recommendations. It shall make an annual report at the annual meeting.

The auditing committee shall, under regulations prescribed by the commissioner and within a period of time not exceeding three years, cause an examination and audit to be made of the books, securities, cash, assets, liabilities, income and expenditures of the credit union including a trial balance of the deposit and share account. Such examination and audit shall be made in such form and such manner as the commissioner may prescribe and such examination and audit of a credit union having assets over five million dollars shall be made by a certified public accountant or public accountant not connected with the credit union. The person

selected to conduct the examination and audit shall be subject to the approval of the commissioner.

Section 17. The credit committee shall hold meetings at least once in each month, act on all applications for loans and approve, in writing, all personal loans granted and the security, if any, pledged therefor, except as hereinafter provided. The credit committee shall submit to the board of directors all applications for loans to be secured by mortgages of real estate, with their recommendations thereon, which shall include a certificate as to their best judgment of the value of the real estate involved.

No personal loans shall be made unless all of the members of the credit committee who are present when the application is considered, which number shall constitute at least two-thirds of the members of said committee, approve such loan. No loan shall be granted unless the members of said committee are satisfied that the loan promises to be of benefit to the borrower.

Section 18. Investments authorized by section sixty-seven and other applicable sections may be made by the investment committee and a report of any such investments shall be submitted to the board of directors at its regular meeting next following the date upon which any such investment was made in such form as the directors may require and such report and any action taken by the board thereon, shall be made part of the records of such meeting.

Section 19. No person shall be a director of two credit unions at the same time and no person holding the office of president, treasurer, member of the credit committee, member of the auditing committee or bookkeeper or an employee having access to securities or cash in a credit union shall hold any of said offices or be employed in a capacity in which he has access to securities or cash in another credit union at the same time.

After January first, nineteen hundred and seventy-five, a director or other officer of a credit union may at the same time be a trustee, director or other officer of a savings bank, cooperative bank, state or federally chartered savings and loan association, trust company, a bank holding company or any affiliate, or national banking association if, in such case, there is in force a permit therefor issued by the commissioner, in writing, with the reasons thereon stating why the public interest warrants its issuance, after reasonable notice and an opportunity to be heard, who is hereby authorized to issue such permit if, in his judgment, it is not incompatible with the public interest, and to revoke any such permit whenever he finds, after reasonable notice and opportunity to be heard, that the public interest warrants its revocation; provided, however that the provisions of this section shall not apply to any director or other officer who held such position at the time of incorporation of said credit union.

Section 20. No member of the board of directors shall receive any compensation for his services or as a member of the board or as a member of any committee; provided, however, that the members of the auditing committee and the credit

committee may receive such reimbursement for actual expenses incurred in the performance of their duties as the board may authorize, subject to the approval of the members at the next annual meeting or at a special meeting called for the purpose; and, provided further, that the officers elected by the board shall receive such compensation as it may authorize. No member of said board shall borrow from the corporation, by means of a personal loan upon his note, to an amount in excess of the total of his shares and deposits in said credit union, and the accumulated earnings standing to his credit thereon on the books of the corporation or with sufficient collateral pledged to secure the same made up of negotiable bonds or notes of the United States valued at not more than eighty percent of their market value or by the assignment of his passbook in a savings bank, cooperative bank or a federal savings and loan association, all doing business in the commonwealth or policies issued by life insurance companies authorized to transact business in this commonwealth valued at not more than their cash surrender value, unless approved by vote of two-thirds of the other members of said board.

Section 21. The treasurer and all other officers and employees of a credit union having access to its cash or negotiable securities shall give bond to the credit union at its expense in such amounts and with such surety or sureties and conditions as the commissioner may prescribe. The directors may require bonds of such other officers, employees or agents as they deem advisable. The persons required to give bond may be included in one or more blanket or schedule bonds; provided, however, that such bonds are approved by the commissioner as to the amounts and the conditions thereof and as to the sureties thereon. Each credit union shall file with the commissioner on a form prescribed by him a certificate from the insurer indicating compliance with all requirements prescribed by the commissioner. The commissioner may prescribe the manner of custody and safekeeping of such bonds by the credit union.

Subject to the approval of the commissioner of insurance as to the form and conditions thereof, a schedule bond may be issued to an association of credit unions covering the officers and employees of the credit unions which are members of such association, notwithstanding that chapter one hundred and seventy-five does not expressly authorize the issuance of such a schedule bond.

Section 22. In addition to the duties imposed by law upon the treasurer of a credit union or the officer or employee thereof charged with the duties and functions usually preformed by the treasurer, he shall also be responsible for the performance of all acts and duties required of such corporation by the provisions of chapter one hundred and sixty-seven or one hundred and seventy-one except in so far as such performance has been expressly imposed on some other officer or employee of such credit union by its regulations or by-laws or by provision of law.

Section 23. Any officer, director, agent or employee of any credit union, who

knowingly and wilfully does any act forbidden to him or to such credit union by any provision of chapter one hundred and sixty-seven or one hundred and seventy-one, or who knowingly and wilfully aids or abets the doing of any act so forbidden to such credit union or to any other officer, director, agent or employee thereof, or who knowingly and wilfully fails to do any act required of him by any such provision, or who knowingly and wilfully fails to do any act which is required of such credit union by any such provision the performance of which is imposed on him by the by-laws or regulations of the credit union or by provision of law or the responsibility for the non-performance of which is placed upon him by section twenty-two shall, if no other penalty against him in his aforesaid capacity is specifically provided, be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 24. A credit union may indemnify its directors, officers, employees and other agents to whatever extent specified in or authorized by a by-law adopted pursuant to law. Such indemnification may include payment by the credit union of expenses incurred in defending a civil or criminal action or proceeding in advance of the final disposition of such action or proceeding upon receipt of an undertaking by the person indemnified to repay such payment if he shall be adjudicated to be not entitled to indemnification under this section. Any such indemnification may be provided although the person to be indemnified is no longer an officer, director, employee or agent of the credit union.

No indemnification shall be provided for any person with respect to any matter as to which he shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his action was in the best interests of the credit union.

A credit union shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or other agent of the credit union against any liability incurred by him in any such capacity or arising out of his status as such, whether or not the credit union would have the power to indemnify him against such liability.

Section 25. A credit union may provide group life insurance, group accident and health insurance or group medical, surgical or hospital insurance or benefits or all or any combination thereof, for its employees, officers, and directors. The commissioner may, if he deems it necessary, establish regulations providing reasonable restrictions in connection therewith.

Section 26. Within thirty days after the last business day of December in each year, every credit union shall make to the commissioner a report in such form as he may prescribe, signed by the president, treasurer and a majority of the auditing committee, who shall make oath that the report is correct according to their best knowledge and belief.

Every credit union shall be required to make an annual report to the commissioner of any loan or extensions of credit in any manner to any officer or

director of the credit union. Said credit union shall also be required to make an annual report to the commissioner of any loan or extension of credit, in any manner, to an organization member, the majority interest of which is owned or controlled by an officer or director of said credit union.

Said report to the commissioner shall consist of, but not be limited to the following: (a) the name of the officer or director to whom any such loan or extension of credit has been made or the fraternal organization, voluntary association, partnership or corporation, the majority of interest of which is owned or controlled by an officer or director of said credit union to which such loan or extension of credit has been made, (b) the original amount of the loan, (c) the date of the loan, (d) the type of loan, (e) if the loan is secured in any manner, the type of secured asset and its valuation, (f) the terms of the payment, (g) the current balance, and (h) the amount of any principal or interest payments in default, if any, and the length of such default. This report shall be deemed a public record in accordance with the provisions of section ten of chapter sixty-six.

Section 27. Each credit union shall post in a prominent place and in a conspicuous manner in the lobby of its main office and each of its branches, a balance sheet which presents fairly, in accordance with generally accepted accounting principles, including required footnote disclosures, its condition as of the last business day of its fiscal year, with comparative figures as of the end of the previous fiscal year. Said balance sheet shall be posted not later than thirty days after the end of the credit union's fiscal year and shall remain posted until replaced by the following year's posting. Said balance sheet shall be printed at the expense of the credit union and copies shall be made available to its depositors upon request. Each such credit union which fails to post or print any such balance sheet in accordance with this section shall pay to the state treasurer ten dollars for each day that it fails to so post or print such balance sheet, unless excused by the Commissioner for cause.

Section 28. Each credit union shall preserve all of its records of original and final entry, including cancelled checks and withdrawal and deposit slips, for a period of at least six years from the date of making the same or from the date of the last entry thereof. Such records shall be preserved in their original form for two years and thereafter may be preserved on microfilm or microfiche. All original records, age three years or older, may be stored in off property locations; provided, however, that withdrawal slips may be destroyed after a period of two years, if such withdrawal slips are properly microphotographed and the microphotographs shall be preserved for the period provided in this section.

Section 29. The capital of a credit union shall be unlimited in amount and shall consist of shares and deposits. Shares shall be of a par value of not less than five dollars but not more than twenty-five dollars each and shall be subscribed and paid for in such manner as the by-laws of the credit union shall prescribe.

Dividends may be declared by the board of directors at least once every year

for such periods as shall be determined by the board of directors and paid from the earnings which actually have been collected during the dividend period next preceding and which remain after the deduction of all expenses, interest on deposits and shares and the amounts required to be set apart to the loan reserve and investment reserve or such dividend may be declared in whole or in part from the undivided earnings of preceding years remaining after the aforesaid deductions for such years; provided, however, that if the by-laws of the credit union so provide, a share purchased or deposit made on or before the tenth day after the day on which shares or deposits begin to draw dividends or interest, as provided in the by-laws or regulations, or, if such tenth day be a Saturday, Sunday or legal holiday, on or before the next business day succeeding such tenth day and remaining in the credit union as shares or deposits through the balance of the monthly period, shall be construed as having been on deposit as shares or deposits one full month within the meaning of this section.

Such dividends may be paid on fully paid shares outstanding at the close of the dividend period, but shares which become fully paid during such dividend period shall be entitled only to a proportionate part of such dividend calculated from the first day of the month following such payment in full. Dividends due to a member shall, at his election, be paid to him in cash or credited to his account in either shares or deposits; provided, however, that dividends may not be declared or paid on less than one full share.

Dividends may be paid at various rates based on the type and amount of an account or on the terms and conditions applicable to said accounts.

The board of directors shall determine the rate of interest to be paid on deposits which shall not exceed six percent per annum.

Section 30. Every member of a credit union shall hold one share and may hold shares or make deposits or both therein, in his own name to an amount not exceeding, in the aggregate, seventy-five thousand dollars and he may jointly, with one or more persons, hold shares or make deposits, or both, to an amount not exceeding, in the aggregate, one hundred thousand dollars, exclusive of club deposits. A member of a credit union having assets of four million dollars or more may hold shares or make deposits or both, in his own name, to an amount not exceeding, in the aggregate, one 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, two hundred thousand dollars, exclusive of club deposits. 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. The limitations on deposits and shares provided herein shall be exclusive of accumulated interest or dividends.

An organization member may purchase shares or have on deposit an amount equal to that permitted a member jointly with other persons as provided for herein; provided, however, that the total of such payments by all organization members shall not exceed, at any time, twenty-five percent of the assets of the credit union.

The preceding limitations shall also apply to members of credit unions which are insured by the National Credit Union Administration; provided, however, that no such credit union shall accept deposits or payments for shares for the account of a shareholder or depositor in excess of the amount which is insured by said ad ministration unless the excess is insured by the Massachusetts Credit Union Share Insurance Corporation pursuant to section six D of chapter two hundred and ninety-four of the acts of nineteen hundred and sixty-one.

Section 31. With the prior written approval of the commissioner of banks and under such conditions as he may prescribe, a credit union may authorize accounts that would allow withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties. Such accounts shall be designated as negotiable withdrawal order accounts. Said accounts shall be subject to regulations of the commissioner.

Any credit union which accepts deposits or shares for accounts subject to withdrawal by negotiable or transferable instrument for the purpose of making transfers to third parties shall, if requested by the depositor or shareholder, return the cancelled negotiable or transferable instruments of such accounts and shall not charge a fee for such return and if any such cancelled instrument becomes lost prior to such return, the corporation shall provide, without charge, photostats of such instruments.

Section 32. Any of the shares or deposits authorized by section thirty may, if the directors of the credit union so determine, be received as term shares or deposits, subject to the limits contained in said section thirty and to the provisions of this section.

Notwithstanding any prior provisions of the law to the contrary, any such shares or deposits shall be received by a credit union subject to the terms of a written plan submitted to and approved by the commissioner, which plan shall specify (a) the proposed rates of dividends or interest to be paid on such term shares or deposits, including day-to-day dividends or interest if the plan so provides, (b) the minimum amount, if any, and the maximum amount of share or deposit balances and the minimum period, which shall be not less than six months, of maintenance of such balances to which such specified rates shall apply, (c) the additional reserves to be established for such rates of dividends, (d) the form and substance of the certificate or passbook which shall represent the shares or deposits to which such dividends or interest may apply, (e) such other provisions as are termed necessary or advisable to give effect to the purposes of such plan and (f), that any credit union shall mail to the depositor a written notification of maturity at least thirty days prior to the date of maturity of said shares or deposit but in no event more than forty-

five days prior to said date of maturity of said shares or deposit.

Section 33. A credit union may also contract, on terms to be agreed upon, with a person eligible for membership in the credit union or a member of such person's family, for the deposit at intervals within a period of twelve months, of sums of money, to be known as club deposits, in the aggregate not in excess of four thousand dollars, and may pay interest or dividends thereon in the amount decided by its board of directors, but at no higher rate than that paid on its regular deposits or as regular dividends on shares.

Section 34. Any of the shares or deposits authorized by section thirty except club deposits, if the directors so determine, and if the share and deposit liabilities are insured in full under federal or state law, or both, may be received as special notice accounts subject to the limitations set forth in said section thirty and to the provisions of this section.

1. *Special Notice Account Agreements* - Any such shares or deposits shall be received subject to a written agreement between the credit union and the shareholder or depositor or joint shareholders or joint depositors which agreement shall contain the following provisions:-

(a) Except as hereinafter provided relative to dividends or interest on such shares and deposits, neither the whole nor any part of such shares or deposits may be withdrawn other than pursuant to the terms of a withdrawal notice of ninety days or more signed by such shareholder or depositor or any joint sh areholder or depositor and received by such credit union. Such notice shall state that such shareholder or depositor or such joint shareholders or depositors propose to withdraw such shares and deposits in whole or in specified part during a withdrawal period commencing upon a day specified, which day shall be not less than ninety days following the receipt by the credit union of such withdrawal notice and terminating upon the expiration of the ninth day following or, if such ninth day shall be a Saturday, Sunday or legal holiday, upon the expiration of the business day next succeeding such ninth day.

(b) Any ordinary, extra or additional dividend or interest on such shares or deposits may be withdrawn pursuant to a permanent dividend or interest order signed by such shareholder or depositor or any joint shareholder or depositor and received by such credit union prior to the day upon which such dividend or interest becomes payable or pursuant to a demand made by such shareholder or depositor or any joint shareholders or depositors within one year after the day upon which such dividend or interest became payable. If not so withdrawn, no such dividend or interest shall be withdrawn except as hereinbefore provided in subparagraph (a).

2. *Withdrawals* - No such credit union shall permit the whole or any part of such shares or deposits or any ordinary, extra or additional interest or dividend declared thereon to be withdrawn, in whole or in part, except in accordance with the terms of such agreement.

3. *Passbooks* - Each passbook representing shares or deposits received under this section shall contain the title "Special Notice Account" and shall plainly set forth the phrase "90 Days' Written Notice of Withdrawal Required".

Section 35. A credit union may act as trustee or custodian under a profit-sharing plan instituted by a person, partnership or corporation within the meaning of section 401(a) of the Internal Revenue Code of 1954 including the provisions of P.L. 94-455; provided, however, that the deposit accounts of any one such person, partnership or corporation shall not, except by the accumulation of interest, be permitted to exceed at any one time, seventy-five thousand dollars or one and one-half percent of the deposits or shares of the credit union, whichever is greater. A credit union may act as trustee or custodian under a retirement plan or individual retirement account which, in the judgment of such credit union at the time of appointment as such trustee or custodian is accepted, is established pursuant to the provisions of Public Law 87-792, entitled "Self-Employed Individuals' Tax Retirement Act of 1962" or pursuant to the provisions of section 2002 of P.L. 93-406 of the Employees Retirement Income Security Act of 1974, if the provisions of such plan have been approved by the commissioner and if such provisions permit any of the funds of the trust or the custodial accounts to be invested in shares or deposits of the credit union. Such shares or deposits may be in addition to the shares or deposits permitted by section thirty. No funds held by such credit union as such trustee or custodian shall be invested otherwise than in shares or deposits in the credit union or properly qualified life insurance retirement income policies or other investments legal for credit unions or any combination thereof, as each such plan may prescribe or permit. Every advertisement, announcement or solicitation for such a plan or account shall state, in a clear and conspicuous manner, the amounts of any contributions and earnings thereon subject to state and federal taxable income.

Section 36. Any designation of any beneficiary in connection with and as provided by an instrument intended to establish a pension, profit-sharing or other deferred compensation or retirement plan, trust or custodial account described in one or more of the following sections of the Internal Revenue Code of the United States, and in effect from time to time, shall be effective according to its terms, notwithstanding any purported testamentary disposition allowed by statute, by operation of law or otherwise to the contrary; section four hundred and one (a), section four hundred and one (f), section four hundred and three (b) (7), section four hundred and five (a), section four hundred and eight (a), and section four hundred and eight (h). Nothing in this section is intended to limit, by implication or otherwise, any nonstatutory right of an employee to designate one or more beneficiaries in the employees' interest under any retirement plan not described in this section or under any other employee benefit plan.

Section 37. A credit union may receive shares or deposits, under the terms of a written plan approved by the commissioner, from any labor union, association,

trust, public utility, partnership, corporation, college, university, insurance company, charity, any city, town, county or district of the commonwealth or by any instrumentality thereof or individual for the sole purpose of making loans guaranteed in whole or in part by the Massachusetts Higher Education Assistance Corporation; provided, however, that no such plan shall discriminate against any applicant otherwise eligible for such a loan; and, provided further, that such deposits shall not exceed twenty percent of the assets of the credit union.

Section 38. Any credit union may establish an account to receive deposits from a lessor acting as a trustee for funds received and held by such trustee pursuant to paragraph (a) of subsection (3) of section fifteen B of chapter one hundred and eighty-six. Such account may be established as required by said section fifteen B for the purpose of holding security deposits taken by a lessor of residential dwelling units owned or managed by said lessor, but the terms of said account shall be such as to place said deposit beyond the claim of a creditor of the lessor, including a foreclosing mortgagee or trustee in bankruptcy, and as will provide for the transfer of said deposit to a subsequent owner of any property for which such security deposit was taken. Interest or dividends accruing on said deposit shall be paid to the lessor pursuant to the terms of the deposit. Withdrawals and payments made by the corporation from said account shall discharge the liability of said corporation to all persons.

Section 39. Shares and deposits may be received and held in the name of a member with one or more persons as joint tenants, payable to such member or his survivors, and any part or all of the shares or deposits and dividends or interest represented by joint accounts may be withdrawn, assigned or transferred by any of the individual parties. Payment to any of the parties to a joint account while all of them are living shall discharge the liability of the corporation to all parties and in the event of the death of any of them the corporation shall be liable only to the survivors, and the payment to any of the survivors shall discharge the liability of the corporation to all parties.

No person holding an account as a joint tenant with a member as provided herein and who is not a member or is not otherwise eligible for membership shall be deemed a member for any other provision of this chapter.

The surviving owner or owners of a joint account may maintain the balance of the account in the amount appearing at the time of the decease of a joint owner, and such credit union may allow dividend or interest additions and accumulations thereon. Such shares or deposits or any part thereof, or any interest dividends thereon, may be paid to any such person or to any assignee or pledgee of any of such persons whether the other such persons be living or not, provided they are not then attached at law or in equity in a suit against any such person and the credit union then has no notice in writing of any assignment or pledge of the account by any of such persons to any person other than the person to whom payment is being made hereunder. All such payments shall be valid.

Section 40. Subject to the foregoing limitations in respect to shares and deposits and requirements relative to notice, shares may be subscribed for and deposits may be accepted in the name of one or two persons in trust for another provided the name and residence of the beneficiary is disclosed, and such shares and deposits shall be carried in the name of the shareholder or depositor as trustee or trustees. Payments may be made to the trustee, and if there are two trustees, payments may be made to both or to either or to the survivor. If no other notice of existence and terms of a trust has been received in writing by the credit union, upon the death of the trustee or if there are two trustees then upon the death of both, the amount then on deposit together with the dividends thereon may be paid to the person for whom such deposit was made or to his legal representative. Withdrawals and payments made as provided in this section shall fully discharge the liability of the credit union to all persons.

Section 41. Shares may be issued and deposits received in the name of a minor, and such shares and deposits may, in the discretion of the directors, be withdrawn by such minor or by his parent or guardian and, in either case, payment made on such withdrawals shall be valid and shall release the corporation from liability to the such minor, parent or guardian relative to such shares and deposits.

Section 42. Deposits or shares standing in the name of a deceased depositor or shareholder shall, except as otherwise provided in this chapter, be paid to his legal representative; provided, however, that if the total of such deposits and shares does not exceed three thousand dollars and there has been no demand for payment by a duly appointed executor or administrator, payment may be made at the discretion of the treasurer or other duly authorized officer of the corporation after the expiration of sixty days from the death of such depositor or shareholder to the surviving spouse or next of kin of such deceased upon presentation of a copy of the death certificate and the surrender of the passbook, if any, evidencing such deposits or shares. Payments made as provided in this section shall discharge the liability of the corporation to all persons to the extent of such payments.

Section 43. A credit union may require from a shareholder or depositor ninety days' notice of his intention to withdraw any or all of his shares and sixty days' notice of his intention to withdraw any or all of his deposits.

Section 44. A shareholder's or depositor's vouchers may be returned by mailing the same to him at his last known address, postage prepaid, and such shareholder or depositor may, when required to notify the credit union give notice in like manner.

Section 45. A city, state, county or municipal treasurer or other official or private employer who receives a written request from a pensioner or retiree shall, at the direction of said pensioner or retiree, forward any payment made under a pension or retirement fund or plan to a credit union that shall be designated by said pensioner or retiree. Such payment shall be deposited, with the approval of said pensioner or retiree in his designated account. Such credit union shall notify

promptly the pensioner or retiree of any deposit made pursuant to this section.

Section 46. When a passbook or other instrument as evidence of a shareholder's or a depositor's account issued by any credit union has been lost, stolen or destroyed, the person in whose name it was issued, or in the case of a joint account, by the joint owners thereof may make written application to such credit union for payment of the amount of the shares or deposit represented by said book or other instrument or for issuance of a duplicate book or other instrument therefor. The application shall include an affidavit signed and sworn to that the person making such application is a lawful owner of such passbook or other instrument, that such passbook or other instrument has been lost, stolen or destroyed, and that no lawful owner has, in any way, transferred, pledged or assigned said passbook or other instrument or any interest in the deposits or shares therein. The application shall further include an agreement, in writing, to indemnify the credit union from and against any and all claims, expenses and liabilities in any way resulting from the credit union action on the application by the payment of amounts due on said passbook or other instrument or by the issuance of a duplicate book or other instrument therefor. All signatures contained with such application shall be duly notarized. Upon receipt of such application, the credit union may pay the amount due on said passbook or other instrument or may issue a duplicate book or other instrument therefor. The provisions of this section shall apply to passbooks and other instruments issued by a credit union which subsequently has merged in, consolidated with or transferred its deposit or share liabilities to another bank or credit union.

When payment is made or a duplicate book or other instrument is issued in accordance with this section and after presentation of reasonable identification, a credit union shall not be liable to any person on account of its action on the application, payments of the amount due on said passbook or other instrument or issuance of a duplicate book or other instrument therefor, except that a credit union may be liable to a transferee, pledgee or assignee who, prior to such action, payment or issuance, has given the credit union written notice of the transfer, pledge or assignment.

Section 47. Any agreement between a depositor or shareholder and any credit union which exculpates such credit union when an account, or any part thereof, is paid by such credit union to a person unlawfully presenting a passbook, or other instrument as evidence of such account is hereby declared to be contrary to public policy and void.

Section 48. A person indebted to a credit union may, when proceeded against for the collection of such indebtedness or for the enforcement of any security therefor, set off or recoup the amount of a deposit or shares in such credit union held and owned by him at the time of the commencement of such proceeding; provided, however, that if a proceeding in equity has been commenced to restrain the credit union from doing its actual business or if possession of such credit union

has been taken over by the commissioner as provided in section twenty-two of chapter one hundred and sixty-seven or as otherwise provided by law, no shares or a deposit shall be so set off or recouped by any such person unless held and owned by him on the date of the commencement of such proceeding or of possession so taken, and the right of set off or recoupment shall be determined as of such date whether the indebtedness of the depositor or shareholder or the shares or the deposit, is then due or payable or becomes due or payable at a later date. Any indebtedness against which shares or a deposit is permitted to be set off or recouped as aforesaid may be secured or unsecured. Section three of chapter two hundred and thirty-two shall not apply to a set off here under, except that any party to a joint account may set off the joint deposit against his individual debt to such credit union. Notwithstanding the foregoing, a judgment shall not be rendered against such credit union in favor of the defendant for any balance found due from it if a proceeding in equity has been commenced against the credit union or possession thereof has been taken as aforesaid. The word "deposit", as used in this section, shall include interest due thereon and the word "shares", shall include dividends thereon.

Section 49. Whenever a credit union, as a consequence of a default of a debt owed to said credit union by a depositor or shareholder, makes a transfer of funds of such depositor or shareholder to reduce or extinguish said debt, such depositor or shareholder shall be notified forthwith of such transfer by written notice sent by certified mail, return receipt requested, directed to his last known address; provided, however, that no such transfer shall be made if such debt is the result of consumer credit granted under the provisions of chapter one hundred and forty D unless the written notice required by section twenty-three of said chapter one hundred and forty D has been given. A depositor or shareholder to whom such notice has not been sent shall be entitled to recover the amount of any actual damages.

Section 50. In the event that any shares or accounts which are pledged as security for any loan are sold, forfeited, transferred, assigned or credited for the non-performance of the conditions of such loan or on the foreclosure thereof or for any other lawful purpose, the treasurer shall have full authority to transfer, assign or credit such shares or accounts to the bank or purchaser at any foreclosure or other sale to any assignee.

Section 51. No credit union shall be required to recognize an adverse claim to shares or a deposit standing on its books to the credit of or for the account of any person, except by virtue of the service upon it of appropriate process issued by a court of competent jurisdiction in a suit or action to which such person, or his executors or administrators, has been made a party, unless the adverse claimant gives bond satisfactory to the credit union and the adverse claimant to hold harmless and indemnify it from any liability, loss, damage, costs and expenses whatsoever on account of such adverse claim, or files with the credit union an

affidavit setting forth facts showing a reasonable cause for belief that a fiduciary relationship exists between such person and said adverse claimant and that such person is about to misappropriate the deposit or shares in question.

Section 52. The supreme judicial court or any justice thereof sitting in equity may, on petition of a credit union or the board of the credit union, approved by the commissioner, approve or order a reduction of the account of each shareholder or depositor therein whenever the value of its assets is less than the total amount of its shares and deposits so as to divide the loss equitably among such shareholders and depositors. If thereafter the credit union shall realize from such assets a greater sum than was fixed by such order of reduction, such excess shall be divided among the shareholders and depositors whose accounts have been reduced but only to the extent of such reduction; provided, however, that at any time after the entry of a decree approving or ordering such a reduction of accounts, such court or any justice thereof may, by order, finally determine the amount which such shareholders and depositors are equitably entitled to receive in full settlement of their accounts and the manner of distribution of such amount.

Section 53. For the purposes of this section, the following terms shall have the following meanings:-

"Account", negotiable withdrawal order account, savings deposit, share account or other asset account.

"Local originating depository institution", any originating depository institution located in the commonwealth.

Each credit union shall disclose to account holders its policy relative to the time period between the deposit of funds by means of a check, negotiable order of withdrawal or money order and the availability of such deposit for withdrawal or use as of right.

Except as provided herein, such disclosure and relative availability requirements shall be in accordance with the provisions of the Expedited Funds Availability Act, 12 USC 4001 et seq. and regulations promulgated thereunder.

Section 54. Every credit union which advertises to the public any share, deposit or credit account shall maintain a telephone service for its customers to call and obtain information relative to such account. Such information shall include, but not be limited to, the current rates of interest or yields, service fees charged, minimum balances or investments required and other types of accounts or investment funds or trusts available. Such telephone service shall not be used to access personal account information or to apply for or to obtain a new account or extension of credit.

Any such credit union shall make such telephone service available during any hour that any of its offices are open for business.

Section 55. Any advertisement, within the commonwealth, in a language other than English made by a credit union to aid, promote or assist directly or indirectly any share or deposit account offered by such credit union shall state in such other

language what language the forms associated with the opening and maintenance of such account are in.

For the purposes of this section, "advertisement" shall mean any commercial message in any newspaper, magazine, leaflet, flyer or catalog, on radio, television or public address system, in direct mail literature or other printed material, on any interior or exterior sign or display, in any window display, in any point-of-transaction literature or price tag which is delivered or made available to a customer or prospective customer in any manner whatsoever.

Section 56. Without the consent of the commissioner, no credit union shall advertise in any manner more than four months prior to the date on which interest or dividends on deposits or shares will be payable or the rate at which it is anticipated or estimated such interest or dividends will be paid.

Section 57. The capital, deposits and surplus of a credit union shall be invested in loans to members, with approval of the credit committee, as provided in section seventeen and, when so required herein, of the board of directors.

All applications for loans shall be made in writing and shall state the purpose for which the loan is desired and the security, if any, offered.

Personal loans shall always be given the preference and, in the event there are not sufficient funds available to satisfy all loan applications approved by the credit committee, preference shall be given to the smaller loan.

Whenever the liquidity reserve required by section seventy-one falls below five percent of the total assets of a credit union, no further loans shall be made until the ratio as herein provided has been reestablished.

Section 58. The total liabilities to a credit union of a member for money borrowed under this chapter shall not at any one time exceed twenty percent of the sum of loan reserve, investment reserve, undivided earnings and any other surplus accounts of such credit union or ten thousand dollars, whichever is greater, plus an amount equal to said member's shares and deposits, if any, pledged to secure an obligation.

The total liabilities to any credit union of an organization member and the total liabilities of more than one such member, the majority interest of which is owned or controlled, directly or indirectly, by the same person or persons, fraternal organizations, voluntary associations, partnerships or corporations, for money borrowed pursuant to the provisions of section sixty-five, including in the liabilities of a partnership or company not incorporated the liabilities of the several members thereof, shall not at any one time exceed the total liability of a shareholder or depositor as authorized by said section sixty-five.

In computing the total liability of a member or an organization member hereunder, there shall be included the direct liability of any such member and his liability as endorser, guarantor or surety on the obligations of others which are held by the credit union.

The members at each annual meeting shall fix the maximum amount to be

loaned to any one member.

Section 59. A credit union may make personal loans as hereinafter provided.

Each unsecured personal loan shall be payable within forty-eight months from the date of the note. A loan secured by shares or by satisfactory collateral of the type set forth under the provisions of subparagraph (2) of the third paragraph, may be payable within one hundred and twenty months from the date of the note. A loan secured by satisfactory collateral as set forth in subparagraph (3) of the third paragraph shall be payable within sixty months from the date of the note. All such loans shall be paid or renewed on or before the due date.

The maximum amount of a loan or loans made to a member in excess of his shares and deposits and in excess of the shares and deposits of the co-maker, if any, pledged to secure the same, shall be limited as follows except that where satisfactory collateral is pledged, additional loans may be made under the provisions of subparagraphs (1), (2) and (3) as set forth hereunder:

(1) A credit union may make loans to an amount not exceeding seven thousand five hundred dollars and, if the assets of such credit union are four million dollars or more, to an amount not exceeding ten thousand dollars if evidenced by the unendorsed and unsecured note of the borrower.

(2) A credit union may make loans to an amount not exceeding five thousand dollars if evidenced by the note of the borrower and with sufficient collateral pledged to secure the same made up of bonds or notes of the United States, or of any state or subdivision thereof, which are legal investments for credit unions or on the list prepared under section fifteen of chapter one hundred and sixty-seven, valued at not more than eighty percent of their market value or by the assignment of the passbook of a depositor in a savings bank doing business in any of the New England states or in a trust company or national banking association doing business in this commonwealth or the savings share account book of a cooperative bank incorporated in this commonwealth or the unpledged shares thereof represented by passbooks or certificates or the passbook of a shareholder in a federal savings and loan association doing business in this commonwealth or policies issued by life insurance companies authorized to transact business in this commonwealth valued at not more than their cash surrender value. In addition to the authority given herein, a credit union having assets of five hundred thousand dollars or more may lend an amount not in excess of two percent of its assets or fifty thousand dollars, whichever is lesser, upon said collateral and may also secure such notes by taking as collateral therefor the readily marketable common or preferred stocks of corporations listed on a stock exchange which is subject to regulation by the securities and exchange commission, valued at not more than eighty percent of their market value.

(3) A credit union having assets of less than one hundred thousand dollars may make loans evidenced by the note of the borrower and secured by a pledge or security interest in satisfactory collateral valued at not more than eighty-five percent

of its market value, in amounts not exceeding five thousand dollars; a credit union having assets of more than one hundred thousand dollars may make loans evidenced by a pledge or security interest in satisfactory collateral valued at not more than ninety-five percent of its market value, in amounts not exceeding seven thousand five hundred dollars or one percent of assets, whichever is greater; provided, however, that a loan based on one percent of assets shall not exceed forty thousand dollars. Each such loan made under this paragraph shall be payable within sixty months from the date of the note.

(4) A credit union shall, upon application by a depositor or shareholder or by either of two joint depositors or shareholders therein, make a loan to him, secured by his passbook in an amount not exceeding said deposit or share account for a time not extending beyond the end of the dividend period in which the loan was made. Said credit union may charge the depositor or shareholder interest for, or may collect discount in advance upon, the loan at a rate not exceeding one percent more than the rate of the next preceding ordinary dividend of said credit union and, if an extra dividend shall have been paid therewith, not exceeding one percent more than the combined rates of such ordinary and extra dividends; provided, however, that a minimum of one dollar may be charged or collected as such interest or discount in the case of any such loan. The credit union shall keep posted in a conspicuous place in its banking quarters a notice containing the substance of this subparagraph in such form as the commissioner may prescribe.

(5) A credit union may, upon application by a shareholder or depositor or by either of two joint shareholders or depositors in a special notice account, make a loan to him, secured by his share or deposit passbook, in an amount not exceeding said share or deposit balance, for a time not extending beyond the end of the dividend period in which the loan was made or one year from the day on which the loan was made, whichever is longer. Said credit union shall charge the shareholder or depositor interest for, or collect discount in advance upon, such loan at a rate of not less than two percent per annum more than the combined rates of the next preceding ordinary dividend of such credit union and the additional dividend then paid therewith on special notice accounts.

(6) A credit union may make a personal loan of the several classes specified in this section and subject to the conditions contained therein evidenced by a note which provides for variation in the rate of interest over the term of the note; provided, however that such a loan shall be subject to, but not limited to, the following conditions and restrictions imposed by the commissioner: (a) the method by which the rate of interest may be adjusted; (b) the frequency with which the rate of interest may be adjusted, provided, however, that successive rate adjustments shall be no less than six months apart; (c) the maximum increase in the rate of interest allowed for any such adjustment; (d) provisions for decreases in the rate of interest as may be warranted by market conditions; (e) requirements for advance notification and explanation of adjustments in the rate of interest; provided,

however, that such notification and explanation shall occur no less than thirty days prior to such adjustments; and (f), methods of disclosure to the borrower of the terms and conditions of the loan as required under the provisions of chapter one hundred and forty D. Notwithstanding any provision of law to the contrary, the commissioner may, by further conditions and restrictions, provide that the rate of amortization may be varied, including utilizing a period of negative amortization, in order to adjust the rate of interest.

(7) An assignment of wages or a payroll deduction order may be received as satisfactory collateral for any loan not in excess of one thousand dollars.

Section 59A. With the prior written approval of the commissioner, after the board of directors submits a plan to the commissioner for the issuance of credit cards, a credit union may issue and honor credit cards subject to the conditions, limitations and requirements herein stated.

A credit union may issue credit cards for the purpose of making loans to one or more members. Such loans shall be made by such means as the board of directors shall determine including, but not limited to, paying to, or for the account of, any member, the amount of any sales slip, voucher or other evidence of any transaction in which goods or services were sold or cash advanced to said member in reliance on a credit card issued by the credit union. The credit union may advance cash to any member holding a credit card issued by the credit union or by any other person or corporation who, directly or indirectly, has agreed to pay to or for the account of such member, the amount of cash advanced by it in reliance on credit cards issued by said other person or corporation. Such credit cards, loans, advances and documents used in connection therewith shall be in such form and upon such terms and conditions as the board of directors shall determine including, but not limited to, terms and conditions as to revocation, rates of interest and other charges, maturity dates and security, if any.

The total obligation of one or more members pursuant to any credit card agreement entered into under the provisions of this subdivision shall not exceed three thousand dollars; the aggregate balance of such loans and advances made by any such corporation at any time outstanding, shall not exceed ten percent of its deposits and shares.

Section 60. A credit union may make loans to the owner of improved real estate for the purpose of financing the improvement, repair, alteration, rehabilitation thereof, or fuel for supplying the energy needs of such real estate or the purchase and installation of fixtures to be affixed thereto including, but not limited to, the purchase and installation of a solar or wind-powered system or heat pump system. 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. The loan shall be payable within fifteen years from the date of the note. The terms of the note or mortgage shall require that, commencing not later than two months after the date of the note (a) payments shall be made on account of the principal in equal

monthly installments in amounts which, at the maturity of the note, shall equal the original amount of the loan or (b) fixed monthly payments shall be made in approximately the same amount during the term of the loan, which payments shall first be applied to interest and the balance to principal. 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. Loans made under this paragraph may be secured by a first or subordinate mortgage on the real estate to be improved.

Section 61. A credit union may make a loan for the purpose of financing the purchase of a movable dwelling, hereinafter called a mobile home, containing living facilities suitable for year-round occupancy by one family, including permanent provision for eating, sleeping, cooking and sanitation; provided, however, that (a) such mobile home is to be maintained as a residence of the purchaser or of a relative of the purchaser; (b) such mobile home will, within ninety days after purchase, be located at a mobile home park or other semipermanent site within the commonwealth or within a radius of thirty-five miles of the credit union office without regard to geographical location; (c) the principal amount of such loan, excluding interest and other costs, shall not exceed eighty percent of the purchase price of such mobile home, excluding any taxes, transportation expenses, insurance premiums, registration fees and other costs paid or required to be paid by the purchaser in connection with such purchase, or thirty-five thousand dollars, whichever is less; (d) such loan is required to be repaid in substantially equal monthly installments within a period of not more than twenty-five years after the date of such purchase; and (e) the note or other instrument evidencing such loan shall expressly grant to such credit union a security interest in such mobile home and shall include such provision as the credit committee may deem necessary for the protection of such credit union's security interest, including specifically provisions with respect to insurance, taxes and maintenance and repairs.

The aggregate amount of loans made by such credit union pursuant to this section shall not exceed ten percent of its deposits and shares.

Such credit union shall, promptly upon making any such loan, take all action necessary to perfect its security interest, including the filing of a financing statement with the appropriate town clerk or other official, as provided in article nine of chapter one hundred and six.

Section 62. A credit union may make a loan for the purpose of financing the purchase of a boat, camper or trailer to an amount not exceeding, on each loan, one percent of its assets, or thirty thousand dollars, whichever is less. Loans on such vehicles shall be required to be repaid in substantially equal weekly or monthly installments within a period of not more than seven years from the date of such purchase and such loans shall be secured by a security interest on such recreational vehicle.

The credit union shall promptly, upon making any such loan, take all action

necessary to perfect its security interest.

Section 63. A credit union may make loans to aid and assist students to fulfill a program of higher education as provided herein.

Any student who has not attained the age of eighteen and has been admitted to an institution of higher learning or attends such an institution shall have full legal capacity to act in his own behalf in the matter of contracts and other transactions with respect to financing his education under any federal, state or private financing plan, and with respect to such acts done by any such student, he shall have the rights, powers and privileges and be subject to the obligations of persons of full age.

A credit union may make loans to aid and assist students to fulfill a program of higher education if such loans are guaranteed in whole or in part by the Massachusetts Higher Education Assistance Corporation as follows:

1. A student shall be eligible for a loan in a credit union if a member of his family is a member of the credit union.

2. The provisions of section fifty-nine shall not be applicable to loans made under this section.

Subject to such regulations as the commissioner may deem necessary, a credit union may make and acquire such loans and advances of credit to qualified students as are insured by the federal commissioner of education under Part B of Title IV of the Higher Education Act of 1965 (Public Law 89-329), and may obtain and receive such insurance, commitments for such loans, lines of credit and certificates of individual or comprehensive insurance coverage for such loans, as are provided by said act and may pay the premiums for such insurance fixed by the federal commissioner of education pursuant to said act and may receive payments of interest and principal on such loans pursuant to said act and regulations made thereunder.

Section 64. Notwithstanding any prior provisions of the law to the contrary, a credit union may make a loan or a series of loans to its members evidenced by a note, loan agreement or other instrument, with or without security, at such rates of interest and subject to such lawful charges as its credit committee may determine. Such loan or loans shall be payable in installments at intervals not exceeding one month.

The total obligation of any one member to the credit union, outstanding at any one time on this class of loans, shall not exceed that amount which the credit union is legally permitted to extend to any one member on his own signature exclusive of interest.

The aggregate balance of such loans made by the credit union, at any time outstanding, shall not exceed twenty percent of its shares, deposits, loan reserve, investment reserve, undivided earnings and any other surplus accounts.

Section 65. A credit union may make or acquire mortgage loans of the several classes specified in this section on real estate subject, in each instance, to the

limitations hereinafter contained in this chapter. In making mortgage loans on real estate, as specified, a credit union shall also be subject to the condition that each loan shall be on real estate situated within the commonwealth or within a radius of fifty miles of the credit union office without regard to geographical location.

A credit union having assets of not more than seventy-five thousand dollars may invest not more than fifty percent of the aggregate of its shares, deposits, loan reserve, investment reserve, undivided earnings and any other surplus accounts in real estate mortgages. A credit union having assets of more than seventy-five thousand dollars may invest not more than seventy percent of the aggregate of its shares, deposits, loan reserve, investment reserve, undivided earnings and any other surplus accounts in real estate mortgages. A credit union having assets of five hundred thousand dollars or more may invest not more than eighty percent of the aggregate of its shares, deposits, loan reserve, investment reserve, undivided earnings and any other surplus accounts in real estate mortgages.

Except as may be otherwise specified in this section, a credit union having assets of not more than four million dollars may loan, upon any one parcel of real estate, an amount not exceeding seventy-five thousand dollars and the total liabilities of any one member as borrower upon loans so secured shall not exceed one hundred and twenty thousand dollars.

Except as may be otherwise specified in this section, a credit union having assets of four million dollars or more, may loan, upon any one parcel of real estate, an amount not exceeding one hundred and seventy-five thousand dollars and the total liability of any one member as borrower upon loans so secured shall not exceed three hundred thousand dollars.

A credit union having assets of more than four million dollars may grant a first mortgage upon any one parcel of real estate, in an amount which is acceptable for purchase by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation; provided, however, that either the said association or the said corporation has agreed to purchase any such mortgage.

A credit union may make or acquire mortgage loans of the several classes or types specified in this section evidenced by a note which provides for variation in the rate of interest over the term of the note; provided, however, that such a loan made to finance or refinance the purchase of and secured by a first lien on a dwelling house of four or fewer separate households occupied in whole or in part by the mortgagor shall be subject to, but not limited to, the following conditions and restrictions imposed by the commissioner:

(1) the method by which the rate of interest may be adjusted;

(2) the frequency with which the rate of interest may be adjusted; provided, however, that successive rate adjustments shall be no less than six months apart;

(3) the maximum increase in the rate of interest allowed for any such adjustment;

(4) provisions for decreases in the rate of interest as may be warranted by

market conditions;

(5) requirements for advance notification and explanation of adjustments in the rate of interest; provided, however, that such notification and explanation shall occur no less than thirty days prior to such adjustments; and

(6) methods of disclosure to the mortgagor of the terms and conditions of the loan as required under the provisions of chapter one hundred and forty D. Notwithstanding any provision of law to the contrary, the commissioner may, by further conditions and restrictions, provide that the rate of amortization may be varied, including utilizing a period of negative amortization, in order to adjust the rate of interest.

A credit union may make or acquire mortgage loans of the several classes or types specified in this section evidenced by a note which provides for installment payments of principal or interest, or both, that will not amortize the outstanding principal amount in full by the maturity of such note; provided, however, that the term of mortgage securing the note shall be for a period not less than the original or anticipated amortization period; and, provided further, that such loans secured by a first lien on a dwelling house of four or fewer separate households occupied or to be occupied in whole or in part by the mortgagor shall be subject to the conditions and restrictions imposed under the provisions of section sixty of chapter one hundred and eighty-three.

1. A mortgage loan on unimproved and unproductive real estate, not exceeding eighty percent of the value of the real estate, payable not more than ten years from the date of the note. The amount which any such credit union may make or acquire in this class shall not exceed two percent of the aggregate balance of the shares, deposits, loan reserve, investment reserve, undivided earnings and any other surplus accounts of such credit union.

2. A mortgage loan not exceeding sixty percent of the value of the real estate, payable on demand or not more than three years from the date of the note. The amount which any such credit union may make or acquire in this class shall not exceed one percent of the aggregate balance of the shares, deposits, loan reserve, investment reserve, undivided earnings and any other surplus accounts of such credit union.

3. A mortgage loan not exceeding eighty percent of the value of the real estate, payable not more than twenty-five years from the date of the note; provided, however, that the terms of the note or mortgage require monthly payments in such amounts that the aggregate principal reduction at any time during the term of the loan shall not be less than that which would be required in the case of a note of like amount and interest rate providing for complete amortization by equal monthly payments over a period of twenty-five years, which payments shall be first applied to interest and the balance thereafter remaining applied to principal. Interest upon each such loan shall be computed monthly on the unpaid balance. The note or mortgage shall contain a provision requiring the payment each month of a

proportionate part of the estimated real estate taxes and betterment assessments. Notwithstanding the limitations contained herein, a credit union whose shares and deposits aggregate more than two million dollars may make a mortgage loan for a period of not more than thirty years from the date of the note.

4. A credit union whose shares and deposits aggregate more than four million dollars may make a mortgage loan not exceeding ninety percent of the value of the real estate, payable not more than thirty-five years from the date of the note; provided, however, that such loan shall not exceed one hundred and seventy-five thousand dollars and shall be secured by a first mortgage on a single or two family residence occupied or to be occupied by the mortgagor in whole or in part; and, provided further that the mortgagor has certified in writing that he does not require junior financing; that the credit committee has submitted an opinion in writing that the building has a useful life beyond the term said loan has to run and that the building will be completed prior to the making of any disbursement on the loan; and that the terms of the note or mortgage require monthly payments in such amounts that the aggregate principal reduction at any time during the term of the loan shall not be less than that which would be required in the case of a note of like amount and interest rate providing for complete amortization by equal monthly payments over a period of thirty-five years; and provided, further, that the portion of the loan exceeding one hundred thousand dollars shall be guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" under the provisions of the Federal Home Loan Mortgage Corporation Act (P.L. 91-351), or has been approved by the commissioner as qualified to insure loans of this class; and which is authorized to transact business in the commonwealth. Each such monthly payment shall be applied first to interest and the balance to principal. Interest upon each such loan shall be computed monthly on the unpaid balance. The note or mortgage shall contain a provision requiring the payment each month of a proportionate part of the estimated real estate taxes and betterment assessments. The aggregate amount which any credit union may make or acquire under this paragraph shall not exceed fifteen percent of the aggregate balance of the shares, deposits, loan reserve, investment reserve, undivided earnings and any other surplus accounts of such credit union.

5. A credit union whose shares and deposits aggregate more than four million dollars may make a mortgage loan not exceeding ninety percent of the value of the real estate, payable not more than thirty-five years from the date of the note; provided, however, that the loan shall be secured by a mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor; and, provided further, that the term of the note or mortgage shall require monthly principal and interest payments which increase not more than seven and one-half percent annually for a graduation period of five or fewer years; or not more than three percent annually for a graduation period of ten or fewer years; and subsequently

in such amounts that the aggregate principal reduction at any time during the remaining term of the loan shall not be less than that which would be required in the case of a note of like amount and interest rate providing for complete amortization by equal monthly payments over the remaining period of the loan; and, provided further, that construction of the dwelling on the mortgaged property shall be completed prior to the making of any disbursement on the loan in excess of eighty percent of the value of the real estate, that the mortgagor shall furnish to the board of investment an affidavit that the mortgagor does not require junior financing, that the credit committee shall certify in writing that the dwelling has a useful life beyond the term said loan has to run; and, provided further, that that portion of the unpaid balance of the loan which exceeds eighty percent of the value of the acceptable collateral shall be guaranteed or insured by the Federal Housing Administration, the Veterans Administration or a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation, or has been approved by the commissioner as qualified to insure loans of this class and which is authorized to transact business in the commonwealth. Interest upon such loan shall be computed monthly on the unpaid balance. The note or mortgage shall also require payment each month of a proportionate part of the estimated real estate taxes and betterment assessment of the mortgaged real estate. No loan of this class shall be made or acquired for a sum in excess of one hundred and seventy-five thousand dollars. No loan of this class shall allow the payment amount to be changed more than once a year and any such change shall not occur less than one year after the first regular loan payment.

The interest capitalization resulting from any negative amortization of any such loan shall be considered to have been contracted for at the time such loan was made.

The mortgagor shall have the right to convert, at a time chosen by him, to a conventional mortgage as defined by the commissioner, provided that said mortgagor is eligible for such a mortgage.

Each prospective mortgagor offered a graduated payment mortgage shall also be offered a conventional mortgage as defined by the commissioner and shall receive in writing an explanation in simple terms the nature and conditions of the graduated payment mortgage. Such writing shall include; (1) a side-by-side comparison of differing interest rates and other terms; (2) payment schedules to the extent they are known for both types of mortgages; (3) a description of the conversion option; and (4) a statement, prominently displayed, that an applicant has the option to elect a more conventional mortgage.

5A. A credit union may make 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 credit union 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 credit union 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 credit union 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) the repayment date, if a fixed term loan;

(d) the 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) the interest rate, annual percentage rates and total interest payable on the loan;

(g) initial loan fees and charges;

(h) a description of prepayment and refinancing features; and

(i) the 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 credit union 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 credit unions and to the public.

Notwithstanding the foregoing provisions, any credit union 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.

6. A credit union may, subject to such regulations as the commissioner deems advisable, make and acquire or participate with any other credit union in making and acquiring loans secured by first mortgages on a unit of a condominium as defined in section one of chapter one hundred and eighty-three A. The aggregate balance of principal of all such loans outstanding at any one time shall not exceed fifteen percent of the shares and deposits of such credit union.

Subject to the provisions of the first paragraph, a credit union having assets of not more than four million dollars may loan, upon any one such unit of real estate, an amount not exceeding seventy-five thousand dollars, and the total liabilities of any one member as borrower upon loans so secured shall not exceed one hundred and twenty thousand dollars. A credit union having assets of four million dollars or more may loan, upon any one such unit of real estate, an amount not exceeding one hundred and seventy-five thousand dollars, and the total liabilities of any one member as borrower upon loans so secured shall not exceed three hundred thousand dollars.

7. A credit union may make construction mortgage loans with respect to any of the types of mortgage loans authorized by this section; provided, however, that any payments required on account of principal shall commence not later than twelve months from the date of the mortgage note.

8. A credit union whose shares and deposits aggregate more than four million dollars may make mortgage loans on single or two family residential property in participation with other banking institutions or associations. The participating parties shall enter into a written agreement for themselves, their successors and assigns, which shall include provisions for the custody of the note and mortgage and for the servicing and foreclosure thereof. The amount which any such

participating credit union may invest in a participation loan shall not exceed one percent of the aggregate balance of its shares and deposits or fifty thousand dollars, whichever is greater, and the aggregate balance of principal of all such participation loans outstanding at any one time by such credit union shall not exceed ten percent of the aggregate balance of the shares, deposits, loan reserve, investment reserve, undivided earnings and any other surplus accounts of such credit union.

9. Subject to such regulations as the commissioner of banks deems necessary or desirable, any credit union is authorized: (a) to make such loans and advances of credit and purchase of obligations representing such loans and advances of credit, as are insured by the federal housing administrator or commissioner or by the secretary of agriculture under Title I of the Bankhead-Jones Farm Tenant Act, and to obtain such insurance; (b) to make and acquire such loans secured by mortgages on real property in the commonwealth held in fee simple as the federal housing administrator or commissioner or the secretary of agriculture under Title I of the Bankhead-Jones Farm Tenant Act, insures or gives commitments to insure, and to obtain such insurance and, in addition thereto, a credit union having assets in excess of twenty-five million dollars, may make, acquire, service or participate in, with one or more domestic insurance companies authorized to do so, loans secured by mortgages of leasehold interest in real property located in the commonwealth; provided, however, that (1) such leasehold is held from the federal government or the commonwealth or a political subdivision thereof, or any agency of the federal government or the commonwealth, (2) the term of such lease is for not less than fifty years from the date of the execution of the mortgage and note, (3) such loan will, by its terms, be paid in full before the termination of the lease, (4) the federal housing administrator insures or gives commitments to insure such loan under the provisions of the National Housing Act and such insurance is obtained, (5) the aggregate balance of amounts invested in all such loans outstanding at any one time from any such credit union shall not exceed twenty-five percent of its shares and deposits, and (6) the balance of amounts invested in any such loan outstanding at any one time from any such credit union secured by a mortgage of a single leasehold interest shall not exceed two percent of its shares and deposits; and (c), to collect and apply payments due upon and to otherwise service any mortgage loan insured by the federal housing administrator or commissioner or by the secretary of agriculture under Title I of the Bankhead-Jones Farm Tenant Act and, with respect to such mortgage loan, to make agreements with any mortgages approved by the federal housing administrator or commissioner or by the secretary of agriculture under Title I of the Bankhead-Jones Farm Tenant Act to collect and apply payments due upon and otherwise to service any such mortgage loan. A credit union may, in participation with one or more credit unions, banks or domestic insurance companies authorized to transact life insurance, national banking associations or savings and loan associations if such associations are so authorized, make or acquire any of the loans referred to in clause (b) which

are secured by mortgages on real property held in fee simple. With respect to the obligation of any mortgage contract entered into under any provision of this paragraph, for the life of said obligation, no provision of law limiting the ratio of a mortgage loan to the value of the property or the term of the mortgage, or limiting the power of any credit union to make loans other than those secured by mortgages upon real estate shall apply to loans made pursuant to this paragraph and subject to regulations referred to herein, and no provision of law limiting the power of any credit union to make loans shall apply to home improvement loans insured pursuant to the provisions of subsection (h) of section two hundred and twenty or subsection (k) of section two hundred and three of the National Housing Act and subject to such regulations, but no more than twenty percent of the total shares and deposits of any credit union shall be invested at any one time in loans insured pursuant to the provision of said subsection (h) of said section two hundred and twenty or said subsection (k) of said section two hundred and three. Nothing contained herein shall be deemed to abridge any power or authority conferred upon the commissioner of banks by any other provision of law.

Any credit union may sell or assign mortgages to the Federal National Mortgage Association, created under the Federal Housing Act of 1954, and purchase stock of such association, service mortgages therefor and do any and all acts which, under the laws and regulations applicable to such sales or assignments, may be required to enable them to be affected.

10. A credit union may make or acquire loans secured by a second mortgage on residential real estate for noncommercial or nonbusiness purposes to an amount which, when added to the balance due on the first mortgage, does not exceed eighty percent of the value of the real estate as determined by the credit committee; provided, however, that such a mortgage loan shall not exceed the amount any such credit union is authorized to make to the member on the first mortgage loan. Such loan shall be repaid within a period of not more than twenty-five years from the date of the note. The aggregate amount of loans made by such credit union pursuant to this paragraph shall not exceed twenty-five percent of its assets.

11. A credit union may make or acquire open-end mortgage loans not exceeding, in the aggregate, eighty percent of the value of the real estate, pursuant to an agreement to make loans to the mortgagor from time to time. The aggregate outstanding loans of this class pursuant to a single such agreement shall not exceed one and one-quarter percent of the deposits of such corporation or fifty thousand dollars, whichever is greater. An agreement pursuant to this paragraph shall be deemed a note for purposes of this section.

12. Notwithstanding any other provision of law to the contrary, any credit union holding a first mortgage on real estate may take, in substitution therefor, from a person deemed by such credit union to be a bona fide purchaser of such real estate, a first mortgage thereon plus the accumulated interest, taxes, municipal liens and other proper charges due thereon.

Section 66. In making mortgage loans on real estate pursuant to section sixty-five, a credit union shall also be subject to the conditions hereinafter set forth.

1. The person obligated from time to time to make payments under a mortgage, whether as the original borrower or as a subsequent owner of the mortgaged property, shall be or shall become a member of the credit union.

2. There shall be an application for each such loan originated by the credit union. The form of application for a loan to be secured by a mortgage of real estate shall contain:

(a) the date,

(b) the name of the applicant,

(c) amount of loan desired,

(d) assessed value of the real estate in question,

(e) a statement of all balances due on any mortgages outstanding against such real estate,

(f) the income from such real estate,

(g) a description of such said real estate, and

(h) such other information as the board of directors may require.

Before any such loan is made, at least two members of the credit committee, or such greater number as the by-laws of the credit union may provide, shall, in writing on the application, approve the property offered as security and certify as to the value thereof according to their best judgment. Such application shall be filed and preserved with the records of the credit union but may accompany any sale or assignment of such mortgage loan. No application shall be required when a mortgage is acquired by purchase.

3. For every such loan there shall be a note or notes and a mortgage instrument which together shall contain the terms and provisions of the loan.

4. Any note or mortgage may contain conditions requiring the payment monthly, or at other periods of apportionments, of estimated taxes, betterment assessments and premiums for insurance of any kind applicable to the loan.

5. Subject to such requirements or limitations as the board of directors may determine, a credit union, with the assent of the persons obligated on any mortgage loan on real estate, may, from time to time revise, amend, modify, suspend, reduce, extend or otherwise change any of the terms, payments or obligations pertaining to such loan. Every such change shall be evidenced by an instrument setting forth the change, the payments to be made pursuant thereto and the provisions of any mortgage extension, which instrument shall be filed with the papers relating to the loan. Any sums loaned by such credit union, after the recording of its original mortgage, for the purposes referred to in section twenty-eight A of chapter one hundred and eighty-three, shall be governed by the provisions of said section.

The mortgage note evidencing the loan or the mortgage securing such mortgage note shall not be prejudiced by any change made pursuant to this paragraph, notwithstanding the fact that no provision for such change was

originally made in the note or mortgage; provided, however, both the note and mortgage shall continue to be held by the credit union as good and sufficient security for the balance remaining unpaid after the date of such change.

Nothing contained in this paragraph shall be construed to prevent any mortgage loan held by such credit union from being rewritten, substituted or converted into any other type of mortgage which such credit union may lawfully hold.

Whenever any real estate loan is acquired by purchase, any terms thereof may be changed or supplemented by an extension or other agreement in order to cause such loan to conform with applicable provisions of law.

6. Upon the request in writing by the mortgagor, subject to the certification in writing by the credit committee of the credit union that the balance of a first mortgage on real estate is fifty percent or less of the value of the mortgaged property, the board of directors of the credit union may waive the requirement of the payment each month of a proportionate part of the estimated real estate taxes and betterment assessments.

7. A credit union shall accept principal payments in excess of payments required by any mortgage made or acquired and such additional payments may be accepted as anticipating an equal number of whole payments or effecting a reduction of all future payments required by the mortgage. In the event that such additional payments are made, the credit committee may reduce the monthly or other periodic payments as set forth in said mortgage; provided, however, that such reduced payments shall not extend the original term of the mortgage.

8. Every parcel of real estate mortgaged to secure a loan which, by its terms is payable in three years or less from the date of the note or is being amortized at a rate of three percent or less per annum, shall be revalued, as long as the loan is held, at intervals of not more than three years by or under the direction of at least two members of the credit committee who shall, in a written report, certify as to the value of the mortgaged property according to their best judgment. Upon the partial release of any real estate securing a mortgage, the remainder of the security shall have been revalued within three years. Such reports shall be presented to the directors at their next monthly meeting and a reference to such report and any action taken thereon shall be included in the minutes of such meeting.

9. In the event of a delinquency of ninety days in the scheduled payment of interest, principal or taxes, the parcel of real estate mortgaged to secure the loan shall be inspected forthwith by at least two members of the credit committee for the purpose of possible revaluation and thereafter a similar inspection shall be made at least quarterly while such loan shall be in default and a report thereof shall be made in writing and signed by at least one of such members and shall be filed with the board of directors.

Section 67. A credit union may make the following investments:

a) in the shares of the Central Credit Union Fund, Incorporated, as authorized by section three of chapter two hundred and sixteen of the acts of nineteen hundred

and thirty-two;

b) in the shares of any federally chartered corporate credit union provided, however, that not more than twenty-five percent of the assets of a credit union shall be invested in such shares;

c) in deposits in savings banks incorporated in the commonwealth;

d) in paid-up shares and accounts of and in cooperative banks incorporated in the commonwealth;

e) in the shares of savings and loan associations incorporated in the commonwealth;

f) in deposits in trust companies incorporated in the commonwealth;

g) in deposits in banking companies incorporated in the commonwealth which are members of the Federal Deposit Insurance Corporation;

h) in the shares of federal savings and loan associations having a usual place of business within the commonwealth to an amount not in excess of the insurance provided by the Federal Savings and Loan Insurance Corporation for a depositor in any one of such association;

i) in deposits in national banks located in the commonwealth;

j) in bonds or notes of the United States or of any state or subdivision thereof;

k) obligations of other federal agencies which appear on the list of legal investments prepared pursuant to section fifteen A of chapter one hundred and sixty-seven;

l) in repurchase agreements secured by government obligations up to one year maturity;

m) in a common trust unit plan organized for the purchase of obligations of the United States or any subdivision thereof which appear on the list of legal investments prepared pursuant to said section fifteen A of said chapter one hundred and sixty-seven and which plan has as its custodian a banking institution authorized to accept deposits from a credit union or from a savings bank;

n) participate in federal funds with those banking corporations which are listed as eligible for such an investment, on the list of legal investments prepared pursuant to said section fifteen A of said chapter one hundred and sixty-seven;

o) in any obligations, bank stocks, bank holding company stocks, insurance stocks or preferred stocks of public utility companies which appear on the list of legal investments prepared pursuant to said section fifteen A of said chapter one hundred and sixty-seven.

Not more than ten percent of the assets of a credit union shall be invested in bank stocks or bank holding company stocks or insurance stocks or preferred stocks of public utility companies or in all four of such types of stocks appearing on said list and not more than fifteen thousand dollars or two percent of the assets of a credit union, whichever is greater, shall be invested in the stock of any one such bank, bank holding company, insurance company or preferred stock of public utility companies.

Not more than twenty percent of the shares and deposits of a credit union shall be invested in railroad obligations appearing on such list and not more than one and one-half percent of the shares and deposits of any such credit union shall be invested in the obligations of any one operating railroad corporation.

Not more than twenty percent of the shares and deposits of a credit union shall be invested in the obligations of telephone companies appearing on said list and not more than four percent of the shares and deposits of such credit union shall be invested in the obligations of any one such company.

Not more than twenty-five percent of the shares and deposits of a credit union shall be invested in obligations of public utility companies appearing on said list and not more than four percent of the deposits of such credit union shall be invested in the obligations of any one such company.

Not more than ten percent of the shares and deposits of a credit union shall be invested in interest bearing obligations authorized for investment under the provisions of section fifteen B of chapter one hundred and sixty-seven and appearing on the list of legal investments prepared pursuant to said section fifteen A of said chapter one hundred and sixty-seven. Not more than one-half of one percent of the shares and deposits of such credit union shall be so invested in the obligations of any one obligor, but the foregoing limitations shall not apply to obligations of telephone companies, of companies engaged primarily in the distribution and sale of electricity or gas, or both, or of railroad companies other than terminal companies.

p) in shares of one or more investment funds approved by the commissioner and appearing on the list prepared pursuant to said section fifteen A of said chapter one hundred and sixty-seven;

q) in certificates of deposit having a maturity not in excess of two years of a banking corporation; provided, however, that (i) either the banking corporation or a bank holding company as, defined by chapter one hundred and sixty-seven A which owns two-thirds of the outstanding shares of each class of such banking corporation's voting stock has paid, in each of the five years immediately preceding the date of investment dividends, in cash of not less than four percent of its common stock without having reduced the aggregate par value thereof; (ii) the banking corporation has surplus at least equal to fifty percent of its capital stock; (iii) the banking corporation has a combined total of capital stock, surplus, undivided profits, capital debentures and reserve for contingencies at least equal to six percent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment; and (iv) the banking corporation is, if its principal office is located outside the commonwealth a member of the federal reserve system; provided, however, that in the case of a banking corporation having a combined total of capital stock, surplus, undivided profits and reserve for contingencies equal to at least five hundred million dollars, the said combined total may be less than six percent, but not less than five percent, of its aggregate deposit

liability at the end of the calendar year immediately preceding the date of investment. The limitations imposed by clause (i) of this paragraph shall apply to an aggregate investment of not in excess of one hundred thousand dollars in certificates of deposit of a banking corporation, the deposits of which banking corporation are insured by the Federal Deposit Insurance Corporation;

r) in bankers' acceptances of the kinds and maturities made eligible by law for rediscount with federal reserve banks; provided, however, that the same are accepted by a bank, banking association or trust company incorporated under the laws of the United States or of this commonwealth, and having its principal place of business within the commonwealth.

Not more than ten percent of the shares and deposits of a credit union shall be invested in such bankers' acceptances, and not more than five percent of the shares and deposits of such credit union shall be invested in the acceptances eligible by law for rediscount in federal reserve banks of any one accepting bank or trust company; and the aggregate amount of bankers' acceptances of any one bank, banking association or trust company held by any such credit union shall not exceed twenty-five percent of the paid-up capital and surplus of such bank, banking association or trust company;

s) in bonds of governments or countries friendly to the United States as defined by the United States Department of State; and

t) a credit union may contribute such sums as its board of directors may determine to be reasonable (i) 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 the residents of that community; or (ii) 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 67A. 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 interest 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 associa-

tion 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.

Section 68. Any credit union may cause any stock or security in registered form held for its account and not in a fiduciary capacity to be registered and held in the name of a partnership or corporate nominee named by it and residing or having a principal place of business in the commonwealth; provided, however, that nothing in this section shall be construed as to permit any credit union to deliver any security held for its account into the possession and control of any other person except in accordance with the regulations of the commissioner pursuant to section six of chapter one hundred and sixty-seven. A depository having possession of securities of a credit union registered as authorized by this section shall maintain adequate records indicating the ownership thereof, shall segregate the same from his or its own assets and shall be absolutely liable for any loss occasioned by the acts of a nominee.

Section 69. A credit union shall maintain a reserve for losses on loans, which reserve shall equal and be maintained at an amount equal to the average losses sustained on such loans over the previous three most recent years as classified in the commissioner's reports of the last three examinations; provided, however, that if a credit union has not been in existence for three years, the average losses sustained on said loans shall be the average of those losses as classified in the commissioner's reports of its examinations.

Should the reserves maintained in this section and section seventy exceed the amount necessary to be kept or maintained in those accounts, the credit union may transfer such excess into an undivided earnings account.

Section 70. A credit union shall maintain a reserve for losses on investments equal to five percent of the difference between the book value and the market value of all investments mentioned in section sixty-seven excluding those investments which are included in the liquidity reserve.

Should the reserves maintained in this section and section sixty-nine exceed the amount necessary to be kept or maintained in those accounts, the credit union may transfer such excess into an undivided earnings account.

Section 71. At least five percent of the total assets of a credit union shall be carried as cash on hand or in the following investments which shall be the absolute property and shall be under the control of the credit union or be held by book entry procedure when required. Whenever the aforesaid ratio falls below five percent of the total assets of a credit union, no further loans shall be made until the ratio as herein provided has been reestablished.

(a) Shares in the Central Credit Union Fund, Inc.

(b) Shares in a federally chartered corporate credit union.

(c) Deposits in savings banks incorporated in the commonwealth.

(d) Paid-up shares and accounts of and in cooperative banks incorporated in the commonwealth.

(e) Shares of savings and loan associations incorporated in the commonwealth.

(f) Balances due from banks and trust companies or banking companies which are members of the Federal Deposit Insurance Corporation.

(g) Shares of federal savings and loan associations having a usual place of business within the commonwealth.

(h) Bonds or notes of the United States or of any state or subdivision thereof with a maturity of up to five years.

(i) Bonds or notes of other federal agencies which are on the list of legal investments prepared pursuant to section fifteen A of chapter one hundred and sixty-seven with a maturity of up to three years.

(j) Repurchase agreements secured by United States government obligations up to one year maturity.

(k) In a common trust unit plan organized for the purchase of bonds or notes of the United States or of any subdivision thereof which are on the list of legal investments prepared pursuant to said section fifteen A of said chapter one hundred and sixty-seven and which has as its custodian a banking institution authorized to accept deposits from a credit union or from a savings bank.

(l) Securities of the government national mortgage association.

(m) Federal funds.

(n) In any bonds or notes which are on the list of legal investments prepared pursuant to said section fifteen A of said chapter one hundred and sixty-seven with a maturity of up to three years; provided, however, that such bonds or notes are rated as, A, AA, or AAA.

(o) Certificates of deposits of up to one year maturity which are on the list of legal investments prepared pursuant to said section fifteen A of said chapter one hundred and sixty-seven.

Section 72. The by-laws of a credit union may provide that upon the death of a member who is a borrower by means of a personal loan upon his note, whether or not there are any endorsers or co-makers thereon, but otherwise unsecured, the liability upon such loan shall cease with respect to the unpaid balance of such loan and any loss thereon may be charged to a contingent fund, which fund shall be created and thereafter maintained by such credit union by contributions from undivided earnings, current earnings or from the borrowers, as determined by the board of directors; provided, however, that the operation of such a provision of the by-laws shall not, in any calendar year, result in charges to the contingent fund in excess of ten percent of the loan reserve, investment reserve, undivided earnings and other surplus accounts in addition to the unexpended balance of contributions by borrowers. Each such charge to the contingent fund shall be reported within ten days thereafter to the commissioner, who may make such orders regarding the operation of the contingent fund as he deems advisable.

Section 73. The board of directors, with the approval of the commissioner, may borrow money for and in behalf of the credit union.

Said board may, if the credit union has a deposit or share account therein, borrow money for and on behalf of the credit union, without the approval of the commissioner, from a savings bank, cooperative bank, federal savings and loan association, national bank or trust company, the Central Credit Union Fund, Inc., or the Eastern Corporate Federal Credit Union; provided, however, that money borrowed from such institution is in an amount not exceeding said deposit or share account and is for a time not extending beyond the end of a one year period from the date on which the loan is made.

The board of directors shall forthwith report the terms and conditions of any such borrowing and of any renewal, renegotiation or refinancing thereof to the commissioner, and if the credit union is a member thereof, to the Massachusetts Credit Union Share Insurance Corporation. Said board shall provide such reports, financial statements and other information as the commissioner or, if the credit union is a member thereof, the Massachusetts Credit Union Share Insurance Corporation may from time to time request while any such borrowing or portion thereof remains unpaid.

Section 74. A credit union by a vote of its directors may sell, transfer and assign any and all of its loans, investments or other assets; provided, however, that (a) where loans are sold with recourse, a loan reserve shall be established consistent with the applicable provisions of section sixty-nine and appropriate explanations shall be recorded on the statement of conditions as the commissioner may prescribe; (b) in any case where the consideration to be received is other than cash, the written approval of the commissioner shall first be obtained; (c) where the aggregate amount of sales of loans exceeds twenty percent of the total loans outstanding, the prior written approval of the commissioner for any amount in excess thereof shall be obtained; and (d), no loans, investments or other assets shall be sold, transferred or assigned to another credit union chartered in the commonwealth without the prior written approval of the commissioner.

A credit union may continue to service any loans that it sells and may collect a service charge for such service provided that a formal agreement is effected between both parties.

Any such assignment given as security for borrowing shall constitute a debt which shall be satisfied in the event of the liquidation of the affairs of a credit union before any distribution of its assets to shareholders or holders of other accounts.

Section 75. Subject to the approval of the commissioner, a credit union may invest a sum not exceeding its loan reserve, investment reserve, undivided earnings and other surplus accounts for the purchase of a suitable site and the erection or preparation of a suitable building or for alterations, improvements or additions thereto for the convenient transactions of its business. There may be included in such a purchase, erection, or preparation, subject to the approval of the

commissioner, rental property in a reasonable amount; provided, however, that said rental property is necessary to complete said purchase, erection or preparation.

A credit union whose assets aggregate one million dollars or more may, during any period of twenty-four consecutive months, expend a sum not exceeding, in the aggregate, twenty thousand dollars on any one parcel of real estate owned by it for necessary alterations, improvements or additions for the convenient transaction of its business.

Subject to the approval of the commissioner, a credit union may invest a sum not exceeding its loan reserve, investment reserve, undivided earnings and other surplus accounts for the alterations, improvement and additions to any premises leased by it for the convenient transaction of its business. A credit union whose assets aggregate one million dollars or more may, during any period of twenty-four consecutive months, expend a sum not exceeding, in the aggregate, ten thousand dollars on any one parcel of real estate leased by it.

Subject to the approval of the commissioner, a credit union may invest a sum in excess of fifty thousand dollars for the purchase of electronic data processing equipment.

A credit union may invest an amount to be approved by the commissioner, subject to such regulations, if any, as he may deem necessary, in a corporation or association formed for the purpose of furnishing to such credit union, or to other credit unions or banks as hereinafter provided, statistical or bookkeeping services or information of the kind generally required by a credit union. A credit union may also, in participation with any other credit union, bank or national banking association, invest its shares or deposits in such corporation or association, subject however to the same approval and regulation, if any, as above provided. The provisions of section two of chapter one hundred and sixty-seven shall apply to such corporations or associations. Nothing contained herein shall be construed to preclude a credit union from renting or subscribing for the services of such corporations or association or any other corporation or association rendering such services.

A credit union may purchase by itself or with other credit unions or banks, group life insurance on the lives of debtors who request such insurance. The premium for such insurance, or the premium on an individual life insurance policy held to cover the indebtedness, may be added to the payments required of those who elect to become insured. In the event of the death of any debtor so insured, the insurance proceeds shall be applied to reduce or extinguish the unpaid indebtedness to the extent of such payment.

No director, officer or employee of such credit union shall benefit financially, directly or indirectly from the sale of such insurance.

A credit union may purchase by itself or with a group of credit unions or banks, group accident and health insurance covering debtors of such credit union or group

of credit unions if the debtors request such insurance. Such insurance shall cover all or part of the indebtedness of such debtors. The premium for such insurance or the premium on an individual accident and health insurance policy held to cover the indebtedness, may be added to the payments required of any such debtor who elects to become insured. No director, officer or employee of such credit union shall benefit financially, directly or indirectly, from the sale of such insurance.

A credit union may engage directly in the business of selling, issuing or registering checks, travelers checks or money orders and may cash any check or money order whatsoever and may make charges for any of the foregoing.

A credit union, with the written approval of the commissioner and a utility company doing business in the commonwealth, may at its main office or at any branch office collect payments on bills representing indebtedness to the said utility company.

A credit union may, with the written permission of, and under conditions prescribed by the commissioner, establish and maintain safe deposit vaults and rent boxes or storage space therein.

For the purposes of this section "safe deposit box" shall mean a box or safe in the vaults of any credit union; "lessee" shall mean the person in whose name a safe deposit box stands on the books of a credit union; and "rent" shall mean the amount due to a credit union for the rental or use of a safe deposit box.

A credit union which leases a safe deposit box for rent shall advise the lessee in writing that insurance coverage for the contents of such safe deposit box is not provided by such credit union, but that the lessee may, at his own expense, insure said contents with an insurance company of his own selection. The commissioner shall establish such rules and regulations as he deems necessary to carry out the provisions of this paragraph.

If the rent for a safe deposit box has not been paid for one year after being due, the credit union may mail, postage prepaid, to the lessee at his address shown on its books, a notice stating that if the rent for such safe deposit box is not paid within sixty days from the date of such notice, the credit union may cause such safe deposit box to be opened and the contents to be disposed of in accordance with the provisions of this section. Upon the expiration of sixty days from the date of such notice, if the lessee has failed to pay the rent for such safe deposit box in full to the date of such notice, all rights of the lessee in the safe deposit box and of access thereto shall cease and such credit union may, at any time thereafter in the presence of one of its officers and of a notary public not in the general employ of such credit union, cause such safe deposit box to be opened and such notary public shall remove the contents thereof, list the same and seal such contents in a package, marking thereon the name of the lessee and his address as shown on the books of the credit union. An affidavit setting forth the facts concerning the entry and listi ng the contents of the safe deposit box shall be signed by the officer and the notary public and shall be retained by the credit union. Such affidavit shall be prima facie

evidence of such facts would be admissible.

The package containing the contents of any safe deposit box opened as aforesaid shall be retained on special deposit by the credit union subject to payment of rent due for such safe deposit box, all expenses incurred in connection with opening such safe deposit box and charges for the safekeeping of such package. If such package remains unclaimed for seven years and the amounts due as above provided remain unpaid, the credit union may mail, postage prepaid, to the person to whom, and at the address at which, the notice provided for above was mailed, a notice stating that if such amounts shall not be paid within sixty days from the date of such notice, the credit union will turn over the contents, less the rental charge, to the state treasurer as abandoned property, to be held by him subject to the provisions of chapter two hundred A. The credit union may sell, assign or deliver so much of the contents of such package, at either public or private sale, as will enable it to realize such amount as will compensate such credit union for said charges.

The affidavit required by this paragraph shall be in substantially the following form:-

COMMONWEALTH OF MASSACHUSETTS

County of

We, ____ an authorized official of ____ and ___ a notary public not in the general employ of said credit union, hereby certify that on the ____ day _____ 19 ___, we were present and witnessed the forcible opening of Safe No.____ leased in the name of ____ in the vaults of the ____ office of said credit union; that the contents of said safe were removed, examined, listed and then enclosed in a package and sealed in our presence. We further certify that the following is a true and complete list of all the contents removed from said safe.

(Allow space here for listing of contents.)

_____

Signature of officer. Title.

_____

Name of Credit Union

_____

Signature of notary public not in the general employ of said credit union.

Section 76. A credit union may, with the approval of the commissioner, become a regular member of the National Credit Union Administration Central Liquidity Facility, established by 12 USC 1795b and may invest in the shares of the National

Credit Union Administration Central Liquidity Facility; provided, however, that such investment shall not exceed the amount necessary to become a member of such facility.

A credit union may, with the approval of the commissioner become a member of any corporate credit union which has been approved to act as an agent of the National Credit Union Administration Central Liquidity Facility.

Section 77. A credit union may arrange to have its shares and deposits insured by the Massachusetts Credit Union Share Insurance Corporation. A credit union may arrange with the National Credit Union Administration for the insurance of its shares and deposits pursuant to the Federal Credit Union Act, as amended.

Any credit union which shall apply to said Administration for insurance shall forthwith give written notice of such application to the commissioner. If such application is accepted and such credit union is notified that the Administration is willing to provide such insurance, such credit union may become insured by said Administration; provided, however, that the acquisition of such insurance shall have been approved by the directors of the credit union.

When any credit union which has applied for insurance to said Administration shall have complied with all the requirements prerequisite to obtaining such insurance and shall have received notice in writing from said Administration that it is insured by it, such credit union shall file with the commissioner copies of such notice and of the vote of its directors required by this section such copies to be certified by the president and clerk of the credit union.

Section 78. Any two or more credit unions may consolidate into a single corporation on such terms as shall have been agreed upon by a vote of two-thirds of the board of directors of each corporation, and as shall have been approved in writing by the commissioner; provided, however, that such action is approved at a special meeting of the members of each corporation called for that purpose, by a vote of at least two-thirds of those members present, qualified to vote and voting; and, provided further, that such consolidation has been approved in writing by the board of directors of the Massachusetts Credit Union Share Insurance Corporation, if one or more of such credit unions is a member of said corporation. Notice of such meeting, setting forth the terms of consolidation agreed upon, shall be advertised at least ten days before the meeting in a newspaper published in each city or town in which any of such credit unions has a place of business or, if there is no newspaper published therein, in a newspaper published daily in any city or town in the same county which has a circulation in such city or town in which such credit union has a place of business. In addition to such advertisement, the commissioner may order such notice to be advertised in such manner as the commissioner may direct. A certificate subscribed by the presidents and clerks of all such credit unions, setting forth that each such credit union has complied with all of the requirements of this section, shall be submitted to the commissioner and, if the commissioner and the board of directors of the Massachusetts Credit Union

Share Insurance Corporation approve such consolidation, they shall endorse their approval upon said certificate, whereupon such consolidation shall become effective. A new name or the name of any of the consolidating credit unions, may be adopted as the name of the continuing credit union at the meetings herein provided for and, upon approval of the consolidation, it shall become the name of the continuing credit union without further action under the laws of the commonwealth respecting change or adoption of a new name on the part of the continuing credit union.

If none of the credit unions to be consolidated is a member of the Massachusetts Credit Union Share Insurance Corporation, the commissioner shall, and if one or more of such credit unions is a member of the Massachusetts Credit Union Share Insurance Corporation, then the commissioner and the board of directors of the Massachusetts Credit Union Share Insurance Corporation shall determine the value of shares and deposits, if any, in each consolidated credit union; and the loan reserve, investment reserve, undivided earnings and any other surplus accounts, if any, of each of such credit unions shall be disposed of as he or they may direct.

Upon the consolidation of any two or more credit unions under the provisions of this section, the corporate existence of all but one of the consolidating credit unions shall be discontinued and consolidated into that of the remaining credit union, which shall continue; and the charter of each other credit union shall become void. All of the rights and privileges of each consolidating credit union and its right, title and interest to all property of whatever kind and thing in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it except for such consolidation, shall be deemed fully, and without any right of reversion, to be transferred to or vested in the continuing credit union, without further act or deed and the continuing credit union shall have and hold the same in its own right to every extent that the same was owned and held by the consolidating credit union from which it was transferred.

A consolidating credit union's rights, obligations and relations to any person, member, creditor, trustee or beneficiary of any trust, as of the effective date of the consolidation, shall remain unimpaired and the continuing credit union shall, by the consolidation, succeed to all such relations, obligations and liabilities, as though it had itself assumed the relation or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause whatsoever shall not be impaired by the consolidation; nor shall any obligation or liability of any member in any such credit union, continuing or consolidating, which is party to the consolidation, be affected by any such consolidation, but such obligations and liabilities shall continue as fully and to the same extent as the same existed before the consolidation.

A pending action or other judicial proceeding to which any of the consolidating credit unions is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation, but may be prosecuted to final judgment, order or

decree in the same manner as if the consolidation had not been made; or the continuing credit union may be substituted as a party to any such action or proceeding to which the consolidating credit union was a party, and any judgment, order or decree may be rendered for or against the continuing credit union that might have been rendered for or against such consolidating credit union if consolidation had not occurred.

If the consolidating credit unions have main offices in different counties, the main office of the continuing credit union shall be the main office of that consolidating credit union which has the greater total assets on the date on which the merger or consolidation is approved by the board of directors of the last consolidating corporation so to approve.

Section 79. If the commissioner has taken possession of a credit union as provided for in sections twenty-two to twenty-six, inclusive, of chapter one hundred and sixty-seven or a credit union is in the possession of the Massachusetts Share Insurance Corporation and it is determined by the commissioner and the insurer that it is in the best interests of the depositors, shareholders and insurer, a merger as provided for in section seventy-eight may be effected without regard to geographical limitations within the commonwealth.

The geographical restrictions on branches or depots of merged credit unions as set out in section eight shall not apply to this section.

Section 80. Any credit union operating under a charter other than one issued by the commonwealth and having a usual place of business therein may, if authorized by a vote of at least a majority of its members present and voting at a meeting specially called for that purpose, make application to the commissioner for consent for incorporation under this chapter. Said commissioner may grant his consent to such incorporation when satisfied that the assets of such credit union qualify for investment by a credit union incorporated under this chapter. If any of the assets of the applicant credit union do not qualify as legal investments for a credit union incorporated under this chapter, such consent may nevertheless be given, subject to such terms with respect to the time in which the same shall be disposed of or converted into legal assets as the commissioner may impose. Upon the issuing by the state secretary of the certificate of incorporation, all of the assets of the applicant credit union shall be transferred to and vested in the credit union so incorporated, to the same extent as would result from a merger of the applicant credit union and the new credit union under section seventy-eight. The newly incorporated credit union shall thereupon issue its shares, in the same amount and to the same persons, in satisfaction of the shares of the applicant credit union, and assume the deposit and other liabilities thereof. Thereupon the charter of the applicant credit union shall be surrendered to the issuing authority for cancellation by it and the new credit union shall be operated under and governed by this chapter.

Section 81. At any regular or special meeting, if proper notice of the purpose

has been given, the members, upon recommendation of not less than two-thirds of the board of directors, may, by a two-thirds vote of those present and entitled to vote, vote to liquidate the credit union. If a credit union is a member of the Massachusetts Credit Union Share Insurance Corporation, a committee of four shall be appointed in the following manner for the purpose of conserving and liquidating the assets, under the direction of said Massachusetts Credit Union Share Insurance Corporation and the commissioner: two members of the committee shall be appointed by the board of directors of the Massachusetts Credit Union Share Insurance Corporation, and two members shall be appointed by the liquidating credit union. If the credit union is not a member of the Massachusetts Credit Union Share Insurance Corporation, a committee of four members shall thereupon be elected by the members of the credit union for the purpose of conserving and liquidating the assets, under the direction of the commissioner. Any vacancy in the membership of the committee shall be filled by the remaining members thereof. The committee, in the name of the credit union, may prosecute and defend all suits and other legal proceedings and may execute all deeds and other instruments necessary to effectuate any sale of real or personal property or any compromise authorized by the committee; and any instrument so executed shall be valid and effectual to the same extent as though executed by the officers of the credit union by authority of its board of directors or of its members. After the credit union has voted to liquidate, no receipts shall be accepted for, or withdrawals be allowed from, its share or deposit accounts and no shares shall be transferred to deposits. No loans shall be offset against shares except as approved by the committee. After the payment of all debts and deposits, all holders of claims arising out of the ownership of shares, including persons who have not received payment for shares after requesting the withdrawal thereof, shall be entitled to the remaining assets in liquidation in proportion to their respective interests therein. The charter of a credit union in process of liquidation shall become void except for the purpose of discharging existing obligations and liabilities.

Funds representing unclaimed dividends in liquidation and remaining in the hands of the liquidating committee for six months after the date of the final dividend, shall be deposited by them together with all books and papers of the credit union, with the commissioner. Such funds shall be deposited in one or more trust companies, savings banks or national banks or on paid up shares and accounts of and in cooperative banks, or be used to purchase share accounts of a federal savings and loan association located in the commonwealth to the credit of the commissioner in his official capacity in trust for the members of the liquidating credit union entitled thereto, according to their several interests. Upon receipt of evidence satisfactory to him, the commissioner may pay over the money so held by him to the persons respectively entitled thereto.

In cases of doubt or of conflicting claims, he may require an order of the supreme judicial court authorizing and directing the payment thereof. He may

apply the interest earned by the moneys so held toward defraying the expenses incurred in the payment of such unclaimed dividends. At the expiration of twelve months from the date of receipt thereof, such funds as still remain in the hands of the commissioner shall be disposed of as provided in section thirty-five of chapter one hundred and sixty-seven.

The provisions of this section providing for a preference in the payment of deposit liability shall not apply to credit unions which are insured in full.

Section 82. Fifteen or more credit unions, having assets of fifty thousand dollars or more each, may form the Credit Union Employees Retirement Association, in this section and in sections eighty-three and eighty-four called the association, for the purpose of providing pensions for eligible employees of the participating credit unions who retire on account of age or disability.

All credit unions established under the laws of the commonwealth, the Massachusetts CUNA Association, Inc., the Credit Union League of Massachusetts, Inc., the Central Credit Union Fund, Inc., the Massachusetts Credit Union Share Insurance Corporation, and such other Massachusetts credit union organizations as from time to time may be provided for in the by-laws of the association, and such of the respective employees of each of the foregoing as may be provided by such by-laws, shall be eligible for membership in the association. For the purpose of this section and sections eighty-three and eighty-four a reference to "credit union" or "credit unions" shall, unless the context otherwise requires, mean and include any or all of the organizations named in this paragraph, and reference to "directors" of a credit union shall also, unless the context otherwise requires, mean and include the governing body of each of such organizations.

Eligible employees may contribute a portion of their salaries or wages, to be deducted by the employing credit unions and paid to the association. A participating credit union may contribute to the funds of the association to the extent determined by its directors but its contributions for current services, as defined in the by-laws, on account of any employee shall not exceed fifteen percent of his compensation.

A participating credit union may also contribute for service, as defined in the by-laws, amounts necessary to provide eligible employees with an annuity or pension to begin at age sixty-five or later, such annuity or pension not to exceed sixty percent of the highest average salary for any three successive years within the five years preceding retirement.

The funds contributed by participating credit unions and member employees shall be held or used by the trustees of the association for the purchase of annuities or payment of pensions to eligible employees upon their retirement from service, for the payments to beneficiaries or representatives of any member employee of the participating credit union dying before reaching the age of retirement, and for the payment to any such employee retiring from service before becoming entitled to a pension or annuity. Expenses necessary for the administration of the associa-

tion shall be paid by participating credit unions, on a proportionate basis as provided in the by-laws.

In the event that any employee who has been continuously in the employ of such credit union for ten years or more becomes incapacitated for further service by reason of physical or mental disability before age sixty-five, the employing credit union may pay him a pension in an amount not to exceed two percent of his average salary for the three years preceding the date of retirement for each year, not exceeding thirty years, of continuous service with any and all credit unions as defined in the second paragraph of this section. Any pension paid on account of disability may be discontinued at any time by the directors of the employing credit union, and shall be discontinued when any such pensioner substantially recovers his earning capacity, or attains age sixty-five or the date the employee elects to have his pension or annuity commence.

Nothing in this section shall be construed to 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.

In any calendar year, the association or credit union, by vote of its board of trustees or directors, may directly supplement the retirement benefits being paid to the former employees or their beneficiaries on account of credit union service; provided, however, that no supplement of a retirement benefit shall exceed the retirement benefit multiplied by the increase in the cost of living since the retirement benefit began. The increase in the cost of living is the percentage by which the national monthly consumer price index for all urban consumers issued by the bureau of labor statistics of the United States Department of Labor for the last November before the year in which payment is made is greater than the beginning index figure. The beginning index figure is the average of such monthly consumer price index figures for the year in which a retirement benefit was first paid to or with respect to a former employee. No credit union may become obligated to pay in future years any supplement authorized by this paragraph.

Section 83. The by-laws of the association shall be submitted to the commissioner and shall prescribe the manner in which, and the officers and agents by whom, the association may be conducted and the manner in which its funds may be invested and paid out. Such association shall be formed when its by-laws have been approved and agreed to by a majority of the directors of each of fifteen or more credit unions and have been approved by the commissioner. Such association shall, annually, on or before December first, report to the commissioner such statements of its membership and financial transactions for the year ending on the preceding October thirty-first as the commissioner may consider necessary

to show its business and standing. The commissioner may verify such statement by an examination of the books and papers of the association.

The association shall not be subject to chapter thirty-two or chapter one hundred and seventy-five or to such other provisions of law as relate to insurance companies or other retirement associations.

Section 84. The property of the association, the portion of the wages or salary of any employee deducted or to be deducted under sections eighty-two and eighty-three, the right of an employee to an annuity or pension and all his rights in the funds of the association, shall be exempt from taxation and from the operation of any law relating to insolvency, and shall not be attached or taken on execution or other process to satisfy any debt or liability of the association, a participating credit union or any employee member of the association. No assignment of any right in or to said funds or of any pension or annuity payable under section eighty-two shall be valid.

Nothing in this section shall be construed to prevent an employee's annuity or pension from being attached, taken on execution, assigned or subject to other process to satisfy a support order under chapter two hundred and eight, two hundred and nine, or two hundred and seventy-three.

SECTION 2. Chapter 216 of the acts of 1932 is hereby amended by striking out section 4, as most recently amended by chapter 187 of the acts of 1978, and inserting in place thereof the following section:-

Section 4. The corporation may invest its funds in loans to members in such manner as its by-laws shall prescribe and may borrow money for such purpose. It may also invest its funds in the funds and securities contained on the list of legal investments prepared pursuant to section fifteen A of chapter one hundred and sixty-seven of the General Laws and in deposits in trust companies or savings banks incorporated under the laws of this commonwealth or in national banks located therein and may participate in federal funds transactions. It may also invest in common trust unit plans described in section sixty-seven of chapter one hundred and seventy-one of the General Laws and in state or federally regulated entities which serve as investment vehicles or provide liquidity for state chartered or federally chartered credit unions.

SECTION 3. The fourth paragraph of section 6 of chapter 294 of the acts of 1961 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of section eighty-one of chapter one hundred and seventy-one of the General Laws relative to voluntary dissolution and liquidation of a credit union, in order to give effect to the purposes of this section and subject to the approval of the commissioner and of the corporation, if a credit union is a member of the corporation such member credit union may be dissolved and liquidate its affairs if authorized by a vote of at least two-thirds of its directors.

SECTION 4. The first paragraph of section 6C of said chapter 294 is hereby

amended by striking out the first sentence, as appearing in section 3 of chapter 278 of the acts of 1982, and inserting in place thereof the following sentence:- Any member may withdraw from regular membership in the corporation pursuant to the provisions of paragraphs (a) and (b) and of section seventy-seven of chapter one hundred and seventy-one of the General Laws.

SECTION 5. Paragraph (a) of said section 6C of said chapter 294 is hereby amended by striking out the second paragraph, as so appearing, and inserting in place thereof the following paragraph:-

Subject to the preceding paragraph, when any regular member which has applied for insurance of its shares and deposits under the Federal Credit Union Act shall have received notice in writing from the Administrator of the National Credit Union Administration that it is insured by him, such member shall give written notice thereof to the corporation an
d shall file with it copies of said notice from the Administrator and of the vote of its directors provided in section seventy-seven of chapter one hundred and seventy-one of the General Laws.

Approved June 20, 1990.

Chapter 80. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Susan Pearson in the city of Boston on June twenty-third, nineteen hundred and ninety between Eve Wrigley of Simsbury, Connecticut and Ted Zizza of the town of Brookline, and the state secretary shall issue to said Susan Pearson a certificate of such authorization.

Approved June 22, 1990.

Chapter 81. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF AMHERST TO JAY GARFIELD AND BLAINE GARSON.**

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 sell and convey by deed approved as to form by the attorney general, a certain parcel of land located in the town of Amherst, to Jay Garfield and Blaine Garson subject to such terms and conditions as the deputy commissioner may prescribe, in consultation with the department of environmental management. Said parcel is bounded and described as follows: Beginning at an iron pipe, Massachusetts Grid Coordinate N 495,900.501, E 328,488.779; said pipe is located at Station 4824+78.9, as shown on the plan of the Boston and Maine Corporation Right-of-way, dated 11-21-84 and stamped by Corwin H. Rose, R.L.S. Thence
S 58° 28' 24" E, a distance of 10.00 feet to a point; with Massachusetts grid coordinate of N 495,895.271, E 328,480.256; thence along a curve having a radius of 1605.75 feet, a distance of 185.26 feet to a point in the northerly sideline of South East Street, Mass. Grid Coordinate of N 496,058.424, E 328,392.726; thence
N 9° 34' 08" W, a distance of 39.30 feet along the layout line of South East Street to a point as shown in the original layout of the Boston and Maine Railroad right-of-way, with a Mass. Grid Coordinate of N 496,097.172, E 328,386.194; thence along a curve of radius of 1595.75 feet, a distance of 221.99 feet, to the point of origin. Said commencing point is referenced by a second iron pipe located N 62° 32' 59" E, a distance of 47.06 feet from beginning pipe. (See Plan Book 78, Page 34, By Almer Huntley and Associates, R.L.S.). Said Parcel containing approximately 2,195 square feet or .0504 Acres.

Approved June 25, 1990.

Chapter 82. **AN ACT DIRECTING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO LEASE A CERTAIN PARCEL OF LAND AND A BOATHOUSE IN THE CITY OF CAMBRIDGE FOR USE FOR ROWING AND BOATING RELATED PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations in consultation

with the metropolitan district commission, is hereby authorized and subject to the provisions of sections 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, subject to the terms and conditions as determined by said division in consultation with said commission, one or more instruments to lease a certain parcel of land two hundred and fifty feet, more or less, in length and the existing boathouse and other improvements thereon, and the docks, floats, and piers associated therewith located in the city of Cambridge, seven hundred and fifty feet, more or less, easterly of the Boston University bridge, for rowing and related purposes, to the Trustees of Boston University in order to effect an extension of said University's current right of use and occupancy of land and improvements.

The original lease or leases of such land to Boston University shall be for a period not to exceed twenty-five years, and shall be for not less than fair market value for comparable rentals. Said division, in consultation with said commission, may renew such lease or leases, subject to the approval of the general court, for an additional period of ten years; provided, however, that any additional renewals or leases for any further term of years shall also require approval of the general court.

The parcel of land to be leased herein by Boston University is shown on a plan of land entitled "Lease Plan for Boston University Boat House Memorial Drive - Cambridge, MA." prepared by Harry R. Feldman, Inc., surveyors, dated December 1, 1988, containing 38,625 square feet, more or less, and bounded and described according to said plan, as follows:-

Beginning at a point in the southerly sideline of Memorial Drive distant easterly 750 feet, more or less, from the Boston University Bridge, thence running

North 89 00'00" East by the southerly sideline of Memorial Drive, 250 feet to a point; thence

South 01 00'00" East by other land of the Metropolitan District Commission, about 147 feet to the Harbor Commission Line; thence

South 85 34'30" West along the Harbor Commission Line, about 250.5 feet to a point; and thence

North 01 00'00" West by other land of the Metropolitan District Commission, about 162 feet to the point of beginning at Memorial Drive.

There are appurtenant to said property customary riparian rights in and to the Charles River.

SECTION 2. The division of capital planning and operations shall file a copy of said lease or leases at least twenty business days prior to the execution thereof by said division with the inspector general and a copy thereof with the clerk of the house of representatives who shall forward the same to the joint committee on state administration. The inspector general shall review and comment, and any recommendations thereon by the inspector general, shall be forwarded to said clerk and to said joint committee on state administration. Said lease or leases, when

executed by the deputy commissioner, shall be deemed to have been conclusively authorized hereby; provided, however, that all provisions contained therein are consistent with the provisions of this act. Said deputy commissioner from time to time is hereby authorized to execute and deliver, in the name and on behalf of the commonwealth, a notice of such lease or leases for recording and any and all other agreements and instruments related to the lease or leases authorized hereby which said division may, from time to time, determine appropriate. Any such notice of lease or leases, when executed by said deputy commissioner shall be deemed conclusively authorized hereby; provided, however, that all provisions contained therein are consistent with this act.

No sub-lease or sub-leases of such land or any building or portion thereof shall be executed without the prior approval of the general court.

No privately owned, occupied, or financed building of any kind may be erected upon said land without the written approval of said divisions, in consultation with the metropolitan district commission, a copy of which shall be submitted to the clerk of the house of representatives who shall forward same to the joint committee on state administration. Plans for any such building shall be submitted to said division for its approval prior to any construction thereon. In like manner any alteration, addition thereto, or destruction or demolition thereof shall require the prior written approval of said division copies of any and all plans, together with all such written approvals therefor by said division shall be sent to the joint committee on state administration by said division to be kept on file.

The rental payment to the commonwealth for the lease or leases authorized by this act shall not be subordinated to any household mortgage of the lessee.

The lease or leases shall provide that the commonwealth may repossess the leased premises if payment of the rent or any other sum is not timely paid, or if the lessee otherwise defaults and that, notwithstanding such default, the lessee shall continue to owe rent or any other sums of money due to the commonwealth under the provisions of said lease or leases.

The lessee shall carry, in an amount approved in writing by the deputy commissioner of the division, comprehensive general liability insurance protecting the lessee and the commonwealth against personal injuries and property damage occurring on said property within any structure or building erected thereon, or using any equipment including, but not limited to, boats of any size assigned thereto; and such fire and extended risk insurance, as said deputy commissioner deems appropriate.

Boston University shall have the right, subject to the prior written approval of said deputy commissioner in consultation with the metropolitan district commission, to construct additions to or extensions of any of the improvements, and to perform restorations, or renovations thereto.

No sale, transfer, conveyance or any other disposition of such land, and

buildings thereon, if any, may be made without the prior approval of the general court.

SECTION 3. No lease or leases of the property described in section one shall be valid unless such lease or leases shall provide that the Trustees of Boston University shall provide that said property shall be utilized during the months of July and August, annually, for said University's summer rowing program, open to residents of the commonwealth, and operated by and under the supervision of said University, in consultation with the division of capital planning and operations and the metropolitan district commission. Said summer rowing program shall commence no later than the first Monday after the fourth of July and shall terminate on the last Friday in August, annually. Said rowing program shall not be required to operate on any Saturday or Sunday.

No lease or leases shall allow for the sale or consumption of alcoholic beverages of any kind in any building or on any land or improvements leased under the provisions of this act.

Approved June 25, 1990.

Chapter 83. **AN ACT PROVIDING FOR THE ABANDONMENT OF A CERTAIN WAKEFIELD SEWER EASEMENT.**

Be it enacted, etc., as follows:

SECTION 1. The commonwealth unless expressly waived by this act, the deputy commissioner of the division of capital planning and operations is hereby authorized to abandon by deed approved as to form by the attorney general, a certain sewer easement in the town of Wakefield no longer needed for the construction, maintenance or operation of the Massachusetts Water Resources Authority sewer system. Said easement is more particularly shown in a plan on file at the division of capital planning and operations entitled: "Plan of Land, Wakefield, Mass., Showing Abandonment of 15' Wide Metropolitan District Commission Force Main Easement, Scale 1" = 40', Dated: October 29, 1987, Prepared By: Bryant Associates, Inc., Boston, Mass. The abandonment of said easement shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe, in consultation with the Metropolitan District Commission and the Massachusetts Water Resources Authority.

SECTION 2. The provisions of sections forty F, forty F 1/2, and forty H of chapter seven of the General Laws shall not apply to the abandonment of the easement authorized by this act.

Approved June 25, 1990

Chapter 84. **AN ACT AUTHORIZING THE TOWN OF SANDWICH TO GRANT A CERTAIN EASEMENT IN CONSERVATION LAND.**

Be it enacted, etc., as follows:

The town of Sandwich is hereby authorized to grant an easement in certain conservation land to the Sandwich Water District for the installation, construction and maintenance of a water storage tank, pipeline and related utilities and structures.

Said easement is shown on a plan entitled "Plan of Land in Sandwich, Massachusetts showing Easement for Sandwich Water District" dated October sixteenth, nineteen hundred and eighty-nine, as drawn by Kingsbury Surveying Company, Inc.

Approved June 25, 1990.

Chapter 85. **AN ACT DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT CERTAIN EASEMENTS IN THE TOWN OF BOURNE.**

Be it enacted, etc., as follows:

The division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to grant by deed, approved as to form by the attorney general, a permanent easement over a parcel of land located in the town of Bourne and described in a deed recorded in the registry of deeds in the county of Barnstable in Book 3498, Page 92 to the following owners of the following described properties or to any future owner of any or all such property as hereafter described:-

LOT # 1: owned by: Ronald M. Mollica and Vera M. Mollica, described in a deed recorded at the registry of deeds in the county of Barnstable in Book 1767 page 28.

LOT # 2: owned by: John J. Mollica and Barbara Mollica, described in a deed recorded at the registry of deeds in the county of Barnstable in Book 1776 page 19.

LOT 33: owned by: Albert J. Timo and Marilyn R. Timo, described in a deed recorded at the registry of deeds in the county of Barnstable in Book 1776, Page 17.

Approved June 25, 1990.

Chapter 86. **AN ACT FURTHER REGULATING SMOKING IN CERTAIN HEALTH CARE FACILITIES.**

Be it enacted, etc., as follows:

The second paragraph of section 22 of chapter 270 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- Any person admitted to a health care facility as defined in said section nine C of said chapter one hundred and twelve shall, upon request, be assigned a room in which smoking is not permitted and shall be entitled to be assigned to such room for the duration of his stay or until an alternative assignment is requested.

Approved June 26, 1990.

Chapter 87. **AN ACT DISSOLVING THE ERVING ELECTRIC LIGHT DISTRICT AND TRANSFERRING ITS FUNCTIONS TO THE TOWN OF ERVING.**

Be it enacted, etc., as follows:

SECTION 1. The commissioners of the Erving Electric Light District, established by chapter four hundred and ninety-six of the acts of nineteen hundred and nine are hereby authorized to convey the real and personal assets of the district to the town of Erving, provided said town assumes the obligations, duties, indebtedness and liabilities of said district including the powers and duties provided in sections two and three.

SECTION 2. All rules, regulations and rates established by said district shall remain in force so far as consistent with this act until repealed or amended by the town of Erving. All assessments and taxes levied by the district which are unpaid on the effective date of this act shall remain in force as assets of said town to be collected and enforced by said town. All outstanding contracts of said district shall remain in force as contracts of said town.

SECTION 3. The town of Erving shall have within its boundaries the powers granted to said district within its boundaries and said town may levy charges and incur debt for the purposes of this act.

SECTION 4. Upon the completion of the conveyance authorized by the commissioners of the Erving Electric Light District said district shall be dissolved.

Approved June 26, 1990.

Chapter 88. **AN ACT ESTABLISHING A SPECIAL ACCOUNT FOR THE WORCESTER COUNTY HOSPITAL.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the county of Worcester is hereby authorized to establish a special account to be known as the Worcester county hospital operations account. Into such account shall be deposited all receipts, revenues and funds from any source derived from any activity of the Worcester county hospital.

SECTION 2. The account authorized by section one shall be maintained by the county treasurer of the county of Worcester in accordance with the provisions of section ten of chapter thirty-five of the General Laws and expenditures from such account shall be made by the administrator of the Worcester county hospital without appropriation and used solely for the operation and maintenance and for the provision of capital, equipment and plant for said hospital. Such account shall be maintained in accordance with generally accepted principles of accounting, and shall be audited annually by a certified public accountant. Such audits shall be submitted to the board of trustees of said hospital, the Worcester county advisory board, said county treasurer, and the bureau of accounts. The county treasurer shall invest the monies in said account as authorized by law and the interest accruing thereon shall inure to the benefit of said hospital. For the purpose of providing health care for the citizens of the county of Worcester, said county may from time to time appropriate monies by assessment into said account and donations from private sources may be received into said account.

SECTION 3. The county treasurer, upon written request of the administrator of Worcester 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 estimate 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. Such loans outstanding at any one time in any fiscal year shall not exceed, in the aggregate, thirty percent of the annual expenses of the current fiscal year as certified by said administrator, or such larger amounts as may be approved by the county commissioners and the Worcester county advisory board. All sums so borrowed shall be deposited into said account established under section one.

SECTION 4. The administrator of Worcester county hospital shall file with the county commissioners, the Worcester county advisory board, the county treasurer, and the bureau of accounts, a written report of the special account established

under the provisions of section one within one hundred and twenty days after the end of the fiscal year. Such report shall include financial statements relating to the operation, maintenance, capital and real properties of said hospital. The administrator shall annually, not later than sixty days prior to the expiration of each fiscal year, submit to the county commissioners and the county advisory board a financial plan in such form as the board of trustees may approve.

Said financial plan must be approved by the county commissioners of the county of Worcester and the Worcester county advisory board prior to the beginning of the fiscal year. The board of trustees of Worcester county hospital may authorize expenditures up to five percent more than presented in the approved financial plan. If the board of trustees of Worcester county hospital wish to increase expenditures by more than five percent of the amount as presented in the approved financial plan, a revised financial plan shall be submitted to said county commissioners and the Worcester county advisory board for their approval.

SECTION 5. In order that the fiscal affairs of the hospital may be managed by the hospital board of trustees so as to reduce the cost to the taxpayers, an assessment need not be rendered at the close of any fiscal year in which a deficit occurs.

SECTION 6. Notwithstanding the provisions of section thirty-two of chapter thirty-five of the General Laws, the administrator of Worcester county hospital may expend funds from the Worcester county hospital operations account, established under section one 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 and shall have been approved by the county commissioners of the county of Worcester and the county advisory board of said county, as provided in section four.

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

Approved June 27, 1990.

Chapter 89. **AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-ONE 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 four hundred million twenty-five thousand dollars is hereby made available in the fiscal year ending June thirtieth, nineteen hundred and ninety-one, to meet necessary expenditures prior to the enactment into law of the general appropriations act for the nineteen hundred and ninety-one 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-one 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, 1990.

Chapter 90. **AN ACT RELATIVE TO EMINENT DOMAIN PROCEDURES FOR THE NORTHERN BERKSHIRE INDUSTRIAL PARK AND DEVELOPMENT CORPORATION.**

Be it enacted, etc., as follows:

Paragraph (k) of section 4 of chapter 758 of the acts of 1985 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The provisions of section forty of said chapter seventy-nine shall apply to any taking by the corporation.

Emergency Letter: July 2, 1990 @ 9:09 A.M. Approved June 29, 1990.

Chapter 91. **AN ACT RELATIVE TO THE DATE OF THE ANNUAL TOWN MEETING OF THE TOWN OF STOUGHTON.**

Be it enacted, etc., as follows:

SECTION 1. Article 7 of the charter of the town of Stoughton 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 paragraph and inserting in place thereof the following paragraph:-

The annual town meeting shall be held on the first Monday in May. The board of selectmen shall insert all articles into the warrant for the annual town meeting

which bear signatures of ten or more registered voters of the town. The annual town meeting warrant shall close to petitioned and budget articles on December thirty-first of the year previous to the annual town meeting. The warrant shall remain open to the board of selectmen until the first Monday in February.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Stoughton at the annual town election to be held in the year nineteen hundred and ninety or at any regular or special town election to be held thereafter in the form of the following question which shall be placed on the official ballot to be used for the election:-

"Shall an act passed by the general court in the year nineteen hundred and ninety, entitled 'An Act relative to the date of the annual town meeting in the town of Stoughton', be accepted?"

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

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

Approved July 3, 1990.

Chapter 92. AN ACT AUTHORIZING THE TOWN OF SUDBURY TO REFUND CERTAIN PROPERTY TAXES.

Be it enacted, etc., as follows:

SECTION 1. The town of Sudbury is hereby authorized to reimburse Harold E. Barker, Jr. and Julia Barker the sum of two thousand seventy-six dollars paid to said town for real estate taxes on property located at 12 DeMarco road in said town, which were erroneously assessed for the fiscal years nineteen hundred and eighty-one through nineteen hundred and eighty-eight.

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

Approved July 3, 1990.

Chapter 93. AN ACT AUTHORIZING THE TOWN OF SUDBURY TO REFUND CERTAIN PROPERTY TAXES.

Be it enacted, etc., as follows:

SECTION 1. The town of Sudbury is hereby authorized to reimburse Martha R. Symington the sum of one thousand six hundred eleven dollars and twenty-seven cents paid to said town for real estate taxes on property located at 20 Bent road in said town, which were erroneously assessed for the fiscal years nineteen hundred and seventy-nine through nineteen hundred and eighty-eight.

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

Approved July 3, 1990.

Chapter 94. **AN ACT EXEMPTING A CERTAIN ADMINISTRATIVE POSITION IN THE SCHOOL DEPARTMENT OF THE TOWN OF FRANKLIN FROM THE PROVISIONS OF CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The administrative position in the business office of the Franklin school department classified with the title of director of administrative services, 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 such position on the effective date of this act.

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

Approved July 3, 1990.

Chapter 95. **AN ACT AUTHORIZING THE TOWNS OF WAYLAND AND SUDBURY TO BORROW MONEY FOR THE RECONSTRUCTION OF A CERTAIN BRIDGE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections seven and ten of chapter forty-four of the General Laws or any other general or special law to the contrary, the towns of Sudbury and Wayland are each hereby authorized to borrow a certain sum of money, not to exceed two hundred thousand dollars, in each instance, which monies shall be used for the construction or reconstruction of a certain wooden bridge, known as the Sherman's bridge, which spans the Sudbury river between the town of Sudbury and the town of Wayland.

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

Approved July 3, 1990.

Chapter 96. **AN ACT RELATIVE TO THE FILING OF PETITIONS FOR ADMINISTRATION IN THE COUNTY WHERE REAL ESTATE IS LOCATED.**

Be it enacted, etc., as follows:

Section 15C of chapter 217 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "will", in line 4, the words:- or petition for administration.

Approved July 3, 1990.

Chapter 97. **AN ACT AUTHORIZING CERTAIN COUNTY TREASURERS TO EXPEND FUNDS IN FISCAL YEAR NINETEEN HUNDRED AND NINETY-ONE.**

Be it enacted, etc., as follows:

SECTION 1. In the event that an annual county budget for a county has not been approved before July first, nineteen hundred and ninety, the county treasurer is hereby authorized to expend monthly for the operation of such county government a sum no greater than one-twelfth of the total amount apportioned for fiscal year nineteen hundred and ninety. Such treasurer shall continue to expend funds in such manner until the annual county budget has been approved and certified by the county government finance review board, but in no case later than October fifteenth, nineteen hundred and ninety; provided, however, that in October, said expenditure shall be no greater than one-twenty-fourth of said amount.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety.

Approved July 3, 1990.

Chapter 98. **AN ACT RELATIVE TO THE BOARD OF REGISTRATION IN DENTISTRY.**

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 52F the following section:-

Section 52G. No person filing a complaint, making a report, providing information or otherwise assisting the board for purposes of said board's discharge of its duties and functions pursuant to sections forty-three to fifty-three, inclusive, shall be liable in any cause of action arising out of such filing, reporting or the providing of such information or assistance; provided, however, that the person filing such complaint, making such report or providing such information or assistance does so in good faith. In any action brought against a person filing a

complaint, making a report, providing information or otherwise assisting the board, where it is determined to be unsubstantiated, frivolous or in bad faith, the court shall award reasonable counsel fees and costs and if the person defending such action is not represented by counsel, the court shall award an amount equal to the reasonable value of such person's efforts in defending such action. The court shall state the method by which any such award is determined.

Approved July 3, 1990.

Chapter 99. **AN ACT INCREASING THE SALARY OF THE MAYOR OF THE CITY OF MEDFORD.**

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 605 of the acts of 1986 is hereby amended by striking out, in line 3, the words "fifty-two thousand" and inserting in place thereof the words:- fifty-nine thousand nine hundred.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety.

Approved July 3, 1990.

Chapter 100. **AN ACT CREATING A REBUTTABLE PRESUMPTION OF JOB-RELATEDNESS FOR FIREFIGHTERS IN THE COMMONWEALTH SUFFERING FROM CERTAIN DISABLING CONDITIONS OF CANCER.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the creation of a rebuttable presumption of job-relatedness in the granting of retirement benefits to firefighters in the commonwealth suffering certain disabling conditions of cancer, therefore it is hereby declared to be an emergency act, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 31 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line eighty-eight, the words "and ninety-four A" and inserting in place thereof the following words:- , ninety-four A and ninety-four B.

SECTION 2. Chapter 32 of the General Laws, is hereby amended by inserting after section ninety-four A, as so appearing, the following section:-

Section 94B. (1) Notwithstanding the provisions of any general or special law to the contrary, any condition of cancer affecting the skin or the central nervous, lymphatic, digestive, hematalogical, urinary, skeletal, oral or prostate systems, resulting in total disability or death to a uniformed member of a paid fire department, or to any permanent crash crewman, crash boatman, fire controlman or assistant fire controlman employed at the General Edward Lawrence Logan International Airport, shall, if he successfully passed a physical examination on entry into such service or subsequent to such entry, which examination failed to reveal any evidence of such condition, be presumed to have been suffered in the line of duty, unless it is shown by a preponderance of the evidence that non-service connected risk factors or non-service connected accidents or hazards undergone, or any combination thereof, caused such incapacity. The provisions of this section shall only apply if the disabling or fatal condition is a type of cancer which may, in general, result from exposure to heat, radiation, or a known or suspected carcinogen as determined by the International Agency for Research on Cancer, so called.

(2) The provisions of this section shall not apply to any person serving in such positions for fewer than five years at the time that such condition is first discovered, or should have been discovered. Any person first discovering any such condition within five years of the last date on which such person actively so served shall be eligible to apply for benefits hereunder, and such benefits, if granted, shall be payable as of the date on which the employee last received regular compensation. The provisions of this section shall not apply to any person serving in such position unless such person shall first establish that he has regularly responded to calls of fire during some portion of the period of his service in such position.

(3) The provisions of this section shall also apply to any condition of cancer, other than those listed in subdivision (1), which, in general, may result from exposure to heat or radiation or to a known or suspected carcinogen as determined by said International Agency for Research on Cancer, so-called, and the incidence of which is found by regulation by the commissioner of the department of public health to have a statistically significant correlation with fire service.

(4) Nothing herein shall preclude a member from applying for and receiving benefits under section seven or section nine, subject to the provisions of said sections.

SECTION 3. Section 100 of said chapter 32, as so appearing, is hereby amended by striking out, in line eighty, the words "and ninety-four A" and inserting in place thereof the following words:- , ninety-four A and ninety-four B.

SECTION 4. The provisions of this act shall apply only to a person actively employed as a uniformed member of a paid fire department or as a permanent crash crewman, crash boatman, fire controlman or assistant fire controlman employed at the General Edward Lawrence Logan International Airport, on or after the effective date of this act.

SECTION 5. The provisions of section two shall not be construed to affect the interpretation of the provisions of said sections ninety-four or ninety-four A of chapter thirty-two of the General Laws.

SECTION 6. The provisions of this act shall be effective in every retirement system established by or operating under the provisions of chapter thirty-two of the General Laws or under the similar provisions of any other general or special law, and for every governmental unit which is a member of such retirement system, notwithstanding the provisions of section twenty-seven C of chapter twenty-nine of the General Laws.

Approved July 5, 1990.

Chapter 101. **AN ACT AUTHORIZING THE TREASURERS OF CERTAIN REGIONAL SCHOOL DISTRICTS TO EXPEND CERTAIN FUNDS IN FISCAL YEAR 1991.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the treasurers of certain regional school districts to expend certain funds in fiscal year nineteen hundred and ninety-one, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, but subject to the review and approval of the director of accounts in the department of revenue, in the event that the fiscal year nineteen hundred and ninety-one budget for any 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 ninety by the member municipalities, the respective treasurers of such municipalities shall pay to the treasurer of such regional school district, at the time of the first payment required under the terms of the regional school agreement and subsequently on a monthly basis until said budget has been approved, but in no case beyond October fifteenth, nineteen hundred and ninety, a sum equal to one-twelfth the total amount apportioned and certified to such municipality for the preceding fiscal year. The treasurer of any such 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 the regional school district at a level no higher than the annual budget for the fiscal year nineteen hundred and ninety.

Upon approval of the annual regional school district budget for fiscal year nineteen hundred and ninety-one by the member municipalities of any regional

school district acting under the provisions of this act, the treasurer of said 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-one and the balance payable by each such municipality shall be paid to the regional school district in accordance with the terms of the agreement.

Approved July 6, 1990.

Chapter 102. AN ACT RELATIVE TO THE COMMUNITY REINVESTMENT ACT AND NATIONWIDE INTERSTATE BANKING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for nationwide interstate banking in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 34 of chapter 29 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "council", in line 7, the words:- ; provided, however, that the state treasurer shall not include in any such list any state-chartered bank having a descriptive rating of (c) or (d) under section fourteen of chapter one hundred and sixty-seven or any federally insured depository institution having an assigned rating of (C) or (D) under section 807 (b)(2) of the Community Reinvestment Act of 1977, 12 USC 2901 et seq.

SECTION 2. Section 34A of said chapter 29, as so appearing, is hereby amended by adding the following sentence:- The state treasurer shall not make such deposits in any state-chartered bank having a descriptive rating of (c) or (d) under section fourteen of chapter one hundred and sixty-seven or any federally insured depository institution having an assigned rating of (C) or (D) under section 807 (b)(2) of the Community Reinvestment Act of 1977, 12 USC 2901 et seq.

SECTION 3. Paragraph (d) of subdivision (1) of section 23 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the word "that", in line 57, the words:- the state treasurer shall not invest or reinvest such funds in any state-chartered bank having a descriptive rating of (c) or (d) under section fourteen of chapter one hundred and sixty-seven or any federally insured depository institution having an assigned rating of (C) or (D) under section 807 (b)(2) of the Community Reinvestment Act of 1977, 12 USC 2901 et seq.; and provided, further, that.

SECTION 4. Chapter 167 of the General Laws is hereby amended by inserting after section 2 the following seven sections:-

Section 2A. For the purposes of this section and sections two B to two G, inclusive, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

"Bank", a trust company, commercial bank, savings bank, savings and loan association, cooperative bank, or credit union chartered by the commonwealth or by another state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or a country other than the United States, or a national banking association, federal savings and loan association or federal savings bank which has its main office located in the commonwealth or in any other jurisdiction named herein.

"Consumer transaction", a transaction between a bank and a natural person, in which the money, property or services are primarily for personal, family or household purposes.

No bank shall engage in this commonwealth in unfair methods of competition or unfair or deceptive acts or practices involving consumer transactions. The commissioner shall promulgate rules and regulations defining those acts and practices that shall be deemed to constitute unfair methods of competition or unfair or deceptive acts or practices involving consumer transactions. Such rules and regulations shall not be inconsistent with federal and state consumer protection rules, regulations and decisions, insofar as practicable; provided, however, that the commissioner may make such adjustments and exceptions as in his judgment are necessary to carry out the purposes of this section or to facilitate compliance therewith.

Except for emergency regulations adopted pursuant to section two of chapter thirty A, any regulation, as defined in section one of said chapter thirty A, or any amendment or repeal of any such regulation adopted by the commissioner pursuant to this section, shall, after compliance with all applicable provisions of said chapter thirty A, except section five, be submitted to the general court. Said commissioner shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement that the pertinent provisions of said chapter thirty A, except section five have been complied with. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the joint committee on banks and banking. Within thirty days after such referral, said committee may hold a public hearing on the regulations and shall issue a report to said commissioner. Said report shall contain any proposed changes to the regulations voted upon by the committee. The commissioner shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of said banks and banking committee its final regulations. If the final regulations do not contain the changes proposed by the committee, the commissioner shall send a letter to the committee accompanying the final regulations stating the reasons why such proposed changes were not

adopted. Not earlier than forty-five days after the filing of such letter and final regulations with the said committee, said commissioner shall file the final regulations with the state secretary as provided in section five of said chapter thirty A and said regulations shall thereupon take effect.

If no such proposed changes to the regulations are made to the commissioner within sixty days of the initial filing of the proposed regulation or any amendment or a repeal of such regulation with the clerk of the house of representatives, the commissioner may file the final regulations with the state secretary as provided in section five of said chapter thirty A and said regulations shall thereupon take effect.

Section 2B. The commissioner shall have the power to examine and investigate into the affairs of every bank engaged in consumer transactions in this commonwealth in order to determine whether such bank has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice as established by the commissioner by regulation in accordance with the provisions of section two A.

Section 2C. Whenever the commissioner shall have reason to believe that any such bank has engaged or is engaging in this commonwealth in any such unfair method of competition or unfair or deceptive act or practice and that a proceeding by him in respect thereto would be in the interest of the public, he shall issue and serve upon such bank a statement of the charges in that respect and a notice of a hearing thereon to be held at a time and place fixed in the notice, which shall be not less than twenty-one days after the date of the service thereof.

At the time and place fixed for such hearing, such bank shall have an opportunity to be heard and to show cause why an order should not be made by the commissioner requiring such bank to cease and desist from the acts, methods or practices so complained of.

The commissioner, upon such hearing, may administer oaths, examine and cross examine witnesses, receive oral and documentary evidence, and shall have the power to summons witnesses, compel their attendance, and require the production of books, papers, records, correspondence or other documents which he deems relevant to the inquiry. The commissioner upon such hearing shall cause to be made a stenographic record of all the evidence and all the proceedings had at such hearing. In the case of a refusal by any bank to comply with any summons issued hereunder or to testify with respect to any matter relative to the subject matter of such hearing, the superior court of Suffolk county or the county in which the principal office of the bank is located, upon application of the commissioner, may issue an order requiring such bank to comply with such summons and to so testify. Any failure to obey any such order of the court may be punished by the court as contempt thereof.

Statements of charges, notices, orders and other processes of the commissioner under this section may be served by anyone duly authorized by the commissioner, either in the manner provided by law for service of process in civil actions, or by

registering and mailing a copy thereof to the bank affected by such statement, notice, order or other process at its principal office. The verified return by the person so serving such statement, notice, order or other process, setting forth the manner of such service, shall be proof of the same, and the return postcard receipt for such statement, notice, order or other process, registered and mailed as aforesaid, shall be proof of the service of the same.

Section 2D. If, after such hearing, the commissioner shall determine that the bank charged has engaged in an unfair or deceptive act or practice, he shall reduce his findings to writing and shall issue and cause to be served upon the bank charged with the violation a copy of such findings and an order requiring such bank to cease and desist from engaging in such method of competition, act or practice. In addition, any bank which commits such an act or practice may be punished by a fine of not more than one thousand dollars for each and every such act or practice.

Until the expiration of the time allowed under section two E for filing a petition for review, if no such petition has been filed within such time or, if a petition has been filed within such time, then until the transcript of the record in the proceeding has been filed in the supreme judicial court, as hereinafter provided, the commissioner may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside, in whole or in part, any order issued by him under this section.

Upon the expiration of the time allowed for filing such a petition for review and in the event that no such petition has been duly filed, the commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him under this section whenever in his opinion conditions of fact or of law have so changed as to require such action or if the public interest shall so require.

Section 2E. Any bank required by an order of the commissioner under section two D to cease and desist from engaging in any unfair method of competition or any unfair or deceptive act or practice may obtain a review of such order by filing in the supreme judicial court, within thirty days from the date of the service of such order, a written petition praying that the order of the commissioner be set aside. A copy of such petition shall be forthwith served upon the commissioner and thereupon, the commissioner forthwith shall certify and file in such court a transcript of the entire record in the proceeding, including all the evidence taken and the report and order of the commissioner. Upon such filing of the petition and transcript, such court shall have jurisdiction of the proceeding and of the questions determined therein, shall determine whether the filing of such petition shall operate as a stay of such order of the commissioner and shall have the power to make and enter upon the pleadings, evidence and proceedings set forth in such transcript a decree modifying, affirming or reversing the order of the commissioner, in whole or in part. The findings of the commissioner as to the facts, if supported by a clear preponderance of the evidence, shall be conclusive.

To the extent that the order of the commissioner is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such order of the commissioner. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the commissioner, the court may order such additional evidence to be taken before the commissioner and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The commissioner may modify his findings of fact or make new findings by reason of the additional evidence so taken and he shall file such modified or new findings, which, if supported by a clear preponderance of the evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

A cease and desist order issued by the commissioner under section two D shall become final:

(1) Upon the expiration of the time allowed for filing a petition for review if no such petition has been duly filed within such time; except that the commissioner may thereafter modify or set aside his order to the extent provided in section two D; or

(2) Upon the final decision of the court if the court directs that the order of the commissioner be affirmed or the petition for review be dismissed.

No order of the commissioner under this section, or section two D, or order of a court to enforce the same shall in any way relieve or absolve any bank affected by such order from any liability under any other laws of the commonwealth.

Section 2F. Any bank which violates a cease and desist order of the commissioner under section two D after it has become final, and while such order is in effect, shall forfeit and pay to the commonwealth a sum not to exceed ten thousand dollars for each violation, which sum may be recovered in a civil action. Upon order of the commissioner, such bank shall also be subject to the suspension or revocation of its charter or such other relief as is reasonable and appropriate.

Section 2G. The powers vested in the commissioner by sections two A to two F, inclusive, shall be in addition to any other powers to enforce any penalties, fines or forfeitures authorized by law with respect to the methods, acts and practices which may be declared by the commissioner hereunder to be unfair or deceptive.

SECTION 5. The first paragraph of section 13 of said chapter 167, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "require", in line 14, the words:- ; provided, however, that such report shall include a list of banks where the call provided for in section thirty-eight of this chapter and section four of chapter one hundred and sixty-seven A exceeds the amount loaned to the Massachusetts Housing Partnership Fund pursuant thereto.

SECTION 6. The fifteenth paragraph of section 14 of said chapter 167, as so

appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

In connection with its examination of a bank, the commissioner shall assess the record of performance of the bank and its holding company in helping to meet the credit needs of its entire community, including low and moderate-income neighborhoods, consistent with the safe and sound operation of the bank. The holding company shall be responsible for the actions of its subsidiaries. The commissioner shall review the bank's community reinvestment statement and any signed, written comments retained by the bank, or the commissioner. In addition, the commissioner will consider the following factors in assessing a bank's record of performance:.

SECTION 7. Said fifteenth paragraph of said section 14 of said chapter 167, as so appearing, is hereby further amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) the bank's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans and small business or small farm loans within its community, the purchase of such loans originated in its community, and the use of more flexible lending criteria, consistent with safe and sound banking practices.

SECTION 8. Said fifteenth paragraph of said section 14 of said chapter 167, as so appearing, is hereby further amended by striking out clauses (k) and (l) and inserting in place thereof the following three clauses:-

(k) the bank's ability to meet various community credit needs based on its financial condition and size, its legal impediments, local economic conditions and other factors;

(l) the bank's origination of loans and other efforts to assist existing low and moderate income residents to be able to remain in affordable housing in their neighborhoods, and the banks' origination of loans that show an undue concentration and a systematic pattern of lending resulting in the loss of affordable housing units; and

(m) other factors that, in the commissioner's judgment reasonably bear upon the extent to which a bank is helping to meet the credit needs of its entire community.

SECTION 9. Said section 14 of said chapter 167, as so appearing, is hereby further amended by adding the following paragraph:-

Upon the completion of an examination of a bank under this section, the commissioner shall prepare a written evaluation of such bank's record of performance in meeting the credit needs of its entire community, including low and moderate income neighborhoods, which shall be open to public inspection upon request. Said written evaluation shall:

(1) state the commissioner's conclusions for each assessment factor identified in this section;

(2) discuss the facts supporting such conclusions; and

(3) contain the bank's descriptive rating and a statement describing the basis for the rating. Said rating shall be one of the following:

(a) outstanding record of meeting community credit needs;

(b) satisfactory record of meeting community credit needs;

(c) needs to improve record of meeting community credit needs; or

(d) substantial noncompliance in meeting community credit needs.

SECTION 10. Said chapter 167 is hereby further amended by striking out section 14A, as so appearing, and inserting in place thereof the following three sections:-

Section 14A. There shall be four regional mortgage review boards operating in the commonwealth. There shall be a Boston metropolitan area mortgage review board which shall include the counties of Suffolk, Essex, Middlesex and Norfolk; a southeastern mortgage review board which shall include the counties of Bristol, Plymouth, Barnstable, Dukes County and Nantucket; a central Massachusetts mortgage review board which shall include Worcester county; and a western Massachusetts mortgage review board which shall include the counties of Franklin, Hampden, Hampshire and Berkshire. Each such board shall consist of seven members appointed by the commissioner, three of whom shall be mortgagees, three of whom shall be community representatives and one of whom shall be a member of the public; provided, however, that at least five of the members of each such board shall either live or work within the respective region. The commissioner shall provide proper minority and geographical representation in the membership of each board.

Upon the expiration of the term of any member of a regional board, a successor shall be appointed, in like manner, for a term of three years. In the event of a vacancy, the commissioner may, in like manner, appoint a member who shall serve for the remainder of the unexpired term. Members of each such board shall serve without compensation, and shall be sworn to the faithful performance of their duties. Each regional board shall suggest for consideration by the commissioner one or more names for each such expiring term or vacancy. No member shall be appointed for more than two consecutive three year terms.

The mortgage review boards shall meet on a regular basis to review each residential mortgage denial that an applicant believes was denied on the basis of the location of the property. Any applicant whose residential mortgage loan application is denied by any mortgagee making five or more mortgage loans in any calendar year on residential property located in the commonwealth of four units or less and occupied in whole or in part by the mortgagor shall be instructed by the mortgagee, in writing, at the time of denial of his right to appeal any such d enial to the appropriate mortgage review board.

Said board shall review each such submitted mortgage application, make its determination and advise the applicant thereof, in writing, within forty-five days of such appeal of a mortgage loan application denial and if such board fails to

complete said action within said forty-five days, the applicant will be considered to have exhausted his administrative remedies. The decision of the board shall be subject to review in the manner provided in chapter thirty A, or in accordance with the provisions of section sixty-four of chapter one hundred and eighty-three.

The commissioner may promulgate rules and regulations governing the establishment, operation and procedures of said mortgage review boards.

Section 14B. Any bank subject to the provisions of the Home Mortgage Disclosure Act (12 USC section 2801 et seq.) shall annually file the reports required under clauses (a) and (b) with the commissioner. Said reports shall be filed on such forms and at such times as determined by the commissioner.

(a) The report to be filed in accordance with the provisions of the Home Mortgage Disclosure Act, 12 USC section 2801 et seq. and regulations promulgated thereunder; provided, however, that in making such report a bank shall include loans written in conjunction with the Massachusetts housing finance agency loan program; and

(b) a report containing the same data as required under clause (a) for a consumer loan not reported under clause (a) and for commercial loans; provided, however, that any such reporting requirement shall not be required unless otherwise provided for by federal regulations which are promulgated by the appropriate federal regulatory agency, and if and when such federal regulations are promulgated, the commissioner shall promulgate regulations under this section; and provided, further, that the commissioner shall by regulation define the geographic basis by which banks are to report such data.

Section 14C. There shall be established four regional small business loan review boards in the commonwealth. There shall be a Boston metropolitan area small business loan review board which shall include the counties of Suffolk, Essex, Middlesex and Norfolk; a southeastern small business loan review board which shall include the counties of Bristol, Plymouth, Barnstable, Dukes County and Nantucket; a central Massachusetts small business loan review board which shall include Worcester county; and a western Massachusetts small business loan review board which shall include the counties of Franklin, Hampden, Hampshire and Berkshire. Each such board shall consist of five members appointed by the commissioner, three of whom shall be representatives of small business and two of whom shall be representatives of banks or bank holding companies; provided, however, that at least three of the members of each such board shall either live or work within the respective region.

Upon the expiration of the term of any member of a regional board, a successor shall be appointed, in like manner, for a term of three years. In the event of a vacancy, the commissioner may, in like manner, appoint a member who shall serve for the remainder of the unexpired term. Members of each such board shall be sworn to the faithful performance of their duties. Each regional board shall suggest for consideration by the commissioner one or more names for each such expiring

term or vacancy. No member shall be appointed for more than two consecutive three-year terms.

The small business loan review boards shall meet on a regular basis to review small business loan denials that applicants believe were unreasonably denied. In addition the small business loan review boards shall annually conduct studies and issue reports on the availability of credit to small businesses within their regions.

The commissioner may promulgate rules and regulations governing the establishment, operation and procedures of said small business loan review boards.

SECTION 11. Said chapter 167 is hereby further amended by striking out section 38, as so appearing, and inserting in place thereof the following section:-

Section 38. No out-of-state banking association or corporation, except as provided herein, shall transact banking business in the commonwealth other than as provided in chapter one hundred and sixty-seven B; provided, however, that the board of bank incorporation may, conditioned upon the performance of such requirements as to auditing as the board may prescribe, grant a certificate authorizing the same to any such association or corporation existing by authority of a country other than the United States. Said board, upon application thereof which shall be accompanied by an investigation fee, the amount of which shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven, except that such fee shall not be less than ten thousand dollars, may grant such certificate in accordance with the provisions of this section, conditioned upon the performance of such requirements as to auditing as said board may prescribe and the requirements contained in this section. Any such banking association or corporation transacting banking business in the commonwealth shall be subject to the supervision of the commissioner and shall annually, within thirty days after the last business day of December, and at other times during the year on any past day to be specified by the commissioner, make to him in such form as may be prescribed by him a return, signed and sworn to by the treasurer, or the corresponding officer, thereof, showing accurately the condition thereof at the close of business on said day. The president and a majority of the directors shall certify on oath that the report is correct according to their best knowledge and belief.

In deciding whether or not to issue such certificate, the board shall determine whether competition among banking institutions will be unreasonably affected and whether public convenience and advantage will be promoted. In making such determination, the board shall consider, but not be limited to, a showing of net new benefits. For the purposes of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen, and such other matters as the board may deem necessary or advisable.

The board shall not issue such certificate until it has received notice from the Massachusetts Housing Partnership Fund, established by section thirty-five of chapter four hundred and five of the acts of nineteen hundred and eighty-five, that arrangements satisfactory to such fund have been made for such out-of-state banking association or corporation to make ninety hundredths of one percent of its assets in the commonwealth available for call by said fund for a period of ten years for the purpose of providing loans to said fund for financing, down payment assistance, share loans, closing costs and other costs related to creating affordable rental housing, limited equity cooperatives and affordable home ownership opportunities, and tenant management programs and tenant unit acquisition or ownership programs in state funded public housing developments. All of the benefits and assistance provided by the said fund under funds made available by this section shall be to persons with incomes of less than eighty percent of the area-wide median income as determined from time to time by the United States Department of Housing and Urban Development; provided, however, that at least twenty-five percent of such assistance shall be to persons with incomes of less than fifty percent of the said area-wide median income. All loans made to the fund by such associations or corporations shall be deemed to be legal investments for such associations and corporations; provided, however, that (a) such loans shall be evidenced by notes, or other evidence of indebtedness of the fund, which shall bear interest at rates approved by the commissioner of banks which shall be based upon the costs, not to include any so-called lost opportunity costs, incurred by the bank in making funds available to the fund, and (b) no loan to the fund shall be secured in any manner unless all outstanding loans to the fund shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner.

Said fund shall file with the commissioner a report subsequent to any call to borrow funds pursuant to this section. Such report shall contain the total amount of the call, the allocation of the call to each such association or corporation, and the amount loaned by each to the fund. Said report shall be filed within sixty days of any such call.

No such certificate shall be issued until the board has received written assurances from such association or corporation that a resident or residents of the commonwealth shall occupy a position of an executive officer in the Massachusetts bank to be established, merged with or acquired, or in any successor institutions. For the purposes of this section, the term "executive officer" shall mean a person who participates in major policy making functions of said bank whether or not (1) the officer has an official title; provided, however, that the term does not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the bank and whose decisions are limited by policy standards fixed by the senior management of the bank; (2) the title designates the officer an assistant, or (3) the officer

is serving without salary or compensation. The chairman of the board, the president, senior vice-president, the cashier, the secretary and the treasurer of a bank shall be deemed to be executive officers unless (i) the officer is excluded, by resolution of the board of directors or the by-laws, from participation, in major policy making functions of the bank, or (ii) the officer does not actually participate therein.

Notwithstanding any other law, rule or regulation to the contrary, every out-of-state banking association or corporation which acquires a Massachusetts bank in accordance with this section, shall maintain, for a period of two years, an asset base in the acquired entity equal to or greater than the total assets of such acquired entity on the date of acquisition; provided, however, that the commissioner may waive this requirement, if, in his judgment, economic conditions warrant the same.

No such certificate shall be issued if, as a result thereof, any such banking association or corporation would control in excess of fifteen percent of the total deposits, exclusive of foreign deposits, of all state and federally chartered banks in the commonwealth; provided, however, that the commissioner may waive said fifteen percent limit in any instance where he deems the same to be necessary to provide for the continued safety and soundness of any bank. For purposes of this paragraph, the term "foreign deposits" shall mean deposits received in a foreign country and deposits in Edge and Agreement subsidiaries and international banking facilities.

For the purposes of this section and sections thirty-nine to forty-two, inclusive, the term "Massachusetts bank" shall mean any federally or state-chartered bank with its principal place of business in the commonwealth.

SECTION 12. Said chapter 167 is hereby further amended by striking out section 39, as so appearing, and inserting in place thereof the following section:-

Section 39. Any out-of-state banking association or corporation existing by authority of a foreign country which has obtained a certificate issued by the board of bank incorporation in accordance with section thirty-eight may establish and maintain branch offices or depots in the commonwealth, or merge or consolidate with or may advance or loan upon or purchase in whole or in any part of the assets or stock of any Massachusetts bank, if such banking association or corporation is expressly authorized to do so by the laws under which it is organized and operates; provided, however, that laws of the jurisdiction in which such banking association or corporation has its principal place of business expressly authorize, under conditions no more restrictive than those imposed by this chapter as so determined by the commissioner, Massachusetts banks to establish and maintain branches and depots therein or to merge with or purchase the assets of a banking institution therein. Such banking association or corporation shall establish and maintain branches or depots in the commonwealth, or merge with or purchase the assets of a Massachusetts bank, in accordance with the same laws which govern such activities by Massachusetts banks.

Notwithstanding any other general or special law or regulation to the contrary, every out-of-state banking association or corporation which acquires or merges with a Massachusetts bank in accordance with this section shall maintain, for a period of two years, an asset base in the acquired entity equal to or greater than the total assets of such acquired or merged entity on the date of acquisition; provided, however, that the commissioner may waive this requirement if, in his judgment, economic conditions warrant such waiver.

SECTION 13. Section 1 of chapter 167A of the General Laws, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) "Banking institution", a trust company, commercial bank, savings bank, savings and loan association or cooperative bank chartered by the commonwealth or by another state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or a country other than the United States, or a national banking association, federal savings and loan association or federal savings bank which has its main office located in the commonwealth or in any other jurisdiction named herein.

SECTION 14. Said section 1 of said chapter 167A, as so appearing, is hereby further amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) "Bank holding company", (1) any company (i) which, directly or indirectly, owns, controls or holds with power to vote twenty-five per centum or more of the voting stock of each of two or more banking institutions or (ii) which controls the election of a majority of the directors of each of two or more banking institutions or (iii) for the benefit of which or of the stockholders or members of which twenty-five per centum or more of the voting stock of each of two or more banking institutions is held by one or more trustees; and (2) any company which is itself a banking institution and (i) which, directly or indirectly, owns, controls or holds twenty-five per centum or more of the voting stock of one or more banking institutions or (ii) which controls the election of a majority of the directors of one or more banking institutions or (iii) for the benefit of which or of the stockholders or members of which twenty-five per centum or more of the voting stock of one or more banking institutions is hereafter acquired and held by one or more trustees; provided, however, that clauses (1) and (2) shall not include a company described in Section 4(f) (1) of the Bank Holding Company Act of 1956, as amended by the Competitive Equality Banking Act of 1987, Public Law No. 100-86 (12 USC 1841 et seq.). For the purposes of this chapter, any successor to any such company shall be deemed to be a bank holding company from the date as of which such predecessor company became a bank holding company. Notwithstanding the foregoing, no banking institution shall be a bank holding company by virtue of its ownership or control of stock in a fiduciary capacity, except where such stock is held for the benefit of such banking institution or the stockholders or members of

such banking institution. So much of section ten of chapter one hundred and sixty-eight that provides that no trustee or other officer of a savings bank may at the same time be a director or other officer of a bank holding company shall not apply to service as a director or other officer of a bank holding company formed by one or more savings banks, and so much of section ten of chapter one hundred and seventy that provides that no director or other officer of a cooperative bank may at the same time be a director or other officer of a bank holding company shall not apply to service as a director or other officer of a bank holding company formed by one or more cooperative banks.

SECTION 15. Said chapter 167A is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. Except with the prior written approval of the board of bank incorporation: (1) no company shall become a bank holding company; (2) no bank holding company owning, controlling or holding with power to vote, directly or indirectly, twenty-five per centum or more of the voting stock of each of two or more banking institutions or, in the case of a bank holding company which is itself a banking institution, owning, controlling or holding with power to vote, directly or indirectly, twenty-five per centum or more of the voting stock of one or more banking institutions shall acquire direct or indirect ownership or control of any additional voting stock in any such banking institution if, after such acquisition, such bank holding company will, directly or indirectly own or control more than five per centum of the voting stock thereof; (3) no bank holding company or affiliate thereof, other than a banking institution, shall acquire all or substantially all of the assets of a banking institution; (4) no bank holding company shall merge or consolidate with any other bank holding company; and (5) no bank holding company shall vote stock which it controls in a banking institution. Notwithstanding the foregoing, no approval shall be given under clauses (1), (2), (3) and (4) if, as a result thereof, any such bank holding company would hold or control in excess of fifteen percent of the total deposits, exclusive of foreign deposits, of all state and federally chartered banks in the commonwealth and Massachusetts branches of banks existing by authority of a foreign country; provided, however, that the commissioner may waive this requirement if, in his judgment, economic conditions warrant granting such waiver.

Notwithstanding the provisions of this section, an out-of-state bank holding company, with the prior written approval of the board of bank incorporation, may establish or acquire direct or indirect ownership or control of more than five percent of the voting stock of one or more banking institutions or bank holding companies; provided, however, that the laws of the state in which operations of the subsidiary banks of such out-of-state bank holding company are principally conducted expressly authorize, under conditions no more restrictive than those imposed by the laws of the commonwealth as determined by the commissioner, the establishment or the acquisition of direct or indirect ownership or control of

more than five percent of the voting stock of banks, or companies controlling one or more banks in that state, by bank holding companies whose banking institutions principally conduct their operations in the commonwealth; and provided, further, that any such acquisition or merger shall not be allowed if, as a result thereof, the out-of-state bank holding company would hold or control in excess of fifteen percent of the total deposits, exclusive of foreign deposits, of all state and federally chartered banks in the commonwealth and Massachusetts branches of banks existing by authority of a foreign country; provided, however, that the commissioner may waive this requirement if, in his judgment, economic conditions warrant granting such waiver. Any such establishment or acquisition or merger by an out-of-state bank holding company shall be effected in accordance with the laws of the commonwealth which are applicable to such activities carried out by bank holding companies. For the purposes of this section, the term "out-of-state bank holding company" shall have the same meaning as set forth in the Bank Holding Company Act of 1956 (12 USC 1841 et seq.) or Section 408 of the National Housing Act (12 USC 1730a), whichever is applicable.

For the purposes of this section, the term "foreign deposits" shall mean deposits received in a foreign country and deposits in Edge and Agreement subsidiaries and international banking facilities.

SECTION 16. Said chapter 167A is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. Any company or bank holding company seeking authority to act under the provisions of section two shall file a petition with the board of bank incorporation, together with a fee, the amount of which shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven, except that such fee shall not be less than ten thousand dollars, and said board shall hold a public hearing pursuant to the provisions of chapter thirty A.

In determining whether or not to approve said petition, the decision of the board shall be based on a finding whether or not competition among banking institutions will be unreasonably affected and whether public convenience and advantage will be promoted. In making such determination, the board shall consider, but not be limited to, a showing of net new benefits. For the purposes of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the board may deem necessary or advisable. Such decision shall be subject to review in the manner provided for in chapter thirty A.

The board shall not approve such petition until it has received notice from the Massachusetts Housing Partnership Fund, established by section thirty-five of chapter four hundred and five of the acts of nineteen hundred and eighty-five, that

arrangements satisfactory to such fund have been made for such company or bank holding company to make ninety hundredths of one percent of its assets located in the commonwealth available for call by said fund for a period of ten years for the purpose of providing loans to the fund for financing, down payment assistance, share loans, closing costs and other costs related to creating affordable rental housing, limited equity cooperatives and affordable home ownership opportunities and tenant management programs and tenant unit acquisition or ownership programs in state funded public housing developments. All loans made to the fund by such company or bank holding company shall be deemed to be legal investments for such company or bank holding company and shall be made on terms and conditions established by the board of directors of the fund; provided, however, that (a) such loans shall be evidenced by notes or other evidence of indebtedness of the fund which shall bear interest at rates approved by the commissioner of banks which shall be based upon the costs not to include lost opportunity costs incurred by the company or bank holding company in making funds available to the fund, and (b) no loan to the fund shall be secured in any manner unless all outstanding loans to the fund shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner. The commissioner shall promulgate regulations to enforce the provisions of this paragraph.

The fund shall file with the commissioner a report subsequent to any call to borrow funds pursuant to this section. Such report shall contain the total amount of the call, the allocation of the call to each such company or bank holding company, and the amount loaned by each to the fund. Said report shall be filed within sixty days of any such call.

No such petition shall be approved until the board has received written assurances from such company or bank holding company that a resident or residents of the commonwealth shall occupy a position of an executive officer in the acquired or established Massachusetts bank or in any successor institution thereto for so long as such company or bank holding company shall control such Massachusetts banking institution. For the purposes of this section, the term "executive officer" shall mean a person who participates in major policy making functions of the company or bank whether or not (1) the officer has an official title; provided, however, that the term does not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the bank and whose decisions are limited by policy standards fixed by the senior management of the bank; (2) the title designates the officer an assistant; or (3) the officer is serving without salary or compensation. The chairman of the board, the president, senior vice president, the cashier, the secretary and the treasurer of a bank shall be deemed to be executive officers unless (i) the officer is excluded, by resolution of the board of

directors or the by-laws, from participation, in major policy making functions of the bank, or (ii) the officer does not actually participate therein.

Notwithstanding any other law, rule or regulation to the contrary, every such company or bank holding company acquiring a banking institution in the commonwealth in accordance with this section shall maintain, for a period of two years, an asset base in the acquired entity equal to or greater than the total assets of such acquired entity on the date of acquisition; provided, however, that the commissioner may waive this requirement if, in his judgment, economic conditions warrant the same.

SECTION 17. The last paragraph of section 3 of chapter 167B of the General Laws, as so appearing, is hereby amended by striking out, in lines 128 and 129, the words "Connecticut, Maine, New Hampshire, Rhode Island or Vermont" and inserting in place thereof the words:- the United States.

SECTION 18. Section 3 of chapter 167C of the General Laws, as amended by chapter 222 of the acts of 1989, is hereby further amended by striking out the first paragraph and inserting in place thereof the following two paragraphs:-

After such notice and hearing as the commissioner may require and with his written permission and under such conditions as he may approve, a bank may establish and maintain one or more branch offices or depots in any city or town within the commonwealth where, in the opinion of the commissioner, the public would benefit by the establishment of additional banking facilities.

In deciding whether or not the public would benefit by the establishment or maintenance of one or more branch offices or depots, the commissioner shall determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purposes of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

SECTION 19. The first paragraph of section 34 of chapter 168 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the third sentence the following three sentences:- In making a finding that such merger or consolidation is in the interests of depositors, the commissioner shall also determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch

offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

SECTION 20. The first paragraph of section 34A of said chapter 168, as so appearing, is hereby amended by inserting after the fourth sentence the following three sentences:- In making a finding that such merger or consolidation is in the interests of depositors and shareholders, the commissioner shall also determine whether or not competition among banking institutions, will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

SECTION 21. Section 34B of said chapter 168, as so appearing, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following two paragraphs:-

In making a finding that such merger or consolidation is in the interests of depositors and shareholders, the commissioner shall also determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

For the purposes of this section, a thrift institution shall mean a mutual bank chartered by a country other than the United States or a federal mutual savings and loan association, or a federal mutual savings bank which has its main office located in the commonwealth.

SECTION 22. Section 34D of said chapter 168, as so appearing, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following two paragraphs:-

For the purposes of this section, a state-chartered stock corporation shall mean a trust company, savings bank, or cooperative bank in stock form chartered by the commonwealth. A stock corporation shall include a stock bank chartered by a country other than the United States. A federally chartered stock corporation shall mean a national banking association, federal savings and loan association or

federal savings bank in stock form which has its main office located in the commonwealth.

In deciding whether or not to approve such consolidation or merger the commissioner shall determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

SECTION 23. Section 34E of said chapter 168, as so appearing, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) The terms used herein shall have the same meanings as those applicable to a savings bank converting to stock form under said section thirty-four C, and for purposes of this section a holding company shall mean a company or bank holding company as defined in chapter one hundred and sixty-seven A, and a stock bank shall mean a trust company, or a savings bank, or a cooperative bank in stock form chartered by the commonwealth or a national banking association or federal savings and loan association or federal savings bank which has its main office located in the commonwealth or a bank chartered by a country other than the United States. Unless clearly inapplicable or waived by the commissioner, all of the regulations applicable to a savings bank converting to stock form under section thirty-four C shall apply to a savings bank converting under this section and the commissioner shall prescribe from time to time such other regulations as he deems appropriate. Any regulation, or amendment or repeal of any such regulation issued under this section shall be subject to the applicable provisions of section thirty-four C.

SECTION 24. Section 35 of said chapter 168, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following two paragraphs:-

For the purposes of this section, a state-chartered bank shall mean a trust company, savings bank, or cooperative bank chartered by the commonwealth or by a country other than the United States. A federally chartered bank shall mean a national banking association, federal savings and loan association or federal savings bank which has its main office located in the commonwealth.

In deciding whether or not to approve any such advance, loan or purchase, the commissioner shall determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner

shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

SECTION 25. Section 24 of chapter 170 of the General Laws, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following two paragraphs:-

For the purposes of this section, a state-chartered bank shall mean a trust company, savings bank or cooperative bank chartered by the commonwealth or by a country other than the United States. A federally chartered bank shall mean a national banking association, federal savings and loan association or federal savings bank which has its main office located in the commonwealth.

In deciding whether or not to approve any such advance, loan or purchase, the commissioner shall determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

SECTION 26. Section 25 of said chapter 170, as so appearing, is hereby amended by inserting after the fifth sentence the following three sentences:- In deciding whether or not to approve any such consolidation, the commissioner shall determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

SECTION 27. Section 26A of said chapter 170, as so appearing, is hereby amended by inserting after the fourth sentence the following three sentences:- In making a finding that any such merger or consolidation is in the interests of depositors and shareholders, the commissioner shall also determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making

such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

SECTION 28. Section 26B of said chapter 170, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following two paragraphs:-

In making a finding that any such merger or consolidation is in the interests of depositors and shareholders, the commissioner shall also determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

For the purposes of this section, a thrift institution shall mean a mutual bank chartered by a country other than the United States or a federal mutual savings and loan association or a federal mutual savings bank which has its main office located in the commonwealth.

SECTION 29. Section 26D of said chapter 170, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following two paragraphs:-

In deciding whether or not to approve any such consolidation or merger, the commissioner shall determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company, savings bank, or cooperative bank in stock form chartered by the commonwealth. A federally chartered stock corporation shall mean a national

banking association, federal savings and loan association or federal savings bank in stock form which has its main office located in the commonwealth. A stock corporation shall include a stock bank chartered by a country other than the United States.

SECTION 30. Section 26E of said chapter 170, as so appearing, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) The terms used herein shall have the same meaning as those applicable to a cooperative bank converting to stock form under said section twenty-six C and a stock bank shall mean a trust company, savings bank, or cooperative bank in stock form chartered by the commonwealth or a national banking association, federal savings and loan association or federal savings bank in stock form which has its main office located in the commonwealth, or a bank chartered by a country other than the United States. Unless clearly inapplicable or waived by the commissioner, all of the regulations applicable to a cooperative bank converting to stock form under said section twenty-six C shall apply to a cooperative bank converting under this section and the commissioner shall prescribe from time to time such other regulations as he deems appropriate. Any regulation, or any amendment or repeal of such regulation issued under this section shall be subject to the applicable provisions of section twenty-six C.

SECTION 31. Subsection A of section 36 of chapter 172 of the General Laws, as so appearing, is hereby amended by striking out the sixth and seventh paragraphs and inserting in place thereof the following three paragraphs:-

The provisions of this clause shall not apply to a consolidation or merger authorized by clause (1) or to a consolidation or merger under subsection B.

In deciding whether or not to approve any such consolidation or merger under this subsection, the commissioner shall determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

For the purposes of this section, a state-chartered stock corporation shall mean a trust company, savings bank, or a cooperative bank in stock form chartered by the commonwealth, or a bank chartered by a country other than the United States. A federally chartered stock corporation shall mean a national banking association, federal savings and loan association or federal savings bank in stock form which has its main office located in the commonwealth.

SECTION 32. Section 38 of said chapter 172, as so appearing, is hereby

amended by striking out the last paragraph and inserting in place thereof the following two paragraphs:-

In deciding whether or not to approve any such loan, advance or purchase, the commissioner shall determine whether or not competition among banking institutions will be unreasonably affected and whether or not public convenience and advantage will be promoted. In making such determination, the commissioner shall consider, but not be limited to, a showing of net new benefits. For the purpose of this section, the term "net new benefits" shall mean initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a bank's delineated local community, as such term is used within section fourteen of chapter one hundred and sixty-seven, and such other matters as the commissioner may determine.

For the purposes of this section, a state-chartered bank shall mean a trust company, or a savings bank or a cooperative bank chartered by the commonwealth or by a country other than the United States. A federally chartered bank shall mean a national banking association, federal savings and loan association or federal savings bank which has its main office located in the commonwealth.

SECTION 33. Section 64 of chapter 183 of the General Laws, as so appearing, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

Any person claiming to have been aggrieved as a result of a violation of this section may bring a civil action in the district court, or housing court where applicable, of the county in which the particular mortgagee involved is located; provided, however, that a person must first exhaust his administrative remedies through the appropriate mortgage review board established pursuant to section fourteen A of chapter one hundred and sixty-seven.

SECTION 34. The first paragraph of section 35 of chapter 405 of the acts of 1985 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- It shall be the sole purpose of the fund to provide funds within the limits and in the manner hereinafter described to provide for programs designed to: *(a)* produce housing for low and moderate income households; *(b)* broaden opportunities for home ownership for low and moderate income persons and families which shall include tenant management programs and tenant unit acquisition or ownership programs in state funded public housing developments; and *(c)* aid in the reclamation of abandoned property for use as housing.

SECTION 35. Said section 35 of said chapter 405 is hereby further amended by inserting after the first paragraph the following paragraph:-

No funds shall be distributed until the fund has caused the property upon which housing is to be built to be appraised and has certified that the purchase price of such property does not exceed such appraised value. The appraisal shall be based on the highest and best use of the property under current zoning.

SECTION 36. Paragraph *(a)* of the second paragraph of said section 35 of said chapter 405 is hereby amended by inserting before the first sentence the following four sentences:- There is hereby created a body politic and corporate to be known as the Massachusetts housing partnership fund board or hereinafter referred to as MHPFB. The MHPFB is hereby constituted a public instrumentality and the exercise by MHPFB of the powers conferred by this act shall be deemed to be the performance of an essential governmental function. The MHPFB is hereby placed in the executive office of communities and development but shall not be subject to the supervision or control of said office, or of any board, bureau, department, or other agency of the commonwealth, except as specifically provided in this act. The MHPFB shall be governed and its corporate powers exercised by a board of directors, hereinafter referred to as the board of directors.

SECTION 37. Said section 35 of said chapter 405 is hereby further amended by adding the following paragraph:-

(i) The MHPFB shall have the following additional powers: to sue and be sued in its own name; to make and receive grants, loans, advances, and contributions from any source public or private, including, but not limited to, funds provided from the Massachusetts Housing Partnership Fund, or any loan repayments; to act as an agent or conduit in administering the disbursements of funds or property from any source; to exercise any other powers of a corporation organized under chapter one hundred and fifty-six B of the General Laws; and to do any and all things necessary or convenient to carry out its purposes and exercise the powers expressly granted in this act.

SECTION 38. The executive office of administration and finance and the department of revenue shall conduct an investigation and study of the tax and revenue implications deriving from the authorization of nationwide interstate banking within the commonwealth pursuant to this act and shall file a written report thereon, together with legislative recommendations designed to address and eliminate tax or competitive inequities, if any, that may arise with the implementation of this act. Such report shall be filed with the joint committees on banks and banking and taxation and with the senate and house committees on ways and means no later than six months after the effective date of this section.

SECTION 39. The reports required to be filed under section fourteen B of chapter one hundred and sixty-seven of the General Laws, inserted by section ten of this act, shall be filed commencing in March, nineteen hundred and ninety-one; provided, however, that the report under clause *(a)* of said section fourteen B shall be on information compiled on and after January first, nineteen hundred and ninety, and any report required under clause *(b)* of said section fourteen B shall be on information compiled on and after July first, nineteen hundred and ninety.

SECTION 40. The initial members of each of the regional mortgage review boards shall be appointed by the commissioner of banks in accordance with the provisions of section fourteen A of chapter one hundred and sixty-seven of the

General Laws; provided, however, that one of such members shall serve for a term expiring on June thirtieth, nineteen hundred and ninety-one, three of such members shall serve for a term expiring on June thirtieth, nineteen hundred and ninety-two, and three of such members shall serve a term expiring on June thirtieth, nineteen hundred and ninety-three.

SECTION 41. The initial members of each of the regional small business loan review boards shall be appointed by the commissioner of banks in accordance with the provisions of section fourteen C of chapter one hundred and sixty-seven of the General Laws; provided, however, that one of such mem
bers shall serve for a term expiring on June thirtieth, nineteen hundred and ninety-one, two of such members shall serve for a term expiring on June thirtieth, nineteen hundred and ninety-two, and two of such members shall serve for a term expiring on June thirtieth, nineteen hundred and ninety-three.

SECTION 42. The provisions of sections one to three, inclusive, of this act shall apply to any examination report issued with respect to an examination commenced after July first, nineteen hundred and ninety.

SECTION 43. Any Massachusetts banking institution or bank holding company may, by resolution adopted by a two-thirds vote of its board of directors or trustees, exempt itself from the provisions of sections eleven to thirty-two, inclusive, of this act until July first, nineteen hundred and ninety-two by filing a certified copy of such resolution and vote with the commissioner of banks; provided, however, that any such bank or bank holding company which has so exempted itself as provided herein may, by resolution adopted by a two-thirds vote of its board of directors or trustees prior to said date of July first, nineteen hundred and ninety-two, rescind such exemption. In such event, said board of directors or trustees shall file a certified copy of such resolution and vote with the commissioner of banks, whereupon such rescission from said exemption shall take effect and shall be irrevocable.

SECTION 44. Notwithstanding any general or special law to the contrary, a bank holding company *(i)* which on December thirty-first, nineteen hundred and eighty-seven, was an out-of-state bank holding company, as defined by section fifteen of this act, and *(ii)* which directly or indirectly owned or controlled on such date and continues to own twenty-five percent or more of the voting stock of a banking institution which principally conducts its operations in the commonwealth, shall be deemed to be a bank holding company whose principal place of business is in the commonwealth for the purposes of chapter one hundred and sixty-seven A of the General Laws.

SECTION 45. The provisions of sections eleven to thirty-two, inclusive, and sections thirty-four to thirty-seven, inclusive of this act shall take effect sixty days after the effective date of this act.

SECTION 46. 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 of other applications thereof.

Approved July 6, 1990.

Chapter 103. AN ACT ESTABLISHING A REVOLVING FUND TO APPLY MOTOR VEHICLE FINES TO POLICE DEPARTMENT EXPENSES AND SALARIES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the town of Whitman may establish in the town treasury a revolving fund which shall be kept separate and apart from all other monies by the treasurer of said town and in which shall be deposited all monies received by said town from fines for the violation of statutes and by-laws related to the operation and control of motor vehicles and parking fines. The principal and interest therein shall be reserved for appropriation for the payment of expenses and salaries of the police department.

Emergency Letter: July 9, 1990 @ 10:05 A.M. Approved July 6, 1990.

Chapter 104. 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 inserting after section 7 the following section:-

Section 7A. Sums apportioned by said district and assessed upon the cities, towns and institutions, as provided in section seven, for construction costs, including principal and interest falling due on bonds or notes issued pursuant to section five C, of such additional construction and other works as authorized by section three A to provide so-called secondary treatment, including facilities planning, construction of a secondary treatment facility and construction of a residuals disposal facility; and also including, but not limited to, work and measures necessary to mitigate environmental, social and economic impacts of the facilities to be constructed in the host community, and sums so apportioned and assessed for the costs of maintenance and operation of such facilities as limited by this section, shall be separately determined and itemized and shall not be subject to the limitations in section twenty B of chapter fifty-nine of the General Laws or in any other provision of general or special law and shall be paid to said district as required by section seven.

Said cities and towns may raise the sums assessed under the provisions of this section by separate charges upon the users of the aforesaid facilities or by any other lawful means notwithstanding any limitation in section twenty-one C of chapter fifty-nine of the General Laws. Any such city or town may establish and maintain a separate enterprise fund in accordance with section thirty-nine K of chapter forty of the General Laws, or any other applicable provision of law, into which shall be deposited the receipts, revenues and funds derived from charges made to pay the sums assessed by the district hereunder for costs of construction, maintenance and operation of treatment facilities and related works required to provide so-called secondary treatment, including facilities planning, a secondary treatment facility and a residuals disposal facility; and also including, but not limited to, work and measures necessary to mitigate environmental, social and economic impacts of the facilities to be constructed, in the host community; provided, however, that the aforesaid maintenance and operation costs shall become subject to section twenty B of chapter fifty-nine of the General Laws after such facilities have been operated for a period of three years.

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

Approved July 10, 1990.

Chapter 105. AN ACT RELATIVE TO MEMBERSHIP IN THE BERKSHIRE COUNTY MOSQUITO CONTROL DISTRICT.

Be it enacted, etc., as follows:

Section 4 of chapter 456 of the acts of 1945, added by section 1 of chapter 119 of the acts of 1982, is hereby amended by adding the following sentence:- Any city or town which votes to withdraw from said district in accordance with the provisions of this act and subsequently votes to rejoin said district in accordance with the provisions of this act shall remain a member of said district for a period of not less than five years.

Approved July 10, 1990.

Chapter 106. AN ACT DESIGNATING THE PAXTON SOIL SERIES AS THE OFFICIAL SOIL OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

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

Section 33. The Paxton Soil Series shall be the official soil of the common-

wealth.

Approved July 10, 1990.

Chapter 107. AN ACT PROTECTING ELDERLY PERSONS FROM FINANCIAL EXPLOITATION.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 19A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "person", in line 5, the words:- or financial exploitation of an elderly person.

SECTION 2. Said section 14 of said chapter 19A, as so appearing, is hereby further amended by inserting after the definition of "Emergency" the following definition:-

"Financial exploitation", an act or omission by another person, which causes a substantial monetary or property loss to an elderly person, or causes a substantial monetary or property gain to the other person, which gain would otherwise benefit the elderly person but for the act or omission of such other person; provided, however, that such an act or omission shall not be construed as financial exploitation if the elderly person has knowingly consented to such act or omission unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of force by such other person; and, provided further, that financial exploitation shall not be construed to interfere with or prohibit a bona fide gift by an elderly person or to apply to any act or practice in the conduct of any trade or commerce declared unlawful by section two of chapter ninety-three A.

Approved July 10, 1990.

Chapter 108. 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 Peter F. Brady, as he is an associate justice of the superior court department, in the town of Lynnfield, on August eleventh, nineteen hundred and ninety, between Tarra Walker of Sedona, Arizona and Joseph S. Moran of the town of Lynnfield, and the state secretary shall issue to said Honorable Peter F. Brady in his capacity as aforesaid a certificate of such authorization.

Approved July 11, 1990.

Chapter 109. AN ACT FURTHER REGULATING THE PRIORITY OF CERTAIN LIENS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately set the priority of certain liens, therefore 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 31A of chapter 255 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- The lien created hereby shall have priority over any title, lien, interest or encumbrance of any owner and shall not be surrendered or waived except by express written agreement of the parties involved.

Approved July 11, 1990.

Chapter 110. AN ACT RELATIVE TO SCHOOL SOCIAL WORKERS.

Be it enacted, etc., as follows:

SECTION 1. The definition of "teacher" in section 1 of chapter 32 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "counsellor", in line 487, the following words:- or school social worker.

SECTION 2. Section 38J of chapter 71 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "counsellor", in line 1, the following words:- or school social worker.

SECTION 3. Said chapter 71, as so appearing, is hereby further amended by striking out section 46G and inserting in place thereof the following section:-

Section 46G. To facilitate the early detection of children manifesting traits tending toward juvenile delinquency and to assist in the prevention of such children becoming juvenile delinquents, any city or town acting by its school

committee and out of funds appropriated for general school purposes, and any regional school district, may employ such number of school adjustment counsellors or school social workers as the school committee, with the written approval of the commissioner of youth services, shall deem necessary. Each such school adjustment counsellor or school social worker shall be responsible for (a) counselling and helping children in the primary, elementary and secondary grades who are neglected, maladjusted, emotionally disturbed, neurotic or otherwise potentially delinquent and are referred to him by a teacher, principal or other school personnel, (b) cooperating with teachers, principals and all other school personnel in assisting and readjusting such children, (c) establishing helpful and kindly relationships with the home for the purpose of assisting parents to improve spiritual, moral, economic, physical or social conditions that threaten the welfare of the child and of society, (d) enlisting the interest and the help of clergymen and other local leaders and officials in a mutual community effort to save children from delinquency, and (e) serving as a referral agent to obtain necessary aid from specialized public or private organizations in serious cases which appear to be beyond the resources of the community. No person shall be employed under this section unless his professional and personal qualifications have been approved by the commissioner of education and the commissioner of youth services. If said commissioner of education or said commissioner of youth services disapproves the qualifications of such person, he shall state in writing his reasons. A school adjustment counsellor or school social worker employed pursuant to this section may be employed on a full-time or part-time basis as the school committee shall determine. Expenses incurred under the provisions of this section shall be reimbursable under chapter seventy.

SECTION 4. Section 22E of chapter 74 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 provisions of this section shall apply to school librarians, school psychologists, school adjustment counselors, and school social workers entitled to tenure pursuant to the provisions of chapter seventy-one.

Approved July 11, 1990.

Chapter 111. AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO DEVELOP AND MAINTAIN A WATER SYSTEM BACKFLOW PREVENTION PROGRAM.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one hundred and sixty A of chapter one hundred and eleven of the General Laws to the contrary, the town of

Marblehead, acting through its water and sewer commission, is hereby authorized to develop and maintain a water system backflow prevention program, and to adopt rules and regulations and set fees therefor, in conformity with the provisions of said section one hundred and sixty A.

Approved July 11, 1990.

Chapter 112. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Bruce Rossley in the city of Boston on July fourteenth, nineteen hundred and ninety between Christina Fritsch and Costa Dimas both of the city of Boston, and the state secretary shall issue to said Bruce Rossley a certificate of such authorization.

Approved July 12, 1990.

Chapter 113. AN ACT FURTHER REGULATING THE REPORTING OF INFECTIOUS DISEASES.

Be it enacted, etc., as follows:

SECTION 1. Section 111C of chapter 111 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "person", in line 4, the following words:- or deceased person.

SECTION 2. Said section 111C of said chapter 111, as so appearing, is hereby further amended by inserting after the word "individual", in lines 25 and 26, both times it appears, the following words:- or deceased person,- and by inserting after the word "patient", in line 40, the following words:- or deceased person's legal representative or next of kin, if there is no legal representative.

Approved July 12, 1990.

Chapter 114. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO TRANSFER CERTAIN PARK LAND TO THE CONSERVATION COMMISSION OF SAID TOWN.

Be it enacted, etc., as follows:

The town of Winchester is hereby authorized to transfer the care, custody and control of certain park land from the board of selectmen to the conservation commission of said town to be used for conservation purposes. Said land is situated northerly of Horn Pond Brook Road, containing nineteen thousand seven hundred and twenty square feet, and bounded and described as follows:

WESTERLY by Town of Winchester - Park Land (Horn Pond Brook) in two courses 66.65' and 175.37';

NORTHERLY by Town of Winchester (School Dept.) in two courses 24.59' and 28.29';

EASTERLY by land now or formerly Winston & Suhirtharanjitham Rufnam and Vijayaratnasingam Ponnudurai; Dennis Boyer & Marion M. E. Dry; Peter N. Skerry; and Theresa M. Pacino 205.35;

SOUTHERLY by land now or formerly said Pacino, Richard J. & Patricia E. Winn, and Town of Winchester 147.47.

Approved July 12, 1990.

Chapter 115. AN ACT AUTHORIZING THE LEASING OF CERTAIN PARK LAND IN THE TOWN OF WINCHESTER.

Be it enacted, etc., as follows:

The town of Winchester is hereby authorized to lease a certain parcel of park land located in said town to the trustees of the Winchester Museum Trust and to permit the construction of a building in excess of six hundred square feet, notwithstanding any restrictions or limitations on said land. Said parcel is bounded and described as follows:

Northwesterly by Shore Road 220'±;

Northeasterly by land of grantor - Town of Winchester 55'±;

Easterly by the top of banking along the edge of a body of water commonly known as Judkins Pond 195'±; and

Southerly by land now or formerly Aberjona Park Real Estate Trust Charles B. Westgate Trustee 191'±.

Approved July 12, 1990.

Chapter 116. **AN ACT AUTHORIZING THE CITY OF BOSTON TO USE CERTAIN PARK LANDS FOR THE CONSTRUCTION OF FIELD HOUSES.**

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to construct five field houses to be used for such purposes as, but not limited to, restrooms, on five parcels of park land known as follows: the Connolly playground in the Roxbury section of the city of Boston, the Carter playground in the South End section of the city of Boston, Fallon field in the Roslindale section of the city of Boston, the Christopher Lee playground in the South Boston section of the city of Boston, and the William Barry playground in the Charlestown section of the city of Boston.

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

Approved July 13, 1990.

Chapter 117. **AN ACT AUTHORIZING CHARITABLE ORGANIZATIONS TO SOLICIT DONATIONS ON PUBLIC WAYS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize charitable organizations to solicit donations on public ways, therefore 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 17A of chapter 85 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:-

Notwithstanding the provisions of the first sentence of this section, on any city or town way which is not under jurisdiction of the department, the chief of police of a city or town may issue a permit to nonprofit organizations to solicit on said ways in conformity with the rules and regulations established by the police department of said city or town.

Approved July 13, 1990.

Chapter 118. **AN ACT CHANGING THE NAME OF THE BECKER JUNIOR COLLEGE OF BUSINESS ADMINISTRATION AND SECRETARIAL SCIENCE TO BECKER COLLEGE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow Becker college to grant certain degrees, therefore 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 555 of the acts of 1943 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:-

Section 1. The name of Becker School of Business Administration and Secretarial Science, a corporation incorporated under the provisions of chapter one hundred and eighty of the General Laws on December fourth, nineteen hundred and forty, is hereby changed to Becker College; provided, however, that such name, when used on the official documents and publications of said College, shall be accompanied by a phrase which will effectively distinguish such institution from a senior college.

Section 2. Said corporation is hereby authorized and empowered to grant to students properly accredited and recommended by its faculty, upon completion of the two-year course in said junior college, the degree of Associate in Science in the following educational fields: liberal arts, business, secretarial science, education, health and animal sciences, technical studies, retailing and human services, environmental studies, law and criminal justice, communications, sports and recreation, travel and tourism, hospitality, and, to offer any and all other courses or programs relating or incidental thereto.

SECTION 2. Notwithstanding the provisions of section thirty of chapter sixty-nine of the General Laws, the authority to provide instruction and grant the degree of Associate in Science provided in section one shall not be subject to the approval of the board of regents of higher education nor shall it give said board any authority, governance, power or control over Becker College under the provisions of said section thirty of said chapter sixty-nine.

Approved July 17, 1990.

Chapter 119. **AN ACT RELATIVE TO THE ISSUANCE OF CERTAIN LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF WALTHAM.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, and notwithstanding the provisions of any general or special law to the contrary, there shall be available for granting by the licensing authority of the city of Waltham no more than a total number of eleven licenses for the sale at retail of all alcoholic beverages not to be drunk on the premises as authorized under the provisions of section fifteen of said chapter one hundred and thirty-eight.

Approved July 17, 1990.

Chapter 120. **AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-ONE 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 three hundred sixty-two million six hundred seventy-nine thousand seven hundred and forty-five dollars is hereby made available in the fiscal year ending June thirtieth, nineteen hundred and ninety-one, to meet necessary expenditures prior to the enactment into law of the general appropriations act for the nineteen hundred and ninety-one fiscal year, to be in addition to appropriations previously made for such purpose, for the maintenance and operations of the several departments, boards, commissions, and institutions, for other necessary services, and for meeting certain requirements of law; provided, however, that said sum may be expended, without further appropriation, pursuant to schedules prepared by the secretary of administration and finance and filed prior to expenditure with the house and senate committees on ways and means; provided, further, that the authorization contained herein shall cease to be operative as of the effective date of the general appropriations act for the nineteen hundred and ninety-one fiscal year and all actions taken under this section shall apply against said general appropriations act.

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

Approved July 18, 1990.

Chapter 121. AN ACT ESTABLISHING THE ECONOMIC STABILITY AND RECOVERY COMPACT.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 35 of chapter 10 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clauses (a) to (c), inclusive, and inserting in place thereof the following:-

(a) For the payment of prizes to the holders of winning lottery tickets or shares;

(b) For the expenses of the commission in administering and operating the lottery, as certified by the secretary of administration and finance, provided that the state treasurer shall transfer the certified amount to the General Fund for said purposes; and,

(c) The balance of said fund, as determined by the comptroller on September thirtieth, December thirty-first, March thirty-first and June thirtieth of each fiscal year, shall be credited to the Compact Fund established by section two M of chapter twenty-nine.

SECTION 2. Said chapter 10 is hereby further amended by inserting after section 35I the following section:-

Section 35J. There shall be established and set up on the books of the commonwealth a separate fund, to be administered by the commissioner of public health as provided in sections two D to two F, inclusive, of chapter one hundred and eleven, to be known as the Massachusetts AIDS Fund. Said fund shall consist of all revenues received by the commonwealth under the provisions of section six G of chapter sixty-two, from public and private sources as appropriations, gifts, grants, and donations, and from the federal government as reimbursements, grants-in-aid or other receipts, to further the purposes of said fund as set out in section two E of said chapter one hundred and eleven. All revenues credited to said fund under this section shall remain in said fund, not subject to appropriation, for application to said purposes. The state treasurer shall not deposit said revenues in or transfer said revenues to the general fund or any other fund other than the Massachusetts AIDS fund. The state treasurer shall deposit monies in said fund in accordance with the provisions of sections thirty-four and thirty-four A of chapter twenty-nine in such manner as will secure the highest interest rate available consistent with safety of the fund and with the requirement that all amounts on deposit be available for immediate withdrawal at any time. Said fund shall be expended only for the purpose stated in section two E of chapter one hundred and eleven at the direction of the commissioner of public health, and any unexpended balances shall be redeposited, as herein provided, for further use consistent with this section.

Expenditures from the fund may be made in accordance with the provisions

of section two E of chapter one hundred and eleven.

SECTION 3. The second paragraph of section 39 of said chapter 10, as appearing in the 1988 Official Edition, is hereby amended by striking out clauses (b) and (c) and inserting in place thereof the following two clauses:-

(b) Three-fifths of all such sums received shall be credited to the COMPACT Fund established by section two M of chapter twenty-nine.

(c) Any unappropriated balance remaining in the State Lottery Fund from the sums credited under clause (a), as determined by the comptroller as of June first and December first of each year, shall be credited to the COMPACT Fund established under the provisions of section two M of chapter twenty-nine.

SECTION 4. Section 57 of said chapter 10, inserted by section 15 of chapter 653 of the acts of 1989, is hereby amended by striking out, in line 23, the words "Local Aid Fund" and inserting in place thereof the words:- COMPACT Fund established by section two M of chapter twenty-nine.

SECTION 5. Section 1 of chapter 14 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:- There shall be a department of revenue, in this chapter called the department, which shall be organized into administrative units as established by the commissioner and as may be established in or assigned to the department by the secretary of administration; provided, however that there shall be a division of inspectional services, independent of any other administrative unit, an office of problem resolution, a division of local services, including a bureau of local assessment and a bureau of accounts to be headed by a director of accounts, and a division of child support enforcement.

SECTION 6. Said section 1 of said chapter 14, as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph:-

Since the tax revenues that support a free and open government depend upon a tax system in which its citizens have the highest degree of public trust and confidence, it is hereby declared that the promotion of such trust and confidence in the department of revenue is a paramount public purpose; that the administration of tax laws of the commonwealth shall be free from any influence that may compromise, or appear to compromise, its objectivity in any manner whatsoever; that the duties and responsibilities assigned to such department shall be carried out with the highest standards of professionalism and ethical behavior; and that its officials and employees shall act with integrity, impartiality and equality, without regard to political concerns. It is hereby further declared that the provisions of this chapter be interpreted and administered in a manner that will foster these goals; that such department attract skilled and proficient personnel through the development and continuing implementation of career advancement and promotion exclusively on the basis of excellence, and that both the public and the employees of such department be made clearly and unequivocally aware of the necessarily

high standards of conduct required by and applicable to the administration of the tax laws.

SECTION 7. Section 6 of said chapter 14, as amended by section 1 of chapter 400 of the acts of 1989, is hereby further amended by adding the following two subparagraphs:-

3. Shall, no later than the last Wednesday of each calendar year, prepare a statement which sets forth in simple and nontechnical terms:

(a) the rights of a taxpayer and the obligations of the commissioner during an audit;

(b) the procedures by which a taxpayer may appeal any adverse decision of the commissioner, including administrative and judicial appeals;

(c) the procedures for processing applications for abatement and filing of taxpayer complaints; and

(d) the procedures which the commissioner may use in enforcing the tax laws of the commonwealth, including assessment, jeopardy assessment, levy and distraint, and enforcement of liens.

The commissioner shall transmit copies of the statement required under this paragraph to the house and senate committees on ways and means and to the joint committee on taxation no later than the last Wednesday of January in each calendar year, and shall distribute the statement, or information as to where and the manner in which a copy of such statement may be obtained, to all taxpayers the commissioner contacts with respect to the determination or collection of any tax administered by him, other than by providing tax forms. The commissioner shall take such actions as he deems necessary to ensure that such distribution does not result in multiple statements being sent to any one taxpayer.

4. Shall make, with the approval of the secretary, and from time to time may revise, in like manner, such reasonable regulations as may be necessary to guarantee the prompt return to taxpayers of refunds resulting from the overpayment of taxes; to guarantee the earliest possible rendering of abatement decisions, including the requirement that refunds resulting from abatement decisions be issued to taxpayers within thirty days of such decisions.

SECTION 8. Said chapter 14 is hereby further amended by adding the following section:-

Section 7. The commissioner shall not rely solely upon records of tax enforcement results to evaluate employees, nor their direct superiors, involved in tax collection activities, and shall not use such records to enforce or suggest individual production quotas or goals with respect to any such employees.

SECTION 9. Section 37 of chapter 21 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 18 and 31, the words "Local Aid" and inserting in place thereof, in each instance, the words:- Categorical Grants.

SECTION 10. Section 12 of chapter 21D of the General Laws, as so appearing, is hereby amended by striking out, in lines 53 and 54, the words "local aid fund established by section two D of" and inserting in place thereof the words:- COMPACT Fund established by section two M of chapter twenty-nine or the Categorical Grants Fund established by section two N of said.

SECTION 11. Section 3 of chapter 21H of the General Laws, as so appearing, is hereby amended by striking out, in line 193, the words "Local Aid" and inserting in place thereof the words:- Categorical Grants.

SECTION 12. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 30, the words "Local Aid" and inserting in place thereof the words:- Categorical Grants.

SECTION 13. Section two D of said chapter twenty-nine is hereby repealed.

SECTION 14. Section 2I of said chapter 29, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 22, the words "forty percent of",- and by striking out, in line 24, the words "to the Local Aid Fund and sixty percent of said amount."

SECTION 15. Said chapter 29 is hereby amended by inserting after section 2L, inserted by section 7 of chapter 275 of the acts of 1989, the following two sections:-

Section 2M. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Commonwealth of Massachusetts Permanent Assistance to Cities and Towns Trust Fund, or COMPACT Fund, consisting of the following monies: (1) twenty-five percent of revenues derived from the tax on Part A and Part B income, as levied under the provisions of section four of chapter sixty-two; (2) any and all revenues derived from the tax on the sale of services levied pursuant to section two of chapter sixty-four H; (3) any and all revenues derived from the tax on the use of services levied pursuant to the provisions of section two of chapter sixty-four I; and (4) any revenues collected from proceeds of the State Lottery Fund, in accordance with the provisions of section thirty-five of chapter ten, and any revenues collected from the proceeds of the Arts Lottery Fund, in accordance with the provisions of sections thirty-five C of said chapter ten.

Section 2N. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Categorical Grants Fund, consisting of the following monies: (1) twenty percent of all revenues collected from the levy on income imposed by section four of chapter sixty-two; (2) twenty percent of all revenues collected from the levy on domestic corporations or foreign corporations, as provided in sections thirty-two and thirty-nine respectively of chapter sixty-three; and, (3) twenty percent of all revenues collected from the excises on the sale at retail of tangible personal property, pursuant to section two of chapter sixty-four H, and on the storage, use or consumption of tangible personal property pursuant to section two of chapter sixty-four I.

Amounts credited to the fund shall be used, subject to appropriation, only for the following purposes: (1) categorical grants to cities and towns, whether for capital or for operating expenses; (2) certain state payments to counties and districts in lieu of such payments by cities and towns; (3) certain expenditures of cities, towns, districts, counties and other local subdivisions of the commonwealth assumed by the commonwealth since July first, nineteen hundred and eighty.

SECTION 16. Said chapter 29 is hereby further amended by inserting after section 2M, inserted by section 16 of this act, the following section:-

Section 2 O. There is hereby established in the Highway Fund a subfund to be known as the Infrastructure Fund, which will be invested by the state treasurer, and which for the purposes of chapter twenty-nine and twenty-nine B shall be deemed a part of the Highway Fund. Thirty-five and twenty-nine hundredths percent of the receipts paid into the treasury of the commonwealth and directed to be credited to the Highway Fund under the provisions of paragraph (a) of section thirteen of chapter sixty-four A, hereinafter referred to, together with investment earnings thereon, as "special receipts," shall be credited to the Infrastructure Fund and used in accordance with this section. Expenditures from the Infrastructure Fund shall, subject to appropriation, be made for the following purposes: (i) for the payment of the principal, including sinking fund payments of and premium, if any, and interest on special obligation bonds of the commonwealth, as hereinafter described, issued for one or more of the purposes described in clause (2) of section thirty-four of chapter ninety, (ii) for the maintenance of, or provision for, any reserves, additional security, insurance or other form of credit enhancement required or provided for in any trust agreement entered into pursuant to this section to secure such bonds, and (iii) for direct expenditures for any such purposes described in said clause (2), any such direct expenditures to be made only in compliance with any applicable restrictions relating thereto, including without limitation any coverage requirements contained in any such trust agreement or credit enhancement agreement.

Any such bonds shall be authorized by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting thereon. Any such bonds shall be special obligations of the commonwealth payable from special receipts to the extent available and in any case payable solely from monies credited to the Highway Fund; notwithstanding the provisions of any general or special law to the contrary, including without limitation section sixty A of chapter twenty-nine, such bonds shall not be general obligations of the commonwealth. Bonds may be issued in such manner and on such terms and conditions as the state treasurer may determine in accordance with the provisions of this paragraph and, to the extent not inconsistent with the provisions hereof, provisions of general law for the issuance of bonds of the commonwealth. Bonds may be secured by a trust agreement entered into by the state treasurer, with the concurrence of the secretary

of administration and finance and the secretary of transportation and construction, on behalf of the commonwealth, which trust agreement may pledge or assign all or any part of moneys credited to the Highway Fund and rights to receive the same, whether existing or coming into existence and whether held or thereafter acquired, and the proceeds thereof. The state treasurer is also authorized, with the concurrence of the secretary of administration and finance and the secretary of transportation and construction, to enter into additional security, insurance or other forms of credit enhancement which may be secured on a parity or subordinate basis with the bonds. A pledge in any such trust agreement or credit enhancement agreement shall be valid and binding from the time such pledge shall be made without any physical delivery or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise, irrespective of whether such parties have notice thereof. Any such pledge shall be perfected by filing of the trust agreement or credit enhancement agreement in the records of the state treasurer, and no filing need be made under chapter one hundred and six. Any such trust agreement or credit enhancement agreement may establish provisions defining defaults and establishing remedies and other matters relating to the rights and security of the holders of the bonds or other secured parties as determined by the state treasurer, including provisions relating to the establishment of reserves, the issuance of additional or refunding bonds, whether or not secured on a parity basis, the application of receipts, monies or funds pledged pursuant to such agreement, hereinafter referred to as "pledged funds", and other matters deemed necessary or desirable by the state treasurer for the security of such bonds, and may also regulate the custody, investment and application of moneys. Any such bonds shall be deemed to be investment securities under chapter one hundred and six, shall be securities in which any public officer, fiduciary, insurance company, financial institution or investment company may properly invest funds and shall be securities which may be deposited with any public custodian for any purpose for which the deposit of bonds is authorized by law. Any such bonds, their transfer and the income therefrom, including profit on the sale thereof, shall at all times be exempt from taxation by and within the commonwealth.

The provisions hereof relating to bonds shall also be applicable to the issuance of notes insofar as such provisions may be appropriate therefor.

In order to increase the marketability of any such bonds or notes issued by the commonwealth, and in consideration of the acceptance of payment for any such bonds or notes, the commonwealth covenants with the purchasers and all subsequent holders and transferees of any such bonds or notes that while any such bond or note shall remain outstanding, and so long as the principal of or interest on any such bond or note shall remain unpaid, (i) special receipts shall not be diverted from the purposes identified herein, (ii) no pledged funds shall be diverted

from the Highway Fund, (iii) in any fiscal year of the commonwealth, unless and until an appropriation has been made which is sufficient to pay the principal, including sinking fund payments, of and interest on all such bonds and notes of the commonwealth and to provide for or maintain any reserves, additional security, insurance or other form of credit enhancement required or provided for in any trust agreement securing any such bonds or notes, no pledged funds shall be applied to any other use and (iv) so long as such revenues are necessary, as determined by the state treasurer in accordance with any applicable trust agreement or credit enhancement agreement, for the purposes for which they have been pledged, the rates of the fees collected pursuant to section thirty-three of chapter ninety and of the excises imposed in chapters sixty-four A, sixty-four E and sixty-four F shall not be reduced below the amount in effect at the time of issuance of any such bond or note.

SECTION 17. The second sentence of section 2 O of said chapter 29, inserted by section 16 of this act, is hereby amended by striking out, in line 1, the words "thirty-five and twenty-nine" and inserting in place thereof the words:- forty-seven and sixty-two.

SECTION 18. Section 5C of said chapter 29, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 13, the words "Local Aid" and inserting in place thereof the words:- Categorical Grants.

SECTION 19. Said chapter 29 is hereby further amended by adding the following five sections:-

Section 67. As used in sections sixty-eight to seventy-one, inclusive, the following words shall, unless the context clearly indicates otherwise have the following meanings:-

"Fund", the Commonwealth of Massachusetts Permanent Assistance to Cities and Towns Trust Fund, established pursuant to the provisions of section two M of chapter twenty-nine.

"Independent vocational school", a school established pursuant to sections four, five A, or twenty-five of chapter seventy-four.

"Local aid guarantee", an amount equal to twenty-six percent of certain general revenues of the Commonwealth, the exact amount to be determined as provided in section sixty-eight.

"Local governmental unit", any city, town, regional school district or independent vocational school which receives additional assistance to cities and towns, state aid for public schools, additional assistance to cities and towns, state aid for public schools, and regional school aid, as provided in section sixty-nine.

"Regional school district", a district established pursuant to section fifteen of chapter seventy-one.

"State treasurer", the treasurer and receiver general of the commonwealth.

"Total expenditures for all pupils enrolled in all programs in a city, town,

regional school district or independent vocational school", the amount defined in and determined according to section two of chapter seventy.

"Total expenditures for all pupils enrolled in all programs in a regional school district or independent vocational school", that portion of the total expenditures for all pupils enrolled in all programs in a city, town, regional school district or independent vocational school which is attributable to expenditures for pupils enrolled in regional school district or independent vocational school, except that amounts received by a regional school district from the member cities and towns shall be deducted.

Section 68. (a) The local aid guarantee shall be calculated by the office of the comptroller in accordance with the provisions of this section. Prior to the commencement of a new fiscal year, to be known as the "current fiscal year" for purposes of this section, the comptroller shall calculate the "general revenue sharing base amount", which shall be the aggregation of all of the following taxes from the fiscal year two years prior to the current fiscal year:

(1) The income tax imposed by section four of chapter sixty-two, but excluding any portion of said income tax which is deposited in the COMPACT Fund established by section two M of chapter twenty-nine;

(2) The sales tax on tangible personal property or services imposed by section two of chapter sixty-four H, but excluding any portion of said sales tax which is deposited in the COMPACT Fund created by section two M of chapter twenty-nine;

(3) The corporate excise and income taxes on banks, savings bank insurance premiums, insurance companies, domestic business corporations, foreign business corporations, utilities and corporate franchises, as provided for in sections two, eighteen, twenty, twenty-one, twenty-two, thirty-two, thirty-nine, fifty-two A and fifty-eight of chapter sixty-three;

(4) The excise on certain corporations, associations and organizations engaged in the sale of alcoholic beverages, imposed by section two of chapter sixty-three A;

(5) The excise upon the sale of cigarettes, imposed by section six of chapter sixty-four C;

(6) The excise on deeds, instruments and writings imposed by section one of chapter sixty-four D, excluding that portion of such excise transmitted to the Deeds Excise Fund of each county pursuant to section eleven of said chapter sixty-four D;

(7) The room occupancy excise imposed by section three of chapter sixty-four G;

(8) The excise on the storage, use or other consumption in the commonwealth of tangible personal property or services imposed by section two of chapter sixty-four I, but excluding any portion of said use tax which is deposited to the COMPACT Fund established by section two M of chapter twenty-nine;

(9) The excise on legacies and successions imposed by section one of chapter sixty-five;

(10) The excise on transfers of certain estates, imposed by section one of chapter sixty-five A;

(11) The death tax, as defined in section one of chapter sixty-five B, imposed by section three of said chapter sixty-five B;

(12) The excise imposed on (i) the transfer of taxable estates of every deceased resident of Massachusetts, (ii) nonresident decedent's real and tangible personal property having an actual situs in the commonwealth, and (iii) generation-skipping transfers in which the original transferor was a resident of the commonwealth at the time of the transfer, imposed by sections two, four, and four A of chapter sixty-five C;

(13) The excise for manufacturing, importing or selling alcoholic beverages imposed by section twenty-one of chapter one hundred and thirty-eight;

(14) Any fee, penalty, receipt or other monetary exaction associated with the collection of taxes enumerated in clauses (1) to (13) inclusive;

(15) Revenues of the commonwealth from pari-mutuel wagering distributed under the authority of section eighteen D of chapter fifty-eight; and,

(16) Revenues transferred from the State Lottery Fund to the COMPACT Fund established by section two M of chapter twenty-nine in accordance with the provisions of section thirty-five of chapter ten.

(b) For the purposes of subsection (a), exactions which shall not be included in the comptroller's calculation of the general revenue sharing base amount shall include the excise on the sale of gasoline, as provided by section four of chapter sixty-four A, the excise on the sale of special fuels, as imposed by section four of chapter sixty-four E, the excise on special fuels acquired outside of and used within the commonwealth imposed by section six of chapter sixty-four F, the excise on fuels used in the propulsion of aircraft imposed by section four of chapter sixty-four J, and any other revenues, fees, penalties, receipts or other monetary exaction associated with the taxation of fuels, the use of which could be restricted by Article LXXVIII of the Amendments to the Constitution. For the purposes of subsection (a), taxes which may be included in the calculation of the general revenue sharing base amount include any revenues from any tax, fee, penalty, receipt or other monetary exaction covering the same general subject matter as the taxes and exactions enumerated in clauses (1) to (13), inclusive, of subsection (a).

(c) Taxes enumerated in subsection (a) shall be included in the comptroller's calculation of the general revenue sharing base amount only in those fiscal years in which they are in effect, and only at those rates at which they are effective. If tax rates are changed, or new classes or categories of taxes are added or subtracted from the enumerated list during the course of a fiscal year, the comptroller shall

apportion them in his calculation in accordance with their effective dates during the course of the fiscal year.

(d) The comptroller shall multiply the general revenue sharing base amount, as defined in this section, by twenty-six percent to obtain the local aid guarantee for the current fiscal year. The comptroller shall report the amount of the local aid guarantee so calculated to the secretary of administration and finance and to the house and senate committees on ways and means no later than first Wednesday in January prior to the current fiscal year.

Section 69. (a) Notwithstanding the provisions of any other general or special law to the contrary, the treasurer shall in each fiscal year distribute and pay the amount of the local aid guarantee to each city, town, regional school district, and independent vocational school in accordance with the provisions of this section.

(b) In the fiscal year ending June thirtieth, nineteen hundred and ninety-one, the treasurer shall pay each city and town an amount equal to the total amount of school aid, additional assistance and lottery distribution payments, so-called, actually paid to such city or town on account of the fiscal year ending June thirtieth, nineteen hundred and ninety pursuant to sections three and six of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine, excluding any amount paid to such city or town in such fiscal year by the secretary of administration and finance because of a serious financial emergency and excluding the amount withheld or attempted to be withheld by the governor pursuant to section nine C of chapter twenty-nine in such fiscal year. In the fiscal year ending June thirtieth, nineteen hundred and ninety-one, the treasurer shall pay each regional school district and independent vocational school an amount equal to the sum of (i) the total amount of regional school aid calculated pursuant to section sixteen D of chapter seventy-one which was actually paid to such district or school for the fiscal year ending June thirtieth, nineteen hundred and ninety pursuant to section three of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine, and (ii) the total amount of line item 7061-0008 aid calculated pursuant to sections three, six and seven of chapter seventy which was actually paid to such district or school for the fiscal year ending June thirtieth, nineteen hundred and ninety pursuant to section three of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine, excluding the amount of such aid which was withheld or attempted to be withheld by the governor pursuant to section nine C of chapter twenty-nine in such fiscal year.

(c) For the fiscal year ending June thirtieth, nineteen hundred and ninety-two and in each fiscal year thereafter, the treasurer shall pay each city, town, regional school district, and independent vocational school at least an amount equal to the amount paid such city, town, district, or school pursuant to this section in the immediately preceding fiscal year.

(d) For the fiscal year beginning on July first, nineteen hundred and ninety-two,

and for each fiscal year thereafter, the treasurer shall, subject to appropriation, distribute, in addition to the amounts provided pursuant to paragraph (b) or (c) and in accordance with the provisions of this paragraph, any amount by which the amount of the local aid guarantee for such fiscal year exceeds the total of the amounts provided for all cities, towns, regional school districts, and independent vocational schools pursuant to paragraph (b) or (c), as applicable, for such fiscal year. The following percentage of such excess amount of such local aid guarantee shall be paid to the regional school districts and independent vocational schools: a percentage equal to the total expenditures for all pupils enrolled in all programs in a regional school district or independent vocational school in the preceding fiscal year, divided by the total operating expenditures for all purposes of all cities, towns, regional school districts and independent vocational schools in the preceding fiscal year. Said percentage of such excess amount of such local aid guarantee shall be allocated to the regional school districts and independent vocational schools as follows: first, to supplement that portion of the amount paid under paragraph (b) or (c) to each regional school district or independent vocational school which is described as attributable to chapter seventy, so as to fund the full amount, or a pro rata share thereof, due such regional school district or independent vocational school for the current fiscal year pursuant to sections three, six and seven of said chapter seventy; second, to supplement that portion of the amount paid under paragraph (b) or (c) to each regional school district or independent vocational school which is described as attributable to regional school aid pursuant to chapter seventy-one, so as to fund the full amount, or a pro rata share thereof, of regional school aid due such regional school district or independent vocational school pursuant to subparagraphs (i) and (ii) of paragraph (a) of section sixteen D of chapter seventy-one for the current fiscal year. The remaining percentage of such excess amount of such local aid guarantee shall be distributed to cities and towns in accordance with the needs-based additional assistance formula prescribed in paragraph (e).

(e) There shall be a needs-based formula for allocating additional assistance pursuant to paragraph (d), which shall be based on the needs-based formula used by the secretary of administration and finance for the allocation of additional assistance in the fiscal year ending June thirtieth, nineteen hundred and eighty-nine. The treasurer shall determine the expenditure needs of each city and town by estimating through regression analysis those costs of providing adequate local services which are the result of factors beyond the control of local officials, which may include but shall not be limited to such factors as the number of weighted full-time equivalent students, population density, local road mileage, manufacturing and non-manufacturing employment, percent of persons in poverty, percent of housing built before nineteen hundred and forty, and level of service needs. Such treasurer shall also determine the amount of revenue available to finance local

services without additional assistance, through regression analysis based on factors which may include but shall not be limited to the community's levy limit pursuant to section twenty-one D of chapter fifty-nine, income per capita, available local reserves, state aid, room occupancy excise tax capacity pursuant to chapter sixty-four G, and motor vehicle excise tax capacity pursuant to chapter sixty A. The commissioner of revenue shall determine the need for additional assistance in each city and town by subtracting available revenue from estimated costs, and shall allocate additional assistance to such city or town in proportion to the difference so obtained.

Section 70. (a) Notwithstanding the provisions of any general or special law to the contrary, the amounts paid pursuant to section sixty-nine to each city, town, regional school district and independent vocational school are hereby deemed to be in full satisfaction of the amounts due under the provisions of section thirty-seven of chapter twenty-one; sections thirteen to seventeen B inclusive of chapter fifty-eight; sections three, six, and seven of chapter seventy; section sixteen D of chapter seventy-one; and section eight of chapter six hundred and thirty-five of the acts of nineteen hundred and sixty.

(b) The treasurer shall not make any payments to cities and towns pursuant to section sixty-nine after November thirtieth of the fiscal year until the commissioner of revenue certifies to said treasurer 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. The treasurer shall not make any payments to regional school districts or independent vocational schools after November thirtieth of the fiscal year until the commissioner of education certifies to said treasurer said commissioner's acceptance of the prior fiscal year's annual financial reports as prescribed by the director of accounts in the department of revenue. The treasurer shall not make any payments to cities, towns, regional school districts or independent vocational schools pursuant to this section after November thirtieth of the fiscal year until the commissioner of education certifies to said treasurer 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.

(c) Notwithstanding the provisions of any general or special law to the contrary, the treasurer shall make two equal payments to cities, towns, regional school districts and independent vocational schools for all assistance provided pursuant to section sixty-nine. Said two equal payments shall be made on December thirty-first and June thirtieth of each fiscal year; provided, however, that the treasurer shall make additional payments on September thirtieth and on March thirty-first of each fiscal year, for some or all of said assistance to any city, town, regional school district or independent vocational school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue pursuant to guidelines approved by the secretary of administration and finance.

Section 71. No provision of this chapter shall be construed to affect the obligation of the state treasurer to withhold from the receipts, distributions, reimbursements or other assistance payable to any city, town or other local governmental unit under any reimbursement, grant, assistance or other local aid program any amount determined in accordance with section ten of chapter forty-four A or any amount certified to the state treasurer as owing to a public instrumentality of the commonwealth pursuant to paragraph (b) of section ten of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four or paragraph (d) of section ten or section eleven of chapter twenty-nine C, or any similar provision relative to local aid intercepts, so-called.

SECTION 20. The definition of "Consolidated net surplus" in section 1 of chapter 29B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 41, the words "Local Aid" and inserting in place thereof the words:- Categorical Grants.

SECTION 21. The thirteenth paragraph of section 18 of chapter 55 of the General Laws, as so appearing, is hereby amended by striking out, in lines 288 and 289 the words "Local Aid Fund established under the provisions of section two D" and inserting in place thereof the words:- Categorical Grants Fund, established under the provisions of section two N.

SECTION 22. Section eighteen C of chapter fifty-eight of the General Laws is hereby repealed.

SECTION 23. Section eighteen E of said chapter fifty-eight is hereby repealed.

SECTION 24. Section 4 of chapter 62 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following two subsections:-

(a) Part A taxable income shall be taxed at the rate of twelve percent.

(b) Part B taxable income shall be taxed at the rate of five and twenty hundredths percent.

SECTION 25. Said section 4 of said chapter 62 is hereby further amended by striking out subsection (b), as amended by section 24 of this act, and inserting in place thereof the following subsection:-

(b) Part B taxable income shall be taxed at the rate of six and one-quarter percent.

SECTION 26. Said section 4 of said chapter 62 is hereby further amended by striking out subsection (b), as amended by section 25 of this act, and inserting in place thereof the following subsection:-

(b) Part B taxable income shall be taxed at the rate of five and ninety- five hundredths percent.

SECTION 27. Said chapter 62 is hereby further amended by inserting after section 6F the following section:-

Section 6G. Every individual who files a separate return and every husband and

wife filing a return jointly may voluntarily contribute all or part of any refund to which they are entitled, or may voluntarily add an amount onto any amount due, to be credited to the Massachusetts AIDS Fund established pursuant to section thirty-five J of chapter ten.

A contribution made under this section may be with respect to any taxable year at the time of filing a return of the tax established 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; and provided, further, that the commissioner shall assure that taxpayers filing any such forms are made clearly aware of their ability to make the contributions provided for by this section.

The commissioner shall annually report the total amount designated under this section to the state treasurer, who shall credit such amount to said Massachusetts AIDS Fund.

SECTION 28. Section 16 of chapter 62C of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out paragraph (i) and inserting in place thereof the following paragraph:-

(i) Every purchaser who is required to pay a tax under chapter sixty-four I shall file a return with the commissioner for each calendar month. The commissioner may by regulation require returns under this section to be filed on a quarterly rather than a monthly basis or on such other basis as he may determine, and to have different filing periods for different groups of purchasers. Such returns shall show the total sales prices of all services or tangible personal property purchased at retail sale upon which the tax imposed has not been paid by purchasers to vendors, the amount of tax for which the purchaser is liable, and such other information as the commissioner deems necessary for the computation and collection of the tax. Every such return shall be filed within twenty days after the expiration of the period covered thereby unless the commissioner by regulation prescribes otherwise. The return filed by a purchaser shall include the sales prices of all services or tangible personal property purchased at taxable retail sale during the calendar month or other period for which the return is filed and upon which the tax imposed has not been reimbursed by the purchaser to a vendor.

SECTION 29. Said chapter 62C is hereby further amended by inserting after section 36A the following section:-

Section 36B. The commissioner shall waive or abate any portion of any penalty or addition to tax assessed under this chapter attributable to erroneous advice furnished to the taxpayer in writing by an officer or employee of the department of revenue, acting in such officer's or employee's official capacity, provided that (a) the written advice was reasonably relied upon by the taxpayer and was in response to a specific written request of the taxpayer, and (b) the portion of the penalty or addition to tax did not result from a failure by the taxpayer to provide

adequate or accurate information.

SECTION 30. Said chapter 62C is hereby further amended by inserting after section 37A the following section:-

Section 37B. (a) The commissioner is authorized to enter into written agreements with any taxpayer under which such taxpayer is allowed to satisfy liability for payment of any tax in installment payments if the commissioner determines that such agreement will facilitate collection of such liability. Except as otherwise provided in this subsection, any agreement entered into by the commissioner shall remain in effect for the term of the agreement. The commissioner may terminate any agreement entered into by the commissioner if information which the taxpayer provided to the commissioner prior to the date such agreement was entered into was inaccurate or incomplete; or the commissioner believes that collection of any tax to which an agreement under this section relates is in jeopardy.

(b) If the commissioner makes a determination that the financial condition of a taxpayer with whom the commissioner entered into an agreement under subsection (a) has significantly changed, the commissioner may alter, modify, or terminate such agreement. Action may be taken by the commissioner hereunder only if (i) notice of such determination is provided to the taxpayer no later than thirty days prior to the date of such action and (ii) such notice includes the reasons why the commissioner believes a significant change in the financial condition of the taxpayer has occurred.

(c) The commissioner may alter, modify, or terminate any agreement entered into by the commissioner under subsection (a) in the case of the failure of the taxpayer (i) to pay any installment at the time such installment payment is due under such agreement, (ii) to pay any other tax liability at the time such liability is due, or (iii) to provide a financial condition update as requested by the commissioner.

SECTION 31. Said chapter 62C is hereby further amended by adding the following section:-

Section 80. (a) An officer or employee of the department of revenue shall before or at an initial interview provide to the taxpayer:

(i) in the case of an in-person interview with the taxpayer relating to the determination of any tax, an explanation of the audit process and the taxpayer's rights under such process; or

(ii) in the case of an in-person interview with the taxpayer relating to the collection of any tax, an explanation of the collection process and the taxpayer's rights under such process.

(b) If the taxpayer clearly states to an officer or employee of the department of revenue at any time during any interview, other than an interview initiated by an administrative summons issued under section seventy, that the taxpayer wishes

to consult with an attorney, certified public accountant, enrolled agent, enrolled actuary, or any other person permitted to represent the taxpayer, such officer or employee shall suspend such interview regardless of whether the taxpayer may have answered one or more questions.

(c) Any attorney, certified public accountant, enrolled agent, enrolled actuary, or any other person permitted to represent the taxpayer and who has a written power of attorney executed by the taxpayer may be authorized by such taxpayer to represent the taxpayer in any in-person interview with any taxpayer relating to the determination or collection of any tax. An officer or employee of the department of revenue may not require a taxpayer to accompany the representative in the absence of an administrative summons issued to the taxpayer under section seventy. Such an officer or employee, with the consent of the immediate supervisor of such officer or employee, may notify the taxpayer directly that such officer or employee believes such representative is responsible for unreasonable delay or hindrance of an examination or investigation of the taxpayer.

(d) This section shall not apply to criminal investigations or investigations relating to the integrity of an officer or employees of the department of revenue.

SECTION 32. The last paragraph of section 3 of chapter 63B of the General Laws, as appearing in section 1 of chapter 39 of the acts of 1989, is hereby amended by inserting before the first sentence the following sentence:- Clause (ii) shall not apply if the preceding taxable year was not a taxable year of twelve months or the corporation did not file a return for such preceding taxable year showing a liability for tax.

SECTION 33. Section six of chapter sixty-three B of the General Laws is hereby repealed.

SECTION 34. Section eight of said chapter sixty-three B is hereby repealed.

SECTION 35. Paragraph (d) of section 1 of chapter 64A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- For the purposes of this chapter, "fuel" shall include products sold or used as fuel for aircraft, except aircraft fuel as defined in section one of chapter sixty-four J.

SECTION 36. Said section 1 of said chapter 64A, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) "Tax per gallon", fifteen and one-half percent of the average price, as determined by the commissioner for each calendar quarter, computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be less than seventeen cents per gallon. For aviation fuel, "tax per gallon" shall mean seven and one-half percent of the average price, as determined by the commissioner for each calendar quarter, computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be less than ten cents per gallon.

SECTION 37. Said section 1 of said chapter 64A, as so appearing, is hereby further amended by striking out paragraph (1), as amended by section 36 of this act, and inserting in place thereof the following paragraph:-

(1) "Tax per gallon", nineteen and one-tenth percent of the average price, as determined by the commissioner for each calendar quarter, computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be less than twenty-one cents per gallon. For aviation fuel, "tax per gallon" shall mean seven and one-half percent of the average price, as determined by the commissioner for each calendar quarter, computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be less than ten cents per gallon.

SECTION 38. Section 4 of said chapter 64A, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding the foregoing, the tax per gallon payable upon each gallon of fuel sold, imported or caused to be imported as aviation fuel shall be separately determined by the commissioner utilizing the same procedures as those used for other fuel and such tax per gallon as so determined shall apply to each gallon of fuel sold, imported or caused to be imported as aviation fuel by a licensee in the commonwealth during the calendar month covered by the return.

SECTION 39. Section 8A of said chapter 64A, as so appearing, is hereby amended by striking out the third and fourth sentences.

SECTION 40. Section 13 of said chapter 64A, as so appearing, is hereby amended by inserting after the word "sums", in line 1, the words:- received from the excise imposed on aviation fuel, and related penalties, forfeitures, interest, costs of suits and fines, less all amounts for reimbursement under sections seven and seven A, shall be credited to the General Fund and may be used for airport development projects approved and carried out at airports and landing facilities pursuant to 49 USC App. sec. 2210; and all other sums.

SECTION 41. Said chapter 64C is hereby amended by striking out section 28, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 28. All sums received under this chapter as excises, penalties, forfeitures, interest, costs of suits and fines, less all amounts refunded or abated thereunder, shall be credited to the General Fund.

SECTION 42. Chapter 64H of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. As used in this chapter the following words shall have the following meanings:-

"Business", any activity engaged in by any person or cause to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect.

"Commissioner", the commissioner of revenue.

"Costs of Performance", direct costs determined in a manner consistent with

generally accepted accounting principles and in accordance with accepted conditions or practices in the type of trade or business in which the taxpayer engages.

"Engaged in business", commencing, conducting or continuing in business, as well as liquidating a business when the liquidator thereof holds himself out to the public as conducting such a business.

"Engaged in business in the commonwealth", having a business location in the commonwealth; regularly or systematically soliciting orders for the sale of services to be performed within the commonwealth or for the sale of tangible personal property for delivery to destinations in the commonwealth; otherwise exploiting the retail sales market in the commonwealth through any means whatsoever, including, but not limited to, salesmen, solicitors or representatives in the commonwealth, catalogs or other solicitation materials sent through the mails or otherwise, billboards, advertising or solicitations in newspapers, magazines, radio or television broadcasts, computer networks or in any other communications medium; or regularly engaged in the delivery of property or the performance of services in the commonwealth. A person shall be considered to have a business location in the commonwealth only if such person (i) owns or leases real property within the commonwealth; (ii) has one or more employees located in the commonwealth; (iii) regularly maintains a stock of tangible personal property in the commonwealth for sale in the ordinary course of business; or (iv) regularly leases out tangible personal property for use in the commonwealth. For the purposes of this paragraph, property on consignment in the hands of a consignee and offered for sale by the consignee on his own account shall not be considered as stock maintained by the consignor; a person having a business location in the commonwealth solely by reason of regularly leasing out tangible personal property shall be considered to have a business location in the commonwealth only with respect to such leased property; and an employee shall be considered to be located in the commonwealth if (a) his service is performed entirely within the commonwealth or (b) his service is performed both within and without the commonwealth but in the performance of his services he regularly commences his activities at, and returns to, a place within the commonwealth. "Within the commonwealth" means within the exterior limits of the commonwealth of Massachusetts, and includes all territory within said limits owned by, or leased or ceded to, the United States of America.

"Gross receipts", the total sales price received by a vendors as a consideration for retail sales.

"Person", an individual, partnership, trust or association, with or without transferable shares, joint-stock company, corporation, society, club, organization, institution, estate, receiver, trustee, assignee, or referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or

otherwise, and any combination of individuals acting as a unit.

"Purchaser", a person who purchases tangible personal property or services the receipts from the retail sale of which are taxable under this chapter and includes a buyer, vendee, lessee, licensee, or grantee.

"Retailer", includes (i) every person engaged in the business of making sales at retail; (ii) every person engaged in the making of retail sales at auction of tangible personal property whether owned by such person or others; (iii) every person engaged in the business of making sales for storage, use or other consumption, or in the business of making sales at auction of tangible personal property whether owned by such person or others for storage, use or other consumption; (iv) every salesman, representative, peddler or canvasser who, in the opinion of the commissioner, it is necessary to regard for the efficient administration of this chapter as the agent of the dealer, distributor, supervisor or employer under whom he operates of from whom he obtains the tangible personal property sold by him, in which case the commissioner may treat and regard such agent as the retailer jointly responsible with his principal, employer or supervisor for the collection and payment of the tax imposed by this chapter; and (v) the commonwealth, or any political subdivision thereof, or their respective agencies when such entity is engaged in making sales at retail of a kind ordinarily made by private persons.

"Retail establishment", any premises in which the business of selling services or tangible personal property is conducted, or, in or from which any retail sales are made.

"Sale" and "selling" include (i) any transfer of title or possession, or both, exchange, barter, lease, rental, conditional or otherwise, of tangible personal property or the performance of services for a consideration, in any manner or by any means whatsoever; (ii) the producing, fabricating, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing or imprinting; (iii) the furnishing and distributing of tangible personal property or services for a consideration by social clubs and fraternal organizations to their members or others; (iv) a transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price; (v) a transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated or printed to the special order of the customer, or of any publication; (vi) the furnishing of information by printed, mimeographed or multigraphed matter, or by duplicating written or printed matter in any other manner, including the services of collecting, compiling or analyzing information of any kind or nature and furnishing reports thereof to other persons; (vii) the performance of services for a consideration, excluding (a) services performed by an employee for his employer whether compensated by salary, commission, or otherwise, (b) services performed by a general partner for

his partnership and compensated by the receipt of distributive shares of income or loss from the partnership; and (c) the performance of services for which the provider is compensated by means of an honorarium, or fee paid to any person or entity registered under 15 USC 80b-3 or 15 USC 78q-1 for services the performance of which require such registration, for services related thereto or for trust, custody, and related cash management and securities services of a trust company as defined in chapter one hundred and seventy-two.

"Sale at retail" or "retail sale", a sale of services or tangible personal property or both for any purpose other than resale in the regular course of business. The delivery in the commonwealth of tangible personal property by an owner or former owner thereof, or by a factor, or agent of such owner, former owner or factor, if the delivery is to a consumer or to a person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in the commonwealth, is a retail sale in the commonwealth by the person making the delivery. He shall include the retail selling price of the property in his gross receipts. The term "sale at retail" or "retail sale" shall not include any sale in which the only transaction in the commonwealth is the mere execution of the contract of sale and in which the tangible personal property sold is not in the commonwealth at the time of such execution; provided, however, that nothing contained in this section shall be construed to be an exemption from the tax imposed under chapter sixty-four I; provided, further, that the sale of a service occurs in the commonwealth if a greater proportion of the service is performed within the commonwealth than in any other state, based on costs of performance as defined in this section. In the case of interstate telecommunication services, the sale of such services shall be deemed a sale within the commonwealth if the telecommunication is either originated or received at a location in the commonwealth and the services are either paid for in the commonwealth or charged to a service address located in the commonwealth. To prevent actual multi-state taxation of any sale of interstate telecommunication service subject to taxation under this chapter, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such sale, shall be allowed a credit against the tax imposed by this chapter to the extent of the amount of such tax properly due and paid in such other state. However, such credit shall not exceed the tax imposed by this chapter. For purposes of collection of the tax imposed by this chapter on such telecommunications services, the sale of such services shall be deemed to occur on the date that the bill for such services is first issued by the vendor in the regular course of its business.

"Sales price", the total amount paid by a purchaser to a vendor as a consideration for a retail sale, valued in money or otherwise. In determining the sales price the following shall apply: (a) no deduction shall be taken on account of (i) the cost of property sold, (ii) the cost of materials used, labor or service cost, interest charges, losses or other expenses, or (iii) the cost of transportation of the

property prior to its sale at retail; (b) there shall be included (i) any amount paid for any services that are a part of the sale, and (ii) any amount for which credit is given to the purchaser by the vendor; and (c) there shall be excluded (i) cash discounts allowed and taken on sales; (ii) the amount charged for property returned by purchasers to vendors upon rescission of contracts of sales when the entire amounts charged therefor, less the vendors' established handling fees, if any, for such return of property, are refunded either in cash or credit, and when the property is refunded within ninety days from the date of sale, and the entire sales tax paid is returned to the purchaser; provided, however, that where a motor vehicle is returned pursuant to a rescission of contract such motor vehicle must be returned within one hundred and eighty days of the date of sale; (iii) the amount of reimbursement of tax paid by the purchaser to the vendor under the provisions of this chapter; (iv) transportation charges separately stated, if the transportation occurs after the sale of the property is made; and (v) the amounts of the manuf acturers' excise tax levied upon motor vehicles under section 4601(a) of the Internal Revenue Code of 1954 of the United States, as amended.

"Services", a commodity consisting of activities engaged in by a person for another person for a consideration, provided that the term "services" shall not include activities performed by a person who is not in a regular trade or business offering his services to the public, and shall not include services rendered to a member of an affiliated group, as defined by section 1504 of the Internal Revenue Code, by another member of the same affiliated group that does not sell to the public the type of service provided to its affiliate; and provided, further, that the term services shall be limited to the following items: telecommunications services; photographic studios (SIC 7221); commercial photography services (SIC 7335); credit reporting and collection services (SIC 732); commercial art and graphic design services (SIC 7336); building services (SIC 734), not including property used exclusively for residential purposes; computer maintenance and repair services (SIC 7378); detective, guard, armored car services (SIC 7381); security systems services (SIC 7382); other miscellaneous services provided to businesses (SIC 7389), not including auctioneers, notaries public, and advertising services; miscellaneous repair services (SIC 76), provided to businesses; automotive repair services (SIC 753), provided to businesses; surveying services (SIC 8713); flight instruction; piped-in music; landscaping services (SIC 078), excluding those services with a sales price of one hundred dollars or less; court reporting and stenographic services; miscellaneous amusement and recreation services, excluding those amusements and recreation services with a single event sales price of thirty dollars or less (SIC 799); admissions and box rentals to entertainment events, excluding those admissions with a sales price of thirty dollars or less; legal (SIC 81), accounting, auditing and bookkeeping (SIC 872), engineering (SIC 8711), and architectural services (SIC 8712), provided to businesses. The type of services

included in the above SIC codes are intended to include all services listed in the U.S. Standard Industrial Classification Manual whether or not the activity represents the primary activity of the vendor. Nothing herein shall exempt from tax sales of tangible personal property subject to tax under this chapter.

"SIC", Standard Industrial Classification as enumerated in the 1987 U.S. Standard Industrial Classification Manual.

"Tangible personal property", personal property of any nature consisting of any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured or being within the commonwealth, but shall not include rights and credits, insurance policies, bills of exchange, stocks and bonds and similar evidences of indebtedness or ownership.

"Tax", the excise tax imposed by this chapter.

"Taxpayer", any person required to make returns or pay the tax imposed by this chapter.

"Telecommunications services", any transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiberoptics, laser, microwave, radio, satellite or similar facilities but not including cable television. Telecommunications services shall be deemed to be services for purposes of this chapter and chapter sixty-four I.

"Use of a service", enjoyment of the benefit of a service.

"Vendor", a retailer or other person selling tangible personal property or services of a kind the gross receipts from the retail sale of which are required to be included in the measure of the tax imposed by this chapter.

SECTION 43. Said chapter 64H is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following two sections:-

Section 2. An excise is hereby imposed upon sales at retail in the commonwealth, by any vendor, of tangible personal property or of services performed in the commonwealth at the rate of five percent of the gross receipts of the vendor from all such sales of such property or services, except as otherwise provided in this chapter. The excise shall be paid by the vendor to the commissioner at the time provided for filing the return required by section sixteen of chapter sixty-two C.

Section 2A. At the election of the vendor the sale at retail of services taxable under the provision of section two shall be deemed to occur at the time payment for such services is received by the vendor rather than at the time the sale otherwise occurs. Such election shall be made in accordance with regulations issued by the commissioner and shall apply to all sales of services made by such vendor. Such election shall not apply to the sale of tangible personal property or to the sale of a service which involves the transfer of tangible personal property that is a consequential element of the sale.

Where a service is to be performed over an extended period of time and involves periodic payments, a sale at retail of such service shall be deemed to occur (1) on the date that each bill for such services is normally issued by the vendor in the regular course of business, or (2) where no bill is issued by the vendor, on the date when payment is otherwise required. At the election of the vendor, the sale at retail of services performed over an extended period of time and involving periodic payments shall be deemed to occur at the time payment for such services is received by the vendor rather than at the time the bill for such services is normally issued by the vendor or at the time payment is otherwise normally required. Payment of the excise imposed on sales at retail of services which involve the transfer of tangible personal property as a consequential element of the sale shall be determined under regulations promulgated by the commissioner. A vendor may, however, elect to pay the excise upon services to the commissioner at the time payment for such services is received by the vendor rather than at the time the sale occurs. Such election shall be made in accordance with regulations issued by the commissioner and shall apply to all sales of services made by such vendor. Such election shall not apply to sales of tangible personal property.

SECTION 44. Paragraph (b) of section 3 of said chapter 64H, as so appearing, is hereby amended by inserting after the word "property", in line 10, the words:- or purchases a service.

SECTION 45. Said paragraph (b) of said section 3 of said chapter 64H, as so appearing, is hereby further amended by inserting after the word "property", in lines 14 and 23, in each instance, the words:- or services.

SECTION 46. Paragraph (e) of section 6 of said chapter 64H, as so appearing, is hereby amended by striking out, in line 26, the words "which is" and inserting in place thereof the words:- or services which are.

SECTION 47. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by striking out paragraphs (i) and (j) and inserting in place thereof the following two paragraphs:-

(i) The sales, furnishing or service of water; gas, steam or electricity used for residential purposes; residential main telephone exchange services billed on a monthly recurring basis or billed as message units, and residential intra local access and transport area service billed on a recurring monthly basis; provided that residential intrastate toll charges, not billed on a recurring basis, shall be subject to taxation in any month in which said charges exceed the amount of ten dollars.

(j) Sales of fuel used for residential heating purposes, used in the operation of aircraft or used in the operation of railroads.

SECTION 48. Paragraph (r) of said section 6 of said chapter 64H, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Sales of materials, tools and fuel, or any substitute therefor, which become an ingredient or component part of tangible per-

sonal property to be sold or which are consumed and used directly and exclusively in agricultural production; in commercial fishing; in an industrial plant in the actual manufacture of tangible personal property to be sold, excluding the publishing of a newspaper; in the furnishing of power to an industrial manufacturing plant; in the furnishing of gas, water, steam or electricity, when delivered to consumers through mains, lines or pipes; in the production of animals for research, testing, or other purposes relating to the promotion or maintenance of the health, safety or well being of human beings or animals or in research and development by a manufacturing corporation or a research and development corporation within the meaning of sections thirty-eight C or forty-two B of chapter sixty-three.

SECTION 49. Paragraph (s) of said section 6 of said chapter 64H, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Sales of machinery, or replacement parts thereof, used directly and exclusively in agricultural production; in commercial fishing; in an industrial plant in the actual manufacture of tangible personal property to be sold, excluding the publishing of a newspaper; in the furnishing of power to an industrial manufacturing plant; in the furnishing of gas, water, steam or electricity when delivered to consumers through mains, lines or pipes; in the production of animals for research, testing, or other purposes relating to the promotion or maintenance of the health, safety or well being of human beings or animals or in research and development by a manufacturing corporation or a research and development corporation within the meaning of section thirty-eight C or forty-two B of chapter sixty-three.

SECTION 50. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by adding the following paragraph:-

(mm) Sales of services used outside the commonwealth. For purposes of this paragraph, (1) services directly related to tangible personal property are presumed to be used within the commonwealth if the purchaser accepts the tangible personal property within the commonwealth or if the vendor or a licensed carrier on behalf of the vendor delivers the tangible personal property to the purchaser within the commonwealth; (2) services directly related to real property are presumed to be used within the commonwealth if the real property is within the commonwealth; (3) services not directly related to tangible personal property or real property are presumed to be used within the commonwealth if the services are performed for an individual within the commonwealth or for businesses engaged primarily in business primarily within the commonwealth or whose principal place of business is within the commonwealth. In the case of a sale or service used both within and outside of the commonwealth, the portion of the service used outside the commonwealth is exempt under this paragraph. To the extent that the purchaser's use of a service cannot be assigned to (i) a separate identifiable segment of the purchaser's business within the commonwealth, or (ii) a personal use by an

individual within the commonwealth, then a purchaser may allocate or apportion the portion of the service used in the commonwealth under regulations promulgated by the commissioner. In the absence of a method of allocation or apportionment determined by the commissioner, the purchaser may use any reasonable method of allocation or apportionment. The use of any method of allocation or apportionment must be substantiated by a purchaser through his books, records and other facts and circumstances. A purchaser using a service both within and outside of the commonwealth, or wholly outside the commonwealth must give an apportioned use certificate to the vendor for that portion of the service used outside the commonwealth. The commissioner shall prescribe the terms and conditions for the presentation of an apportioned use certificate.

SECTION 51. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by adding the following two paragraphs:-

(nn) Sales of services otherwise taxable that are an integral, inseparable component part of services that are to be sold and that are taxable under this chapter or that are to be sold in a transaction exempt under paragraphs (d) and (e). The purchaser of the service shall separately state the service and the cost thereof to the purchaser on the bill or invoice to the ultimate consumer. The commissioner shall promulgate regulations to define which services are an integral, inseparable component part of services to be sold and the conditions and circumstances under which the exemption under this paragraph may be claimed.

(oo) Sales of legal, accounting, auditing and bookkeeping, engineering, and architectural services up to twenty thousand dollars in the aggregate for any business entity in a calendar year. The commissioner shall by regulation determine the application of this exemption to a single transaction or to aggregated transactions.

SECTION 52. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by adding the following paragraph:-

(pp) Sales of vessels used exclusively to provide scheduled commuter passenger service, repair or replacement parts therefor, and materials and tools used in and for the maintenance and repair thereof.

SECTION 53. Said chapter 64H is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. (a) It shall be presumed that all gross receipts of a vendor from the sale of services or tangible personal property are from sales subject to tax until the contrary is established. The burden of proving that a sale of services or tangible personal property by any vendor is not a sale at retail shall be upon such vendor unless he takes from the purchaser a certificate to the effect that the service or property is purchased for resale, and such certificate is received and made available to the commissioner not later than sixty days from the date of notice from the commissioner to produce such certificate. Where a certificate is received within

the foregoing time limit but is deficient in some material manner and where such deficiency is thereafter removed, also within the sixty day period, the receipt of such certificate shall be deemed to have satisfied the foregoing time requirement.

(b) The certificate shall relieve the vendor from the burden of proof only if taken in good faith from a person who is engaged in the business of selling services or tangible personal property of the same kind as the services or property sold and who holds the registration as provided for in section seven and who, at the time of purchasing the service or tangible personal property, intends to sell the service or property in a sale at retail in the regular course of business or is unable to ascertain at the time of purchase whether the service or property will be sold or will be used for some other purpose.

(c) The certificate shall be signed by and bear the name and address of the purchaser and the number of his registration, and shall indicate the general character of the service or tangible personal property sold by the purchaser in the regular course of business. The certificate shall be in such form as the commissioner may prescribe.

(d) If a purchaser who gives a certificate makes any use of the service or property other than retention, demonstration or display while holding it for sale in the regular course of business, the use shall be deemed a retail sale by the purchaser as of the time the service or property is first used by him, and the cost of the service or property to him shall be deemed the gross receipts from such retail sale. If the sole use of the property other than retention, demonstration or display in the regular course of business is the rental of the property while holding it for sale, the purchaser may elect to include in his gross receipts the amount of the rental charge rather than the cost of the property to him.

(e) If a service or tangible personal property is purchased by a person who will use such service or property in a manner which exempts it from the tax imposed by this chapter, he may give an exempt use certificate to the vendor, certifying that the service or property being purchased will be so used. The burden of proving that a sale of services or tangible personal property by any vendor is exempt under this chapter shall be upon such vendor unless he takes from the purchaser a certificate to the effect that the service or property will be used in an exempt manner.

(f) The exempt use certificate shall relieve the vendor from the burden of proof only if taken in good faith for the purchase of property from a person who is engaged in an activity described in paragraph (r) or (s) of section six, or for the purchase of services from a person who is engaged in an activity described in paragraph (nn) of section six and who, at the time of purchasing the service or tangible personal property, intends to use the service or property in an exempt manner or is unable to ascertain at the time of purchase whether the service or property will be used in an exempt manner or will be used for some other purpose, and such

certificate is received and made available to the commissioner not later than sixty days from the date of notice from the commissioner to produce such certificate. Where a certificate is received within the foregoing time limit but is deficient in some material manner, and where such deficiency is thereafter removed, also within the sixty day limit, the receipt of such certificate shall be deemed to have satisfied the foregoing time requirement.

(g) The exempt use certificate shall be signed by and bear the name and address of the purchaser and the number of his registration, if any, give a description of the service or property being purchased, certify the exempt use to which the service or property will be applied and be in such form as the commissioner may prescribe.

(h) If a purchaser who gives an exempt use certificate makes any use of the service or property other than the one therein certified, the use shall be deemed a retail sale by the purchaser as of the time the service or property is first so used and the cost of the service or property to him shall be deemed the gross receipts from such retail sale.

(i) The commissioner may promulgate regulations determining which services shall be deemed purchased for resale and for an exempt use under this section, containing provisions for the issuance of certificates to the effect that services are purchased for resale or for exempt use.

SECTION 54. Section 23 of said chapter 64H, as so appearing, is hereby amended by inserting after the word "property", in line 4, the words:- or services.

SECTION 55. Section twenty-seven of said chapter sixty-four H is hereby repealed.

SECTION 56. Said chapter 64H is hereby further amended by adding the following section:-

Section 33. Any vendor who has paid to the commissioner an excise under this chapter upon a sale for which credit is given to the purchaser and such account is later determined to be worthless shall be entitled to reimbursement without interest of the excise paid to the commissioner on such worthless account. Such claim for reimbursement shall be filed on or before April fifteenth, covering the amount of excise paid on such accounts determined to be worthless in the prior calendar year. Any vendor who shall recover, in whole or in part, upon an account previously determined to be worthless for which reimbursement had been received, shall report and include the same in his return for the period during which the recovery occurred.

SECTION 57. Chapter 64I 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 have the following meanings:-

The words "business", "commissioner", "engaged in business", "engaged in business in the commonwealth", "gross receipts", "person", "retailer", "retail establishment", "sale", "selling", "sale at retail" and "retail sale", "sales price", "services", "tangible personal property", "tax", "taxpayer", "telecommunications services", and "vendor", shall have the same meanings as in section one of chapter sixty-four H.

"Purchase and purchased" shall include (i) any transfer of title or possession, or both, exchange, barter, lease, rental, license to use, license to consume, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration; (ii) a transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price; (iii) a transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated or printed to the special order of the customer, or of any publication; (iv) the performance of services for a consideration, excluding services performed by an employee for his employer and services for which the provider is compensated by means of an honorarium or commission.

"Purchaser", any person who shall have purchased tangible personal property or services sold at retail and includes a buyer, vendee, lessee, licensee or grantee.

"Store" and "storage", any keeping or retention in the commonwealth for any purpose except sale in the regular course of business or subsequent use solely outside of the commonwealth of tangible personal property purchased from a vendor.

"Use" shall mean and include (i) the exercise of any right or power over tangible personal property incident to the ownership of that property, except that it does not include the sale of that property in the regular course of business, and (ii) enjoyment of the benefit of a service, except that it does not include the sale of services in the regular course of business.

The terms "store" and "storage", and "use" shall not include the keeping, retaining, or exercising of any right or power over tangible personal property for the purpose of subsequently transporting it outside of the commonwealth for use thereafter solely outside of the commonwealth, or for the purpose of being processed, fabricated or manufactured into other tangible personal property to be transported outside of the commonwealth and thereafter used solely outside of the commonwealth.

SECTION 58. Section 2 of said chapter 64I, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Except as otherwise provided in this chapter an excise is hereby imposed upon the storage, use or other consumption in the commonwealth of tangible personal property or services purchased from any vendor for storage, use or other consumption within the commonwealth at the rate of five percent of the sales

price of the property or services.

SECTION 59. Said chapter 64I is hereby further amended by inserting after section 2 the following section:-

Section 2A. The excise upon services shall be due and payable at the time the vendor normally issues a bill or invoice for the rendering of such services where such services are performed over an extended period of time. A vendor may, however, elect to pay the excise upon services to the commissioner at the time payment for such services is received by the vendor rather than at the time the sale occurs. Such election shall be made in accordance with regulations issued by the commissioner and shall apply to all sales of services made by such vendor. Such election shall not apply to sales of tangible personal property.

SECTION 60. Section 3 of said chapter 64I, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "property", in line 2, the words:- or services.

SECTION 61. Section 4 of said chapter 64I, as so appearing, is hereby amended by inserting after the word "property", in lines 2 and 5, in each instance the words:- or services.

SECTION 62. Section 6 of said chapter 64I, as so appearing, is hereby amended by inserting after the word "property", in line 1, the words:- or services.

SECTION 63. Paragraph (c) of section 7 of said chapter 64I, as so appearing, is hereby amended by inserting after the word "property", in line 19, the words:- or services.

SECTION 64. Said chapter 64I is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. (a) For the purpose of the proper administration of this chapter and to prevent evasion of the tax imposed hereunder, it shall be presumed that tangible personal property sold by any person for delivery in the commonwealth is sold for storage, use or other consumption in the commonwealth until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the service or property is purchased for resale and such certificate is received and made available to the commissioner not later than sixty days from the date of notice from the commissioner to produce such certificate. Where a certificate is deficient in some material manner and where such deficiency is thereafter removed, also within said sixty day period, the receipt of such certificate shall be deemed to have satisfied the foregoing time limit.

(b) For the purpose of the proper administration of this chapter and to prevent evasion of the tax imposed hereunder, it shall be presumed that services performed by any person within or without the commonwealth which directly relate to real property within the commonwealth or to tangible personal property which the purchaser accepts within the commonwealth or which the vendor or a licensed

carrier on behalf of the vendor delivers to the purchaser within the commonwealth are sold for use in the commonwealth until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the service or property is purchased for resale and such certificate is received and made available to the commissioner not later than sixty days from the date of notice from the commissioner to produce such certificate. Where a certificate is deficient in some material manner and where such deficiency is thereafter removed, also within said sixty day period, the receipt of such certificate shall be deemed to have satisfied the foregoing time limit.

(c) The certificate relieves the person selling the property or services from the burden of proof only if taken in good faith from a person who is engaged in the business of selling services or tangible personal property of the same kind as the services or property sold and who holds the registration as provided by section seven of chapter sixty-four H and who, at the time of purchasing the service or tangible personal property, intends to sell the service or property in a sale at retail in the regular course of business or is unable to ascertain at the time of purchase whether the service or property will be sold or will be used for some other purpose.

(d) The certificate shall be signed by and bear the name and address of the purchaser and the number of his registration, and personal property sold by the purchaser in the regular course of business. The certificate shall be in such form as the commissioner may prescribe.

(e) If the purchaser who gives a certificate stores or makes any use of the service or property other than retention, demonstration or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the service or property is first so stored or used. If the sole use of the service or property, other than retention, demonstration or display in the regular course of business, is the rental of the property while holding it for sale, the purchaser may elect to pay the tax on the use measured by the amount of the rental charged rather than the sales price of the property to him.

(f) It shall be presumed that tangible personal property shipped or brought to the commonwealth by the purchaser was purchased from a retailer for storage, use or other consumption in the commonwealth, provided that such property was shipped or brought into the commonwealth within six months after its purchase. It shall be presumed that services used within the commonwealth by the purchaser were purchased from the vendor for use within the commonwealth provided such services were used within the commonwealth within six months after its purchase.

(g) If a service or tangible personal property is purchased by a person who will use such service or property in a manner which exempts it from the tax imposed by this chapter, he may give an exempt use certificate to the vendor, certifying that the service or property being purchased will be so used. The burden of proving that a sale of services or tangible personal property by any vendor is exempt under

this chapter shall be upon such vendor unless he takes from the purchaser a certificate to the effect that the service or property will be used in an exempt manner.

(h) The exempt use certificate shall relieve the vendor from the burden of proof only if taken in good faith for the purchase of property from a person who is engaged in an activity described in paragraphs (r), (s) or (mm) of section six of chapter sixty-four H or for the purchase of services from a person who is engaged in an activity described in paragraph (nn) of section six and who, at the time of purchasing the service or tangible personal property, intends to use the service or property in an exempt manner or is unable to ascertain at the time of purchase whether the service or property will be used in an exempt manner or will be used for some other purpose and such certificate is received and made available to the commissioner not later than sixty days from the date of notice from the commissioner to produce such certificate. Where a certificate is received within the foregoing time limit, but is deficient in some material manner and where such deficiency is thereafter removed, the receipt of such certificate shall be deemed to have satisfied the foregoing time requirement.

(i) The exempt use certificate shall be signed by and bear the name and address of the purchaser and the number of his registration, give a description of the service or property being purchased, certify the exempt use to which the service or property will be applied and be in such form as the commissioner may prescribe.

(j) If a purchaser who gives an exempt use certificate stores or makes any use of the service or property other than the one therein certified, the storage or use shall be deemed a retail sale by the purchaser as of the time the service or property is first so stored or used and the cost of the service or property to him shall be deemed the gross receipts from such retail sale.

(k) The commissioner may promulgate regulations determining which services shall be deemed purchased for resale and for an exempt use under this section, containing provisions for the issuance of certificates to the effect that services are purchased for resale or for exempt use.

SECTION 65. Section 24 of said chapter 64I, as so appearing, is hereby amended by inserting after the word "property", in line 4, the words:- or services.

SECTION 66. Section twenty-eight of said chapter sixty-four I is hereby repealed.

SECTION 67. Said chapter 64I is hereby further amended by adding the following section:-

Section 34. Any vendor who has paid to the commissioner an excise under this chapter upon a sale for which credit is given to the purchaser and such account is later determined to be worthless shall be entitled to reimbursement without interest of the excise paid to the commissioner on such worthless account. Such claims for reimbursement shall be filed on or before April fifteenth, covering the

amount of excise paid on such accounts determined to be worthless in the prior calendar year. Any vendor who shall recover, in whole or in part, upon an account previously determined to be worthless for which reimbursement had been received, shall report and include the same in his return for the period during which the recovery occurred.

SECTION 68. Section 19A of chapter 78 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 2, the words "Local Aid" and inserting in place thereof the words:- Categorical Grants.

SECTION 69. Section 34 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 13, the words:- and directed to be credited to the Highway Fund.

SECTION 70. Said section 34 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 14, the word "sixty-four A" and inserting in place thereof the words:- sixty-four A, sixty-four E, sixty-four F or any other applicable general or special law.

SECTION 71. Said section 34 of said chapter 90, as so appearing, is hereby further amended by adding the following clause:-

(i) For the purposes of the Infrastructure Fund established pursuant to the provisions of section two O of chapter twenty-nine.

SECTION 72. Chapter 111 of the General Laws is hereby amended by inserting after section 2C the following three sections:-

Section 2D. As used in sections two D to two F, inclusive, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

"AIDS", acquired immune deficiency syndrome.

"AIDS advisory board", the board established pursuant to section two F.

"Education", efforts to inform the public, or groups within the public who are seropositive or at high risk of HIV infection, with targeted information directed specifically at decreasing the incidence of unsafe behavior associated with the transfer of the HIV virus.

"Experimental treatment", treatment for the HIV infection or its associated illnesses which has not yet been approved for general use by an appropriate age ncy of the federal government.

"Fund", the Massachusetts AIDS Fund established pursuant to section thirty-five J of chapter ten.

"HIV", the human immunodeficiency virus associated with AIDS.

"Research", scientific study conducted through community-based efforts to determine the effectiveness of drug and non-drug therapies in combatting the HIV infection and its associated illness, including research into the effectiveness of educational methods and materials.

"Sero-positive", the status of having tested positive for HIV antibodies.

"Treatment", such treatment as is approved by appropriate agencies of the

United States government for the HIV infection or its associated illnesses.

Section 2E. The commissioner may expend amounts contained in the fund, with the advice and under the guidance of the AIDS advisory board, solely for research treatment, experimental treatment, and education related to acquired immune deficiency syndrome. Expenditures from the fund for such purposes shall complement and not replace existing local, state, or federal AIDS-related funding. The commissioner shall determine, with the advice and under the guidance of the AIDS advisory board, appropriate educational efforts to fund. The commissioner, after consultation with the AIDS advisory board, shall develop a list of research priorities and protocols. The commissioner shall make a priority of researching those drug and non-drug therapies that are not made generally available through federal and other state programs, and shall prioritize those therapies which show the most promise of combatting the HIV infection or its associated illnesses.

No more than six percent of the amounts held in the fund in any one year shall be used for administration of the fund; provided, however, that this provision shall not preclude the appropriation from the General Fund of the commonwealth of additional amounts to support the administration of the fund. Notwithstanding any statute or regulations to the contrary, the commissioner may develop, with the advice of the AIDS advisory board, procedures for accepting proposals for implementing any of the purposes of the fund as set forth in this section.

Section 2F. There shall be an AIDS advisory board constituted for the general purpose of making recommendations to the commissioner concerning the administration and allocation of the fund, and performing any other functions specifically granted to it by law.

The commissioner shall have the authority to appoint all members of the AIDS advisory board, which shall consist of no more than nineteen members, and shall include the following: two persons with AIDS; two persons with AIDS-related complex; two persons who are sero-positive; six persons each who have demonstrable experience in providing AIDS related direct services to persons who are at risk of HIV infection or who are sero-positive, one of whom has experience with persons of African-American heritage, one of whom has experience with persons of Hispanic heritage, one of whom has experience with persons of Haitian origin; one of whom has experience with persons who are intravenous drug users, one of whom has experience with local, state or federal prisoners, and one of whom has experience with gay men; a sociologist who has demonstrable experience in neighborhood based AIDS-related education or research; an epidemiologist who has demonstrated experience in neighborhood based AIDS-related research or treatment; a pediatrician with demonstrable experience in treating children with the HIV infection or related illnesses; and a representative of the AIDS Action Committee of Massachusetts.

SECTION 73. Paragraph (k) of section 4 of chapter 268B of the General Laws,

as appearing in the 1988 Official Edition, is hereby amended by adding the following two sentences:- If the court so modifies or sets aside the commission order or so remands the proceedings to the commission the employee shall be entitled to be reimbursed for all costs incurred by him in the defense of the charges contained in said proceedings including attorneys fees which shall be determined and awarded by the court. Reimbursement of such costs shall be applicable to state, county or municipal employees whose conduct is so regulated by the provisions of chapter two hundred and sixty-eight A and chapter two hundred and sixty-eight B.

SECTION 74. Chapter 15 of the acts of 1988 is hereby amended by inserting after section 3 the following section:-

Section 3A. Notwithstanding the provisions of any general or special law to the contrary, forty-two million three hundred and fifty-nine thousand dollars is hereby appropriated from the Highway Fund in order to meet a portion of the expenditures necessary to carry out the provisions of paragraph *(c)* of section three, and five million two hundred thousand dollars is hereby appropriated from said fund for the purposes specified in paragraph *(k)* of section three; provided, however, that such appropriations shall remain available for expenditure until June thirtieth, nineteen hundred and ninety-one.

SECTION 75. Said chapter 15 is hereby further amended by inserting after section 8 the following two sections:-

Section 8A. Any amounts made available by section one of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven, section one of chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine, sections one and four of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two, sections six and eight of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five, sections one and two of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven, and sections one and two A of chapter four hundred and eighty of the acts of nineteen hundred and seventy-nine shall be available for expenditure until June thirtieth, nineteen hundred and ninety-one.

Section 8B. Notwithstanding the provisions of section eight of this act or any general or special law to the contrary, the department of public works is hereby authorized and directed to expend a sum not to exceed one hundred million dollars in order to meet a portion of the expenditures necessary to carry out the provisions of section one and three of this act and the sections of the other acts referenced in section eight and eight A of this act and section one A of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven, and section two of chapter four hundred and eight of the acts of nineteen hundred and seventy-nine; provided, however, that a total of one hundred million dollars is hereby appropriated from the Highway Fund for such purposes and that such appropria-

tion shall remain available for expenditure or obligation until June thirtieth, nineteen hundred and ninety-one.

SECTION 76. Said chapter 15 is hereby further amended by inserting after section 16 the following section:-

Section 16A. Notwithstanding the provisions of any general or special law to the contrary, twenty-five million dollars is hereby appropriated from the Highway Fund in order to meet a portion of the expenditures necessary to carry out the provisions of section sixteen; provided, that the appropriation shall remain available for expenditure until June thirtieth, nineteen hundred and ninety-one.

SECTION 77. Section 11 of chapter 208 of the acts of 1988 is hereby amended by inserting after the second sentence the following sentence:- All interest and payments on account of principal of such obligations shall be payable from the Highway Fund.

SECTION 78. Section 12 of said chapter 208 is hereby amended by inserting after the second sentence the following sentence:- All interest and payments on account of principal of such obligations shall be payable from the Highway Fund.

SECTION 79. Sections two and three of chapter thirty-nine of the acts of nineteen hundred and eighty-nine are hereby repealed.

SECTION 80. Section seven of said chapter thirty-nine is hereby repealed.

SECTION 81. Chapter 287 of the acts of 1989 is hereby amended by striking out section 18 and inserting in place thereof the following section:-

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 thousandths of one percent on said Part B taxable income.

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 said chapter sixty-two 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 said chapter sixty-two and chapter sixty-two C of the General Laws relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, applicable to taxes levied under said chapter sixty-two shall be applicable to the additional taxes imposed by this section.

SECTION 82. Section 19 of said chapter 287 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Notwithstanding the provisions of section eighteen of this act or any 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 from real estate, pension and annuity income, and IRA/ Keogh distributions. During the taxable years the provisions of said section eighteen are in effect, unemployment compensation, alimony, Massachusetts bank interest, rental income from real estate, 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 for taxable years commencing on or after January first, nineteen hundred and eighty-nine and before January first, nineteen hundred and ninety; and at the rate of five and ninety-five hundredths percent for taxable years commencing on or after January first nineteen hundred and ninety and before January first, nineteen hundred and ninety-one. 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 deductions under subparagraph (6) of paragraph (a) of said Part B of said section three shall be applied only against Massachusetts bank interest, and deductions relating to rental income from real estate shall be applied first against Part C income. Any resulting Part B or Part C net loss may then be applied against the income of the other class, either Part B or Part C income. The total exemptions allowable under said Part B of said section three shall be applied first 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.

SECTION 83. Said section 19 of said chapter 287, as amended by section 82 of this act, is hereby further amended by adding the following paragraph:-

All provisions of said chapter sixty-two and chapter sixty-two C of the General Laws relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, applicable to taxes levied under said chapter sixty-two shall be applicable to the taxes imposed by this section.

SECTION 84. Agreements for the sale of services or personal property, as such terms are defined in chapter sixty-four H of the General Laws, as amended by this act, which would, but for the operation of the provisions of this act, have been exempt from the excises imposed by chapters sixty-four H and sixty-four I of the General Laws, and entered into before December first, nineteen hundred and ninety, shall be subject to the provisions of said chapters in effect prior to said date; provided that such agreements are in writing, signed by the vendor and purchaser, and impose an unconditional liability on the part of the purchaser to buy the property or services covered thereby at a fixed price without escalator clause, and an unconditional liability on the part of the vendor to deliver a definite quantity of such property or perform specific amount of services at the contract price; and

provided further, that delivery or performance is made before March first, nineteen hundred and ninety-one. For purposes of this section, the word "sale" is defined to exclude the rental or lease of tangible personal property or services.

SECTION 85. Sales of building materials and supplies or services which would, but for the operation of the provisions of this act, have been exempt from the excises imposed by chapters sixty-four H and sixty-four I of the General Laws shall be subject to the provisions of said chapters in effect prior to December first, nineteen hundred and ninety to the extent that such building materials and supplies or services are to be used in construction, reconstruction, alteration, remodeling or repair of any building or structure pursuant to a contract entered into before the date when this act becomes law or entered into within sixty days after said date pursuant to a bid required to be submitted before said date; provided, that such contract is in writing, signed by the contractor and the party for whom such work is to be performed and imposes an obligation on the part of the contractor to perform such work, without conditions or escalator clauses with respect to said tax; and provided, further, that notice of such contract is given to the commissioner of revenue before March first, nineteen hundred and ninety-one. For purposes of this section the word "sale" is defined to exclude the rental or lease of building materials and supplies or of services.

SECTION 86. The provisions of this act shall apply to all charges for the rental or lease of tangible personal property or services, as such terms are defined in chapter sixty-four H of the General Laws as amended by this act, with respect to periods beginning on and after the effective dates of said amendments to said chapter sixty-four H, for which a rental is paid, even though the rental agreement or contract was entered into prior to said effective dates and transfer of possession to the lessee was made prior to said date.

SECTION 87. Every person other than a licensed distributor, as defined in section one of chapter sixty-four A of the General Laws, who on the effective date of section thirty-six of this act, has on hand for sale or use fuel, as defined in section one of said chapter sixty-four A, other than such fuel as is wholly contained within the fuel supply tank of a motor vehicle, shall make and file with the commissioner within twenty days thereafter a return subscribed to under penalty of perjury showing a complete inventory of such fuel, and shall, at the time he is required to file such return, pay an additional tax on such fuel at the rate of six cents per gallon. All provisions of said chapter sixty-four A and chapter sixty-two C of the General Laws relative to the collection, payment, abatement, verification and administration, including penalties, shall be applicable to the tax imposed by this section. All sums received under this section, including penalties, forfeitures, interest, costs of suits and fines, shall be credited in accordance with the formula for the disposition of receipts provided in section thirteen of said chapter sixty-four A.

SECTION 88. Every person other than a licensed distributor, as defined in

section one of chapter sixty-four A of the General Laws, who at the commencement of business on January first, nineteen hundred and ninety-one, has on hand for sale or use fuel, as defined in section one of said chapter sixty-four A of the General Laws, other than such fuel as is wholly contained within the fuel supply tank of a motor vehicle, shall make and file with the commissioner within twenty days thereafter a return subscribed to under penalty of perjury showing a complete inventory of such fuel, and shall, at the time he is required to file such return, pay an additional tax on such fuel at the rate of four cents per gallon. All provisions of said chapter sixty-four A and chapter sixty-two C of the General Laws relative to the collection, payment, abatement, verification and administration, including penalties, shall be applicable to the tax imposed by this section. All sums received under this section, including penalties, forfeitures, interest, costs of suits and fines, shall be credited in accordance with the formula for the disposition of receipts provided in section thirteen of said chapter sixty-four A.

SECTION 89. Every person other than a licensed supplier, as defined in section one of chapter sixty-four E of the General Laws, who on the effective date of section thirty-six of this act, has on hand for sale or use special fuels, as are defined in section one of said chapter sixty-four E, other than special fuels as is wholly contained within the fuel supply tank of a motor vehicle, shall make and file with the commissioner within twenty days thereafter a return subscribed to under the penalty of perjury showing a complete inventory of such special fuels, and shall, at the time he is required to file such return, pay an additional tax on such special fuels at the rate of six cents per gallon, except that the additional tax on liquified gas as defined in said chapter sixty-four E shall be at the rate of five and one-half percent of its average price per gallon as determined by the commissioner under said chapter sixty-four E for the third quarter of nineteen hundred and ninety. All provisions of said chapter sixty-four E and chapter sixty-two C of the General Laws relative to the collection, payment, abatement, verification and administration, including penalties, shall be applicable to the tax imposed by this section. All sums received under this section, including penalties, forfeitures, interest, costs of suits and fines, shall be credited in accordance with the disposition of receipts provided in section thirteen of said chapter sixty-four E.

SECTION 90. Every person other than a licensed supplier, as defined in section one of chapter sixty-four E of the General Laws, who at the commencement of business on January first, nineteen hundred and ninety-one has on hand for sale or use special fuels, as defined in section one of said chapter sixty-four E, other than special fuels as are wholly contained within the fuel supply tank of a motor vehicle, shall make and file with the commissioner within twenty days thereafter a return subscribed to under the penalty of perjury showing a complete inventory of such special fuels, and shall, at the time he is required to file such return, pay an additional tax on such special fuels at the rate of four cents per gallon, except that

the additional tax on liquified gas as defined in said chapter sixty-four E shall be at the rate of three and six tenths percent of its average price per gallon as determined by the commissioner under said chapter sixty-four E for the first quarter of nineteen hundred and ninety-one. All provisions of said chapter sixty-four E and chapter sixty-two C of the General Laws relative to the collection, payment, abatement, verification and administration, including penalties, shall be applicable to the tax imposed by this section. All sums received under this section, including penalties, forfeitures, interest, costs of suits and fines, shall be credited in accordance with the disposition of receipts provided in section thirteen of said chapter sixty-four E.

SECTION 91. Notwithstanding the provisions of any general or special law to the contrary, ten million dollars is hereby appropriated from the Highway Fund in order to meet a portion of the expenditures necessary to carry out the provisions of paragraph (g) of section three of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five and paragraph (f) of section three of chapter fifteen of the acts of nineteen hundred and eighty-eight; provided, that such appropriation shall remain available for expenditure until June thirtieth, nineteen hundred and ninety-one.

SECTION 92. Notwithstanding the provisions of any general or special law to the contrary, five million dollars is hereby appropriated from the Highway Fund in order to meet a portion of the expenditures necessary to carry out the provisions of section twenty-three of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five and section twenty-eight of chapter fifteen of the acts of nineteen hundred and eighty-eight; provided, that said appropriation shall remain available for expenditure until June thirtieth, nineteen hundred and ninety-one.

SECTION 93. Notwithstanding the provisions of section thirteen of chapter sixty-four A of the General Laws or any other general or special law to the contrary, no more than ten percent of the net fiscal year receipts in any fiscal year prior to July first, two thousand under the excise imposed in section four of said chapter sixty-four A, including all amounts received as a result of penalties, forfeitures, interest, costs of suits and fines, less any amounts reimbursed under sections seven and seven A of said chapter sixty-four A, shall be expended for the construction of the central artery/third harbor tunnel project. If, in any such fiscal year, less than ten percent of net fiscal year receipts is expended for such construction, the difference between ten percent of the net fiscal year receipts and the amount actually expended on such construction during that fiscal year shall be available during that or any subsequent fiscal year for any other construction or reconstruction purpose, or in any subsequent fiscal year for central artery/third harbor tunnel construction; provided, however, amounts of said ten percent net fiscal year receipts expended in any fiscal year for purposes other than the central artery/third harbor tunnel construction project as hereinbefore provided, shall be available for

expenditure for central artery/third harbor tunnel construction in any subsequent fiscal year. If the above-described difference is used in a subsequent year for such central artery/third harbor tunnel construction, the total amount used for such central artery/third harbor tunnel construction during that subsequent fiscal year may exceed the ten percent of net fiscal year receipts permitted by this section, provided that the total amount used for such construction shall not exceed twenty percent of the net fiscal year receipts in that subsequent fiscal year.

SECTION 94. The secretary of the executive office of transportation and construction is hereby authorized, subject to appropriation, to establish a grant program to provide assistance to neighborhoods in the city of Boston impacted by the construction of central artery and the third harbor tunnel from any funds made available to the executive office of transportation and construction.

The impacted neighborhoods of the city of Boston shall include, but not be limited to, the North End, South End, Chinatown, East Boston, South Boston, Charleston, West End, and Beacon Hill neighborhoods of the city of Boston as defined by the Boston Redevelopment Authority.

The funds for said grants and programs may be expended for the following purposes:-

(a) To establish a citizen's advisory committee to oversee the project as it impacts the said neighborhoods. The committee established herein shall consist of thirteen members, five of whom shall be residents of the impacted neighborhoods, two of whom shall be businessmen of the impacted neighborhoods, three of whom shall be appointed by the governor and three of whom shall be appointed by the mayor of the city of Boston. No less than two shall be experts in engineering, no less than two shall be experts in urban planning and no less than two shall be experts in transportation.

The committee shall sit throughout the entire project period. It shall meet monthly without compensation to prepare a report made available to the public on the progress of the project and any and all adverse impacts arising from the project during that period.

The committee shall be concerned with, but not limited to, the following:

(1) continued easy access into and out of the impacted neighborhoods by both pedestrians and vehicles;

(2) continued unimpaired ability for sale or rental of available property;

(3) effective and efficient noise and air pollution control measures;

(4) prevention of and restitution for any and all damages caused by the project to property in the impacted neighborhoods;

(5) hours of operation work can be performed to complete the project;

(6) appropriate routes for heavy equipment vehicles and/or other vehicles removing excavated land from the project site and/or any vehicle related to the project;

(7) traffic and parking alternatives in reaction to problems stemming from project;

(8) prevention of and restitution for any and all harm caused by the project to businesses of the impacted neighborhoods;

(9) securing any and all land made available by the project and its use to stabilize and improve the residential areas of the impacted neighborhoods;

(10) assured citizen participation in the siting of vent shafts necessary for the project.

In the event that these or any concerns are raised by the committee, the secretary shall be notified and, thereby, authorized to expend the necessary funds from monies authorized to assist impacted neighborhoods. The committee shall monitor the project in order to protect the rights, privileges and quality of life of the residents and businessmen of the neighborhoods;

(b) To establish a grant program to support community property owners whose property is damaged as a result of the project;

(c) To provide any additional funds needed to the city of Boston environmental department to monitor levels of both noise and air pollution resulting from the project;

(d) To establish a grant program to assist and subsidize property owners of seven unit dwellings or less who lose existing rental tenants, the ability to let to new rental tenants, or any property owner of a seven unit dwelling or less whose property is sold at a value that has been reduced by the impact of the project. Said property owner shall be compensated for the difference between the property's fair market value and the selling price devalued by the project;

(e) To provide monies to the city of Boston to study, analyze and implement traffic plans and improvements for the impacted neighborhoods, provided that all such projects, except those which involve only state roads, shall be planned in consultation with and subject to the approval of the city of Boston's transportation department which projects shall include but not be limited to: (1) the planning, design, construction, renovation, repair or other work necessary to service traffic flow in the neighborhoods; and, (2) the controlling of traffic to, from and through the neighborhoods to reduce at the maximum extent possible the number of vehicles traveling through the neighborhoods' residential areas, especially any and all vehicles related to the project; provided, however, that any projects related to the traffic planning and improvements which involve state roads shall be planned in consultation with and subject to the approval of the state department of public works; provided, further, that the costs of any such projects which are approved by the state department of public works shall be funded by said department from new or existing state transportation funding sources;

(f) To provide monies to the city of Boston for any additional public safety personnel needed to protect the communities, or to expedite any plan of the city

of Boston to mitigate adverse effects the project may have on the impacted neighborhoods;

(g) To establish a neighborhood business assistance plan for all small businesses in the impacted neighborhoods because of economic loss or opportunity, including, but not limited to, grants, loans, legal assistance, technical assistance or relocation grants or preferences;

(h) To provide for the acquisition of parking spaces to replace any parking spaces that are lost to the impacted neighborhoods because of the project. In addition to the acquisition of replacement parking spaces, the Secretary of Transportation shall establish a subsidized resident parking program for all residents of the impacted neighborhoods.

The secretary of transportation shall do all things necessary to mitigate or protect impacted neighborhoods from any and all adverse effects of the project. Further, it shall, in conjunction with the secretary and the city of Boston, do whatever possible to retain and expand employment opportunities for the residents of the city of Boston, improve private and public transportation access to the impacted neighborhoods; upgrade public services in the impacted neighborhoods, facilitate additional affordable housing opportunities for low and moderate income families; and promote the sound economic growth within the impacted neighborhoods and the city of Boston, in a manner which recognizes and protects the integrity of residential neighborhoods.

The grant recommendations of the secretary of the executive office of transportation and construction shall be subject to the approval of the house and senate committees on ways and means.

SECTION 95. The executive office of transportation and construction shall submit a plan to the house and senate committees on ways and means and the joint committee on transportation which shall include the identification of all bridges, highways, and roads which are determined by said executive office to pose a risk to public safety and a schedule for the construction, reconstruction, alteration, remodelling or repair of such bridges, highways, and roads. Those structures that are identified as creating the most immediate risk to public safety shall be scheduled for construction, reconstruction, alteration, remodelling or repair at the earliest possible date. Said schedule shall include the date said projects shall be advertised for bid, the date for the commencement of said projects and the projected date of completion of such projects. Said plan shall be submitted no later than September fifteenth, nineteen hundred and ninety.

SECTION 96. Notwithstanding the provisions of any general or special law to the contrary, the commonwealth, through the department of public works and any independent authority, agency, city or town, shall not undertake any efforts, either temporarily or permanently, to take any property, property interest, business

interest or a portion thereof by eminent domain, for the movement, realignment, reconstruction, construction, extension or widening of the William McClellan Highway which would result in such highway's location to be moved closer to the southeastern side of the residential structures on Bremen street in the city of Boston or said Bremen street itself located adjacent to such highway, nor shall any funds of the commonwealth be expended for such purposes.

SECTION 97. Notwithstanding the provisions of section eighty-two B the commonwealth through its department of public works, may proceed to take by eminent domain, the minimum rights necessary to move the existing highway easement for the existing elevated portion of McClellan Highway, also known as the East Boston Expressway, which falls within the area bounded: by Bremen street on the northwest; the line of Marion street, as it would extend to the McClellan Highway if it ran through Bremen street on the northeast; and the southwestern edge of the existing highway on the south. Such movement to be in a northerly direction toward Bremen street, so as to increase the surface area of the said easement by no more than twenty percent over the easement area presently utilized for the existing elevated highway structure on the easement area; provided, however, that such taking is for highway purposes and air rights over said area only. Such rights and any structure built pursuant thereto shall allow no structure to be lower than the existing height of the existing highway over the existing railway tracks so that the existing height of the existing highway over the existing railway tracks is maintained.

Such taking may only be made after the secretary of environmental affairs certifies in writing that the taking is the minimum amount necessary to reunite the two sides of the East Boston stadium park now divided by the highway leading to the airport and that such taking will not adversely affect the health of residents along Bremen street.

SECTION 98. Notwithstanding any provision of this act or any general or special law to the contrary, not more than one hundred and twenty million dollars of the sums appropriated in sections seventy-four, seventy-five, seventy-six, ninety-one and ninety-two of this act shall be expended during the fiscal year beginning on July first, nineteen hundred and ninety-one.

SECTION 99. The state treasurer is hereby authorized to transfer, as of June thirtieth, nineteen hundred and ninety, any unencumbered positive balance remaining in the Local Aid Fund to the General Fund, which shall be included as part of the balance of the General Fund for the fiscal year commencing July first, nineteen hundred and ninety.

SECTION 100. There is hereby established a committee, to be known as the state expenditure oversight committee, to consist of nine members, including the treasurer and receiver general, the commissioner of revenue, the state comptroller, all serving ex officio, and six additional members to be appointed as follows: three

members shall be appointed annually by agreement between the governor, the speaker of the house of representatives and the president of the senate, provided that of these three appointees one shall be from the business community, one shall be from the human services community, and one shall be from organized labor; and one member each shall be appointed annually by the governor, by the speaker of the house of representatives and by the president of the senate, provided that each of such three appointees shall be experienced in matters of public finance. Appointments shall annually be made effective July first of each year. Any of the six appointed members may be reappointed without limitation.

The committee shall meet a minimum of four times per year. At the first meeting after reappointment the committee shall elect one of the six appointed members as chair of the committee. Members of the committee shall serve without compensation, but shall receive their necessary expenses incurred in the performance of their duties. The comptroller shall provide the committee with such clerical and other assistance as the committee may from time to time request.

It shall be the duty of the committee to report on October fifteenth, January fifteenth, April fifteenth and July fifteenth, or as soon thereafter as reasonably accurate figures can be obtained, on the revenues and expenditures of the commonwealth for the fiscal quarter just completed, and whether and to what extent expenditures during said quarter exceed the revenues of the commonwealth, or the revenues of said quarter exceed the expenditures of the commonwealth. Said report shall be filed with the secretary of administration and finance and the house and senate committees on ways and means. In order to assist the committee in filing said reports, the treasurer and receiver general, the commissioner of revenue, and the state comptroller shall each file a report with the committee detailing their respective knowledge of the revenues and expenditures of the commonwealth for the fiscal quarter just completed, said reports to be filed on October first, January first, April first and July first, or as soon thereafter as reasonably accurate figures can be obtained.

The committee, at the time of filing its quarterly reports, shall be authorized to make any recommendations it considers prudent and necessary to keep state spending for the current fiscal year within actual and projected revenues. These recommendations may include, but shall not be limited to, proposals to make systemic changes in the structure of government; proposals to contain operating and capital costs, and to strengthen the commonwealth's financial planning and management capacities; proposals revising requirements relative to appropriations recommendations of the governor, including proposals to require the governor to estimate revenues and expenditures for more than one year and to support the assumptions underlying those estimates, as well as proposals to modify the accounting principles used in the governor's recommendations.

The committee may in addition and at any time request of the executive office

of administration and finance review examinations relative to the fiscal impact on the commonwealth of any proposed or enacted policy initiatives or program expansions, deficit funding proposals, or any other action or proposal which could have a substantial impact on the fiscal health of the commonwealth.

The committee shall have a life-span of five years, and shall be dissolved as of July fifteenth, nineteen hundred and ninety-five.

SECTION 101. The annual appropriation act shall contain a five-year fiscal recovery plan for the commonwealth which shall incorporate projected revenues and projected expenditures, by category, for each of the five succeeding fiscal years.

SECTION 102. Section twenty-four shall apply to taxable years commencing on or after January first, nineteen hundred and ninety and before January first, nineteen hundred and ninety-one.

SECTION 103. Section twenty-five shall apply to taxable years commencing on or after January first, nineteen hundred and ninety-one and before January first, nineteen hundred and ninety-two.

SECTION 104. Section twenty-six shall apply to taxable years commencing on or after January first, nineteen hundred and ninety-two.

SECTION 105. Sections twenty-nine, thirty, thirty-one and thirty-two shall apply to taxable years commencing on or after January first, nineteen hundred and ninety-one.

SECTION 106. Sections eighty-one, eighty-two and eighty-three shall apply to taxable years commencing on or after January first, nineteen hundred and eighty-nine and before January first, nineteen hundred and ninety-one.

SECTION 107. Section twenty-seven shall apply to taxable years commencing on or after January first, nineteen hundred and ninety and before January first, nineteen hundred and ninety-four.

SECTION 108. Sections two and seventy-two shall take effect on January first, nineteen hundred and ninety-one and shall expire on July first, nineteen hundred and ninety-five.

SECTION 109. Section forty-one shall take effect as of July first, nineteen hundred and ninety.

SECTION 110. Sections forty-seven, forty-eight, and forty-nine shall take effect on September first, nineteen hundred and ninety.

SECTION 111. Sections twenty-eight, forty-two, forty-three, forty-four, forty-five, forty-six, fifty, fifty-one, fifty-three, fifty-four, fifty-five, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five and sixty-six shall take effect on December first, nineteen hundred and ninety.

SECTION 112. Sections seventeen and thirty-seven shall take effect on January first, nineteen hundred and ninety-one.

SECTION 113. Sections one, three, four, nine, ten, eleven, twelve, thirteen,

fourteen, fifteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and sixty-eight shall take effect on July first, nineteen hundred and ninety-one.

SECTION 114. Sections sixteen, thirty-five, thirty-six, thirty-eight, thirty-nine, forty and seventy-one shall take effect ten days after the passage of this act, and the remaining sections shall take effect upon its passage.

This bill was returned by the Governor to the House of Representatives the branch in which it originated with his objections in writing to the following sections:

Sections disapproved:
Sections 73, 91, 92, 96, 97

Sections reduced and new wording inserted:

	Reduce by	Reduce to	Wording inserted
Section 74	29,659,000	17,900,000	Chapter 15 of the acts of 1988 is hereby amended by inserting after section 3 the following section:- *Section 3A.* Notwithstanding the provisions of any general or specific law to the contrary, twelve million seven hundred thousand dollars is hereby appropriated from the Highway Fund in order to meet a portion of the expenditures necessary to carry out the provisions of paragraph (c) of section three, and five million two hundred thousand dollars is hereby appropriated from said fund for the purposes specified in paragraph (k) of section three; provided, however, that such appropriations shall remain available for expenditure until June thirtieth, nineteen hundred and ninety-one.

	Reduce by	Reduce to	Wording inserted
Section 75	8,900,000	91,100,000	Said chapter 15 is hereby further amended by inserting after section 8 the following two sections:- *Section 8A.* Any amounts made available by section one of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven, section one of chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine, sections one and four of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two, sections six and eight of chapter eight hundred and fifty nine of the acts of nineteen hundred and seventy-five, sections one and two of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven, and sections one and two A of chapter four hundred and eighty of the acts of nineteen hundred and seventy-nine shall be available for expenditure until June thirtieth, nineteen hundred and ninety- one. *Section 8B.* Notwithstanding the provisions of section eight of this act or any general or specific law to the contrary, the department of public works is hereby authorized and directed to expend a sum not to exceed ninety-one million one hundred thousand dollars in order to meet a portion of the expenditures necessary to carry out the provisions of section one and three of this act and the sections of the

	Reduce by	Reduce to	Wording inserted
			other acts referenced in section eight and eight A of this act and section one A of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-seven, and section two of chapter four hundred and eight of the acts of nineteen hundred and seventy-nine; provided, however, that a total of ninety-one million one hundred thousand dollars is hereby appropriated from the Highway Fund for such purposes and that such appropriations shall remain available for expenditure or obligation until June thirtieth, nineteen hundred and ninety- one.
Section 76	14,000,000	11,000,000	Said chapter 15 is hereby further amended by inserting after section 16 the following section:- *Section 16A*. Notwithstanding the provisions of any general or special law to the contrary, eleven million dollars is hereby appropriated from the Highway Fund in order to meet a portion of the expenditures necessary to carry out the provisions of section sixteen provided, that the appropriation shall remain available for expenditure until June thirtieth, nineteen hundred and ninety-one.

The remainder of this bill was approved by the Governor July 18, 1990.

Chapter 122. **AN ACT AUTHORIZING THE TOWN OF DOVER TO CONVEY A CERTAIN PARCEL OF CONSERVATION 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 William I. Koch and Overfields Trust a certain parcel of conservation land shown as Parcel B on a plan filed with the town clerk entitled "Proposed Land Exchange Between The Town of Dover with William I. Koch and Overfields Trust" by the BSC Group-Surveying and Mapping, Inc.

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

Approved July 18, 1990.

Chapter 123. **AN ACT AUTHORIZING THE USE OF CERTAIN FUNDS OF THE CITY OF MARLBOROUGH FOR THE BENEFIT OF HANDICAPPED PERSONS.**

Be it enacted, etc., as follows:

SECTION 1. The city of Marlborough is hereby authorized to allocate all funds received from fines assessed for violations of handicap parking in said city to the commission on disabilities.

Funds so received shall be deposited by the city treasurer in a special account and shall be used solely for the benefit of handicapped persons. Said account shall be established by the city treasurer in the city treasury and shall be kept separate and apart from other accounts. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the commission on disabilities in accordance with the accepted procedures of the city for the disbursement of funds, including the approval of the mayor and city council. The city accountant shall submit annually a report of said account to the mayor and city council for review and a copy of said report shall be forwarded to the bureau of accounts.

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

Approved July 18, 1990.

Chapter 124. **AN ACT AUTHORIZING THE CITY OF QUINCY TO GRANT A CERTAIN EASEMENT.**

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy, acting by and through its city council is hereby authorized to grant an easement in certain park land in said city for the purpose of providing temporary construction easements and a permanent easement to allow for placement of a portion of the west Quincy relief interceptor sewer. Said easement is described as follows:

Beginning at a point on the westerly side of Joyce Road, N 04-29'-18" W, twenty and twenty-five hundredths (20.25) feet from a stone bound at the northwest intersection of Quarry Street and Joyce Road; Thence, N 77°-51'-45" W three hundred fifty-three and eighty-five hundredths (353.85) feet; Thence, N 71°-34'-25" W one hundred two and twenty-six hundredths (102.26) feet; Thence, S 63°-28'-10" W fifty-two and twenty-eight hundredths (52.28) feet to the northerly line of Quarry Street; Thence, on a curve line to the right with a radius of eleven hundred seventy-four and no hundredths (1174.00) feet a distance of one hundred eighty-seven and one hundredth (187.01) feet by Quarry Street; Thence, S 69°-38'-05" E one hundred fifty-three and fifty hundredths (153.50) feet; Thence, N 63°-20'-10" E forty-four and fourteen hundredths (44.14) feet; Thence, S 71°-34'-25" E one hundred thirty-seven and seventy-four hundredths (137.74) feet; Thence, S 77°-51'-45" E three hundred forty-six and seventy-eight hundredths (346.78) feet to the westerly side of Joyce Road; Thence, S 04°-29'-18" E twenty and eighty-seven hundredths (20.87) feet by the westerly line of Joyce Road to the point of beginning, and containing 13,694 square feet of land as shown on an "Easement Plan of Land in Quincy, Mass., Scale: 1" = 40'" by Whitman & Howard, Inc., and dated April 17, 1990.

Also included is a ten foot temporary construction easement located on the northerly side of the permanent easement and a ten foot temporary construction easement located on the south side of the permanent easement, as shown on said plan.

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

Approved July 18, 1990.

Chapter 125. AN ACT CLARIFYING THE DEFINITION OF INCUMBENT FOR MUNICIPAL ELECTIONS.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section 41 of chapter 54 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "section", in line 24, the words:- ; provided, however, that a district alderman, councilor or school member seeking election as an at-large alderman, at-large councilor or at-large school committee member, shall not be considered

an incumbent.

SECTION 2. The second paragraph of section 42 of said chapter 54, as so appearing, is hereby amended by inserting after the word "section", in line 23, the words:- ; provided, however, that a district alderman, councilor or school committee member seeking election as an at-large alderman, at-large councilor or at-large school committee member shall not be considered an incumbent.

Approved July 18, 1990.

Chapter 126. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO SELL AND CONVEY CERTAIN LAND IN THE TOWN OF HARWICH.

Be it enacted, etc., as follows:

SECTION 1. The deputy director 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 to the Edgewood Trust an easement in land located in the town of Harwich for agricultural purposes. Upon such terms and conditions as the division of capital planning and operations shall prescribe in consultation with the department of environmental management.

Said parcel is bounded and described as follows:-

Easement B.

Beginning at a point on baseline station 1790 + 15.91 said point being 91.91 feet southerly from the baseline P.C. station 1789 + 24.

Thence, S63° - 15' - 38"E, a distance of 25.00 feet to a point;

Thence, a distance of 30.09 feet along a curve to the left having a radius of 1885.08 feet to a point,

Thence, N63° - 15' - 38"W, a distance of 50.00 feet to a point;

Thence, S26° - 44' - 22"W, a distance of 12.00 feet to a point;

Thence, N63° - 15' - 38"W, a distance of 15.45 feet to a point;

Thence, a distance of 42.13 feet along a curve to the right, having a radius of 1951.33 feet, to a point;

Thence, S63° - 15' - 38"E, a distance of 41.35 feet, to the point of beginning.

Aforesaid Easement B containing an area of 2,185 square feet, more or less.

Easement A.

Beginning at a point on baseline station 1791 + 15.78;

Thence, S78° - 36' - 31"E, a distance of 25.19 feet to a point;

Thence, a distance of 20.15 feet along a curve to the left having a radius of 1885.08 feet, to a point;

Thence, N78° - 36' - 31"W, a distance of 50.32 feet to a point;

Thence, a distance of 20.14 feet along a curve to the right having a radius of 1935.08 feet, to a point;

Thence, S78° - 36' - 31"E, a distance of 25.19 feet to the point of beginning.

Said easements are shown on a plan entitled "Easement Plan for Edgewood Trust in Harwich, Massachusetts, by G.A.F. Engineering Inc., South Carver, MA, 02366; Scale 1" = 40', September 11, 1989".

SECTION 2. In consideration for said conveyance provided in section one the commonwealth may receive monetary compensation as determined by independent appraiser or a parcel of land of equal or greater value and importance for conservation purposes.

The costs for any such appraisals and surveys shall be paid by the Edgewood Trust.

Approved July 18, 1990.

Chapter 127. AN ACT RELATIVE TO THE LINCOLN HOUSING COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The Lincoln housing commission established by chapter three hundred and fifty-nine of the acts of nineteen hundred and seventy-nine shall have the powers necessary or convenient to carry out and effectuate the purposes of the relevant provisions of the General Laws as if said commission was a housing authority organized under the provisions of chapter one hundred and twenty-one B of the General Laws, subject to the following limitations:

A. With respect to the organization of the commission and the election of its members, the following provisions shall apply:

(1) Of the members of the commission currently serving, one has been elected to a term expiring in nineteen hundred and ninety-one, two have been elected to terms expiring in nineteen hundred and ninety-two, one has been appointed by the board of selectmen to a term expiring in nineteen hundred and ninety-four, and one has been appointed by the department of community affairs to a term expiring in nineteen hundred and ninety-four. All current members of the commission shall remain in office and shall serve until their respective successors are duly elected or appointed, as the case may be, pursuant to clause (2), and are qualified.

(2) Four members of the commission shall be elected by the town, and one member shall be appointed by said department, in each case for a term of three years, as follows:

(a) At the nineteen hundred and ninety-one town election, a successor to the

member whose term is then expiring shall be elected to serve for a three year term. Also at the nineteen hundred and ninety-one town election, a successor to the member previously appointed by the board of selectmen shall be elected to serve for a two year term, such previously appointed term being deemed to have been shortened and to have expired as of the date of such election.

(b) At the nineteen hundred and ninety-two town election, the respective successors to the two previously elected members, whose terms are each then expiring, shall be elected to serve for a three year term.

(c) At the time of the nineteen hundred and ninety-three town election, a successor to the member previously appointed by the department shall be appointed to a three year term, such previously appointed term being deemed to have been shortened and to have expired as of the date of such election.

(3) Thereafter, as the term of a member of the commission expires, his successor shall be appointed or elected, in the same manner and by the same body, for a term of three years from such expiration. Membership in the commission shall be restricted to residents of said town.

B. The power of eminent domain shall be exercised by the commission only upon the vote of the Lincoln town meeting taken in the same manner as is required with respect to the exercise by the town itself of the power of eminent domain.

C. The commission shall report to each annual town meeting as to *(a)* any plans for the construction, rehabilitation or use of housing which is not in compliance with then existing zoning by-laws of the town, and *(b)* the specific uses and applications of any portion of the commission's budget which is not appropriated by the town. The commission shall not be obligated to seek town meeting approval with respect to any such matter so reported to town meeting, except pursuant to otherwise applicable law.

SECTION 2. This act shall take effect upon its acceptance by the town.

Approved July 18, 1990.

Chapter 128. **AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO APPOINT A CHIEF OF POLICE FOR A TERM OF YEARS NOT EXCEEDING FIVE YEARS.**

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Pittsfield is hereby authorized to appoint, in conformity with the charter of said city, a chief of police for a term not to exceed five years, which term shall commence on the third Monday in January in the year of such appointment.

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

Approved July 19, 1990.

Chapter 129. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF ROSE FITZGERALD KENNEDY DAY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the annual observance of Rose Fitzgerald Kennedy 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 12RR, inserted by chapter 34 of the acts of 1990, the following section:-

Section 12SS. The governor shall annually issue a proclamation setting July twenty-second as Rose Fitzgerald Kennedy Day and recommending that said day be observed by the people in an appropriate manner to honor the matriarch of the Kennedy family, who inspired generations of Kennedys to serve their country with honor, integrity, and dedication to justice for all.

Approved July 20, 1990.

Chapter 130. AN ACT AUTHORIZING BROADCASTING SCHOOLS TO MEASURE ACADEMIC PROGRESS OF THEIR PROGRAMS IN CREDIT HOURS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize broadcasting schools to measure academic progress of their programs in credit hours, therefore 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 ninety-three of the General Laws and the regulations promulgated thereunder by the department of education, The Northeast Broadcasting School in Boston, as part of its application for receiving a license, charter or other document that demonstrates it is legally authorized to provide a program of education beyond secondary education, shall be permitted

to measure the academic progress of its accredited programs in credit hours. Any other broadcasting school which is licensed and accredited in the commonwealth shall be permitted to measure the academic progress of its accredited programs in credit hours.

Approved July 23, 1990.

Chapter 131. AN ACT RELATIVE TO THE BOARD OF REGISTRATION OF ELECTROLOGISTS.

Be it enacted, etc., as follows:

SECTION 1. Section 87GGG of chapter 112 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:-

Any person who has been licensed as a qualified electrologist or a qualified instructor, or any person to whom a license to conduct a school of electrolysis has been issued, who fails to renew such license upon its expiry date, may renew the same upon application therefor and payment of the regular renewal fee at any time within two years after said expiry date. If such person fails to renew his license prior to the expiration of such two year period, he shall be required to file an application for reinstatement together with a reinstatement fee. Such fee shall be determined annually under the provision of section three B of chapter seven.

The board shall grant the application and issue a renewal license within ninety days after receipt of the application, unless it determines after hearing that the applicant committed an act during the time after his license expired that would justify the revocation of his license under the provisions of section sixty-one or section eighty-seven III.

SECTION 2. Notwithstanding the provisions of section eighty-seven FFF of chapter one hundred and twelve of the General Laws or any other general or special law to the contrary, the board of registration of electrologists is hereby authorized and directed to renew the license of Maya Berlina to practice electrolysis upon the payment of the appropriate fee.

Emergency Letter: July 25, 1990 @10:21 A.M. Approved July 24, 1990.

Chapter 132. AN ACT DESIGNATING THE ADMINISTRATION BUILDING AT THE MASSACHUSETTS CORRECTIONAL INSTITUTION, FRAMINGHAM AS THE BETTY COLE SMITH ADMINISTRATION BUILDING.

Be it enacted, etc., as follows:

The new administration building at the Massachusetts Correctional Institution, Framingham shall be designated and known as the Betty Cole Smith administration building. A suitable marker bearing said designation shall be attached thereto by the department of correction.

Approved July 24, 1990.

Chapter 133. AN ACT ESTABLISHING THE EVERETT ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. As used in this act the following words shall, unless the context requires otherwise, have the following meanings:-

(a) "City", the city of Everett.

(b) "City council", the common council and the board of aldermen of the city.

(c) "Corporation", The Economic Development and Industrial Corporation of Everett established by section three.

(d) "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 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, brokerage and marketing 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 to placing the project in operation.

(e) "Department", the department of commerce and development.

(f) "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, or any existing facilities used in connection with any industrial or research and development enterprise or any part thereof, including any or all buildings, docks, wharves, ships, improvements, additions, extensions, replacements, appurtenances, land, rights in land, riparian rights, water rights,

franchises, machinery, equipment, furnishings, landscaping, utilities, approaches, roadways and other facilities necessary or desirable in connection therewith or incidental thereto, such as but not limited to office, warehouse, terminal, transportation and back-up power generating facilities, which facilities need not merely be in connection with or incidental to other facilities if the operation of such facilities themselves is an industrial enterprise, and within which there are not more than forty-five dwelling units.

(g) "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 changes, 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.

(h) "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 the 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 for the development, operation and maintenance of park and recreational land and facilities; or (4) a project involving any combination of the foregoing types of projects. 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 of 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.

(i) "Mayor", the mayor of the city of Everett.

(j) "MOBD", the Massachusetts office of business development.

(k) "Secretary", the secretary of the executive office of communities and development.

SECTION 2. It is hereby declared that decadent or blighted open areas exist in parts of the city 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 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 and 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 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 sector 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 Everett, in this act called the corporation, which shall be an instrumentality of the commonwealth, consisting of seven persons to be appointed by the mayor of the city, subject to confirmation by the city council of the city, one of whom shall be experienced in industrial development activities, one of whom shall be experienced in financial matters, one of whom shall be experienced in real estate matters and one of whom shall be experienced in municipal government; and one of whom shall be a member representative of low income people who shall be chosen from a list of three persons submitted by the regional or local community action agency or, where there is no such agency, from a list of three persons submitted by the department of community affairs. The mayor, in making said appointments to the corporation, may give priority to those candidates who have legal residence within the city. The mayor shall designate one of the seven members 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, but 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 an authority established by the general court to serve a public purpose in the commonwealth.

Of the members of the corporation first appointed, two shall be appointed to service for one year from the first day of July in the current year, two for two years from such 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 expressly waived in writing and approved by MOBD. For purposes of the preceding sentence, willful neglect of duty may include absence without justification from three consecutive meetings of the corporation or from four meetings of the corporation in any twelve month period. 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 their 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, the city clerk of the city, MOBD, and the secretary, 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 tc

exercise care of its property and the management of its business and affairs and to sell and convey any real estate or other property not needed 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 performances of his duties, with a surety company authorized to do business in the 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 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 judgement 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 and 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. The city may borrow outside its debt limit to obtain money for a loan to corporation, or within its debt limits to obtain money for grants to the corporation, with the approval of MOBD and the secretary.

(e) To apply to the department of community affairs for urban renewal assistance grants to meet in part the cost of approved economic development projects, to receive and administer such grants, to contract with the commonwealth for financial assistance, to apply for and receive advances for the estimated cost of surveys and plans and administrative expenses in preparation for economic development projects, and to apply for, receive and administer community development action grants, all to the same extent and subject to the same terms and conditions as an urban renewal agency pursuant to sections fifty-three to fifty-seven A, inclusive, of chapter one hundred and twenty-one B of the General Laws.

(f) 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 pay-

ment 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.

(g) 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, except that the city, upon request by the corporation, may pledge its full faith and credit to the solvency of the corporation.

(h) To invest any funds not required for immediate use or disbursement in certificates of deposit or 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.

(i) To provide such advisory services and technical assistance as may be desirable to carry out the purposes of this act.

(j) 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.

(k) Subject to the approval of the city council and the mayor, to designate areas of the city as economic development areas.

(l) 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 following a public hearing and an affirmative two-thirds vote of the city council with the approval of the mayor after such a public hearing and in the manner described in this subsection, with the advice of the department and the secretary, in accordance with the provisions of chapter seventy-nine or chapter eighty A of the General Laws in so far as such provisions may be applicable, such private lands, or any interests therein, as it may deem necessary for carrying out the provisions of this act or for providing for the relocation of persons and businesses 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, after such a public hearing and in the manner described in this subsection, with the advice of the department and the secretary,

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, with the advice of MOBD and the secretary, 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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.

(q) 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.

(r) 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 and 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.

(s) 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.

(t) 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 for the benefit of another project.

(u) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

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 *(m)*; 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.

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 majority 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 approved by the city council. If no economic 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 act *(i)* 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 *(ii)* 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, and if necessary, by a comprehensive relocation plan and by such other information as the corporation deems advisable.

Notice of the public hearing required by the first paragraph of this section 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) MOBD, the secretary and every public agency, whether of the city or of the commonwealth, likely in the judgement 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 which the economic development area or any part thereof lies, and (4) 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 judgement 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 of the commonwealth for further approval.

SECTION 7. Rents and charges for services or 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 thereof 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 for 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 fall 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 a private corporation. The members, employees, officers and agents of the corporation shall not be liable as such on 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 judgement 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 judgement. 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 the 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 preceding years,

the valuation for each 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. The provisions of the second paragraph of section five D and all of section five E of chapter fifty-nine of the General Laws shall, so far as apt, be applicable to payments under this section.

Nothing in this act shall be construed to prevent the taxation to the same extent and in the same manner as other real estate is taxed of 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 other 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 one hundred and twenty-one A, 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.

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 fifteen million dollars unless specifically approved by MOBD and the secretary. Such debentures unless otherwise authorized by law shall not be deemed to constitute a debt of the commonwealth or the city or a pledge of the faith and credit of the commonwealth or 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 debentureholders 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 debentureholders and of the trustee and may restrict the individual right of action by debentureholders. 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 debentureholders. 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 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 act 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, shall 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 in 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 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 project or 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 the 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 effect 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 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 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 note 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 trustees 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 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 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 investment of saving 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.

SECTION 15. Any holder of bonds or debentures issued under the provisions of this act or any coupons appertaining thereto, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this act or by the trust agreement to be performed by the corporation or by any officer thereof.

SECTION 16. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general or special, excluding the state and local building codes or zoning ordinances, the provisions of this act shall be controlling. To the extent there is an equivalent provision in chapter one hundred and twenty-one C of the General Laws, such equivalent provision shall be substituted for the provision which is found to be unenforceable.

SECTION 17. This act, being necessary for the welfare of the city and its inhabitants, shall be liberally construed to effect the purpose thereof; and nothing in this act shall be construed to render chapter forty D of the General Laws inapplicable to the city.

SECTION 18. This act shall take effect upon its passage.

Approved July 24, 1990.

CHAPTER 134. AN ACT RELOCATING CERTAIN HARBOR LINES IN THE FAIRHAVEN AND NEW BEDFORD HARBORS.

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 second paragraph, as most recently amended by section 1 of chapter 168 of the acts of 1989, and inserting in place thereof the following paragraph:-

Beginning at a point A in latitude six hundred fifty-one and seventy-one hundredths feet north and longitude eight hundred sixty and thirty-seven hundredths feet west, said point A being north fifty-two degrees, fifty-one minutes, twenty-five seconds west, true bearing, one thousand seventy-nine and thirty-three hundredths feet from above described mark 1; thence north one degree, fifty minutes, seven seconds west, true bearing, one thousand, eight hundred twenty feet to point B in latitude, two thousand, four hundred seventy and seventy-seven hundredths feet north and longitude nine hundred eighteen and sixty-five hun-

dredths feet west, said point B being located north twenty-two degrees, thirty-four minutes, thirty seconds west, true bearing, six hundred and fifty-one hundredths feet from mark 2 on the southwesterly corner of Atlas Tack Company's wharf in Fairhaven; thence north thirty-six degrees, forty-four minutes, nineteen seconds west, true bearing, one thousand four hundred forty-four and ninety-three hundredths feet to point C1, in latitude three thousand, six hundred twenty-eight and seven tenths feet north and longitude one thousand, seven hundred eighty-two and ninety-six hundredths feet west, said point C1, being located north forty-nine degrees, fifty-four minutes, twelve seconds west, true bearing, three hundred seventy-two and eleven hundredths feet from mark 3 on the northwesterly corner of Central Wharf in Fairhaven; thence north three degrees, fifty-three seconds west, true bearing, six hundred thirty feet to point D in latitude four thousand, two hundred fifty-seven and eighty-three hundredths feet north and longitude one thousand eight hundred sixteen and one tenth feet west, said point D being located north twenty degrees, fifteen minutes, ten seconds west, true bearing, one hundred fifty-one and thirteen one hundredths feet from Mark 4 on the southwesterly corner of Old South wharf in Fairhaven; thence north, thirty-six degrees, thirty minutes, thirty seconds east, true bearing, six hundred thirty-five and eight one hundredths feet to point E in latitude four thousand seven hundred sixty-eight and twenty-nine one hundredths feet north and longitude one thousand four hundred thirty-eight and twenty-six one hundredths feet west, said point E being located north seventy-five degrees, forty-one minutes, forty-six seconds west, true bearing, three hundred sixty-eight and sixty-one one hundredths feet from a stone monument at the southeast corner of Washington street and Water street in Fairhaven; thence north twelve degrees, ten minutes, fifty-seven seconds west, true bearing, two hundred seventy-five feet to a point "E1", in latitude five thousand thirty-seven and one tenth feet north and longitude one thousand four hundred ninety-six and twenty-nine one hundredths feet west; thence south seventy-nine degrees, thirty-four minutes, fifteen seconds west, true bearing, two hundred seventy-five and thirteen one hundredths feet to point "E2" in latitude four thousand nine hundred eighty-seven and twenty-nine one hundredths feet north and longitude one thousand seven hundred sixty-six and eighty-eight one hundredths feet west; thence north twelve degrees, ten minutes, fifty-seven seconds west, true bearing, 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 feet west; 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, three hundred ninety-one and fifty-seven one hundredths feet to point "PE3" in latitude five thousand six hundred eighty-six and fifty-five one hundredths feet north and longitude three thousand eight hundred fifty-seven and twenty-eight one hundredths feet west; thence south sixty-four degrees, twenty-five minutes, forty-one seconds west, true bearing, two hundred sixty-three and ninety one one hundredths feet to point "PE2" in latitude five thousand five hundred seventy-two and sixty-three one hundredths feet west and four thousand ninety-five and thirty-four one hundredths feet west; thence north twenty-four degrees, fifty-six minutes, twelve seconds west, true bearing, two hundred ninety-six and seventy-five one hundredths feet to point "PE1" in latitude five thousand eight hundred forty-one and seventy-two one hundredths feet north and four thousand two hundred twenty and forty-six one hundredths feet west; thence north eleven degrees twenty-nine minutes, twenty-eight seconds west, true bearing, three hundred thirty-two and no one hundredths 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 to point "F1" in latitude six thousand seven hundred eighty-seven and fifty-four one hundredths feet north and longitude two thousand one hundred fifty-five and fifty-three one hundredths feet west; thence north forty-six degrees, sixteen minutes, forty-one seconds west, true bearing, two thousand nine hundred fifteen and eight tenths feet to point G in latitude eight thousand eight hundred two and eighty-two one hundredths feet north and longitude four thousand two hundred sixty-two and seventy-eight one hundredths feet west, said point G being located south twelve degrees, twenty minutes, forty-one seconds west, true bearing, one thousand and five one hundredths feet from Mark 6 on Marsh island so-called in Fairhaven; thence north, ten degrees, twenty-three minutes, fifty-three seconds west, true bearing, one thousand two hundred sixteen and ninety-two one hundredths feet to point H in latitude nine thousand nine hundred ninety-nine and seventy-six one hundredths feet north and longitude four thousand four hundred eighty-two and forty-two one hundredths feet west, said point H being located north sixty-three degrees, five minutes, sixteen seconds west, true bearing, four hundred eighty-six and eight one hundredths feet from Mark 6 on Marsh island in Fairhaven; thence north twenty-four degrees east, true bearing, eighteen hundred feet to point I in latitude eleven thousand six hundred forty-four and fourteen one hundredths feet north and longitude three thousand seven hundred fifty and twenty-nine one hundredths feet west, said point I being located south fourteen degrees, seven minutes, twenty-nine seconds west, true bearing, nine and ninety-eight one hundredths feet from Mark 7 on the southerly side of Coggeshall street bridge near the Fairhaven end; thence north two degrees, four minutes, thirty-nine seconds east, true bearing, two thousand seventy-seven and twenty-eight one hundredths feet to point J in latitude thirteen thousand seven hundred twenty and five one hundredths feet north and longitude three thousand six hundred seventy-four and ninety-nine one hundredths feet west, said point J being located north fifty-four degrees, thirty-nine minutes, seventeen seconds west, true bearing, eight hundred sixty-four and twenty-eight one hundredths feet from Mark 8 near the westerly end of Veranda street in Fairhaven; thence north

eleven degrees, thirty-two minutes, twenty seconds west, true bearing, two thousand eight hundred twenty-five and twenty-two one hundredths feet to point K in latitude sixteen thousand four hundred eighty-eight and seventeen one hundredths feet north and longitude four thousand two hundred forty and thirteen one hundredths feet west, said point K being located north seventy degrees, thirty-six minutes, twenty-two seconds west, true bearing, five hundred ninety-two and thirty-three one hundredths feet from Mark 9, the above described point K being the northerly end of the harbor line hereby established in the easterly side of Acushnet river.

SECTION 2. The metes and bounds inserted by section one, being relocation of the harbor lines encompassing Popes Island in Fairhaven and New Bedford Harbors between harbor line points "PF" and "PE" as shown on a plan dated September 12, 1989, drafted by Braman Engineering Company, 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, the division of wetlands and waterways within the department of environmental protection and with the engineer of the city of New Bedford.

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

Approved July 26, 1990.

Chapter 135. AN ACT AUTHORIZING THE TOWN OF HULL TO SETTLE A CERTAIN CLAIM.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of discharging a moral obligation, the town of Hull, acting by and through its board of selectmen, is hereby authorized to settle a claim brought against said town by Lester Harmon and Linda Harmon as parents of Lee Ann Harmon under the provisions of section eighteen of chapter eighty-four of the General Laws for an amount not to exceed five thousand dollars, notwithstanding failure to comply with the notice provisions of said section eighteen.

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

Approved July 26, 1990.

Chapter 136. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO CONVEY A CERTAIN PARCEL OF PARK LAND.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and thirteen of the acts of nineteen hundred and eighty-eight is hereby repealed.

SECTION 2. The town of Plymouth, acting by and through its board of selectmen, is hereby authorized to convey a certain parcel of park land to Denis P. Candlen. Said parcel is bounded and described as follows:-

Beginning at a point at a concrete bound set in the ground and marking the southwest corner of a portion of Parcel B, containing approximately eleven thousand thirty-five (11,035) square feet of land and designated '17' on a "Plan of land in Plymouth, Massachusetts showing land to be exchanged by Denis P. Candlen and town of Plymouth", by Hood and Stefani Surveyors, Inc., Plymouth, Massachusetts and dated March 31, 1989, and to be recorded in the land court; thence

N 64o 30' 00" E a distance of one hundred forty and six one hundredths (140.06) feet to a point marked '23' on said plan; thence

S 27o 06' 00" E a distance of forty-five and sixty-two one hundredths (45.62) feet to a point marked '22' on said plan; thence

N 62o 54' 00" E a distance of ten and seventy one hundredths (10.70) feet to a concrete bound set in the ground; thence continuing in the same direction along an arc having a radius of 440.00 feet a distance of twenty-five and sixty one-hundredths (25.60) feet to a concrete bound set in the ground and marked '21' on said plan; thence

N 25o 32' 00" W a distance of forty-five and thirty-three one hundredths (45.33) feet to a point marked SB/dh as shown on said plan; thence continuing

Northerly in the same course a distance fifty-nine and sixty-seven one-hundredths (59.67) feet to a concrete bound set in the ground and marked '20' on said plan; thence

S 64o 04' 31" W a distance of one hundred thirty-nine and thirty-five one hundredths (139.35) feet to a concrete bound marking the northwest corner of said lot;

thence S 7o 36' 13" W a distance of seventy (70.00) feet to a concrete bound marking the place of beginning.

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

Approved July 26, 1990.

Chapter 137. 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 Patti B. Saris in the town of Brewster, on August fourth, nineteen hundred and ninety, between Franklin G. Stearns and Susan P. Evans both of the city of Newton, and that the state secretary shall issue to said Patti B. Saris a certificate of such authorization.

Approved July 26, 1990.

Chapter 138. AN ACT RELATIVE TO DAMAGED MOTOR VEHICLES.

Be it enacted, etc., as follows:

Section 8G of chapter 26 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

Whenever an appraiser determines that a motor vehicle is damaged such that (a) it may no longer meet the safety standards established by the registrar of motor vehicles under section seven A of chapter ninety; or (b), it may no longer comply with the motor vehicle emission standards established by the commissioner of environmental quality engineering under section one hundred and forty-two J of chapter one hundred and eleven, then the appraiser shall remove the certificate of inspection from the vehicle and no new certificate of inspection shall be issued for such vehicle unless, upon reinspection of the vehicle pursuant to section seven V of said chapter ninety by an approved inspection station, such vehicle meets said safety standards and is otherwise in compliance with motor vehicle emission standards. The registrar of motor vehicles shall establish rules and regulations for the enforcement of this paragraph.

Approved July 26, 1990.

Chapter 139. 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 Mirna C. DeRodriguez in the city of Boston on July twenty-eighth, nineteen hundred and ninety between Elizabeth Maldonado and Alyia James Green both of the city of Boston and the state secretary shall issue to said Mirna C. DeRodriguez a certificate of such authorization.

Approved July 27, 1990.

Chapter 140. AN ACT RELATIVE TO REGISTRARS AND ASSISTANT REGISTRARS OF VOTERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to permit nonresidents to be employed by registrars of voters, therefore 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 51 of the General Laws is hereby amended by striking out section 25, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 25. Every person appointed as a registrar or assistant registrar who is not regularly employed by the registrars shall be a voter of the city or town where he is appointed. No person appointed as a registrar or assistant registrar shall hold an office in the city or town for which he is appointed either by election or by direct appointment of the mayor or of the selectmen or of a city manager or town manager, or hold an office by election or appointment under the government of the United States or of the commonwealth, except as a justice of the peace, notary public or officer of the state militia. The acceptance by a registrar or assistant registrar of any such office shall vacate his appointment as registrar or assistant registrar. Nothing in this section shall prohibit a registrar or assistant registrar from becoming a candidate for election and serving as a member of a home rule charter commission or as a town meeting member.

Approved July 28, 1990.

Chapter 141. AN ACT RELATIVE TO FINAL DISPOSITION OF CARE AND PROTECTION CASES.

The first paragraph of section 27 of chapter 119 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the third sentence.

Approved July 28, 1990.

Chapter 142. AN ACT RELATIVE TO APPRAISALS AS A PREREQUISITE TO THE PAYMENT OF DAMAGES.

Be it enacted, etc., as follows:

Section 7A of chapter 79 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- Notwithstanding the foregoing, no appraisal shall be made by the taking authority if all persons entitled to damages by reason of such taking waive, in writing, their right to any damages.

Approved July 28, 1990.

Chapter 143. AN ACT PROVIDING FOR A PLAQUE IN HONOR OF CERTAIN MASSACHUSETTS FIREFIGHTERS.

Be it enacted, etc., as follows:

The executive director of the Massachusetts firefighting academy is hereby authorized and directed to install and maintain a plaque at said academy in honor and in memory of Massachusetts firefighters who have lost their lives in the line of duty.

Approved July 28, 1990.

Chapter 144. AN ACT RELATIVE TO CERTAIN TRANSPORTATION SERVICES.

Be it enacted, etc., as follows:

Paragraph (4) of section 4 of chapter 161D of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 33, the words "are wholly contained within the commonwealth and".

Approved July 28, 1990.

Chapter 145. **AN ACT AUTHORIZING THE TOWN OF BEDFORD TO JOIN THE MASSACHUSETTS WATER RESOURCES AUTHORITY.**

Be it enacted, etc., as follows:

SECTION 1. Paragraph (d) of section 8 of chapter 372 of the acts of 1984 is hereby amended by inserting after the word "Arlington", in line 3, the word:- Bedford.

SECTION 2. Notwithstanding the provisions of section one, the inclusion of the town of Bedford into the Massachusetts Water Resources Authority shall commence only after said Authority makes findings as set forth in paragraph (d) of section eight of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four.

Approved July 28, 1990.

Chapter 146. **AN ACT RELATIVE TO THE REDUCTION OF THE TERM OF OFFICE OF MEMBERS OF THE SCHOOL COMMITTEE IN THE CITY OF EVERETT.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 355 of the acts of 1892 is hereby amended by striking out section 44 and inserting in place thereof the following section:-

Section 44. The management and control of the schools of the city shall be vested in a school committee consisting of nine members, three of whom shall be members-at-large and six of whom shall be members from wards. The three members-at-large shall be inhabitants of the city and shall be elected by the qualified voters of the entire city to serve for a term of two years. Each of the six ward members shall be inhabitants of the city of Everett and also be inhabitants of a different ward. All six members shall be elected by the qualified voters of the entire city to serve for a term of two years.

SECTION 2. Section four of chapter three hundred and sixty-one of the acts of nineteen hundred and thirty is hereby repealed.

SECTION 3. Chapter five hundred and twenty-five of the acts of nineteen hundred and forty-three is hereby repealed.

SECTION 4. Nothing in this act shall affect the term of the members of the school committee holding office on the effective date of this act and all members of the school committee elected in the year nineteen hundred and eighty-nine shall be entitled to serve the full term to which they were elected.

SECTION 5. This act shall take effect on January first, nineteen hundred and ninety-one.

SECTION 6. The secretary of state shall cause the following question to be placed on the official ballot to be used in the city of Everett at the biennial state election to be held in the year nineteen hundred and ninety: "Shall an act passed by the General Court in the year nineteen hundred and ninety entitled "an act relative to the reduction of the term of office of members of the school committee in the city of Everett, be accepted?" If a majority of the votes cast in answer to said question is in the affirmative then this act shall take full effect but not otherwise.

Approved July 28, 1990.

Chapter 147. AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO BORROW MONEY FOR THE PURPOSE OF EXPANDING THE NEW TOWN CEMETERY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seven of chapter forty-four of the General Laws, the town of Westwood for the purpose of constructing the Phase II expansion, so-called of the new cemetery, including road construction, clearing, excavation and landscaping, including costs incidental thereto, is hereby authorized to borrow a sum not to exceed four hundred thousand dollars which shall be payable within ten years.

Approved July 28, 1990.

Chapter 148. AN ACT PROVIDING FOR INCLUSION OF CERTAIN WATER USERS UNDER THE MASSACHUSETTS WATER MANAGEMENT ACT.

Be it enacted, etc., as follows:

Section 5 of chapter 21G of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first paragraph, the following paragraph:-

Each person making an existing withdrawal below the threshold volume, but in excess of 10,000 gallons per day, may, on or before July first nineteen hundred and ninety-one, file a registration statement in accordance with regulations adopted by the department. All such voluntary registrations shall have the same standing as above threshold registrations and shall be subject to the same reporting

and renewal requirements, and verifications standards, required by the department for above threshold registration statements.

Approved July 28, 1990.

Chapter 149. AN ACT RELATIVE TO THE APPOINTMENT OF GUARDIANS FOR PERSONS WITH A PHYSICAL INCAPACITY OR ILLNESS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 201 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "persons", in line 3, the following words:- , persons unable to make or communicate informed decisions due to physical incapacity or illness.

SECTION 2. Said chapter 201, as so appearing, is hereby further amended by inserting after section 6A the following section:-

Section 6B. The court may appoint a guardian for a person who is unable to make or communicate informed decisions due to physical incapacity or illness in a like manner, subject to the same limitations, and filed by such persons who may file a petition under section six.

SECTION 3. Paragraph (a) of section 14 of said chapter 201, as so appearing, is hereby amended by inserting after the word "person", in lines 4 and 7, in each instance, the following words:- or person unable to make or communicate informed decisions due to physical incapacity or illness.

SECTION 4. Paragraph (b) of said section 14 of said chapter 201, as so appearing, is hereby amended by inserting after the word "decree", in line 29, the following words:- ; provided, however that authority to consent to the administration of antipsychotic medications may not be granted to any guardian appointed for a person unable to make or communicate informed decisions due to physical incapacity or illness.

Approved July 28, 1990.

Chapter 150. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-ONE FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SKINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, of sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth in sections two, two A, and two B, for the several purposes and subject to the conditions specified in said sections two, two A, two B and three, are hereby appropriated from the General Fund unless specifically designated otherwise, 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-one, in this act referred to as the year nineteen hundred and ninety-one, or for such period as may be designated.

SECTION 1A. (a) Notwithstanding any other provision of this act or any other general or special law to the contrary, the sums set forth for appropriation and spending authorizations from retained revenue in line-items in section two of this act shall be reduced by four percent and, notwithstanding the amounts appropriated or authorized to be expended in said section two, the comptroller shall not make available for expenditure amounts in excess of the amount indicated in said section two reduced by four percent; provided, however, that said sums as reduced shall be expended for the several purposes and subject to the conditions specified in such line-item, unless such conditions specify that a certain amount or not less than a certain amount be expended for a particular purpose, in which case the amount available for expenditure for such particular purpose shall be reduced by four percent; provided, further, that the provisions of this section shall not apply to the following line-items:

0320-0001	0612-1010	0612-7000	0699-2900
0321-1500	0612-1011	0612-8000	0699-3800
0321-1501	0612-1506	0612-9000	0699-3801
0322-0001	0612-1507	0640-0000	0699-3900
0330-0100	0612-1900	0640-0001	0699-4800
0330-2200	0612-2000	0640-0096	0699-4801
0340-2000	0612-2001	0699-1800	0699-4900
0340-2050	0612-3000	0699-1801	0699-5800
0521-0000	0612-5000	0699-1900	0699-5801
0524-0000	0612-6000	0699-2800	0699-5900

0699-6800	1599-0035	3722-9027	7053-1909
0699-6801	1599-3407	3722-9101	7066-0005
0699-6900	1599-3408	3722-9102	8312-6000
0699-7800	1599-3658	3722-9201	8312-6001
0699-7801	1599-3800	3748-0001	8312-6050
0699-7900	2010-0100	4100-0001	8314-1000
0699-8300	2020-0100	4110-1010	8350-0100
0699-8301	2210-0100	4170-0300	8400-0006
0699-8302	2260-8870	4170-0400	8400-0007
0699-8400	2310-0200	4402-5000	8400-0100
0699-8401	2310-0313	4402-5002	8800-0010
0699-8402	2310-0500	4402-5200	8800-0100
0699-9100	2310-0501	4403-2000	8850-0015
0699-9200	2315-0100	4403-2013	9081-0500
0810-0014	2315-0101	4403-2100	9081-0501
0810-0201	2320-0101	4405-2000	9210-0001
0840-0100	2330-0311	4406-2000	9221-1000
0840-0105	2350-0101	4406-5000	9222-0100
1104-6607	2520-0300	4513-1012	9222-0101
1108-3200	2520-0900	4800-0020	9230-0001
1108-5200	2520-1000	4800-0030	9230-1231
1108-5300	2520-1100	4800-0032	9270-0001
1108-5400	2520-1200	6005-0011	9272-0001
1108-6200	2520-1300	6005-0012	9275-0004
1233-2000	2520-1400	6005-0015	9275-0500
1233-2310	2520-1500	6005-0018	9275-0600
1233-3100	3722-8878	7052-0004	9440-0200
1599-0002	3722-8880	7052-0005	9511-0000
1599-0008	3722-9002	7052-0006	9621-0000

(b) Notwithstanding any other provision of this act or any other general or special law to the contrary, the sums set forth for each city and town in section three of this act for appropriation pursuant to item 0611-5500 shall be reduced by four percent, and such reduced amounts shall be deemed in full satisfaction of the amounts due under section thirty-seven of chapter twenty-one of the General Laws.

(c) Notwithstanding any other provision of this act or any other general or special law to the contrary, the sums set forth for each city, town and regional school district and county maintaining an agricultural school in section three of this act for appropriation pursuant to items 7061-0008 and 7061-0003 shall be reduced by four percent, and such reduced amounts distributed from item 7061-0008 shall be deemed in full satisfaction of the amounts due under sections three, six and seven of chapter seventy of the General Laws.

SECTION 2.

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.

Item		
0320-0001	For the salaries, traveling allowances, and expenses of the chief justice and of the six associate justices	$654,408
0320-0002	For the expenses of the commission on the future of the courts	$50,000
0320-0003	For the salaries and expenses of the supreme judicial court; provided, that not less than one hundred and twenty-nine thousand dollars shall be available for the committee on gender equality	$4,149,204
0321-0001	For the expenses of the commission on judicial conduct	$215,712
0321-0100	For the service of the board of bar examiners	$548,631
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	$43,061,236
0321-1501	The committee for public counsel services is hereby authorized to expend revenues collected from assessments imposed pursuant to chapter two hundred and eleven D of the General Laws, as amended by this act, and revenues recovered as a result of auditing, up to a maximum of five million five hundred thirty-six thousand dollars, including one hundred eighty-five thousand dollars for an expanded audit and oversight unit; provided, that revenues collected shall be credited to this account in the fiscal year in which such revenues are deposited to pay expenses, including prior years' expenses	$5,536,000
0321-1502	All revenues collected in excess of five million five hundred thirty-six thousand dollars pursuant to chapter two hundred and eleven D of the General Laws, as amended by this act, shall be deposited to this account for credit in the fiscal year in which such revenues are deposited; provided, however, that fifty percent of revenues collected in excess of five million five hundred and thirty-six thousand dollars up to a maximum of one million nine hundred and forty-four thousand dollars may be expended by the committee for public counsel services, including prior years' expenses; and provided further, that the comptroller shall transfer fifty percent of all funds collected and any funds collected in excess of seven million four hundred	

Item		
	and eighty thousand dollars in this account from the revenue maximization fund to the General Fund at the close of fiscal year nineteen hundred and ninety-one.	
	Revenue Maximization Fund 100.0%	
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 two hundred forty-five thousand nine hundred and sixty-nine dollars shall be obligated for a disability representation project; provided further, that not less than five hundred seventy thousand and fifty-five dollars shall be obligated for a medicare advocacy project; further, that not less than four hundred twenty-three thousand two hundred and twenty-one dollars shall be obligated for an asylum representation project; 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	$2,239,245
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 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	$260,421
0321-2100 For	a correctional legal services committee	$350,749
	Appeals Court.	
0322-0001 For	the salaries, traveling allowances and expenses of the chief justice, the thirteen associate justices and the recalled justices of the appellate courts	$1,300,996
0322-0002 For	the salaries and expenses of the appeals court	$2,450,254
	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	$24,941,643

Item		
0330-0200	For the salaries of the recalled justices of the trial court	$1,448,379
0330-0300	For the salaries and expenses of the administrative staff, including not more than one hundred and four positions	$3,340,484
0330-0400	For non-employee services 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	$7,421,863
0330-0600	For dental and optical health plan trust agreements	$988,764
0330-1000	For payments of expenses of juries	$3,112,217
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-one, including not more than thirty positions	$2,740,550
0330-2010	For expenses related to computerized legal research	$143,593
0330-2020	For centralized law book purchases	$307,793
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, 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	$23,665,282
0330-2205	For expenses to maintain and operate courthouse facilities owned by the commonwealth, including not more than two hundred and seventy-six positions	$10,000,000
0330-2300	For payments of witness fees	$722,368
0330-2410	For the salaries and expenses of the judicial training institute, including not more than five positions	$400,250

Item		
0330-2500 For	clerical assistance for the divisions of the trial court, including not more than ten positions	$530,782
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	$1,123,108
0330-2700 For	printing expenses	$1,738,829
0330-2800 For	repairs of equipment	$2,164,745
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	$882,198
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 ninety shall be considered a full-time court officer for fiscal year nineteen hundred and ninety-one; and provided further, that all other per diem court officers shall be paid the daily rate in accordance with collective bargaining agreements, including not more than four hundred and nine positions	$9,900,000
0330-3300 For	the payment of office, administrative, special, and maintenance and repair expenses in the trial court, to be allocated by the chief administrative justice	$1,245,508
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 not less than two million eight hundred forty thousand six hundred twenty-two dollars and one hundred twenty-six positions be made available to the administrative office; provided further, that not *less than sixty-eight thousand* dollars be made available to the medical malpractice tribunal; provided further, that not less than five million four hundred eighty-four thousand three hundred sixty-three dollars and two hundred forty positions be made available for superior court probation services; provided further, that not less than one hundred eighty-seven thousand six hundred dollars and seven positions be made available to Barnstable superior court; provided further, that not less than one hundred sixty-eight thousand seven hundred twenty-three dollars and seven positions be made available to Berkshire superior court;

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provided further, that seven hundred three thousand five hundred twenty-five dollars and thirty-three positions be made available to Bristol superior court; provided further, that not less than sixty-seven thousand three hundred seventy dollars and two positions be made available to Dukes superior court; provided further, that not less than eight hundred seventy-nine thousand three hundred ninety dollars and forty positions be made available to Essex superior court; provided further, that not less than one hundred twenty-eight thousand five hundred twenty-four dollars and six positions be made available to Franklin superior court; provided further, that not less than eight hundred eighty-six thousand one hundred ninety-three dollars and thirty-seven positions be made available to Hampden superior court; provided further, that not less than two hundred eighteen thousand nine hundred fifty-four dollars and eight positions be made available to Hampshire superior court; provided further, that not less than two million seventy-eight thousand eighteen dollars and ninety-seven positions be made available to Middlesex superior court; provided further, that not less than sixty-seven thousand six hundred thirty dollars and two positions be made available to Nantucket superior court; provided further, that not less than eight hundred five thousand three hundred fifty-one dollars and thirty-eight positions be made available to Norfolk superior court; provided further, that not less than seven hundred twenty-one thousand seven hundred fifty-six dollars and thirty-six positions be made available to Plymouth superior court; provided further, that not less than two million two hundred seventy-seven thousand five hundred forty-seven dollars and one hundred twenty-three positions be made available to Suffolk superior civil court; provided further, that not less than one million three hundred ninety-five thousand one hundred ninety-two dollars and sixty-nine positions be made available to Suffolk superior criminal court; provided further, that not less than one million thirty-seven thousand seven hundred seventy-four dollars and forty-five positions be made available to Worcester superior court; including not more than nine hundred and sixteen positions $24,830,602

District Courts.
For Salaries and Expenses.

0332-0100 For the salaries and expenses of the administrative staff, including not more than forty-nine positions $1,524,054

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 $500,000

Item		
0332-1100	First district court of Barnstable, including not more than fifty-two positions	$1,481,307
0332-1200	Second district court of Barnstable (Orleans), including not more than twenty-five positions	$726,072
0332-1300	District court of northern Berkshire (Adams, North Adams, Williamstown), including not more than fifteen positions	$488,450
0332-1400	District court of central Berkshire (Pittsfield), including not more than twenty-six positions	$787,693
0332-1500	District court of southern Berkshire (Great Barrington, Lee), including not more than eleven positions	$314,633
0332-1600	First district court of Bristol (Taunton), including not more than thirty-three positions	$921,624
0332-1700	Second district court of Bristol (Fall River), including not more than fifty-six positions	$1,313,801
0332-1800	Third district court of Bristol (New Bedford), including not more than fifty-nine positions	$1,685,728
0332-1900	Fourth district court of Bristol (Attleboro), including not more than twenty-six positions	$708,654
0332-2000	District court of Edgartown, including not more than nine positions	$240,614
0332-2100	First district court of Essex (Salem), including not more than fifty positions	$1,417,913
0332-2200	Second district court of Essex (Amesbury), including not more than fourteen positions	$391,214
0332-2300	Third district court of Essex (Ipswich), including not more than six positions	$168,437
0332-2400	Central district court of northern Essex (Haverhill), including not more than thirty-seven positions	$1,080,426
0332-2500	District court of eastern Essex (Gloucester), including not more than twenty-three positions	$621,642
0332-2600	District court of Lawrence, including not more than sixty-seven positions	$1,971,614
0332-2700	District court of southern Essex (Lynn), including not more than fifty-six positions	$1,629,685
0332-2800	District court of Newburyport, including not more than sixteen positions	$420,544
0332-2900	District court of Peabody, including not more than twenty-nine positions	$967,076
0332-3000	District court of Greenfield, including not more than twenty-four positions	$630,679
0332-3100	District court of Orange, including not more than twelve positions	$313,571
0332-3200	District court of Chicopee, including not more than twenty-four positions	$732,691
0332-3300	District court of Holyoke, including not more than twenty-six positions	$715,195
0332-3400	District court of eastern Hampden (Palmer), including not more than seventeen positions	$521,384
0332-3500	District court of Springfield, including not more than one hundred and fifteen positions	$3,015,315
0332-3600	District court of western Hampden (Westfield), including not more than twenty-one positions	$582,867
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	$1,380,848
0332-3800	District court of eastern Hampshire (Ware), including not more than ten positions	$306,068
0332-3900	District court of Lowell, including not more than eighty-nine positions	$2,411,348
0332-4000	District court of Somerville, including not more than sixty-seven positions	$1,866,452
0332-4100	District court of Newton, including not more than twenty-eight positions	$850,756
0332-4200	District court of Marlborough, including not more than twenty-six positions	$816,309
0332-4300	District court of Natick, including not more than twenty positions	$567,988

Item		
0332-4400	District court of eastern Middlesex (Malden), including not more than sixty-three positions	$1,770,468
0332-4500	Second district court of eastern Middlesex (Waltham), including not more than forty-two positions	$1,141,546
0332-4600	Third district court of eastern Middlesex (Cambridge), including not more than one hundred and seven positions	$2,775,321
0332-4700	Fourth district court of eastern Middlesex (Woburn), including not more than fifty-nine positions	$1,572,136
0332-4800	First district court of northern Middlesex (Ayer), including not more than thirty-four positions	$922,350
0332-4900	First district court of southern Middlesex (Framingham), including not more than sixty-seven positions	$1,702,794
0332-5000	District court of central Middlesex (Concord), including not more than forty-one positions	$1,174,383
0332-5100	District court of Nantucket, including not more than eight positions	$150,687
0332-5200	District court of northern Norfolk (Dedham), including not more than fifty-seven positions	$1,433,248
0332-5300	District court of east Norfolk (Quincy), including not more than one hundred and twenty-three positions	$3,251,529
0332-5400	District court of western Norfolk (Wrentham), including not more than thirty-seven positions	$1,070,961
0332-5500	District court of southern Norfolk, including not more than forty-six positions	$1,177,901
0332-5600	Municipal court of Brookline, including not more than twenty-four positions	$675,719
0332-5700	District court of Brockton, including not more than eighty-six positions	$2,747,839
0332-5800	Second district court of Plymouth (Hingham), including not more than forty-four positions	$1,162,356
0332-5900	Third district court of Plymouth (Plymouth), including not more than forty-five positions	$1,287,316
0332-6000	Fourth district court of Plymouth (Wareham), including not more than thirty-six positions	$1,010,151
0332-6100	District court of Brighton, including not more than thirty-five positions	$962,206
0332-6200	District court of Charlestown, including not more than eighteen positions	$603,254
0332-6300	District court of Chelsea, including not more than forty-eight positions	$1,378,347
0332-6400	District court of Dorchester, including not more than one hundred and eighteen positions	$3,240,273
0332-6500	District court of East Boston, including not more than forty-seven positions	$1,404,690
0332-6600	District court of Roxbury, including not more than one hundred and eighteen positions	$3,324,227
0332-6700	District court of South Boston, including not more than twenty-four positions	$744,995
0332-6800	District court of West Roxbury, including not more than forty-seven positions	$1,386,293
0332-6900	Central district court of Worcester, including not more than one hundred and five positions	$2,534,401
0332-7000	District court of Fitchburg, including not more than twenty-nine positions	$824,840
0332-7100	District court of Leominster, including not more than fourteen positions	$385,915
0332-7200	District court of Winchendon, including not more than three positions	$131,090
0332-7300	First district court of northern Worcester (Gardner), including not more than twenty-five positions	$706,091
0332-7400	First district court of eastern Worcester (Westborough), including not more than thirty-one positions	$784,838

Item		
0332-7500	Second district court of eastern Worcester (Clinton), including not more than sixteen positions	$407,330
0332-7600	First district court of southern Worcester (Dudley), including not more than twenty-seven positions	$784,684
0332-7700	Second district court of southern Worcester (Uxbridge), including not more than eighteen positions	$413,231
0332-7800	Third district court of southern Worcester (Milford), including not more than twenty-three positions	$692,289
0332-7900	District court of western Worcester (Spencer), including not more than fourteen positions	$398,645

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 not less than two hundred thirty-seven thousand seven hundred fifty-two dollars and twelve positions be available for the administrative office; provided further, that not less than four hundred ninety-nine thousand four hundred thirty-two dollars and twenty-four positions be available for the Barnstable probate court; provided further, that not less than two hundred eighty-six thousand two hundred fourteen dollars and fifteen positions be available for the Berkshire probate court; provided further, that not less than one million twelve thousand two hundred seventy-eight dollars and forty-six positions be available for the Bristol probate court; provided further, that not less than eighty-five thousand eight hundred twenty-seven dollars and three positions be available for the Dukes probate court; provided further, that not less than one million one hundred eighty-two thousand three hundred forty-six dollars and fifty-six positions be available for the Essex probate court; provided further, that not less than two hundred eighty-eight thousand six hundred seventy-six dollars and eleven positions be available for the Franklin probate court; provided further, that not less than one million two hundred twenty-four thousand one hundred thirty dollars and fifty-nine positions be available for the Hampden probate court; provided further, that not less than three hundred eighty-two thousand six hundred seventy-eight dollars and nineteen positions be available for the Hampshire probate court; provided further, that not less than two million three hundred eleven thousand eight dollars and one hundred fifteen positions be available for the Middlesex probate court; provided further, that not less than ninety-four thousand twenty-six dollars and six positions be available for the Middlesex family services clinic; provided further, that not less than seventy-nine thousand four hundred seventy-four dollars and two positions be available for the Nantucket probate court; provided further, that not less than one million five hundred thirteen thousand six hundred nineteen dollars and seventy-three positions be available for the Norfolk

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probate court; provided further, that not less than eighty-three thousand one hundred twelve dollars and five positions be available for the Norfolk family services clinic; provided further, that not less than one million eighty-three thousand four hundred fifty-nine dollars and fifty-three positions be available for the Plymouth probate court; provided further, that not less than one million eight hundred forty-three thousand seven hundred twenty-one dollars and ninety-five positions be available for the Suffolk probate court; provided further, that not less than one million one hundred thirty-eight thousand twenty-six dollars and fifty-five positions be available for the Worcester probate court; including not more than six hundred and forty-five positions $16,482,221

Land Court.

0334-0001 For the salaries and expenses of the office of the land court, including not more than seventy-eight positions $2,074,323

Boston Municipal Court.

0335-0001 For salaries and expenses of the Boston municipal court, including not more than one hundred and eighty-five positions $5,000,000

Housing Court.
For Salaries and Expenses.

0336-0002 For the salaries and expenses of the housing court department; provided, that not less than eighty-seven thousand seven hundred twenty-six dollars and three positions be available for the administrative office; provided further, that not less than seven hundred thirty-five thousand seven hundred twelve dollars and twenty-eight positions be available for the Boston housing court; provided further, that not less than three hundred sixteen thousand seven hundred fourteen dollars and thirteen positions be available for the Hampden housing court; provided further, that not less than three hundred fifteen thousand seven hundred ninety-eight dollars and eleven positions be available for the Worcester housing court; provided further, that not less than two hundred thousand dollars and eleven positions be available for the Northeast housing court; provided further, that not less than two hundred thousand dollars and eleven positions be available for the Southeast housing court; including not more than seventy-seven positions $2,219,936

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Juvenile Court.
For Salaries and Expenses.

0337-0002 For the salaries and expenses of the juvenile court department; provided, that not less than three hundred seventy-one thousand three hundred eighty-seven dollars and seventeen positions be available for the administrative office; provided further, that not less than three million forty-three thousand six hundred fourteen dollars and one hundred three positions be available for the Boston juvenile court; provided further, that not less than one million one hundred seventy thousand three hundred twenty dollars and forty-eight positions be available for the Bristol juvenile court; provided further, that not less than eight hundred thirty-two thousand two hundred twenty-eight dollars and thirty-two positions be available for the Springfield juvenile court; provided further, that not less than seven hundred fifteen thousand seven hundred two dollars be available for the Worcester juvenile court; including not more than six hundred and thirty positions $6,905,661

Committee on Probation.

0339-1001 For the office of the commissioner of probation, including not more than one hundred and thirty positions $3,964,039

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 $1,243,700

Judicial Council.

0339-2200 For the service of the council, including not more than two positions $17,500

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%

For the salaries of district attorneys and assistants for the eleven districts:

0340-0100 Suffolk, including not more than two hundred positions $6,679,678

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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	$91,718
0340-0200	Northern, including not more than one hundred and sixty-six positions	$4,946,521
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	$218,480
0340-0300	Eastern, including not more than ninety-two positions	$3,051,096
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	$256,100
0340-0400	Middle, including not more than ninety-two positions	$3,464,010
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	$270,525
0340-0500	Hampden, including not more than seventy-one positions	$2,258,990
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	$1,499,791
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	$104,496
0340-0700	Norfolk, including not more than seventy-eight positions	$2,935,708
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	$198,723
0340-0800	Plymouth, including not more than seventy-one positions	$2,175,084
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	$197,131
0340-0900	Bristol, including not more than sixty positions	$2,296,999
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	$158,512
0340-1000	Cape and Islands, including not more than twenty-four positions	$1,060,286
0340-1040	For overtime of state police officers assigned to the Cape and Islands District Attorney's office, to be in addition to any other funds available for this purpose	$163,515
0340-1100	Berkshire, including not more than twenty-two positions	$867,031
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	$73,656
0340-2000	For a program of grants to various district attorneys' offices in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws; provided, that the victim 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 for the administration and operation of victim and witness	

Item

assistance programs $3,500,000

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 $1,290,000

Victim and Witness Assistance Fund 100.0%

0340-2100 For a reserve for the implementation and related expenses of the prosecution management information system (PROMIS); provided, that funds may be transferred from this item to other items of appropriation; provided further, that the house and senate committees on ways and means shall be notified in writing of all transfers made from this line item; provided further, that a report detailing all past expenditures from this fund, the automation status of each district attorney's office, and a proposed plan for any further automation improvements, shall be forwarded to the house and senate committees on ways and means on or before October first, nineteen hundred and ninety; and provided further, that expenses may be charged directly to this item, including not more than two positions $1,001,573

EXECUTIVE.

Governor.

0411-1000 For the salaries and expenses of the governor and officers and employees in the governor's office including not less than five hundred forty-five thousand seven hundred eighty dollars for dues, membership and expenses for the national governor's council and the New England governor's council $3,705,501

Lieutenant Governor.

0412-1000 For the salary of the lieutenant governor and for personal services for the lieutenant governor's office $359,775

Governor's Council.

0413-1000 For the salaries and personal services of the council pursuant to sections three, four, and seven of chapter six of the General Laws $95,000

0143-1001 For the salaries and expenses of the administrative office pursuant to sections six and six A of chapter six of the General Laws $169,776

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	$5,056,000
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
0511-0015 The	secretary of state is hereby authorized to expend revenues collected up to a maximum of two hundred thousand dollars from charges to corporations and individuals for access and services for the computerized corporate library	$200,000
0511-0200 For	the administration of the Archives Division	$465,000
0511-0230 For	the expenses of the Record Center	$160,000
0511-0250 For	the maintenance and operation of the Archives Facilities	$612,975
0511-0260 For	the administration of the Commonwealth Museum	$230,000
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	$295,282
0517-1000 The	secretary of state is hereby authorized to expend revenues collected up to a maximum of one million one hundred thousand dollars from the sale of various documents, including a public register, for the expense of printing such documents including materials, supplies and equipment	$1,100,000
0518-0000 For	the purchase and distribution of certain journals of the house of representatives	$7,500
0521-0000 For	preparing, printing and distributing ballots and other miscellaneous expenses for primary and other elections	$3,333,127
0524-0000 For	expenses of compiling and publishing information to voters	$782,000

Massachusetts Historical Commission.

0526-0100 For	the administration of the commission	$647,139

Ballot Law Commission.

0527-0100 For	the compensation and expenses of the commissioners	$21,000

Item

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 $8,797,105

0610-1000 The treasurer is hereby authorized to expend revenues collected up to a maximum of four million four hundred thousand dollars from accrued interest earned for bank services $4,400,000

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

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 two thousand and thirty dollars, and that the said distribution to cities and towns shall include the distribution of sixty-two thousand, four hundred and thirty-seven dollars as appropriated by account 1599-3657 of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine $766,505,072

Local Aid Fund 100.0%

0611-5700 For additional assistance to reimburse the town of Bridgewater for certain public safety and maintenance costs for services to the Old Colony correction facility, Southeastern correction facility, Bridgewater state hospital, Bridgewater treatment center for the sexually dangerous, Bridgewater addiction and alcohol center and Bridgewater state college in said town. Notwithstanding any general or special law to the contrary the amount appropriated herein shall be used to offset the cost incurred by the town of Bridgewater for safety and maintenance of state correctional and educational facilities in said town $150,000

Local Aid Fund 100.0%

Item

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 ninety; and provided further, that no city or town shall receive more than the amount so certified for that city or town $1,255,000

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 the retirement board shall not be subject to the provisions of chapter thirty-one of the General Laws $2,330,000

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 the state teacher's retirement systems, reimbursement of local retirement systems for cost-of-living adjustments pursuant to section one hundred and two of said chapter thirty-two, 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 the 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 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, all deposits shall be made on the first day of each quarter, the first such deposit to be made on July first, nineteen hundred and ninety, 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 distribution of monies from said fund, provided that any such distribution and the payments for which 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 appropriation has 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 by November fifteenth, nineteen hundred and ninety 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 year nineteen hundred and ninety, provided further, that said report shall also include pursuant to section twenty-two of said chapter thirty-two the source and amount of revenue remitted to *the commonwealth's pension liability fund during fiscal year nineteen hundred and* ninety; 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 deposits to the commonwealth's pension liability fund $652,300,000

Local Aid Fund	59.0%
General Fund	33.9%
Highway Fund	7.0%
Inland Fisheries and Game Fund	0.1%

0612-1011 The state treasurer is hereby authorized to expend revenues collected up to a maximum of thirty-five million dollars for expenditure for the purposes and subject to the provisions of item 0612-1010 of this act $35,000,000

0612-1506 For a reserve, to meet the commonwealth's obligation for the fiscal year ended June thirtieth, *nineteen hundred and ninety, 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 $2,381,113

Local Aid Fund	100.0%

Item

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 the fiscal year ending June thirtieth, nineteen hundred ninety-one; 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		$272,304
	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 chapter six hundred and twenty-one of the acts of nineteen hundred and eighty-nine		$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%	
0612-2001	The state treasurer may retain revenues in an amount not to exceed two hundred thousand dollars for expenditure for the purposes of item 0612-2000 of this act		$200,000

Pension for Retired Justices.

0612-3000	For pensions of retired judges or their widows		$5,200,000
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		$900,000
	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		$200,000
0612-8000	For retirement allowances of certain veterans formerly in the service of the metropolitan water system		$450,000

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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	$10,000

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	$66,800

Retirement Law Commission.

0635-0000 For	the administration of the commission; provided, that not less than two hundred thousand dollars shall be available for the commission's research projects	$327,595

State Lottery Commission.

0640-0000 For	the expenses of the operation and administration of the state lottery and arts 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	$63,809,845

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0640-0001 The state lottery commission is hereby authorized to expend revenues collected up to a maximum of six million three hundred thirty-eight thousand four hundred fifty dollars from the proceeds of all lottery operations for the cost of upgrading the lottery's on-line central computer system and maximizing sales of lottery games; provided, that the commission shall only access up to one million eight hundred thousand dollars on July first, nineteen hundred and ninety, up to one million eight hundred thousand dollars on October first, nineteen hundred and ninety, up to one million eight hundred thousand dollars on January first, nineteen hundred and ninety-one, up to nine hundred thirty-eight thousand four hundred fifty dollars on April first, nineteen hundred and ninety-one from this item; provided, that after the authorized July allocation, no other funds may be expended from this item unless the combined arts lottery and state lottery sales exceed by two and one half percent the sales from the same quarterly period in fiscal year nineteen hundred and ninety; provided further, that the lottery commission shall certify to the treasurer at the end of each quarter that said sales performance met or exceeded the provisions of this item; provided further, that the treasurer shall notify the budget bureau and the house and senate committees on ways and means of all expenditures from this item and that such notification shall certify that such expenditure complies with the provisions of this item hereinbefore described $6,338,450

Collective Bargaining.

0640-0096 For the purpose of the commonwealth's fiscal year nineteen hundred and ninety 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

Massachusetts Cultural Council.

0640-0300 For the administration of the council; provided further, that any funds expended from this account for the benefit of schoolchildren shall be expended for the benefit of all Massachusetts schoolchildren and on the same terms and conditions $1,150,000

0640-2003 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 chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine, may expend an amount not to exceed four million dollars, including those amounts provided pursuant to section fifty-seven of said chapter ten, which the state comptroller is

Item

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; provided further, that any funds expended from this account for the benefit of schoolchildren shall be expended for the benefit of all Massachusetts schoolchildren and on the same terms and conditions; 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 $4,000,000

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 chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine, is hereby authorized to expend not more than eight million dollars which the state comptroller is hereby authorized to transfer, on a quarterly basis, 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 further, that no less than two million nine 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 any funds expended from this account for the benefit of schoolchildren shall be expended for the benefit of all Massachusetts schoolchildren and on the same terms and conditions; and provided further, that not less than two million six 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 $8,000,000

Debt Service.

0699-1800 For the payment of interest on certain bonded debt of the commonwealth previously charged to the State Recreation Areas Fund $4,564,527

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		$27,137
	Local Aid Fund	100.0%	
0699-1900 For	certain serial bonds maturing previously charged to the State Recreation Areas Fund		$4,653,698
	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		$2,300
	Inland Fisheries and Game Fund	100.0%	
0699-2900 For	certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inland Fisheries and Game Fund		$50,000
	Inland Fisheries and Game Fund	100.0%	
0699-3800 For	the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Water District Fund		$3,358,599
0699-3801 For	the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Water District Fund		$51,275
0699-3900 For	certain serial bonds maturing previously charged to the Metropolitan Water District Fund		$5,569,959
0699-4800 For	the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Sewerage District Fund		$2,699,155
0699-4801 For	the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Sewerage District Fund		$51,816
0699-4900 For	certain serial bonds maturing previously charged to the Metropolitan Sewerage District Fund		$4,678,439
0699-5800 For	the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Parks District Fund		$5,116,205
	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		$171,922
	Local Aid Fund	100.0%	
0699-5900 For	certain serial bonds maturing previously charged to the Metropolitan Parks District Fund		$6,959,251
	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		$95,484,652
	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		$1,008,129
	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	$89,369,905
	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	$299,238,263
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	$4,339,540
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	$258,293,382
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	$120,680
	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	$3,178
	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	$696,822
	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	$22,593,506
	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	$83,677
	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	$10,591,731
	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	$35,000,000

Item		
0699-9200 For	certain debt service contract assistance to the Massachusetts Land Bank in accordance 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	$9,642,930
0710-0100 For	the administration and expenses of the bureau of local mandates	$750,360

DEPARTMENT OF THE ATTORNEY GENERAL.

0810-0000 For	the office of the attorney general	$12,759,938
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	$402,281
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	$317,611
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	$1,384,376
0810-0031 For	the expenses of administering the local consumer aid fund, established by section eleven G of chapter twelve of the General Laws	$644,027
0810-0035 For	the administration and expenses of the Anti-Trust division	$368,181
	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	$19,500
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-one	$663,127
	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; 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 $1,282,520

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 $937,478

INSPECTOR GENERAL.

0910-0200 For the administration and expenses of the office of inspector general, including not more than thirty-four positions $1,053,373

OFFICE OF CAMPAIGN AND POLITICAL FINANCE.

0920-0300 For the expenses and administration of the office of campaign and political finance $452,633

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 ninety, 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 the comptroller shall maintain 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 the comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services, the full year estimate of revenues, and revenues collected, including not more than one hundred and twenty-seven positions $5,138,059

Item

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 twenty-five positions $841,368

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

Office of Mediation Services.

1100-1103 The office of mediation services within the executive office for administration and finance is hereby authorized to expend revenues collected up to a maximum of three hundred fifty thousand dollars from charges to other 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, including the cost of personnel for said office $350,000

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 $2,208,512

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; provided, that said office of management information systems is hereby authorized and directed to schedule expenditures

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for any software development project or system purchased for which the total budgeted cost will exceed five hundred thousand dollars, including but not limited to the Massachusetts public assistance control system, the recipient eligibility verification system, the provider management system, the Massachusetts management accounting and reporting system, the masstax system, the automated licensing and registration system, and the regents management system; and provided further, that said office of management information systems is hereby authorized and directed to continue a chargeback system for its bureau of computer services which complies with the requirements of section thirty-five of this act including not more than three hundred and forty-one positions $11,900,000

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; provided further, that not less than one hundred twenty-one thousand five hundred dollars be available for the State House art commission; provided further, 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; including not more than two hundred and thirty-one positions $7,471,348

Division of Capital Planning and Operations - State Transportation Building.

1102-3214 The division of capital planning and operations is hereby authorized to expend revenues collected up to a maximum of 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 ninety shall not revert to the commonwealth and shall be available to said building manager for the purposes provided in section thirty-two of this act during the fiscal year nineteen hundred and ninety-one $7,500,000

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Bureau of State Buildings.

1102-3301 For the administration of the bureau of state buildings and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings; provided, that not less than fifty thousand dollars be available for the restoration and preservation of the historic flags displayed in the state house hall of flags, including not more than one hundred and fifty-two positions $16,742,215

Division of Capital Planning and Operations - Springfield State Office Building.

1102-5231 The division of capital planning and operations is hereby authorized to expend revenues collected up to a maximum of 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 thirty-three of this act $573,400

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 $4,354,070

Department of Procurement of General Services.

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 one hundred and forty positions $4,000,000

1104-1007 For a division of purchased services; including not more than twenty positions $918,010

Department of Procurement and General Services - State Surplus Property.

1104-1091 The state procurement department is hereby authorized to expend revenues collected up to a maximum of fifty thousand dollars from the sale of state surplus personal property, for the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of surplus property, including the cost of personnel, computer equipment and software necessary to automate said program $50,000

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Department of Procurement and General Services - 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 1988 Official Edition, the state procurement department is hereby authorized to expend revenues collected up to a maximum of six hundred and fifty thousand dollars, and the comptroller may certify for payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of federal surplus property, including the cost of personnel, computer equipment and software necessary to automate said program $650,000

Motor Vehicle Procurement Reserve.

1104-6607 The state procurement department is hereby authorized to expend revenues collected up to a maximum of one million dollars from the disposal of surplus motor vehicles, including but not limited to state police vehicles, from vehicle accident and damage claims and from manufacturer warranties, rebates and settlements, and on existing lease purchase obligations $1,000,000

Office of Handicapped Affairs.

1107-2400 For the office of handicapped affairs, including not more than fifteen positions $567,649

Architectural Access Board.

1107-8000 For the expenses of the board, including not more than ten positions $325,000

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 thirty-five positions $1,011,992

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1108-1002 For	the administration of the civil service system by the department of personnel administration, including, but not limited to, administration of civil service examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candidates to state and municipal appointing authorities, and technical assistance in selection and appointment to state and municipal appointing authorities; provided further, that notwithstanding the provisions of paragraph (n) of section five of chapter thirty-one or of any other general or special law or rule to the contrary, the commissioner of administration 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 circumstances, including not more than one hundred and sixteen positions	$2,848,052
1108-1003 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	$828,664
1108-1011 For	the administration of the civil service commission, including not more than eleven positions	$296,368
1108-1214 The	department of personnel administration is hereby authorized to expend revenues collected up to a maximum of seven hundred thousand dollars from the fees charged for civil service examination applications for the administration of the civil service examination program by the department, including the cost of personnel	$700,000

Office of Affirmative Action.

1108-2500 For	the office of affirmative action, including not more than fourteen positions	$373,556

Office of Contract Negotiation.

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 twenty-four thousand dollars be made available for prior year expenditures; provided further, that the nature and scope of such economic proposals shall include all fixed percentage or dollar base rate salary adjustments, non-base payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs, including not more than twenty positions	$726,978

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1108-3200 For the purposes of the commonwealth's contributions for the fiscal year nineteen hundred and ninety-one 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 $15,800,000

Teachers' Retirement Administration.

1108-4010 For the administration of the bureau of teachers' retirement, including not more than forty-five positions $1,238,466

Group Insurance Commission.

1108-5100 For administration of the group insurance program, including not more than seventy-six positions $1,785,030

1108-5101 The group insurance commission is hereby authorized to expend revenues collected up to a maximum of two hundred and twenty-eight thousand dollars from the percentage applicable premium allowed by the federal consolidated omnibus budget reconciliation act, as amended, and from reimbursements received pursuant to sections eight, ten B, ten C, and twelve of chapter thirty-two A of the General Laws, for expenditure pursuant to item 1108-5100 of this act $228,000

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 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 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 ninety, the 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 or rates as established by the commission effective July first, nineteen hundred and ninety; 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; provided further, that for the purpose of accommodating the delaying 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-one $463,445,466

1108-5300 The group insurance commission is hereby authorized to expend revenues collected up to a maximum of one million six hundred and sixty-one thousand five hundred dollars, from charges to 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-one; 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 $3,323,000

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 $13,663,887

Public Employee Retirement Administration.

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 $3,091,057

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1108-6200 For	the purposes of workers' compensation paid to public employees, including prior fiscal years; provided, that not more than three hundred thousand dollars be expended for the purposes of a workers' compensation investigatory unit, including not more than fourteen positions	$38,890,976
	Highway Fund 35.0%	
	General Fund 65.0%	
	Division of Administrative Law Appeals.	
1110-1000 For	the administration of the division of administrative law appeals established by section four H of chapter seven of the General Laws; provided, that notwithstanding any provision of law to the contrary, the cost of services rendered to any office or agency for an appeal shall be charged to such office or agency, such charges to include an allowance for overhead as determined by the commissioner of administration; provided further, that the payments for such services shall be paid to the General Fund; and provided further, that no such service shall be provided without a written contract filed with the comptroller, including not more than thirteen positions	$461,910
	George Fingold Library.	
1120-4005 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 research library collection, including not more than thirty positions	$822,982
	Massachusetts Commission Against Discrimination.	
1150-5100 For	the office of the commission; provided, that all positions except clerical are exempted from the provisions of chapter thirty-one of the General Laws; and provided further, that said commission shall pursue the highest rate of federal reimbursement per charge allowable, including not more than forty-three positions	$1,095,812
1150-5101 The	Massachusetts commission against discrimination is hereby authorized to expend revenues collected up to a maximum of 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
1150-5329 The	Massachusetts commission against discrimination may expend revenues not to exceed thirty thousand dollars from federal reimbursements for the Fair Housing Initiatives Program	$30,000

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1150-5338 The Massachusetts commission against discrimination may expend revenues not to exceed two hundred eighty thousand dollars from federal reimbursements for the Fair Housing Assistance Program Type I - Year V $280,000

1150-5339 The Massachusetts commission against discrimination may expend revenues not to exceed four hundred twenty-two thousand dollars from federal reimbursements for the Equal Employment Resolution Contract $422,000

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; 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 two hundred and forty-three positions $111,455,705

Highway Fund	10.0%
General Fund	90.0%

Child Support Enforcement.

1201-0160 For the administration of the child support enforcement unit, provided, that the department may enter into contracts with private collection agencies for the purpose of obtaining collections from absent parents; provided further, that these funds may be used for special child support enforcement projects; provided further, that the department may allocate these funds to the division of state police, the district courts, the probate and family court department, the

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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 $18,922,124

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, 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 forty-five positions $6,236,253

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-one, Forty-one B and Forty-one 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-one B or Forty-one 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%

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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 $1,056,029

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

1599-0008 For a reserve for tort claims $90,000

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 $21,907,812

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		$5,280,000
	Local Aid Fund	100.0%	
1599-3320	For the expenses of the New England Board of Higher Education and for the expenses of the members of said board		$473,053
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 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		$400,000
	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		$2,318,716
	Highway Fund	50.0%	
	General Fund	50.0%	

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1599-3600 For a reserve to fund state and county correctional expansion programs; provided, that funds may only be used for new beds opened in fiscal year nineteen hundred and ninety and nineteen hundred and ninety-one including related new institutional parole requirements at MCI Norfolk Pre-Release Center, NCCI Gardner, MCI Walpole, Bay State, MCI Framingham, MCI Shirley, Boston Correctional Center, Bristol County jails and houses of correction at Dartmouth and New Bedford, Essex County house of correction, and Worcester County house of correction; provided further, that funds from this item may be transferred to other items of appropriation within the department of correction and to item 4380-0001; provided further, that the department of correction, the county government finance review board, the parole board, the Massachusetts' Sheriff's Association, and the division of capital planning and operations shall submit a joint plan to the secretary of administration and finance and to the house and senate committees on ways and means regarding the use of expansion reserve funds, such plan shall include facility opening dates, staffing requirements, number of beds, the annualized cost of the facilities, and an agreement on the number of state inmates to be housed in county facilities; provided further, that this same group shall submit, to the house and senate committees on ways and means, no later than the last Wednesday of January nineteen hundred and ninety-one, a joint comprehensive plan dealing with the county and state prison overcrowding problem which shall include the overall number of beds, estimated growth of inmates, alternatives to incarceration, and the most economical use of all available funding sources; provided further, that no expenditures shall be made from this item without prior approval of the house and senate committees on ways and means $17,000,000

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

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	of maintenance and operation of jails and houses of correction; provided further, that the commissioner of revenue is authorized to adjust the assessment limit of any county under section twenty A of chapter fifty-nine of the General Laws by the amount by which the county's distribution from this item is exceeded by the amount distributed under this item in the fiscal year nineteen hundred and eighty-nine budget compounded at two and one-half percent per annum; provided further, that in fiscal year nineteen hundred and ninety-one, notwithstanding the provisions of section twenty A of chapter fifty-nine of the General Laws, any county except Suffolk and Nantucket may increase its county tax for said fiscal year by an additional amount if the total amount of such additional county tax is approved by two thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; provided further, that any county that does not have a budget for fiscal year nineteen hundred and ninety-one approved by the county government finance review board as of July first nineteen hundred and ninety may expend funds for the operation of county government in fiscal year nineteen hundred and ninety-one in accordance with its approved budget for fiscal year nineteen hundred and ninety; and provided further, that any county which borrowed under the provisions of section six of chapter one hundred and ninety-three of the acts of nineteen hundred and eighty-nine on or before July first nineteen hundred and eighty-nine is hereby authorized to refund such debt for a term not to exceed seven years from the date of the original loan, with payments on such refunding loan to be made in accordance with the provisions of chapter thirty-five of the General Laws and section twelve of chapter sixty-four D of the General Laws, so far as applicable	$80,500,023
	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-one unless the applicable legislative 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 ninety; 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 fifteen, nineteen hundred and ninety 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-one funding allocation for such accepting systems on or before November first, nineteen hundred and ninety-one, and said commissioner of administration shall adjust grants for fiscal year nineteen hundred and ninety-two for any overpayments or underpayments made during said fiscal year nineteen hundred and ninety-one; 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 $103,932

Local Aid Fund 100.0%

1599-3850 The commissioner of administration is hereby authorized to expend revenues collected up to a maximum of five million dollars from a transfer from the state 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, 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 $5,000,000

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 $2,134,187

General Fund 85.0%

Local Aid Fund 15.0%

2000-0200 For the administration of the office of research, testing and standards and for a geographic information system for environmental data in Massachusetts, including not more than six positions $193,045

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2001-1001 The	secretary of environmental affairs may expend an amount not to exceed two hundred and twenty-five 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) the 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, and 3) the review of environmental notification forms pursuant to the Massachusetts Environmental Policy Act, for staff, the purchase of materials, supplies, and equipment, and for the printing of the MEPA monitor	$225,000
2010-0100 For	programs and projects in the management of solid waste and for environmental protection; provided, that the comptroller shall allocate amounts herein appropriated to the department of environmental management, the department of environmental protection, the department of fisheries, wildlife, and environmental law enforcement, the metropolitan district commission, and the department of food and agriculture, in accordance, with the provisions of section three hundred and twenty-three F of chapter ninety-four of the General Laws, as amended by chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine, pursuant to schedules developed in consultation with the advisory committee appointed by the secretary of environmental affairs and consisting of three statewide environmental groups and filed by the secretary of environmental affairs and with the house and senate committees on ways and means; provided further, that said advisory committee shall have such proposal for review and comment no less than thirty days prior to said filing; and provided further, that seventy-five thousand dollars be expended on a program to study the creation of environmental education program in the commonwealth, including not more than one position	$2,368,000
	Clean Environment Fund 100.0%	
2020-0100 For	the purposes of the offices of toxics use reduction assistance and technology, in accordance with the provisions of chapter twenty-one I of the General Laws, as established by chapter two hundred sixty-five of the acts of nineteen hundred and eighty-nine, including not more than ten positions	$350,000
	Toxics Use Reduction Fund 100.0%	
	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	$163,850

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2050-0200 For technical assistance grants to cities and towns, as authorized in chapter twenty-one D of the General Laws, the cities and towns shall include Braintree, Weymouth, Quincy, and Orange; provided, that the awarding of said grants shall meet with the prior approval of the secretary of the executive office of environmental affairs $200,000

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

2100-0000 For the statewide operation of the department; provided, that funds appropriated herein be used to provide a comprehensive program of natural resource protection and management; a program of forest and parks services, including fire prevention and control, forest, shade tree management and insect pest control, urban and heritage park services, and recreation; a program of water resource management, river basin planning, flood control, and well drilling; a program of pier management, waterways and coastal improvement; a program of natural resources planning and development; a program of waste minimization; a division of conservation services; provided further that the position of deputy commissioner of environmental management and any positions within the recreation program assigned to skating rinks and swimming pools, including the positions of supervisor of rinks and pools and the forest and park regional coordinators so assigned, shall not be subject to the provisions of chapter thirty-one of the General Laws; and provided further, that the department with the approval of the secretary of environmental affairs shall submit to the secretary of administration and finance and the house and senate committees on ways and means on or before October fifteenth, nineteen hundred and ninety, 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 $20,910,947

Local Aid Fund	44.0%
General Fund	56.0%

2100-0001 The department of environmental management may expend not more than eight million two hundred fifty-four thousand nine hundred thirty-one dollars in the aggregate, of revenues received or assessed by the department from tickets, fees, sales, permits, licenses, citations, fines, leases, easements, rentals, and concessions; provided, that these funds may be allocated to and expended during fiscal year nineteen hundred and ninety-one for a program of natural resource protection and management; provided further, that a sum not to exceed one hundred thousand dollars be expended for the administration of the Martha's Vineyard Commission; and provided further, that such revenues may be expended for the compensation of employees $8,254,931

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2100-0002 The department of environmental management shall deposit to this account all revenues collected in excess of nine million three hundred seven thousand seven hundred and eighty-six dollars; provided, however, that thirty percent of revenues collected in excess of nine million three hundred seven thousand seven hundred and eighty-six dollars up to a maximum of five hundred thousand dollars may be expended by the department for operation of a program of natural resource protection and management, including the costs of seasonal employees without further allotment; and provided further, that the comptroller shall transfer seventy percent of all funds collected and any funds collected in excess of five hundred thousand dollars in this account from the revenue maximization fund to the general fund at the close of fiscal year nineteen hundred and ninety-one.

Revenue Maximization Fund 100.0%

DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Office of the Commissioner.

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; and 8) a contract with the University of Massachusetts for environmental research; provided, that the department, with the approval of the secretary of environmental affairs, shall submit to the secretary of administration and finance and the house and senate committees on ways and means on or before October fifteenth, nineteen hundred and ninety, a plan for the distribution of the funds appropriated herein among the major programs as set forth above, such plan to include a narrative statement for each program, the number of personnel to be assigned to each program, and a subsidiary account analysis for each program; and provided further, that the one million six hundred thirty-two thousand dollars appropriated herein from the clean environment fund be expended for the operations of the division of solid waste, including not more than six hundred and sixty-seven positions $19,060,889

General Fund 91.44%

Clean Environment Fund 8.56%

2200-0102 The department of environmental protection may expend an amount not to exceed one million dollars for the elimination of the wetlands permit backlog and the administration of the division of wetlands and waterways from revenues collected 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, provided, that fees collected herein may be expended on personnel $1,000,000

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2200-0103	The department of environmental protection may expend an amount not to exceed six million eight hundred thousand dollars for the implementation and administration of the department's permitting, compliance, enforcement, and regulatory programs from revenues collected from license and registration fees, permit fees, and inspection and compliance fees issued or undertaken by said department, excluding any fines, penalties, or fees credited to the environmental challenge fund, or collected pursuant to paragraph seven of section seven of chapter twenty-one C of the General Laws; provided, that fees collected herein may be expended on personnel		$6,800,000
2210-0100	For the implementation and administration of chapter twenty-one I of the General Laws, including not more than eighteen positions		$475,000
	Toxic Use Reduction Fund	100.0%	
2240-0601	For a water facilities study in the town of Swansea		$50,000
2260-8870	For the expenses of a hazardous waste cleanup program, as authorized by chapter twenty-one E of the General Laws, including not more than four hundred and sixty positions		$10,312,077
	Environmental Challenge Fund	93.0%	
	General Fund	7.0%	

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	$306,068

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, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds, and rivers, for fish and wildlife restoration projects, 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; and 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		$4,815,827
	Inland Fisheries and Game Fund	100.0%	

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2310-0312	The department of fisheries, wildlife, and environmental law enforcement may expend revenues not exceeding two hundred thousand dollars accrued from a program of selling publications, at rates subject to the approval of the commissioner of administration and finance, relating to, but not limited to, fisheries, wildlife, and seafood, subject to the approval of the secretary of environmental affairs, for the costs of said program including the preparation of printed material, supplies, and equipment incidental thereto; provided, that no revenues received by said department from the sale of permits, licenses, stamps, and tags under other programs administered by the department shall be used for the purposes of this section	$200,000
2310-0313	The division of fisheries and wildlife of the department of fisheries, wildlife, and environmental law enforcement may expend an amount not to exceed eight hundred twenty-five thousand eight hundred and eighty-three dollars from revenues accrued from the inland fisheries and game fund, pursuant to section two of chapter one hundred thirty-one of the General Laws; provided, that not more than two hundred thousand dollars may be expended for a program of acid rain monitoring; provided further, that not more than five hundred sixty-eight thousand three hundred and eighty-three dollars may be expended for the administration and operation of the division of fisheries and wildlife, including the costs of personnel and the purchase and lease of certain equipment; and provided further, that not more than fifty-seven thousand five hundred dollars shall be expended for a program of investigating fishkills	$825,883
2310-0500	For the expenses of a state funded program in natural heritage and environmental assessment, including not more than six positions	$177,414
	Inland Fisheries and Game Fund 50.0%	
	Non-Game Wildlife Fund 50.0%	
2310-0501	The division of fisheries and wildlife of the department of fisheries, wildlife, and environmental law enforcement, may expend an amount not to exceed twenty thousand six hundred and twenty dollars for the expenses of a state funded program in natural heritage from revenues accrued from the non-game wildlife fund, pursuant to section thirty-five D of chapter ten of the General Laws	$20,620
2315-0100	For the administration of a program of non-game management and research, including not more than five positions	$348,657
	Non-Game Wildlife Fund 100.0%	
2315-0101	The division of fisheries and wildlife of the department of fisheries, wildlife, and environmental law enforcement, may expend an amount not to exceed twenty-eight thousand three hundred and ninety-seven dollars for the administration of a non-game management and research program, from revenue accrued from the non-game wildlife fund, pursuant to section thirty-five D of chapter ten of the General Laws	$28,397

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Public Access Board.

2320-0100 For the maintenance, operation, acquisition, and improvement of public access land and water areas, as authorized by section seventeen A of chapter twenty-one of the General Laws, including not more than three positions; provided that the positions shall not be subject to the provisions of chapter thirty-one $111,031

2320-0101 The public access board of the department of fisheries, wildlife and environmental law enforcement may expend an amount not to exceed three hundred thousand dollars of revenue of not more than three hundred thousand dollars accrued from Federal reimbursements from Federal Aid in Sportfish Restoration Act, so defined in 16 USC 777-77k, the Wallop/Breaux Fund, so called, for a program of enhancement and development of boating access to the coastal and inland waters of the commonwealth, including the purchase of materials, supplies, equipment, the cost of equipment maintenance, and the development and maintenance of boating facilities $300,000

Division of Marine Fisheries.

2330-0100 For administration of the division, including expenses of the Cat Cove marine laboratory, marine research program, a commercial fisheries program, a shellfish management program including coastal area classification, mapping activities, and technical assistance, and for the operation of the shellfish treatment plant at Newburyport; provided, that the division conduct a long-term contaminant monitoring program in Boston and Salem harbors; provided further, that family use areas and recreational shellfish areas set aside that are and cultivated, propagated or protected under the funding or provisions of this item shall be open to all inhabitants of the commonwealth upon payment of a reasonable fee; and provided further, that three hundred one thousand three hundred and fifteen dollars be expended on a recreational fisheries program to be reimbursed by federal funds, including not more than eighty-nine positions $2,748,886

General Fund	93.0%
Local Aid Fund	7.0%

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 of not more than one million one hundred thousand dollars accrued from federal reimbursements, from the Federal Aid in Sportfish Restoration Act, as defined in 16 USC 777-777k, the Wallop/Breaux Fund, so-called, and not more than one hundred thousand dollars from revenues generated from chapter one hundred and thirty, sections eighty and eighty-three of the General Laws, for a program of enhancement and development of marine recreational fishing and related programs and activities including the purchase of materials, supplies,

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	equipment, the cost of equipment maintenance, staff, and the maintenance and updating of data; provided, that such revenues equal to the amount of the annual appropriation of the recreational fish management program of marine fisheries restoration appropriated pursuant to item 2330-0100 of the general appropriation act for fiscal year nineteen hundred and ninety-one, shall be credited to the general fund on or before June thirtieth, nineteen hundred and ninety-one; and provided further, that such amounts so credited to the General Fund shall not be considered expenditures for the purpose of this section		$800,000
2330-1001 The	division of marine fisheries may expend an amount not to exceed one hundred fifteen thousand dollars of revenues, accrued from fees charged for the purification of moderately contaminated shellfish at the Newburyport Shellfish Purification Plant, for the costs of operating and maintaining said shellfish purification plant and the shellfish classification program, including the purchase of materials, supplies, equipment, the cost of equipment maintenance, and the maintenance and updating of data; provided, 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		$115,000
	Division of Environmental Law Enforcement.		
2350-0100 For	the administration of the division of environmental law enforcement; provided, that each county in the commonwealth shall be assigned at least one full time environmental officer; and provided further, that funds from the environmental challenge fund be used exclusively for the employment of six full time environmental officers working in the hazardous waste task force, including not more than one hundred and sixty-eight positions		$4,674,335
	Inland Fisheries and Game Fund	15.0%	
	General Fund	85.0%	
2350-0101 For	the hunter safety training program, including four positions		$200,526
	Inland Fisheries and Game Fund	100.0%	
2350-0310	The division of environmental law enforcement of the department of fisheries, wildlife, and environmental law enforcement may expend an amount not to exceed one million four hundred thirty-five thousand six hundred and ninety-seven dollars from revenues accrued from the collection of motorboat titling fees pursuant to chapter ninety B of the General Laws; and 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; for a program of environmental law enforcement and related programs and activities including the purchase of materials, supplies, equipment, maintenance, the costs of personnel, and the maintenance and updating of data; provided further that an amount not exceeding		

twenty-five thousand one hundred and seventy-seven dollars shall be made available to fund the position of geographic information system manager $1,435,697

THE METROPOLITAN DISTRICT COMMISSION.

2410-1000 For general administration, including not more than forty-one positions $1,363,905

General Fund	50.0%
Highway Fund	25.0%
Local Aid Fund	25.0%

2410-1001 The office of the commissioner of the metropolitan district commission is hereby authorized to expend for the operation and maintenance of the commission's telecommunication system, two hundred fifty thousand dollars from revenues received from the Massachusetts water resources authority, the Massachusetts convention center, the department of public works' Central Artery/Third Harbor Tunnel Project, so-called, and other public and quasi-public entities through a system of user related fees and charges established at the discretion of the commissioner; provided, that nothing in this section shall impair or diminish the rights of all current users of the system pursuant to use agreements which have been entered into with the metropolitan district commission $250,000

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 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 $100,000

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 $4,715,561

2420-1401 The division of watershed management is hereby authorized to spend, seven hundred twelve thousand two hundred and eighty-two dollars in the aggregate, from revenue generated from

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logging and forestry operations of the division, the generation of hydroelectric power, and recreational fees, for administration and operation of the division; provided, that not more than two hundred thousand dollars shall be expended on said logging and forestry operations; and provided further, that one hundred eighty-two thousand two hundred and eighty-two dollars be expended for maintaining the three fishing areas at the Quabbin Reservoir and Comet Pond Beach, including the costs of seasonal personnel, supplies and equipment necessary to operate said facilities $712,282

Metropolitan Parks District.

2440-0010 For the administration of the metropolitan district commission parks and recreation division, division of central services, reservation and interpretive services division, 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; provided, that not less than thirty thousand dollars shall be expended on a sailing program at Pleasure Bay; provided further, that not less than thirty thousand dollars shall be expended on the Mystic sailing program at Shore Drive Boat House; and provided further, that the metropolitan district commission shall not permit access or curb cuts to Chestnut Hill reservoir driveway under its control to any development which includes a structure of more than ten stories in height or two hundred feet in height until and unless an environmental impact study is filed with the commission and it is determined that such curb cuts or access do not adversely affect the use or enjoyment of such premises by the public, including not more than five hundred and seventy-one positions $26,392,787

Local Aid Fund	31.8%
Highway Fund	68.2%

2440-0012 The metropolitan district commission may expend revenues not exceeding one million fifty thousand dollars accrued from recreational revenues including admission fees, parking fees, and concessions at pools, rinks, parks, forests, beaches, ski areas, and golf courses maintained by the department, for improvements to programs at commission facilities, including materials, supplies, equipment, promotional activities, interpretive materials, and the costs of seasonal employees; provided, however, that said revenues may be expended by said department only in the following manner: the first five hundred thousand dollars accrued from said fees and concessions in fiscal year nineteen hundred and ninety-one may be expended as authorized herein, whereas the additional five hundred and fifty thousand dollars accrued from said fees may be expended only after the state treasurer has notified the comptroller that a total of five

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	million two hundred and fifty thousand dollars in deposits has accrued from said fees and concessions		$1,050,000
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 committee on ways and means, a copy of which is on file with the personnel administrator, including not more than six hundred and thirty positions		$25,105,105
	Local Aid Fund	36.0%	
	Highway Fund	64.0%	
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 the Walter D. Stone Memorial Zoos, including not more than seventy-two positions provided, that an amount may be expended for management contracts for the Franklin Park and the Walter 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 further, that the metropolitan district commission may, at its discretion, require the charging of fares and fees for concessions and parking at said zoological parks; 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 charges or fares apply; provided further, that all school children in groups which register for entrance to the zoos shall be admitted without such admission charge on a scheduled basis; and provided further, that the commissioner of the metropolitan district commission submit a plan to the house and senate committees on ways and means by January first, nineteen hundred and ninety-one to close the Walter D. Stone Memorial Zoo on April first, nineteen hundred and ninety-one		$2,509,496
2443-2001 The	metropolitan district commission may expend not more than one million dollars in aggregate from revenues collected from admission fees, contributions or donations, and concessions charged at the Franklin Park and Walter D. Stone Memorial Zoos for the operation and maintenance of said zoological parks, including the costs of personnel		$1,000,000
2444-9001 For	the construction, reconstruction, and improvement of boulevards and parkways, including bridges, and including the resurfacing and repairing thereof and the installation of traffic lights thereof		$1,630,655
	Highway Fund	100.0%	
2444-9004 For	certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill Center		$348,175
	Local Aid Fund	100.0%	

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2444-9005 For	the operation of street lighting for parkways and boulevards		$2,150,000
	Highway 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		$3,846,038
	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 twenty positions		$552,016
	Division of Regulatory Services.		
2511-3000 For	the administration of the division, including the pesticide bureau, the bureau of plant pest control and farm products, and the bureau of dairying and milk marketing, including not more than fifty-six positions		$1,182,000
2511-3001 The	division of regulatory services may expend not more than four hundred fifty thousand dollars on the "rights of way" program, integrated pest management programs, a program of laboratory services at UMass Amherst, and inspection services of the division from revenue collected by the division		$450,000
2511-3002 For	a program to support by means of agreements, contracts and grants the development of integrated pest management systems in Massachusetts agriculture, including the use of biological control; provided, that the purposes of said program shall be to establish the levels of tolerable damage to crops or other assets, evaluate all methods of pest control as means to be employed in order that said level of damage is not exceeded, and address the problems posed by the use of pesticides in terms of their risks and costs to farmers		$360,000
	Division of Agricultural Development.		
2511-4000 For	the administration of the division, for the expenses of the bureau of markets and the bureau of land use, including promotion of Massachusetts agriculture; provided, that not less than one		

hundred and seventy-five thousand dollars be expended for the farmer's market coupon program; provided, that not more than seventy-five thousand dollars be obligated for the agriculture in the classroom program; including not more than twenty-one positions $1,017,026

Division of Animal Health.

2515-1000 For the administration of the division and for the inspection of poultry products, and for the administration of the bureau of equine activities, including not more than twenty-six positions $737,395

2515-1001 The division of animal health may expend not more than seventy thousand dollars for the expenses of inspection services by the division of animal health and the bureau of equine activities from licenses, fees and registrations collected by said division and bureau $70,000

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 $485,559

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%

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 $774,059

Mosquito and Greenhead Fly Control Fund 100.0%

2520-0900 Suffolk County $165,910

Mosquito and Greenhead Fly Control Fund 100.0%

2520-1000 Central Massachusetts $608,251

Mosquito and Greenhead Fly Control Fund 100.0%

2520-1100 Berkshire County $205,176

Mosquito and Greenhead Fly Control Fund 100.0%

2520-1200 Norfolk County $409,572

Mosquito and Greenhead Fly Control Fund 100.0%

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2520-1300	Bristol County		$444,955
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1400	Plymouth County		$554,561
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1500	Essex County		$449,629
	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	$3,980,000
3722-8878	For the rental development action loan program	$2,180,000
3722-8880	For the home ownership opportunity program; provided, that the department is hereby authorized to make expenditures on existing contracts, provided the total payment obligations of such contracts do not exceed twenty-two million dollars; provided further, that notwithstanding any general or special law to the contrary, no new construction contracts may be entered into during fiscal year nineteen hundred and ninety-one	$2,428,980
3722-9001	For a program of grants to Neighborhood Housing Services Corporations, to fund a neighborhood housing mortgage and rehabilitation 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	$100,000
3722-9002	For certain financial assistance for housing projects for veterans	$4,029,954
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	$4,550,000
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: seventeen million nine hundred sixty-five thousand two hundred and ninety-two dollars for veterans and relocated persons; ten million three hundred thirty thousand and forty-two dollars for the elderly; one hundred four thousand seven hundred and ninety-eight dollars for the handicapped; and 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 nine million two hundred eighty-eight thousand eight hundred and fifty-six dollars shall be deposited in an individual allocation account for the purpose of said rental assistance program; provided further, that of said chapter seven hundred and seven certificates whose use is discontinued by eligible families and individuals, not less than fifteen hundred shall be assigned, in the course of fiscal year nineteen hundred and ninety-one, to specific neighborhood 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; 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 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, eleven million seventy-eight thousand five hundred and ninety-six 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 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

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federal laws and regulations; and provided further, that payments for rental assistance may be provided in advance, including not more than five positions $149,710,762

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 notwithstanding the provisions of section twenty-seven of chapter twenty-three B to the contrary the department may allocate funds appropriated for the state rental assistance program to as many units in such projects as it deems appropriate; provided further, that the department shall, to the maximum extent possible, give priority for funding to projects that provide the greatest number of three or more bedroom units in said project; provided further, that the department shall to the maximum extent possible, give priority for funding to projects in economically distressed areas; and provided further, that notwithstanding the provisions of section twenty-seven of chapter twenty-three B or sections twenty-six and twenty-seven of chapter twenty-nine of the General Laws to the contrary, the department is hereby authorized to enter into such contracts for terms not exceeding fifteen years with annual payment obligations not to exceed thirty-eight million dollars $31,406,555

3722-9101 For reimbursement of cities and towns for the commonwealth's statutory share of federally aided urban renewal $269,264

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

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	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 section 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	$570,000
	Local Aid Fund 100.0%	
3722-9201 For	an interest subsidy program; provided, that notwithstanding any other provisions of law to the contrary, expenditures made hereunder shall be subject to the approval of the secretary of communities and development; provided further, that notwithstanding any other provisions of law to the contrary, no projects shall be approved on or after the effective date of this act which would cause the commonwealth's obligation for the purposes of this item to exceed the amount of this item	$9,825,000
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 the approval of the secretary of the executive office of communities and development, including not more than four positions	$600,000
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 two positions	$75,000
3731-2003 For	expenses of community development and municipal program services, including not more than twenty positions	$675,273
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, including not more than four positions	$784,500
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; and provided further, that not less than eighty-eight thousand dollars to be expended to maintain said program, as it currently operates, in the city of New Bedford	$588,000

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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 $5,000,000

3747-0001 For the administration of the commission on Indian affairs, including not more than two positions $52,000

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 $1,445,782

Massachusetts Housing Partnership Fund 100.0%

EXECUTIVE OFFICE OF HUMAN SERVICES.

Office of the Secretary.

4000-0100 For the office of the secretary, including the health facilities appeals board; provided, that said office shall approve agency investigative procedures, review all reports of all human service

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	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, including not more than forty positions		$1,670,516
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		$266,188
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%	
4000-0780 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 sixty-five 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		$5,835,721
	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 closings, including not more than nine positions		$501,903
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, that funds may be transferred to other items of appropriation with the approval of the secretary of the executive office of human services		$134,203

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	Purchase of Service Division.	
4001-0000 For	an office of contract management only, to provide a review and authorization of all human services contracting; provided, 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 fifteen positions	$559,011
	Rate Setting Commission.	
4100-0001 The	administration of the commission including not more than one hundred and seventy positions	$8,600,000
	Massachusetts Commission for the Blind.	
4110-0001 For	the office of the commissioner and bureau of research, including not more than twenty-three positions	$872,762
4110-1010 For	aiding the adult blind	$8,139,983
4110-1020 For	determining eligibility for a medical assistance program for the blind, including not more than sixteen positions	$399,256
	Bureau of Individual Services.	
4110-2010 For	the administration of a machine lending service, including not more than two positions	$90,000
4110-2040 For	certain social services programs, including not more than sixty positions	$6,212,946
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 grants or state appropriation shall be deducted for pensions, group health and life insurance, or any other such indirect cost of federally reimbursed state employees	$1,917,386
	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 the current workshop employees, including not more than sixteen positions	$1,119,154
4110-4035 The	industries for the blind is hereby authorized to expend revenues collected up to a maximum of eight hundred thousand dollars	$800,000

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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 and the secretary of administration and finance 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 client's; 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 $3,274,426

Vocational Rehabilitation.

4120-0011 For a program of vocational rehabilitation in cooperation with the federal government; provided that not less than sixty-five thousand dollars be allocated for a program of vocational rehabilitation for general relief recipients of the department of public welfare; 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 $5,747,207

Social Services.

4120-0012 For social services programs; provided, that not less than one million eight hundred and twenty-one thousand, six hundred and two dollars be obligated for supported work programs; and provided further, that not less than fifty thousand dollars be obligated for vocational evaluation and employment services for severely physically disabled adults $16,233,962

4120-0071 For the development and implementation of services to the traumatically head injured $7,100,000

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;

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	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	$3,155,081
4125-0101 The	commission for the deaf and hard of hearing may expend revenues in an amount not to exceed ten thousand dollars from fees paid in accordance with section one hundred and ninety-seven of chapter six of the General Laws, for rentals and sales of telecommunications devices for the deaf	$10,000

Office for Children.

4130-0001 For	the central administration of the office, provided that not less than fifty-three thousand, six hundred and forty-eight dollars be expended on a contract for protection and advocacy services for children with special education needs, including not more than twenty-seven positions	$1,345,717
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 forty-five thousand eight hundred and fifteen dollars to the Children's Trust Fund; provided further, that said funds shall be available without further appropriation, including not more than two positions	$142,500
4130-0005 For	field operations licensing, including not more than one hundred and ninety-five positions	$6,860,890
4130-0006 For	a program of training for day care providers	$515,040
4130-0007 For	area-based child welfare services, including not more than seventy positions	$1,400,000
4130-0008 The	office for children is hereby authorized to expend revenues collected for licensing fees and day care lists, up to a maximum of two hundred and thirty thousand dollars	$230,000
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; and provided further, that said formula shall take into consideration community needs and resources, including not more than two positions	$1,790,418
4130-0720 For	a program of technical assistance and purchase of services in support of implementation of comprehensive community plans for teenage pregnancy prevention; provided, that applications for such funds shall be administered through the office for children upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by said office; provided further, that portions of said grants may be used for state agency purchases of designated services identified by said community service plans; provided further, that no less than ninety-four thousand shall be expended for a program of teenage pregnancy prevention in the city of Fall River, including not more than two positions	$1,350,637

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Commissioner of Veterans' Services.

4170-0010 For the office of the commissioner; provided, that of the sum appropriated herein, not less than two hundred seventy-one thousand six hundred and eighty dollars be obligated for the purpose of assisting veterans to obtain federal VA benefits pursuant to the provisions of Public Law 95-588, including not more than forty-eight positions $1,473,601

4170-0012 For a counseling program for veterans and their families, including the maintenance and operation of not more than ten 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 $800,000

4170-0013 For the purpose of providing matching funds to a federal grant under Title IVC of the Jobs Training Partnership Act, an employment and training program for disabled Vietnam-era and recently discharged veterans $146,138

4170-0300 For the payment of annuities to certain disabled veterans $132,000

4170-0400 For reimbursing cities and towns for money paid for veterans' benefits and for payment to certain veterans in accordance with the following formula: seventy-five percent to be reimbursed by the commonwealth and twenty-five percent to be reimbursed by the cities and towns $10,321,903

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 $38,000

Soldiers' Home in Massachusetts.

4180-0100 For the maintenance of the home, including not more than five hundred and forty positions $12,711,327

4180-1100 The soldiers' home in Massachusetts, located in the city of Chelsea may expend all revenues generated by the home, up to a maximum of four million one hundred fifteen thousand eight hundred dollars $4,115,800

4180-1101 The soldiers' home in Massachusetts, located in the city of Chelsea shall deposit to this account all revenues collected in excess of four million one hundred fifteen thousand eight hundred dollars; provided, that thirty percent of all revenues collected in excess of four million one hundred fifteen thousand eight hundred dollars up to a maximum of three hundred thousand dollars may be expended for patient care and maintenance of services without further appropriation; and provided further, that the comptroller shall transfer seventy percent of all funds collected in excess of three hundred thousand dollars in this account from the revenue maximization

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	fund to the general fund at the close of fiscal year nineteen hundred and ninety-one.	
	Revenue Maximization Fund 100.0%	
4180-2101 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	$511,562
	Soldiers' Home in Holyoke.	
4190-0100 For	the maintenance of the home, including not more than three hundred and thirty-five positions	$7,201,739
4190-1100 The	soldiers' home in Holyoke may expend all revenues generated by the home, up to a maximum of three million one hundred and sixty thousand dollars for patient care and maintenance of the home	$3,160,000
4190-1101 The	soldiers' home in Holyoke shall deposit to this account all revenues collected in excess of three million one hundred sixty thousand dollars; provided, however, that thirty percent of revenues collected in excess of three million one hundred sixty thousand dollars up to a maximum of three hundred thousand dollars may be expended by the Home for patient care and the maintenance of services without further appropriation; and, provided further, that the comptroller shall transfer seventy percent of all funds collected and any funds collected in excess of three hundred thousand dollars in this account from the revenue maximization fund to the general fund at the close of fiscal year nineteen hundred and ninety-one.	
	Revenue Maximization Fund 100.0%	
4190-2101 For	the maintenance of an adult day care program at the soldiers' home in Holyoke, including not more than eight positions	$156,770
	Department of Youth Services.	
4200-0010 For	the administration of the department, including not more than seventy positions	$3,000,223
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	$37,858,000
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-five positions	$6,220,125
4238-1000 For	the operation of the secure facilities administered and operated by the department, including not more than three hundred and sixty-five positions	$11,952,555

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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 fifty positions	$5,501,124
4311-0003 For	a program of correctional residential services, provided that not less than two hundred thousand dollars be obligated for assistance to incarcerated mothers, including not more than twenty-eight positions	$4,500,109
4311-0004 For	a health services program, including not more than two hundred and eighty-three positions	$28,959,909
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 ninety-five positions	$3,692,108
4311-0007 The	prison industries program is hereby authorized to expend revenues collected from the sale of its products, up to a maximum of seven million one hundred thousand dollars, for the support of the program including costs of materials, supplies, equipment, maintenance of facilities and compensation of employees	$7,100,000
4311-0009 For	a program of education services, including not more than one hundred positions	$3,654,974
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 fifty positions	$981,300
4311-7001 The	farm services program is hereby authorized to expend revenues collected from the sale of its products, up to a maximum of three million three hundred thousand dollars, for the support of the program including costs of materials, supplies, equipment, maintenance of facilities and compensation of employees	$3,300,000
4349-0001 For	the administration and operation of the commonwealth's correctional facilities, including not more than four thousand seven hundred positions	$175,250,000
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	

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	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-one 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	$19,800,000
4349-0010 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	$718,785

Parole Board.

4380-0001 For	the office of the board, including not more than two hundred and sixty positions	$10,456,755

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 of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, public assistance caseloads and benefits levels.	
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; including not more than three thousand seven hundred and twenty positions	$129,052,757
4400-1001 The	department of public welfare is hereby authorized to expend revenues collected from expired emergency security deposits, up to a maximum of one million dollars for the purposes of administrative expenses of the department of public welfare	$1,000,000

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4400-1002 The department of public welfare shall deposit to this account all revenues collected from emergency security deposits in excess of one million dollars; provided, however, that ten percent of revenues collected in excess of one million dollars up to a maximum of four hundred thousand dollars may be expended by the department without further appropriation; and provided further, that the comptroller shall transfer ninety percent of all funds collected and any funds collected in excess of four hundred thousand dollars in this account from the revenue maximization fund to the General Fund at the close of the fiscal year nineteen hundred and ninety-one.

Revenue Maximization Fund 100.0%

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 fifty-five positions $19,724,579

4400-1009 For a program to provide employment, training and voucher day care 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 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 employment and training program which shall include 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 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,

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	that the department shall report to the house and senate committees on ways and means by *October 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-four positions	$75,335,909
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; provided, that the department may allocate funds to other agencies for the purposes of this program	$15,403,934
4402-5000 For	a medical assistance program, 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 an amount not to exceed six hundred million *dollars may be expended* from this item for expenses incurred in the 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; provided further, that funding may be expended from this account for administrative costs associated with cost containment efforts; provided further, that requests for funding for cost containment *projects shall be accompanied with projections of total spending on the project, explanations of* any increase over the previous fiscal year and estimates of savings resulting from said project; and provided further, that up to one million dollars shall be expended from this item for early screening and treatment necessary to reduce hospitalizations and to avoid medicaid costs by delaying the onset of fully symptomatic AIDS; and provided further, that said funds shall be expended through a request for proposals process and may be expended even in the absence of federal reimbursement; 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	$2,391,200,000
4402-5002 The	department of public welfare may expend an amount not to exceed thirty-nine million dollars from the monies received pursuant to chapter one *hundred and eighteen E of the General Laws* from collections of any prior year expenditures from liens, estate recoveries, retrospective rate adjustments and third party recoveries, or other collections subject to the approval of the department of public welfare for purposes of the medical assistance program	$39,000,000

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4402-5200 For	payment of nursing home retrospective settlements and hospital settlements for costs incurred in prior years by the medical assistance program established pursuant to chapter eight hundred of the acts of nineteen hundred and sixty-nine, as amended, for the purposes of complying with the provisions of Public Law 89-97, Title XIX	$68,200,000
4403-2000 For	a program of aid to families with dependent children; provided, that the need standard shall be equal to the standard in effect in fiscal year nineteen hundred and eighty-nine; provided further, that the payment standard shall be equal to the need standard; provided further, that 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 in September, nineteen hundred and ninety, subject to federal reimbursement; provided further, that such clothing allowance shall be included in the standard of need for the month of September, nineteen hundred and ninety; provided further, that a program of assistance, including medical assistance, be provided to families otherwise eligible for aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse; provided further, that child support payments collected pursuant to Title IV-D of the Social Security Act, not to exceed an amount of seventy-five 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	$592,700,000
4403-2013 The	department of public welfare may expend an amount not to exceed seventy-five 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	$75,000,000
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 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	$62,734,225

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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	$131,292,726
4406-2000 For	a program of general relief, including a program of emergency relief; provided, that the need standard shall be equal to the standard in effect in fiscal year nineteen hundred and eighty-nine; provided further, that the payment standard shall be equal to the need standard; 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 in September, nineteen hundred and ninety; 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 a forty dollar per month rent allowance shall be paid to all households not residing in public housing or subsidized housing; and 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	$142,000,000
4406-3000 For	a program of assistance to families and individuals who are homeless or 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 six hundred thousand dollars shall be obligated for a contract with the Pine Street Inn located in the city of Boston; provided further, that not less than eight hundred seventy-five thousand dollars be obligated for a comprehensive multi-service day program for the homeless; provided further, that the winter shelters, so-called, be operated year-round; and provided further, that the department may allocate funds to other agencies for the purposes of this program	$31,050,000
4406-5000 For	a program of medical services for general relief recipients; provided, that notwithstanding the provisions of any general or special law to the contrary, certain medical services shall be provided to general relief recipients, including physician services, laboratory services, durable medical equipment, eye care, home health care, pharmacy services, transportation for medical care, emergency and basic restorative dental services, 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	$35,000,000

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4407-1010 For a program of employment and training services and assistance in seeking eligibility for the supplemental security income program for general relief recipients and recent recipients; provided, that all program participants shall be general relief recipients upon entrance to the program; provided further, that the department may allocate funds to other agencies for this program $3,050,000

DEPARTMENT OF PUBLIC HEALTH.

The department of public health shall submit quarterly to the house and senate committees on ways and means a status report on all public health hospitals, by individual hospital, including, but not limited to, inpatient and outpatient utilization, costs, revenues, personnel, contract expenditures, and capacity by service and use of such facilities by other state agencies and vendor programs.

4510-0100 For the administration of the department, the division of local health services and the bureau of hospital administration; provided, that the position of assistant commissioner shall not be subject to chapter thirty-one of the General Laws, including not more than ninety-five positions $3,327,789

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, provided that one hundred thousand dollars shall be expended for a certain study conducted pursuant to Chapter one hundred ninety-nine of the acts of nineteen hundred and eighty-seven, including not more than twenty-five positions $595,602

4510-0103 For the administration of the division of health promotion; including not more than fifteen positions $267,181

4510-0106 For the space rental costs of the department $2,790,498

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 $1,254,100

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, in accordance with chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the

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	proper federal authorities for reimbursement of one hundred percent of the amounts so expended; provided further, that not less than one hundred and fourteen thousand dollars shall be obligated 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; including not more than one hundred positions	$2,944,799
4510-0603 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 one hundred ninety 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 purpose of implementing chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven	$200,000
4510-0614 The	department of public health's environmental health program may expend revenues in an amount not to exceed two hundred thousand dollars from fees collected pursuant to inspections and the licensing of x-ray technologists; provided, that revenues collected may be used for all program costs including compensation of employees	$200,000
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, including not more than one hundred and forty-five positions	$4,682,524
4510-0712 The	department of public health is hereby authorized to expend revenues collected pursuant to the licensure of health facilities up to a maximum of one hundred and fifteen thousand nine hundred and fifty dollars	$115,950
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	$187,630

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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 thousand dollars shall be obligated for the operation of regional emergency medical services councils and regional communication centers; including not more than ten positions	$571,686
4512-0103 For	the administration of the acquired immune deficiency syndrome program; provided, that not less than seven hundred thousand dollars be obligated to comprehensive family planning providers; 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 ninety expenditures; and provided further, that at the end of fiscal year nineteen hundred and ninety-one, 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; provided further, that not less than one hundred thousand dollars shall be obligated for AIDS drop-in centers; provided further, that not less than two hundred and fifty thousand dollars and four positions shall support a program of AIDS-related mental health services in Boston; provided further that not less than seven hundred thousand dollars shall be expended on human immunodeficiency virus screening at sexually transmitted disease clinics; including not more than forty-seven positions	$20,016,772
4512-0200 For	the administration of the division of alcoholism and division of drug rehabilitation; including not more than thirty-seven positions	$38,175,382
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 for court adjudicated indigent clients	$900,000
4512-0225 The	commissioner of the department of public health may expend an amount not to exceed two hundred fifty thousand dollars, which the state comptroller is hereby authorized and directed to transfer to the General Fund from unclaimed prize money that has been held in the State Lottery Fund for more than one year from the date of the drawing in which the prize was won, for a compulsive gamblers treatment program. Any expenditures for said program shall be subject to the approval of said commissioner	$250,000

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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	$1,762,393
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; 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; provided further, that one million seven hundred forty-four thousand dollars shall be expended for family planning services provided by agencies solely certified as comprehensive family planning agencies, including not more than one hundred and twenty positions	$20,254,408
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 the department shall report quarterly to the house and senate committees on ways and means on all expenditures from this item and from the federal nutrition program for women, infants and children, including the numbers of participants in each program; provided 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	$6,989,324
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
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 service under section one A of chapter one hundred and eighteen E of the General Laws; and provided further, that the department shall submit a report, on a quarterly basis, to the house and senate committees on ways and means which shall include, but not be limited to, the number of women served during that quarter, categories of age, types of services provided, and expenditures made, including not more than twenty-four positions	$4,965,396
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,	

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	and the state laboratory institute; provided that any expenditures incurred by the universal immunization program, so called, shall be charged to the vaccine trust fund, established in section one hundred and forty-one of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine, for the maximum amount allowable under the conditions of said trust fund, including not more than two hundred and forty-six positions	$13,847,356
4516-0102 The	department of public health drug analysis laboratory may expend revenues in an amount not to exceed one hundred twenty-five 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 and for the compensation and fringe benefits of employees	$125,000
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	$1,734,905
4540-0200 For	the maintenance of and for certain improvements at the Lemuel Shattuck Hospital, including not more than six hundred and twenty-five positions	$16,725,011
4540-0300 For	the maintenance of and for certain improvements at the Massachusetts Hospital School, including not more than three hundred and twenty-five positions	$5,685,955
4540-0400 For	the maintenance of and for certain improvements at Tewksbury Hospital, including not more than eight hundred and fifty positions	$13,045,994
4540-0500 For	the maintenance of and for certain improvements at Cushing Hospital, including not more than five hundred and twenty-five positions	$9,594,933
4590-0200 The	Lemuel Shattuck Hospital may expend an amount not to exceed nine million seven hundred and fifteen thousand dollars from revenues collected subject to the approval of the commissioner of public health; provided, that revenues collected may be used for all hospital related costs including compensation of employees, capital expenditures, and motor vehicle replacement; provided further, for the purpose of accommodating discrepancies between the receipt of retained revenues and the related expenditures, the hospital may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent and official revenue estimate as reported in the state accounting system	$9,715,000
4590-0300 The	Massachusetts Hospital School may expend an amount not to exceed four million six hundred forty-one thousand seven hundred and forty-three dollars from revenues collected subject to the approval of the commissioner of public health; provided, that revenues collected may be used for all hospital related costs including compensation of employees, capital expenditures, and motor vehicle replacement; provided further, for the purpose of accommodating discrepancies between the receipt of retained revenues and the related expenditures, the hospital may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent and official revenue estimate as reported in the state accounting system	$4,641,743

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4590-0400 Tewksbury Hospital may expend an amount not to exceed thirteen million four hundred seventy-eight thousand two hundred and ten dollars from revenues collected subject to the approval of the commissioner of public health; provided, that revenues collected may be used for all hospital related costs including compensation of employees, capital expenditures, and motor vehicle replacement; provided further, for the purpose of accommodating discrepancies between the receipt of retained revenues and the related expenditures, the hospital may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent and official revenue estimate as reported in the state accounting system $13,478,210

4590-0500 Cushing Hospital may expend an amount not to exceed six million six hundred fifty-one thousand eight hundred and thirty-four dollars from revenues collected subject to the approval of the commissioner of public health; provided, that revenues collected may be used for all hospital related costs including compensation of employees, capital expenditures, and motor vehicle replacement; provided further, for the purpose of accommodating discrepancies between the receipt of retained revenues and the related expenditures, the hospital may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent and official revenue estimate as reported in the state accounting system $6,651,834

4590-0600 Lakeville Hospital may expend an amount not to exceed thirteen million four hundred four thousand four hundred and ninety-four dollars from revenues collected subject to the approval of the commissioner of public health; provided, that revenues collected may be used for all hospital related costs including compensation of employees, capital expenditures, and motor vehicle replacement; provided further, that notwithstanding any general or special law to the contrary, Lakeville hospital will be eligible to receive both the federal and state share of reimbursements from the medical assistance program of the department of public welfare; provided further, that notwithstanding any general or special law to the contrary, Lakeville Hospital shall reimburse the General Fund fifty thousand dollars from said receipts for employee benefit expenses; provided further, for the purpose of accommodating discrepancies between the receipt of retained revenues and the related expenditures, the hospital may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent and official revenue estimate as reported in the state accounting system, including not more than three hundred and sixty positions $13,404,494

4590-0700 Rutland Hospital may expend an amount not to exceed nine million forty-seven thousand six hundred and eighty-four dollars from revenues collected subject to the approval of the commissioner of public health; provided, that revenues collected may be used for all hospital related costs including compensation of employees, capital expenditures, and motor vehicle replacement;

provided further, that notwithstanding any general or special law to the contrary, Rutland Hospital will be eligible to receive both the federal and state share of reimbursements from the medical assistance program of the department of public welfare, provided further, that notwithstanding any general or special law to the contrary, Rutland Hospital shall reimburse the General Fund one hundred and seventy-two thousand dollars from said receipts for employee benefit expenses; provided further, for the purpose of accommodating discrepancies between the receipt of retained revenues and the related expenditures, the hospital may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent and official revenue estimate as reported in the state accounting system, including not more than two hundred and seventy-five positions $9,047,684

4590-0800 Western Massachusetts Hospital may expend an amount not to exceed nine million six hundred eighty thousand two hundred and nine dollars from revenues collected subject to the approval of the commissioner of public health; provided, that revenues collected may be used for all hospital related costs including compensation of employees, capital expenditures, and motor vehicle replacement; provided further, that notwithstanding any general or special law to the contrary, Western Massachusetts Hospital will be eligible to receive both the federal and state share of reimbursements from the medical assistance program of the department of public welfare; provided further, that notwithstanding any general or special law to the contrary, Western Massachusetts Hospital shall reimburse the General Fund one hundred and twenty-eight thousand dollars from said receipts for employee benefit expenses, provided further, for the purpose of accommodating discrepancies between the receipt of retained revenues and the related expenditures, the hospital may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent and official revenue estimate as reported in the state accounting system, including not more than two hundred and seventy positions $9,680,209

DEPARTMENT OF MEDICAL SECURITY.

4600-1000 For the administration of the department of medical security, including not more than forty-three positions $1,718,422

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 $5,000,000

4600-1060 For the cost of uncompensated care provided by community health centers; provided that this appropriation may be expended for the cost of managed care services provided to low-income uninsured persons by community health centers $2,500,000

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 $3,000,000

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.

Notwithstanding any provision of general or special law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means the amount expended on contracted and voucher day care, and shall include the total number of slots by category, and the cost by category, 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.

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.

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.

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 fifty positions; provided, however, that the department of social services shall not knowingly place or knowingly continue the placement of any child under its jurisdiction in the care of person or persons whose sexual orientation is an obstacle to the psychological or physical well-being of the child except where it is a biological child or where there are biological relatives willing to care for the child if and when the permission of the natural parents has been obtained or indicated. This restriction shall include but not be limited to adoption, guardianship and foster care $15,529,389

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

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	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-seven positions	$22,728,300
4800-0025 For	a program of foster care review, including not more than fifty-two positions	$1,891,926
4800-0030 For	the delivery of foster care services to children in the care of the department, 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	$34,117,664
4800-0032 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-seven million dollars for the provision of foster care and for a contract to increase federal reimbursement for social services	$27,000,000
4800-0041 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	$71,012,551
4800-0042 The	department of social services may expend not more than three million dollars, in the aggregate, of SSI and SSA cash benefits received by the department on behalf of children in its care for the provision of group care	$3,000,000
4800-0043 The	commissioner of the department of social services may expend revenues collected from a sliding fee scale for service, in an amount not to exceed five hundred thousand dollars for the provision of group care	$500,000
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	$591,309
4800-0051 The	department of social services may expend revenues in an amount not to exceed fifteen 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	$15,000
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 slots will be filled through an alternating intake system monitored by the department of social services; provided further, that priority for available contracted slots shall be given to participants in the department of public welfare's employment and training program; provided further, that funds shall be expended during the first three months of fiscal year nineteen hundred and ninety-one for "extended vouchers", so-called, in order to enable families currently using such vouchers, and families whose ET vouchers will expire during that time, to continue to receive subsidized day care until they are	

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	able to access a contracted slot; provided further, that day care slots shall be distributed geographically in a manner which provides fair and adequate access to day care for participants in the department of public welfare's employment and training program; 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 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; provided further, that not less than two million eight hundred and sixty-four thousand three hundred and seven dollars shall be contingent upon contractual partner agreements secured by program providers committing a private or public source other than the commonwealth to provide funds equal to twenty-five percent of the cost of the proposed public/private partnership program, including not more than nine positions	$82,500,000
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 seven million two hundred thousand dollars for the provision of supportive and basic day care services	$7,200,000
4800-0150	For the administration of the department's area offices, including not more than three hundred and seventy positions	$17,344,708
4800-0620	The commissioner of the department of social services may expend revenues collected pursuant to a federal program of community child care; provided further that such funds shall not replace or supplant any other program of child care funded under this act; provided further that such sums expended shall be used to provide child care for income eligible working families not eligible for Transitional Child Care as defined under Title IV F of the Social Security Act; not to exceed ten million, seven hundred thousand dollars	$10,700,000
4800-1100	For social workers and their expenses, including not more than one thousand nine hundred and eighty positions	$57,394,429
4800-1200	For contracts with partnership agencies, so-called, for the provision of protective services	$15,784,356
4800-1300	For contracts for preventive and family support services; provided, that not less than twenty-seven thousand dollars shall be expended for a parent aide program in region six in conjunction with the University of Massachusetts in Boston; provided further, that not less than one hundred and seventy-five thousand dollars shall be expended for an evening program of services to youths at the Little House, Inc. in the Dorchester section of the city of Boston; provided further, that	

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	not less than ninety-four thousand dollars shall be expended for a public-private partnership program in the city of Cambridge; provided further, that the department shall contract for open referral counseling and early intervention services in the city of Pittsfield; and provided further, that not less than seven million dollars shall be contingent upon contractual partner agreements secured by program providers committing a public or private source other than the commonwealth to provide funds equal to twenty-five percent of the cost of the proposed public/private partnership program	$34,509,681
4800-1400 For	contracts for women in transition shelters and services; provided, that not less than fifty thousand dollars shall be expended for the operation of a shelter for battered women in the town of Framingham; and provided further, that not less than seven hundred sixty-eight thousand five hundred and seventy-six dollars shall be contingent upon contractual partner agreements secured by program providers committing a private or public source other than the commonwealth to provide funds equal to twenty-five percent of the cost of the proposed public/private partnership program	$5,108,517
4800-1500 For	contracts for school and community based young parent programs; provided, that not less than six hundred fifty-five thousand three hundred and two dollars shall be contingent upon contractual partner agreements secured by program providers committing a private or public source other than the commonwealth to provide funds equal to twenty-five percent of the cost of the proposed public/private partnership program provided further, that not less than one million two hundred and ninety thousand dollars shall be expended for contracted open referral young parent programs	$3,051,399

EXECUTIVE OFFICE OF HEALTH AND LONG TERM CARE.

4900-1000 For	the office of the secretary, including not more than four positions	$150,000

Department of Mental Health.

Notwithstanding any general or special law to the contrary, the department of mental health shall report quarterly to the house and senate committees on ways and means, the status of all existing community-based programs, including the total cost of each program, its client capacity, and the number of clients actually being served.

The department of mental health shall report quarterly to the house and senate committees on 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.

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 four hundred and fifty positions $21,596,176

5046-0000 For mental health services for adult clients, including annualized funding for two hundred and forty-six new client beds in fiscal year nineteen hundred and ninety-one; 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 positions $156,507,200

5046-0300 The commissioner of mental health is hereby authorized to expend all revenues, up to a maximum of two hundred thousand dollars accrued from occupancy fees in community-based housing and up to a maximum of three hundred thousand dollars collected from federal reimbursements received for case management and rehabilitation services $500,000

5046-0301 The commissioner of the department of mental health shall deposit to this account all revenues collected from occupancy fees from the operation of programs in community-based housing for the mentally ill in excess of two hundred thousand dollars; provided, that thirty percent of all revenues collected in excess of two hundred thousand dollars up to a maximum of fifty thousand dollars may be expended by the department for the maintenance and repair of such facilities without further appropriation; provided further, that the commissioner of the department of mental health shall deposit to this account all revenues collected from federal reimbursements received for case management and rehabilitation services in excess of three hundred thousand dollars provided further, that forty percent of revenues collected in excess of three hundred thousand dollars up to a maximum of one million four hundred thousand dollars may be expended by the department for the purpose of enhancing or expanding the number of community beds, increasing the number of case managers and administering the billing and documentation system required to support federal reimbursement without further appropriation; provided however, that of this sum, four hundred thousand be obligated to provide for services to young mentally ill adults whose age no longer entitles them to services

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	under special education programs; and provided further, that the comptroller shall transfer seventy percent of all funds collected and any funds collected in excess of fifty thousand dollars for occupancy fees in community-based housing and sixty percent of all funds collected and any funds collected in excess of one million four hundred thousand dollars in this account from the revenue maximization fund to the general fund at the close of fiscal year nineteen hundred and ninety-one.	
	Revenue Maximization Fund 100.0%	
5047-0000 For	mental health services for children and adolescents, including not more than one hundred and fifty positions	$46,725,465
5047-0100 The	commissioner of the department of mental health is hereby authorized to expend all revenues, up to a maximum of six million dollars generated from the certified adolescent inpatient units and intensive residential treatment programs and the so-called rehabilitation option	$6,000,000
5047-0101 The	commissioner of the department of mental health shall deposit to this account all revenues collected in excess of six million dollars, generated from certified adolescent inpatient units and intensive residential treatment programs and the so-called rehabilitation option; provided, that thirty percent of all revenues collected in excess of six million dollars up to a maximum of one million dollars may be expended by the department for adolescent mental health services without further appropriation; and provided further, that the comptroller shall transfer seventy percent of all funds collected and any funds collected in excess of one million dollars in this account from the revenue maximization fund to the general fund at the close of fiscal year nineteen hundred and ninety-one.	
	Revenue Maximization Fund 100.0%	
5049-0000 For	forensic mental health services, including not more than eighty positions	$6,682,930
5051-0100 For	the operation of community mental health centers; provided, that the department of mental health may fill not more than two hundred sixty-two Registered Nurse I through IV and not more than six hundred forty-nine Mental Health Worker I through IV positions without review of the secretary of administration and finance and the secretary of the executive office of human services, subject only to approval of the commissioner of the department of mental health; and provided further, that all hiring in excess of this level shall be subject to any review process in place at that time, including not more than two thousand three hundred and eighty-four positions	$89,299,776
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; provided that the department transfer a total of fourteen medically involved clients from Worcester state and Westboro state hospitals to Rutland Heights public health hospital; provided further, that said transfers shall take place on or before October first, nineteen hundred and ninety, including not more than four thousand eight hundred positions	$165,512,710

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5095-1000 The commissioner of mental health is hereby authorized to expend all revenues, up to a maximum *of five million two hundred* thousand dollars, generated from revenues collected for services pursuant to Title XVIII and Title XIX of the Social Security Act, third party reimbursements, rents, and other patient services, provided that of the revenues collected, not less than two hundred and fifty thousand dollars be expended for the maintenance and equipment costs of the Danvers State Hospital $5,200,000

5095-2000 The commissioner of the department of mental health shall deposit to this account all revenues collected in excess of five million two hundred thousand dollars from revenues collected for services pursuant to Title XVIII and Title XIX of the Social Security Act, third party reimbursements, rents, and other patient services; provided, that thirty percent of all revenues *collected in excess of five million two hundred thousand dollars up to a maximum* of two million dollars may be expended by the department for patient care without further appropriation; and provided further, that the comptroller shall transfer seventy percent of all funds collected and any funds collected in excess of two million dollars in this account from the revenue maximization fund at the close of fiscal year nineteen hundred and ninety-one.

Revenue Maximization Fund 100.0%

5095-3000 For a reserve to fund expenses associated with the transfer of mental health clients to the department of mental retardation; provided, that funds may be transferred from this item to items of appropriation 5095-0000, 5948-0000 and 5983-0100 only; provided further, that any expenditures or transfers from this reserve *shall be subject to the joint approval of the* commissioners of mental health and mental retardation; provided further, that as each transfer is completed, the pro-rata proportion of an annual cost of thirty thousand dollars will be correspondingly transferred from this reserve account to the department of mental *retardation; provided* further, that both departments shall be authorized to draw from this account to fund services for clients scheduled for transfer throughout fiscal year nineteen hundred and ninety-one; provided further, the departments of mental health and mental retardation shall submit quarterly to the house and senate committees on ways and means a report outlining the transfers to date and the corresponding expenditures made from this reserve; provided further, that at the close of fiscal year nineteen hundred and ninety-one *all* remaining funds in this account, excluding those generated from retained revenue, shall revert to the department of mental health hospital account, 5095-0000 $5,000,000

Department of Mental Retardation.

Notwithstanding any general or special law to the contrary, the department of mental retardation shall report quarterly to the house and senate committees on ways and means the status of all existing community-based programs, including the total cost of each program, its client

capacity, and the number of clients actually being served.

The department of mental retardation shall report quarterly to the house and senate committees on ways and means expenditures made, by region, for the establishment of new community-based programs, the status of community-based programs including starting dates, numbers of clients served per program, the cost for the start-up month and the cost for the full fiscal year.

Notwithstanding any general or special law to the contrary, the department of mental retardation shall submit quarterly, to the house and senate committees on ways and means a status report on community placements, by region, including the identification of clients to be moved into the community as well as the program in which they will be placed, and the dates on which they are to be deinstitutionalized. Notwithstanding any general or special law to the contrary, the department of mental retardation shall provide temporary residential respite care facilities for clients with behavioral and developmental disabilities. Said programs shall have as their main objective the reduction of stress in families attempting to maintain disabled clients in the community in order to avoid long term or emergency admissions to institutional settings.

Notwithstanding any general or special law to the contrary, the department of mental retardation 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	$2,000,000
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	$26,866,787
5911-0100	For the administration and general services of the department, including not more than three hundred and forty-nine positions	$15,216,070
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 persons in the community who are not eligible for services through chapter seventy-one B of the General Laws or consent decrees, provided further, that not less than one million five hundred thousand dollars be expended for new respite care services; including six million six hundred thousand dollars for turning twenty-two clients funded through line-item 5911-0006 in fiscal year nineteen hundred and ninety, including not more than six hundred and fifty-one positions	$253,234,338

5948-1000 The commissioner of the department of mental retardation is hereby authorized to expend all revenues, up to a maximum of one million five hundred thousand dollars generated from rents charged to agencies operating programs in community-based intermediate care facilities and from the establishment of a sliding fee scale $1,500,000

5982-1000 The department of mental retardation may expend revenue in an amount not to exceed one hundred 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 $100,000

5983-0100 For the operation of facilities for the mentally retarded, including not more than one million six hundred thousand dollars for prior year's expenses, including not more than ten thousand four hundred and fifty positions $293,864,104

5983-1000 The commissioner of the department of mental retardation is hereby authorized to expend revenues, not to exceed five million dollars, generated from federal reimbursements pursuant to Title XIX section 2176 of the Omnibus Waiver Act, for costs related to the transfer of patients from the department of mental health to the department of mental retardation and funded out of line item 5095-3000, provided that the department of mental retardation shall report quarterly to the house and senate committees on ways and means the quarterly Omnibus Waiver revenue estimates and all expenditures from this account, provided further, that on August thirty-first, nineteen hundred and ninety-one all remaining funds in this account shall revert to the general fund $5,000,000

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 $370,000

Highway Fund 100.0%

6000-0110 The executive office of transportation and construction may expend, for the purpose of property management and maintenance of railroad properties owned by said executive office on behalf of the commonwealth, including the cost of personnel, 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

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 the authority shall submit to the house and senate committees on ways and means a bimonthly report, beginning on August first, nineteen hundred and ninety, on the anticipated costs of additional contract assistance for the following fiscal year; and provided further, that notwithstanding the provisions of any general or special law to the contrary, in no case shall the state's contribution to additional assistance to said authority in fiscal year nineteen hundred and ninety-two exceed the amount appropriated herein $234,899,635

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 $141,200,000

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 ninety and ending June thirtieth, nineteen hundred and ninety-one, 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 ninety shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities $23,700,000

General Fund	80.0%
Highway Fund	20.0%

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 ninety, 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-one, in the amounts determined to be appropriate by

the executive office of administration and finance, acting on behalf of the commonwealth, on the recommendation of the secretary of the executive office of transportation and construction; provided, that said additional expense of bus service shall be two million dollars, in accordance with the provisions of section twenty-eight A of chapter one hundred and sixty-one A of the General Laws as amended in section forty-five of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five $11,359,974

General Fund	80.0%
Highway Fund	20.0%

Massachusetts Aeronautics Commission.

6006-0001 The Massachusetts aeronautics commission may expend revenues for the administration of the commission, including the costs of personnel, in an amount not to exceed one hundred sixty-one thousand seven hundred dollars generated from inspection activity accrued from: (1) aircraft registration fees, pursuant to section forty-nine of chapter ninety; and (2) late registration penalties pursuant to section forty-four of said chapter ninety, in accordance with the fee schedule established in section forty-nine of this act $161,700

6006-0003 For the administration of the commission, including personnel services and expenses of the commissioners, including not more than eleven positions $161,700

6006-0004 The Massachusetts aeronautics commission may expend revenue for the administration of the commission, including the costs of personnel, in an amount not to exceed seventy thousand dollars generated from fees accrued from the air transportation of agency and state officials as provided by section thirty-nine of chapter ninety of the General Laws $70,000

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 the provisions of any 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 of the General Laws, 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 $90,000,000
Highway Fund 100.0%

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 $5,518,000
Highway Fund 100.0%

Outdoor Advertising Board.

6020-2505 The outdoor advertising board may expend revenues for the administration of the board, including the cost of personnel, an amount not to exceed one hundred and seventy-two thousand dollars generated from license and permit fees as authorized in section twenty-nine of chapter ninety-three of the General Laws $172,000

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:

6030-7201 For the expenses of snow and ice control, including the cost of sand, salt, and other control chemicals; provided, that any surplus after April fifteenth, nineteen hundred and ninety-one may be expended for bridge and highway maintenance and repairs $10,000,000

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 $1,515,000
Highway Fund 100.0%

6030-7403 For the expenses of fleet management and maintenance equipment; provided, that notwithstanding the provisions of any administrative bulletin, general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the department of procurement and general services $3,121,168
Highway Fund 100.0%

6030-7601 For maintenance and operation of state highways and bridges $4,864,588
Highway Fund 100.0%

6030-7701 The department of public works is hereby authorized and directed to install a traffic light in the

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	town of Spencer at the intersection of Route 9 and South Spencer Road		$125,000
	EDUCATION. Libraries.		
7000-9101 For	the administration and expenses of the board of library commissioners, including not more than twenty positions		$726,198
7000-9401 For	state aid to regional public libraries; provided, that the board of library commissioners may provide quarterly advances of funds for purposes authorized by section nineteen C (1) and (2) of chapter seventy-eight of the General Laws, as it deems proper, to the regional public library systems throughout each fiscal year, in compliance with the office of the comptroller's regulations on state grants, 815 CMR 2.00; provided further, 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 eighty cents per resident in the commonwealth; provided further, that notwithstanding the provision of any general or special law to the contrary, no regional public library shall receive any money under this item in any year when the appropriation of the city or town where such regional public library is located to such regional public library is below an amount equal to the average of its appropriation for free public library service for the three years immediately preceding, increased by two and one-half percent of said average provided that the board of library commissioners may provide a number of waivers equivalent to one-tenth the number of waivers authorized pursuant to the sixth paragraph of section nineteen A of chapter seventy-eight of the Massachusetts General Laws to any library not receiving funds under this item as a library of last recourse for a period of no more than one year		$10,965,055
	Local Aid Fund	100.0%	
7000-9402 For	the purposes of a talking book library		$138,000
	Local Aid Fund	100.0%	
7000-9406 For	the administration of a talking book program		$719,429
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%

7000-9506 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 positions $9,096,160

7010-0008 For the purchase of equipment and services to automate the teacher certification system $150,322

7010-0012 For grants to cities, towns, or regional school districts for payments of certain costs incurred under the program for the elimination of racial imbalance; provided, that grants to a city, town, or regional school district shall be limited by the board of education to actual and specifically documented incremental costs including those costs incurred pursuant to chapter seventy-one of the General Laws incurred as a direct consequence of participation in the program whenever the reimbursements requested by such city, town or regional school district exceed the level of reimbursements received in fiscal year nineteen hundred and seventy-seven; provided further, that the board of education shall establish a uniform procedure by which the categories and amount of incremental costs directly consequent to participation in the program shall be determined and reported by cities, towns and regional school districts; provided further, that the board of education shall certify to the accuracy of said incremental costs determination to the house and senate committees on ways and means before September first, nineteen hundred and ninety; 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 non-transportation costs of the program; provided further, that there shall be no discrimination on the basis of race, sex, color or creed; provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation; provided further, that not less than ten thousand

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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 $12,532,633

Local Aid Fund 100.0%

7010-0025 For the development, administration and scoring of a statewide assessment test and a statewide basic skills test $1,250,000

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, that any payment made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that any portion of this appropriation item may be expended by the state board of education to purchase magnet educational programs; and provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation $5,000,000

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 $8,800,000

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; and provided further, that the department of education may reimburse grant recipients for prior year expenditures $900,000

Local Aid Fund 100.0%

7028-0031 For the expenses of school age children in institutional school departments as required under section twelve of chapter seventy-one B of the General Laws; provided, that the department shall provide services to eligible inmates in county houses of correction in accordance with and during the preliminary injunction issued by the United States District Court, District of Massachusetts; provided further, that pursuant to the court judgment in Quirk v. Anrig the department may pay retroactive salary adjustments for services provided by institutional school personnel, including not more than one hundred and fifteen positions $9,534,887

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 prior fiscal years and prior fiscal years tuition reimbursements may be funded with monies appropriated herein; and provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation $7,000,000

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 $3,701,622

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

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	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	$7,496,000
	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	$7,000,000
7030-1600 For	grants to cities, towns, and regional school districts to establish a Carnegie school program for the purpose of encouraging the public schools of the commonwealth to plan and develop innovative organization and management systems at the school building level; provided, that any payment made under this program shall be deposited with the treasurer of such city, town, regional school district, educational collaborative or independent vocational school and be held in a separate account to be expended by the school committee of such city, town, regional school district or independent vocational school without further appropriation	$200,000
	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; provided, 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	$2,400,000
	Local Aid Fund 100.0%	
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%

7030-5000 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 $100,000

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 $600,000

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 $1,350,000

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 $4,061,825

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 one I of chapter fifteen of the General Laws, sections seven A, seven B, and thirty-seven D of chapter seventy-one of the General Laws, section eight of chapter seventy-one A of the General Laws, section fourteen of chapter seventy-one B of the General Laws, and section eight A of chapter seventy-four of the General Laws; provided further, that of the amount appropriated herein, not less than one million five hundred thousand dollars shall be obligated for the implementation of chapter six hundred and sixty-three of the acts of nineteen hundred and eighty-three; provided further, that any city, town or regional school district or independent vocational school which has not accepted the provisions of chapter six hundred and 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 ninety under this

item or for reimbursement of such costs under any of the provisions of general law referred to herein; and provided further, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein $60,000,000

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%

7035-1500 For the expenses of the Commonwealth Literacy Campaign, including not more than four positions $407,412

7051-0015 For the administration of the temporary emergency food program, in addition to any federal funds available for this purpose $50,000

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-one shall not exceed twenty-three million dollars of which not more than sixty percent 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; provided further that the amount 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-one subsequent to July 1, 1990 shall not exceed seventeen million six hundred thousand dollars; and provided further that an additional five million four hundred thousand may be approved on or after January 1, 1991 subject to the approval of the house and senate committees on ways and means provided that said approval be based upon certification received by the committees from the department of revenue that aggregate revenues exceed aggregate department of revenue projections for the first two quarters of fiscal year 1991 $17,012,528

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

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	Massasoit Community College	$116,337,816
	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	$956,380
	Local Aid Fund 100.0%	
7053-1909	For the reimbursement of cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the furnishing of lunches to school children as authorized by chapter five hundred and thirty-eight of the acts of nineteen hundred and fifty-one, and for supplementing funds allocated for the special milk program; provided, that notwithstanding any provisions of any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act, and in the regulations implementing said act	$5,426,986
	Local Aid Fund 95.0%	
	General Fund 5.0%	
7053-1910	For the reimbursement to cities and towns and partial assistance to private schools for a lunch program for needy elderly persons	$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-one shall be equivalent to the amounts listed in section three of this act	$102,465,974
	Local Aid Fund 100.0%	
7061-0004	For additional assistance to towns with populations of two thousand or less in which the total regional school district assessments in fiscal year nineteen hundred and ninety exceed sixty percent of the fiscal year nineteen hundred and ninety allowable tax levy as determined by the commissioner of revenue, that the amounts to be distributed shall be equal to one-third of the amount by which said total assessments exceed sixty percent of said allowable levy but shall be reduced by any amount by which the fiscal year nineteen hundred and ninety actual tax levy in a town is less than ninety-eight percent of the fiscal year nineteen hundred and ninety	

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allowable tax levy as determined by the commissioner of revenue $666,690

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; provided, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein $1,008,756,548

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 of special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein $7,000,000

Local Aid Fund 100.0%

7061-0010 For the reimbursement to cities, towns, and regional school districts of not more than one-half of the cost of recreation programs for school age children with special needs, under the provisions of section eleven of chapter seventy-one B of the General Laws; provided, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein $75,000

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 ninety; provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; provided, that the commonwealth shall not pay more than sixty percent of the cost of any such residential placement $30,892,150

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 $109,919,379

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 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, independent vocational school or educational collaborative and held as a separate account and shall be expended by the school committee of such city, town, regional school district, independent vocational school or educational collaborative without appropriation, notwithstanding the provisions of any general or special law to the contrary $1,500,000

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 $500,000

Local Aid Fund 100.0%

BOARD OF REGENTS.

7066-0000 For the office of the board of regents, including not more than seventy positions $3,207,187

7066-0002 The board of regents is hereby authorized to expend up to three hundred and fifty thousand dollars in fees and charges collected for data processing services rendered to agencies, institutions and other educational organization of the commonwealth pursuant to section two of this act $350,000

7066-0003 For the operation of a data processing system and an enrollment auditing system by the board of regents; provided, that notwithstanding any provision of 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;

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	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-two positions	$2,539,493
7066-0004 For	a program for a silver-haired legislature	$41,000
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	$167,047
	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-one positions	$5,850,000
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, as amended by this act, including not less than fifty-two million three hundred thousand for the state scholarship program, not less than nine million for the Carl J. Gilbert Matching Scholarship program, not less than three million for a graduate grant program, not less than two million for a scholarship program for needy Massachusetts part-time undergraduate students, not less than one hundred and fifty thousand for a Massachusetts teacher incentive program, and not less than fifty thousand for a public service scholarship program; provided that the scholarship office is hereby authorized to expend not more than six hundred and ten thousand dollars for the required match for federal student financial aid programs at public colleges and universities; provided further, that the scholarship office is authorized to expend monies for senatorial honor scholarships authorized in nineteen hundred and eighty-eight and nineteen hundred and eighty-nine; provided further, that an amount not to exceed two percent of this appropriation may be used for the costs of administering the scholarship programs, including but not limited to, the costs of data processing services; 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 and a toll-free information telephone service to be administered by the higher	

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	education resource institute, including not more than sixteen positions	$68,626,764
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; and provided further, that prior year costs may be paid from this item	$4,500,000
7100-0101 For	the expenses of the William Joiner Center at the University of Massachusetts at Boston including not more than twenty positions	$841,895
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 Massachusetts 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, and Norfolk County Cooperative Extension Services; provided that on the first day of October, nineteen hundred and ninety, all persons employed and positions budgeted for immediately prior to July first, nineteen hundred and ninety by Bristol county for the purposes of said county cooperative extension program, not to exceed ten 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 county of Bristol for the custody and use of county 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 county, including not more than ninety positions	$2,970,734
7100-0119 For	emergency funding of the county cooperative extension programs in Barnstable, Bristol and Plymouth Counties; provided, that of the sum appropriated herein, not more than one hundred and four thousand dollars be expended for the Barnstable county cooperative extension program; provided further, that of the sum appropriated herein, not more than one million four hundred and thirty-six thousand dollars be expended for the Bristol County Agricultural School and the Bristol County Cooperative Extension Program; and provided further that of the amount appropriated herein, not more than one hundred and sixty thousand be expended for the Plymouth County Cooperative Extension Program	$1,700,000
7100-0200 For	the operation of state universities governed by the board of regents, 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 house and senate committee on ways and means, which allocation such plan shall be approved within forty-five days of this act; provided that said board may, on July one, nineteen hundred and ninety, allocate from this appropriation an amount equal to up to eighty percent of the fiscal year nineteen hundred and ninety-one appropriation for this purpose to cover the ordinary maintenance of the existing system of	

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universities of higher education, pending legislative approval of said allocation plan; provided further, that the University of Massachusetts board of trustees shall, in conjunction with the State Health Education Center at the University of Massachusetts Medical Center, maintain learning contracts for students admitted on or after the fall of nineteen hundred and seventy-eight which shall 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 Center 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 sum appropriated herein, not less than two hundred and forty-one thousand six hundred and twenty-five dollars be obligated for the Paul E. Tsongas Industrial Historical Center at the University of Lowell; provided further, that of the sum appropriated herein, not less than two hundred and forty-one thousand six hundred and twenty-five thousand dollars be obligated for the purposes of the Mauricio Gaston Institute of Latino Community Development and Public Policy at the University of Massachusetts at Boston; provided further, that of the sum appropriated herein, not less than three hundred and thirty-eight thousand two hundred and seventy-five dollars be obligated for the purposes of research and analytical studies by the Monroe Trotter Institute at the University of Massachusetts at Boston; provided further, that of the sum appropriated herein, not less than five hundred and thirty-five thousand nine hundred dollars be obligated for the expense of a Gerontology Institute at the University of Massachusetts at Boston, including one hundred and sixty-three thousand two hundred and forty-two dollars for the endowment of a chair named in honor of the late Frank Manning; provided further, of the sum appropriated herein, not less than seven hundred and twenty thousand dollars be obligated for the Physical Education Department at the University of Massachusetts at Boston, provided further, that of the sum appropriated herein, not less than seventy-two thousand four hundred and eighty-eight dollars be obligated for Rural Massachusetts at Amherst; provided further that of the sum appropriated herein, not less than one hundred ninety-three thousand and three hundred dollars be obligated for a college preparation program at the University of Lowell; provided further that of the sum appropriated herein not less than ninety thousand two hundred and seven dollars be obligated to the Northeast consortium of colleges and universities of Massachusetts and provided further, that the chancellor of the board of regents shall require said institutions to provide communication accessibility for the deaf and hard of hearing where necessary, including not more than seven thousand four hundred and sixty-seven positions $311,567,382

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7100-0201 Notwithstanding the provisions of any general or special law to the contrary, the boards of trustees of each state university shall retain and may expend, for the administration and maintenance of each university, in an amount not to exceed thirty million two hundred fifty thousand dollars in revenues which are attributable solely to the increase in authorized tuition rates approved by the board of regents in fiscal year nineteen hundred and ninety-one 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 university; and provided further, that pursuant to said regulations, each university shall prepare a spending plan for such funds; provided further, that all revenues credited to and all expenditures made shall be subject to an annual audit by the board of regents $30,250,000

7100-0300 For the operation of state colleges governed by the board of regents; 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 house and senate committee on ways and means, which allocation plan shall be approved within forty-five days of this act; provided that said board may, on July one, nineteen hundred and ninety, allocate from this appropriation an amount equal to up to eighty percent of the fiscal year nineteen hundred and ninety-one appropriation for this purpose to cover the ordinary maintenance of the existing system of state colleges of higher education, pending legislative approval of said allocation plan; that the chancellor of the board of regents shall require said institutions to provide communication accessibility for the deaf and hard of hearing where necessary including not more than three thousand two hundred and sixty-six positions $118,248,755

7100-0301 Notwithstanding the provisions of any general or special law to the contrary, the boards of trustees of each state college shall retain and may expend, for the administration and maintenance of each college, in an amount not to exceed eight million seven hundred and forty thousand dollars in revenues which are attributable solely to the increase in authorized tuition rates approved by the board of regents in fiscal year nineteen hundred and ninety-one 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 college; and provided further, that pursuant to said regulations, each college shall prepare a spending plan for such funds; provided further, that all revenues credited to and all expenditures made shall be subject to an annual audit by the board of regents $8,740,000

7100-0400 For the operation of state community colleges governed by the board of regents, 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 house and senate committee on ways and means, which allocation plan shall be approved within forty-five days of this act; provided that said board may, on July one, nineteen hundred and ninety, allocate from this appropriation an amount equal to up to eighty percent of the fiscal year nineteen hundred and ninety-one appropriation for this purpose to cover the ordinary maintenance of the existing system of community colleges of higher education, pending legislative approval of said allocation plan; provided, that of the sum appropriated herein not less than four hundred eighty-three thousand and two hundred and fifty dollars be obligated for the Lawrence education employment project at Northern Essex Community College, that the chancellor of the board of regents shall require said institutions to provide communication accessibility for the deaf and hard of hearing where necessary including not more than three thousand eight hundred positions $135,735,349

7100-0401 Notwithstanding the provisions of any general or special law to the contrary, the boards of trustees of each state community college shall retain and may expend, for the administration and maintenance of each community college, in an amount not to exceed seven million eight hundred and sixty thousand dollars in revenues which are attributable solely to the increase in authorized tuition rates approved by the board of regents in fiscal year nineteen hundred and ninety-one 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 university; and provided further, that pursuant to said regulations, each university shall prepare a spending plan for such funds; provided further, that all revenues credited to and all expenditures made shall be subject to an annual audit by the board of regents $7,860,000

7100-9504 For the purchase of scientific, technological and other educational reference material for the libraries of the system of public higher education institutions $4,000,000

7220-0004 For the operation of the Toxics Use Reduction Institute at the University of Lowell, in accordance with the provisions of chapter twenty-one I of the General Laws as established by chapter two hundred sixty-five of the acts of nineteen hundred and eighty-nine, including not more than twenty positions $450,000

Toxic Use Reduction Fund 100.0%

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0100 For the office of the secretary, including not more than ten positions $444,114

Highway Fund 85.0%

General Fund 15.0%

Item			
8000-0103	The executive office of public safety is hereby authorized to expend revenues collected up to a maximum of sixteen thousand five hundred dollars from fees for services performed through the auto etching program		$16,500
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		$3,232,500
8000-0110	For the administration and operation of the criminal justice information system, including not more than forty-six positions		$1,475,695
	Highway Fund	50.0%	
	General Fund	50.0%	
8000-0150	For the LEAPS/CJIS Terminal Network		$1,699,096
	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		$345,315
	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 forty-five positions		$1,365,330
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 $54,777,239

General Fund 15.0%

Highway Fund 85.0%

8312-6000 For the administration and operation of a motor carrier safety assistance program, including not more than sixteen positions $300,000

Highway Fund 100.0%

8312-6001 The division of state police is hereby authorized to expend revenues collected up to a maximum of seven hundred thousand dollars from reimbursements received from the motor carrier safety assistance program $700,000

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 $364,904

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 $555,000

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8315-1001 The division of inspection is hereby authorized to expend revenues collected up to a maximum of one million dollars from fees charged for elevator inspections, including inspections performed during overtime hours; provided, that all expenditures be made pursuant to item 8315-1000; provided further, that fees for inspections performed during overtime hours be determined by the commissioner of administration; provided further, that the fee for inspections performed during overtime hours be not less than one hundred dollars $2,205,000

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 ten* thousand dollars per year, provided that not less than fifty thousand dollars shall be available for the community based fire prevention program in the Fall River area, 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 the secretary of administration and finance shall report monthly to the house and senate committees on ways and means on the justification regarding any restriction on the hiring of fire training personnel, said report shall explain the derived savings to the general fund by not hiring said personnel in this item, including not more than twenty-five positions $1,910,000

Registry of Motor Vehicles.

8400-0001 For the administration and 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 laws 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 forty percent of the costs 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 within the commonwealth, pursuant to section one hundred eighty-three of chapter six of the general laws; including not more than seven hundred thirty positions $22,353,136

Highway Fund 100.0%

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8400-0002 The registry of motor vehicles is hereby authorized to expend revenues collected up to a maximum of six hundred thousand dollars from fees charged for salvage title certificates and inspections for the purpose of implementing the salvage title program, including the costs of personnel $600,000

8400-0003 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 $3,074,723

Highway Fund 100.0%

8400-0004 For the operation and expenses of the registry computer; provided, that not less than one hundred and forty-five thousand dollars shall be available for the costs of the automated collection of delinquent automobile excise taxes $6,444,515

Highway Fund 100.0%

8400-0006 For the administration and operation of a motor carrier safety assistance program $150,000

8400-0007 The registry of motor vehicles is hereby authorized to expend revenues collected up to a maximum of three hundred fifty thousand dollars from reimbursements received from the motor carrier safety assistance program $350,000

8400-0008 The registry of motor vehicles is hereby authorized to expend revenues collected up to a maximum of one million and six hundred thousand dollars from (1) fees charged for class one and two commercial drivers' licenses, and (2) reimbursements received from federal commercial drivers' licenses grants for the purpose of implementing the federal commercial drivers' licensing program $1,600,000

8400-0010 For the operation of the division of law enforcement of the registry of motor vehicles, including the safety and emissions inspection program authorized by chapter ninety of the general laws, including not more than two hundred seventy-nine positions $9,897,680

Highway Fund 100.0%

Merit Rating Board.

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

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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 $2,706,097

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 $3,850,950

Military-State Quartermaster.

8700-1140 The state quartermaster is hereby authorized to expend revenues collected up to a maximum of four hundred thousand dollars accrued from fees 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

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 not less than fifty thousand dollars shall be available for the fuel, insurance, equipment, maintenance and miscellaneous expenses to sustain the operation of the Massachusetts Civil Air Patrol relating to aerial surveillance duties of Massachusetts land and water areas to monitor for environmental pollution discharges, toxic waste dumps, transportation of hazardous

materials and wastes and accidents involving said transport, in conjunction with the responsible agency, including not more than forty positions $605,254

8800-0010 The Massachusetts Civil Defense Agency is hereby authorized to expend an amount not to exceed two hundred and fifty thousand dollars pursuant to section two hundred and ninety-six of this act $250,000

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 ninety 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 $453,794

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 $143,461

Highway Fund	100.0%

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8850-0015 The governor's highway safety bureau is hereby authorized to expend revenues collected up to a maximum of 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.

Office of the Secretary.

9000-0100 For the office of the secretary, including not more than eleven positions $472,150

9000-0102 For the expenses of the Massachusetts Technology Park Corporation $1,500,500

9000-0104 For the expenses of the Corporate Childcare Program $17,000

9000-0110 For the expenses of the centers of excellence corporation, including the photovoltaic center, provided that said photovoltaic center shall include three positions; provided further, that the corporation expend not less than two hundred and fifteen thousand dollars for the administration of a program 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 further, that supplemental funds for the photovoltaic program shall be sought from the federal government and from private sources; and provided further, 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 $910,758

9000-1801 For the administration of the Massachusetts Office of Business Development; provided, however, that of the amount appropriated herein, not less than one hundred 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 twenty-five positions $1,025,438

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 he filed with the house and senate committees on ways and means $647,123

9000-1900 For the expenses of the office of travel and tourism and the operation of tourist information booths; the promotion of vacation travel within the commonwealth, including the promotion and marketing of overseas international tourism, including competitively procured cooperative

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marketing agreements with airlines; 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 Massachusetts cultural council 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 $5,185,826

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 ninety $1,106,524

9000-2000 For the administration of the Massachusetts Film Bureau; provided, that quarterly reports documenting the economic activity of the film industry in the commonwealth be filed with the house and senate committees on ways and means, including not more than eight positions $316,577

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 $650,750

9000-2200 For the expenses of the state office of minority and women business assistance; including not more than twenty positions $490,722

Department of Employment and Training.

9081-0350 For the administration of the department of employment and training and for the expenses of administering sections 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; provided, that funds may be obligated from this line item for the compensation of employees under item 9081-0100 $2,764,762

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; provided, that funds may be obligated from this line item for the compensation of employees under item 9081-0100 $5,000,000

Reemployment and Job Placement Fund 100.0%

9081-0501 The commissioner of the department of employment and training may expend revenues received

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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 Department of Labor in accordance with federal cost rules, if applicable, pursuant to said section; provided, that funds may be obligated from this line item for the compensation of employees under item 9081-0100 $713,000

9081-7006 For the expenses of the MassJobs Southeast Project $200,000

9081-7007 For the operation of satellite job training centers, provided that one hundred thousand dollars shall be expended for a job training program in Cambridge $320,000

General Fund	80.0%
Reemployment and Job Placement Fund	20.0%

9081-7011 For the expenses of the Bay State Skills Corporation and the employment training, counseling, and placement of displaced homemakers; provided further, that for the purposes of the administration of said program displaced homemaker participants shall be considered as targeted individuals within the meaning of section four of chapter forty I of the General Laws; 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; provided further, that said corporation may conduct international education programs for students in kindergarten and at the primary and secondary levels $2,149,396

General Fund	80.0%
Reemployment and Job Placement Fund	20.0%

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-0100 For the planning and administration of the executive office of elder affairs; provided, that the functions of the office of the secretary, planning and policy, and program planning and management are maintained; provided further that the secretary of elder affairs is authorized and directed to conduct a study relative to the costs and benefits of reimbursing family members who are unable to maintain ordinary employment on account of their providing certain in-home assistance to vulnerable elders who, because of cognitive, cultural, linguistic, and/or worker availability problems are unable to receive home care program services for which they are eligible and which are necessary to their continued residence in a

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non-institutional setting; and provided further that the results of such study shall be transmitted to the house and senate committees on ways and means and to the joint committee on human services and elderly affairs no later than the last day of December, nineteen hundred and ninety, including not more than fifty-five positions $2,600,000

9110-0101 The department of elder affairs may expend an amount not to exceed one hundred thousand dollars in revenues collected from medicaid waivers and one hundred thousand dollars in revenues collected from federal medicaid non-waiver matching funds for the planning and administration of the executive office of elder affairs $200,000

9110-1630 For a home care program including home health and respite services, a protective services program and other programs which serve the elderly; provided that the home care program shall include a sliding fee program in which all qualified elders shall participate, which shall include provisions to waive said fee in cases where the secretary of elder affairs determines assessment would cause extreme financial hardship; provided further, that revenues accrued from said sliding fees be retained at the individual home care corporations funded through item 9110-1633 of this act, without reallocation by the executive office of elder affairs and be expended for home care program services listed in item 9110-1630 and that not more than *three hundred thousand dollars* be expended for the administration of the home care program as defined in item 9110-1633; 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 after 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 one percent of the funds appropriated herein may be transferred from this item for the expenses of case management services in item 9110-1633 and upon the written approval of the house and senate committees on ways and means $81,535,246

9110-1632 The department of elder affairs may expend an amount not to exceed five million four hundred thousand dollars of medicaid waiver revenues and four million six hundred thousand dollars of federal medicaid non-waiver matching funds for home care, respite care and home health services for qualified elders; 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 $10,000,000

9110-1633 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, that the executive office of elder affairs may permit home care corporations to expend no more than three hundred thousand dollars statewide in revenues from sliding fees for the administration of the home care program; provided further, to ensure an adequate caseload be serviced, not more than one 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 9110-1630 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 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 $40,800,000

9110-1634 The department of elder affairs may expend an amount not to exceed five hundred thousand dollars from medicaid waiver revenues and five hundred thousand dollars from federal medicaid non-waiver matching funds for the administration of the home care program, including the costs of administrative and direct care personnel $1,000,000

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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 two hundred eighty-five thousand dollars be expended for demand responsive transportation services for elders in certain rural regional transit authority districts; provided *further, that a schedule of all adult foster care programs,* demonstration projects and amounts allocated and expended for the purposes of this item shall be filed on a quarterly basis with the house and senate committees on ways and means and the executive office for administration *and finance*	$537,871
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, and the house and senate committees on ways and means	$121,264
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	$839,322
9110-1900 For	programs providing local services to the elderly including volunteer programs for the elderly; 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 three million eighty-three thousand four hundred sixty-seven dollars shall be obligated for the administration of a meals program for elderly persons; and provided further, that the department of elder affairs shall maximize federal reimbursement for meals served herein	$4,314,359
9110-9002 For	grants to the councils on aging	$2,364,769

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Office of the Secretary.

9200-0100 For	the office of the secretary, including not more than sixteen positions	$626,944
9200-0150 For	new and used car arbitration, including not more than four positions	$286,770
9200-0160 For	the expenses of the automobile insurance public education program	$100,000

State Racing Commission.

9210-0001 For	the administration of the commission, including not more than forty-five positions	$2,203,854

Alcoholic Beverages Control Commission.

9212-0001 For	the administration of the commission, including not more than thirty positions	$1,025,415

Community Antenna Television Commission.

9215-0001 For	the administration of the community antenna television commission, including not more than nine positions	$305,138

Division of Standards.

9218-0100 For	the administration of the division of standards, including not more than twenty-seven positions	$665,023
9218-0101 The	division is hereby authorized to expend revenues collected up to a maximum of one hundred ten thousand dollars for the salaries and expenses of four additional investigators	$110,000

Division of Banks.

9221-1000 For	the office of the commissioner, including not more than two hundred and twenty-one positions	$7,415,552

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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 Law 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 fifty-five positions $5,388,792

General Fund 65.0%

Highway Fund 35.0%

9222-0101 The division is hereby authorized to expend revenues collected up to a maximum of one hundred thousand dollars for the salaries and expenses of three positions for the board of auto damage appraiser licensing $100,000

9222-0199 For the expenses and administration of the board of appeal on motor vehicle liability policies and bonds, including not more than thirteen positions $443,336

Highway Fund 100.0%

9222-0200 The board of appeal on motor vehicle liability policies and bonds may expend an amount not to exceed two hundred and fifty thousand dollars from revenue collected by the board from fees and fines, including "01" and "02" personnel costs for not more than ten positions $250,000

Division of Registration.

9230-0001 For the administration of the division; provided, that the position of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws, including not more than one hundred and twenty positions $3,877,833

9230-0150 For the expenses of the board of registration and discipline in medicine and the committee on acupuncture, including not more than forty-seven positions $1,900,000

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, including not more than eight positions $275,000

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 nineteen hundred and ninety-one shall be made at a rate sufficient to produce not more than three million one hundred ninety-four thousand nine hundred and twenty-eight dollars, including not more than eighty-five positions $3,194,928

Transportation Division.

9272-0001 For the administration of the division, including not more than thirty-five positions $869,786
Highway Fund 100.0%

Division of Energy.

9275-0003 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 twenty-five positions $888,914

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, including not more than five positions $170,000

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

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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 sixteen positions $568,800

9275-0600 The energy facilities siting council is hereby authorized to expend revenues collected from filing fees in order to fund the review of applications to construct energy facilities, including not more than fifteen positions $750,000

EXECUTIVE OFFICE OF LABOR.

9400-0100 For the office of the secretary, including not more than thirteen positions $386,542

9400-0102 For the expenses of a Workplace Education project, including not more than one position $74,635

9400-1100 For a program to promote employee involvement and ownership in the workplace $75,000

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 Trust be filed quarterly with the secretary for administration and finance and the house and senate committees on ways and means $149,980

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 $977,816

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 sixty positions $5,450,000

9410-0101 The commissioner of the department of labor and industries may expend revenues in an amount not to exceed eighty thousand dollars accrued through the licensing and certification of deleaders

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	(including key persons and 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 five positions	$80,000
9410-0103 The	executive office of labor, for the purposes of conducting a program of recruitment and training for women in construction, may expend 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
	Board of Conciliation and Arbitration.	
9420-0100 For	the expenses of the board of conciliation and arbitration, including not more than eighteen positions	$738,000
9421-0100 For	a joint labor-management committee, including not more than eight positions	$410,000
	Labor Relations Commission.	
9430-0100 For	the administration of the commission, including not more than twenty-eight positions	$935,021
	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 eight thousand and ninety-five 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	$13,310,740
	LEGISLATURE.	
	Senate.	
9511-0000 For	the compensation of senators, prior appropriation continued	$1,605,000
9511-8000 For	expenses of senators, including travel, prior appropriation continued	$175,000

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9512-0000 For	the office of the senate clerk, prior appropriation continued	$580,000
9512-0100 For	in-house printing, duplicating and other expenses, prior appropriation continued	$100,000
9513-0000 For	the salary of the chaplain of the senate	$5,000
9514-0000 For	the office of the senate counsel, prior appropriation continued	$645,000
9515-0000 For	administrative and legislative aides to the senators, prior appropriation continued	$4,100,000
9515-0100 For	the cost of unemployment, medicare and workmen's compensation charges assessed against the employees of the senate, prior appropriation continued	$120,000
9516-0000 For	administrative, secretarial and clerical assistance to the senators, prior appropriation continued	$1,104,000
9516-0030 For	a legislative intern and service program for the senate, prior appropriation continued.	
9517-0000 For	the office of the senate committee on ways and means, prior appropriation continued	$1,168,382
9518-0000 For	the office supplies and other expenses of the senators, prior appropriation continued	$646,000
9519-0000 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.	
9519-5000 For	the salaries of court officers and pages of the senate	$995,000
9519-6000 For	the office of legislative post audit and oversight bureau of the senate, prior appropriation continued	$255,000
9519-7000 For	legislative committee services for the senate, prior appropriation continued	$1,600,000

House of Representatives.

9621-0000 For	the compensation of representatives	$5,225,000
9622-8000 For	expenses of representatives, including travel	$803,521
9623-0000 For	the office of the clerk of the house of representatives	$475,000
9624-0000 For	the salary of the chaplain of the house of representatives	$15,061
9625-0000 For	the office of the house counsel	$994,935
9626-0000 For	the office of the house committee on rules	$1,044,244
9627-0050 For	the cost of unemployment, medicare and workmen's compensation charges assessed against the employees of the house of representatives	$180,000
9628-0000 For	the office of the house committee on ways and means	$979,840
9629-0000 For	clerical and other expenses of the members of the house of representatives	$2,590,986
9630-0020 For	administrative and legislative aides to the members of the house of representatives	$3,103,807
9631-0021 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	$45,934

Item		
9632-0040 For	office supplies and other expenses of the house of representatives	$649,111
9633-0000 For	the expenses of televising sessions of the house of representatives	$464,256
9634-2000 For	the expenses related to the House Information Systems, including maintenance of data and telecommunications equipment	$160,704
9634-3000 For	the salaries of court officers and pages of the house of representatives; provided no additional court officers shall be hired	$824,213
9634-4000 For	the expenses of the office of the house committee on personnel administration	$35,712
9634-5000 For	legislative committee services for the house of representatives	$4,806,518
9634-6000 For	the office of legislative post audit and oversight bureau of the house of representatives	$865,759

Sergeant-at-Arms.

9731-0000 For	the office of the sergeant-at-arms, prior appropriation continued	$509,511
9734-1000 For	the salaries of clerks employed in the legislative document room, prior appropriation continued	$330,000
9735-0000 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	$181,946
9736-0000 For	the rental, maintenance and updating of an electric roll call system	$22,743

Other Expenses.

9737-0000 For	the legislative service bureau	$473,995
9737-0500 For	the legislative research bureau	$180,000
9738-0001 For	the administration of the office of legislative data processing, prior appropriation continued	$730,000
9739-0003 For	the compilation, indexing, annotating, printing and other expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, prior appropriation continued	$145,760
9742-0000 For	the administration of the legislative engrossing division, prior appropriation continued	$190,000
9743-0000 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	$1,855,000
9744-1000 For	telephone and telegraph service, prior appropriation continued	$1,927,000
9745-0000 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	$27,260
9746-0000 For	the expenses of the joint committees on rules and for clerical and other assistance to the	

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	joint committees, prior appropriation continued	$135,000
9747-0010 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	$31,840
9748-0000 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	$194,263
9749-0000 For	the expenses of the special commission on financial services, established by section 111 of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine, provided, however, that this appropriation shall be fully funded by assessments on depository, non-depository and other financial institutions	$500,000

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 ninety, 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-one, in addition to any amount appropriated in this section.

DISTRICT ATTORNEYS.

Item		
0340-0125 For	the purposes of a federally funded grant entitled, Juvenile Gang Task Force	$140,000
0340-0145 For	the purposes of a federally funded grant entitled, Anti-Substance Abuse Act of 1986	$21,000
0340-0150 For	the purposes of a federally funded grant entitled, Organized Crime Narcotics Trafficking	$71,167

SECRETARY OF THE COMMONWEALTH.
Massachusetts Historical Commission.

0526-0105 For	the purposes of a federally funded grant entitled, Massachusetts Statewide Historical Survey	$537,500
0526-0115 For	the purposes of a federally funded grant entitled, Massachusetts Historical Commission Federal Preservation Grants	$209,200

TREASURER AND RECEIVER-GENERAL.
Massachusetts Cultural Council.

0640-9717 For	the purposes of a federally funded grant entitled, Promotion of Arts, Basic State Grant	$471,326

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0640-9718 For	the purposes of a federally funded grant entitled, Promotion of Arts, Artists in Education	$150,000

ATTORNEY GENERAL.

0810-6646 For	the purposes of a federally funded grant entitled, Crime Victim Compensation	$1,096,000
0840-0110 For	the purposes of a federally funded grant entitled, Crime Victims Assistance	$1,600,000

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	$359,234
1100-1703 For	the purposes of a federally funded grant entitled, Administering Agency for Developmental Disabilities	$720,000
1100-1704 For	the purposes of a federally funded grant entitled, Protection and Advocacy for Mentally Ill Individuals	$212,606
1100-1710 For	the purposes of a federally funded grant entitled, Mass Developmental Disabilities Council	$270,000
1100-1711 For	the purposes of a federally funded grant entitled, Services for Developmental Disabilities	$275,000

Office of Handicapped Affairs.

1107-2450 For	the purposes of a federally funded grant entitled, Client Assistance Program	$160,788

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.
Office of the Secretary.

2000-0141 For	the purposes of a federally funded grant entitled, Coastal Zone Management Development	$1,245,000
2000-0144 For	the purposes of a federally funded grant entitled, Assessment of Sand Inside Plymouth Bay	$25,000
2000-0145 For	the purposes of a federally funded grant entitled, Massachusetts Bay National Estuary Project	$650,000
2000-9731 For	the purposes of a federally funded grant entitled, Buzzards Bay Project - Comprehensive Estuarine Management	$495,000
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	$188,000
2100-9709 For	the purposes of a federally funded grant entitled, Recreation Planning	$65,000
2120-9701 For	the purposes of a federally funded grant entitled, Rural Community Fire Protection	$36,018

Item		
2120-9707 For	the purposes of a federally funded grant entitled, Urban and Community Forestry	$65,000
2120-9708 For	the purposes of a federally funded grant entitled, Improved Wood Utilization	$130,000
2120-9715 For	the purposes of a federally funded grant entitled, Resources Development Program	$124,770
2121-9709 For	the purposes of a federally funded grant entitled, Forestry Planning	$65,000
2121-9710 For	the purposes of a federally funded grant entitled, Rural Fire Protection - Training and Excess Property	$130,000
2121-9731 For	the purposes of a federally funded grant entitled, Residential Capital Expenditures - Federal Share	$48,382
2130-9703 For	the purposes of a federally funded grant entitled, Washington Mountain Brook Watershed Project	$885,000
2130-9705 For	the purposes of a federally funded grant entitled, Suasco Watershed Flood Control Reservoir	$30,000
2130-9711 For	the purposes of a federally funded grant entitled, Baiting Brook Watershed Project	$220,000
2140-9701 For	the purposes of a federally funded grant entitled, Hazardous Waste - Small Generators	$115,180
2140-9705 For	the purposes of a federally funded grant entitled, Waquoit Bay National Estuarian Reserve	$751,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION.

2200-9704 For	the purposes of a federally funded grant entitled, Solid Waste Disposal - Conservation and Recovery	$1,475,000
2200-9705 For	the purposes of a federally funded grant entitled, Underground Water Source Protection Program	$50,000
2200-9706 For	the purposes of a federally funded grant entitled, Water Quality Management Planning	$824,000
2200-9709 For	the purposes of a federally funded grant entitled, Massachusetts Multi-Site Cooperative Agreement	$1,250,000
2200-9712 For	the purposes of a federally funded grant entitled, Cooperative Agreement - Leaking Underground Storage Tank Program	$1,150,000
2200-9715 For	the purposes of a federally funded grant entitled, Core Cooperative Agreement Cercia Implementation Support	$250,000
2200-9716 For	the purposes of a federally funded grant entitled, Charles George SuperFund Land Fill	$12,500
2240-9707 For	the purposes of a federally funded grant entitled, Management of the Construction Grants Program	$1,800,000
2240-9709 For	the purposes of a federally funded grant entitled, Clean Lakes Program	$482,750
2240-9710 For	the purposes of a federally funded grant entitled, Administration of the Construction Grants Program	$6,000,000
2240-9712 For	the purposes of a federally funded grant entitled, Technical Assistance and Training	$35,000
2240-9713 For	the purposes of a federally funded grant entitled, Wastewater Laboratory Training Program	$46,500
2240-9716 For	the purposes of a federally funded grant entitled, Nonpoint Source Assessment Report and Management Plan	$340,000
2240-9719 For	the purposes of a federally funded grant entitled, Lake Water Quality Assessment	$14,700

Item		
2250-9701 For	the purposes of a federally funded grant entitled, Public Water Supply Supervision Program	$549,841
2250-9710 For	the purposes of a federally funded grant entitled, Statewide Air Pollution Control Program	$2,750,000
	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	$174,323
2330-9706 For	the purposes of a federally funded grant entitled, Extended Fisheries Jurisdiction	$18,200
2330-9709 For	the purposes of a federally funded grant entitled, Commercial Fisheries Research and Development	$60,000
2330-9712 For	the purposes of a federally funded grant entitled, Commercial Fisheries Statistics	$61,200
2330-9718 For	the purposes of a federally funded grant entitled, Characterization of Striped Bass Landing	$12,000
2330-9719 For	the purposes of a federally funded grant entitled, Fisheries Resource Assessment	$51,600
2330-9721 For	the purposes of a federally funded grant entitled, Anadromous Fish Management	$39,600
2330-9722 For	the purposes of a federally funded grant entitled, PCB Monitoring and Finfish Diseases Research - Buzzards Bay	$13,200
	Division of Environmental Law Enforcement.	
2340-9701 For	the purposes of a federally funded grant entitled, Safe Boating Program	$600,000
	DEPARTMENT OF FOOD AND AGRICULTURE.	
	Division of Regulatory Services.	
2511-0310 For	the purposes of a federally funded grant entitled, Pesticide Enforcement	$272,724
2511-0320 For	the purposes of a federally funded grant entitled, Certification of Pesticide Applicators	$27,000
2516-9002 For	the purposes of a federally funded grant entitled, Development of Institutional Marketing	$300,000
2516-9003 For	the purposes of a federally funded grant entitled, Farmers' Market Coupon Program	$244,800
	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, Section 8 Existing Housing Program; 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, Section 8 Federal Housing Voucher Program; provided, the executive office of communities and development may provide monthly payments in advance to participating agencies	$10,924,223

Item		
3722-9019 For	the purposes of a federally funded grant entitled, Section 8 Moderate Rehabilitation; 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, Section 8 New Construction Program; 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 Program; provided, that revenues not to exceed an amount of two million dollars accrued from economic development programs may be expended without further appropriation; 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	$34,000,000
3724-3040 For	the purposes of a federally funded grant entitled, Rental Rehabilitation Program	$384,600
3724-9009 For	the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Program; provided, the executive office of communities and development may provide monthly in advance payments to participating agencies	$4,450,195
3743-2030 For	the purposes of a federally funded grant entitled, Weatherization Assistance for Low Income Persons; 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	$5,297,227
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	$58,372,912
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	$8,343,616
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	$558,548

EXECUTIVE OFFICE OF HUMAN SERVICES.

Office of the Secretary.

4000-0804 For	the purposes of a federally funded grant entitled, Refugee Targeted Assistance Grant	$965,759

Item		
4000-0805 For	the purposes of a federally funded grant entitled, Refugee Resettlement Program, Social Services	$2,425,934
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	$20,192,679
4000-0807 For	the purposes of a federally funded grant entitled, State Legalization Impact Assistance Grant; provided, that federal funds received for the purposes of said grant shall be credited to this item	$4,328,243
4000-9400 For	the purposes of a federally funded grant entitled, Alcohol, Drug Abuse, and Mental Health Services Block Grant	$25,823,288
4000-9700 For	the purposes of a federally funded grant entitled, Transitional Rehabilitation - Youth with Severe Handicaps	$43,906

Massachusetts Commission for the Blind.

4110-3020 For	the purposes of a federally funded grant entitled, Vocational Rehabilitation; 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	$350,000
4110-3021 For	the purposes of a federally funded grant entitled, Basic Support Grant - Section 110	$4,810,550
4110-3023 For	the purposes of a federally funded grant entitled, Independent Living Part A	$30,000
4110-3024 For	the purposes of a federally funded grant entitled, Independent Living Part B	$237,500
4110-3026 For	the purposes of a federally funded grant entitled, Independent Living Part C	$214,070
4110-3027 For	the purposes of a federally funded grant entitled, Rehabilitation Training - Section 4	$22,888
4110-3028 For	the purposes of a federally funded grant entitled, Supported Employment	$82,852

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	$900,000
4120-0511 For	the purposes of a federally funded grant entitled, Disability Determination Services	$21,000,000
4120-0760 For	the purposes of a federally funded grant entitled, Independent Living	$1,200,000
4120-2435 For	the purposes of a federally funded grant entitled, Employment Project for SSDI Beneficiaries	$70,000

Item		
	Massachusetts Commission for the Deaf and Hard of Hearing.	
4125-0103 For	the purposes of a federally funded grant entitled, Assistive Technology Partnership	$564,000
	Office for Children.	
4130-0003 For	the purposes of a federally funded grant entitled, Child Abuse Challenge Grant	$58,947
4130-2087 For	the purposes of a federally funded grant entitled, Dependent Care Planning and Development	$291,574
4130-2088 For	the purposes of a federally funded grant entitled, Child Development Assistance	$13,480
	Veterans' Services.	
4170-0014 For	the purposes of a federally funded grant entitled, Veterans J.T.P.A. Title IV-C	$172,000
4170-0016 For	the purposes of a federally funded grant entitled, Homeless Veteran Identification Plan	$113,000
	Department of Youth Services.	
4215-0103 For	the purposes of a federally funded grant entitled, Mass Assistive Technology Initiative	$560,217
	Parole Board.	
4380-9853 For	the purposes of a federally funded grant entitled, National Institute of Corrections Technical Assistance	$8,000
	DEPARTMENT OF PUBLIC WELFARE.	
4400-1012 For	the purposes of a federally funded grant entitled, Medicaid Management; provided, that federal funds received for the purpose of Medicaid administration, not to exceed twenty-six million eight hundred thousand dollars shall be credited to this item	$26,800,000
4402-1041 For	the purposes of a federally funded grant entitled, Conversion to Social Security Administration	$50,000
4402-1045 For	the purposes of a federally funded grant entitled, Medicaid Case Mix Grant	$100,000
4407-9001 For	the purposes of a federally funded grant entitled, HHS Employment and Training	$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 Grant	$1,000,000
4407-9060 For	the purposes of a federally funded grant entitled Systematic Alien Verification for Entitlements (SAVE)	$350,000
4407-9065 For	the purposes of a federally funded grant entitled Child Care Licensing and Monitoring	$540,000

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	$2,650,000
4500-2000 For	the purposes of a federally funded grant entitled, Maternal and Child Health Services 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	$10,768,758
4502-1012 For	the purposes of a federally funded grant entitled, Cooperative Health Statistics System	$350,000
4510-0400 For	the purposes of a federally funded grant entitled, Grants Program to Support Alzheimer's Disease Research	$1,800,000
4510-9019 For	the purposes of a federally funded grant entitled, Environmental Monitoring Program	$56,463
4510-9038 For	the purposes of a federally funded grant entitled, Behavioral Risk Factor Surveillance	$35,795
4510-9039 For	the purposes of a federally funded grant entitled, A Model Statewide Cancer Control Program	$275,000
4510-9040 For	the purposes of a federally funded grant entitled, Diabetes Control Program	$200,000
4510-9041 For	the purposes of a federally funded grant entitled, Model System for Blood Cholesterol Screening	$60,000
4510-9042 For	the purposes of a federally funded grant entitled, Defibrillator Use/Maintenance Investigation	$14,933
4510-9043 For	the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Impact Health Assessments	$282,841
4510-9044 For	the purposes of a federally funded grant entitled, Pharmaceutical Diversion Program	$168,321
4512-0102 For	the purposes of a federally funded grant entitled, Application of the Principles of the Control of Syphilis	$694,851
4512-0179 For	the purposes of a federally funded grant entitled, Vaccination Assistance Project	$684,000
4512-9409 For	the purposes of a federally funded grant entitled, Community Youth Activity Block Grant	$68,509
4512-9411 For	the purposes of a federally funded grant entitled, Urban Neighborhood Intervention Teams for Youth	$497,824
4512-9412 For	the purposes of a federally funded grant entitled, Waiting List Reduction Grant	$1,784,276
4513-9007 For	the purposes of a federally funded grant entitled, Nutritional Status of 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	$35,236,108

Item		
4513-9011 For	the purposes of a federally funded grant entitled, AIDS Experimental Drug Program	$650,000
4513-9012 For	the purposes of a federally funded grant entitled, HIV Service Planning Grant and Education Outreach	$35,000
4513-9015 For	the purposes of a federally funded grant entitled, Prenatal Care Survey	$41,833
4513-9016 For	the purposes of a federally funded grant entitled, Family Day Care Health Improvement Project	$36,571
4513-9018 For	the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education/Risk Reduction Program	$6,400,000
4513-9021 For	the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps	$1,630,450
4513-9022 For	the purposes of a federally funded grant entitled, Prevention Disability State Based Project	$273,973
4513-9023 For	the purposes of a federally funded grant entitled, Lawrence Prenatal Support System	$140,000
4515-0113 For	the purposes of a federally funded grant entitled, Health Program for Refugees	$185,896
4515-0115 For	the purposes of a federally funded grant entitled, Tuberculosis Control Project (317)	$370,889
4516-1005 For	the purposes of a federally funded grant entitled, Analysis of Confiscated Drugs	$80,000
4516-1015 For	the purposes of a federally funded grant entitled, National Laboratory Training Network	$10,000
4516-1016 For	the purposes of a federally funded grant entitled, Tuberculosis Control Data Program	$123,782
4518-1000 For	the purposes of a federally funded grant entitled, Procurement of Information for the National Death Index (NDI)	$48,700
4518-1001 For	the purposes of a federally funded grant entitled, National Linked Birth and Infant Data System	$10,238
4518-1002 For	the purposes of a federally funded grant entitled, Social Security Administration - Massachusetts Death File	$28,445
4518-1003 For	the purposes of a federally funded grant entitled, Massachusetts Birth Records for Social Security Administration	$55,000
4518-9018 For	the purposes of a federally. funded grant entitled, Development of State Health Statistics Demonstration Programs	$10,694
4518-9021 For	the purposes of a federally funded grant entitled, Capacity Building Occupational Safety and Health Project	$77,692
4518-9022 For	the purposes of a federally funded grant entitled, Sentinel Event Notification System for Occupational Risks	$155,500
4535-6604 For	the purposes of a federally funded grant entitled, Lakeville Library	$13,520
4535-6605 For	the purposes of a federally funded grant entitled, Renovation of Hospital Ward - Development of Adult AIDS Day Program	$250,000

DEPARTMENT OF SOCIAL SERVICES.

4800-0005 For	the purposes of a federally funded grant entitled, Children's Justice Act	$140,000

Item		
4800-0007 For	the purposes of a federally funded grant entitled, Family Violence Prevention and Support Services	$153,265
4800-0009 For	the purposes of a federally funded grant entitled, Title IV-E Independent Living Program	$440,180
4899-0001 For	the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services	$4,200,000
4899-0022 For	the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment - Basic Grant	$220,000
4899-0024 For	the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment - Medical Grant	$60,000

DEPARTMENT OF MENTAL HEALTH.

5012-9108 For	the purposes of a federally funded grant entitled, State Human Resource Development Program	$28,500
5012-9110 For	the purposes of a federally funded grant entitled, Mental Health Services - Homeless	$724,000
5012-9113 For	the purposes of a federally funded grant entitled, State Comprehensive Mental Health Planning	$6,407
5012-9115 For	the purposes of a federally funded grant entitled, Plan to Implement Uniform Integrated Data Collection Systems	$114,728
5021-9102 For	the purposes of a federally funded grant entitled, Massachusetts C.S.P. State Service Improvement	$88,750
5021-9116 For	the purposes of a federally funded grant entitled, Children Services (P.L. 89-313, Title I)	$210,768
5047-9102 For	the purposes of a federally funded grant entitled, Child and Adolescent Service System	$173,924
5897-9104 For	the purposes of a federally funded grant entitled, Special Health Services for the Elderly	$18,000

DEPARTMENT OF MENTAL RETARDATION.

5947-0002 For	the purposes of a federally funded grant entitled, Temporary Respite Care for Cambodian Families	$80,000

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	$1,435,975
6000-9923 For	the purposes of a federally funded grant entitled, UMTA Technical Studies	$191,847
6000-9949 For	the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation	$1,065,822
6000-9953 For	the purposes of a federally funded grant entitled, Berkshire County Line Project	$1,000,000
6000-9954 For	the purposes of a federally funded grant entitled, Local Rail Service Assistance - Planning	$55,380

Item

6000-9957 For	the purposes of a federally funded grant entitled, Pioneer Valley Railroad System Rehabilitation Project	$240,000

Massachusetts Aeronautics Commission.

6006-0042 For	the purposes of a federally funded grant entitled, Airport System Planning	$211,511

EDUCATION.
Libraries.

7000-9666 For	the purposes of a federal grant entitled, Development of a Statewide Preservation Plan	$35,580
7000-9703 For	the purposes of a federally funded grant entitled, Title III LSCA Interlibrary Cooperation	$541,807
7000-9705 For	the purposes of a federally funded grant entitled, LSCA Program - Title I	$1,978,983
7000-9707 For	the purposes of a federally funded grant entitled, Emergency Federal Jobs Bill - LSCA Title II	$512,856
7000-9777 For	the purposes of a federally funded grant entitled, White House Conference: Library and Information Sciences	$25,000
7000-9999 For	the purposes of a federally funded grant entitled, Library Services Construction Act, Title VI	$21,000

DEPARTMENT OF EDUCATION.
Board of Education and Commissioners Office.

7010-0013 For	the purposes of a federally funded grant entitled, Racial Imbalance Programs	$190,000
7010-9706 For	the purposes of a federally funded grant entitled, Common Core Data Project	$25,000
7010-9711 For	the purposes of a federally funded grant entitled, Desegregation - Technical Assistance	$210,000
7010-9728 For	the purposes of a federally funded grant entitled, Elimination of Sex Discrimination - Technical Assistance	$220,000
7010-9732 For	the purposes of a federally funded grant entitled, Chapter II Education Consolidation and Improvement Act - Administration	$2,220,000

Division of Occupational Education.

7027-9116 For	the purposes of a federally funded grant entitled, Occupational Education - Distribution	$17,101,800
7027-9126 For	the purposes of a federally funded grant entitled, Occupational Education - Administration	$2,470,000

Division of Special Education.

7028-0601 For	the purposes of a federally funded grant entitled, Special Education to Certain Children	

Item		
	Transferred from Dept. of Public Welfare	$2,610,000
7028-0816 For	the purposes of a federally funded grant entitled, Handicapped in Institutions - Distribution	$11,000,000
7028-0818 For	the purposes of a federally funded grant entitled, Increasing Use of Computers in Special Education	$80,000
7028-0890 For	the purposes of a federally funded grant entitled, Expanding Mainstreaming Opportunities for Children with Special Needs	$190,000
7028-1001 For	the purposes of a federally funded grant entitled, Training Teachers of the Handicapped	$20,000
	Division of Curriculum and Instruction.	
7030-0191 For	the purposes of a federally funded grant entitled, Coordination of Technical Assistance for Bilingual Education Programs by S.E.A.S.	$85,000
7030-9736 For	the purposes of a federally funded grant entitled, Chapter II, Education Consolidation and Improvement Act - Distribution	$6,900,000
7030-9756 For	the purposes of a federally funded grant entitled, EESA Title II Math and Science	$50,000
7030-9780 For	the purposes of a federally funded grant entitled, D.D. Eisenhower Math and Science Education Program - Administration	$200,000
7030-9790 For	the purposes of a federally funded grant entitled, D.D. Eisenhower Math and Science Education Program - Distribution	$1,900,000
7032-0207 For	the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program Administration	$17,500
7032-0217 For	the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program - Distribution	$160,000
7032-0227 For	the purposes of a federally funded grant entitled, Drug Free Schools	$4,250,000
7032-0228 For	the purposes of a federally funded grant entitled, Massachusetts AIDS Education Program	$301,800
7032-0402 For	the purposes of a federally funded grant entitled, Carnegie Corporation - Commonwealth Inservice Institute	$885,000
7035-0013 For	the purposes of a federally funded grant entitled, Education of the Handicapped - Discretionary Funds	$3,085,000
7035-0116 For	the purposes of a federally funded grant entitled, Chapter I, Education Consolidation and Improvement Act - Distribution	$93,000,000
7035-0120 For	the purposes of a federally funded grant entitled, Chapter I Capital Expenses Private Schools	$950,000
7035-0126 For	the purposes of a federally funded grant entitled, Neglected and Delinquent Children	$570,000
7035-0130 For	the purposes of a federally funded grant entitled, State Program Improvement Grants	$280,000
7035-0136 For	the purposes of a federally funded grant entitled, Children in State Adult Correctional Institutions	$100,000
7035-0146 For	the purposes of a federally funded grant entitled, Migrant Education	$4,500,000

Item		
7035-0158 For	the purposes of a federally funded grant entitled, Massachusetts Educational Program for Homeless Children	$145,000
7035-0316 For	the purposes of a federally funded grant entitled, Education of the Handicapped - Distribution	$39,000,000
7035-0713 For	the purposes of a federally funded grant entitled, Preschool Incentive - Administration	$180,000
7035-0716 For	the purposes of a federally funded grant entitled, Preschool Incentive - Distribution	$4,400,000
7035-0718 For	the purposes of a federally funded grant entitled, Preschool Incentive - Discretionary	$1,420,000
7038-0002 For	the purposes of a federally funded grant entitled, Massachusetts Governor's Conference on Libraries and Information Services	$310,000
7038-0106 For	the purposes of a federally funded grant entitled, Adult Basic Education - Distribution	$2,700,000
7038-0109 For	the purposes of a federally funded grant entitled, Adult Education for the Homeless	$241,000
7038-0119 For	the purposes of a federally funded grant entitled, Workplace Literacy Partnership	$514,000
7038-0120 For	the purposes of a federally funded grant entitled, Adult Education - English Literacy	$110,000
7038-9721 For	the purposes of a federally funded grant entitled, Indochina Refugee Children Assistance - Administration	$16,900
7038-9724 For	the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance	$17,100
7038-9736 For	the purposes of a federally funded grant entitled, Transitional Program - Refugee Children Distribution	$1,000,000
7038-9746 For	the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance - Distribution	$890,000
7052-9010 For	the purposes of a federally funded grant entitled, Removal of Architectural Barriers to the Handicapped	$1,250,000
7053-2105 For	the purposes of a federally funded grant entitled, Special Food Distribution Cash	$610,000
7053-2111 For	the purposes of a federally funded grant entitled, Special Milk Program	$620,000
7053-2112 For	the purposes of a federally funded grant entitled, School Lunch, Section 11 - Special Assistance	$37,100,000
7053-2113 For	the purposes of a federally funded grant entitled, Community School Lunch Program	$13,418,500
7053-2114 For	the purposes of a federally funded grant entitled, School Breakfast Program	$11,500,000
7053-2117 For	the purposes of a federally funded grant entitled, Child Care Program	$30,000,000
7053-2118 For	the purposes of a federally funded grant entitled, School Food Service - Management and Related Activities	$240,000
7053-2126 For	the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance	$1,414,000
7053-2202 For	the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children	$2,800,000
7062-0008 For	the purposes of a federally funded grant entitled, Nutrition Program - Administration	$1,836,000

Item

EXECUTIVE OFFICE OF PUBLIC SAFETY.
Department of Public Safety.

8314-9707 For	the purposes of a federally funded grant entitled, Underground Storage Tank Registry Program	$190,000

Firefighting Academy.

8350-0150 For	the purposes of a federally funded grant entitled, Residential Sprinkler Training Grant	$15,000

Committee on Criminal Justice.

8600-0002 For	the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act Planning	$72,000
8600-0003 For	the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act	$2,076,683
8600-0008 For	the purposes of a federally funded grant entitled, Drug Free Schools and Communities Act of 1986	$2,447,707
8600-0009 For	the purposes 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	$9,035,000
8600-0010 For	the purpose of a federally funded grant entitled, Statistical Analysis Center	$215,000

Civil Defense Agency.

8800-0003 For	the purposes of a federally funded grant entitled, Emergency Management Assistance - Personal and Administrative Expenses	$637,000
8800-0004 For	the purposes of a federally funded grant entitled, Emergency Management Assistance - Distribution to Cities and Towns	$450,000
8800-0005 For	the purposes of a federally funded grant entitled, Disaster Preparedness Assistance	$50,000
8800-0006 For	the purposes of a federally funded grant entitled, Radiological Systems Maintenance	$182,000
8800-0007 For	the purposes of a federally funded grant entitled, Radiological Defense Officer	$94,000

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8800-0008	For the purposes of a federally funded grant entitled, Population Protection Planning Program	$251,723
8800-0009	For the purposes of a federally funded grant entitled, Emergency Management Training - State/Local Personnel	$90,000
8800-0011	For the purposes of a federally funded grant entitled, National Shelter Protection	$51,435

Governor's Highway Safety Bureau.

8850-0004	For the purposes of a federally funded grant entitled, State Agency Programs	$2,800,000
8850-0008	For the purposes of a federally funded grant entitled, Evaluation of Massachusetts Saving Lives	$50,000

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

9000-1621	For the purposes of a federally funded grant entitled, Job Training Partnership Act	$36,700,000
9000-9764	For the purposes of a federally funded grant entitled, Massachusetts Photovoltaic Evaluation and Training Program	$293,223

Department of Employment and Training.

9081-0100	For the purposes of a federally funded grant entitled, Department of Employment and Training	$83,267,942

EXECUTIVE OFFICE OF ELDER AFFAIRS.
Office of the Secretary.

9110-1074	For the purposes of a federally funded grant entitled, Older Americans Assistance, Title III-74; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	$8,231,502
9110-1173	For the purposes of a federally funded grant entitled, Older Americans Act - Title VII Nutrition Program FY73; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	$10,300,607
9110-1178	For the purposes of a federally funded grant entitled, Community Service Employment Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	$1,456,018
9110-1181	For the purposes of a federally funded grant entitled, Cash in Lieu of Commodities Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	$3,312,384
9110-1625	For the purposes of a federally funded grant entitled, Serving Health Information Needs of Elders; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	$402,497

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EXECUTIVE OFFICE OF CONSUMER AFFAIRS.
Division of Energy.

9200-9642	For the purposes of a federally funded grant entitled, Institutional Conservation Program	$44,903
9200-9741	For the purposes of a federally funded grant entitled, Energy Extension Service	$84,900
9200-9742	For the purposes of a federally funded grant entitled, State Energy Conservation Plan	$195,900
9200-9755	For the purposes of a federally funded grant entitled, Solar Bank and Energy Conservation Bank	$114,488

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	$60,000
9411-4203	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistical Survey	$92,300
9411-9701	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Onsite Consultation Program	$665,235

SECTION 2B.

I. For the purpose of making available in the fiscal year nineteen hundred and ninety-one certain balances of appropriation which otherwise would revert on June thirtieth, nineteen hundred and ninety, 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-one. 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	$158,341	0115-8758	$125,675	0133-0000	$34,982
0111-8000	$68,355	0116-0000	$711,161	0143-0001	$282,761
0111-9000	$280,504	0116-0030	$316,294	0143-0003	$6,635
0112-0000	$102,550	0117-0000	$35,000	0145-0000	$501,065
0112-0100	$90,756	0118-0000	$580,791	0147-0000	$23,000
0114-0000	$193,801	0119-0000	$49,716	0161-0000	$435,991
0115-0000	$385,313	0131-0000	$34,914	0161-1000	$500,491
0115-0100	$87,936	0132-1000	$75,619	0161-2000	$8,476

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0163-0000	$47,030	0320-0003	$400,000	1599-2038	$550,000
0164-0010	$43,520	0322-0002	$50,000	1599-3384	$500,000
0165-0000	$5,741	0411-1100	$10,000	4600-1050	$14,240,391
0169-7102	$58,857	0411-1150	$80,000	4600-1060	$3,516,937
0185-7816	$84,000	0411-9000	$10,000	6030-7403	$100,000
0185-7817	$9,840	0699-9300	$2,297,519	9081-7014	$60,000
0185-7889	$113,000	1105-3611	$200,000		
0185-7888	$150,000	1108-3602	$165,000		

II. Notwithstanding any general or special law to the contrary, any remaining balances at the end of fiscal year nineteen hundred and ninety 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-one, without further appropriation; provided however, 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-one; provided further, that total expenditures from retained revenue by the Rate Setting Commission during fiscal year nineteen hundred and ninety-one shall not exceed retained revenue amounts authorized for said Commission in fiscal year nineteen hundred and ninety-one appropriation acts.

0320-0984	$950,000	0340-0710	$150,000	1101-4055	$960,000
0340-0110	$350,000	0340-0810	$110,000	1102-3214	$692,363
0340-0210	$50,000	0340-0910	$120,000	1102-3215	$2,819,374
0340-0310	$50,000	0340-1010	$375,000	4100-0010	$927,000
0340-0410	$70,000	0340-1110	$70,000	4130-0009	$111,000
0340-0510	$120,000	0810-0410	$50,000	6000-0110	$37,030
0340-0610	$25,000	1100-1103	$40,000		

SECTION 2C. Notwithstanding the provisions of any general or special law to the contrary, the following agencies are hereby authorized to expend such amounts as are listed in this section for the provision of services to agencies listed in section two of this act; provided, however, that all expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds from an account listed in section two of this act to the intergovernmental service fund, established pursuant to section two N of chapter twenty-nine of the General Laws; provided further, that funds may be transferred between items within this section; provided further, that no expenditures shall be made from this fund which shall cause the intergovernmental service fund to be in deficit at the close of fiscal year nineteen hundred and ninety-one; provided further, that, unless otherwise specified, all appropriations in this section shall be charged to the intergovernmental service fund.

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STATE COMPTROLLER.

1000-0003 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; provided, that the state comptroller shall charge other items of appropriation for the cost of said audit from allocated federal funds transferred from federal reimbursement and grant receipts pursuant to line item 1000-0001 of section two of this act $475,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.
Office of Management Information Systems.

1101-2310 For the cost of computer resources and services provided by the bureau of computer services; provided that the commissioner of administration shall charge, pursuant to section thirty-five of this act, to other items of appropriation 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 $2,500,000

Department of Procurement and General Services - Micrographics.

1104-4028 For the cost of micrographics production services rendered by the department of procurement and general services, including expenses of personnel, supplies and equipment required to provide micrographic services; provided, that the commissioner of administration shall charge to other items of appropriation for costs incurred by other agencies or other public entities $200,000

1104-5211 For the purchase, operation, and repair of certain vehicles under the authority of the state procurement department; provided, that the commissioner of administration shall charge to other items of appropriation for the cost of the operation and maintenance of all vehicles that are leased by other agencies $2,500,000

Department of Procurement and General Services - Postal and Supply Chargeback.

1104-6600 For the purchase, delivery and handling of, and contracting for, supplies, postage, and related equipment, and for other incidental expenses of the department of procurement and general services as provided pursuant to the provisions of section fifty-one of chapter thirty of the General Laws, as appearing in the 1988 Official Edition; provided, that the comptroller may certify for payment, expenses and liabilities, including the cost of personnel an amount not to

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exceed two hundred and fifty thousand dollars; provided, further that the commissioner shall charge to other items of appropriation for the costs incurred by other agencies for the provision of said supplies, postage and equipment $1,500,000

Department of Procurement and General Services
Central Reprographics.

1104-6603 For the cost of personnel, printing, photocopying, and related graphic art or design work, for incidental expenses and liabilities incurred for the purchase or lease of printing and graphic art supplies and equipment; provided, that the commissioner of administration shall charge to other items of appropriation within the agencies of the executive branch for costs incurred for such services $250,000

Telecommunications.

1104-6608 For the purchase, lease or rental of telecommunications lines, services and equipment; provided, that the commissioner of administration shall charge to other items of appropriation for costs necessary to allocate fairly the costs of certain telecommunication lines, services, and equipment that are centrally billed to the commonwealth $14,000,000

Department of Personnel Administration -
TIER Training.

1108-1213 For the costs of goods and services rendered in administering said training programs, including the cost of training unit staff; provided, that the department of personnel administration shall charge to other items of appropriation for the cost of participants enrolled in programs sponsored by the department, or to state agencies employing said participants $1,250,000

Division of Public Employees Retirement Administration -
Workers' Compensation.

1108-6201 For the purposes of workers' compensation paid to public employees; provided, that the commissioner of administration shall charge, pursuant to section thirty-four of this act, to other items of appropriation for the cost incurred on behalf of other agencies $22,000,000

1599-3100 Notwithstanding the provisions of any general or special law to the contrary, the office of the comptroller is authorized to perform the collection, accounting and payment of the commonwealth's employer contributions to the unemployment compensation fund and medical

security trust fund; provided, that in executing these responsibilities the comptroller is authorized to charge against individual appropriation accounts and certain non-appropriated funds amounts that are computed on the same basis as the commonwealth's contributions are determined, including expenses, interest expense, or related charges; provided further, that the comptroller may implement a system of chargebacks and payments that operates with adequate timeliness to encourage administrative efficiency and satisfy all requirements of the law $7,000,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Public Works.

6030-7501 For the purchase of bulk fuel for certain vehicles under the authority of the state procurement department; provided, that the commissioner of the department of public works shall charge to other items of appropriation the cost of purchased fuel for other agencies $2,000,000

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the total amounts to be distributed and paid to each city, town, regional school district and county maintaining an agricultural school from 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 B1/2 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 0611-5500 Additional Assistance	7061-0008 Chapter 70
ABINGTON	106,130	4,179,968
ACTON	656,924	501,091
ACUSHNET	0	2,047,976
ADAMS	0	568,585
AGAWAM	0	5,941,783
ALFORD	0	0
AMESBURY	805,684	4,071,965
AMHERST	0	3,578,720
ANDOVER	693,986	1,573,733
ARLINGTON	8,401,761	2,414,446
ASHBURNHAM	0	145,271
ASHBY	0	0
ASHFIELD	0	0
ASHLAND	858,502	476,405
ATHOL	0	1,494,646
ATTLEBORO	915,185	9,460,426
AUBURN	405,280	2,659,266
AVON	768,486	158,766
AYER	53,258	3,275,518
BARNSTABLE	0	1,205,188
BARRE	0	34,732
BECKET	65,862	0
BEDFORD	1,188,157	510,922
BELCHERTOWN	0	2,097,574
BELLINGHAM	0	4,593,704
BELMONT	2,102,432	684,436
BERKLEY	0	824,973
BERLIN	39,564	279,037
BERNARDSTON	0	185,795
BEVERLY	5,198,033	2,863,870
BILLERICA	5,336,698	4,507,356
BLACKSTONE	0	231,331

Municipality	Line Items 0611-5500 Additional Assistance	7061-0008 Chapter 70
BLANDFORD	0	26,242
BOLTON	0	87,363
BOSTON	262,227,237	6,837,340
BOURNE	1,134,430	726,530
BOXBOROUGH	70,371	68,063
BOXFORD	267,121	69,542
BOYLSTON	47,495	210,930
BRAINTREE	6,287,683	1,270,704
BREWSTER	105,119	87,236
BRIDGEWATER	0	4,016,120
BRIMFIELD	0	332,946
BROCKTON	13,075,692	30,455,516
BROOKFIELD	0	633,566
BROOKLINE	6,962,045	948,363
BUCKLAND	0	131,152
BURLINGTON	2,941,464	1,196,982
CAMBRIDGE	29,817,296	1,534,957
CANTON	1,978,112	653,364
CARLISLE	168,259	110,001
CARVER	0	1,510,007
CHARLEMONT	0	104,039
CHARLTON	0	338,015
CHATHAM	1,164	95,406
CHELMSFORD	5,033,503	1,730,717
CHELSEA	6,755,123	9,413,506
CHESHIRE	0	164,415
CHESTER	0	108,052
CHESTERFIELD	0	26,846
CHICOPEE	4,537,583	13,446,873
CHILMARK	0	0
CLARKSBURG	0	604,726
CLINTON	1,114,975	3,343,572

Municipality	Line Items 0611-5500 Additional Assistance	7061-0008 Chapter 70
COHASSET	527,586	376,129
COLRAIN	0	101,634
CONCORD	1,141,734	327,144
CONWAY	0	153,226
CUMMINGTON	0	25,183
DALTON	0	530,827
DANVERS	2,532,791	762,674
DARTMOUTH	0	3,837,323
DEDHAM	3,202,963	1,082,709
DEERFIELD	2,594	456,988
DENNIS	0	0
DIGHTON	0	41,060
DOUGLAS	0	825,372
DOVER	137,301	0
DRACUT	541,822	5,023,738
DUDLEY	0	459,539
DUNSTABLE	112,913	0
DUXBURY	169,924	1,073,767
EAST BRIDGEWATER	0	3,115,548
EAST BROOKFIELD	0	0
EAST LONGMEADOW	0	1,894,911
EASTHAM	0	0
EASTHAMPTON	62,404	4,836,259
EASTON	0	3,796,617
EDGARTOWN	147,206	25,685
EGREMONT	3,843	0
ERVING	78,287	92,592
ESSEX	159,666	123,972
EVERETT	7,385,431	1,250,699
FAIRHAVEN	1,440,544	2,719,907
FALL RIVER	9,756,311	36,954,607
FALMOUTH	233,961	1,249,895

Municipality	Line Items 0611-5500 Additional Assistance	7061-0008 Chapter 70
FITCHBURG	1,745,303	12,733,076
FLORIDA	12,974	25,333
FOXBOROUGH	0	2,987,716
FRAMINGHAM	9,261,477	2,048,424
FRANKLIN	890,986	3,839,654
FREETOWN	0	738,252
GARDNER	752,678	5,292,904
GAY HEAD	0	0
GEORGETOWN	422,175	1,083,246
GILL	0	0
GLOUCESTER	3,908,710	1,090,612
GOSHEN	0	3,183
GOSNOLD	4,487	0
GRAFTON	445,730	1,900,719
GRANBY	0	1,517,235
GRANVILLE	0	134,415
GREAT BARRINGTON	0	735,499
GREENFIELD	1,036,497	5,172,533
GROTON	0	404,742
GROVELAND	0	785,710
HADLEY	352,329	130,174
HALIFAX	0	1,154,490
HAMILTON	292,722	31,272
HAMPDEN	0	748,877
HANCOCK	46,649	18,427
HANOVER	2,476,042	936,370
HANSON	0	2,234,310
HARDWICK	0	76,072
HARVARD	0	967,231
HARWICH	178,526	271,144
HATFIELD	0	286,760
HAVERHILL	6,701,000	10,037,714

Municipality	Line Items 0611-5500 Additional Assistance	7061-0008 Chapter 70
HAWLEY	28,869	7,871
HEATH	0	12,682
HINGHAM	1,254,072	1,009,672
HINSDALE	0	97,996
HOLBROOK	740,954	2,762,343
HOLDEN	0	1,727,232
HOLLAND	16,616	116,296
HOLLISTON	1,277,669	1,798,735
HOLYOKE	4,503,505	17,715,321
HOPEDALE	2,359	860,041
HOPKINTON	528,001	455,876
HUBBARDSTON	0	0
HUDSON	739,716	3,826,092
HULL	2,556,505	1,319,996
HUNTINGTON	0	111,731
IPSWICH	1,596,872	524,129
KINGSTON	0	820,094
LAKEVILLE	0	764,458
LANCASTER	139,074	1,270,168
LANESBOROUGH	0	445,200
LAWRENCE	3,525,295	28,166,766
LEE	165,517	1,118,229
LEICESTER	0	3,321,510
LENOX	379,662	708,679
LEOMINSTER	1,481,900	8,179,950
LEVERETT	0	58,252
LEXINGTON	1,024,472	1,415,623
LEYDEN	0	20,842
LINCOLN	676,907	0
LITTLETON	514,367	317,952
LONGMEADOW	694,135	1,551,389
LOWELL	15,594,416	25,067,136

Municipality	0611-5500 Additional Assistance	7061-0008 Chapter 70
LUDLOW	0	4,192,808
LUNENBURG	0	1,960,934
LYNN	18,822,941	19,692,623
LYNNFIELD	964,426	513,691
MALDEN	10,976,195	10,910,439
MANCHESTER	188,296	175,209
MANSFIELD	1,713,912	1,052,620
MARBLEHEAD	742,271	566,725
MARION	35,068	54,573
MARLBOROUGH	5,208,880	1,108,023
MARSHFIELD	1,405,537	2,963,155
MASHPEE	100,629	114,419
MATTAPOISETT	125,802	144,069
MAYNARD	1,332,193	994,671
MEDFIELD	1,509,739	472,450
MEDFORD	12,248,771	7,351,633
MEDWAY	776,282	1,397,472
MELROSE	5,350,306	3,073,310
MENDON	90,089	0
MERRIMAC	0	1,035,487
METHUEN	2,345,096	6,268,615
MIDDLEBOROUGH	0	5,641,766
MIDDLEFIELD	7,505	26,643
MIDDLETON	354,219	31,416
MILFORD	962,461	5,802,631
MILLBURY	392,795	3,048,950
MILLIS	813,995	743,495
MILLVILLE	0	33,279
MILTON	2,741,774	616,891
MONROE	22,920	3,943
MONSON	0	2,148,465
MONTAGUE	0	524,109

Municipality	0611-5500 Additional Assistance	7061-0008 Chapter 70
MONTEREY	48,981	0
MONTGOMERY	0	3,750
MOUNT WASHINGTON	49,832	1,861
NAHANT	321,781	82,728
NANTUCKET	51,493	131,241
NATICK	3,999,469	1,237,416
NEEDHAM	1,295,418	923,722
NEW ASHFORD	13,422	5,255
NEW BEDFORD	2,431,673	45,228,036
NEW BRAINTREE	8,985	3,378
NEW MARLBOROUGH	5,133	0
NEW SALEM	0	0
NEWBURY	11,772	439,624
NEWBURYPORT	2,749,069	1,223,946
NEWTON	4,930,207	2,239,673
NORFOLK	57,577	801,963
NORTH ADAMS	253,334	6,742,926
NORTH ANDOVER	1,034,174	1,001,507
NORTH ATTLEBOROUGH	0	5,535,003
NORTH BROOKFIELD	0	1,457,612
NORTH READING	1,872,147	587,632
NORTHAMPTON	2,464,748	5,599,353
NORTHBOROUGH	577,055	894,340
NORTHBRIDGE	0	4,007,888
NORTHFIELD	0	158,696
NORTON	0	3,880,463
NORWELL	1,179,388	629,338
NORWOOD	4,993,898	1,030,507
OAK BLUFFS	547	44,915
OAKHAM	0	0
ORANGE	0	1,910,699
ORLEANS	0	0

Municipality	Line Items 0611-5500 Additional Assistance	7061-0008 Chapter 70
OTIS	14,315	44,135
OXFORD	0	4,112,799
PALMER	0	2,928,545
PAXTON	0	426,303
PEABODY	6,853,181	5,113,471
PELHAM	0	24,142
PEMBROKE	21,038	2,077,965
PEPPERELL	0	0
PERU	16,577	54,441
PETERSHAM	0	37,728
PHILLIPSTON	42,439	0
PITTSFIELD	4,663,448	13,384,116
PLAINFIELD	0	95
PLAINVILLE	136,440	662,328
PLYMOUTH	87,231	1,871,077
PLYMPTON	0	153,409
PRINCETON	0	290,746
PROVINCETOWN	148,698	61,880
QUINCY	20,555,811	7,158,704
RANDOLPH	4,218,140	4,187,030
RAYNHAM	0	1,576,428
READING	3,154,587	1,156,411
REHOBOTH	0	0
REVERE	10,029,245	6,587,610
RICHMOND	10,578	93,246
ROCHESTER	0	435,020
ROCKLAND	1,709,543	4,602,631
ROCKPORT	207,229	223,742
ROWE	0	0
ROWLEY	338,297	203,114
ROYALSTON	25,994	11,285
RUSSELL	0	0

Municipality	Line Items 0611-5500 Additional Assistance	7061-0008 Chapter 70
RUTLAND	0	1,103,677
SALEM	6,535,499	3,045,786
SALISBURY	136,963	657,556
SANDISFIELD	1,896	28,808
SANDWICH	620,340	352,350
SAUGUS	3,652,897	1,315,765
SAVOY	44,487	154,723
SCITUATE	1,963,548	1,007,137
SEEKONK	0	2,240,557
SHARON	818,381	1,777,074
SHEFFIELD	102,398	0
SHELBURNE	0	205,818
SHERBORN	166,437	40,883
SHIRLEY	570,113	1,258,848
SHREWSBURY	1,467,907	2,200,283
SHUTESBURY	0	31,306
SOMERSET	165,319	896,463
SOMERVILLE	26,792,428	10,688,878
SOUTH HADLEY	353,050	3,573,439
SOUTHAMPTON	0	644,149
SOUTHBOROUGH	198,226	217,102
SOUTHBRIDGE	0	6,324,213
SOUTHWICK	0	0
SPENCER	0	239,602
SPRINGFIELD	14,945,821	63,546,087
STERLING	0	597,717
STOCKBRIDGE	0	0
STONEHAM	3,830,033	671,957
STOUGHTON	1,700,040	4,937,887
STOW	211,945	207,235
STURBRIDGE	0	608,505
SUDBURY	1,462,264	385,281

Municipality	Line Items 0611-5500 Additional Assistance	7061-0008 Chapter 70
SUNDERLAND	72,281	320,623
SUTTON	0	1,222,063
SWAMPSCOTT	1,007,203	490,291
SWANSEA	0	3,746,075
TAUNTON	219,668	16,835,146
TEMPLETON	0	726,213
TEWKSBURY	1,128,387	5,034,040
TISBURY	0	43,215
TOLLAND	23,768	0
TOPSFIELD	556,713	40,736
TOWNSEND	1,861	250,765
TRURO	0	26,085
TYNGSBOROUGH	0	1,315,955
TYRINGHAM	0	0
UPTON	0	135,073
UXBRIDGE	0	2,011,088
WAKEFIELD	3,182,755	1,811,883
WALES	0	240,222
WALPOLE	2,153,159	1,424,636
WALTHAM	10,254,935	2,531,959
WARE	0	2,972,673
WAREHAM	0	3,990,427
WARREN	0	51,067
WARWICK	69,211	53,481
WASHINGTON	59,524	36,570
WATERTOWN	7,624,203	633,117
WAYLAND	882,751	601,463
WEBSTER	918,042	3,693,886
WELLESLEY	1,066,574	667,259
WELLFLEET	0	0
WENDELL	70,262	29,536
WENHAM	334,025	0

Municipality	0611-5500 Additional Assistance	7061-0008 Chapter 70
WEST BOYLSTON	375,399	609,982
WEST BRIDGEWATER	425,595	1,089,143
WEST BROOKFIELD	0	0
WEST NEWBURY	21,100	205,875
WEST SPRINGFIELD	1,247,898	4,046,476
WEST STOCKBRIDGE	0	24,472
WEST TISBURY	317,450	20,592
WESTBOROUGH	721,997	639,242
WESTFIELD	23,881	10,088,894
WESTFORD	1,976,131	985,539
WESTHAMPTON	0	62,911
WESTMINSTER	0	145,644
WESTON	86,249	368,089
WESTPORT	543,835	1,869,936
WESTWOOD	523,618	552,028
WEYMOUTH	6,698,843	9,913,306
WHATELY	0	54,949
WHITMAN	0	3,488,299
WILBRAHAM	0	1,377,152
WILLIAMSBURG	0	316,111
WILLIAMSTOWN	197,651	718,109
WILMINGTON	2,571,442	984,900
WINCHENDON	0	3,200,821
WINCHESTER	1,274,589	984,198
WINDSOR	63,963	0
WINTHROP	4,267,398	2,405,485
WOBURN	6,694,428	1,256,322
WORCESTER	27,943,687	48,216,161
WORTHINGTON	0	0
WRENTHAM	157,213	976,606
YARMOUTH	163,302	0

Regional School Districts	Line Items 7061-0003	7061-0008
ACTON-BOXBOROUGH	861,217	763,203
ADAMS-CHESHIRE	2,569,189	2,204,646
AMHERST-PELHAM	1,787,769	2,324,468
ASHBURNHAM-WESTMINSTER	2,247,903	1,315,758
ASHFIELD-PLAINFIELD	179,077	117,082
ATHOL-ROYALSTON	2,278,852	2,812,431
BERKSHIRE HILLS	778,297	742,027
BERLIN-BOYLSTON	318,535	275,235
BLACKSTONE-MILLVILLE	2,815,634	2,100,285
BRIDGEWATER-RAYNHAM	1,604,840	1,276,209
BUCKLAND-SHELBURNE	347,607	388,062
CENTRAL BERKSHIRE	2,748,685	1,125,093
CHESTERFIELD-GOSHEN	129,836	93,659
CONCORD-CARLISLE	455,422	486,007
DENNIS-YARMOUTH	1,317,900	1,533,794
DIGHTON-REHOBOTH	3,674,674	2,885,399
DOVER-SHERBORN	321,837	317,809
DUDLEY-CHARLTON	3,560,011	2,817,404
NAUSET	368,259	584,490
FREETOWN-LAKEVILLE	1,612,899	1,018,461
FRONTIER	363,421	231,466
GATEWAY	2,188,285	1,030,628
GROTON-DUNSTABLE	1,421,190	675,890
GILL-MONTAGUE	1,908,334	1,340,268
HAMILTON-WENHAM	793,135	689,895
HAMPDEN-WILBRAHAM	1,147,577	757,027
HAMPSHIRE	711,425	498,621
HAWLEMONT	109,706	43,139
KING PHILIP	1,444,967	1,316,318
LINCOLN-SUDBURY	494,300	707,774
MARTHA'S VINEYARD	189,950	199,197
MASCONOMET	703,193	729,947
MENDON-UPTON	1,450,977	771,462
MOUNT GREYLOCK	789,655	711,466

	Line Items	
Regional School Districts	7061-0003	7061-0008
MOHAWK TRAIL	676,742	406,329
NARRAGANSETT	2,004,908	1,584,779
NASHOBA	521,362	302,348
NEW SALEM-WENDELL	137,128	113,382
NORTHBORO-SOUTHBORO	629,195	338,257
NORTH MIDDLESEX	5,159,679	3,214,797
OLD ROCHESTER	485,415	355,014
PENTUCKET	1,188,266	864,955
PIONEER	399,968	121,567
PLYMOUTH-CARVER	2,068,122	1,344,050
QUABBIN	2,597,305	2,347,703
RALPH C. MAHAR	1,075,503	995,370
SILVER LAKE	2,394,109	2,444,492
SOUTHERN BERKSHIRE	357,842	402,598
SOUTHWICK TOLLAND	1,975,307	2,198,859
SPENCER-EAST BROOKFIELD	3,295,773	4,365,105
TANTASQUA	1,313,587	904,398
TRITON	726,679	474,685
WACHUSETT	1,749,185	1,063,609
QUABOAG	1,821,197	1,854,657
WHITMAN-HANSON	1,528,749	1,597,932
ASSABET VALLEY	891,461	1,586,408
BLACKSTONE VALLEY	888,302	1,751,290
BLUE HILLS	615,138	2,230,940
BRISTOL-PLYMOUTH	1,299,895	1,774,885
CAPE COD	317,446	1,220,606
FRANKLIN COUNTY	859,475	673,936
GREATER FALL RIVER	1,088,013	2,489,405
GREATER LAWRENCE	1,888,437	3,899,247
GREATER NEW BEDFORD	2,388,441	4,753,136
GREATER LOWELL	3,241,754	5,068,444
SOUTH MIDDLESEX	578,418	1,517,367
MINUTEMAN	438,394	1,638,749
MONTACHUSETT	1,363,278	2,515,945

	Line Items	
Regional School Districts	7061-0003	7061-0008
NORTHERN BERKSHIRE	695,891	1,078,788
NASHOBA VALLEY	712,201	983,741
NORTHEAST METROPOLITAN	950,000	2,007,889
NORTH SHORE	213,947	768,615
OLD COLONY	721,582	950,354
PATHFINDER	586,622	623,329
SHAWSHEEN VALLEY	1,022,509	1,736,652
SOUTHEASTERN	1,431,476	3,087,855
SOUTH SHORE	670,283	767,535
SOUTHERN WORCESTER	1,272,886	1,825,127
TRI COUNTY	849,525	1,096,754
UPPER CAPE COD	156,557	508,650
WHITTIER	1,523,464	2,661,936
BRISTOL COUNTY	0	519,704
ESSEX COUNTY	0	1,069,308
NORFOLK COUNTY	0	381,251

SECTION 4. It is hereby found: (1) that, during the fiscal year ending June thirtieth, nineteen hundred and ninety-one, the economy of the commonwealth of Massachusetts may experience a deepening recession; (2) that, the deteriorating economy may prevent the fiscal health of the commonwealth from fully recovering *from it fiscal year nineteen* hundred and ninety status despite the best efforts of the general court and the governor to balance the state budget; and (3) that, the budget of the commonwealth of Massachusetts may suffer additional revenue losses because of a poor economy, unfavorable court judgments, and other events. Therefore, it is hereby declared that the commonwealth may face a fiscal emergency in said fiscal year ending June thirtieth, nineteen hundred and ninety-one, that it is in the best interests of the people of the commonwealth to confer upon the governor the powers which are contained in this section, and that the governor should use these powers and all other powers at his disposal to ensure that state expenditures not exceed state revenues for the fiscal year ending June thirtieth, nineteen hundred and ninety-one.

Notwithstanding the provisions of other sections of this act or of any other general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and ninety-one, but not for any subsequent fiscal year, the governor is hereby authorized to make reductions in any item of section two of this act, including but not limited to, items of the legislature, of all executive offices, of all constitutional offices, and of all independent agencies, together with their constituent agencies and items within their control, but not

including items of the judicial branch of government and items within its control, debt service items, and pension benefit items, if the revenues for the fiscal year ending June thirtieth, nineteen hundred and ninety-one are projected to be insufficient to meet the expenditures authorized by said section two; provided, however, that the governor shall not reduce by more than two percent the amount appropriated for any item in said section two.

The governor may not, at any time during the fiscal year, restore the reductions made pursuant to the first paragraph of this section except as otherwise provided in this paragraph. If the revised tax revenue projections issued by 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 on or immediately before January fifteenth, nineteen hundred and ninety-one or on or immediately before April fifteenth, nineteen hundred and ninety-one for the fiscal year ending June thirtieth, nineteen hundred and ninety-one exceed by four percent the base tax revenue estimate for the fiscal year nineteen hundred and ninety-one, then the governor may review the reductions made pursuant to the second paragraph of this section and restore said reductions to the extent possible under the revised tax revenue projections.

For the purposes of this section, "the base tax revenue estimate for the fiscal year nineteen hundred and ninety-one" shall mean the actual tax revenues collected in the fiscal year nineteen hundred and ninety less (1) any amounts collected pursuant to section eighteen of chapter two hundred and eighty-seven of the acts of nineteen hundred and eighty-nine, (2) any amount of the deeds excise tax transmitted to the Deeds Excise Fund of each county pursuant to section eleven of chapter sixty-four D of the General Laws, and (3) any amounts of local option taxes, so-called, but with the addition of the amount of tax revenues projected to be collected in fiscal year nineteen hundred and ninety-one pursuant to the tax revenue increases included in chapter one hundred and twenty-one of the acts of nineteen hundred and ninety.

In the event that the revised tax revenue projections issued by said advisory board on or immediately before January fifteenth, nineteen hundred and ninety-one or on or immediately before April fifteenth, nineteen hundred and ninety-one for the fiscal year ending June thirtieth, nineteen hundred and ninety-one fall below the base tax revenue estimate for the fiscal year nineteen hundred and ninety-one, the governor may make further reductions equal to one percent per each item in section two of this act subject to his authority granted pursuant to this section for each percent decrease in the tax revenue projection below the base tax revenue estimate for the fiscal year nineteen hundred and ninety-one; provided, however, that the maximum decrease in any such item pursuant to this section shall not exceed eight percent.

The governor shall notify the legislature and the constitutional offices of any reductions in their respective accounts seven days prior to the effective date of the reductions.

Except for the provisions of the last paragraph of this section, which shall take effect on July first, nineteen hundred and ninety, the provisions of this section shall take effect as of August fifteenth, nineteen hundred and ninety, and shall cease to be effective as of July first, nineteen hundred and ninety-one.

The provisions of section nine C of chapter twenty-nine of the General Laws are hereby suspended for the fiscal year ending June thirtieth, nineteen hundred and ninety-one.

SECTION 5. 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 ninety and on June thirtieth, nineteen hundred and ninety-one; provided further, that the state treasurer shall make advance payments 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.

SECTION 6. 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; and regional public libraries; 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-eight 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 7. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and ninety-one, 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 ninety pursuant to section six of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine.

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 ninety-one shall not exceed three hundred and six million dollars; provided, further, that the first five 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-one shall be transferred to a retained revenue account within the executive office of administration and finance and shall be expended for the purposes of item 1599-3850 of section two; provided further, that any amount in the balance of the Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund and be available for lawful appropriations allowed from the Local Aid Fund.

SECTION 8. 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 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. Guideline 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 9. Notwithstanding the provisions of section thirty-one of chapter eighty-one of the General Laws or 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-one proportionally to the fiscal year nineteen hundred and ninety distribution of said Highway Fund reimbursements.

SECTION 10. All sums appropriated under the provisions of this act shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women, and handicapped persons. All officials and employees of any agency, board, or division of the commonwealth receiving monies under section two of this act shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth.

Each agency, board, or division, in spending appropriated sums and discharging its statutory responsibilities shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, inservice or apprenticeship training programs, and all terms and conditions of employment. Such affirmative action program shall include efforts required to remedy the effects of present and past discriminatory patterns and practices and any action necessary to guarantee equal opportunity for members of minority groups, women, and handicapped persons.

The commissioner of administration shall conduct an ongoing review of affirmative action steps taken by various agencies, boards, or divisions, to determine whether such agencies are complying with the intent of this section. Whenever such noncompliance is determined by the commissioner, he shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board, or division, to the governor, and to the Massachusetts commission against discrimination.

SECTION 11. During fiscal year nineteen hundred and ninety-one, notwithstanding the provisions of any general or special law to the contrary, payments for fiscal year nineteen hundred and ninety 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 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 ninety and nineteen hundred and ninety-one.

SECTION 12. Notwithstanding the provisions of any general or special law to the contrary, amounts appropriated in each of the following items in section two are hereby authorized to be expended, pursuant to the court judgment in Quirk V. Anrig, for the costs of retroactive salary adjustments for services provided by institutional school personnel funded from said items: 4311-0009, 4513-1000, 4540-0001, 5046-0000, 5047-0000, 5051-0100, 5095-0000, 5948-0000, 5983-0100.

SECTION 13. 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, however, 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.

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 14. 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 4120-0012, 4311-0004, 4349-0001, 4380-0001, 4407-1010, 4512-0103, 5046-0000, 5047-0000, 5095-0000, 5911-0006, 5948-0000, and 5983-0100 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 15. 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 16. 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 ninety 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 17. Pursuant to section twelve of chapter eleven of the General Laws, the state auditor shall be authorized, in implementing his audit mandate, to make sunset recommendations regarding any state program, function, or activity when it is determined that said program, function, or activity is duplicative, unnecessary, and wasteful or has accomplished its objective.

SECTION 18. 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-two, 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 19. No funds appropriated in section two of this act shall be expended for greeting cards to celebrate Christmas, Hanukkah, New Years, or any other holidays.

SECTION 20. 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 21. 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 22. Each city, town, or county receiving monies from item 0330-2200 of section two of this act shall submit a report detailing the purposes and amounts of all expenditures made from monies appropriated under item 0330-2200 in section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine 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 ninety.

SECTION 23. 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, nineteen hundred and ninety and nineteen hundred and ninety-one, not to exceed five thousand dollars per year.

SECTION 24. 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 of 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 25. Notwithstanding the provisions of paragraph (b) of subdivision (8) of section twenty-two of chapter thirty-two of the General Laws, any appropriations pursuant to section twenty-two B of said chapter thirty-two, made on behalf of any system participating in the Pension Reserve Investment Trust Fund shall be in an amount that is proportionate to the amount of assets of each system participating in the Pension Reserve Investment Trust Fund as of December thirty-first, nineteen hundred and eighty-nine as determined by the public employee retirement administration.

SECTION 26. 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 27. 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 28. 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 several district attorneys to fund multidisciplinary teams responsible for child sexual abuse litigation.

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 29. 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; said 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 of this act.

The division of capital planning and operations shall file, on a quarterly basis, an itemization of all such expenditures paid from fund with the commissioner of administration and the house and senate committees on ways and means.

SECTION 30. 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 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 31. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration is hereby 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 quarterly workers' compensation credit equaling eighty-five percent of one-fourth of the agency's fiscal year nineteen hundred and eighty-nine workers' compensation costs.

When an agency has incurred quarterly workers' compensation costs which exceed the amount of its quarterly credit, the comptroller shall charge the difference between the agency's workers' compensation costs and its credit to the agency's appropriation accounts and transfer this amount to the state's account for the purposes of workers' compensation paid to public employees for any additional costs incurred during the fiscal year. The division of public employee retirement administration may expend any amounts collected from all agencies under this workers' compensation chargeback, not to exceed twenty-two million dollars, to pay for the hospital, physician, benefits, and other costs normally paid out of this account subject to item 1108-6201 in section two C of this act, without further appropriation. Should the amount of an agency's quarterly credit exceed its quarterly workers' compensation costs, the difference shall be applied as a credit to the next invoice, provided that no such credits shall be carried forward into the next fiscal year.

By no later than fourteen days after the effective date of this act, the commissioner of administration shall determine and provide each agency with annual credits and estimated annual costs of charges, as herein described, and shall require all agencies to encumber funds that are sufficient to meet the annual charges. Within thirty days after the effective date of this act, for any agency that fails to encumber funds that are sufficient to meet the annual estimated charges, the comptroller is hereby authorized to encumber funds that are sufficient to meet the annual charges on behalf of such agency.

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-nine to reflect quarterly 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 quarterly report with the house and senate committees on ways and means. Said report shall include the quarterly credit allocation, quarterly charge, and the balance of each agency's credit level for the year to date.

SECTION 32. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration is authorized and directed to charge agencies, other than the general court, for the cost of computer resources and services provided by the office of management information systems bureau of computer services. The cost of each computer resource or service shall be determined by a rate structure which shall be established annually by the commissioner of administration on or before August first for the subsequent fiscal year. Resources shall include, but not be limited to, computer hours, on-line storage, tape

storage, tape mounts, printers, bursting, decollating and inserting services, data communications devices and data entry and records management services. The office of management information systems shall create a user group consisting of a representative sample of the bureau's user agencies, which shall propose amendments to the bureau's rate structure to the commissioner of administration. The bureau shall issue an invoice by the fifteenth day of each month to each user agency, itemizing the agency's use of bureau resources, and the cost for those resources, for the preceding month. Invoices shall include resources consumed by agencies to access all statewide systems operated by the bureau including the personnel payroll management information system, also known as "PMIS", and the Massachusetts management accounting and reporting system, also known as "MMARS".

The bureau shall determine the amount of all direct and indirect expenditures relating to the activities of the bureau and the operation of the bureau's data center during a base fiscal year, which shall be fiscal year nineteen hundred and eighty-seven, and the portion of such amount reasonably allocable to each agency of the commonwealth that used the bureau's services or facility during the fiscal year. The bureau shall allocate one-twelfth of each agency's portion to the agency monthly and shall show the allocation as a credit on the agency's monthly invoices. The commissioner of administration shall establish procedures to provide monthly credits to first-time users of statewide systems and annualization of these credits in succeeding fiscal years, to adjust agency credits as necessary to match allocated credits to the bureau's costs. The comptroller shall charge the difference between an agency's monthly charge and its monthly credit to the agency's appropriation accounts in each case in which the monthly charge exceeds the monthly credit. Should the monthly credit exceed the monthly charge, the bureau shall apply the difference, first against any charges previously applied to the agency's appropriation, then as a credit on the next month's invoice, provided that no credits shall be carried forward past the end of the fiscal year.

The bureau shall submit a report to the house and senate committees on ways and means by the end of each month summarizing each agency's charges for the preceding month and for the fiscal year to date, each agency's monthly credits, the credits carried forward for each agency from previous months, the difference between the charges and the sum of the credits, and the rate structure upon which the charges were based. The report shall also show the balance in the bureau's revenue account at the beginning of the month, the amount of funds deposited to the account during the month, the amount billed to but not yet paid by agencies, the amount of funds expended from the account during the month, a listing of the goods or services obtained by those expenditures, and the balance at the end of the month.

The commissioner of administration is authorized to establish regulations and procedures to further implement this section including, but not limited to, the development and distribution of forms and instructions to be included as part of the agency's submission to the budget director under section three of chapter twenty-nine of the General Laws for the fiscal year nineteen hundred and ninety-one budget cycle.

SECTION 33. 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 the maximum amount of revenue available to the commonwealth from federal and other sources for the fiscal year ending on June thirtieth, nineteen hundred and ninety-one. 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 provide technical support to all state agencies involved in the collection of such revenue.

The comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services, the full year estimate of revenues and revenues collected.

SECTION 34. 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, including estimated payments, refunds, payments with returns and bill payments for the corporate, insurance, public utility, commercial bank and savings bank excise tax, and including taxes not collected by the department of revenue; a comparison of the revenues collected with the amounts collected during the same period in the prior physical 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 35. The commissioner of revenue shall prepare a report with the following information: (1) a statement, by city or town, of the amount of payments made "in lieu of taxes" under the provisions of sections thirteen, seventeen, seventeen A and seventeen B of chapter fifty-eight; (2) a statement of the approximate fair cash value of lands acquired by the commonwealth before the first of June, nineteen hundred and eighty-seven; and (3) a statement of the approximate fair cash value of lands acquired by the commonwealth since the first of June, nineteen hundred and eighty-seven, and to what extent said approximate fair cash value is reflected in payments made "in lieu of taxes" under the provisions of sections thirteen, seventeen, seventeen A and seventeen B of chapter fifty-eight. Said report shall be filed by the commissioner of revenue with the clerks of the house and of the senate on or before January first, nineteen hundred and ninety-one, and the clerks shall refer said report to the house and senate committees on ways and means.

SECTION 36. (1) The secretary of administration and finance is hereby authorized and directed to establish and implement, within forty-five days after the effective date of this act, guidelines for the utilization of passenger vehicles and light duty pickups that are owned, leased or assigned to any agency within the executive 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 passenger vehicle or light duty pickup without the approval of the secretary of administration and finance.

(b) no employee shall use a passenger vehicle or light duty pickup 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; and provided further that such employees shall be prohibited from using motor vehicles for any personal uses.

(c) each agency shall provide said secretary with a monthly passenger vehicle and light duty pickup 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 of administration and finance, any passenger vehicle or light duty pickup truck that does not meet the criteria to be assigned to a state agency,

shall be placed in the state procurement department's "Motor Pool", so-called, provided that, said secretary shall determine the need for the quantity and type of vehicles in the Motor Pool. All motor vehicles in the 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 semi-annual 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 passenger vehicles and light duty pickups, 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 of administration and finance; provided, however, that said report shall state the number of confidential plates that have been issued.

(d) a listing of passenger vehicles and light duty pickups 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.

SECTION 37. The secretary of administration and finance, the secretary of the executive office of transportation and construction, the secretary of executive office of human services, and the executive office of elder affairs, shall study and propose a plan providing for more efficient means and economic coordination of transportation services currently provided to agencies within the human services and elder affairs secretariates. Said study and plan shall include, but not be limited to, identification of current transportation programs and costs, analyses of existing transportation contracts, and the costs effectiveness of regional transit authorities as transportation providers. Copies of the plan and any relevant legislation shall be filed by March first, nineteen hundred and ninety-one with the house and senate committees on ways and means.

SECTION 38. 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 ninety and June thirtieth, nineteen hundred and ninety-one, 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 39. 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-one, 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 section 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 division of energy resources at least fourteen 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 and water consumption due to the contractor's performances or revenues gained due to contractor's services which are aimed at energy and water 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 section forty-four A to forty-four H, inclusive, of chapter one hundred and forty-nine of the General Laws, cities, towns, local housing authorities, and counties are hereby authorized, during fiscal year nineteen hundred and ninety-one, 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, housing authority, or county shall be filed with the division 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 projects as defined by section three of chapter seventy-five A of the General Laws, as well as building maintenance and financing services designed to decrease the cost of energy and water in operating said buildings.

SECTION 40. 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: 1100-1561, 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 and 1102-8899.

SECTION 41. The department of procurement and general services is hereby authorized and directed to study the financial feasibility of purchasing recycled paper rather than virgin stock for the commonwealth's paper needs. In conducting the study said department shall consult agency procurement personnel. Said study shall include, but not be limited to, an assessment of the current recycled paper market, an analysis of the potential for market stimulation by additional state purchases and the residual market impacts such as, the encouragement of product recycling and a reduction in the waste stream of the commonwealth and its cities and towns. Said study shall also include a plan to phase in the purchases over no more than three years. An initial report shall be filed with the house and senate committees on ways and means on or before December first, nineteen hundred and ninety. A final report and recommendations, including legislation necessary to carry such recommendations into effect, shall be filed with said committees on or before February first, nineteen hundred and ninety-one. Said department shall be prohibited from requesting an extension of time for filing the initial report and the final report as required under the provisions of this section.

SECTION 42. In accordance with section four A of chapter seven of the General Laws, there shall be established within the department of procurement and general services, but not subject to its control, a division of purchased services. Except as otherwise specifically provided in this section, said division shall have primary responsibility for the implementation and coordination of an efficient and accountable system of procurement, selection, pricing, contract administration, program monitoring and evaluation, contract compliance and post audit for the commonwealth and any department, agency, board or commission of the commonwealth which procures or pays for social services from providers. Said division shall have sole responsibility for the pricing of all social services purchased from providers by school districts or other political subdivisions of the commonwealth. For purposes of this section, the term "social services" shall mean any social, special educational, mental health, mental retardation, habilitative, rehabilitative, vocational, employment and training or elder services or accommodations, including any programs provided pursuant to chapter seventy-one B of the General Laws, but excluding any services which are reimbursable under Title XIX of the Social Security Act; the term "governmental unit" shall mean the commonwealth and any department, agency, board or commission of the commonwealth and any school district or other political subdivision of the commonwealth; and the term "price" shall mean the amount in dollars to be paid for a given service or program, regardless of how expressed.

The division shall be headed by an assistant commissioner, who shall be appointed by the secretary of administration and who shall have administrative responsibility for said division. Said position shall be classified in accordance with section forty-five of chapter thirty, and the salary therefore shall be determined in accordance with section forty-six C of said chapter thirty. The assistant commissioner shall be subject to removal by the secretary of administration, only for good cause. The assistant commissioner may, in

accordance with chapter thirty A, after public hearing and notice to appropriate boards as provided in this section, promulgate rules and regulations required to develop, implement, administer and monitor the programs and functions of said division.

The division shall be comprised of such bureaus as may be necessary to carry out the mission of the division of purchased services, including but not limited to, a bureau of program pricing, an audit bureau, and a bureau of data base management. Each bureau shall be headed by a director appointed by and serving at the pleasure of the assistant commissioner.

The bureau of program pricing shall have responsibility for prescribing the methodology to be used in determining the prices to be reimbursed to providers of social services by governmental units. Said bureau shall be comprised of a unit for special education program pricing and a unit for other social services program pricing. Said bureau shall not determine the prices or methodology to be utilized in determining reimbursements for provider costs under Title XIX of the Social Security Act. The bureau shall determine prices annually by the first Wednesday in February; provided, that any procuring agency or provider aggrieved by any action or failure to act of the bureau or division may request the assistant commissioner to conduct a review to determine whether the prescribed method has been properly applied; provided further, that prior to submission of the governor's annual budget to the general court, the bureau of program pricing shall develop and publish an estimate of the inflation rate to be considered in determining the price of social services, where appropriate, for the following fiscal year. Nothing herein shall preclude said bureau from setting a price at any time for a new social service program established for the first time, or for individual and sole source prices as provided in the regulations governing programs established pursuant to chapter seventy-one B of the General Laws.

There shall be a social service policy advisory board consisting of the secretary of human services, or his designee, the secretary of elder affairs, or his designee, the commissioner of education, or his designee, a representative of the associated industries of Massachusetts who shall be selected by that organization, a representative of the Massachusetts association of approved private schools who shall be selected by that organization, and twelve members to be appointed by the Governor, one of who shall be a representative of a provider contracting with one agency within the executive office of human services, one of whom shall be a representative of a provider contracting with two or more agencies within the executive office of human services, one of whom shall be a representative of a provider contracting with the department of elder affairs, one of whom shall be a representative of a private school approved pursuant to chapter seventy-one B of the General Laws, one of whom shall be a consumer of services provided by one or more of the agencies within the executive office of human services, one of whom shall be a consumer of services provided by an agency contracting with the executive office of elder affairs and one of whom shall be a parent of a child with special education needs. Each appointed member of said board shall be appointed for a term of three years and may be reappointed, provided that among the initial appointed members, four shall be appointed for a term of one year, four shall be appointed for a term of two years, and four shall be appointed for a term of three years. The chairperson of said board shall be appointed by the Governor and shall serve in this function for a term of not more than one year. Said board shall meet quarterly and shall make recommendations to the assistant commissioner on matters of policy and operation of the bureau. Except in the case of emergency regulations,

at least sixty days before the date of public hearing on any proposed regulation, the assistant commissioner shall provide a copy thereof, together with an explanatory statement, to said board. The assistant commissioner shall give due consideration to comments on such proposed regulation submitted by said board or any members thereof. Said board shall report within the first six months of the establishment of the division and annually thereafter, to the house and senate committee on ways and means on its findings, opinions and recommendations for legislation.

All governmental units shall pay the prices established by the division. All prices for social services established directly by the division or pursuant to methodologies prescribed by the division shall be fair, reasonable and adequate. Each price of social services established by the division or pursuant to methodologies prescribed by the division shall be deemed a regulation and shall be promulgated pursuant to chapter thirty A and be reviewable as hereafter provided.

Any provider aggrieved by the division's action or failure to act with respect to a price, and desiring review thereof, may file an appeal with the division of administrative law appeals in accordance with section four H of chapter seven of the General Laws. The question on appeal of a decision of the division of purchased services shall be whether said division, in taking the action challenged by the aggrieved party, has properly applied its regulations. this paragraph shall not be construed to confer a right upon any aggrieved party to challenge, in a proceeding before the division of administrative law appeals, the procedural or substantive validity of any regulation of general applicability promulgated by the division of purchased services. Such challenges shall be brought exclusively in the superior courts of the commonwealth in accordance with the provisions of chapter thirty A of the General Laws. Subject to the foregoing limitations, any price established on appeal shall be fair, reasonable and adequate.

The audit bureau shall have responsibility for the establishment of guidelines and standards, consistent with generally accepted governmental auditing standards; for independent financial and performance audits of providers of social services to governmental units; provided, however, that program audits of providers of special education services shall be conducted by the department of education in accordance with chapter seventy-one B of the General Laws and 20 USC sections 1401 et seq.; provided, further, that said bureau shall conduct audits of providers as needed to monitor compliance with applicable fiscal policies; provided further, that said bureau shall develop and administer a uniform system of financial accounting, allocation, reporting, and auditing of all providers which conforms to generally accepted governmental auditing standards; provided further, said bureau can recover commonwealth funds where appropriate; provided further, said division may conduct quality assurance reviews of audit reports prepared for providers.

The bureau of data base management shall develop and administer a comprehensive and uniform data base of social services provider financial and statistical data to support the policy development, pricing methodology, budget analysis and purchase of service functions of governmental units. Said bureau shall conduct a study to determine the feasibility of developing a database of client services.

All books, papers, records, and documents which are in the custody of the rate setting commission which relate to the rates for social, rehabilitative, or educational services as determined by the bureau of program pricing, or are in the custody of the executive office of human services office of auditing shall be transferred to the division.

All rates, classifications and other regulations pertaining or relating to rates for any fiscal year prior to the one commencing on July first, nineteen hundred and ninety-one for social services which have been promulgated by the rate setting commission and which immediately prior to the effective date of this section are in effect or are due to go into effect shall remain in full force and effect until changed or repealed by the division. Notwithstanding the passage of this section, all petitions, hearings and other proceedings which are duly pending before, and all prosecutions and legal and other proceedings which have been commenced by or against the rate setting commission with respect to rates of social services prior to the fiscal year commencing July first, nineteen hundred and ninety-one shall continue unabated, remain in force, and be completed by or before the rate setting commission no later than June thirtieth, nineteen hundred and ninety-one at which time any issue remaining unresolved shall be the responsibility of the division. Said division shall be bound by, and have the benefit of, all judicial and administrative orders and judgements entered prior to the effective date of this section against or in favor of the rate setting commission with respect to rates for social services for fiscal years prior to the one commencing on July first, nineteen hundred and ninety. Any appeals pending before the division of administrative law appeals or the courts as of July first, nineteen hundred and ninety-one, shall become the responsibility of the division of purchased services at that time. Notwithstanding the provisions of this section, the division shall have the responsibility for all petitions, hearings, and other proceedings pertaining to individual or sole source prices for the fiscal year commencing July first, nineteen hundred and ninety for programs pursuant to chapter seventy-one B of the General Laws.

Any employee of the office of auditing and accounts within the executive office of human services so serving immediately prior to the effective date of this section who has not been offered employment with the division of purchased services under the executive office of administration and finance shall be assigned to other responsibilities consistent with his job specification within the executive office of human services or any agency thereof, without impairment of seniority, retirement or other rights of employment and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reassignment.

The assistant commissioner in consultation with the director of the bureau of social service pricing shall develop a pilot pricing model for use in fiscal year nineteen hundred and ninety-two based on a component based method of pricing. Said pilot shall be comprised of representative sample of providers of social services to one or more agencies under the executive office of human services and of providers of special education services. The assistant commissioner shall submit a proposal for such pilot plan, including the proposed field test methodology, to the house and senate committees on ways and means on or before December first, nineteen hundred and ninety.

The assistant commissioner is hereby authorized and directed to conduct, in consultation with the executive offices of human services and elder affairs, and the department of education, a complete examination of the entire body of licensing, quality assurance and accreditation standards, policies and procedures used by the commonwealth or any department, agency, board or commission thereof in connection with the purchase of social services from providers. The goal of this study is to create a single set of baseline standards for client health and safety. This study shall include but not be limited to: (1) surveying existing regulations, standards and policies and assessing levels of resources currently allocated to these activities and numbers of programs

currently licensed, certified or accredited against each set of standards; (2) creating a set of uniform health and safety standards and program-specific supplements, using private accreditation systems in lieu of state-operated quality assurance systems wherever possible and requiring standards and measurements oriented toward efficiency and performance; (3) assessing the cost savings from, and resource needs for, implementation; (4) developing appropriate enabling legislation for a consolidated single state licensing and quality assurance entity, including adjustments to appropriations and transfers of departmental staff; (5) preparing an implementation plan for coordinated program assessment and integration into a five-year contract cycle; and (6) linking program assessment and evaluation information to the provider financial data to create a comprehensive, state-wide information system. Upon completion of this study, the assistant commissioner shall submit this study to the house and senate committees on ways and means.

SECTION 43. Notwithstanding the provisions of any general or special law to the contrary, including the standards established in sections thirty-two to forty-six, inclusive, of chapter six A of the General Laws, the rates for programs pursuant to chapter seventy-one B of the General Laws in the fiscal year commencing July first, nineteen hundred and ninety shall be the same rates as those in effect for the fiscal year beginning July first, nineteen hundred and eighty-nine. Nothing herein shall preclude the division of purchased services from setting a price at any time for a new program established for the first time under chapter seventy-one B of the General Laws, or individual or sole source prices as provided in the regulations governing said programs, in accordance with section forty-four of this act.

SECTION 44. Notwithstanding any general or special law to the contrary, with respect to issues of compliance resulting from a review of programs pursuant to chapter seventy-one B of the General Laws, specifically with respect to those programs previously scheduled as "on-cycle" for the purpose of rate adjustments in fiscal year nineteen hundred and ninety-one, the department of education and the office for children, coordinating with the division of purchased services, are hereby directed to review, in consultation with individual program providers and affected governmental units who procure services from said programs, all findings of non-compliance and all compliance plans in order to design program configurations or to develop implementation schedules which will achieve compliance pursuant to state and federal regulation at a cost that is consistent with the rates in effect in the fiscal year commencing July first, nineteen hundred and ninety.

The department of education and the office for children, in consultation with the division of purchased services, shall jointly report on the results of all actions taken pursuant to this section to the chairpersons of the house and senate committees on ways and means and to the division of purchased services no later than December first, nineteen hundred and ninety. Said report shall clearly state the reasons for the original finding of non-compliance for each such program so cited, including the specific state or federal law or regulation cited in the non-compliance finding, the recommendations for achieving compliance, including recommendations for program reconfiguration, and the expected date by which compliance shall be achieved. The department of education and the office for children shall also include recommendations for revisions to existing regulations in said report, provided that these recommendations are for the purposes of promoting efficiency and economy in conformity with applicable state and federal law.

Any provider aggrieved by the action of the department of education and the office for children pursuant to

this section with respect to a specific program and desiring a further review thereof, may file an appeal with the division of administrative law appeals in accordance with section four H of chapter seven of the General Laws. The question on appeal of a decision of the department of education or the office for children shall be whether the department or the office for children in taking the action challenged by the aggrieved party, has properly applied its regulations. This paragraph shall not be construed to confer a right upon any aggrieved party to challenge, in a proceeding before the division of administrative law appeals, the procedural or substantive validity of any regulation of general applicability promulgated by the department of education or the office for children. Such challenges shall be brought exclusively in the superior courts of the commonwealth in accordance with the provisions of chapter thirty A of the General Laws.

The office for children and the department of education shall coordinate the scheduling of and information sharing of licensing and audits of residential programs to assure that visits are scheduled to assure periodic monitoring. The office for children and department of education shall exchange final reports resulting from program audits and licensing study activities. The office for children and the department of education shall meet periodically to discuss residential school programs they license or approve and to assure that implementation of requirements established by the two agencies is consistent and not duplicative.

SECTION 45. Notwithstanding the provisions of any general or special law to the contrary, for the period ending June thirtieth, nineteen hundred and ninety-one, 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 46. Pursuant to provisions of section forty-five of this act 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.

Executive Office of Environmental Affairs.

Massachusetts Environmental Policy Act Unit:	
Environmental Form Filing Fee	
Category A (projects with a total project cost of less than $100,000)	$50
Category B (projects with a total project cost of $100,000 or greater, but less than $1,000,000)	$150
Category C (projects with a total project cost of $1,000,000 or greater)	$300

Department of Environmental Management.

Well driller rig permit decal	$25 per rig
Parking day use – car	
High service availability	$5 per day
Low service availability	$3 per day
Ice Arenas	
Prime time rental – night	$95 per 50 minute night hour
Off season non-ice skating	
Basic hourly rate	$40 per hour
With arena lighting	$50 per hour
With arena air conditioning	$75 per hour
Individual season pass (non-motorized)	$10
Radio tower lease/permits on DEM land	
Non-profit, community, agency or amateur radio equipment	$250 per year/ per equipment piece
For-profit company radio equipment	$2,500 per year/ per equipment piece
Facility and function room rental (by advance reservation only)	$40 per hour maximum

State pier dockage rates	
Short term storage (up to 10,000 sq. ft.)	$0.50 per sq ft/per month
Short term storage (over 10,000 sq. ft.)	$0.50 per sq ft/per month plus $0.25 for each add'l sq ft
Dockage (all vessels)	$270 per day
Wharfage (unloading or loading cargo)	$2.20 per ton

Metropolitan District Commission.

Parking – Beverly Street, Boston up to $15 per scheduled event	
Ice skating rinks	
All evenings and Saturday, Sunday, and Holiday afternoons	
Rink rental (ice)	$90 per 50 minute hour
Rink rental (non-ice)	$32 per 50 minute hour

Department of Food and Agriculture.

Inspection of nurseries	
(a) Less than one acre	$10
(b) 1 to 5 acres	$30
(c) 6 to 25 acres	$40
(d) 26 to 100 acres	$50
(e) Over 100 acres	$70
(f) Greenhouses	$30
(g) Nursery agents	$30
Feed and fertilizer registration	$50
Pesticide Registration Fee	$100
Milk dealer license (retail)	$10
Home plant inspection	$10 per inspection
Apiary inspection	$3
Equine dealer (renewal)	$10
Thoroughbred stallion registration	$100
Brood mare registration	$50
Individual foal	$50

Greyhound breeding registration	$10
Registration of litter	$25
Individual dog registration	$25
Late registration fee	$25

Pet shop license	
Gross annual sales less than $100,000	$ 50 per yr
Gross annual sales from $100,000 to $250,000	$200 per yr
Gross annual sales greater than $250,000	$500 per yr

Soldiers' Homes in Chelsea and Holyoke

Hospital Care – Patients	
monthly maximum charge of $465	$15 per day

The first $1,000 of a married patient's monthly income shall be exempt and spousal income shall not be used in payment of these charges.

The first $200 of an unmarried patient's monthly income shall be exempt.

Dormitory – Care Residents	
monthly maximum charge of $155	
$ 5 per day	

The first $200 of a resident's monthly income shall be exempt.

Massachusetts Aeronautics Commission.

Aircraft registrations and renewals thereof:

Aircraft Weight (A)	Fee (B)
0 - 2000 lb.	$75
2001 - 3500 lb.	$125
3501 - 12,500 lb.	$175
over 12,500 lb.	$225
Dealer, per firm	$60
Dealer, per aircraft (C)	$28

(A) Maximum gross weight, per manufacturer

(B) Fee for a 1 year registration period, reduced by 50% six months into period.

(C) Transferable to any aircraft for demonstration flights only. Any other use requires standard registration.

Outdoor Advertising Board	
Licenses (based upon number of permits)	
(a) 0 – 200 permits	$1,000
(b) In excess of 200 permits	$1,500
Permits (based upon square footage only)	
(a) 100 sq. ft. or smaller	$60 per face annual
(b) larger than 100 sq. ft. up to 672 sq. ft.	$100 per face annual
(c) larger than 672 sq. ft.	$160 per face annual

Executive Office of Public Safety.

Armory Rental	
Category A	$12.00 per hour
Category B	$20.00 per hour
Category C	$6.00 per hour
Category D	$30.00 per hour
Category E	$25.00 per hour
Armory personnel	$10.00 per hour

SECTION 47. 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 up to one hundred percent of the amount appropriated during fiscal year nineteen hundred and ninety-one for expenditures on behalf of said district and for the cost of the state reclamation board.

SECTION 48. Notwithstanding the provisions of section five of chapter two hundred and fifty-two of the General Laws or any other general or special law to the contrary, there shall be five commissioners for the Cape Cod Mosquito Control Project. One shall be a member of the Barnstable County Selectmens' Association and one shall be the town manager or executive secretary of a town in Barnstable county.

SECTION 49. Notwithstanding the provisions of section one hundred and thirteen of chapter ninety-two of the General Laws, or any other general or special law to the contrary, the obligations due to the commonwealth for the operation and maintenance of the watershed division of the metropolitan district commission for fiscal year nineteen hundred and ninety expenses shall be paid by the Massachusetts Water

Resources Authority on or before April first, nineteen hundred and ninety-one, in accordance with the provisions of section one hundred and thirteen of chapter ninety-two of the General Laws.

SECTION 50. There is hereby established an Environmental Education Board which shall include a representative from each of the following: the executive office of environmental affairs, the department of education, the board of regents, and the department of public health; the chairpersons of the committee on natural resources and agriculture or his designee, the chairpersons of the committee on education or his designee, the president of the high technology council or his designee, the president of associated industries of Massachusetts or his designee, the president of the associated grantmakers of Massachusetts or his designee, and two persons to be appointed by the governor, one of whom shall be a public school teacher and one of whom shall be a representative of a nonprofit organization involved in environmental education. To the extent possible, the board shall represent all geographic areas of the commonwealth. The board shall study and make recommendations on the implementation of a state-wide cooperative environmental education program. The board's study shall include, but not be limited to, a review of environmental education programs and a review of available educational materials, and shall consider a framework of curriculum priorities, the establishment of regional resource centers, and the establishment of programs to reach interested private and public sector groups and the general adult population. Board members shall serve without compensation, but shall receive necessary expenses incurred in the performance of their official duties. A preliminary progress report shall be filed on or before February first, nineteen hundred and ninety-one and a final report and legislation to implement the board's recommendations for creating a cooperative statewide environmental education program shall be filed on or before April first, nineteen hundred and ninety-one. Said reports shall be filed with the joint committee on natural resources and agriculture, the joint committee on education and the house and senate committees on ways and means.

SECTION 51. 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 52. Notwithstanding the provisions of any general or special law to the contrary, expenses incurred by the residential conservation service program, within the division 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 53. There shall be an advisory committee on deaf and hard of hearing accessibility to telephone service which shall advise the department of public utilities on the implementation of ongoing operations of the telephone message relay service, semipublic and public coin operated telephone accessibility and equipment distribution. Said advisory group shall consist of the secretary of human services, or his designee, the commissioner of the Massachusetts commission for the deaf and hard of hearing, or his designee, the commissioner of the Massachusetts rehabilitation commission, or his designee, the commissioner of the Massachusetts commission for the blind, or his designee, the commissioner of the department of public utilities, or his designee and fifteen persons to be appointed by the governor, four of whom shall be deaf persons, four of whom shall be hard of hearing persons, four of whom shall be disabled persons and one of whom shall be a representative of a common carrier telephone company which provides public coin or coinless telephone services. Each such member of the advisory committee shall serve for a term of three years. The chairperson of the advisory council shall be appointed by the governor and shall serve in this function for a term of one year. Said advisory council shall meet quarterly and shall make recommendations to the department of public utilities on all matters of policy and the operation of a telecommunication device for the deaf distribution service, a specialized customer premises equipment distribution service and a dual party telecommunication device for the deaf message relay service.

SECTION 55. The commission for the deaf and hard of hearing is hereby authorized and directed to conduct a study to determine the placement of telecommunications devices for the deaf in public places. Such study shall produce an implementation plan for such placements in facilities such as hospitals, fire and police stations, emergency facilities and such other facilities as deemed appropriate. Said study shall be funded by an assessment on all common carriers as defined in fifteen E of chapter one hundred and sixty-six of the General Laws, in the same proportion that each such common carrier's intrastate revenues has to the total intrastate revenues of all such common carriers. The department of public utilities shall promulgate regulations relative to making this assessment.

The commission on the deaf and hard of hearing shall file its report with the secretary of administration and finance and the joint committee on government regulations by July first, nineteen hundred and ninety-two.

SECTION 56. 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 ninety, 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 57. 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 and emergency relief programs as follows: any recipient who has received financial aid from the emergency assistance or emergency relief program more than once during a twenty-four month period shall be subject to an individual review by the assigned caseworker as to the reasons for the multiple usage of emergency services, and shall be placed by the department upon a protective payment schedule if said caseworker determines that the recipient has utilized emergency services as a result of having mismanaged funds.

SECTION 58. 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 optional assistance program that in the event an additional child is added to the household of the recipient, such additional child shall not be considered as a new case but treated only as an additional child as otherwise eligible for assistance under the provisions of chapter eighteen of the General Laws. Said department may waive the provisions of this section if the department determines that application of this section would cause a particular child to become homeless or to endure other undue hardship.

SECTION 59. 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 and emergency relief programs as follows: (1) those grant recipients living in public or subsidized housing shall not be eligible for emergency assistance or emergency relief 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 or emergency relief 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; and provided, that said secretary shall not approve any such rate for a particular hotel or motel that is in excess of the rate paid to said hotel or motel during fiscal year nineteen hundred and ninety;

(3) the amount of any advance rent payment made by the department for emergency assistance shall not exceed the amount of applicable payment standard under the program of aid to families with dependent children for a family of the same size or the amount of one month's rent, whichever is lower; and provided further, that the amount of any advance rent payment made by the department for emergency relief shall not exceed the amount of applicable payment standard under the program of general relief for a family of the same size or the amount of one month's rent, whichever is lower.

The department of public welfare shall submit to the house and senate committees on ways and means and to the secretary of administration and finance within sixty days of the effective date of this act, a detailed report for fiscal year nineteen hundred and ninety and quarterly reports thereafter for fiscal year nineteen hundred and ninety-one, which shall include, but not be limited to, total payments under the emergency assistance and emergency relief programs, the total number of families and persons served in said programs, including the average expenditures per client in the following categories of assistance: rent and utility arrearages, advance rent and security deposits, emergency shelter and hotel and motel payments, department of social services assessments, and moving and storage expenses. Said report shall also include a numerical breakdown, by service offices, of the utilization of said programs 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 and emergency relief programs 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 September 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 60. A special commission to consist of three members of the senate, five members of the house of representatives, and five members to be appointed by the governor, one of whom shall be the secretary of human services or his designee, one of whom shall be the commissioner of public welfare, one of whom shall be an employee of the welfare fraud unit, one of whom shall be a recipient of public assistance and one of whom shall be a member of the Massachusetts Taxpayers Foundation, is hereby established for the purpose of making an investigation and study of the eligibility requirements for public assistance programs in the commonwealth.

Said commission shall compile data in regard to the numbers of people receiving public assistance of any form in the commonwealth, examine public assistance programs in other states and examine the relationship between federal program and programs in the commonwealth.

Said commission shall report to the general court the results of its study and its recommendations to eliminate abuse and promote efficiency together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before July first, nineteen hundred and ninety-two.

SECTION 61. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare is hereby authorized to enter into leases for housing units for the purpose 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 September first, nineteen hundred and ninety to implement an alternative temporary shelter program using leased ousing 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 of families housed in each unit, their average length of stay, the services provided to them, and the relative costs or savings of said program. Said plan shall also include a detailed analysis of other options for providing temporary emergency shelter, including but not limited to the option of providing emergency shelter as a special need for recipients of aid to families with dependent children.

SECTION 62. The department of public welfare is hereby authorized and directed to revise its rules and regulations pursuant to law with respect to the program of family reunification benefits as follows: (1) upon placement of the child or children of an otherwise eligible Aid to Families with Dependent Children family into the care of the department of social services, family reunification benefits shall be paid only to families whose child or children are likely to return to the home within four months, as determined and verified in writing by the department of social services; (2) pending the return of the child or children of an otherwise eligible Aid to Families with Dependent Children family from the care of the department of social services, family reunification benefits shall be paid only to families whose child or children are likely to return to the home within three months, as determined and verified in writing by the department of social services.

SECTION 63. Notwithstanding any general or special law to the contrary, the department of public welfare shall require the head of each assistance unit receiving benefits from the department to display a photographic identification card in connection with the receipt of cash benefits from the department. The department shall, by regulation, define valid photographic identification documents; provided, however, that such regulations shall permit identification cards issued under the federal food stamp program or by the registry of motor vehicles to be used. The department shall not delay the provision of benefits under this section to an otherwise eligible household if the head of such household has applied for a valid photographic identification card. The provisions of this section shall not apply to persons who certify that their religious beliefs do not permit them to be photographed or to persons who are homebound or institutionalized. The department shall issue regulations to enforce the provisions of this act. The department shall, prior to January first, nineteen hundred and ninety-one, conduct a study to determine whether the provision of this section or any alternate identification card or system will provide more cost-effective safeguards against fraudulent receipt of benefits from the department.

SECTION 64. There is hereby established a select committee on health agency consolidation. Said select committee shall consist of the secretary of administration and finance, who shall serve as its chairman, three representatives to be appointed by the speaker of the house of representatives and three senators to be appointed by the president of the senate.

Said committee shall make recommendations relative to the most efficient and cost-effective consolidation and reorganization of health-related agencies within an executive office of health and long term care, hereinafter called the secretariat. The committee shall consider consolidation and reorganization of the following: the department of public health, the department of medical security, the medical assistance

program in the department of public welfare, the home care program in the executive office of elder affairs, the group insurance commission, the rate setting commission, the general relief health program, the acute hospital conversion board and the health-related boards of registration for allied health professions, *chiropractors, dentistry, dispensing opticians, embalming and funeral directing,* health officers, medicine, nursing, nursing home administrators, optometry, pharmacy, physician assistants, podiatry and respiratory care; provided, however, that said select committee may at its discretion partially or fully eliminate said agencies from its consolidation and reorganization recommendations or add other agencies thereto.

Said select committee shall consider in making its recommendations the need to achieve maximum efficiency and accountability in assuring the access of citizens of the commonwealth to cost-efficient, high quality health care services. The secretariat to be recommended by said select committee shall, to the maximum feasible extent, have full use of its authority, resources and powers to: (1) promote accessibility for all citizens of the commonwealth to cost-efficient, high quality health care services; (2) assure the cost-effective delivery and efficient allocation of health care resources; (3) *eliminate duplicative or* unnecessary regulation of health care providers, professionals and services; (4) constrain excessive growth in public and private health care expenditures; (5) integrate the purchase of all publicly financed health care services; (6) coordinate a system of long term care for the elderly; and (7) implement preventive health programs that promote well being and reduce demand for more intensive and costly services.

Said select committee shall examine all statutory and administrative changes necessary to achieve the purposes of the secretariat, including but not limited to consideration of all statutory powers and authority necessary to meet the purposes of a consolidated secretariat, the elimination or expansion of functions, services and programs deemed appropriate to meet its purposes in the most efficient manner, the operation of consolidated data collection and management systems and the organization and deployment of personnel to meet its purposes, and such other matters necessary to achieve accountability and efficiency in the operation of the secretariat. The select committee shall consider the necessity of establishing a council whose duties and functions would be similar to those performed by the public health council for the department of public health. *The select committee shall further consider vesting the secretary of the secretariat with the authority* to approve or disapprove the actions, regulations, initiatives and policy decisions of any agency, department, commission, board, bureau, division or other entity within the secretariat.

The select committee shall further examine and make recommendations relative to the administrative reorganization of the executive office of human services, including but not limited to, the consolidation of all public safety and criminal justice functions in a single secretariat.

The select committee shall consult with representatives of the agencies, departments, commissions and boards and other interested parties affected by such reorganization and consolidation.

All such agencies, departments, commissions and boards are hereby authorized and directed to provide any and all information requested by said select committee. *The secretary of administration and finance is* authorized and directed to assign staff from such agencies, departments, commissions and boards to assist said select committee in developing its recommendations and shall direct the preparation of the following reports according to the following schedule:

by *September* first, *nineteen* hundred and ninety, an organizational chart for each agency, and any divisions,

bureaus and units of each such agency, which are affected by consolidation of the secretariat, accompanied by a report that identifies the number and classification of all personnel appearing on such charts and indicating whether such positions are filled or vacant;

by October first, nineteen hundred and ninety, a report describing any services performed on a contractual or referral basis for each such agency and its divisions, bureaus and units, including, services performed by third party vendors and by other governmental units;

by November first, nineteen hundred and ninety, a report describing the management information systems used by each such agency and its divisions, bureaus and units, a description of information reported too each such agency as required by law or regulation, including all forms used therefor, and a description of how reports generated by such systems are used by the agency and by the public, if applicable;

by December first, nineteen hundred and ninety, a report identifying all general and special laws of the commonwealth and all laws and regulations of the federal government which govern or affect the operations, programs, funding and services of each such agency and its divisions, bureaus and units;

by December first, nineteen hundred and ninety, a report describing the regulatory powers, duties and functions of each such agency which shall include a compendium of all regulations promulgated thereby and an assessment of how the organization of the secretariat may affect such powers, duties and functions.

The select committee shall forward an interim report of its findings to the governor and the house and senate committees on ways and means by November thirtieth, nineteen hundred and ninety. The select committee's final recommendations, accompanied by drafts of any legislation needed to effect such reorganization and consolidation, shall be filed with the governor, the clerks of the house and the senate and the committees on ways and means not later than January thirtieth, nineteen hundred and ninety-one.

SECTION 65. 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 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 66. Section sixty-five of this act shall apply only in the cities or towns of Brockton, Chelsea, Lawrence, Lynn, Malden, Nahant, New Bedford, Springfield, Swampscott, Taunton, and West Springfield.

SECTION 67. Notwithstanding any general or special law to the contrary, there is hereby established an executive office of health and long term care, which shall be effective on March first, nineteen hundred and ninety-one. Until such time that the reorganization plan required by this section becomes law, there shall be on an interim basis within said executive office the following state agencies: the department of public health, the department of medical security, the medical assistance program in the department of public welfare, the home care program in the executive office of elder affairs, the group insurance commission, the rate setting commission, the general relief health program, the acute hospital conversion board and health-related boards of registration for allied health professions, chiropractors, dentistry, dispensing opticians, embalming and

funeral directing, health officers, medicine, nursing, nursing home administrators, optometry, pharmacy, physician assistants, podiatry and respiratory care.

The governor shall appoint not later than March first, nineteen hundred and ninety-one, a secretary for said executive office. The state agencies within said executive office shall be under the direct control and supervision of said secretary until such time that said executive office is fully reorganized and consolidated. Said secretary shall have all rights, duties and powers of a secretary under sections three to seven, inclusive, of chapter six A of the General Laws.

The governor shall submit legislation to the general court by March first, nineteen hundred and ninety-one for the purpose of consolidating health care regulatory, delivery and financing agencies and functions within the executive office of health and long term care, pursuant to the recommendations of the Select Committee on Health Agency Consolidation established by this Act. The governor shall further submit at such time any statutory revisions necessary to achieve such reorganization plan and any budgetary recommendations necessary to achieve such reorganization for fiscal year nineteen hundred and ninety-two.

The Governor is further directed to consider and submit to the general court such further reorganization plans under the provisions of Article LXXXVII of the Amendments to the Constitution as may be necessary to reduce the total number of executive offices by two.

SECTION 68. The comptroller is hereby authorized and directed to provide for an independent audit of the medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws. Said audit shall examine and make findings relative to the capacity of the program's accounting system to identify and measure on an on-going and an annual basis: all receivables, payables and other liabilities, including settlements and retroactive payments owed to health care providers and liabilities that accrue as a result of expenditures billed to the program by other state agencies or as a result of program expansion undertaken by such agencies. Said audit shall further examine and make findings concerning the cost-effectiveness of efforts used to achieve program savings and cost avoidance, including but not limited to third party liability collections, prior approval, utilization review and selective contracting. Said audit shall further examine and make findings concerning charges for services billed to the program by disproportionate share hospitals, as defined by section thirty-one of chapter six A of the General Laws, relative to the cost of delivering such services. Said audit shall further identify changes necessary for the program to implement a modified accrual basis of accounting consistent with governmental accounting principles. The findings of said audit shall be reported to the governor, the house and senate committees on ways and means, the executive office of human services and the state auditor no later than December thirty-first, nineteen hundred and ninety.

SECTION 69. Notwithstanding any general or special law to the contrary, the medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws is hereby authorized and directed to adopt accounting methods that shall recognize payment liabilities as they are accrued in any fiscal year. Said methods shall be consistent with generally accepted accounting principles as may be modified by the comptroller of the commonwealth for the purposes of section twelve of chapter seven A of the General Laws. Said program shall implement such accounting methods not later than January first, nineteen hundred and ninety-one. The program shall report to the house and senate committees on ways and means the amount

of accrued liability by category of participating health care provider on a cumulative basis for the prior fiscal year by October first of each fiscal year and shall report year-to-date accrued liability for the current fiscal year by category of participating health care provider by April first of each fiscal year. Said reports shall also identify any amounts, by category of health care provider, expended in the prior or current fiscal year, or expected to be expended in the current or subsequent fiscal year, which are intended to satisfy such accrued liabilities. The rate setting commission and the comptroller shall assist said program in complying with the provisions of this section.

SECTION 70. The medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws is hereby authorized and directed to adopt a management information system that shall identify cost and utilization patterns for each category of program beneficiary by each category of health care provider. Not later than four months after the close of the prior fiscal year, the program shall report to the house and senate committees on ways and means the following information for such prior fiscal year: total expenditures and total units of service paid billed for each category of program beneficiary by each category of provider, including acute hospitals, skilled nursing facilities, intermediate care nursing facilities, chronic hospitals, physicians, dentists and such miscellaneous categories of participating health care providers as provided for by the medicaid state plan, so-called; for each category of participating health care provider, the total number of providers eligible to bill and the number of providers who billed more than five hundred dollars; for each category of program beneficiary, the total number of recipients, and the total number of recipients whose utilization of services in the prior fiscal year exceeded one hundred dollars; the mean and median units of service and the mean and median expenditures by category of program beneficiary and category of participating health care provider; in the case of institutional providers, the total number of admissions and discharges, the mean and median lengths of stay and the total units of service and total expenditures for ancillary services billed by institutional providers for such admissions; the total units of service and the average units of service for each category of program beneficiary delivered by non-institutional providers to institutionalized beneficiaries; surgical use rates and regional variations for each such surgical procedure; and the incidence and costs per case of recipients by category of program beneficiary whose costs of care exceed the seventy-fifth percentile. Said reports shall separately distinguish such cost and utilization data required by this section for each category of categorically eligible and medically needy beneficiaries of said program.

SECTION 71. The rate setting commission is hereby authorized and directed to promulgate such regulations as may be necessary to ensure the uniform reporting of revenues, charges, costs and utilization of health care services that are delivered by institutional and non-institutional providers. Such uniform reporting shall enable the commission to identify patient-centered statewide, regional and provider-specific trends in the cost, availability and utilization of medical, surgical, diagnostic and ancillary services provided by acute hospitals, nursing homes, chronic care and rehabilitation hospitals, other specialty hospitals, clinics, including mental health clinics, and such ambulatory care providers as may be identified by the commission. Said regulations shall take effect no later than October first, nineteen hundred and ninety.

The commission shall, before adopting such regulations, consult with other agencies of the commonwealth, and the federal government, and affected providers, as appropriate, to ensure that the reporting requirements imposed from time to time under such regulations are not duplicative, excessive, or costly. To the extent that

any requirements imposed by the commission result in additional costs to the reporting providers, such costs will be included in the rates established for such providers. The commission may specify, by regulation, categories of information which may be furnished under a promise of confidentiality to the provider. Such promise may only be extended by the commission if the data furnished is not to be used for setting rates.

SECTION 72. The medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws, in consultation with the department of public health, and after consultation with organizations that represent health care providers who participate in said program, shall prepare a comparison of federal and state licensure, certification, survey, inspection, quality assurance and other requirements for participating in said program. Said program shall further assess whether state requirements that differ from or exceed federal requirements are cost-effective for ensuring patient safety and the delivery of quality care. The program shall report to the house and senate committees on ways and means the results of such comparison and assessment no later than December thirty-first, nineteen hundred and ninety and shall further submit to the committees recommendations for changes to statutes, regulations, policies or procedures that promote patient safety and the delivery of quality care in the most cost-effective manner.

SECTION 73. There is hereby established a special task force on medicaid administration, consisting of the chairman of the group insurance commission, or his designee, and four persons appointed by the governor, one of whom shall be a representative of the private health insurance industry, one of whom shall be a representative of the Business Roundtable, one of whom shall be a health benefits manager, and one of whom shall have expertise in data management or systems engineering. The task force shall inventory existing medicaid administrative resources and evaluate the adequacy of medicaid administrative resources in light of resources employed by efficient public and private sector third party payors of comparable size. Based on the evaluation, the task force shall make recommendations regarding resource optimization, including, but not limited to, use of full or part-time personnel based upon recommended staffing patterns, contracted resources, automation needs and support services. Said report shall be submitted to the senate and house committees on ways and means before October first, nineteen hundred and ninety.

SECTION 74. The medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws shall enroll all beneficiaries of said program in managed care systems by January first, nineteen hundred and ninety-two, provided the Health Care Financing Administration has approved any waivers required under federal law. Said program shall file not later than January first, nineteen hundred and ninety-one with the house and senate committees on ways and means, the joint committee on health care and the joint committee on human services and elderly affairs, a plan that outlines all tasks and resources necessary to achieve said enrollment goal. Said plan shall identify the criteria used to group beneficiaries for enrollment in said managed care systems, including but not limited to geographic, demographic and diagnostic characteristics for such groups, and the best available number of beneficiaries within such groups. Said plan shall further identify all available and appropriate managed care options which ensure the delivery of cost-effective, quality health care services to such groups of beneficiaries, shall identify cost savings and cost increases associated with achieving said enrollment goal and shall be accompanied by any legislation necessary to achieve said goal. For purposes of this section, managed care systems shall include but not be limited to health maintenance organizations, prepaid health plans, preferred provider arrangements, primary care case

management programs, high cost case management, selective contracting, third party administrative arrangements that employ utilization and quality assurance controls, freedom of choice waivers for particular beneficiary classes or for particular beneficiaries within a region, or any other such plan consistent with Title XIX requirements. Not later than March thirty-first, nineteen hundred and ninety-one and September thirtieth, nineteen hundred and ninety-one, the program shall file with the aforementioned committees the status of such plans to ensure the enrollment of all beneficiaries in managed care systems.

SECTION 75. The department of public welfare shall establish a pilot managed care project for persons eligible for primary medical care and assistance pursuant to sections six A and six B of chapter one hundred and eighteen E of the General Laws, and to the extent feasible for persons receiving supplemental medical care pursuant to such sections. Such project shall provide for expanded access to primary and supplemental care, including preventive care. The department shall file with the house and senate committees on ways and means prior to October first, nineteen hundred and ninety, a plan for implementing this section by January first, nineteen hundred and ninety-one. The plan shall provide for ongoing monitoring of utilization of services and regular evaluations of access to service provided by the project.

SECTION 76. The department of public health shall establish a program of managed care for the screening and early treatment of persons infected with the human immunodeficiency virus or diagnosed with early symptoms of acquired immune deficiency syndrome or AIDS-related complex disease as provided for by this section. Persons eligible for services under the program shall have no health insurance coverage and shall not be eligible for assistance under chapter one hundred and seventeen; provided, however, that the department may by regulation permit persons covered by health insurance to participate in the program if the provision of services to such insured persons will not affect services provided to uninsured persons, and provided further, that such insured persons are charged a fee on a sliding scale based on such person's income.

The program shall provide regular immune system evaluations, primary and preventive care to delay the need for treatment at acute care hospitals, and counseling to discourage actions which spread the human immunodeficiency virus. The program shall operate in no more than seven centers, and the department is authorized to enter into contracts with community health centers for the provision of services under this section. The department shall seek federal funds for the program to the maximum extent available.

SECTION 77. The medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws shall require that beneficiaries of said program be liable for a copayment of not more than fifty cents toward the purchase of each pharmaceutical product, including prescription drugs and over-the-counter drugs, which are made available as an optional pharmacy benefit under said program and to the extent permitted by federal law. Said program is further authorized and directed to require that beneficiaries of said program be liable for a copayment of three dollars for the use of emergency room services in acute care hospitals for the treatment of nonemergency conditions. No copayment shall be required of institutionalized beneficiaries, pregnant women, children under eighteen years of age, beneficiaries enrolled in a health maintenance organization, or for prescriptions purchased for family planning purposes or prescribed as a result of a medical emergency.

SECTION 78. The medical assistance program established pursuant to chapter one hundred and eighteen E shall submit to the house and senate committees on ways and means timely notice of all efforts made to

implement the provisions of the second paragraph of section four of said chapter, as inserted by section eighty-three of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine. Said notice shall be furnished upon the award of any such contracts. Said notice shall be further accompanied by information that projects cost impacts expected from such contracts and a statement evaluating how such contracts may affect beneficiary access to services.

SECTION 79. The medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws is hereby authorized and directed to selectively contract or seek competitive bids for specialized, high-cost, high technology services available in acute care hospitals to beneficiaries of said program. Said program is further authorized and directed to require that said beneficiaries make exclusive use of such services consistent with the provisions of Title XIX of the Social Security Act and any waivers required thereunder.

SECTION 80. The medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws is hereby authorized and directed to require that vendors of durable medical equipment redeem any equipment purchased by said program for more than four hundred dollars whenever a beneficiary of the program ceases to need such equipment. The medical assistance program shall further require that participating providers responsible for the care of such beneficiaries notify the program whenever a beneficiary ceases to need such equipment. The program shall ensure that vendors are promptly notified of the availability of such equipment for redemption. Vendors shall issue a credit or rebate to the program at the fair market value of any such used equipment. Said program is further directed to compare the cost-effectiveness of purchase and redemption programs with lease programs for durable medical equipment, including costs associated with maintenance and repair of such equipment, and the costs of customizing such equipment. The program shall report on the results of such comparison to the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and ninety.

SECTION 81. There is hereby created a special commission on medicaid benefits reform, consisting of twelve members to be appointed as provided herein, to investigate those programs, services, benefits and providers which over the past fifteen years have been added to the medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws and make recommendations concerning the establishment of packages of benefits for the elderly, disabled and family populations receiving such medical assistance. The commission shall consist of two members appointed by the speaker of the house of representatives, two members appointed by the president of the senate, the associate commissioner of the medical assistance program and seven members appointed by the governor, one of whom shall be experienced in health care benefits or actuarial matters, one of whom shall be the chief executive officer of a financial institution, one of whom shall be the chief executive officer of a provider of health care services, one of whom shall be the chief executive officer of a major manufacturing corporation, one of whom shall be a physician, one of whom shall be associated with a university department of gerontology, and one of whom shall be associated with a university department or program for the study of disability. The commission shall:-

(1) Review the health care needs of the three basic populations of the elderly, disabled and families currently receiving medicaid benefits;

(2) Inventory existing benefits and services provided under medicaid and review costs and utilization data for

the various populations, comparing Massachusetts' benefits, services and costs with those of other states;

(3) Review the expansion of medicaid benefits, services, and providers over the past fifteen years, and assess the increased number of recipients served and costs to the state as the result of such expansion;

(4) Develop basic benefit packages appropriate to the health care needs of these populations which meet as many of these needs as possible consistent with the commonwealth's ability to pay for services;

(5) Recommend the modification of existing benefits and services which are not cost-effective, appropriate to the health care needs of the medicaid populations, or consistent with sound medical practice;

(6) Recommend appropriate alternative service delivery mechanisms, managed care options or other means of improving the effectiveness of services provided to the medicaid populations, emphasizing preventive, non-institutional and community-based care models; and

(7) Identify and recommend waivers of applicable federal laws or regulations.

The commission may accept grants and donations from any source, and may use technical experts, support staff or other personnel time donated to the commission. The commission shall report its findings, together with drafts of any legislation and federal waiver requests it recommends, to the governor and the senate and house committees on ways and means no later than April first, nineteen hundred and ninety-one.

SECTION 82. Notwithstanding the provisions of section six of chapter one hundred and eighteen E or any other general or special law to the contrary, the medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws is hereby prohibited from providing assistance for or offering as a benefit the following services: in vitro fertilization procedures; gammete intra-fallopian tube procedures; and sex reassignment or sex change operations, so-called; provided, however, that such prohibition shall not apply to any beneficiary who upon the effective date of this section is in the course of receiving any such treatments or procedures.

SECTION 83. Notwithstanding the provisions of section six of chapter one hundred and eighteen E or any other general or special law to the contrary, the medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws shall not provide financial assistance for adult dental services except for dentures and emergency diagnostic and basic restorative dental care services to be defined by regulations of the department; for over-the-counter drugs prescribed to persons who are not dependent children, as permitted by federal law, for cosmetic surgery except as is medically necessary to correct a substantial defect or disfigurement which impairs essential functioning, or for services provided by Christian Science nurses, Christian Science sanitaria, chiropractors, podiatrists and social work interns; provided, however, that the provisions of this paragraph may be waived by the department of public welfare in individual cases based on documentation from a beneficiary's primary physician indicating that such services are medically necessary for the life and safety of the beneficiary. For the purposes of this section, the term "over-the-counter drugs" shall mean pharmaceutical items obtainable without a physician's prescription.

After June thirtieth, nineteen hundred and ninety-one, said medical assistance program shall not provide services in private psychiatric hospitals to medical assistance recipients under twenty-one years of age, unless the comptroller certifies to the senate and house committees on ways and means, prior to July first, nineteen hundred and ninety-one, that he does not reasonably estimate that spending by said medical assistance program for such services rendered in the fiscal year ending June thirtieth, nineteen hundred and ninety-one will exceed

thirty million dollars for such fiscal year.

SECTION 84. Not later than October first, nineteen hundred and ninety, the department of public welfare and the department of mental health shall implement an inpatient screening process for all medical assistance recipients under twenty-one years of age admitted for services provided by private psychiatric hospitals, for the purpose of determining whether such recipients shall be eligible for receiving such inpatient private psychiatric hospital benefits, unless such admission was ordered by a court of competent jurisdiction. Said inpatient screening process shall be developed in consultation with the Massachusetts Association of Psychiatric Hospital and the Massachusetts Psychiatric Society, and shall be conducted by the department of mental health pursuant to an interagency agreement between the department of public welfare and the department of mental health. Said inpatient screening process shall include a review of the medical necessity of admission at the time of admission and whenever a previously admitted patient seeks medicaid payment after exhaustion of other third party benefits, and shall consider the cost effectiveness of the facility to which the recipient seeks admission or approval. The inpatient screening process shall also include a redetermination of the continued medical necessity of inpatient services for all such patients on or before the thirtieth day of each stay, and for each thirty day period thereafter. Such screening process shall also make screening available on a twenty-four hour per day basis for emergency admissions. The interagency agreement between the department of public welfare and the department of mental health under this section shall be for the purpose of achieving cost-effective management of psychiatric services provided to recipients under twenty-one years of age receiving medical assistance benefits. Such agreement shall provide for performance measures and the use of such cost control measures as the agencies may deem appropriate, consistent with this section.

The department of mental health shall file with the house and senate committees on ways and means a report on the impact of said inpatient screening process by April first, nineteen hundred and ninety-one and at six month intervals thereafter. Said report shall indicate for each patient screened by said process: the primary diagnosis and secondary diagnosis, if any, upon admission, and the diagnosis upon discharge; whether the admission was an emergency, as defined by the department; whether the patient had been admitted to a psychiatric or acute care hospital for inpatient psychiatric treatment within the previous thirty days and the previous year; if the admission was disapproved, whether alternative treatment was arranged for the patient; if the admission was approved, the name of the admitting facility and the length of stay at such facility; the state agency, health care or mental health provider that referred the patient for hospitalization; the state agency, if any, of which the patient was a client or beneficiary at the time of admission; whether the patient was medicaid-eligible upon admission or converted to medicaid coverage during hospitalization, and, if the patient was so converted, the percent of total length of stay covered by any non-medicaid third party; the number of thirty-day screenings conducted subsequent to admission; and whether such screening resulted in the prompt approval or denial of admission or discharge of such patient; provided, however, that said report shall not disclose the identity of any patient. Said report shall further summarize such information for all patients screened. Documentation that forms the basis for such filing shall be in a readily accessible format and available to the house and senate committees on ways and means.

The department of public welfare and the department of mental health shall amend any regulations of such

departments necessary to ensure compliance with the provisions of this section.

SECTION 85. The medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws shall implement a comprehensive strategy to control amounts expended for the provision of psychiatric hospitalization services to medical assistance recipients under twenty-one years of age. Said strategy shall include, but not be limited to, selective contracts with psychiatric hospitals providing such services, review of said program's payment methodology for out-of-state psychiatric facilities providing such services, and changes in regulations to require that the income and assets of parents of dependent children under twenty-one years of age in psychiatric hospitals shall be counted by the program in determining eligibility for such hospitalization. Said program is hereby authorized and directed to make revise its regulations and procedures to implement said strategy, and to seek any waivers required from the Health Care Financing Administration. Said program shall submit a status report on the psychiatric hospitalization expenditure control strategy to the house and senate committees on ways and means on October first, nineteen hundred and ninety, and on January first and April first, nineteen hundred and ninety-one.

SECTION 86. Notwithstanding the provisions of any general or special law to the contrary, the medical assistance program established pursuant to the provisions of chapter one hundred and eighteen E of the General Laws is hereby directed to provide skilled nursing facility services and intermediate care facility services, and nursing facility services as provided for in section 1905(a)(4)(A) of the Social Security Act, as amended by the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203 section 421 1(f1, to any person eligible for assistance under said chapter one hundred and eighteen E and whose medical condition meets standards or criteria set forth in regulations codified at 106 CMR 456.251 through 456.270. Said standards or criteria in effect as of November tenth, nineteen hundred and eighty-nine shall not be revised by the said program before February first, nineteen hundred and ninety-one and until the provisions and requirements of the following paragraph are met.

The secretary of human services is hereby authorized and directed to conduct a study relative to appropriate eligibility and admissions standards for the provision of assistance to eligible persons in said facilities. Said study shall be guided by the following principles: that said standards shall ensure that only appropriate medical conditions and appropriate social factors, are used to determine eligibility for admissions to said facilities; that persons denied admission to such facilities as the result of any revision to said standards are given priority for community-based services; that any revisions to said standards shall not conflict with Title XVIII admissions criteria where such criteria are necessary to assure payment for services under the medicare program; that reasonable nursing home facility standards are in place to ensure an adequate supply of cost-effective facilities to meet the long term care needs of the commonwealth's aging population; that any revisions to nursing home facility standards recommended by said study shall identify issues and resources necessary to assure a reasonable transition process for any facilities affected by such revisions; that revisions to eligibility and admissions criteria which may result in the denial of nursing facility services to eligible persons shall identify issues and resources necessary to assure the availability of alternative non-institutional services; and further, that all parties involved in long term care placement and care shall be promptly advised of any revisions to said standards, including but not limited to physicians, hospital discharge planners, nursing home administrators, screening services and case managers. In preparing said study, the secretary shall consult with

officials of relevant state agencies; representatives of consumer advocacy groups, including the Massachusetts Association for Older Americans, Living is for the Elderly and the Alzheimer's Association of Eastern Massachusetts; and representatives of health care provider organizations, including the Massachusetts Federation of Nursing Homes and the Association of Massachusetts Homes for the Aging. Said study shall be filed with the house and senate committees on ways and means no later than February first, nineteen hundred and ninety-one.

SECTION 87. Notwithstanding the provisions of chapters six A and one hundred and eighteen E of the General Laws or any other general or special law to the contrary, the rate setting commission shall develop a patient-centered rate methodology for publicly assisted beneficiaries in non-acute hospitals licensed or operated by the department of public health to provide chronic and rehabilitative services. The commission shall establish, after public hearing, at least as often as annually, per diem rates designed to make payments to such non-acute hospitals that reflect the level and intensity of care that the patients require, based on utilization assessment tools that measure such level and intensity of care. Said rates shall contain an adjustment, consistent with the rate of inflation in the economy generally, as measured by a composite price index to be specified in regulation, and without further adjustment. Any rates established for patients which require less than hospital-level care shall not be considered administratively necessary day rates pursuant to section thirty-two of chapter six A of the General Laws and shall not be subject to the requirements of the fourteenth to seventeenth paragraphs of said section thirty-two.

The commission shall, in addition to any inflation and volume allowance, provide such non-acute hospitals allowances to remedy labor shortages of full time equivalent employees and for wage parity requirements of such individual non-acute hospital. The commission shall not impose any limitation on the grounds upon which such a non-acute hospital may apply for such relief under this paragraph, but shall review the merits of each application. Grounds upon which relief to remedy a labor shortage or to provide for wage parity requirements shall include, but not be limited to:

(1) where an employee vacancy rate exists in excess of the number of full time equivalent patient care employees contained in a plan of correction which has been accepted by the department of public health after it has issued a deficiency citation that patient care services are insufficient at such non-acute hospital or where an insufficient number of patient care personnel exists as determined by any patient care assessment method used by an individual non-acute hospital for accreditation by the joint commission on accreditation of hospitals;

(2) where such individual non-acute hospital demonstrates that after engaging in bona fide recruitment efforts it has experienced difficulty recruiting and retaining employees due to its location or for any other reason and, therefore, must make expenditures in excess of the amount allowed by the commission to recruit and retain labor.

For the purposes of making an application under the provisions of this section relative to a labor shortage or wage parity adjustment, any such hospital may use annual wage data reported by the Massachusetts Hospital Association and the United States Bureau of Labor Statistics which shall constitute evidence that such non-acute hospital is entitled to an allowance under this section.

The allowances granted under the provisions of this section relative to a labor shortage or wage parity

adjustment shall assure that the allowed total compensation for full time equivalent employees is sufficient for each such non-acute hospital to attract and retain a sufficient number of employees within each classification of employees to provide quality patient care. Where such a non-acute hospital is entitled to an allowance under the provisions of this section due to its reliance on patient care personnel acquired through temporary employment agencies, such allowance shall reflect full time equivalent compensation which is no less than the annualized hourly charge of such temporary employment agencies for each class of employees, less an imputed amount of fifteen percent for agency overhead or actual average agency overhead if obtained and verified by the commission, less the amount otherwise allowed in base year costs per full time equivalent employee within the job classifications for which relief is provided.

The commission shall propose methodologies to adjust said per diem rates for ancillary services that may be provided by such hospitals. The methodology shall encourage the efficient delivery of and access to services. The commission shall consider, but not be limited to, methodologies that provide for fee-for-service payments or for contracting between the medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws and such hospitals for the payment of ancillary services.

The commission shall work with the medical assistance program to ensure that such patient-centered rates, and any admissions criteria applied by said program that may be associated with such rates, do not inhibit any such hospital from participating in or billing the medicare program established by Title XVIII of the Social Security Act.

The commission shall develop and implement such patient-centered methodology for such non-acute hospitals no later than hospital rate year nineteen hundred and ninety-two. Prior to developing regulations to implement said methodology, the commission shall consult with representatives of non-acute hospitals, other relevant agencies of government, and any other interested party.

SECTION 88. The rate setting commission shall file a report with the house and senate committees on ways and means not later than January first, nineteen hundred and ninety-one that makes recommendations relative to implementation of the patient-centered methodology for non-acute hospitals pursuant to this act. Said report shall include a preliminary estimate of the cost impact of implementing said methodology, timetables for implementing said methodology, and recommended amendments to the state medicaid plan and federal approval thereof necessary to implement said methodology.

SECTION 89. The medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws is hereby authorized and directed to require prior approval for the short-term admission to a psychiatric hospital of a nursing home resident who is a medicaid beneficiary. Such admissions shall only be approved for the treatment of organic neurological disease or neurobehavioral illness and major psychiatric illness according to criteria specified by regulation and shall not be allowed for the purpose of respite stays. Complete documentation, including any orders for such admission by a beneficiary's attending physician, shall be submitted to the program when prior approval for such admission is requested; provided that such documentation may be submitted later at the program's discretion when such admission is required on an emergency basis. The cost of any such admission for which prior approval has not been granted, except for emergencies, shall not be reimbursed by the program.

SECTION 90. The medical assistance program established pursuant to chapter one hundred and eighteen E of

the General Laws shall implement a program of comprehensive drug utilization review. Said program shall at a minimum seek to identify and remedy: underutilization and overutilization of prescription drugs by beneficiaries of said program, prescribing and dispensing patterns inconsistent with expected norms, acceptable medical practice or program regulations, and risks of patient harm from drug therapy failure, adverse reactions and contraindicated drug use. Said program shall further identify trends in prescription drug costs and utilization in institutional and community-based care and shall assess the effects of newly introduced drugs on prescribing patterns, therapeutic efficacy and program costs. The associate commissioner of said program shall appoint a drug utilization evaluation and education committee comprised of members of the state pharmaceutical association and the state medical society. Said committee shall assist the program in implementing the drug utilization review requirements established by this section as they relate to licensed practitioners and pharmacists. Said committee shall further serve as a peer review committee within the meaning of chapter one hundred and eleven of the General Laws.

SECTION 91. There is hereby established a special commission to consist of three members of the senate, three members of the house of representatives and three persons to be appointed by the governor, one of whom shall be a representative of each of the following: a pharmacy association, the pharmaceutical industry and the Massachusetts Medical Society, for the purpose of making an investigation and study relative to the feasibility of a pharmaceutical manufacturers' rebate program within the commonwealth's medical assistance program. Said commission shall report the results of its investigation and study and its recommendations, if any, together with any drafts necessary to carry out its recommendations to the clerks of the senate and the house of representatives on or before October first, nineteen hundred and ninety.

SECTION 92. The medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws is hereby authorized and directed to seek competitive bids for sole source and multiple source pharmaceutical products dispensed to program beneficiaries in nursing homes and, where applicable, other institutional settings. The program is further authorized and directed to establish a nursing home drug formulary of therapeutically equivalent drug products for the purpose of soliciting competitive bids. The program shall seek to enter contracts for such arrangements no later than January first, nineteen hundred and ninety-one. The state purchasing agent is hereby authorized and directed to assist with or undertake said competitive bidding if so requested by the program.

SECTION 93. Notwithstanding the provisions of any general or special law to the contrary, the department of public health, in consultation with the medical assistance program of the department of public welfare, shall revise such rules and regulations, and seek such approvals as may be required by the federal Food and Drug Administration, as may be necessary to prevent the disposal of unused medications in long term care facilities. In promulgating such revisions, the department shall consider requiring drug manufacturers, distributors and wholesalers to reclaim and recycle pharmaceuticals that otherwise would be disposed of in a nursing home. The department shall also consider revising dispensing requirements to permit pharmacists to more frequently dispense the dosage specified on a thirty day prescription form issued to or on behalf of a nursing home resident, and shall consider such other revisions consistent with the intent of eliminating the waste and disposal of drugs dispensed to residents of long term care facilities; provided, however, that any such revisions first shall be determined to be cost-effective by said medical assistance program prior to adoption by the

department of public health. Such revisions to said rules and regulations shall be promulgated by the department no later than November first, nineteen hundred and ninety.

SECTION 94. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare, hereinafter referred to as the department, is authorized to enter into an agreement for a term of three years with Farren Care Center, Inc., hereinafter referred to as the center, which is a tax-exempt corporation organized to provide services including special medical and nursing care of patients who are medically involved and mentally ill. At the end of the initial term of said agreement, the department shall review the needs of medically involved and mentally ill patients and the costs of serving them and shall have the right to extend the agreement for a period of years to be determined by the department and on such other terms and conditions as may be consistent with this section. The center shall receive a per diem rate of reimbursement as established annually by the rate setting commission, which rate shall be based on the reasonable costs of the center, associated with the staffing patterns and other requirements set forth in the agreement between the department and the center, together with reasonable increases for inflation as determined by the rate setting commission which shall not exceed the annual inflation increases for other long term care facilities. The rate shall be supplemented during each of the first three years by an amount not to exceed twenty dollars per diem, to reimburse the center for the actual start-up costs incurred in its establishment. The payment and repayment terms relating to the supplemental per diem are specified in a letter dated March ninth, nineteen hundred and ninety from the department to the center and in an exhibit attached thereto. The center shall not be subject to section eighty-nine of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine, during the term of the initial agreement or any subsequent agreement between the department and the center. In addition, for a period of three years, the center shall not be subject to section one hundred and two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine. In the event that the department enters into an agreement with the center following the initial three year agreement, the rate of reimbursement paid to the center shall be determined on a prospective basis and shall reflect its reasonable costs. The department shall seek to maximize federal financial participation for the services provided under said agreement, provided that state funds may be expended in the absence of federal financial participation as needed for the department to perform its obligations under said agreement.

SECTION 95. 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 section twenty-four D of chapter one hundred and eleven of the General Laws.

SECTION 96. 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 97. 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 section twenty-four D of chapter one hundred and eleven of the General Laws; 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 98. 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 99. 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 100. The department of public welfare is hereby authorized to enter into contracts pursuant to section four of chapter one hundred and eighteen E with health insurers which offer policies of medicare supplemental insurance, to the extent permitted by federal law, for the purpose of affording access to managed care for elderly recipients of medical assistance under such chapter who are also entitled to benefits under Title XVIII of the Social Security Act.

SECTION 101. 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 102. 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 103. The commissioner of mental health shall, in consultation with the Massachusetts Sheriffs Association, prepare a progress report on the development of specialized county correctional mental health units as mandated by section eight of chapter one hundred and sixty-seven of the acts of nineteen hundred and eighty-seven. Said report shall include findings and recommendations consistent with the development of said mental health units and shall be filed with the house and senate committees on ways and means and the executive office of human services on or before March first, nineteen hundred and ninety-one.

SECTION 104. In accordance with the provisions of section three hundred and four of this act, no person shall be newly committed to the treatment center for sexually dangerous persons or to any branch thereof under the provisions of chapter one hundred and twenty-three A of the General Laws on or after September first, nineteen hundred and ninety; provided, however, that all persons committed to said treatment center, as of said date, pursuant to an order of commitment issued prior to said date, shall be maintained at said treatment center subject to the provisions of said chapter one hundred and twenty-three A; provided, further, that upon a determination by the commissioner of correction and the commissioner of mental health that space within the treatment center has become available due to a decline in patient population, the commissioner of correction may utilize such space for the purposes of addressing overcrowding at facilities under his control or addressing any special correctional needs of the inmate populations at such facilities; provided, however, that upon the utilization of available space by the department of correction, treatment center patients shall at all times remain separate and apart from department of correction inmates; and provided further, that the commissioner of correction shall develop a plan for a program of voluntary treatment services for sex offenders to be offered in facilities operated by the department of correction.

SECTION 105. 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 106. The commissioner of the department of the mental retardation is hereby authorized and

directed to prepare a report detailing the plans of the department regarding disengagement from the court ordered consent decrees. Such plan shall include staffing levels as required for the maintenance and operation of each facility, including their impact on the client population and the provision of certifiable services pursuant to Title XIX of the Social Security Act at each of the seven state schools. Said report shall be filed by January first, nineteen hundred and ninety-one with the house and senate committees on ways and means and the executive office of human services.

SECTION 107. Notwithstanding the provisions of any general or special law to the contrary, the department of mental retardation is hereby authorized to select one or more individuals, partnerships, corporations, or joint ventures, and to enter into contracts and agreements with such individuals or entities for the lease of not more than forty-seven community-based residences to facilitate the relocation of the residents of the Belchertown State School and the closing of said facility, pursuant to section seventy of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight. The department shall make said selections in accordance with a single comprehensive and competitive proposal process carried out in cooperation with the division of capital planning and operations; provided, however, that said selection process shall comply with the requirements of sections forty G and forty H of chapter seven of the General Laws except as otherwise provided in this section. The deputy commissioner of capital planning and operations is authorized to enter into rental or lease agreements pursuant to this section for a period not to exceed thirty years. Any residential property leased pursuant to this section shall meet all applicable regulations of the department and applicable requirements of the state building code for residential programs for handicapped individuals.

SECTION 108. Any person who has been employed by the department of mental retardation at the Belchertown state school who is an "employee" for the purposes of chapter thirty-two A of the General Laws who requests and is granted a voluntary lay-off by his appointing authority prior to June thirtieth, nineteen hundred and ninety-one and who, subsequent to such voluntary layoff, is eligible for and receives unemployment benefits pursuant to the provisions of chapter one hundred and fifty-one A of the General Laws shall continue to be deemed an "employee" for the purposes of said chapter thirty-two A for the duration of the period that said person actually receives such unemployment benefits in accordance with said chapter one hundred and fifty-one A; provided, however, that any person who so requests and is so granted a voluntary layoff shall be deemed to waive any right to appeal his selection for such layoff and any rights for recall or reinstatement provided in accordance with the provisions of any special or general law or regulation or applicable collective bargaining agreement.

SECTION 109. Notwithstanding the provisions of any general or special law to the contrary, the department of social services shall implement a sliding fee charge system for voluntary group care and foster care placements funded through item 4800-0030 and item 4800-0041 of section two of this act. 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-one.

SECTION 110. The Massachusetts rehabilitation commission shall, as a priority matter, assist in the appeals

of Title XIX recipients with acquired immune deficiency syndrome who are seeking coverage under the Medicare program.

SECTION 111. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts commission for the blind and the executive office of administration and finance shall develop a contributory retirement plan for employees hired after July first, nineteen hundred and ninety to work in workshops created pursuant to section one hundred and forty-three of chapter six of the General Laws. Said plan shall include consideration of length of employment and shall be filed within ninety days of the effective date of this section with the house and senate committees on ways and means and shall be implemented no later than July first, nineteen hundred and ninety-one.

SECTION 112. The Massachusetts commission for the blind shall develop and implement a plan to achieve financial self-sufficiency of the workshops created pursuant to section one hundred and forty-three of chapter six of the General Laws, by fiscal year nineteen hundred and ninety-five. The plan shall include measures to ensure steady progress towards the workshops' full self-sufficiency. A preliminary plan shall be filed within sixty days of the effective date of this section with the house and senate committees on ways and means and a final plan shall be filed with said committees by January first, nineteen hundred and ninety-one.

SECTION 113. Notwithstanding the provisions of any general or special law to the contrary, the department of environmental protection and the department of public works shall formulate a plan to mitigate, contain and remove the hazardous materials on the site of the former School Street Bridge, so-called, in the city of Lowell. Said plan shall fully comply with all public health and environmental laws. Immediately following the removal of the contamination on the site as required to permit construction, the executive office of transportation and construction shall proceed with the public bid process for the construction of a new bridge on said site.

SECTION 114. 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 115. Notwithstanding the provisions of any general or special law to the contrary, the board of education, through the school building assistance bureau, is hereby authorized and directed to assist and reimburse any city or town that has a public school enrollment of greater that fifty percent minority pupils, and has not received new school building construction assistance pursuant to chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight for ninety-five percent of such city or town's financing or

lease-purchase costs for school building and school facility construction and renovation. Project applications for any such city or town shall be considered a priority one project by the board of education. Such city or town may utilize alternative methods for the acquisition of any real property, for the procurement of design and construction services and for the financing of the costs of such buildings and facilities, including, but not limited to, construction management, fast-tracked or phased construction, turnkey procurement design and build procurement and lease-purchase of facilities.

SECTION 116. 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 and part-time equivalent employees at each of the public institutions of higher education which shall include a job description and salary range. Each such report shall be filed by January thirty-first and July thirty-first of each year.

SECTION 117. 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 University Building Authority and in order to meet the estimated cost of heat, light, power and other services to be furnished by the commonwealth to projects of the Massachusetts State College Building Authority and the University of Lowell Building Authority, the boards of trustees of 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 118. The board of regents shall develop a plan for the implementation of clause (g) of section five of chapter fifteen A of the General Laws as amended by this act. Said plan shall be filed with the house and senate committee on ways and means within sixty days of the effective date of this act.

SECTION 119. Notwithstanding the provisions of any general or special law to the contrary, up to seven hundred thousand dollars of any balances remaining, in item 7100-1111 of section two C of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine at the end of fiscal year nineteen hundred and ninety shall not revert to the General Fund, but shall be available, in fiscal year nineteen hundred and ninety-one, to the board of regents for the purposes of items 7100-0201, 7100-0301, 7100-0401, of section two of this act, provided, that the board of regents shall submit an allocation plan of said revenues to the house and senate committee on ways and means.

SECTION 120. (a) The board of regents is hereby authorized and directed to amend the plan for out-of-state student tuition increases which the board submitted to the house and senate committees on ways and means pursuant to the requirements of section one hundred and seventy-six of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine. Said amended plan shall (1) maintain the tuition increases for out-of-state students effective for fiscal year nineteen hundred and ninety-one which the board approved in its vote on the fifth of June, nineteen hundred and ninety; (2) continue to provide that for fiscal year nineteen hundred ninety-two and any fiscal year thereafter, out-of-state students shall pay an amount equal to one

hundred percent of the costs of enrollment; and (3) rescind the tuition increase for out-of-state students effective for the period from January first, nineteen hundred and ninety to July first, nineteen hundred and ninety, as authorized and directed by said section one hundred and seventy-six. The board shall file said amended plan with the house and senate committees on ways and means no later than sixty days after the effective date of this act.

(b) The board of regents shall discontinue to collect the tuition increase for out-of-state students for the period from January first, nineteen hundred and ninety to July first, nineteen hundred and ninety, as authorized and directed by said section one hundred and seventy-six, effective upon the passage of this act. Of the monies already collected with respect to said tuition increase, the board shall dispose of the monies in the following manner:

(1) for students with past due tuition charges, the monies shall initially be applied to the tuition charges due; any remaining balance shall be credited to tuition charges for the subsequent semester, unless the student has already graduated or fails to enroll for the fall semester of the nineteen hundred and ninety academic year, in which case such students shall be refunded by the commonwealth to the extent to which such students overpaid;

(2) for students without past due charges, the monies shall be credited to tuition charges for the subsequent semester, unless the student has already graduated or fails to enroll for the fall semester of the nineteen hundred and ninety academic year, in which case such students shall be refunded by the commonwealth to the extent to which such students overpaid.

(c) The provisions of this section shall supersede the provisions of section one hundred and seventy-six of chapter six hundred fifty-three of the acts of nineteen hundred and eighty-nine to the extent to which they are in conflict; and the provisions of this section shall additionally supersede any other general or special law, previously enacted, with which they are in conflict.

(d) For the purposes of this section, "out-of-state" students shall refer to students who are enrolled at the public universities and colleges of the commonwealth who are not considered to be legal residents; provided that this term shall not include any students participating in the New England Regional Student Program.

SECTION 121. 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 as defined by section one of chapter twenty-nine of the General Laws and for each regional transit authority which has debt authorized but unissued, or currently outstanding, whether or not such state or regional transit authority receives a periodic appropriation from the commonwealth: (1) a statement of authorized but unissued, and currently 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 but unissued and currently 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 the provisions of any general or special law to the contrary, every chief executive officer of each such state or regional transit 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 or regional transit authority subject to the reporting requirements of this section sufficient to produce an annual amount from all such authorities equal to two hundred thousand dollars. Said amount shall be assessed proportionally against each such state or regional transit authority, in the ratio of the reported amount of authorized but unissued, and currently outstanding bonds and notes of each such authority as of the end of the preceding fiscal year to the total reported amount of authorized but unissued, and currently 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 or regional transit authority on or before March first for such assessment. Upon receipt of said bill, each state or regional transit 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 122. The commissioner of public safety is hereby authorized to charge the various offices of the district attorney 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 123. 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 124. 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 database, authorized pursuant to item 9110-1645 of 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 database shall be subject to the provisions of chapter sixty-six A of the General Laws.

SECTION 125. Notwithstanding the provisions of any general or special law to the contrary, all monies in the Nongame Wildlife Fund prior to the effective date of this act shall be transferred to the Natural Heritage and Endangered Species Fund and made available, subject to appropriation, to the department of fisheries, wildlife, and environmental law enforcement.

SECTION 126. The department of environmental protection, hereinafter called the department, is authorized to perform a study of alternative ways to fund the services performed by the department in

response to releases and threats of releases of oil and hazardous materials pursuant to chapter twenty-one E of the General Laws. Said study shall examine currently authorized funding sources and appropriations for the program, ways to improve the program's efficiency, and current and alternative program designs to achieve the purposes and activities of said chapter twenty-one E. Said study shall develop recommendations to fund the difference between future revenues from existing sources and projected expenses. Said study shall also address any program and statutory modifications needed to ensure that oil and hazardous material releases and threats of release are assessed and cleaned up as quickly and efficiently as possible by both public and private responders. 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 other commercial organizations, financial institutions, 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 ninety days of the passage of this act.

SECTION 127. There is hereby established a mental health inpatient insurance task force which shall include two members from the senate, three members from the house of representatives, the commissioner of the department of mental health or his designee, the commissioner of the division of insurance or his designee, and the following members to be appointed by the governor two representatives of the insurance industry and two representatives of mental health providers. The task force shall recommend policies and procedures, regarding current inpatient mental health mandated benefits, for the utilization of more clinically appropriate and cost-effective alternatives to hospitalization, including: preventive and crisis intervention services, intensive residential care, and mental health home care. A report of the findings and recommendations of the task force shall be filed on or before March first, nineteen hundred and ninety-one with the house and senate committees on ways and means and the executive office of human services.

SECTION 128. By September first, nineteen hundred and ninety, the state purchasing agent shall conduct a study and submit to the house and senate committees on ways and means and the secretary of administration and finance a plan for participation in, or development of, a multi-state purchasing cooperative for the purpose of procuring at quantity discount rates certain supplies, products, and services used by state agencies and authorities. Said study shall research the effectiveness of existing multi-state purchasing cooperatives, the potential cost savings which could be realized by the commonwealth as a result of coordinated quantity purchasing, and a prospective list of supplies, products, and services which might be bought through a multi-state purchasing cooperative. Said study shall include a list of states within the region which might be willing to form a new cooperative, as well as a list of existing cooperatives which the commonwealth might join.

SECTION 129. The comptroller is hereby authorized to transfer any unexpended balances from the following items in chapter two hundred and forty of the acts of nineteen hundred and eighty-nine to the following new appropriation items, as appearing in section two of this act:

Chapter 240 Items		New Items
0111-0000	to	9511-0000

Chapter 240 Items		New Items
0111-8000	to	9511-8000
0112-0000	to	9512-0000
0112-0100	to	9512-0100
0113-0000	to	9513-0000
0114-0000	to	9514-0000
0115-0000	to	9515-0000
0115-0100	to	9515-0100
0116-0000	to	9516-0000
0116-0030	to	9516-0030
0117-0000	to	9517-0000
0118-0000	to	9518-0000
0119-0000	to	9519-0000
0122-0000	to	9623-0000
0124-0000	to	9625-0000
0127-0000	to	9629-0000
0127-0020	to	9630-0020
0128-0000	to	9633-0000
0144-0000	to	9634-5000
0169-7103	to	9634-6000
0131-0000	to	9731-0000
0132-1000	to	9734-1000
0133-0000	to	9735-0000
0143-0001	to	9738-0001
0143-0003	to	9739-0003
0145-0000	to	9519-7000
0147-0000	to	9742-0000
0161-0000	to	9743-0000
0161-1000	to	9744-1000
0161-2000	to	9745-0000
0163-0000	to	9746-0000
0164-0010	to	9747-0010
0165-0000	to	9748-0000
0169-7102	to	9519-6000

SECTION 130. Notwithstanding the provisions of section seven C of chapter fifteen A of the General Laws or any other general or special law to the contrary, no state employee whose salary exceeds fifty-five thousand dollars per year, and no spouse or child of a state employee whose salary exceeds fifty-five thousand dollars per year shall be eligible for a tuition waiver of for tuition remission; provided, however, that this section

shall not apply to any employee or the spouse or child of any employee of any of the commonwealth's public community colleges, state colleges or universities.

SECTION 131. The provisions of sections thirteen, fourteen, fifteen, fifteen A, sixteen, seventeen, seventeen A and seventeen B of chapter fifty-eight of the General Laws shall not be applicable for the period between July first, nineteen hundred and ninety and June thirtieth, nineteen hundred and ninety-one.

SECTION 132. The department of public welfare is hereby directed to revise its rules and regulations with respect to establishing uniform standards and procedures regarding the payment of personal needs allowances to beneficiaries receiving general relief or medical assistance who are resident in a halfway house, detoxification center, or residential facility for the treatment of alcoholism or drug dependency.

SECTION 133. The provisions of section one A of chapter one hundred and seventeen of the General Laws relating to coverage for inpatient hospital services only shall take effect on January first, nineteen hundred and ninety-two.

SECTION 134. Notwithstanding any general or special law to the contrary, a person who is not either (a) a citizen or (b) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law shall not be eligible for cash assistance under chapter one hundred and seventeen of the General Laws. The provisions of this section shall not apply to otherwise eligible minor children, pregnant women, caretakers of minor children, persons who are handicapped as defined in chapter one hundred and fifty-one B of the General Laws, or persons sixty-five years of age or older. The provisions of this section shall not apply to aliens for whom costs incurred pursuant to said chapter one hundred and seventeen are fully reimbursed by the federal government. For purposes of this section an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law shall include any alien who is lawfully present in the United States as a result of the application of the following provisions of the Immigration and Nationality Act:-

(1) Section 201 (c), in effect after March first, nineteen hundred and eighty - Aliens admitted as Refugees;

(2) Section 203 (a) (l), in effect prior to April first, nineteen hundred and eighty - Individuals who were granted status as Conditional Entrant Refugees;

(3) Section 208 - Aliens granted Political Asylum by the Attorney General;

(4) Section 212(d)(5) - Aliens granted Temporary Parole Status by the Attorney General; and shall also include

(5) Any alien granted lawful temporary resident status pursuant to section 201 or 302 of the Immigration Reform and Control Act of 1986
(Pub. Law 99-603) who must be either:-

(a) A Cuban and Haitian entrant as defined in paragraph (1) or (2) (A) of section 501(e) of Pub. Law 96-422, as in effect on April first, nineteen hundred and eighty-three, or

(b) An applicant for general relief who is not a Cuban and Haitian entrant applicant under clause (I) who was adjusted to lawful temporary resident status more than five years prior to application.

SECTION 135. Notwithstanding any general or special law to the contrary, the program of medical assistance established pursuant to chapter one hundred and eighteen E of the General Laws shall not enroll additional providers of services and shall not approve any expansion of services or capacity by any provider of services until said program has established objective needs-based assessment criteria, including cost-benefit

analyses, and such program has redetermined the eligibility for participation for all providers subject to said needs-based assessment; provided, however, that such redetermination shall be completed no later than June thirtieth, nineteen hundred and ninety-one. The associate commissioner of medicaid may waive the provisions of this section upon a finding by said associate commissioner that application of this section to a particular provider would cause substantial harm to persons receiving assistance under such program or that denial of such enrollment or expansion would not be cost-effective. Said program shall seek all waivers required from the Health Care Financing Administration to implement this section.

SECTION 136. Notwithstanding any general or special law to the contrary, no department, agency or other unit of state government shall establish or recognize, or expand or alter the scope of any board for or category of licensure or certification of any health, allied health, allied mental health, social work or so-called human services profession or occupation unless notice of its intent to do so is filed with the clerks of the house of representatives and the senate while the general court is in session and the general court has passed a resolve authorizing said action as being essential for the health and safety of the residents of the commonwealth.

SECTION 137. The department of capital planning and operation is hereby authorized and directed to undertake a study of the granting of "early-completion bonuses" so-called. Said study shall address the cost-effectiveness of said program and shall be filed with the clerk of the house and the senate on or before October thirty-first, nineteen hundred and ninety-one.

SECTION 138. The secretary of administration and finance shall direct each agency, as defined herein, to administer an employee efficiency program, hereinafter referred to as "the program". The program may be referred to as the "Workers Opposed to Waste". Under the program, employees may submit recommendations for improving the efficiency of operations of the agency in which they are employed. Said recommendations may include but need not be limited to the elimination, adoption, or revision of certain employee work practices and procedures, paperwork reduction, and the elimination of employee positions through attrition. Said recommendations shall be made in writing and submitted to an agency administrator who holds sufficient authority to implement said recommendation.

Within fifteen days after the submission of a recommendation, an administrator shall determine whether said recommendation will achieve cost savings, improved efficiency, or both, and shall further estimate the cost savings to be achieved by implementation of said recommendation. An administrator shall immediately implement any recommendation which will, according to the determination of the administrator, achieve cost savings, improved efficiency, or both. Each employee who submits a recommendation shall be notified in writing that said recommendation will or will not be implemented.

A copy of each recommendation submitted by employees shall be filed, with the name or names of employees making said recommendation, the determination of the administrator, the estimated cost savings to be achieved, the method in which all saved funds are to be expended, the date on which said recommendation is implemented, and any awards given pursuant to this section, to the secretary of administration and finance.

For each recommendation which is implemented and which achieves a cost savings, a cash payment award shall be given to the employee or employees which submitted said recommendation. An award to the employee or employees shall be equal to twenty percent of the cost savings achieved in the annual operating budget of

the agency through implementation of the recommendation; provided, however, that no employee award shall exceed one thousand dollars. An award shall be equally divided between employees in the event that two or more employees submit a recommendation which achieves a cost savings.

An employee may appeal a decision not to implement a recommendation by filing with the appropriate executive officer a copy of said recommendation, a copy of the written notice from an administrator that said recommendation will not be implemented, and a letter of appeal. The appropriate executive officer shall review the recommendation and determine whether said recommendation will achieve cost savings, improved efficiency, or both. The appropriate executive officer shall immediately direct the implementation of any recommendation which will achieve cost savings, improved efficiency, or both. An employee filing an appeal shall be notified in writing of the decision of the executive officer within thirty days. For the purposes of this section, "executive officer" shall mean the secretary of the executive office under which an employee is employed; or, in the case of a public institution of higher education, the chancellor of the board of regents; or, in the case of any agency not under an executive office or the board of regents, the secretary of administration and finance. In the event that a recommendation was initially submitted to a secretary of an executive office or to the chancellor of the board of regents, an appeal may be filed with the secretary of administration and finance.

The program shall take effect on September first, nineteen hundred and ninety and shall expire, unless reauthorized by the general court on September first, nineteen hundred and ninety-one.

For the duration of the program, the secretary of administration and finance shall every three months submit a summary of all recommendations, with an accounting of all recommendations implemented, the cost savings achieved, and all awards given, to the committees on ways and means of the house of representatives and senate.

No agency, including the secretary of administration and finance, shall authorize or appropriate funds for the hiring of new or additional personnel in order to comply with the provisions of this section.

For the purposes of this section, "agency" shall mean any central, regional, or local offices or department of the commonwealth, including but not limited to state agencies, boards, commissions, institutions, and quasi-public agencies funded in any part by the commonwealth.

SECTION 139. The secretary of administration and finance is hereby authorized and directed to conduct a study relative to the feasibility of implementing various proposals recommended by the governor's management task force. Said recommended proposals shall include, but not be limited to, a master capital bill to consolidate all capital requests, annual appropriations to a stabilization fund, program budgeting and accounting procedures, establishment of critical success factors to better supervise performance and focus organizational efforts, centralization of information systems and uniformity of payroll systems. Said study shall be filed with the governor and the clerks of the senate and house of representatives no later than January first, nineteen hundred and ninety-one.

SECTION 140. Notwithstanding the provisions of any general or special law to the contrary, the secretary of the commonwealth is hereby authorized and directed to establish a citizen's participation pipeline as a resource for communication between the citizens of the commonwealth and the state government. The pipeline shall be established as a toll free phone number maintained by the secretary of the commonwealth.

The toll free number shall be 1-800-SPEAKUP. The pipeline shall be available for use by citizens to communicate suggestions, advice or alternatives to current methods of administering state programs.

SECTION 141. The state purchasing agent is hereby directed, when so requested by the head of an agency, board, commission, authority, department, or instrumentality of a city, town, district, regional school district, county, or other governmental entity eligible to participate in the state collective purchasing program pursuant to sections twenty-two A and twenty-two B of chapter seven, to provide said official with written information on all current collective purchasing contracts and prices executed by the state purchasing agent and to include said official on a mailing list compiled and maintained by the state purchasing agent for the purpose of disseminating copies of current collective purchasing contracts, prices, and related information. The state purchasing agent is further directed to disseminate in a timely manner to all public officials on said mailing list information regarding additions, deletions, and changes to the current collective purchasing contracts and prices executed by the state purchasing agent.

SECTION 142. Notwithstanding any general or special law to the contrary, the secretary of administration and finance in consultation with the secretary of human services and the secretary of elder affairs is hereby authorized to develop sliding schedule of fees for the provision of certain services funded by departments and commissions within executive office of human services and executive office of elder affairs; provided, however, 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 January fourth, nineteen hundred and ninety 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 executive office 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 sliding fee 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 fees, including an estimate of the new costs and revenues resulting therefrom, with the senate and house committees on ways and means no later than September first, nineteen hundred and ninety; and provided, further, that each such department or commission shall provide affected recipients at least sixty days notice of impending fee copayment before implementation of said fees.

SECTION 143. There is hereby established a veterans' benefits eligibility task force which shall include the commissioner of veterans services or his designee, the chief of investigation of the office of the commissioner of veterans services or his designee, the commissioner of the department of public health or his designee, the secretary of the executive office of human services or his designee, the associate commissioner of the medicaid program or his designee, and the regional director of long term care units for the medicaid program or his designee. Said task force shall identify obstacles to the efficient eligibility determination of veterans, their spouses and dependents for benefits available from the federal veterans administration, including but not limited to, the identification of veterans status upon application for supplemental security income or medicaid coverage under the medicaid medically needy program and the accessibility of all records and documentation

necessary to facilitate such veterans benefit determinations. Said task force shall recommend all policies and procedures necessary to assure efficient veterans benefit eligibility determinations by their respective agencies and shall report its findings to the house and senate committees on ways and means not later than October first, nineteen hundred and ninety.

SECTION 144. Notwithstanding any special or general law, rule, regulation, or order to the contrary, no facility designed for the treatment or disposal of sludge or residual waste, as defined by section eighteen of chapter sixteen of the General Laws, shall operate, be located, or be sited within a five mile radius of an existing solid waste resource recovery facility, a sole source aquifer, or a refuse incinerator rated by the department at more than one ton of refuse per hour.

SECTION 145. 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 or for the design, construction, renovation, acquisition or purchase of land for the purpose of establishing a correctional facility in the town of New Braintree, until January fourth, nineteen hundred and ninety-one.

SECTION 146. Electric companies in Massachusetts which own, in whole or in part, or purchase power from nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section two B of chapter six hundred and thirty-nine of the acts of nineteen hundred and fifty, as added by section twenty-four of chapter seven hundred and ninety-six of the acts of nineteen hundred and seventy-nine, include communities located within the commonwealth shall be assessed two hundred and fifty thousand dollars for the evaluation of radiological emergency response plans and the analysis of workplans concerning the preparedness of the commonwealth to respond to accidents at said plants and for the monitoring of safety-related issues at said plants. The department of public utilities shall develop an equitable method of apportioning said assessment among said companies. Said assessments shall be deposited into an account administered by the Massachusetts Civil Defense Agency and may be expended by the agency for equipment, personnel, services and related expenses to evaluate radiological emergency response plans and to monitor safety issues concerning said nuclear power plants. No expenditures may be made from this account without the prior approval of the secretary of public safety, and in no case shall any expenditures be made from this account for the implementation of radiological emergency response plans. For purposes of this section, electric companies shall mean all persons, firms, associations and private corporations which own or operate works or a distributing plant for the manufacture and sale or distribution and sale of electricity within the commonwealth, provided that the term electric company shall not include municipalities or municipal light plants.

SECTION 147. Notwithstanding the provisions of any special or general law to the contrary, in order to encourage the voluntary disclosure and payment of taxes owed to the commonwealth, the commissioner of revenue is hereby authorized to establish a three-month period during which all penalties, imposed by sections thirty-three and thirty-four of chapter sixty-two C of the General Laws will be waived if any taxpayer voluntarily files delinquent returns and pays taxes owed. Such waiver shall apply to the nonreporting, under-reporting of tax liabilities or to the nonpayment of tax previously assessed, but shall extend only to

penalties attributable to the taxes paid during said three-month period. The terms and other conditions of such a program shall be determined by the commissioner.

SECTION 148. The department of revenue and the department of public welfare are hereby authorized and directed to enter into an interagency agreement for the administration of the provisions of section sixteen C of chapter one hundred and eighteen E of the General Laws. Said departments shall promulgate regulations to enforce the provisions of said section sixteen C.

SECTION 149. The general court hereby finds and declares that expenditures for certain programs and agencies have increased at substantial rates, resulting in expenditures in excess of the amount appropriated in previous fiscal years. As a consequence, the general court has determined that strict cost controls must be imposed upon such programs and agencies. To further this goal, the programs funded by the following line-item appropriation accounts are hereby declared to be in administrative receivership: 0321-1500, 1108-5200, 1108-6200, 3722-9024, 4403-2100, and the so-called Turning-22 program in accounts 4000-0100, 4110-2040, 4120-0012, 5911-0006 and 5948-0000. No later than September thirtieth, nineteen hundred and ninety and quarterly thereafter, the administrator in charge of each such account shall submit a plan of expenditures to the state expenditure oversight committee. The administrator shall identify those factors he believes will lead to expenditures in excess of the amount appropriated and shall submit a proposed plan for controlling such expenditures. In those accounts which are funded in whole or in part by retained revenues, the administrator shall also identify factors he believes will lead to the collection of revenues less than stated in the program's retained revenue account appropriation and shall submit a proposed plan for increasing revenue collection or further reducing spending. The committee shall meet with the administrators of any account in administrative receivership who submits a plan which indicates spending in excess of the appropriation for the fiscal year.

The committee is authorized to review agency rules, regulations and informal procedures, agency records and documents to the extent such records and documents do not contain confidential information, and all other papers of the agency or program under administrative receivership. The committee is authorized to interview any employee or provider under contract with the agency or providing services to the program under administrative receivership. It shall be the goal of the committee, together with the administrator of the program, to contain the program's expenditures to the level of appropriation set forth in this act. Within thirty days after each meeting, the committee shall submit a written report to the senate and house committees on ways and means.

SECTION 150. The secretary of the executive office of transportation and construction, in conjunction with the chairman of the Massachusetts turnpike authority and the commissioner of the department of public works, shall develop a plan which shall establish a contribution by the turnpike authority toward the cost of the removal of snow and ice from state highways so as to make such highways reasonably safe for travel. Said plan shall be submitted to the joint committee on transportation and the house and senate committees on ways and means on or before October first, nineteen hundred and ninety.

SECTION 151. The board of trustees of the university of Massachusetts, in conjunction with the state health education center at the university of Massachusetts medical center, shall develop and implement provisions for payback in learning contracts entered into by students admitted for the academic year commencing in nineteen

hundred and ninety-one and for every year thereafter, which shall require payback service, so-called, of at least two years within the commonwealth in areas of primary care; public or community service; or underserved areas as determined by the dean of the university of Massachusetts medical school and the learning contract committee in coordination with the area health education center and state and regional health planning agencies. In the case of any student who has entered into a learning contract and who does not perform payback service, the difference between the tuition paid and the amount of the tuition charged shall be required to be repaid together with eight percent interest per annum; provided, that no payback service or tuition loan repayment shall be required prior to the termination of any internship and residency requirements; and provided further, that interest shall begin to accrue upon completion of any internship requirement. Learning contracts shall be outlined in a report to the house and senate committees on ways and means within sixty days of the effective date of this act.

SECTION 152. The board of regents is hereby authorized and directed to study the mechanisms used to determine the level of funding for each community college in a fiscal year. Said study shall first determine the amount of money that each community college currently receives on a per student basis and then determine whether or not there is a method of providing funding to community colleges which takes into account the number of students at each community college and reflects an equitable distribution of funds to each community college based upon the number of students at each college. The board shall submit its report together with any recommended legislation to the house and senate committees on ways and means and the joint committee on education, arts and the humanities no later than January first, nineteen hundred and ninety-one.

SECTION 153. 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 a service; provided, however, that said fees for service shall take effect upon the effective date of this section.

Physicians Assistants Board	
Initial license	$150 biennial
Each additional physician	$50 biennial
Application fee	$25
Temporary license	$25
Renewal	$150 biennial

SECTION 154. The Mount Tom state reservation commission, established by chapter three hundred and eighty of the acts of nineteen hundred and seventy-five, is hereby abolished, and the care and maintenance of the Mount Tom state reservation including all of its facilities and equipment is hereby transferred to the department of environmental management.

The full-time permanent employees of said commission as of June first, nineteen hundred and ninety shall, on the effective date of this section, be transferred to positions within the department of environmental management, without impairment of seniority, retirement, vacation or other rights, and shall not be lowered in rank or compensation nor subjected to a qualifying examination or the serving of a probationary period and shall be deemed permanently appointed thereto under the provisions of chapter thirty-one of the General Laws.

The balance, on the effective date of this section, of all monies appropriated for the maintenance and

operation of the Mount Tom state reservation in the hands of the treasurer of Hampshire county shall be credited to the counties of Hampshire and Hampden in proportion to the assessment made on said counties by the Mount Tom state reservation commission; provided, however, that said counties shall pay, according to their assessed valuations, all bills or obligations incurred by the Mount Tom state reservation commission for such operation and maintenance prior to said effective date.

A Mount Tom state reservation citizen advisory committee consisting of nineteen residents of the counties of Hampshire and Hampden is hereby established. Said residents shall be appointed by the commissioner of the department of environmental management. The advisory committee shall advise the department of environmental management on the care, maintenance, development and use of the Mount Tom state reservation.

Wherever used in any general or special law, the words "Mount Tom state reservation commission" shall mean the department of environmental management.

If the department of environmental management fails to keep the reservation open on a year-round basis, the county of Hampden shall be allowed to petition the department requesting that said county be allowed to assume control of said reservation.

The effective date of this section shall be October first, nineteen hundred and ninety.

SECTION 155. No insurance company, hospital service corporation, medical service corporation, health maintenance organization, or any other insurer who contracts with or through the group insurance commission shall be required prior to July first, nineteen hundred and ninety-one to include in any policy of health coverage any benefit not required as of the effective date of this section.

SECTION 156. The general court hereby finds and declares that:-

(a) The fiscal difficulties experienced by Massachusetts and many other states stem in large measure from increased costs imposed on the states by the federal government;

(b) In recent years the federal government has frequently mandated that states expand programs and benefits without regard to the ability of the state's taxpayers to afford such mandates; and

(c) Moreover, the federal government has retreated substantially from its traditional partnership with the states in such areas as housing, health care, employment, transportation and education.

Therefore, the Massachusetts General Court hereby calls on the federal government to not impose any new program or benefit mandates which place additional costs on states without providing the funds necessary to implement such mandates. Furthermore, the Congress must reexamine and tighten existing mandates in areas such as Medicaid to insure that states are given the necessary tools to control costs.

The clerks of the senate and the house of representatives shall jointly transmit a copy of this section to the Speaker of the United States House of Representatives and to the Majority Leader of the United States Senate, and to the Massachusetts congressional delegation.

SECTION 157. Notwithstanding the provisions of section one hundred and fifty-six of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine, there is hereby established a permanent commission, entitled the special commission on the implementation of police consolidation, which shall meet on a regular basis 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 his designee; the secretary of environmental affairs, or his designee; and the secretary of public safety, or his designee. Said study may include, but not be limited to, recommendations in the areas of police jurisdiction, benefits, pensions, civil service requirements, collective bargaining agreements, rank structure, training, communications, purchasing management information systems, criminal identification, budgeting, specialized units, rules and regulations, and properties and inventories, and should address mechanisms for consolidation which will improve cost-efficiency and public safety.

The special commission may appoint working groups to conduct research in the various areas of potential consolidation, and shall meet on a regular basis with said working groups in order to analyze their findings. The special commission shall report said findings, along with any recommendations, to the senate and house ways and means committees, on a regular basis.

The consolidation of police forces authorized by section one hundred and fifty-six of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine shall not take effect until the special commission established by this section completes its initial report; provided, however, that said consolidation shall not occur later than January first, nineteen hundred and ninety-two.

SECTION 158. The group insurance commission, hereinafter called the commission, is hereby authorized and directed to conduct a study of the commonwealth's health insurance plans under the administration and control of the commission. Said study shall include but not be limited to an examination of the benefits, premiums, co-payments, and deductibles incorporated in the commission's health maintenance organization and indemnity plans. Said study shall consider and compare the structure of health insurance plans offered by private sector employers and other governmental and quasi-governmental bodies. Said study shall evaluate the cost effectiveness of the state's contract with the John Hancock Mutual Life Insurance Company, as well as potential savings that might be generated by utilization of preferred payor organizations and increased managed care. The commission shall perform said study in consultation with an advisory committee appointed by the commissioner and including a representative from the state expenditure oversight commission established pursuant to section two hundred and twelve of this act, organized labor, the executive office of administration and finance, retired employees, and employee benefit specialists. Said study shall be filed within ninety days of the effective date of this act with the senate and house committees on ways and means and the secretary of administration and finance.

SECTION 159. (a) The words used 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:-

"Authorizing statute for medicaid and the Massachusetts Bay Transportation Authority", chapters one hundred and eighteen E and one hundred and sixty-one of the General Laws respectively.

"Budget buster expenditures", expenditures from items 4402-5000, 4402-5200, 4402-5002 and 6005-0011 and 6005-0012 as appropriated in any general or supplemental appropriations act.

"Total state spending", all expenditures by the state from budgetary funds, including debt service accounts, and all expenditures from revenue retention accounts; provided that the expenditure from bond funds, federal

reimbursements for capital expenditures, trust funds and federal grants shall not be included.

(b) If the budget buster expenditures from items 4402-5000, 4402-5200 and 4400-5002 total an amount greater than 18.24 percent of total state spending, any benefits available to recipients of the medicaid program which are not mandated under federal law shall be terminated forthwith.

(c) The total budget buster expenditures from items 6005-0011 and 6005-0012 shall not exceed an amount greater than 2.75 percent of total state spending; provided, however, that if such percentage is exceeded, any excess amount shall be raised from own source revenues of the Massachusetts bay transportation authority.

(d) Within thirty days of the end of the fiscal year, the comptroller shall certify the percentage of budget buster expenditures to total state spending. The comptroller's certification shall annually be filed with the secretary of administration and finance, and the house and senate committees on ways and means within said thirty days.

SECTION 160. The commissioner of public welfare is hereby directed to compile a list of the top one thousand utilizers and providers of the medical assistance program established pursuant to chapter one hundred and eighteen E of the General Laws as determined by the dollar amount of the benefits used by recipients and the dollar amount of reimbursements made to providers for each of the fiscal years ending June thirtieth, nineteen hundred and eighty-nine and nineteen hundred and ninety. The commissioner is further directed to conduct a study of this data, including said recipients' relevant medical histories, to the extent reasonably possible, which shall be filed with the house and senate committees on ways and means and the special commission on medicaid benefits reform no later than November first, nineteen hundred and ninety. Such study shall include, but not be limited to, identification of patterns of inappropriate use, possible fraud, and the use of services in a way that is clearly not cost efficient. Said study shall also include a breakdown of the total dollar amount of benefits used by each recipient and the amount of money reimbursed to each provider in each year, listed by the category of medical care or services provided. The commissioner shall make recommendations for methods of reducing overutilization and inappropriate use as discovered by such study.

SECTION 161. Notwithstanding the provisions of any general or special law to the contrary, the department is authorized and directed to determine, after receiving advice from an advisory committee appointed by the secretary of consumer affairs and business regulation and consisting of three representatives of investor-owned electric utilities; one representative of the independent power production industry; one consumer representative and one representative of energy conservation providers, the proportionate share of the operation of the integrated resource management section of the department and the integrated resources management section of the energy facilities siting council that should be collected from fees to be paid by entities which are not assessed under sections two hundred and forty-four and three hundred and twenty-six and which are participating in the integrated resource management process.

A fee of not more than one hundred dollars shall be set for each resource proposal, including but not limited to conservation, load management and electricity supplies, submitted to an electric company as part of a request for proposals solicited pursuant to the integrated resource management process. Additional fees shall be collected from those entities whose proposed contracts with utility companies to provide energy resources and conservation services have been submitted for approval pursuant to the integrated resource management regulations. The appropriate level of said additional fees shall be determined by the department after notice

and public hearing and after receiving advice from said advisory committee. All of said fees shall be collected by said department and council and shall be deposited in the respective assessment accounts established to provide operating funds for said sections. Said fees shall be apportioned between said assessment accounts in proportion to the relative size of the total allowable assessments. The department and the council shall provide for a biennial audit of all accounts of the department and of the council by the state auditor and include a copy of said audit in their report to the governor and to the energy advisory board, established under section two hundred and forty-three A of this act.

Any such fees, and any funds unexpended in the respective assessment accounts in any fiscal year for the purpose for which said assessments were made, shall be credited against the assessment to be made the following fiscal year and the assessment in the following year shall be reduced by such unexpended amount; provided that the department and the siting council shall not expend from the respective assessment accounts more than six hundred and twenty thousand dollars, and four hundred and thirty thousand dollars, respectively, in any single fiscal year. Assessments made herein may be credited to the normal operating costs of each company.

For each program, permit or contract application for which a fee is established pursuant to regulations promulgated under these sections relative to the integrated resource management program, the department and the council shall concurrently establish by regulation a schedule for timely action by the department and the council on such program, permit or contract applications.

To the extent that such approvals of programs, permits or contract applications are delayed for any company because of the failure of the department or council to complete its review pursuant to the schedule set forth in said regulations, the integrated resource management assessment against the affected utility company in the following fiscal year shall be reduced by fifteen percent; and said fifteen percent shall increase by five percentage points for each two week period, if such delay continues, up to a maximum of fifteen percentage points beyond said fifteen percent; provided that if such delay is requested by an electric utility, caused by an electric company's failure to fulfill the requirement of the integrated resource management regulations in a timely and responsive manner, occasioned by circumstances beyond the control of the department or council, or the delay in such final approval is the subject of an agreement by the parties to the proceeding, then no such percentage reduction shall be required. This section shall not apply to adjudicatory hearings conducted by the department under section ninety-four of chapter one hundred and sixty-four of the General Laws or by the council under section sixty-nine J of said chapter one hundred and sixty-four.

SECTION 162. Notwithstanding the provisions of section twelve M and seventeen A of chapter twenty-five of the General Laws or any other general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and ninety-one, and for any fiscal year thereafter in which the department has failed to determine, as required by section one hundred and sixty-one, the amount that should be collected from fees paid by parties which are not assessed under sections two hundred and forty-four and three hundred and twenty-six of this act, the assessment for the operation of the department's integrated resource management section shall be no more than three hundred twenty-five thousand dollars.

SECTION 163. Notwithstanding the provisions of section sixty-nine H of chapter one hundred and sixty-four of the General Laws or any other general or special law to the contrary, for the fiscal year ending June

thirtieth, nineteen hundred and ninety-one, and for any fiscal year thereafter in which the department has failed to determine, as required by section one hundred and sixty-one, the amount that should be collected from fees paid by parties which are not assessed under sections two hundred and forty-four and three hundred and twenty-six of this act, the assessment for the operation of the council's integrated resource management section shall be no more than two hundred twenty-five thousand dollars.

SECTION 164. Pursuant to 106 C.M.R. 305.600, the department of public welfare shall not provide more than one infant crib and layette benefit to any applicant or recipient of assistance under chapter one hundred and eighteen of the General Laws, unless such applicant's or recipient's household contains more than one eligible infant at the same time, as determined by regulations of the department.

SECTION 165. The department of public welfare shall institute a program which provides that at the time of intake of Medicaid applicants, case managers shall inform applicants regarding benefits available to meet the applicant's medical needs, and encourage to choose primary care physicians, pediatricians, other primary care providers, health maintenance organizations, health centers and independent or hospital-based clinics, as may be appropriate, from a list of primary care providers in said applicant's community. The department shall also prepare and provide to such applicants a list, developed in conjunction with appropriate professional organizations, organized by geographical area, of eligible physicians by specialty, community health centers and clinics. The provisions of this section shall be implemented by the department no later than November first, nineteen hundred and ninety.

SECTION 166. The department of public welfare is hereby directed to submit to the house and senate committee on ways and means by October thirty-first, nineteen hundred and ninety, a study of methods to promote a system of coordinating long term care for the elderly in order to promote the medically appropriate diversion of elders who are medical assistance recipients from institution-based to community-based care. Said study shall include, but not be limited to, the effect of current regulations, discharge policy, and "spend-down" policy, so-called, in addition to the roles of the department of public welfare and the executive office of elder affairs. Said study shall recommend any statutory and regulatory changes necessary to promote home care for institutionalized patients, with a detailed analysis of the costs and savings involved.

SECTION 167. A special committee of the senate to consist of five members thereof, appointed by the president of the senate, shall be established for the purpose of conducting an investigation and study of alternatives to the current programs of aid to families with dependent children and general relief. Said study and investigation may include, but not be limited to, the design of a comprehensive child support assurance system including an insured child support benefit, and a review of the effect of different level of benefits, the effect of incentives and requirements for work, and the effect of availability of health insurance and child care on the size and composition of the population receiving public assistance, the alleviation of poverty among recipients of public assistance, and the cost of programs of public assistance. Said special committee shall report the results of its study and investigation no later than December first, nineteen hundred and ninety.

SECTION 168. Notwithstanding the provisions of any general or special law to the contrary, the deputy commissioner of the division of capital planning and operations is hereby authorized and directed to prepare a report containing guidelines for the procurement of a cogeneration system at the University of Massachusetts in Amherst, to be installed and owned by a private developer, which may be a gas or electric company as

defined in chapter one hundred and sixty-four of the General Laws. Such report shall be submitted to the house and senate committees on ways and means no later than September first, nineteen hundred and ninety. Such guidelines shall be developed in cooperation with the division of energy resources and the inspector general and shall include provisions enabling gas and electric companies to participate in the procurement process on an equal footing with all other persons and such participation shall be in compliance with the Public Utility Regulatory Policy Act. Notwithstanding the provisions of any general or special law to the contrary, if neither the house nor the senate committees on ways and means objects to said guidelines within sixty days of their submission to the committees, the deputy commissioner of the division of capital planning and operations shall be authorized to utilize said guidelines to solicit proposals and award contracts for the finance, development, design, construction, renovation, operation, and maintenance of a cogeneration system, including necessary buildings, utility systems and other structures, at a site at the University of Massachusetts in Amherst. Such awards shall be made in compliance with the provisions of section forty-four D of chapter one hundred and forty-nine of the General Laws, in accordance with guidelines to be prepared by the deputy commissioner.

Such cogeneration system shall be licensed, permitted and operated in full compliance with all applicable current laws and regulations governing cogeneration systems, including the regulations of the department of environmental protection, the department of public utilities, the Massachusetts environmental protection act, and the energy facilities siting council.

Notwithstanding the provisions of section forty F, forty F1/2,and forty H of chapter seven of the General Laws or any other general or special law to the contrary, such contracts may include provisions for the lease to persons, for a term not greater than thirty years, of such state property at the University of Massachusetts in Amherst as is necessary for the construction, operation, and maintenance of such cogeneration system; provided, however, if such cogeneration system is designed for or capable of operating at a gross electric capacity of one hundred megawatts or more, its construction shall not be commenced without the approval of the energy facilities siting council, granted after notice and a public hearing.

Notwithstanding the provisions of any general or special law to the contrary, such contracts may include provisions for the purchase by the commonwealth of thermal energy produced by such cogeneration system, for a term not to exceed thirty years.

Pursuant to section forty-four J of chapter one hundred and forty-nine of the General Laws, a notice requesting persons interested in submitting proposals to submit proposals shall be posted no less than three months prior to the time specified in such notice for the receipt of proposals in a conspicuous place in or near the offices of the division of capital planning and operations, the division of energy resources, and the offices of the University of Massachusetts in Amherst, and shall remain posted until the time specified, and shall also be published at least once not less than three months prior to the time so specified in the central register published by the state secretary pursuant to section twenty A of chapter nine of the General Laws, in a newspaper of general circulation in the locality of the proposed project, in a national business publication and no fewer than three national trade journals, and in such other newspapers and trade periodicals as the deputy commissioner shall determine. Said notice shall specify the time and place where the request for proposals may be obtained and the time and place for submission of proposals. Said notice shall also provide sufficient

facts concerning the nature and scope of the project and such other information as will assist persons in deciding whether to obtain the request for proposals. All other provisions of section forty-four J of chapter one hundred and forty-nine of the General Laws shall also apply.

The division of capital planning and operations shall notify the house and senate committees on ways and means fourteen days prior to any contract awards, provided, that said notification shall identify the contract or contracts to be awarded, and the economic cost and benefit thereof, the term of such contract or contracts, and the expected energy output to be produced.

SECTION 169. There is hereby established a special commission, to consist of three members of the senate, one of whom shall be a member of the ways and means committee, three members of the house, one of whom shall be a member of the ways and means committee, the commissioner of administration or his designee, the commissioner of education or his designee, the state auditor and the following members who shall be designated by their respective agency, organization or association, 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, and a bond counsel. Said members shall serve without compensation, and any necessary clerical support shall be provided by the commissioner of education.

Said commission shall make an investigation and study to examine the overall capital needs of the school building assistance program authorized by chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, and shall determine methods to minimize financing costs through a study of 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. Said study shall review alternate financing mechanisms for the program in an effort to minimize financing costs through refinancing or advance refunding of outstanding debt. Emphasis on long-term planning to meet shifting demographic conditions, adaptable re-use of school buildings, rehabilitation of existing buildings, and ways to capitalize the program through private investment, where feasible, and a dedicated revenue stream to meet new and ongoing obligations for school building assistance shall be included in said study.

The commission shall report its findings, along with any accompanying legislative recommendations, to the clerks of the house and senate no later than December thirty-first, nineteen hundred and ninety. Said findings shall be used by the senate committee on ways and means in determining its approval of the schedule submitted under line item 7052-0004 of section two of this act.

SECTION 170. Notwithstanding the provisions of any general or special law to the contrary, the pension reserve investment management board and the state treasurer are hereby authorized and directed to examine present investment practices in both the pension reserve investment trust fund and the annuity reserve and savings funds of the state employees' and state teachers' retirement systems respectively to determine whether an increase in equity exposure and other measures consistent with prudent investment practices would effectively maximize return. The pension reserve investment management board and the state treasurer shall submit their findings to the joint committee on public service on or before January third, nineteen hundred and ninety-one.

SECTION 171. The comptroller is hereby authorized and directed to devise a plan for improving the

collection of non-tax revenue within the trial court of the commonwealth. Said plan shall include, but not be limited to, an estimate of potential revenue the court should collect, a breakdown of revenue by all sources, and methods by which collection of revenues can improve including a recommendation on the feasibility of contracting with a private agency to assist in revenue collections. Said plan shall be filed with the secretary of administration and finance and the house and senate committees on ways and means no later than October first, nineteen hundred and ninety.

SECTION 172. Subsection (a) of section 12 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 15, the word "ninety" and inserting in place thereof the word:- ninety-two.

SECTION 173. Section eight of chapter six hundred and thirty-five of the acts of nineteen hundred and sixty is hereby repealed.

SECTION 174. Chapter six hundred and one of the acts of nineteen hundred and sixty-six is hereby repealed.

SECTION 175. Item 2150-6849 in section 2 of chapter 723 of the acts of 1983 is hereby amended by inserting after the word "Harbor", in line 1, the words:- or Polpis Harbor,- and inserting after the word "Nantucket", in line 1, the words:- ; provided, funds appropriated herein shall remain available for expenditure until June thirtieth, nineteen hundred and ninety-three.

SECTION 176. Paragraph (a) of section 12 of chapter 372 of the acts of 1984 is hereby amended by striking out the fifth sentence, as amended by section 13 of chapter 275 of the acts of 1989, 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 two billion 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 177. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as amended by section 14 of said chapter 275, 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 two billion 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 178. The last paragraph of section 4 of chapter 614 of the acts of 1985, added by section 129 of chapter 240 of the acts of 1989, is hereby amended by striking out, in line 1, the words "three million seven hundred and fifty thousand" and inserting in the place thereof the words:- five million.

SECTION 179. The second paragraph of section 48A of chapter 584 of the acts of 1987, as amended by section 1 of chapter 183 of the acts of 1989, is hereby further amended by striking out, in line 3, the words "December thirty-first, nineteen hundred and ninety" and inserting in place thereof the words:- April thirtieth, nineteen hundred and ninety-one.

SECTION 180. Section forty-seven of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 181. Sections 79 of chapter 23 of the acts of 1988 is hereby amended by striking out, in line 4, the word "ninety" and inserting in place thereof the word:- ninety-two.

SECTION 182. Said section 79 of said chapter 23 is hereby further amended by striking out, in line 6, the word "ninety-two" and inserting in place thereof the word:- ninety-four.

SECTION 183. Section 92 of said chapter 23 is hereby amended by striking out, in line 14, the word "seventy-nine".

SECTION 184. Section thirty-five of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight is hereby repealed.

SECTION 185. Item 7516-7891 of section 2 of chapter 208 of the acts of 1988 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For the preparation of a long-range master plan and for studies, design and construction to develop a multi-campus community college, including but not limited to specific site developments and specific building studies, including new facilities, as well as the restoration and renovation of existing facilities and temporary leasing of appropriate other facilities to accommodate the master plan and for phase one construction and renovations and repairs, utility distribution systems, including the cost of furnishing and equipment, data processing equipment, and moving expenses and leasing costs not in excess of one complete fiscal year and such portion of a prior fiscal year as developments may indicate and for the purchase of land and land with buildings thereon; provided, however, that the deputy commissioner of the division of capital planning and operations, acting on behalf of the commonwealth and with the approval of the Board of Regents of Higher Education, is hereby authorized to acquire such property by purchase or by eminent domain under the provisions of chapter seventy-nine of the General Laws for the use of Middlesex Community College; provided, however, that no payment shall be made for the purchase of said properties until independent appraisals of the value of the properties has been made by qualified, disinterested appraisers; provided, further, that Middlesex community college is authorized to lease privately owned space in the city of Lowell from funds authorized in this item until newly constructed or renovated facilities authorized by this item are completed and available for occupancy and the cost of such lease shall not exceed eight million five hundred thousand dollars.

SECTION 186. The second paragraph of section 64 of chapter 273 of the acts of 1988 is hereby amended by inserting after the word "ninety", in line 8, the words:- and nineteen hundred and ninety-one.

SECTION 187. Section 7 of chapter 70 of the acts of 1989 is hereby amended by striking out, in line 19, the word "ninety" and inserting in place thereof the word:- ninety-one.

SECTION 188. Section thirty-four of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine is hereby repealed.

SECTION 189. Sections one hundred and fifty-nine and one hundred and sixty of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine are hereby repealed.

SECTION 190. Section 166 of chapter 653 of the acts of 1989 is hereby amended by striking out, in lines 5 and 6 and in lines 15 and 16, in each instance, the words "and nineteen hundred and ninety-one".

SECTION 191. Section two hundred and five of said chapter six hundred and fifty-three is hereby repealed.

SECTION 192. Section two hundred and eleven of said chapter six hundred and fifty-three is hereby repealed.

SECTION 193. Section 17 of chapter 6 of the General Laws is hereby amended by inserting after the word "board", inserted by section 1 of chapter 607 of the acts of 1989, the words:- , the architectural access board.

SECTION 194. Section 56 of chapter 6 of the General Laws, as appearing in the 1988 Official Edition, is

hereby amended by striking out the fifth and sixth paragraphs and inserting in place thereof the following two paragraphs:-

There shall be regional offices located in the cities of New Bedford and Springfield.

The commissioners shall each be delegated regional responsibilities as follows: one commissioner shall be responsible for the Springfield region, one commissioner shall be responsible for the New Bedford region and shall be responsible with the third commissioner for the Boston region. Each commissioner shall hold such hearings as are needed in the respective region, but each commissioner may also hold hearings in other regions. Every case shall, to the extent practicable, be heard in the region in which the complainant resides. The aforementioned duties shall not be construed to reduce any of the responsibilities of a commissioner.

SECTION 195. Said chapter 6 is hereby further amended by striking out section 98, as so appearing, and inserting in place thereof the following section:-

Section 98. It shall be the duty of the board (a) to survey the direct and contingent debt requirements of the commonwealth in all its aspects, the direct debt of state authorities as defined by section one of chapter twenty-nine and the direct debt of the regional transit authorities, at least quarterly; (b) to furnish on December thirty-first and June thirtieth of each year, the governor and council, the state treasurer and the general court, through its committees on ways and means, with its recommendations and analysis on the following aspects of the commonwealth's financial structure:

(1) the affordability and condition of the general obligation debt of the commonwealth, (2) current long-term and short-term debt-financing methods, (3) a five year forecast of projected debt service based on current outstanding debt of the commonwealth, (4) affordability and condition of the outstanding debt of state authorities and regional transit authorities, (5) methods of refinancing maturing obligations, (6) methods of improving credit rating, (7) projection of bond and note issuances for the next two fiscal years of the commonwealth, state authorities and regional transit authorities, (8) the cumulative impact on debt service of all capital authorizations pending before the general court, (9) whether proposed expenditures should be financed from the sale of bonds; and (c) to furnish on December thirty-first and June thirtieth of each year, an analysis of the current fiscal year's issued long-term and short-term debt of the commonwealth, state authorities and regional transit authorities, including (1) volume of long-term and short-term offerings, (2) financing methods used, (3) interest costs, (4) costs incurred in financing including, but not limited to, credit enhancements, (5) liquidity enhancements, and (6) market demand.

SECTION 195A. Said chapter 6 is hereby amended by adding the following section:-

Section 205. There shall be a board to be known as the architectural access board, which shall consist of the director of the office of handicapped affairs or his designee, the secretary of the executive office of elder affairs or his designee, the secretary of the executive office of public safety or his designee, and six members to be appointed by the governor, from lists submitted by the director of the office of handicapped affairs. Three of the appointive members shall be selected after consultation with advocacy groups in behalf of the physically handicapped. The governor 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. The chairman of the board shall be elected annually by the members.

Each appointive member shall be appointed for a term of three years, with the members initially appointed

serving staggered terms. Persons appointed to fill vacancies shall serve for the unexpired term. Any member shall be eligible for reappointment.

Each appointive member shall be paid for each day while in the actual performance of official functions at such rate as shall be approved by the commissioner of administration and shall also receive from the commonwealth all expenses necessarily incurred in connection with such official duties. Any board member appointed by said governor absent from three consecutive board meetings, which absence is not for reasons of health, may be removed from membership by said governor upon request of a majority of the members of the board.

The board shall employ an executive director, who shall appoint, with the board's approval, such other personnel as may be required in the performance of the board's duties. The executive director shall be responsible for the administrative operation of the board, including development of an annual appropriation request for the operation of the board, and shall perform such other tasks as the board shall determine. Employees of the board shall not be subject to the provisions of chapter thirty-one.

The board shall make and from time to time alter, amend, and repeal, in accordance with the provisions of chapter thirty A, rules and regulations designed to make public buildings accessible to, functional for, and safe for use by physically handicapped persons. The board shall also make rules and regulations requiring that any person who has lawful control of improved or enclosed private property used as off-street parking areas for businesses, auditoriums, sporting or recreational facilities, or cultural centers, where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for vehicles of handicapped persons or for vehicles used to transport such handicapped persons if the number of parking spaces in any such area is fifteen or more. The parking spaces reserved for vehicles of such handicapped persons shall be clearly marked as such. The 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.

The provisions of this section and all rules and regulations made hereunder shall be enforced by the inspector of buildings, building commissioner, local inspector and inspector, as defined in chapter one hundred and forty-three, as to buildings under their respective jurisdictions. Said rules and regulations shall be deemed to be a specialized code as referred to in section ninety-six of chapter one hundred and forty-three, the violation of which shall constitute gross negligence for the purposes of clause (d) of section sixty G of chapter one hundred and twelve.

The board shall have the power of local and state inspectors in the enforcement of its rules and regulations, including but not limited to, the right to enter all public buildings as defined by this section. The board shall use all reasonable methods to cause the dissemination of the provisions of this section and all rules and regulations made hereunder to architects, engineers, contractors, state and local building inspectors, local

building commissioners, state and local public works officials, the chief executive of each city and town, handicapped persons, and any other person requesting such information. The board shall take such other actions as may be necessary and appropriate to encourage and assist all state and local building inspectors to enforce the provisions of this section, all rules and regulations made hereunder and decisions of the board, including but not limited to, providing training and technical assistance to said inspectors. The board shall also provide technical assistance and training to professional groups, public officials and state agencies. All public newspaper solicitation for bids on projects regulated by this section shall state the requirement of conformity to rules and regulations of the board.

There shall be no construction, reconstruction, alteration or remodeling of a public building except in conformity with said rules and regulations, nor shall the use of any building be changed to a use in which the building is open to and used by the public as defined in this section until such building so conforms, and a copy of the plans and specifications have been approved as provided in this section and in section three W of chapter one hundred and forty-three, showing compliance with said rules and regulations; provided, however, that if the board determines that compliance with said rules and regulations is not feasible technologically, or would result in excessive and unreasonable costs without any substantial benefit to physically handicapped persons in a particular case, it may provide for modification of, or substitution for, such rule or regulation. In all petitions for variance, the burden of proof shall be on the party requesting a variance to justify its allowance.

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.

The board shall receive complaints of noncompliance with this section or any rule or regulation promulgated hereunder from any person or may receive complaints initiated by its own staff. If the board finds, after notice and opportunity for a hearing, that any person is not in compliance with this section or with any rule or regulation promulgated hereunder, it may issue an order to compel such compliance. Such order may specify the date and the manner by which such person shall cure the noncompliance found by the board, and may require that pending the cure of such noncompliance a performance bond be furnished payable to the commonwealth, in such penal sum as the board finds reasonable. The board shall have the authority to issue subpoenas.

In the event that a person fails to cure such noncompliance by the date specified in the board's order, the

board shall be empowered, after further hearing, to impose a fine payable to the commonwealth not to exceed one thousand dollars per day for each violation for each day of noncompliance as to which the board finds that such noncompliance was without justification. The board shall also have the power, if it determines that such failure to cure noncompliance is willful and deliberate, to bring a complaint before any appropriate licensing or permit granting authority against the license or permit of such person. The board shall maintain a record of all state and local building inspectors who issued a building permit for a building later found by the board to be in violation of this section or any rule or regulation promulgated thereunder.

The board may, when necessary, seek to enforce its order by filing an action in superior court. In any such proceedings, the board or any member thereof may appear pro se or be represented by the attorney general or by counsel employed or designated by it for such purpose. The board shall not be required to pay any entry fee in connection with the institution of any such proceedings.

Any decision the board makes pursuant to this section shall be subject to review in superior court upon petition of any aggrieved person within thirty days after the decision for which review is sought. The court shall enter an order enforcing, modifying, or setting aside the order of the board, or it may remand the proceeding to the board for such further action as the court may direct.

Prior to the board's resolution of any complaint, request for a variance or other matter involving the accessibility of a building or site, the board shall conduct an on-site inspection unless said inspection is waived by the board. The board shall conduct said inspection either itself or through an agent of the board. Said inspection shall, however, be conducted by an architect at any time deemed necessary by a majority of the board.

The following words, as used in this section, shall have the following meanings:-

"Accessible", the state of a site, building, facility or portion thereof that complies with this section and any rules or regulations promulgated hereunder and that can be approached, entered and used by physically handicapped persons.

"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 door space to meet otherwise applicable accessibility standards, so long as there is sufficient clear door 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.

"Alteration", external or internal rehabilitation or renovation for which a building permit is needed or for which the cost of such rehabilitation or renovation equals or exceeds five percent of the full and fair cash value of the building, or any work determined to be alteration by a state or local building inspector.

"Board", the architectural access board established by this section.

"Construction", work for which a building permit is required, work determined to be construction by a state or local building inspector, or work for which a certificate of occupancy is necessary upon completion.

"Multiple dwelling", a lodging or residential facility for hire, rent, lease or sale, containing three or more dwelling units.

"Physically handicapped person", any person who has a disability that substantially limits one or more major

life activities, including, but not limited to, such functions as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Physically handicapped persons shall include, but not be limited to, persons who have the inability to walk, difficulty with hearing disabilities, lack of coordination, reaching and manipulation disabilities, lack of stamina, difficulty interpreting and reacting to sensory information and extremes in physical size.

"Public building", buildings constructed by the commonwealth or any political subdivision thereof with public funds and open to public use, including, but not limited to, those constructed by public housing authorities, the Massachusetts Port Authority, the Massachusetts Parking Authority, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, or building authorities of any public educational institution, or their successors; and privately financed buildings that are open to and used by the public.

Buildings that are open to and used by the public shall include, but not be limited to, the following buildings: transportation terminals, institutional buildings, commercial buildings, buildings having places of assembly with a capacity of more than one hundred and fifty persons, hotels, motels, dormitories, public parking garages or lots with a capacity of fifteen or more automobiles, public sidewalks and ways, public areas of apartment buildings and condominiums containing twelve or more units and of funeral homes, and rest rooms and public areas of shopping centers and restaurants.

"Reconstruction", the tearing down, removal, demolition or replacement of a public building or part of a public building.

"Remodeling", modification beyond an interior decoration or involving any structural change, or the refurbishing, updating or redecorating of a public building for which the cost of such refurbishing, updating or redecorating equals or exceeds five percent of the full and fair cash value of the building.

SECTION 196. Chapter 6A of the General Laws is hereby amended by inserting after section 32A the following section:-

Section 32B. By November first of each year, the commission shall estimate any percentage change in rates or fiscal impact of any changes in regulations for every provider and program under its jurisdiction for the fiscal year beginning July first in the year following such November first. The commission 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.

SECTION 197. The first paragraph of section 9A of chapter 6A of the General Laws, as so appearing, is hereby amended by inserting after the word "company", in line 14, the words:- ; provided, however, that in addition to said assessment amounts, the assessment shall include amounts, to be credited to the general fund, for fringe benefit costs, including group life and health insurance, retirement benefits, paid vacations and holidays, and sick leave, not to exceed fifteen percent of the amount attributable to personnel costs of the attorney general's office subject to assessment under the provisions of this section and under section eleven E of chapter twelve in the fiscal year in which the assessment is made.

SECTION 199. Section 31 of said chapter 6A, as so appearing, is hereby amended by striking out the definition of "Eligible person" and inserting in place thereof the following definition:-

"Eligible person", a person who qualifies for financial assistance from a government unit in meeting all or

part of the cost of general health supplies, care or rehabilitative services and accommodations.

SECTION 200. Said section 31 of said chapter 6A, as so appearing, is hereby further amended by striking out the definition of "General health supplies, care, social, rehabilitative or educational services and accommodations" and inserting in place thereof the following definition:-

"General health supplies, care or rehabilitative services and accommodations", all supplies, care and services of medical, optometric, dental, surgical, podiatric, psychiatric, therapeutic, diagnostic, rehabilitative, supportive or geriatric nature, including inpatient and outpatient hospital care and services, and accommodations in hospitals, sanatoria, infirmaries, convalescent and nursing homes, rest homes, facilities established, licensed, or approved pursuant to the provisions of chapter one hundred and eleven B and providing services of a medical or health-related nature, and similar institutions including those providing treatment, training, instruction and care of children and adults; provided, however, that rehabilitative services shall include only rehabilitative services of a medical or health-related nature which are eligible for reimbursement under the provisions of Title XIX of the Social Security Act.

SECTION 201. The definition of "Hospital" in said section 31 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 86, the word "twenty-nine" and inserting in place thereof the following word:- nineteen.

SECTION 202. Said section 31 of said chapter 6A, as so appearing, is hereby further amended by striking out the definition of "Provider of health care services" and inserting in place thereof the following definition:-

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

SECTION 203. Said section 31 of said chapter 6A, as so appearing, is hereby further amended by striking out the definition of "State institution" and inserting in place thereof the following definition:-

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

SECTION 204. The first paragraph of section 32 of said chapter 6A, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "social, rehabilitative or educational" and inserting in place thereof the words:- or rehabilitative.

SECTION 205. The third paragraph of said section 32 of said chapter 6A, as so appearing, is hereby amended by striking out, in lines 48 and 53, the words "social, rehabilitative or educational" and inserting in place thereof, in each instance, the words:- or rehabilitative.

SECTION 206. Said third paragraph of said section 32 of said chapter 6A, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following three sentences:- Said rates for nursing homes and rest homes, as defined under section seventy-one of chapter one hundred and eleven, shall be established as of October first of each year for facilities whose rate is set on a retrospective basis, and as of January first of each year for facilities whose rate is set on a prospective basis. In setting such prospective or retrospective rates of reimbursement, the commission shall use as base year costs for rate determination purposes the reported costs of the calendar year not more than three years prior to the current

rate year, adjusted for reasonableness and to incorporate any audit findings applicable to said base year costs; provided, however, that no base year cost shall be incorporated unless a comprehensive desk audit has been completed for the costs incurred in that base year. Notwithstanding any other law or regulation to the contrary, except as provided in chapter one hundred and eighteen E, each governmental unit shall pay to a provider of services and each state institution shall charge as a provider of health care services as the case may be, the rates for general health supplies, care and rehabilitative services and accommodations determined and certified by the commission.

SECTION 207. Said section 32 of said chapter 6A, as most recently amended by section 10 of chapter 653 of the acts of 1989, is hereby further amended by inserting after the third paragraph the following paragraph:-

In establishing rates of payment to providers of services, the commission shall control rate increases and shall impose such methods and standards as are necessary to ensure reimbursement for those costs which must be incurred by efficiently and economically operated facilities and providers. Such methods and standards may include, but are not limited to 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, limits on administrative costs associated with the use of management companies, the availability of discounts for large volume purchasers, the revision of existing historical cost bases, where applicable, to reflect norms or models of efficient service delivery, and other means to encourage the cost-efficient delivery of services. Rates produced using 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 208. The eighteenth paragraph of said section 32 of said chapter 6A, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 271 and 272, the words "social, rehabilitative and educational" and inserting in place thereof the words:- and rehabilitative.

SECTION 209. Paragraph (b) of section 32B of said chapter 6A, as so appearing, is hereby amended by inserting after the word "hospitals", in line 30, the words:- and the commission shall set rates for administrative necessary day patients in accordance with the provisions of paragraph (f).

SECTION 210. Said section 32B of said chapter 6A, as so appearing, is hereby further amended by adding the following paragraph:-

(f) 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 consistent, as determined by the health care financing administration, with relevant provisions of Title XIX. Said administrative necessary day payment shall be the department of public welfare's full payment obligation for administrative necessary day patients.

SECTION 211. The fourth paragraph of section 33 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 47, the words "social, rehabilitative and educational" and inserting in place thereof the words:- and rehabilitative.

SECTION 212. Section 35 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 3, lines 19 and 20, and in lines 32 and 33, the words "social, rehabilitative and educational" and inserting in place thereof, in each instance, the words:- and rehabilitative.

SECTION 213. Section 77 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 14, the words "social, rehabilitative or educational" and inserting in place thereof the words:- or rehabilitative.

SECTION 214. The first paragraph of section 4G of chapter 7 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "commission", in line 8, the words:- ; the architectural access board.

SECTION 215. Section 38C of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) Subject to the provisions of paragraph (f), a contract for design services shall be exempt from jurisdiction of the board if: (i) the design fee under the contract is less than ten thousand dollars; or (ii) the estimated construction cost of the project for which the design services are required is less than one hundred thousand dollars; or (iii) the contract is for the fabrication or installation of modular buildings procured in accordance with the provisions of section forty-four E of chapter one hundred and forty-nine.

SECTION 216. Section 38H of said chapter 7, as so appearing, is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) A designer or programmer appointed to do a feasibility study, master plan, or program for a project shall be ineligible for appointment to perform the design services for that project, unless the study, master plan, or program is limited to the repair, renovation, or the identification and correction of deficiencies in an already existing building or its equipment, and the fee for the combined study and design of repairs is less than one hundred thousand dollars.

SECTION 217. Section 39B of said chapter 7, as amended by section 4 of chapter 341 of the acts of 1989, is hereby further amended by striking out the second, third, fourth, and fifth paragraphs and inserting in place thereof the following paragraph:-

The deputy commissioner shall promulgate rules and regulations pursuant to the provisions of chapter thirty A.

SECTION 218. Said chapter 7 is hereby further amended by striking out section 40B, as so appearing, and inserting in place thereof the following section:-

Section 40B. The deputy commissioner shall, in a manner and to the extent provided by this chapter, control and supervise any building project to be undertaken by a state agency or building authority when the estimated cost of the project exceeds one hundred thousand dollars and involves structural or mechanical work. The deputy commissioner may, upon request of a state agency or building authority, delegate project control and supervision to that state agency or building authority over projects involving structural or mechanical work whose estimated cost is less than two hundred thousand dollars if the deputy commissioner determines that the agency or authority has the ability to control and supervise such project. Except as otherwise provided in this section, any state agency or building authority shall control and supervise its own building projects when the estimated cost of such project is less than one hundred thousand dollars, or if the project does not involve structural or mechanical work.

SECTION 219. The first paragraph of section 40H of said chapter 7, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- In advertising for the rental of real property for use as an area welfare office, the geographical area specified in the advertisement shall include all

municipalities serviced by the welfare office.

SECTION 220. Said chapter 7 is hereby further amended by adding the following section:-

Section 51. There shall be within the executive office for administration and finance an office of dispute resolution under the supervision and control of a director who shall be appointed by the commissioner of administration with the approval of the governor. Said director shall be a person with substantial training and professional experience in dispute resolution, shall maintain complete impartiality with respect to the matters coming before said office of dispute resolution, and shall devote full time to the duties of his office.

Said office of dispute resolution shall be available to assist agencies and officers of the executive, legislative, and judicial branches of the commonwealth, as well as any political subdivision or public instrumentality created by the commonwealth or any county, city or town, hereafter referred to as public agencies, to improve the resolution of disputes that arise within their respective jurisdictions. Said office is authorized to (a) facilitate the resolution of disputes through provision of impartial mediation and other dispute resolution services; (b) establish standards for the selection, assignment, and conduct of persons acting on behalf of said office in the resolution of disputes; (c) conduct educational programs and provide other services designed to reduce the occurrence, magnitude, or cost of disputes; (d) design, develop, or operate dispute resolution programs or to assist public agencies to improve or extend their existing dispute resolution programs; and (e) take such other action as will promote and facilitate dispute resolution by public agencies in the commonwealth.

In order to assist the director in carrying out the functions of the office, an advisory council comprised of eleven members shall be established and shall meet no less often than once every three months. The governor shall appoint ten such members, of whom one shall be the governor's chief legal counsel, two shall be other persons with executive branch experience, one shall be a person with experience in municipal government, four shall be persons with previous legislative experience, and two shall be persons with previous judicial, arbitration, or mediation experience. The attorney general shall appoint one member of the advisory council. The members of the advisory council shall not be compensated for their services except for incidental expenses necessarily incurred in the performance of their duties.

The director may promulgate, pursuant to the provisions of chapter thirty A, such regulations as may be necessary to carry out the functions of the office as authorized by this section.

The director may establish reasonable fees to be charged to disputants or public agencies for the provision of the educational, consultation, dispute resolution, or other services authorized herein and may apply for and accept on behalf of the commonwealth any federal, local, or private grants, bequests, gifts, or contributions to aid in the financing of any of the programs or activities of the office. Such fees, grants, bequests, gifts, or contributions shall be received by the state treasurer and deposited in a separate account and shall be expended, subject to appropriation, at the direction of the director, with the approval of the commissioner of administration, for the cost of operation of the office, including personnel.

The office may make agreements with public agencies and officers and may contract with other persons, including private agencies, corporations, or associations, to carry out any of the functions and purposes of this section.

The office shall prepare annually a report on the status of public sector dispute resolution in the

commonwealth and shall file said report with the clerks of the house of representatives and the senate.

SECTION 220A. The General Laws are hereby amended by inserting after chapter 7A the following chapter:-

CHAPTER 7B.
ASSET MANAGEMENT BOARD.

Section 1. As used in this chapter, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

(a) "Asset", all property that is in the lawful possession of or otherwise held by a state agency, and shall include without limitation both real and personal property and property interests regardless of whether they are held in tangible or intangible form. Without limiting the generality of the foregoing, the word "asset" shall include land, buildings, structures, leases, easements, licenses, electronic and communication equipment, and time sharing capacities, air, water, and mineral rights, utilities, vehicles, and professional and technical services and expertise.

(b) "Asset management board" or "board", the asset management board established pursuant to section two.

(c) "Asset management project" or "project", any project for the management of assets that is proposed for the consideration of the board by a state agency and approved by the asset management board pursuant to the provisions of this chapter; provided, however, that this term shall not include any project involving the sale or permanent disposition of any asset.

(d) "State agency" or "agency", any executive office, department, agency, board, or commission of the commonwealth.

Section 2. (a) There is hereby established an asset management board. The board shall be within but not subject to the control of the executive office of administration and finance. The board shall consist of the secretary of administration and finance or his designee, ex officio, who shall serve as chair; the inspector general or his designee, ex officio; and three additional public members appointed by the governor. Of the public members initially so appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years and one shall be appointed for a term of three years. Public members shall be appointed for terms of three years, without reappointment. At least one public member shall possess substantial expertise in the field of real estate management and development, and at least one public member shall possess substantial experience in the field of finance.

(b) Public members of the board shall serve without compensation. Public members of the board shall be reimbursed for all necessary expenses incurred in the discharge of their official duties. The board's activities shall be supported by staff of the secretary of administration and finance.

(c) No member of the asset management board shall participate in the approval of a project if the member or any member of his immediate family has a direct or indirect present or future financial interest in the approval of the project or in any way will benefit financially therefrom.

Section 4. The asset management board shall have the following powers and duties:

(a) The board shall promulgate rules and regulations to implement the provisions of this chapter. Said regulations shall include but not be limited to:

(i) establishing standards and procedures to govern state agency presentation to and board review and approval of asset management projects. Such standards shall include, but not be limited to, the promotion of sound management of all assets held by state agencies; the protection against projects with conflicts of interest; the prevention of unfair or windfall profits accruing to any individual or group of individuals; the assurance that approved projects do not interfere with nor deny an agency's access to assets that are needed to meet current or reasonably foreseeable legal obligations of the agency presenting the project; and, assurance that each project is technically and financially viable;

(ii) establishing alternative property procurement and disposition standards and procedures consistent with the authority and requirements set forth in subsection (b); provided, however, that such standards and procedures shall include, but not be limited to, adequate public notice, public review and comment for each proposed asset management project;

(iii) establishing standards and procedures for the monitoring and termination of approved projects consistent with the authority and requirements set forth in subsection (c); and

(iv) ensuring that the agency proposing the project has the capacity to execute the project.

(b) Notwithstanding any general or special law to the contrary, the board shall be authorized to determine that property procurement and disposition laws and regulations otherwise applicable to projects managed or proposed by state agencies shall not apply to a proposed project. The board shall make such determination only after making a written finding that such project is financially feasible, will not interfere with the mission and functions of the managing or proposing agency, and is in the best interests of the commonwealth. Such written finding of the board shall be available to the public. The board shall establish for each such project alternative property procurement or disposition requirements consistent with standards set forth in its regulations; provided that the board shall not have the authority to limit or modify in any way the application of any property procurement or disposition law or regulation that by its terms applies equally to both public and private agencies or entities.

(c) The board shall monitor approved projects in accordance with standards and procedures set forth in its regulations. Said standards and procedures shall include, but not be limited to, provisions for periodic site visits, submission of an annual independent audit, if applicable, for each project, and review of the public purposes served by the project. The board shall terminate any previously approved project in the event that it determines, in accordance with its standards and procedures, that such project no longer serves a public purpose or is no longer in the public interest.

(d) The board shall have the authority to authorize the establishment of asset management trusts in accordance with the provisions of section eight.

Section 5. Prior to the submission of any project to the asset management board, the state agency making such submission shall first develop an inventory of its assets and identify those assets that are underutilized or might otherwise qualify for management as part of an asset management project pursuant to the provisions of this chapter. If such proposed project is limited to one or more institutions or facilities, such inventory likewise may be limited to the assets contained at such institution or facility. Notice of the submission of a proposed project which involves interests in real property shall be sent to the division of capital planning and operations together with a copy of the inventory. Each such agency proposal shall be submitted to the asset

management board only after approval of the executive office within which such agency is located, or, in the case of institutions of higher education, the board of regents.

Section 6. Each proposed project may be developed and managed with the assistance of individuals with expertise in the management of assets similar to the assets included in the proposed project; provided, that the board shall examine the proposed relationship between such individual and the state agency to ensure compliance with the standards of paragraph (i) of subsection (a) of section four. The cost of such assistance may be paid from funds available to the agency for such purpose or from funds held in trust pursuant to the provisions of section eight.

Section 7. Notwithstanding the provisions of section forty E of chapter seven to the contrary, real property, title to which was held in the name of a state agency, or the board of trustees of a facility of a state agency prior to the enactment of said section shall, for the sole purposes of this chapter be considered real property in the lawful possession of the state agency from which such land was transferred to the commonwealth pursuant to the provisions of said section.

Section 8. Notwithstanding the provisions of section four F of chapter seven or any other provision of the General Laws to the contrary, at the request of a state agency, the state treasurer is hereby authorized and directed to establish one or more asset management project trust funds for each state agency with approved asset management projects. Such trust or trusts shall be established to receive fifty percent of the proceeds accruing to an agency as a result of revenues produced by one or more approved asset management projects. The remainder of the proceeds shall be deposited in the General Fund. The administrator in charge of each such state agency shall serve as sole trustee of said trust or trusts, and shall administer the trust so as to advance the purposes served by the agency. No expenditures from said trusts shall be made without the authorization from the secretary of the executive office of administration and finance. All expenditures from said trust funds shall conform to standard state accounting procedures and to such further requirements as prescribed by the comptroller. Each such agency shall report annually to the house and senate committees on ways and means the amount of funds received in and expenditures made from any trust established pursuant to the provisions of this chapter.

Section 9. The provisions of this chapter are not intended and shall not be construed to limit, override or otherwise modify the procedures, powers and duties of the division of capital planning and operations unless specifically so authorized by the asset management board pursuant to the standards and procedures established by this chapter.

SECTION 221. Section 16 of chapter 10 of the General Laws is hereby amended by striking out, in lines 4 to 10, inclusive, the words "or from the director of marine fisheries under section seventeen of chapter one hundred and thirty, or from the commissioner of environmental management under section ninety of chapter one hundred and thirty-one, under section two of chapter one hundred and thirty-two or under section one of chapter one hundred and thirty-two A, or from the director of fisheries and wildlife under section seven of chapter one hundred and thirty-one".

SECTION 222. Section 24 of chapter 10 of the General Laws is hereby amended by inserting after the first sentence the following sentence:- The commission is authorized to operate the daily numbers game seven days a week.

SECTION 223. Section 27 of chapter 10 of the General Laws is hereby amended by adding the following paragraph:-

Every licensee shall keep conspicuously posted on his premises a notice containing the name and numbers of the council on compulsive gambling and a statement of its availability to offer assistance.

SECTION 224. Section 33 of chapter 10 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- The director shall cause all lottery funds, from whatever source derived, to be deposited in an interest bearing account until disbursed.

SECTION 225. Section 35D of said chapter 10, as so appearing, is hereby amended by striking out, in lines 2 and 3, lines 10 and 11, and in line 20, the words "Nongame Wildlife" and inserting in place thereof, in each instance, the words:- Natural Heritage and Endangered Species.

SECTION 226. Said section 35D of said chapter 10, as so appearing, is hereby further amended by adding the following paragraph:-

The state treasurer shall receive and deposit all revenues transmitted to him under the provisions of this section in such manner that will ensure the highest rate of interest available consistent with the safety of the fund, and in an account from which amounts may be withdrawn at any time without penalty for such withdrawal, all interest accrued shall be deposited into the fund.

SECTION 226A. Said chapter 10 is hereby further amended by inserting after section 38 the following section:-

Section 38A. Every licensee shall keep conspicuously posted on his premises a notice containing the name and numbers of the council on compulsive gambling and a statement of its availability to offer assistance.

SECTION 227. Section 9 of chapter 13 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Notwithstanding any other special or general law to the contrary, all of the board members of the division of registration shall serve without compensation; provided, however, that they shall be reimbursed for reasonable expenses incurred, in the performance of their official duties.

SECTION 228. Section 5 of chapter 15A of the General Laws, as amended by section 18 of chapter 653 of the acts of 1989, is hereby further amended by striking out clause (g) and inserting in place thereof the following clause:-

(g) develop a rational and equitable statewide tuition plan for all institutions of public higher education in the commonwealth, which plan shall take into account by type of institution the per student maintenance cost and total mandated student costs per student. The total mandated costs per student shall include the state appropriation, retained revenue, fringe benefits, and ongoing maintenance. Said tuition plan shall include direct and indirect elements of the per student maintenance costs, including but not limited to, faculty and administrators that support an institutions' primary mission of instruction; student admission services; and ongoing maintenance for classrooms, administrative buildings, libraries and laboratories. Said tuition plan shall include revised retention expenditure regulations which take into account the needs of said institutions with regards to personnel and utility costs. Said plan shall further take into account the need to maximize student access to higher education regardless of a student's financial circumstances. The board shall establish fee guidelines which shall take into account the cost of educational activities. Fees established pursuant to said guidelines shall not exceed twenty-five percent of total student charges. The board shall establish final tuition

rates for the subsequent academic year no later than fifteen days prior to the deadline for submission of state or federal financial aid applications by students attending the institutions of higher education set forth in section three of this chapter.

SECTION 229. The second paragraph of section 6 of said chapter 15A, as so appearing, is hereby amended by striking out the last sentence.

SECTION 230. Said chapter 15A is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. There shall be a General Scholarship Program administered by the board of regents for the purpose of providing financial assistance to students domiciled in the commonwealth and enrolled in and pursuing a program of higher education in any approved public or independent college, university or school of nursing, or any other approved institution furnishing a program of higher education. Such aid and assistance shall consist of awarding of full or partial scholarships to worthy and qualified students in need of financial assistance.

The amount of awards to qualified students shall be determined by using an indexing system which shall be included in the guidelines established by the board to govern this program. The board of regents shall file a report of current year General Scholarship Program expenditures, appropriations needed-to fund full need for all students, and projections of General Scholarship expenditures for the following year by family contribution ranges and independent student contribution ranges. Said report shall be filed with the clerk of the house and the senate no later than the end of each calendar year.

There shall be a Christian A. Herter Memorial Scholarship Program which authorizes the board of regents to guarantee the payment of full or partial scholarships to no more than twenty-five students annually of extraordinary need and ability selected in tenth or eleventh grades by persons or agencies designated by said board under such regulations as the board shall deem necessary. These awards shall be guaranteed to the student at the time of the student's selection; provided however, that said student successfully completes high school and is enrolled in and pursuing a program of higher education in any approved public or independent college, scientific or technical institution, or any other approved institution furnishing a program of higher education, and shall be payable from the general scholarship funds at the time of the student's matriculation.

There shall be a program, administered by the board of regents, providing for the matching of scholarship grants to participating Massachusetts independent regionally accredited colleges, universities and schools of nursing; provided, that the board of regents shall establish policies and regulations relating to the program, including an audit procedure to insure that institutions are in compliance with such policies and regulations; provided, further, that a participating institution shall be eligible to receive an amount equal to such institution's expenditure for scholarship aid to needy Massachusetts undergraduate students enrolled in such institutions as full-time matriculating students in a course of study leading to an associate or bachelor degree; provided further, that each participating institution shall agree to expend an amount equal to one hundred percent of the grant awarded hereunder in direct financial assistance to the needy Massachusetts students; provided further, that each participating institution shall agree to comply with the information requests of the board of regents in accordance with this chapter; and provided, further, that students receiving such aid shall be ineligible for additional scholarship assistance provided by the commonwealth.

There shall be Christa McAuliffe Teacher Incentive Program for the purpose of providing financial assistance for undergraduate and graduate students in approved institutions of higher education within the commonwealth who agree to teach on a full time basis within a public education system located in the commonwealth. The board of regents shall institute and maintain learning contacts for all students admitted in the teacher incentive program, which shall include provisions for "payback" service for a period commencing after such students have fulfilled all graduation requirements, or for repayment to the commonwealth of the full amount of such grants on terms established by said board. Said board shall establish guidelines governing said program which shall include but not be limited to eligibility requirements, selection criteria, and period of time which must be spent teaching in the commonwealth.

There shall be a Part-Time Student Grant Program to provide assistance to part-time undergraduate students attending approved institutions of higher education within the commonwealth who have demonstrated financial need. The board of regents shall establish guidelines governing said program.

The board of regents may award full or partial scholarships to worthy and qualified students who have been residents to the commonwealth for a period of four years immediately prior to receiving such award and who are in need of financial assistance in order to pursue graduate studies. The board of regents shall award scholarships and notify all applicants on or before July first in each year. No scholarship may be awarded for more than five years to any one student. The board of regents may expend such sums as may be appropriated to carry out the provisions of this paragraph. The board of regents shall establish guidelines governing said program which shall include but not be limited to eligibility requirements and selection criteria.

There shall be a Regents Grant for Campus-Based Assistance Program for adult learners and work study opportunities. Participating approved institutions of higher education within Massachusetts shall receive an allocation from the board of regents to provide grant or work study assistance to eligible students with demonstrated financial need. The board of regents shall establish guidelines to govern this program which shall insure that those students receiving assistance include part-time students, graduate students and adult learners.

There shall be a Public Service Scholarship Program to provide scholarships to children and widowed spouses of Massachusetts police officers, firefighters and correction officers; who are killed or die from injuries received while in the performance of duties including authorized training duty; to children of prisoners of war or military or service persons missing in action in Southeast Asia whose wartime service is credited to the commonwealth and whose service was between February first, nineteen hundred and fifty-five, and the termination of the Vietnam campaign; and to children of veterans whose service was credited to the commonwealth and who were killed in action or otherwise died as a result of such service. Such scholarships shall be awarded by the board of regents pursuant to its guidelines established to govern this Program and shall go to those persons referenced above who are admitted to an institution of higher education in the commonwealth to pursue undergraduate studies.

There shall be a Dedicated Grant Program for undergraduate students enrolled at an approved institution of higher education within the commonwealth. The board of regents shall establish guidelines to govern said program.

There shall be a Consortium Scholarship Program for undergraduate students to pursue programs that are not currently offered by public institutions of higher education within the commonwealth. The board of regents

shall establish guidelines to govern said program.

Any student receiving financial assistance under any program listed above shall maintain satisfactory academic progress in order to continue to receive such assistance. Each institution which recipients attend shall maintain documentation of each recipient's academic standing and provide requested documentation to the board of regents in accordance with guidelines promulgated by the board.

All programs of financial assistance above shall be contingent upon legislative appropriation.

Any institution of higher education participating in any of the programs set forth above shall annually execute a participating agreement for each such program and place such contracts on file with the board of regents scholarship office.

When applicable federal law requires, each applicant for assistance under any program established herein shall provide appropriate documentation to verify his compliance with the Military Selective Service Act in effect at the time of such application.

With the exception of the public service scholarship program grants, all financial assistance provided for in this section shall be based on ability to pay, as provided for in guidelines promulgated by the board of regents.

Upon adoption by the board of regents of guidelines promulgated pursuant to the provisions of this section, said board shall file a copy thereof with the secretary of administration and finance, and with the clerk of the house of representatives, who shall refer such guidelines to the joint committee on education, arts and humanities, and the house and senate ways and means committees.

SECTION 231. Said chapter 15A is hereby further amended by inserting after section 7B the following section:-

Section 7C. There shall be a single tuition waiver program administered by the board of regents in accordance with guidelines established by the board to govern the program, provided that no tuition waiver be funded by the transfer of funds appropriated pursuant to section seven.

Such guidelines (i) shall establish institutional waiver allocation formulas and eligibility requirements, including needs criteria, for designated waiver programs, (ii) shall provide tuition waivers for specific categories of students designated by the board which shall include veterans, armed forces personnel, senior citizens, graduate students and native americans, (iii) may provide waivers for additional categories of students not included in clause (ii), and (iv) may provide waivers of tuition or fees for undergraduate programs, summer sessions, evening classes, or any specific courses or set of courses.

Tuition waivers for graduate students shall be administered by each institution of public higher education. Said institutions shall annually and on a date specified by the board submit a written report to the board detailing graduate student waiver policies and distributions of said waivers.

Upon the adoption of guidelines in accordance with the provisions of this section the board shall file copies of thereof with the clerks of the house and of the senate, who shall refer such guidelines to the house and senate committees on ways and means and the joint committee on education, arts and humanities.

The board shall annually on or before March fifteenth report to the house and senate committees on ways and means and to the joint committee on educations, arts and humanities regarding any modifications to the guidelines setting forth tuition waiver programs. Said report shall include information relative to tuition

waivers for graduate students as administered by the several institutions of public higher education.

SECTION 232. Section 16 of said chapter 15A, as so appearing, is hereby amended by striking out the third, fourth, fifth, sixth and seventh sentences.

SECTION 233. Section 16 of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

When a timely request for a hearing is made because of a termination or reduction of assistance, involving an issue of fact, or of judgment relating to an individual case, between the agency and the appellant, assistance shall be continued during the period of the appeal. If the decision is adverse to the appellant, assistance shall be continued at the prior level for ten days following the final decision in the appeal. If assistance has been terminated prior to a timely request for a hearing, assistance shall be reinstated.

SECTION 234. The ninth paragraph of section 6F of chapter 21 of the General Laws, as appearing in section 22 of chapter 653 of the acts of 1989, is hereby amended by striking out, in line 9, the word "shall" and inserting in place thereof the words:- , in addition to those imposed pursuant to section sixteen of chapter two hundred and seventy, shall.

SECTION 235. The first paragraph of section 6G of said chapter 21, as appearing in section 23 of said chapter 653, is hereby amended by inserting after the word "twenty-one", in line 4, the words:- , the regulations promulgated pursuant to the provisions of chapter ninety B.

SECTION 236. The fourth paragraph of said section 6G of said chapter 21, as so appearing, is hereby amended by striking out, in line 4, the word "eighty,".

SECTION 237. Chapter 21 of the General Laws is hereby amended by inserting after section 6G the following section:-

Section 6H. There is hereby established a fund to be known as the Environmental Law Enforcement Fund to which shall be credited such sums as are determined under the provisions of section thirteen of chapter sixty-four A, such sums as are received by the commonwealth pursuant to sections six F and six G and sections three, twenty-two and thirty-six of chapter ninety B, such sums are credited from other funds for the operation of the division including the hazardous waste bureau, and all such sums as are received by the commonwealth from the Federal Government on account of the activities of the division of law enforcement. Said fund may be expended, subject to appropriation, only for the purpose of providing law enforcement coverage throughout the commonwealth and in maintaining, managing and operating the division of law enforcement in carrying out its functions including such appropriations as are necessary to assure the proper administration of said division.

SECTION 238. Said chapter 21 is hereby further amended by inserting after section 17D the following section:-

Section 17E. There is hereby established a fund to be known as the Public Access Fund to which shall be credited such sums as are determined under the provisions of section thirteen of chapter sixty-four A and such sums as are received by the commonwealth from the federal government on account of the activities of the public access board. Said fund may be expended, subject to appropriation, only for the purposes authorized in section seventeen A.

SECTION 239. Paragraph (6) of section 43 of said chapter 21, as so appearing, is hereby amended by striking

out clause (a) and inserting in place thereof the following clause:-

(a) Upon submission of an application short form to the director, an applicant shall pay a fee determined pursuant to section eighteen of chapter twenty-one A.

SECTION 240. Clause (b) of said paragraph (6) of said section 43 of said chapter 21, as so appearing, is hereby amended by striking out, in lines 54 to 56, inclusive, the words "annually by the commissioner of administration under the provisions of section three B of chapter seven" and inserting in place thereof the words:- pursuant to section eighteen of chapter twenty-one A.

SECTION 241. Clause (c) of said paragraph (6) of said section 43 of said chapter 21, as so appearing, is hereby amended by striking out the first sentence.

SECTION 242. The fifth paragraph of section 4 of chapter 21C of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 42 and 43, the words "of not less than one nor more than five hundred dollars" and inserting in place thereof the words:- pursuant to section eighteen of chapter twenty-one A.

SECTION 243. Chapter 21A of the General Laws is hereby amended by adding the following section:-

Section 18. As used in this section, the following words shall, unless the context otherwise requires, have the following meanings:-

"Advisory committee", the advisory committee on fees and program improvements appointed by the commissioner pursuant to this section.

"Commissioner", the commissioner of the department of environmental protection.

"Department", the department of environmental protection.

"Permit", any permit, license, certificate, formal determination, registration, plan approval, variance, or other approval issued by or required by the department or any of its divisions, pursuant to any statute or regulation. "Permit" shall not include approvals issued by the department solely pursuant to regulations governing the assessment, containment, or removal of oil or hazardous materials under the authority of chapter twenty-one E.

"Permit application", any application, filing, or other submission of materials to the department to initiate a permit.

"Person", any individual, trust, firm, public or private corporation or authority, partnership, association or other entity or any group thereof or any officer, employee, or agent thereof, including the commonwealth and the federal government and any agency or authority thereof, but not including any city, town, county, or district of the commonwealth or any municipal housing authority.

Notwithstanding any general or special law to the contrary, the department may establish fees applicable to the regulatory programs administered by the department, in the manner set forth in this section. All such fees shall be established by regulations promulgated by the department pursuant to chapter thirty A, after making findings in the administrative record as required in this section, and after consultation with an advisory committee on fees and program improvements appointed by the commissioner. The advisory committee shall at a minimum consist of representatives of industrial, commercial, and small business organizations, municipalities, and environmental organizations. The advisory committee shall meet at least four times each fiscal year. The members of the advisory committee shall serve without compensation.

(a) Annual compliance assurance fee. For permits valid for one year or more, the department may establish an annual compliance assurance fee, based on the department's costs for monitoring, discharge sampling and analysis, inspection, technical assistance, and enforcement activities necessary to ensure compliance by persons holding such permits. Such fees may be based on a scale that accounts for the extent of such enforcement and compliance activity that is appropriate for different categories of permits. Such fees shall be applicable to all persons, excluding agencies of the commonwealth, holding such permits, including without limitation those persons, excluding agencies of the commonwealth holding permits at the time the fees are established. At least forty-five days before the date such fee is due, the department shall notify each person holding such a permit of the amount of the fee due and the date by which payment is due. In instances of severe financial hardship, the commissioner or his designee may grant a timely request to extend the time for making payment. Failure by any person to pay any annual compliance assurance fee when due shall result in suspension of or, if such failure continues for sixty days or more, may result in revocation of the permit; and shall be grounds for denial of any pending permit application filed by such person. In the event of untimely payment, interest on the amount due shall be assessed at the rate determined by the secretary of administration and finance pursuant to section twenty-nine C of chapter twenty-nine. Such interest shall be in addition to any other penalty for violation of any permit condition or applicable statutory or regulatory requirement. A permit suspended under this section shall be reinstated upon payment of the fee that is owed together with the interest due.

(b) Permit application fee. The department may establish by regulation a permit application fee payable by all persons filing applications for a permit, based on the department's costs for providing technical assistance, performing and analyzing such environmental monitoring as is necessary to act on such applications, processing such applications and issuing decisions and, where no annual assurance registration fee is established, on the department's costs for monitoring, inspection, technical assistance, and enforcement activities necessary to ensure compliance by persons holding such permits. Such fees may be based on a scale that accounts for the department's costs appropriate for different categories of permit applications and permits. Permit application fees shall be payable upon filing the permit application. In instances of severe financial hardship, the commissioner or his designee may grant a timely request to extend the time for making payment. The department may require that persons applying for permits as a result of enforcement action by the department or another agency of the commonwealth or its subdivisions pay double the otherwise applicable application fee.

In establishing appropriate categories of permit applications for the purposes of this subsection, the department shall consider the administrative expense associated with transfer of funds between state agencies and the department and shall exempt state agencies from payment of a permit application fee whenever such costs would represent a substantial proportion of the fee. Nothing in this section shall be construed to diminish the authority provided by section seventeen of chapter two hundred thirty-six of the acts of nineteen hundred and eighty-eight.

(c) Schedules for timely action. For each permitting program for which a fee is established pursuant to subsection (b), the department shall concurrently establish by regulation a schedule for timely action by the department on such permits. Such schedules may be based on the lengths of time appropriate for different categories of permit applications and permits, and may make provision for situations when more than one

permit is required for the project or activity. Each such schedule shall contain the following:-

(1) the schedule shall begin when an application is received by the department and the application fee paid;

(2) one or more periods of reasonable length, based on the nature and complexity of the review required of the department, at the end of which time the department shall issue a decision to grant or deny the permit, or an identification of deficiencies in the application; provided, that the schedule may also reasonably limit the amount of time in which the applicant may remedy such deficiencies;

(3) a period of reasonable length, based on the nature and complexity of the review required of the department, beginning with receipt of materials submitted by the applicant in response to the department's identification of deficiencies, at the end of which time the department shall issue a decision to grant or deny the permit;

(4) allowance for applicable state or federal public participation requirements;

(5) a provision extending the time periods set forth in clauses (2) and (3) when action by another federal, state, or municipal governmental agency is required before the department may act, when judicial proceedings affect the ability of the department or the applicant to proceed with the application, when the department has commenced enforcement proceedings which could result in revocation of an existing permit for that facility or activity and denial of the application, or when the applicant provides written assent extending any applicable time period; and

(6) a provision indicating whether the schedule shall be applied to all such permit applications pending before the department at the time the regulation is adopted upon payment of the fee, or whether the schedule shall apply to persons with pending applications for such permits who elect to pay the fee.

Should the department fail to take timely action on a permit application within a period set forth in the applicable schedule pursuant to clause (2), one day shall be subtracted from the number of days allowed for the department's next action in the appropriate schedule pursuant to clause (2) or clause (3) for each day that the department's action is tardy, unless the period has been extended pursuant to clause (5). Should the department fail to take timely action on a permit application within the time period set forth in the applicable schedule pursuant to clause (3), subject to any adjustment required by the preceding sentence, the department shall refund without further appropriation the permit application fee paid by the applicant unless the period has been extended pursuant to clause (5), and shall continue to process the permit application. The requirements of this subsection (c) shall not apply to adjudicatory hearings conducted by the department.

(d) (1) In establishing permit application fees pursuant to subsection (b) and schedules for timely action pursuant to subsection (c), the department may by regulation define certain categories of projects for which appropriate fees and schedules pursuant to such subsections cannot be established by general rule, based on the size, novelty, complexity, or technical difficulty of such projects. Projects within categories so defined shall be called individual rule projects. The department shall establish an alternative permit application fee, schedule for timely action, and annual compliance registration fee as appropriate for each individual rule project in accordance with clause (3) of subsection (d).

(2) When the department determines, based on the size, novelty, complexity, or technical difficulty of a project for which a permit application is filed, other than an individual rule project, that the amount of work required by the department in processing such permit application will exceed by a factor of two or more the

amount of work assumed as the basis in establishing a permit application fee pursuant to subsection (b), and cannot be completed within the schedule for timely action applicable to such permit applications pursuant to subsection (c), the department shall notify the applicant of such determination within thirty days of receiving the permit application, and shall within forty-five days of providing such notice establish an alternative permit application fee, schedule for timely action, and an annual compliance assurance fee as appropriate to clause (3) of subsection (d).

(3) Within forty-five days of receipt of an application for an individual rule project, or of making a determination pursuant to clause (2), or within such other period as agreed to by the applicant, the department shall establish, following negotiation with the applicant, an appropriate permit application fee and alternative schedule for timely action, based on the costs and time of the extraordinary work required to process such permit application. In no such case shall the applicable fee be lower than fees established by regulation for that class of permit, nor shall the schedule for timely action require action more rapid than the time for comparable action allowed in the schedule established by regulation for that class of permit. The department shall establish an annual compliance assurance fee as a condition of a permit issued for such projects, based on the costs of the department reasonably necessary to ensure compliance with the permit. The permittee may request the department to adjust any such compliance assurance fee whenever the department reviews fees pursuant to subsection (j), or may request such an adjustment as a permit modification. The department may by regulation establish an average daily or hourly rate, expressed as a loaded rate per day or hour of technical staff time, based on the department's average costs, to be used as a reference point in establishing such fees. The department may by regulation establish a maximum permit application fee to serve as an upper bound on the fee that may be established under this subsection (d) for any particular permit application or category of permit applications.

(4) A permit applicant aggrieved by the department's action in establishing a permit application fee or schedule for timely action pursuant to this subsection (d) may within ten days take either or both of the following actions:

(i) The applicant may notify the department that it wishes to proceed on a true cost basis. Upon receipt of payment of one half of the fee amount established by the department as a deposit, the department shall diligently and in good faith process the permit application, taking all reasonable measures to achieve compliance with the timely action schedule established by the department; provided that, failure to meet such schedule shall not result in a refund of the fee paid. The department shall provide a monthly cost statement to the applicant based on the average daily or hourly rate and the days or hours of work performed by technical staff. Whenever the department's costs as reflected in the cost statement exceed the balance already paid by the applicant, the applicant shall promptly pay all outstanding amounts. Failure by the applicant to make such payments shall be grounds for the department to discontinue work on the application. The department shall withhold its decision on the permit application until the applicant has made full payment. Nothing in this section shall prevent the department from denying a permit request where it finds the application inadequate.

(ii) The applicant may request an adjudicatory hearing pursuant to chapter thirty A. No permit application fee shall be due, and no schedule for timely action shall be in effect, pending resolution of such a hearing request, except as provided in the preceding paragraph if the applicant elects to proceed on a true cost basis.

In any such hearing, or any hearing concerning an annual compliance assurance fee established as a permit condition, the average daily or hourly rate established by regulation shall be used as the basis of the fee determination, and the fee and the schedule for timely action established by the department shall be revised only where the applicant demonstrates by a preponderance of the evidence that the department's position was unreasonable, arbitrary, or capricious.

(5) The commissioner shall annually file a report outlining all fees and schedules established pursuant to this subsection (d) and setting forth the basis on which the determination to establish such fees and schedules was made with the advisory committee, the secretary of environmental affairs, the secretary of administration and finance, the joint committee on natural resources and agriculture, and the house and senate committees on ways and means.

(e) The department shall establish by regulation a reasonable filing fee to be payable by all persons requesting adjudicatory hearings before the department; provided, that the fee may be waived by the department upon a showing of undue financial hardship. Such fee shall not be disproportionately large compared to fees required to file an action in the superior court.

(f) The department may establish by regulation fees for performing laboratory or other technical analyses, based on the department's costs for performing such analyses. Such fees shall be payable by any person, city, town, county, district, authority, or agency thereof who requests such services.

(g) The department may establish and collect reasonable fees for providing public record information to persons or cities, towns, counties, districts, authorities, or agencies thereof who request such information, including costs of searching for, and costs of, copying such records, pursuant to section ten of chapter sixty-six.

(h) The department may establish and collect reasonable fees for conducting, producing, or providing specifically targeted seminars, training sessions, written materials, or other forms of technical assistance pertaining to its permitting, compliance, and enforcement activities, where participation in such technical assistance programs is voluntary. Fees for providing such technical assistance shall be based on the department's cost for developing, producing, and making available such technical assistance. The department may conduct or produce such technical assistance programs jointly in cooperation with any person.

The department may, in compliance with applicable law governing procurement services by state agencies, contract with qualified third parties to provide such technical assistance to persons, cities, towns, counties, districts, authorities, or agencies requesting it; provided, that before entering such a contract, the commissioner shall determine that the cost of providing such technical assistance through a third party shall not exceed the cost of providing such technical assistance directly by the department. In no case shall the fee for such technical assistance provided by a third party exceed the fee established by the department for the same or comparable services when provided by the department.

(i) As a precondition to the department's authority to establish annual compliance registration fees pursuant to subsection (a) and permit application fees pursuant to subsection (b), and prior to the first establishment of such fees, the commissioner shall make findings in the administrative record that:

(1) the department has completed promulgation of revisions to its regulations governing Plan Approval and Emission Limitations, codified at 310 CMR 7.02, as in effect on January first, nineteen hundred and ninety;

(2) the department has made publicly available a first year report on its compliance pilot project in the

Blackstone river basin;

(3) the commissioner has appointed members of the advisory committee on fees and program improvements; and

(4) the department has begun work, together with the advisory committee or with one or more work groups, each of which shall include one or more members of the advisory committee as well as department personnel and other interested persons, to produce a report with recommendations on each of the following issues: (i) the advantages, disadvantages, and opportunities for increased reliance on work by parties other than the applicant and the department in the department's permitting and compliance programs; (ii) development of a strategy or strategies the goal of which is to eliminate permitting backlogs within six to twenty-four months of enactment of this section; (iii) development of a strategy or strategies the goal of which is to eliminate compliance and enforcement backlogs within six to twenty-four months of the enactment of this section; (iv) evaluation of potential revisions in the sewer connection permitting program and potential federal delegation of the surface water discharge permitting program; and (v) administration and collection of fees established pursuant to this section.

(5) A copy of such findings shall be provided to the advisory committee, the secretary of environmental affairs, the secretary of administration and finance, the joint committee on natural resources and agriculture, and to the house and senate committees on ways and means. This subsection shall not affect the validity of fees in existence prior to enactment of this section.

(j) On or before July first, nineteen hundred and ninety-two and on or before July first of every second year thereafter, the department shall review all fees and schedules established pursuant to this section, and shall by regulation adjust fees and schedules as necessary to reflect changes in regulatory requirements, technologies, the nature and cost of the department's permitting and compliance activities, and improvements in the department's practices and procedures. Prior to proposing such regulations in nineteen hundred and ninety-two, as a precondition to continued authority to establish and collect annual compliance assurance fees pursuant to subsection (a) and permit application fees pursuant to subsection (b), the commissioner shall make findings in the administrative record that:

(1) each of the reports required by clause (5) of subsection (d) has been completed, and that the department has considered the recommendations of those reports in its proposed regulations adjusting the fees and schedules;

(2) the department has begun work, together with the advisory committee or one or more work groups, each of which shall include one or more members of the advisory committee, as well as department personnel and other interested persons, to produce a report with recommendations on each of the following issues: (i) the potential for consolidating reporting requirements in permits or regulations; and (ii) training and outreach, including identification of improvements in training for department staff and in outreach efforts to educate persons requiring permits. The recommendations of such reports shall be included in the report submitted in nineteen hundred and ninety-two by the commissioner pursuant to subsection (k). A copy of such findings together with proposed regulations shall be provided to the advisory committee, to the secretary of environmental affairs and the secretary of administration and finance at least forty-five days prior to promulgation of such regulations.

Notwithstanding any other provision thereof to the contrary, no fee or other charge and no increase of any existing fee or charge shall be imposed pursuant to this section unless a copy of the proposed regulations establishing said fees shall be submitted to the joint committee on natural resources and agriculture and the house and senate committees on ways and means for their review and recommendations at least forty-five days prior to the promulgation of such regulations.

(k) Annual permitting and compliance report. On or before October first, nineteen hundred and ninety-one, and on or before October first of each year thereafter, the department shall submit to the advisory committee on fees and program improvements, the secretary of environmental affairs, the secretary of administration and finance, the joint committee on natural resources and agriculture, and the house and senate committees on ways and means an annual report on compliance and permitting efforts in the preceding fiscal year. Such report shall include, without limitation: an identification of the revenues received pursuant to this section and the department's appropriation from the General Fund; a statement identifying all expenditures from the Environmental Permitting and Compliance Assurance Fund established pursuant to section two M of chapter twenty-nine; a statement outlining the costs of performing permitting and compliance assurance activities; the number and amount of permit application fees refunded; the number of permit applications received; the number of permit decisions issued; a statement identifying the department's accomplishments with respect to compliance and enforcement compared to the department's goals; the department's goals for compliance and enforcement activities for the following fiscal year; the information with respect to alternative fees and schedules required by subsection (d); and a summary of the significant improvements the department has made in its permitting and compliance programs. For any year in which the department did not meet its goals for compliance and enforcement activities, the report shall include a plan demonstrating how the department will meet its compliance and enforcement goals for the following year. In nineteen hundred and ninety-one and nineteen hundred and ninety-two, the report shall also include a description of the department's progress in eliminating permitting backlogs, including identification of successes or problems.

(l) All moneys received by the department pursuant to this section, and not refunded to permit applicants pursuant to subsection (c), shall be deposited in the Environmental Permitting and Compliance Assurance Fund established pursuant to section two M of chapter twenty-nine, and used, subject to appropriation, solely for the purposes set forth therein; provided, however, that moneys received from annual compliance assurance fees, permit applications, and technical assistance fees shall be used solely for those purposes.

(m) Regulations establishing fees pursuant to subsection (a) or (b), and schedules for timely action pursuant to subsection (c), shall not be in effect in any fiscal year in which appropriations for ordinary maintenance of the department from state funds other than the environmental challenge fund and the environmental permitting and compliance assurance fund do not exceed the baseline figure set forth herein. The baseline figure for fiscal year nineteen hundred and ninety-one shall be eighteen million two hundred and ninety-eight thousand four hundred and fifty-three dollars. The baseline figure in subsequent fiscal years shall be a comparable amount, as determined by the legislature, based on inflation, the department's demonstrated program improvements and efficiencies in areas other than those supported by such fees, and added or reduced programmatic responsibilities of the department.

(n) In the event that the requirements of this section conflict with applicable federal requirements pertaining

to the establishment and collection of permit application or compliance assurance fees by the department, such federal requirements shall take precedence over the conflicting requirements of subsections (a) to (f), inclusive, and the department shall have the authority to establish by regulation and to collect such fees in accordance with the applicable federal requirements.

SECTION 243A. Chapter 25 of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. There is hereby established within the executive office of consumer affairs and business regulation an energy advisory board, appointed by the governor, consisting of thirteen members: three representatives of investor-owned electric utilities; one representative of an investor-owned gas utility; two representatives of the environmental community; two representatives of the business community; one consumer representative; one representative of organized labor appointed from a list of three qualified names submitted by the Massachusetts State Labor Council, AFL-CIO; one representative of energy conservation providers; one representative of the independent power industry and the secretary of consumer affairs and business regulation. Said advisory board shall meet at least four times each fiscal year and shall make recommendations to the governor respecting mandated assessments and fees; relating to the provision of energy and energy services in the commonwealth; the relationship between existing fees and assessments on public utilities and patterns of timely regulatory action; the elimination of duplication of regulatory activity and relative to long-term planning and the future of the commonwealth's energy policy. Said advisory board shall report to the governor annually, which report shall also be submitted to the house and senate committees on ways and means no later than October first of each year. The members of the advisory board shall serve without compensation.

SECTION 244. Section 12M of said chapter 25 is hereby amended by inserting after the second paragraph the following two paragraphs:-

There shall be in the fuel charge monitoring bureau an integrated resources management section to perform the duties and functions of the department in relation to the administration and enforcement of integrated resource management regulations adopted by the department to oversee the long term planning processes of electric companies, ensure said companies are planning adequately to provide reliable energy for the commonwealth from all options including but not limited to conservation, load management and cogeneration and to assist the commission in the review of electric company generation, conservation and load management investments eligible for pre-approval of the type of investment and amount of rate recovery pursuant to said regulations.

For the purpose of providing said section with a portion of its operating funds, the commission is hereby authorized to make an assessment, in addition to other assessments authorized in sections seventeen and eighteen, proportionally against each company under the jurisdictional control of the department and subject to the department's integrated resource management regulations, based upon the intrastate operating revenues of each of said companies derived from wholesale and retail sales of said companies within the commonwealth as shown in the annual report of said companies to the department. Said additional assessment shall be made at such a rate as shall be determined and certified annually by the commission as sufficient to produce not more than six hundred and twenty thousand dollars in revenue for the fiscal year for which the assessment is made

and shall be collected in the manner provided in section seventeen A. The commission is also authorized to expend for the operation of the section such amounts which are appropriated through said commission for that purpose.

SECTION 245. The fifth paragraph of section 7 of said chapter 21C, as so appearing, is hereby amended by striking out, in line 67, the words "of two hundred dollars for each vehicle" and inserting in place thereof the words:- for each vehicle in an amount established by the department pursuant to section eighteen of chapter twenty-one A.

SECTION 246. Section thirteen A of chapter twenty-two of the General Laws is hereby repealed.

SECTION 247. The second paragraph of section 12M of chapter 25 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- In addition to said assessment amounts, the assessment shall include amounts, to be credited to the General Fund, for fringe benefit costs, including group life and health insurance, retirement benefits, paid vacations and holidays, and sick leave, not to exceed fifteen percent of the amount attributable to personnel costs of said bureau subject to assessment under the provisions of this section.

SECTION 248. The second sentence of the first paragraph of section 18 of chapter 25 of the General Laws, as amended by section 25 of chapter 653 of the acts of 1989, is hereby further amended by striking out, in line 6, the words "benefits and other indirect costs" and by inserting in place thereof the following:- benefit costs, including group life and health insurance, retirement benefits, paid vacations and holidays and sick leave, not to exceed fifteen percent of the amount attributable to personnel costs.

SECTION 249. The third sentence of said first paragraph of said section 18 of said chapter 25 is hereby amended by striking out the words "and for fringe benefits and other indirect costs of employees of the department", inserted by section 26 of said chapter 653, and inserting in place thereof the words:- and for fringe benefit costs, including group life and health insurance, retirement benefits, paid vacations and holidays and sick leave, not to exceed fifteen percent of the amount attributable to personnel costs of employees of the department.

SECTION 250. The second paragraph of section 8F of chapter 26 of the General Laws, as so appearing, is hereby amended by inserting after the word "company", in line 17, the words:- ; provided, however, that in addition to said assessment amounts, the assessment shall include amounts, to be credited to the general fund, equal to the total amount of funds estimated by the secretary for administration and finance to be expended from the general fund for indirect and fringe benefit costs attributable to personnel costs of the attorney general's office subject to assessment under provisions herein and under section eleven F of chapter twelve.

SECTION 251. Section 8G of said chapter 26, as so appearing, is hereby amended by striking out, in line 47, the word "fifty" and inserting in place thereof the words:- one hundred.

SECTION 252. Said section 8G of said chapter 26, as so appearing, is hereby further amended by striking out, in line 90, the word "ten" and inserting in place thereof the word:- twenty.

SECTION 253. Said section 8G of said chapter 26, as so appearing, is hereby further amended by striking out, in lines 52, 79, 86 and 148, the word "twenty-five" and inserting in place thereof, in each instance, the word:- fifty.

SECTION 254. The second paragraph of section 8I of said chapter 26, as so appearing, is hereby amended by

inserting after the word "annually", in line 22, the words:- , in addition to said assessment amount, the assessment shall include an amount, to be credited to the General Fund, equal to the total amount of funds estimated by the secretary for administration and finance to be expended from the General Fund for indirect and fringe benefit costs attributable to personnel costs of said bureau subject to assessment under provisions herein.

SECTION 255. Chapter 29 of the General Laws is hereby amended by inserting after section 2 O, inserted by section 16 of chapter 121 of the acts of 1990, the following three sections:-

Section 2P. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Environmental Permitting and Compliance Assurance Fund. There shall be credited to such fund any amounts collected pursuant to section eighteen of chapter twenty-one A, and any income derived from the investment of amounts credited to said fund. Amounts credited to said fund shall be used, subject to appropriation, solely for the purposes of the administration and implementation of the permitting, compliance and enforcement, monitoring and analysis, and technical assistance programs of the department of environmental protection, including payment of personnel fringe benefit costs pursuant to section five D.

Section 2Q. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Intragovernmental Service Fund. There shall be credited to such fund all revenues generated through the charging of any state agency for services provided by another state agency, including, but not limited to charges levied by the public employee retirement administration for workers' compensation chargeback.

Amounts credited to said fund shall be used, subject to appropriation, for the provision of support services to the state agencies.

Section 2R. There is hereby established upon the books of the commonwealth a separate fund to be known as the Maximization Fund. There shall be credited to such fund all revenues, resulting from an increase in revenue collection, directed to said fund by section two of the general appropriation act or any supplemental or deficiency appropriation act.

Amounts credited to said fund shall be available for expenditure by the various state agencies, subject to appropriation.

SECTION 256. Said chapter 29 is hereby further amended by inserting after section 5E, inserted by section 45 of chapter 287 of the acts of 1989, the following section:-

Section 5F. Every officer having charge of any state agency which receives a periodic or other appropriation from the commonwealth, shall annually, on or before a date set by the commissioner submit to the budget director a department financial plan for the current fiscal year and, at such times as specified by said commissioner, revisions to said department financial plan; provided, however, that said officer shall also submit said financial plans to the chairmen of the house and senate committees on ways and means.

The department financial plan shall include statements, in a form prescribed by the budget director, showing in detail (1) amounts proposed to be expended from each expenditure budget account for each month in the current fiscal year; (2) amounts projected to be received in each revenue budget account on account of revenue, other than revenue from state taxes, federal grants or proceeds of bonds issued by the commonwealth, for each month in the current fiscal year; and, (3) such other information on the expenditures, revenues,

activities, output or performance of the state agency as required by the budget director.

The budget director shall provide to the comptroller information from department financial plans for the purpose of developing estimates of monthly cash flow and for the purpose of preparing monthly reports of planned and actual expenditure and planned and actual revenue for each major state program, department, and executive or other constitutional office.

SECTION 257. Section 6D of said chapter 29, as appearing in the 1988 Official Edition, is hereby amended by striking out the second, third, fourth and fifth paragraphs and inserting in place thereof the following three paragraphs:-

Section two of each budget act shall also include appropriation subtotals and retained revenue authorization subtotals for each department, board, commission, office, or agency, an appropriation total and retained revenue authorization total for each secretariat, for each constitutional office, and for the executive, legislative, and judicial branches of state government, and an appropriation grand total and retained revenue authorization grand total for the entire section.

Section two of each budget shall include all direct appropriations and authorizations to retain revenue; section two A shall include all appropriations of federal grants; section two B shall include all authorizations to continue a prior appropriation, including an amount set out in numeric figures of the prior appropriation continued; section two C shall include all appropriations from the Intragovernmental Service Fund.

The provisions of this section shall apply to all appropriations of state funds, including direct appropriations, retained revenue authorizations, federal grant appropriations, accounts with prior appropriations continued, and appropriations from the Intragovernmental Service Fund.

SECTION 258. The sixth paragraph of section 49 of said chapter 29, as most recently amended by section 21 of chapter 655 of the acts of 1989, is hereby further amended by adding the following sentence:- In connection with any such consolidated issue, the state treasurer shall specify at the time of issuance (i) the amount of proceeds to be allocated to each bond authorization act or section thereof, in which case allocation of proceeds shall occur at the time of issuance, or (ii) the various sections of bond authorization acts to which proceeds of the issue may be allocated as expenditures are made pursuant to the authorizations referenced in such sections, in which case allocation of proceeds shall occur at such later time or times as such expenditures shall occur, or *(iii) any combination of the foregoing.*

SECTION 259. The last paragraph of section 60A of said chapter 29, added by section 34 of chapter 653 of the acts of 1989, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 and then outstanding to exceed the limit set herein; provided, however, that bonds for the payment or redemption of which, either at or prior to maturity, refunding bonds shall have been issued, shall be excluded in the computation of outstanding bonds; and provided, further, that the principal amount of bonds issued at a discount shall be the original net proceeds of such bonds.

SECTION 260. Chapter 30A of the General Laws *is hereby amended by adding the following section:-*

Section 18. All state, regional, and municipal agencies, boards, commissions, before any rule, regulation, law or other restriction is enacted, shall make public and post in writing whether or not such restrictions will

impact on agricultural operations based in the commonwealth. Further, if such rule, regulation, law or other restriction is determined to have a potential impact on agriculture, the responsible agency in consultation with the department of food and agriculture, shall conduct an impact assessment to determine the extent of such impact, including, but not limited to: the effect on future land use and related environmental impacts, including costs and submit to the joint committees on natural resources and agriculture and to the house and senate committee on ways and means a copy of their findings forty-five days prior to promulgation.

SECTION 261. Section eighty-eight A of chapter thirty-three of the General Laws is hereby repealed.

SECTION 262. The first paragraph of section 14 of chapter 34 of the General Laws, as amended by section 1 of chapter 193 of the acts of 1989 is hereby further amended by inserting after the word "county", in line 8, the words:- ; and provided, further, that any real estate offered for sale or lease, by a county shall first be offered for sale or lease to the commonwealth and upon the non-acceptance by the commonwealth of any such offer, shall then be offered for sale or lease to the city or town where such land is located.

SECTION 262A. Clause (n) of section 5 of chapter 40I of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "demonstrations", in line 45, the words:- , international education programs for students in kindergarten and at the primary and secondary levels.

SECTION 263. Section 25B of chapter 58, as amended by section 32 of chapter 341 of the acts of 1989, is hereby further amended by striking out subsection (c).

SECTION 264. Section 6D of chapter 62 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words "Massachusetts Nongame Wildlife" and inserting in place thereof the words:- Natural Heritage and Endangered Species Fund,- and by striking out, in line 14, the words "Nongame Wildlife" and inserting in place thereof the words:- Natural Heritage and Endangered Species.

SECTION 265. Section 1 of chapter 62E of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the definition of "IV-D agency" the following definition:-

"Reporting system", the wage reporting and bank match system established in section three.

SECTION 266. Said chapter 62E is hereby amended by striking out sections 3 to 6, inclusive, as so appearing, and inserting in place thereof the following six sections:-

Section 3. The commissioner is hereby authorized and directed to design, develop, implement and operate a wage reporting and bank match system for the purpose of verifying financial eligibility of participants in entitlement programs of the department of employment and training, the department of public welfare, the department of veterans' services, any IV-D agency and the Massachusetts Higher Education Assistance Corporation, as well as any other entitlement programs provided for by statute or regulation.

The commissioner is hereby further authorized and directed to enter into such inter-agency 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.

Section 4. For the purpose of carrying out the provisions of section three, the commissioner 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 from time to time, the record of deposits and withdrawals during the past five years of any person listed in such request.

Section 5. The commissioner 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.

Section 6. 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 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.

Section 6A. 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.

Section 6B. Whenever the bureau finds probable cause to believe that a person has engaged in fraud in any such programs 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.

SECTION 267. Said chapter 62E is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. No employee or agent of the commonwealth shall divulge any information referred to in this chapter, 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.

SECTION 268. Section 9 of said chapter 62E, as so appearing, is hereby amended by adding the following paragraph:-

Any treasurer who is required to submit a report pursuant to the provisions of section four who fails, 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.

SECTION 269. Said chapter 62E is hereby further amended by adding the following section:-

Section 13. The commissioner shall file quarterly reports with the house and senate committees on ways and means describing the status of said wage reporting and bank match 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.

SECTION 270. The first paragraph of section 2A of chapter 60A of the General Laws, as appearing in section 46 of chapter 653 of the acts of 1989, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- 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 and by the joint committee on taxation, 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.

SECTION 271. Section 38L of chapter 63 of the General Laws, inserted by section 122 of chapter 240 of the acts of 1989, is hereby amended by striking out, in line 3, the words "Massachusetts Nongame Wildlife" and inserting in place thereof the words:- Natural Heritage and Endangered Species,- and by striking out, in line 7, the words "Nongame Wildlife" and inserting in place thereof the words:- Natural Heritage and Endangered Species.

SECTION 272. Section 13 of chapter 64A of the General Laws is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Whereas not less than one and two-fifths percent of the excise imposed by section four is obtained from the sale or importation of fuel used in producing or generating power for the operation of watercraft of every description, except seaplanes, said excise funds shall be credited as follows:- fifteen one-hundredths of one percent to the Inland Fisheries and Game Fund established by section two of chapter one hundred and thirty-one; fifteen one-hundredths of one percent to the Public Access Fund established by section seventeen E of chapter twenty-one;. thirty one-hundredths of one percent to the Marine Fisheries Fund established by section two B of chapter one hundred and thirty; and thirty one-hundredths of one percent to the Environmental Law Enforcement Fund established by section six H of chapter twenty-one.

SECTION 273. Sections seven to seven H, inclusive, of chapter sixty-nine of the General Laws are hereby repealed.

SECTION 274. Section five of chapter seventy-three of the General Laws is hereby repealed.

SECTION 275. Section eight A of said chapter seventy-three is hereby repealed.

SECTION 276. Section thirty-one of chapter seventy-five of the General Laws is hereby repealed.

SECTION 277. Section sixteen of chapter seventy-five A of the General Laws is hereby repealed.

SECTION 278. Section eighteen of chapter seventy-five B of the General Laws is hereby repealed.

SECTION 279. Paragraph (a) of section 49 of chapter 90 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 8, the words "each two-year period thereafter" and

inserting in place thereof the words:- annually thereafter for those years.

SECTION 280. Paragraph (b) of said section 49 of said chapter 90, as so appearing, is hereby amended by striking out the last two sentences and inserting in place thereof the following sentence:- Registration certificates issued after expiration of the first six months of the annual registration period, as prescribed by the commission, shall be issued upon payment of fifty percent of the annual fee.

SECTION 281. Paragraph (b) of section 20A of chapter 90D of the General Laws, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words "within two registry business days following the date of application,".

SECTION 282. Paragraph (a) of section 20D of said chapter 90D, as so appearing, is hereby amended by striking out, in lines 30 and 31, the words "appointed under the provisions of section twenty-nine of chapter ninety" and inserting in place thereof the words:- designated by the registrar.

SECTION 283. Chapter 92 of the General Laws is hereby amended by inserting after section 34 the following section:-

Section 34A. The commissioner of the metropolitan district commission, hereinafter referred to as the commissioner, may receive and hold in trust for the commonwealth, exempt from taxation, any instrument of value, including but not limited to, any gift or bequest of money or other personal property, and any grant or devise of lands or rights in land for the purpose of fostering and advancing the MetroZoos zoological parks of the commonwealth and shall administer the same in such a manner as to carry out the terms of such bequests or gifts, grants, or devises. All money and securities received hereunder shall be transferred to the state treasurer, who shall preserve and invest the proceeds thereof, in notes or bonds secured by good and sufficient mortgage or other securities. Said trust property shall be known as the MetroZoos Zoological Trust, and shall be used and expended under the direction of the commissioner after notification to the commission. Subject to the terms of any such grant, gift, devise, or bequest, the metropolitan district commission may expend such funds, whether principal or income.

SECTION 284. Said chapter 92 is hereby further amended by striking out section 113, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 113. The authority shall forward to the treasurer of the commonwealth, for the operation and maintenance of the division, an assessment equal to three-quarters of the fiscal year operating costs of the division, and three-quarters of the division's anticipated capital expenses, and other authorized charges, less revenues received pursuant to section one hundred and seven, and less one-quarter of the amounts to be paid in that fiscal year in trust by the authority to the division for application to payments in lieu of taxes pursuant to chapter fifty-nine. The amount of said assessment shall be determined by the secretary of administration and finance on or before June thirtieth of each fiscal year for the following fiscal year. The secretary shall certify to the state treasurer the amount of said assessment which shall be credited to the division of watershed management of the metropolitan district commission. The treasurer shall in each fiscal year, beginning with the obligations for fiscal year nineteen hundred and ninety-one, assess the authority the amount of said determination. In any fiscal year in which the assessment is insufficient to meet the annual operating expenses of the division, the secretary of administration and finance shall, on or before March thirtieth of such fiscal year, certify to the state treasurer and to the house and senate committees on ways and means, the amount

required for such fiscal year and the treasurer shall assess the authority for any additional amount as authorized by this section. In any fiscal year in which the assessment exceeds the amount necessary to meet the annual operating expenses of the division, the secretary of administration and finance shall certify to the state treasurer and the house and senate committees on ways and means the amount of any unexpended balance and said secretary shall credit said unexpended amount to the assessment due pursuant to this section for the following fiscal year.

SECTION 285. Section 17 of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out the third sentence.

SECTION 286. Said chapter 111 is hereby further amended by inserting after section 63A the following section:-

Section 63B. 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 (Public Law 100-360), as amended. The department shall make the billings required by this section within the time for billing services which are applicable to the Medicare program for the billing of patient care services which are applicable to the Medicare program.

By February first, nineteen hundred and ninety-one, the commissioner of public health shall issue a report to the house and senate committees 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 since 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 revenue which will be generated from the billings required by this section.

SECTION 287. The tenth paragraph of section 150A of said chapter 111, as so appearing, is hereby amended by adding the following sentence:- Notwithstanding the foregoing, however, or any general or special law to the contrary, no permit shall be granted to establish, construct, or newly operate a facility if the facility is located on a site some or all of which abuts or is within two thousand six hundred and forty feet of a boundary line between the city or town which assigned the site or within which the site is located and an abutting city or town.

SECTION 287A. Section 9I of chapter 112 of the General Laws, as appearing in section 2 of chapter 579 of the acts of 1989, is hereby amended by striking out, in line 2, the words "July first, nineteen hundred and ninety" and inserting in place thereof the words:- March first, nineteen hundred and ninety-one.

SECTION 288. Section 1 of chapter 117 of the General Laws, as amended by section 82 of chapter 653 of the acts of 1989, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Any person who is eligible for assistance under the provisions of this chapter who is not maintaining his own home and who is receiving care in a licensed nursing home, a licensed chronic hospital, a licensed rest home, an approved public medical institution, or a public psychiatric institution shall retain the first sixty dollars of monthly income for clothing, personal needs allowance, and leisure time activities. If there is no such income, or if such income is less than sixty dollars the recipient shall be paid monthly, in advance, the difference between such income and sixty dollars. The admission of a person receiving assistance under the provisions of this chapter to a public psychiatric institution for less than two months shall not qualify said person for an allowance under this section, nor shall temporary admission affect the amount of benefits paid under this chapter until two months following the commencement of a temporary admission.

SECTION 289. Section 1 of said chapter 117 of the General Laws, as amended by said section 82 of chapter 653 of the acts of 1989, is hereby further amended by striking out the fifth paragraph.

SECTION 289A. Section 4 of chapter 118E of the General Laws is hereby amended by inserting after the first paragraph the following paragraph:-

. The medical assistance program authorized under this chapter shall accept, process, and pay all claims from a participating provider for medically necessary services covered under the program, delivered to an eligible recipient. For participating providers of inpatient services, the medical assistance program shall pay otherwise payable claims where such claims are submitted on a monthly basis prior to discharge of an eligible recipient. The department may pay claims submitted more frequently than monthly at the discretion of the commissioner.

SECTION 290. Section 4 of chapter 118E of the General Laws, as amended by section 84 of chapter 653 of the acts of 1989, is hereby further amended by adding the following paragraph:-

As a method of providing medical care and assistance to its recipients, the department is authorized to contract with any fiscal agent, institution, health insurer, health maintenance organization, health plan, management service or consultant firm consistent with the requirements of 42 CFR Part 434 to administer all or part of the services and benefits available under this chapter; or, 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 be subject to the provisions of chapter one hundred and seventy-six G and section fifty-nine of chapter six A.

SECTION 291. Said chapter 118E is hereby further amended by inserting after section 4A the following section:-

Section 4B. Pursuant to the second paragraph of section four, the department shall enter into negotiated rate contracts with nursing homes that recognize the acquisition cost, or portion thereof which exceeds the allowable basis under relevant regulations of the rate setting commission, as the allowable basis of fixed assets where there has been a change of ownership effective on or after January first, nineteen hundred and eighty-seven, provided that:

(i) the new owner has received a determination letter from the Internal Revenue Service that it is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) the new owner is a nonprofit hospital within the commonwealth licensed by the department of public health, or is a nonprofit organization affiliated with a nonprofit hospital which is organized and operated for the benefit of, to perform one or more functions of, or to carry out one or more of the purposes of the

nonprofit hospital it is affiliated with, including operation of freestanding nursing homes licensed by the department of public health; and

(iii) the new owner demonstrates that on average not less than eighty-five percent of its patient population is a recipient of medical assistance under this chapter; and

(iv) the new owner demonstrates that in the nonprofit hospital it operates it has an average of administratively necessary patient days that is fifty percent of the regional average of administratively necessary patient days as calculated by the department; and

(v) the new owner demonstrates that in the nonprofit hospital it operates that on average it has not less than eighty percent occupancy of medical or surgical beds; and

(vi) the change of ownership did not occur between a person or organization which is associated or affiliated with or has control of or is controlled by the new owner or is related to the new owner or any director, trustee, partner, shareholder or administrator of the new owner by common ownership or control or in a manner specified in section 267(b) and (c) of the Internal Revenue Code of 1986; and

(vii) the change of ownership was made for reasonable consideration; and

(viii) the change of ownership was a bona fide transfer of all powers and indicia of ownership; and

(ix) the change of ownership manifested an intent to sell the assets of the facility rather than implement a method of financing, or refinancing; and

(x) the department of public health certifies the need for additional beds for publicly-assisted residents in the geographical area; and

(xi) such geographical area is reasonably isolated which isolation creates difficulties in obtaining access to nursing home care; and

(xii) the new owner obtains at least two independent appraisals of the property; and

(xiii) the department of public welfare and the department of public health have determined that the transaction is necessary to ensure the safety of patients as evidenced by current or anticipated delicensure or decertification proceeding against the current owner; provided however, that the provisions of clauses (xii) and (xiii) of paragraph (a) shall only apply to nursing homes acquired after July first, nineteen hundred and ninety; or

(b)(i) the new owner acquired the facility from an acute care hospital to operate the nursing home pursuant to relief granted to the acute care hospital by the acute care hospital conversion board pursuant to section one hundred and one of chapter six A; and

(ii) the acute care hospital conversion board approves the new owner's acquisition cost; and

(iii) the new owner demonstrates that on average, not less than eighty-five percent of its patient population is receiving medical assistance under this chapter.

If the department is unable to calculate regional averages for administratively necessary patient days pursuant to clause (a)(iv) of this section, the new owner shall be able to receive the acquisition cost, or the portion thereof which exceeds the allowable basis under relevant regulations of the rate setting commission, as the allowable basis of the fixed assets as a result of a change of ownership if the new owner otherwise complies with clauses (i) to (iii), inclusive, and clauses (v) to (xiii), inclusive of paragraph (a).

SECTION 292. Said section 6 of said chapter 118E, as amended by section 85 of said chapter 653, is hereby further amended by inserting after the second paragraph the following paragraph:-

The department shall develop regulations and procedures requiring a recipient of medical assistance under this chapter 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.

SECTION 293. Said section 6 of said chapter 118E, as amended by said section 85 of said chapter 653, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Any person who is eligible for assistance under the provisions of this chapter who is not maintaining his own home and who is receiving care in a licensed nursing home, a licensed chronic hospital, a licensed rest home, an approved public medical institution, or a public psychiatric institution shall retain the first sixty dollars of monthly income for clothing, personal needs allowance, and leisure time activities. If there is no such income, or if such income is less than sixty dollars, the recipient shall be paid, in advance, the difference between such income and sixty dollars.

SECTION 294. Said section 6 of said chapter 118E, as amended by section 85 of said chapter 653, is hereby further amended by striking out the last paragraph.

SECTION 295. Section 6A of said chapter 118E, as appearing in the 1988 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

The department shall further establish a program of assistance for persons forced to leave employment due to the onset or worsening of a severe and chronic disability or illness or whose access to employer sponsored health insurance is jeopardized by a substantial reduction in work hours as a result of such disability or illness. The benefits of such program shall provide for assistance in paying health insurance premiums offered through a group plan of health insurance sponsored by the employer for those persons whose continuing disability or illness would likely result in their becoming eligible for benefits under this chapter; provided that the cost of such benefits shall be paid, in part, by payments from such persons according to a sliding fee schedule established by the department.

SECTION 296. Chapter 118E of the General Laws is hereby amended by inserting after section 6B the following two sections:-

Section 6C. Multiple source drugs listed in the Massachusetts list of interchangeable drug products established pursuant to the provisions of section thirteen of chapter seventeen of the General Laws and regulations adopted thereunder shall not be reimburseable except for the "Massachusetts maximum allowable cost", as defined by regulations of the department, unless the department grants prior authorization based upon the provision of written documentation by the practitioner to the department that satisfactorily demonstrates that a recipient's medical condition requires the use of a non-generic drug or unless the practitioner writes on the face of the prescription in his or her own handwriting the words "brand name medically necessary" under the words "no substitution" in a manner consistent with applicable state law; provided that a pharmacist dispensing in accordance with this section shall be exempt from the provisions of the fourth paragraph of section twelve D of chapter one hundred and twelve.

Section 6D. The department may purchase on behalf of any person eligible for assistance under this chapter medical insurance furnished in accordance with the provisions of chapter one hundred and seventy-five, one

hundred and seventy-six A, one hundred and seventy-six B or one hundred and seventy-six G, provided that such medical insurance, in conjunction with any supplemental coverage that may be made available to such person by the department under this chapter, would enable said person to obtain medical care and services comparable to those afforded any other similar eligible person under this chapter, at no greater cost to such person or the department. The third party liability unit of the department is hereby authorized to establish services and procedures which seek to maximize and coordinate the utilization of health care benefits provided under any such purchase of medical insurance for such person.

SECTION 297. Said chapter 118E is hereby further amended by striking out section 16, added by section 87 of chapter 653 of the acts of 1989, and inserting in place thereof the following section:-

Section 16. There shall be no adjustment or recovery of medical assistance correctly paid, except from the estate of an individual who was sixty-five years of age or older when he received such assistance, and then only after the death of his surviving spouse, if any, and only at a time when he has no surviving child who is under age twenty-one or is blind or permanently and totally disabled.

The department is authorized to solicit and collect contributions from relatives of any individual who is a patient in a long-term care institution and who is an applicant for or recipient of medical assistance under this chapter.

The department is authorized to establish contribution programs that shall entail mandatory or voluntary contributions; provided, however, that under a program of mandatory contributions, no contribution greater than two percent of the total medical assistance payment made annually by the department to the long-term care institution on behalf of said patient shall be required; provided, further, that no contributions shall be required of any person who is a member of a household with an income that is less than three hundred percent of the federal poverty standard; and provided, further, that for this purpose income shall be determined after *any expenditures required by this chapter. The department* may also solicit and collect voluntary contributions from any member of the general pubic who wishes to make such a contribution. For the purposes of this section, "relatives" of such individual shall mean his spouse, his children by blood, marriage, or adoption, his grandchildren who have reached the age of twenty-one; or, where such individual is a minor in a long-term care institution, his parents and grandparents by blood or adoption.

The department shall send to the relatives of such individual, at least annually, an itemized list of all payments made by the medical assistance program on behalf of said individual, together with, in the case of a voluntary program, a request for voluntary contributions or, in the case of a mandatory program, a bill for two percent of such total charges which shall be the obligation of the relative to pay to the department. The department is authorized to request *of all said individuals a listing of relatives and other pertinent information,* and to promulgate regulations for the administration of the contributions programs. The department shall issue to each person who makes a contribution under this section a receipt for the contribution.

The making of such contributions by relatives of an applicant for or recipient of medical assistance shall not be a precondition of or requirement for obtaining or maintaining eligibility for medical assistance under this chapter, nor shall any such contributions be considered income or resources available to an applicant for or recipient of medical assistance if such contributions are made by an individual who is not a responsible relative as defined by the provisions of Title XIX of the Social Security Act as amended and the regulations

promulgated thereunder.

Contributions made pursuant to the provisions of this section shall be deposited in the Long-Term Care Trust Fund established pursuant to section sixteen B.

SECTION 297A. Chapter 130 of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2B. There is hereby established a fund to be known as the Marine Fisheries Fund to which shall be credited such sums as are determined under the provisions of section thirteen of chapter sixty-four A, such sums as are received by the commonwealth pursuant to sections seventeen and seventy-seven of chapter one hundred and thirty, such sums received for licenses certifies and permits issued in accordance with section eighty-three of said chapter one hundred and thirty, criminal fines or their criminal penalties relating to marine fish and fisheries, such sums as are credited from other funds for the propagation and management of marine fish and shellfish resources and all sums received by the commonwealth from the federal government on account of the activities of the division of marine fisheries. All monies in said fund shall be appropriated for the purpose of maintaining, managing, and operating the division of marine fisheries in carrying out its functions including such appropriations are necessary to assure the proper administration of said division.

SECTION 298. Said chapter 118E is hereby further amended by striking out section 16 and inserting in place thereof the following section:-

Section 16. There shall be no adjustment or recovery of medical assistance correctly paid, except from the estate of an individual who was sixty-five years of age or older when he received such assistance, and then only after the death of his surviving spouse, if any, and only at a time when he has no surviving child who is under age twenty-one or is blind or permanently and totally disabled.

SECTION 299. Section 16A of chapter 118E of the General Laws, inserted by section 1 of chapter 329 of the acts of 1989, is hereby amended by striking out the first two paragraphs.

SECTION 300. Chapter 118E of the General Laws is hereby further amended by striking out section 16B and inserting in place thereof the following three sections:-

Section 16B. There is hereby established on the books of the commonwealth a Long-Term Care Trust Fund to which shall be deposited all contributions collected by the department pursuant to section sixteen. All interest earned on the amount in said trust fund shall be deposited or retained in said trust fund.

Amounts from this trust fund may be expended, subject to appropriation, on care for recipients of long-term care benefits under this chapter or for services otherwise authorized pursuant to this chapter.

Section 16C. (a) Notwithstanding any general or special law to the contrary, upon the death of any individual sixty-five years of age or older, the department shall, to the extent it has paid medical assistance under this chapter to or on behalf of such individual who was sixty-five years of age or older when such individual received such assistance, have a lien for the amount of said assistance on the real and personal property of the decedent to the extent includable in the Massachusetts probate estate of the decedent; *provided, however, that* such lien shall not apply to the extent that such estate has paid or will pay the following: (1) federal and Massachusetts estate taxes; (2) funeral expenses; (3) unpaid mortgages; and (4) expenses of administration. The provisions of paragraphs (c), (d) and (e) of section fourteen of chapter sixty-five C shall apply to the lien created by this section. Notwithstanding the provisions of this paragraph, no such lien shall be imposed

pursuant to this section on any estate administered pursuant to sections sixteen or sixteen A of chapter one hundred and ninety-five. Unless the amount payable hereunder is sooner paid in full, any lien created by this section shall expire ten years from the date of death of the decedent, or ten years from the time that no condition listed in paragraph (c) exists, whichever is later.

(b) The amount due under this section shall be paid by the personal representative of the decedent. The term "personal representative", as used in this section, shall mean the personal representative, the executor or the administrator of the decedent's estate, or, if there is no executor or administrator appointed, qualified and acting within the commonwealth, then any person in actual or constructive possession of any property of the decedent. The probate court may authorize a personal representative to sell so much of the property of the estate as will enable him to pay such amount due under this section.

(c) In the event the deceased left a surviving spouse, a child under twenty-one years of age, or a blind or permanently and totally disabled child, the personal representative may defer making any payment due under this section without incurring any penalty or interest until such time as there is no longer a surviving spouse, a child under twenty-one years of age, or a blind or permanently and totally disabled child.

(d) Within four months of the personal representative being appointed, the personal representative of any estate where the deceased was sixty-five years of age or older shall make written application to the department of revenue, on a form prescribed by such department, for a determination of the amount due under this section. The department of revenue shall furnish such determination of the amount due within ninety days of receiving such application. Said determination shall be final; provided, however, that any personal representative may appeal said determination to the department of revenue. No payments shall be due while an appeal under this section is pending; provided, however, interest shall accrue as provided in paragraph (e) on any amount ultimately found due.

(e) All amounts due under this section shall be paid within one year from the date of death or within sixty days of the date of the department of revenue's determination of the amount due, whichever is later. The commissioner of revenue may extend the time for payment of such amount pursuant to section ten of chapter sixty-five C. In the event timely payment is not made and provided no extension has been granted by said commissioner, interest shall begin to accrue at the rate provided for under section six B of chapter two hundred thirty-one. In the event the personal representative fails to make application within four months as provided in paragraph (d), interest shall accrue commencing four months from the date of death.

(f) The estate of the deceased and the personal representative, upon payment of the amount determined to be due under this section, shall be discharged from any liability for any deficiency later found due. Upon such discharge, the department of revenue shall issue a certificate of release, in recordable form, of all liens imposed by this section, which certificate shall constitute conclusive evidence of the discharge of liability under this section. Upon application by any person, if a determination is made that no amount is due from an individual or his estate under this section, the department of revenue shall issue such certificate of release of liens imposed by this section.

Section 16D. Notwithstanding the provisions of sections sixteen, sixteen A, and sixteen C, a person receiving medical assistance who has obtained long term care insurance whose coverage meets the requirements of 211 CMR 65.00 shall not be liable for the payment of medical assistance correctly paid to or on such person's

behalf. No mandatory contributions shall be required from such person's relatives pursuant to section sixteen, no claims may be made by the department against such person's estate pursuant to section sixteen A and no lien shall be imposed pursuant to section sixteen C on such person's estate. The department shall promulgate regulations to enforce the provisions of this section.

SECTION 301. Section 19 of chapter 118F of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 4, the word "ninety-two" and inserting in place thereof the word:- ninety-four.

SECTION 302. Paragraph (6) of said section 19 of said chapter 118F, as so appearing, is hereby amended by striking out, in lines 47 and 52, the word "ninety" and inserting in place thereof, in each instance, the word:- ninety-two.

SECTION 303. Paragraph (9) of said section 19 of said chapter 118F, as so appearing, is hereby amended by striking out, in lines 66 and 70, the word "ninety-two" and inserting in place thereof, in each instance, the word:- ninety-four.

SECTION 304. Sections three, four, five, six and seven of chapter one hundred and twenty-three A of the General Laws are hereby repealed.

SECTION 305. Section 3 of chapter 128A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

Every licensee shall keep conspicuously posted in various places on its premises a notice containing the name and numbers of the council on compulsive gambling and a statement of its availability to offer assistance.

SECTION 306. Chapter 130 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 director shall devise a system of statistical information useful to the commercial and recreational fishing industry of the commonwealth and may collect and compile fishery statistics obtained thereunder. He may require for such purposes statistical reporting from all fishermen, wholesale and retail fish dealers and fish processors on such forms and at such time to be determined by him. Said statistical reports shall be signed and submitted under the pains and penalties of perjury and subject to chapter sixty-six and chapter sixty-six A, shall be held strictly confidential by the director and shall not be disclosed except in compliance with a valid court order. The director may, by regulation, prescribe such procedures as may be necessary to preserve such confidentiality, except that the director may release or make public any such statistics in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such statistics.

Any license, permit or certificate issued by the division to any person who refuses or fails to submit, or knowingly submits a false statistical report shall be suspended and surrendered to the director. Persons who fail to submit, or knowingly file a false report shall not have issued to them a new license, permit or certificate until an accurate statistical report is submitted to the director.

The director may enter into cooperative agreements with local, state or federal authorities for the purpose of joint conservation and management of marine fisheries and for the implementation and enforcement of rules and regulations relative thereto, and may, subject to chapter thirty A, implement any regulations as developed and recommended by the Atlantic States Marine Fisheries Commission.

The director shall, from to time, prepare and distribute bulletins and reports embodying statistical and other information relative to marine fisheries. He shall also assist and cooperate with local authorities in the promulgation of rules and regulations for the protection and conservation of marine fisheries.

Whoever violates any provisions of this act shall be fined not less than one hundred dollars nor more than one thousand dollars.

SECTION 307. The first paragraph of section 80 of chapter 130 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Notwithstanding any contrary provision contained in this section, a person who has in his possession a commercial fisherman permit for rod and reel may take by rod and reel or by diving and sell fin fish lawfully taken from the coastal waters.

SECTION 308. The last paragraph of said section 80 of said chapter 130, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Whoever violates any provision of this section shall be punished by a fine of not less than ten dollars nor more than ten thousand dollars or by imprisonment for not more than three years, or both.

SECTION 309. Said chapter 130 is hereby further amended by striking out section 83, as so appearing, and inserting in place thereof the following section:-

Section 83. For the purposes of defraying the costs of the division's research, management and other activities including administrative and operating expenses, and the cost of issuing the following resident and nonresident permits and any inspections relative thereto, resident and nonresident permit fees, the amounts which shall be determined by the secretary of administration and finance under the provisions of section three B of chapter seven for the filing thereof, shall be paid to the director by the person to whom the same is issued for any calendar year or part thereof.

A. Commercial Fisherman (For the taking of fish for sale)
Individual (For named individual only)
Shellfish
Rod and Reel - Unlimited (For the sale of fin fish lawfully taken by rod and reel or by diving)
Boat (100 feet or more in total length) (60 to 99 feet in total length) (Up to 59 feet in total length)
Lobster (For the taking of lobsters for sale)
Seasonal Lobster
B. Wholesale Dealer (Any wholesaler dealing in fresh or raw fish)
C. Retail Dealer (Any retailer dealing in fresh or raw fish)
D. Special Permits
Non-Commercial Lobster and Crab (Up to 10 pots and/or diving privileges)
Master Digger
Subordinate Digger
Regulated Fishery (For fishing in special areas)
Domestic Processing Vessel
Foreign Processing Vessel
Other - Miscellaneous

E. Duplicate (Replacing Original).

SECTION 310. Section 2 of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in line 24, the words "Nongame Wildlife", and inserting in place thereof the words:- Natural Heritage and Endangered Species.

SECTION 311. Section 5B of said chapter 131, as so appearing, is hereby amended by striking out, in line 26, the words "Nongame Wildlife" and inserting in place thereof the words:- Natural Heritage and Endangered Species.

SECTION 312. Section 11 of said chapter 131, as so appearing, is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

The fee for a Massachusetts waterfowl stamp issued under section thirteen, the designated portion of said fee which may be retained by the authorizing agent or city or town clerk issuing such stamp and the amount which shall be transferred to the state treasurer for deposit and disbursement, shall be determined by the commissioner of administration annually pursuant to the aforementioned provision. The state treasurer shall forward upon request of the director and subject to annual appropriation, one dollar of the fee for each stamp issued to Ducks Unlimited, Inc., of Long Grove, Illinois pursuant to an agreement between the director and Ducks Unlimited, Inc. Such funds are to be used exclusively for waterfowl management in the Atlantic provinces of Canada. A written report shall be annually submitted to the division by Ducks Unlimited, Inc. setting forth what projects, activities and expenses were realized from the commonwealth's contribution. The state treasurer shall forward upon request of the director and subject to annual appropriation, up to three dollars of the fee for each stamp issued to the National Fish and Wildlife Foundation of Washington, D.C. for fulfillment of the North American Waterfowl Management Plan pursuant to an agreement between the director and the National Fish and Wildlife Foundation or to another nonprofit, waterfowl conservation and management organization whose purpose is to acquire, enhance, develop, or protect water fowl habitat with the approval of the Fisheries and Wildlife Board. Such funds are to be used exclusively for waterfowl management in the Atlantic provinces of Canada and the northeastern United States. A written report shall be annually submitted to the division by the National Fish and Wildlife Foundation and/or any other organization receiving funds, setting forth what projects, activities and expenses were realized from the commonwealth's contribution. Any unexpended balance shall be credited to the Inland Fisheries and Game Fund.

SECTION 313. Section 2 of chapter 132 of the General Laws is hereby amended by striking out the second sentence and inserting in place thereof the following sentences:- Said trust properties shall be known as the Forestry Trust and shall be used and expended under the direction of the commissioner and subject to his orders. Subject to the terms of such grant, gift, devise, or bequest, the commissioner may expend such funds without further appropriation whether principal or income.

SECTION 314. Chapter 132A of the General Laws is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The commissioner of the department of environmental management hereinafter referred to as the commissioner may receive and hold in trust on behalf of the commonwealth, exempt from taxation, bequests or gifts to be used for the purpose of advancing the recreational and conservation interests of the commonwealth and shall administer the same in such manner as to carry out the terms of such bequests or gifts and he may

accept on behalf of the commonwealth gifts of land outside the metropolitan park district to be held and managed for recreational and conservation purposes. Said trust properties shall be known as the Conservation Trust and shall be used and expended under the direction of the commissioner and subject to his orders. Subject to the terms of such grant, gift, devise, or bequest, the commissioner may expend such funds without further appropriation whether principal or income.

SECTION 314A. The second paragraph of section 7A of chapter 132A of the General Laws, as appearing in section 94 of chapter 653 of the acts of 1989, is hereby amended by inserting after the word "thirty-two A", in lines 4 and 5, the words:- and section sixteen of chapter two hundred and seventy.

SECTION 316. Section 6 of chapter 136 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following clause:-

(52) The retail sale of alcoholic beverages not to be drunk on the premises, (a) on the Sunday immediately preceding Christmas day and on the Sunday immediately preceding New Year's Day by retail establishments throughout the commonwealth licensed under section fifteen of chapter one hundred and thirty-eight, and (b) on any Sunday by any retail establishment licensed under the provisions of section fifteen of chapter one hundred and eight and located in any city of town in Middlesex county, Worcester county or in Essex county which city or town is located within ten miles of the New Hampshire border; provided, however, that a local licensing authority may grant at its discretion, a permit to allow the sale of alcoholic beverages under this clause; and provided, further, that no such sale shall occur unless such permit has been granted; and provided, further, that such permit shall not allow such sale to occur prior to the hour of twelve noon or on a legal holiday as defined in clause eighteenth of section seven of chapter four when said holiday occurs on one of the Sundays described herein; and provided, further, that establishments operating under the provisions of this clause shall compensate all employees at a rate of not less than one and one-half the employee's regular rate; and provided, further, that no employee shall be required to work, and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, discharge, deduction of hours or any other penalty.

SECTION 317. Section 6 of chapter 150 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 application shall be accompanied by a filing fee, the amount of which shall be three hundred dollars or any greater fee which may be established by the commissioner of administration under the provisions of section three B of chapter seven for the filing thereof; provided, however, that the amount of any such fee shall be paid in equal shares by the party seeking application and the answering party or if the application is by a single party, said party shall pay one-half of such fee and the answering party shall pay the remaining one-half; provided, further, that the board may, where appropriate, provide for the waiver of the filing fee for any particular controversy or classes of controversies.

SECTION 318. Subsection 1 of section 3 of chapter 151B of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words:- an office in the city of Worcester.

SECTION 319. Said section 3 of said chapter 151B, as so appearing, is hereby further amended by adding the following subsection:-

14. To accept gifts, contributions or bequests of funds or other aid from any source, whether public or private and from federal, state or other governmental bodies for the purpose of furthering the commissions

mandate; provided, however, that all amounts received pursuant to this paragraph shall be deposited with the treasurer and made available to the commission for expenditure for any purposes authorized by this chapter.

SECTION 322. Section 5 of chapter 161A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out subsection (e1/2) and inserting in place thereof the following subsection-

(e1/2) The authority shall establish the fare for transportation on its rapid transit, local bus service and commuter rail lines, for a person sixty-five and older who resides within the commonwealth.

SECTION 323. Said chapter 161A is hereby further amended by inserting after section 6 the following section:-

Section 6A. The directors may promulgate rules and regulations pertaining to the parking of motor vehicles in any terminals, stations, garages, yards, shops, parking lots, or parking garages owned or operated by the authority, but specifically excluding any streets, ways, highways, roads and parkways. The authority may, by a vote of the directors, adopt the provisions of section twenty A1/2 of chapter ninety; provided, however, that the directors establish rules and regulations creating regional districts throughout the authority consisting of contiguous cities or towns within which the parking clerk shall regularly conduct hearings.

SECTION 324. Said chapter 161A is hereby further amended by inserting after section 19J the following section:-

Section 19K. All sums of money payable under the provisions of sections thirty-one, thirty-four, thirty-four A, thirty-five and thirty-five A of chapter one hundred and fifty-two directly to a retired member of the Massachusetts Bay Transportation Authority retirement system or to the legal representative or dependents of a deceased member on account of his death, including so much of the amount of any lump sum settlement payable under the provisions of such sections directly to any such persons as is allocable to the period following the retirement or death of such member, but excluding any payments for or amounts allocable to any period to the date his retirement allowance became effective, shall be offset against and payable in lieu of any pension payable on his account by reason of the same injury, but not against his accumulated total deductions or any annuity derived therefrom. If any such pension exceeds the compensation payable on account of such member under such provisions of chapter one hundred and fifty-two when both are reduced to the same periodical basis, the excess only shall be paid as a pension so long as such compensation continues. If any such pension is less than or equal to such compensation, no pension shall be paid so long as such compensation continues to be equal to or greater than such pension.

In all cases where a member or a beneficiary receives delayed compensation payments or an amount of any lump sum settlement payable directly to him under the provisions of sections thirty-one, thirty-four, thirty-four A, thirty-five or thirty-five A of chapter one hundred and fifty-two subsequent to his receipt of payments under any pension granted under the provisions of the Massachusetts Bay Transportation Authority retirement system by reason of the same injury, no further pension payments shall be made unless and until such time as the total amounts which by then would have been payable as compensation and pension together, if there had been no delay in making such compensation payments, shall exceed the total amounts of compensation and pension actually paid by them after due allowance in either case for the allocation of any such lump sum settlement.

If a member or a beneficiary entitled to a pension under the provisions of the Massachusetts Bay

Transportation Authority retirement system, and also having a right to compensation under the provisions of chapter one hundred and fifty-two by reason of the same injury or death of such member, as the case may be, neglects or fails to prosecute fully such right or to cooperate with the Massachusetts Bay Transportation Authority retirement system in its prosecution thereof, as provided for by the provisions of section seventy-three of such chapter, said board may, during the period of such neglect or failure, suspend such member's or beneficiary's right to further payment. Under the circumstances set forth in the said section seventy-three, the duty of the board to prosecute shall be mandatory.

SECTION 325. The sixth paragraph of section 69H of chapter 164 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the second sentence the following sentence:- In addition to said assessment amount, the assessment shall include amounts, to be credited to the General Fund, for fringe benefit costs, including group life and health insurance, retirement benefits, paid vacations and holidays, and sick leave, not to exceed fifteen percent of the amount attributable to personnel costs of said council subject to assessment under the provisions of this section.

SECTION 326. Section 69H of chapter 164 of the General Laws is hereby amended by adding the following two paragraphs:-

There shall be in the energy facilities siting council an integrated resource management section to perform the duties and functions of the council in relation to the administration and enforcement of integrated resource management regulations adopted by the council to ensure that utilities are planning adequately to provide a necessary energy supply for the commonwealth with minimum impact on the environment at the least possible cost.

For the purpose of providing said section with a portion of its operating funds to perform said duties and functions, the council is hereby authorized to make an assessment, in addition to other assessments, proportionally against each utility company under the jurisdiction and control of the department of public utilities, and subject to the council's integrated resource management regulations, based upon the intrastate operating revenues of each of said companies derived from wholesale and retail sales of each of said companies within the commonwealth as shown in the annual reports of said companies to the department. Said assessment shall be made at such a rate as shall be determined and certified annually by the council as sufficient to produce not more than four hundred and thirty thousand dollars in revenue for the fiscal year for which the assessment is made and shall be collected in a manner consistent with section seventeen A of chapter twenty-five. The council is also authorized to expend for the operation of the section such amounts which are appropriated through said council for that purpose.

SECTION 326A. Chapter 164 of the General Laws is hereby amended by inserting after section 69J the following section:-

Section 69J1/2. Notwithstanding the provisions of any general or special law to the contrary, the energy facilities siting council may charge a fee of seventy-five thousand dollars for each application to construct a facility that generates electricity. In the event that the application to construct a facility that generates electricity is accompanied by an application to construct one additional facility that does not generate electricity, said council may charge a fee of one hundred thousand dollars for the combined application. In the event that an application to construct a facility that generates electricity is accompanied by applications to

construct two additional facilities that do not generate electricity, said council may charge a fee of one hundred and twenty-five thousand dollars for the combined application. In the event that an application to construct a facility that does not generate electricity is filed separately, said council may charge a fee of seventy-five thousand dollars for each such application; provided, however, that, should said council deem it warranted, it may charge a lower fee, not to be less than twenty-five thousand dollars, for applications to construct facilities that do not generate electricity and that are below a size to be determined by the council. Said fees shall be payable upon issuance of the notice of adjudication and public hearing. Said fees shall apply to all applications filed on or after August fifteenth, nineteen hundred and eighty-nine.

None of the fees described above shall be required of applicants that are utility companies subject to the jurisdiction of the said council that are assessed annually for the expenses of said council.

Said council may retain said fees for the purpose of reviewing applications to construct facilities. Any remaining balances of said fees at the end of a fiscal year shall not revert to the General Fund, but instead shall be available to said council during the following fiscal year for the purposes provided herein.

The fees collected pursuant to this section shall be used to ensure that an appropriate number of staff members and other resources are dedicated to the review of applications to construct facilities. Said council shall endeavor to complete the review of applications filed by applicants that are not utility companies in seven months from the date of the last public informational hearing, and shall endeavor to complete the review of applications filed by utility companies in twelve months from the date of the last public informational hearing; provided, however, that it may not be possible to achieve these target periods in the case of applications that raise unusual issues or circumstances. Said council shall issue an annual report setting forth the following: the number of facility applications filed, decided and pending; the average duration of review; and the average staffing levels.

Nothing contained in this section shall be interpreted as changing said council's statutory mandate, or the type of transmission line facilities that may be constructed by applicants that are not utilities. Nothing contained in this section shall be interpreted as changing the council's regulations or body of precedent, or interpreted as changing the rights of intervenors before the council.

SECTION 327. Paragraph (d) of section 9 of chapter 197 of the General Laws, as appearing in section 5 of chapter 329 of the acts of 1989, is hereby amended by striking out, in lines 3 to 5, inclusive, the words "notice to be given to the department of public welfare and such department's claim for recovery under the provisions of section sixteen of" and inserting in place thereof the words:- department of public welfare's claim for recovery under.

SECTION 328. Chapter 211A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following section:-

Section 17. The chief justice of the appeals court may, subject to the approval of the chief justice of the supreme judicial court, grant a leave of absence for study, research, teaching, or such other reason as said chief justice of the appeals court deems appropriate to the improved administration of justice, to an associate justice of said appeals court, said leave to be for a period not to exceed one year. Any judge who is authorized to take a leave of absence shall not receive any pay during the period of such leave of absence. Provided, however, that time spent on a leave of absence shall be credited to the judge for retirement purposes. The

chief justice in approving such leaves shall consider the speedy dispatch of judicial business. The chief justice of the appeals court, in consultation with the supreme judicial court, shall establish and promulgate standards governing the approval of such leaves including procedures for the submission and disposition of requests for leave.

No leave of absence under this section shall be granted prior to the seventh year of service or within one year of retirement. A justice granted a leave of absence under this section shall not be eligible to take another leave of absence until the expiration of seven years following his return to judicial duties.

All statutory requirements and rules of court pertaining to justices shall continue to be applicable to a justice while he is on a leave of absence pursuant to this section.

SECTION 329. Chapter 211B of the General Laws, as so appearing, is hereby further amended by adding the following section:-

Section 19. An administrative justice of the trial court may, subject to the approval of the chief administrative justice, grant a leave of absence for study, research, teaching, or such other reason as said administrative justice deems appropriate to the improved administration of justice, to a judge of said department, said leave to be for a period not to exceed one year. Any judge who takes an approved leave of absence shall not receive pay during the period of the leave of absence; provided, however, that time spent on leave of absence shall be credited to the judge for retirement purposes. The chief administrative justice in approving such leaves shall consider the speedy dispatch of judicial business, including reassignment of judges pursuant to section nine. The chief administrative justice, in consultation with the administrative justices, shall establish and promulgate standards governing the approval of such leaves including procedures for the submission and disposition of requests for leave.

No leave of absence under this section shall be granted prior to the seventh year of service or within one year of retirement. A judge granted a leave of absence under this section shall not be eligible to take another leave of absence until the expiration of seven years following his return to judicial duties.

All statutory requirements and rules of court pertaining to judges shall continue to be applicable to a judge while he is on a leave of absence pursuant to this section.

SECTION 330. Chapter 211D of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. Any person provided counsel under the provisions of this chapter shall be assessed a legal counsel fee of forty dollars which may be waived at the discretion of the court. Said fee shall be in addition to any reduced fee required pursuant to section two and shall be collected in accordance with said section.

SECTION 331. Paragraph (b) of section 6 of chapter 211D 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 committee shall enter into contractual agreements with any state, county or local bar association or voluntary charitable group, corporation or association, including bar advocate groups, for the purpose of providing such counsel.

SECTION 332. Section 10 of said chapter 211D, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- The committee shall also establish procedures whereby comments on the standard of performance of counsel in its divisions may be submitted by the justice hearing a particular matter.

SECTION 334. Clause (9) of the first paragraph of section 62 of chapter 218 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding after the line reading "Worcester juvenile court" the following line:- district court of Chicopee.

SECTION 335. The second paragraph of said section 62 of said chapter 218, as so appearing, is hereby amended by inserting after the word "Chelsea", in line 61, the words:- , in the district court of Chicopee.

SECTION 336. Section 1 of chapter 258A of the General Laws, as so appearing, is hereby amended by striking out the definition of "Crime" and inserting in place thereof the following two definitions:-

"Claimant", a person who applies for compensation or who is eligible to apply for compensation under this act.

"Crime", an act committed by an adult or a juvenile which, if committed by a mentally competent, criminally responsible adult, who had no legal exemption or defense, would constitute a crime; provided, however, that such act involves the application of force or violence or the threat of violence by the offender upon the victim. The word "crime" shall include any violation of any provision of sections twenty-four to twenty-four O, inclusive, of chapter ninety or any violation of chapter two hundred and nine A which results in serious physical injury to the victim or the death of the victim. The word "crime" shall apply to an act committed in the commonwealth, including land subject to federal jurisdiction, except in the limited circumstance that such act occurred in a state which does not have a crime victim compensation program for which a resident of the commonwealth would be eligible, and such act constitutes a crime as herein defined.

SECTION 337. Said section 1 of said chapter 258A, as so appearing, is hereby further amended by striking out the definition of "Victim" and inserting in place thereof the following definition:-

"Victim", a person who suffers personal injury or death as a direct result of a crime as herein defined.

SECTION 338. The third paragraph of section 2 of said chapter 258A, as so appearing, is hereby amended by striking out the second sentence.

SECTION 339. Section 3 of said chapter 258A, as so appearing, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) In the case of the death of a minor victim as a direct result of a crime, any person who incurs a legally enforceable indebtedness reasonably incurred for medical care to the victim or for necessary services required because of said crime shall be eligible for compensation for said care and services. An offender or an accomplice of an offender shall not be eligible to receive compensation with respect to a crime committed by the offender. A claimant shall not be eligible for compensation if such compensation would unjustly benefit the offender. A claimant shall be eligible for compensation only if the claimant cooperates with law enforcement in the investigation and prosecution of the crime in which the victim was injured, unless the claimant demonstrates that he or she possesses or possessed a reasonable excuse for failing to cooperate.

SECTION 340. Section 4 of said chapter 258A, as so appearing, is hereby amended by adding the following paragraph:-

Pursuant to the provisions of chapter thirty A, the attorney general may promulgate regulations to implement his responsibilities under this chapter. The attorney general may apply for and accept on behalf of the commonwealth any funds, including grants, from any person or governmental agency. Such funds shall be deposited in a separate account with the state treasurer and may be expended for the compensation of victims

of violent crime.

SECTION 341. Section 5 of said chapter 258A, as so appearing, is hereby amended by adding the following paragraph:-

A claimant shall not, except pursuant to regulations issued in accordance with section four be denied compensation because of the claimant or victim's familial relationship with the offender, or because of the sharing of a residence by the victim or claimant and the offender.

SECTION 341A. The first paragraph of section 8 of chapter 258B of the General Laws, as amended by section 1 of chapter 362 of the acts of 1989, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- When multiple 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.

SECTION 342. Section 16 of chapter 270 of the General Laws is hereby amended by adding the following paragraph:-

Chief park rangers and park rangers shall have the authority to enforce this section on state forests, reservations, parks, rinks, pools, piers and other facilities and properties under the jurisdiction of the department of environmental management. In addition to the fines imposed under this section, the violator may be held liable for costs associated with the identification, removal and disposal of said materials.

SECTION 343. The second paragraph of section 87A of chapter 276 of the General Laws, as appearing in the 1988 Official Edition, is amended by striking out the first sentence and inserting in place thereof the following sentence:- The court shall assess upon every person placed on supervised probation a monthly probation supervision fee, hereinafter referred to as "probation fee", in the amount of thirty dollars per month.

SECTION 344. The last paragraph of said section 87A of said chapter 276, as appearing in the 1988 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Said probation fee shall be collected by the several probation offices of the trial court and transmitted to the state treasurer who shall establish and administer a court improvement fund. The treasurer shall disburse monies from the fund only at the direction of the chief justice of the supreme judicial court. The monies shall be used in accordance with guidelines established by the chief justice in consultation with the chief justice of the appeals court and the chief administrative justice of the trial court department. The monies in the fund may be used for court facility improvements, personnel training, equipment and for the purchase of services which are needed for the efficient administration of justice. Monies expended from the fund shall be used to supplement, and not supplant, general appropriations for the judiciary. The chief justice of the supreme judicial court shall include an annual report detailing how monies from the fund were expended in his budget request for the subsequent fiscal year.

SECTION 345. The first paragraph of section 2 O of chapter 29 of the General Laws, inserted by section 16 of chapter 121 of the acts of 1990 is hereby amended by inserting after the words "enhancement agreement", in line 22, the words:- , and (iv) for capital projects and capital assistance funds for regional transit authorities as described in section twenty-three of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five.

SECTION 346. Said section 2 O of said chapter 29 is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of section thirteen of chapter sixty-four A or any other general or special law to the contrary, no more than ten percent of the net fiscal year receipts in any fiscal year prior to July first, two thousand, under the excise imposed in section four of said chapter sixty-four A, including all amounts received as a result of penalties, forfeitures, interest, cost of suits and fines, less any amounts reimbursed under sections seven and seven A of said chapter sixty-four A, shall be expended for the construction of the central artery/third harbor tunnel project. If, in any such fiscal year, less than ten percent of the net fiscal year receipts is expended for such construction, the difference between ten percent of the net fiscal year receipts and the amount actually expended on such construction during that fiscal year shall be available during that or any subsequent fiscal year for any other construction or reconstruction purpose, or in any subsequent fiscal year for central artery/third harbor tunnel construction; provided, however, amounts of said ten percent net fiscal year receipts expended in any fiscal year for purposes other than the central artery/third harbor tunnel construction project as hereinbefore provided, shall be available for expenditure for central artery/third harbor tunnel construction in any subsequent fiscal year. If the above-described difference is used in a subsequent year for such central artery/third harbor tunnel construction, the total amount used for such central artery/third harbor tunnel construction during that subsequent fiscal year may exceed the ten percent of net fiscal year receipts permitted by this section, provided that the total amount used for such construction shall not exceed twenty percent of the net fiscal year receipts in that subsequent fiscal year. Further, notwithstanding the foregoing, no more than twenty percent of the special receipts received in any fiscal year shall be paid in that or any subsequent fiscal year for debt service on bonds or notes or portions thereof, issued to finance the central artery/third harbor tunnel project, so-called, or for direct expenditures on such project, and any trust agreement or credit enhancement agreement entered into by the commonwealth pursuant to this section, shall contain a covenant to such effect.

SECTION 347. Said chapter 29 is hereby further amended by inserting after section 2 O, inserted by section 16 of chapter 121 of the acts of 1990, the following section:-

Section 2P. Allocation of revenues under the sections two M, two N and two O and to the Commonwealth Liability Reduction Fund established by chapter two hundred and eighty-seven of the acts of nineteen hundred and eighty-nine shall be determined by the commissioner of revenue according to his best information and belief.

SECTION 348. Paragraph (1) of subsection (d) of section 2 of chapter 62 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following subparagraph:-

(K) The deduction allowed by section one hundred and sixty-four (f) of the Code.

SECTION 349. Section 39 of chapter 63 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

A foreign corporation shall not be subject to tax under this chapter if the foreign corporation is engaged in the business of selling tangible personal property and taxation of that foreign corporation under this chapter is precluded by the Constitution or laws of the United States, or would be so precluded except for the fact that the foreign corporation stored tangible personal property in a licensed public storage warehouse, provided, that

no portion of any warehouse which is owned or leased by a consignor or consignee of the tangible personal property shall be deemed a licensed public warehouse.

SECTION 349A. Paragraph (k) of section 4 of chapter 268B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following two sentences:- If the court so substantially modifies or sets aside the commission order or so remands the proceedings to the commission the employee shall be entitled to be reimbursed for all costs incurred by him in the defense of the charges contained in said proceedings including attorneys fees which shall be determined and awarded by the court. Reimbursement of such costs shall be applicable to state, county or municipal employees whose conduct is so regulated by the provisions of chapter two hundred and sixty-eight A and chapter two hundred and sixty-eight B.

SECTION 350. Section 8B of chapter 15 of the acts of 1988, inserted by section 75 of chapter 121 of the acts of 1990, is hereby amended by striking out, in line 8, the words "four hundred and eight" and inserting in place thereof the words:- four hundred and eighty.

SECTION 351. Section 7 of chapter 64A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "fuel", in line 1, the words:- other than aviation fuel.

SECTION 352. Section 6 of said chapter 64H, as so appearing, is hereby amended by adding the following paragraph:-

(qq) Sales of gas, steam, electricity, heating fuel, or any service as defined in section one, except telecommunication services, to any business which has five or fewer employees. For purposes of this paragraph, employees shall include partners, owners, officers and any other individuals who work for the business but shall not include any employee who normally works for fewer than thirty hours per week or who is hired for a period of less than five months. For purposes of this paragraph, a business shall include all members of an affiliated group, as defined by section 1504 of the Internal Revenue Code, and any other combination of related parties as the commissioner may define by regulation; provided, however, that the commissioner may by regulation require that such business shall have first obtained a certification from the commissioner stating that it is entitled to such exemption and shall maintain such employment and other records indicating its continuing eligibility for such exemption; that the vendor keep a record of the sales price of each such separate sale, and the number of such certificate; and any other conditions and requirements under which a business may qualify for this exemption; provided, further, that the burden of proving that such business qualifies shall be upon the vendor unless he takes in good faith from the purchaser such certificate to the effect that the business qualifies for this exemption and such certificate is received and made available to the commissioner not later than sixty days from the date of the notice from the commissioner to produce such certificate.

SECTION 353. Section forty-one of chapter one hundred and twenty-one of the acts of nineteen hundred and ninety is hereby repealed.

SECTION 353A. Chapter 64C of the General Laws is hereby amended by striking out section 28, as amended by section 41 of chapter 121 of the acts of 1990, and inserting in place thereof the following section:-

Section 28. All sums received under this chapter as excises, penalties, forfeitures, interest, costs of suits and fines, less all amounts refunded or abated thereunder, shall be credited as follows:

(a) Forty percent of the amount in excess of one hundred sixty-nine million, eight hundred thousand dollars received during a fiscal year shall be credited to the Local Aid Fund.

(b) Eighty and seventy-seven hundredths percent of the balance remaining after crediting the amount required under paragraph (a) shall be credited to the General Fund.

(c) Nineteen and twenty-three hundredths percent of the balance remaining after crediting the amount required under said paragraph (a) shall be credited to the Highway Fund.

SECTION 354. The definition of "services" in section 42 of chapter 121 of the acts of 1990 is hereby amended by adding the words "provided to businesses" after each of the following phrases: "photographic studios (SIC 7221)"; "commercial photography services (SIC 7335)"; "credit reporting and collection services (SIC 732)"; "commercial art and graphic design services (SIC 7336)"; "computer maintenance and repair services (SIC 7378)"; "detective, guard, armored car services (SIC 7381)"; "security system services (SIC 7382)"; "surveying services (SIC 8713)"; "piped-in music"; and "court reporting and stenographic services".

SECTION 355. Said definition of "services" in said section 42 of chapter 121, is hereby further amended by inserting in the second to last sentence after the word "all" the following word:- such.

SECTION 356. Said definition of "services" in said section 42 of said chapter 121 is hereby further amended by striking the phrase "excluding those amusements and recreation services with a single event sales price of thirty dollars or less (SIC 799)"; and inserting in place thereof the following phrase:-

(SIC 799), excluding those amusement and recreation services (1) with a single event sales price of thirty dollars or less, or (2) provided on a membership or other non-single event basis to persons under nineteen years of age by a governmental or nonprofit organization.

SECTION 357. Said definition of "Services" in said section 42 of chapter 121 is hereby further amended by inserting at the end of the last sentence of the paragraph defining "services" the following phrase:-

; provided, however, that such sales of tangible personal property shall not also be subject to tax as a service under this chapter.

SECTION 358. Said definition of "services" in said section 42 of said chapter 121 is hereby further amended by striking out the words "excluding those services with a sales price of one hundred dollars or less" and inserting in place thereof the words:- excluding those landscaping services with a sales price of one hundred dollars or less provided to persons other than for business purposes.

SECTION 359. The definition of "Tangible personal property" of said section 42 of said chapter 121 is hereby amended by adding the following sentence:- For purposes of this chapter, "tangible personal property" shall also include gas, electricity and steam.

SECTION 360. Section 47 of said chapter 121 is hereby amended by striking out paragraphs (i) and (j) and inserting in place thereof the following two paragraphs:-

(i) The sales, furnishing or service of (1) water; (2) gas, steam or electricity used for residential purposes; (3) gas, steam or electricity which are consumed and used directly and exclusively in an industrial plant in the actual manufacture of tangible personal property to be sold or in the heating of such industrial plant; provided that the exemption under this subparagraph (3) shall only be allowed with respect to a metered building, location or premises at which not less than seventy-five percent of the gas, steam or electricity consumed at such metered building, location or premises is used for the purposes of such manufacturing or heating; and the term "industrial plant" shall mean a factory at a fixed location primarily engaged in the manufacture,

conversion or processing of tangible personal property to be sold in the regular course of business; and (4) residential main telephone services billed on a monthly recurring basis or billed as message units, and residential intra local access and transport area service billed on a recurring monthly basis; provided that such exemption under this subparagraph (4) shall not exceed the amount of thirty dollars per month.

(j) Sales of (1) fuel used for residential heating purposes; (2) fuel used for heating purposes in an industrial plant; provided that the exemption under this subparagraph (2) shall only be allowed with respect to a building, location or premises in which not less than seventy-five percent of the building, location or premises is used in the actual manufacture of tangible personal property to be sold; and the term "industrial plant" shall mean a factory at a fixed location primarily engaged in the manufacture, conversion or processing of tangible personal property to be sold in the regular course of business; and (3) fuel used in the operation of aircraft or used in the operation of railroads.

SECTION 361. Section 48 of said chapter 121 is hereby amended by adding the following sentence:- However, the exemption in this paragraph so far as it applies to sales of electricity, gas and steam consumed and used directly and exclusively in an industrial plant in the actual manufacture of tangible personal property to be sold shall be limited to the extent allowed in paragraph (i).

SECTION 362. Section 50 of said chapter 121 is hereby amended by adding the following sentence:- Such conditions may include a good faith requirement and sixty day notice requirement as provided for other such certificates in section eight.

SECTION 363. Said chapter 121 is hereby further amended by striking out section 51 and inserting in place thereof the following section:-

Section 51. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by adding the following two paragraphs:-

(nn) Sales of services otherwise taxable that are an integral, inseparable component part of services that are to be sold and that are taxable under this chapter or that are to be sold in a transaction exempt under paragraphs (d) and (e). The purchaser of the service shall separately state the service and the cost thereof to the purchaser on the bill or invoice to the ultimate consumer. The commissioner shall promulgate regulations to define which services are an integral, inseparable component part of services to be sold and the conditions and circumstances under which the exemption under this paragraph may be claimed.

(oo) Sales to any business of (i) legal; (ii) accounting, auditing and bookkeeping; (iii) engineering; and (iv) architectural services; provided, however, that sales of each type of service listed in this paragraph to any business which has purchased, in the aggregate, from any vendor or vendors, twenty thousand dollars or more of such service during the calendar year shall not be exempt for that portion of the aggregate sales price of each type of such service that exceeds twenty thousand dollars during the calendar year. The commissioner may by regulation determine the conditions and requirements under which a business may qualify for this exemption.

SECTION 364. Said section 84 of said chapter 121 is hereby amended by striking out, in line 5, the word "December" and inserting in place thereof the word:- August.

SECTION 365. Said section 84 of said chapter 121 is hereby further amended by striking out, in lines 13 and 14, the words "before March first, nineteen hundred and ninety-one" and inserting in place thereof the words:- within three months of the effective dates of the taxation of the sale of said services or tangible personal

property under this act.

SECTION 366. Section 88 of said chapter 121 is hereby amended by inserting after the words "other than", in line 5, the words:- aviation fuel or.

SECTION 367. Section ninety-three of said chapter one hundred and twenty-one is hereby repealed.

SECTION 368. Said chapter 121 is hereby further amended by inserting after section 101 the following section:-

Section 101A. The provisions of this act shall be deemed severable, and if any part of this act shall be adjudged unconstitutional or invalid, such judgment shall not affect the validity of other parts thereof.

SECTION 369. Said chapter 121 is hereby further amended by striking out section 102 and inserting in place thereof the following section:-

Section 102. Sections twenty-four, thirty-three and thirty-four shall apply to taxable years commencing on or after January first, nineteen hundred and ninety.

SECTION 370. Notwithstanding any general or special law to the contrary, the commissioner of revenue shall have the authority to waive the registration fee as established by the commissioner of administration under section sixty-seven of chapter sixty-two C of the General Laws for all applications for registration certificates with respect to vendors under chapters sixty-four H and sixty-four I of the General Laws, received by said commissioner between July eighteenth, nineteen hundred and ninety and November first, nineteen hundred and ninety.

SECTION 371. Notwithstanding the provisions of any general or special law to the contrary, all sums received pursuant to section twenty-eight of chapter sixty-four C, as excises, penalties, forfeitures, interest, costs of suits, and fines, less all amounts refunded or abated thereunder, during the fiscal year beginning July first, nineteen hundred and ninety, shall be deposited into the General Fund.

SECTION 372.- Notwithstanding the provisions of sections one hundred and two to one hundred and fourteen, inclusive, of chapter one hundred and twenty-one of the acts of nineteen hundred and ninety, the provisions of chapter sixty-four H and sixty-four I of the General Laws, as amended by said chapter one hundred and twenty-one, shall in so far as pertinent apply to the taxation of the sale or use of gas, steam, electricity, heating fuel and telecommunication services taking effect as of September first, nineteen hundred and ninety as specified in section one hundred and ten of said chapter one hundred and twenty-one; provided, however, that the sales tax as applied to residential telecommunication services shall apply only to such services provided on or after September first, nineteen hundred and ninety and billed in the regular course of business on or after October first, nineteen hundred and ninety.

SECTION 373. The provisions of section three hundred and fifty-two shall take effect on September first, nineteen hundred and ninety.

SECTION 374. The provisions of sections three hundred and forty-eight and three hundred and forty-nine shall apply to taxable years commencing on or after January first, nineteen hundred and ninety.

SECTION 375. The provisions of sections two hundred and ninety-nine and three hundred and twenty-seven shall take effect on January first, nineteen hundred and ninety-one. The provisions of section sixteen C of chapter one hundred and eighteen E, as inserted by section three hundred of this act, shall apply to estates of decedents dying on or after January first, nineteen hundred and ninety-one.

SECTION 376. Section three hundred and fifty-three A shall take effect on July first, nineteen hundred and ninety-one.

SECTION 378. Section two hundred and ninety-seven of this act shall become inoperative on June thirtieth, nineteen hundred and ninety-five. Section two hundred and ninety-eight shall take effect on June thirtieth, nineteen hundred and ninety-five.

SECTION 379. Sections one hundred and ninety-two, two hundred and seven, two hundred and nine and two hundred and ten shall take effect on February first, nineteen hundred and ninety-one.

SECTION 380. The provisions of section two hundred and twenty-eight of this act shall take effect on July first, nineteen hundred and ninety-two.

SECTION 381. The provisions of section three hundred and four of this act shall take effect on September first, nineteen hundred and ninety.

SECTION 382. The provisions of sections two hundred and thirty-seven, two hundred and thirty-eight, two hundred and seventy-two and two hundred and ninety-seven A, shall take effect on July first, nineteen hundred and ninety-one.

SECTION 383. Except as otherwise provided in this act, the remaining provisions of this act shall take effect as of July first, nineteen hundred and ninety.

This bill was returned on August 1, 1990, 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

Sections 4, 63, 64, 65, 66, 77, 86, 120, 130, 144, 145, 147, 150, 159, 181, 182, 183, 193, 195A, 214, 229, 237, 238, 246, 272, 289A, 297A, 301, 302, 303, 344, 375, 379, 382.

SECTION 2. Items disapproved by striking the wording:

0612-1010	"provided that notwithstanding the provisions of section 9 B of chapter twenty-nine of the General Laws, the sum of 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, all deposits shall be made on the first day of each quarter, the first such deposit is to be made on July first nineteen hundred and ninety, 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 each quarter;"
2100-0000	"a division of conservation services;"

4800-0015 ";provided, however, that the department of social services shall not knowingly place or knowingly continue the placement of any child under its jurisdiction in the care of person or persons whose sexual orientation is an obstacle to the psychological or physical well-being of the child except where it is a biological child or where there are biological relatives willing to care for the child if and when the permission of the natural parents has been obtained or indicated. This restriction shall include but not be limited to adoption, guardianship and foster care"

6005-0011 " and provided further, that notwithstanding the provisions of any general or special law to the contrary, in no case shall the state's contribution to additional assistance to said authority in fiscal year nineteen hundred and ninety-two exceed the amount appropriated herein"

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 recommended amendments to Sections 67, 138, 260, and 287. The remainder of the bill was approved by the Governor on August 1, 1990.

Chapter 151. AN ACT PROVIDING FOR CERTAIN FISCAL REQUIREMENTS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. There is hereby created and established on the books of the commonwealth a separate fund to be known as the Commonwealth Fiscal Recovery Fund. The Commonwealth Fiscal Recovery Fund shall consist of all revenue credited to said fund pursuant to the provisions of this section and any income derived from the investment of amounts credited to said fund. Expenditures from the Commonwealth Fiscal Recovery Fund are hereby authorized for the purpose of meeting debt service payments attributable to the Commonwealth Fiscal Recovery Loan, Act of 1990. All revenues credited to the Commonwealth Fiscal Recovery Fund shall be held in trust and, except as otherwise provided herein, used solely and without further appropriation for the purposes set forth herein.

On or before January first, nineteen hundred and ninety-one, the commissioner of administration, after consultation with the state treasurer, shall submit to the house and senate committees on ways and means a payment schedule detailing the amounts necessary to meet debt service payments attributable to the Commonwealth Fiscal Recovery Loan, Act of 1990, for each fiscal year during the period beginning July first, nineteen hundred and ninety and ending no later than June thirtieth, nineteen hundred and ninety-eight. In each fiscal year during said period an amount equal, together with investment earnings thereon, to the amount so scheduled for that fiscal year for debt service payments attributable to the Commonwealth Fiscal Recovery Loan, Act of 1990 shall be deposited in the Commonwealth Fiscal Recovery Fund. Amounts so deposited shall be derived from revenue collected by the commonwealth from that portion of the taxes imposed by section four of chapter sixty-two of the General Laws attributable to fifteen percent of the rates imposed by said section as are in effect on the date of the issuance of the first bond or note the debt service of which is attributable to the Commonwealth Fiscal Recovery Fund.

In each fiscal year during the period beginning July first, nineteen hundred and ninety and ending no later than June thirtieth, nineteen hundred and ninety-eight, amounts required to be deposited in the Commonwealth Fiscal Recovery Fund pursuant to the above paragraph shall be deposited as necessary to make timely debt service payments, but not less than on a monthly basis, until such time as the commissioner of administration, after consultation with the state treasurer, shall certify that sufficient revenues are available in said fund or will become available by adding investment earnings on such monies in said fund to meet debt service

payments in that fiscal year attributable to the Commonwealth Fiscal Recovery Loan, Act of 1990.

Upon the satisfaction of all debt service payments attributable to the Commonwealth Fiscal Recovery Loan, Act of 1990, revenues received by the commonwealth and attributable to the dedicated portion of the tax imposed by said section four of said chapter sixty-two as described herein, shall no longer be deposited in the Commonwealth Fiscal Recovery Fund and any amounts remaining in said fund shall be transferred to the General Fund.

SECTION 2. To meet the expenditures authorized from the General Fund and the Local Aid Fund by section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine and by subsequent supplements thereto and expended on or after July first, nineteen hundred and ninety and for which other revenues in such funds during the nineteen hundred and ninety fiscal year are not available, and to meet the expenditures authorized by section six of this act, or to retire notes issued for such purposes under section three of this act or under section forty-seven of chapter twenty-nine of the General Laws, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of one billion four hundred and twenty-one million, two hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Commonwealth Fiscal Recovery Loan, Act of 1990, and shall be payable not later than December thirty-first, nineteen hundred and ninety-seven, as recommended by the governor in a message to the general court dated July twentieth, nineteen hundred and ninety, pursuant to section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however that all such bonds may be issued in such manner and under such other terms and conditions as the treasurer, after consultation with the commissioner of administration, may determine. Such determination shall be based upon the following criteria: how best to achieve the lowest possible borrowing costs to the commonwealth in connection with such bonds without unduly impairing the credit ratings or market value of outstanding bonds and notes of the commonwealth or materially adversely affecting the borrowing costs to the commonwealth likely to be associated with other bonds and notes in the future. All payments on account of principal or interest or premium, if any, on such bonds shall be paid from the Commonwealth Fiscal Recovery Fund to the extent monies are available therein. Such fund may, if the state treasurer so determines, constitute a sinking fund within the meaning of the first paragraph of section forty-nine of said chapter twenty-nine of the General Laws.

Bonds and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act or any other general or special law to the contrary, may be either general or special obligations of the commonwealth,

as so determined by the state treasurer, after consultation with the commissioner of administration.

SECTION 3. In anticipation of, or in lieu of, bonds to be issued under section two of this act, the state treasurer may borrow from time to time on the credit of the commonwealth such sums of money, not to exceed one billion four hundred and twenty-one million, two hundred thousand dollars as may be necessary for the purpose of meeting payments from the General Fund and Local Aid Fund authorized by section two of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine and by subsequent supplements thereto and expended on or after July first, nineteen hundred and ninety and for which other revenues in such funds during the nineteen hundred and ninety fiscal year are not available and to meet the expenditures authorized by section six of this act, 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 terms not exceeding one year, and such notes, whether original or renewal, shall mature not later than December thirty-first, nineteen hundred and ninety-one as recommended by the governor in a message to the general court dated July twentieth, nineteen hundred and ninety, in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth. Except with respect to notes issued in anticipation of bonds, all payments on account of principal or interest or premium, if any, on such notes shall be paid from the Commonwealth Fiscal Recovery Fund to the extent monies are available therein. Notes issued pursuant to this paragraph shall not be subject to the limitations contained in the second paragraph of section forty-nine B of chapter twenty-nine of the General Laws.

Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act or any other general or special law to the contrary, may be either general or special obligations of the commonwealth, as determined by the state treasurer, after consultation with the commissioner of administration, in accordance with the criteria set forth in section two of this act.

SECTION 4. 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 Fiscal Recovery Fund are impressed with a trust on behalf of the holders of bonds and notes issued by 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 pursuant to this act and such revenues are hereby dedicated to meet the commonwealth's liabilities with respect to said bonds and notes.

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 pursuant to this act, 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) so much of that portion of the amount collected under section four of chapter sixty-two of the General Laws attributable to fifteen percent of the rates imposed by said section, as prescribed in section one, as is necessary in each fiscal year to meet the requirements of the Commonwealth Fiscal Recovery Fund in each such fiscal year is pledged and dedicated hereunder and shall not be diverted from said fund nor shall the trust with which it is hereby impressed be broken and (ii) the taxes available to be credited to said fund, as described in section one and in this section of this act, as are in effect on the date of the issuance of the first bond or note the debt service of which is attributable to the Commonwealth Fiscal Recovery Fund, 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. Nothing in this section shall be construed to constitute a covenant that would conflict with any reduction in taxes that may result from the passage of any initiative that may be approved by the voters in the general election in November of nineteen hundred and ninety.

SECTION 5. Chapter 29 of the General Laws is hereby amended by striking out section 49B, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 49B. In addition to any other security provided by laws, bonds and notes of the commonwealth may, in the discretion of the state treasurer, be secured or supported, in whole or in part, by insurance or by lines or letters of credit or other credit or liquidity facilities provided by any bank, trust company or other financial institution.

The state treasurer may enter into agreements with brokers for the placement of any such commonwealth notes issued as commercial paper; provided, however, that the total liability of all such notes placed by brokers shall not exceed two hundred million dollars at any given time on those notes issued in anticipation of bonds.

SECTION 6. Notwithstanding any provision of general or special law to the contrary, from the amounts borrowed under sections two or three of this act or under section forty-seven of chapter twenty-nine of the General Laws, the department of public welfare is hereby authorized to expend the amount of one hundred and twenty-six 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, however, that such expenditure shall be made on or before December thirty-first, nineteen hundred and ninety; and, provided, further, that prior to such expenditure, the amount and time of payment shall be included on a schedule which shall be submitted to and approved by the secretary of human services and the commissioner of administration and filed with the house and senate committees on ways and means; and, provided, further, that this section shall expire on June thirtieth, nineteen hundred and ninety-one.

SECTION 7. Notwithstanding any provision of general or special law to the contrary, in or on account of the fiscal year ending June thirtieth, nineteen hundred and ninety, the department of revenue may adjust revenues for the purpose of recognizing certain potential tax refunds and related adjustments resulting from the decisions of the Supreme Judicial Court, issued on July twelfth, nineteen hundred and ninety, in the matter of *Digital Corporation vs. Commissioner of Revenue* and *Polaroid Corporation vs. Commissioner of Revenue*; and, provided further, that the comptroller may account for such adjustments to the relevant funds when calculating the consolidated net surplus for the nineteen hundred and ninety fiscal year as provided in sections one and five of chapter twenty-nine of the General Laws.

SECTION 8. Section 2C of chapter 208 of the acts of 1988 is hereby amended by striking out item 1599-7882, as amended by section 4 of chapter 376 of the acts of 1989, 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 ninety 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

.....$23,200,000

SECTION 9. Section 18 of said chapter 208 is hereby amended by striking out the first sentence, as amended by section 6 of said chapter 376, 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 twenty-eight million eight hundred twenty-two thousand two hundred dollars.

SECTION 10. For the purpose of making available for expenditure in the fiscal

year nineteen hundred and ninety-one certain balances of authorizations which otherwise would revert on June thirtieth, nineteen hundred and ninety, the unexpended balances of the bond-funded items shown below are hereby re-authorized for the fiscal year nineteen hundred and ninety-one.

0431-8833	0431-8835	0511-8811	1100-1560
1100-1561	1100-8791	1102-8792	1102-8801
1102-8804	1102-8812	1102-8813	1102-8814
1102-8819	1102-9801	1102-9802	2000-8830
2000-9841	2000-9842	2000-9843	2030-8821
2030-8842	2120-8803	2120-8805	2120-8812
2120-8823	2120-8825	2120-8846	2130-8771
2130-8772	2150-8831	2270-8771	2270-8772
2270-8791	2270-8811	2270-8812	2270-8813
2270-8821	2250-1010	2250-8844	2320-8813
2410-8801	2410-8802	2440-7847	2121-9881
2440-8794	2440-8795	2440-8802	2440-8812
2440-8816	2440-8819	2440-8842	2440-8843
2440-8844	2440-8847	2440-8848	2440-8849
2440-8845	2440-9812	2440-9813	2440-9841
2440-9842	2440-9844	2440-9845	2440-9846
2440-9848	2444-8812	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	4348-8811
4348-8812	5011-8801	5011-8802	5011-8811
5011-8812	5191-8801	5897-8811	6000-3025
6000-3100	6000-8841	6004-8756	6031-8830
6032-4037	6032-4038	7070-8811	7117-8771
7220-8843	7220-8845	7410-8781	7490-8751
7502-8842	7506-8771	7511-8752	7511-8841
7511-8842	7514-8841	7515-8811	7516-8841
8000-8842	9300-2801	9300-3901	9300-3902
9300-3905			

SECTION 11. For the purpose of making available for expenditure in the fiscal year nineteen hundred and ninety-one certain balances of authorizations which otherwise would revert on June thirtieth, nineteen hundred and ninety, the unexpended balances of the bond-funded items shown below are hereby re-authorized for fiscal year nineteen hundred and ninety-one; provided, that the unexpended balances in any other items included by reference in the items listed below are not re-authorized.

0431-8811	0431-8832	1100-7850	1100-8758
1102-7845	1102-7847	1102-7849	1102-8777
1102-8797	1102-8806	1102-8843	1102-8844
1102-8847	1131-8781	1201-8841	2120-7842
2120-7845	2120-7846	2120-7848	2120-8794
2120-8848	2120-8861	2120-9841	2120-9842
2120-9843	2120-9844	2120-9845	2120-9846
2150-6844	2150-6847	2150-6849	2150-7841
2150-7871	2150-8845	2150-9845	2150-9847
2320-8842	2440-7848	2440-8794	2440-8798
2440-8843	2440-8844	2440-8847	2440-8848
2440-8849	2440-9843	2440-9844	2440-9845
2440-9846	2444-8842	3722-8846	4000-8840
4238-8841	4311-8841	4315-8792	4316-8792
4316-8793	5011-8841	5011-8842	5011-8845
5295-8841	5377-8842	5391-8771	5651-8841
5655-8841	5895-8841	6004-8752	6031-8831
6059-0000	7066-8841	7109-8846	7112-8842
7117-8841	7220-8841	7310-8841	7410-8784
7410-8842	7410-8843	7410-8846	7411-8841
7411-8842	7490-8721	7490-8722	7502-8841
7503-8841	7515-8842	7518-8841	7518-8842
8000-8841	8200-8842	8312-8843	

SECTION 12. Section 1 of chapter 108 of the acts of 1987 is hereby amended by adding the following three paragraphs:-

The buildings commonly known as the "drill shed" and certain land on which said buildings are located shall not be so conveyed, except as provided in the next paragraph.

Notwithstanding the provisions of any general or special law to the contrary, the deputy commissioner of the division of capital planning and operations is hereby authorized to sell and convey by deed, a certain parcel of land and buildings located in the city of Salem, commonly known as the "drill shed", "annex", and "boiler", but not including the "headhouse", so-called, being a portion of said Salem Armory, to the Salem Redevelopment Authority for direct municipal use, subject to such terms and conditions as the deputy commissioner may prescribe; or for disposition and redevelopment pursuant to the provisions of sections forty H to forty J, inclusive, of chapter seven of the General Laws which provisions the Salem Redevelopment Authority shall implement on behalf of, and with the prior written approval of, the deputy commissioner of capital planning and operations. Said "drill shed", "annex", and "boiler" is described in a document dated November, nineteen hundred and eighty-eight entitled "Request for development proposals"

prepared by the office of real estate development, division of capital planning and operations and on file in the office of the planning department of the city of Salem.

A more exact description of the land and building to be so conveyed shall be determined by said deputy commissioner and the said redevelopment authority.

SECTION 14. Item 6020-7891 of section two F of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight is hereby amended by inserting after the words "purchase and installation of", the words "equipment, including but not limited to laboratory equipment", and said item is further amended by striking out the words "at fuel depots".

SECTION 15. Notwithstanding any administrative bulletin, general or special law to the contrary, the Metropolitan District Commission shall expend an amount not to exceed $100,000 from item 2440-8885 of Chapter 564 of the Acts of 1987, during fiscal year 1991, for the repair of the Historical Dorothy Quincy Homestead in the City of Quincy.

SECTION 16. Section 2A of chapter 208 of the Acts of 1988 is hereby amended by striking the text of line item 1101-7893, and by inserting in place thereof the following:-

For a reserve for the acquisition and upgrading of major computing systems, including the purchase and installation of certain computer and data processing equipment, and for costs associated with the development of certain software development projects, subject to schedules submitted to and approved by the commissioner of administration thirty days prior to the obligation of said funds.

SECTION 17. Item 7511-8842 of Section 2B of Chapter 723 of the Acts of 1983 is hereby amended by inserting after the word "land," in line 2, the words:- , or land; and by inserting after the word "seventy-nine" in line 8 the words:- , provided the Deputy Commissioner of the Division of Capital Planning Operations is hereby authorized 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, property including any and all interests in a site in Lynn, commonly known as the "Landmark Site" to be approximately 4.246 acres, more or less, as determined by said Deputy Commissioner, together with any necessary easements, wherever located, and licenses in connection therewith, said site being recorded in Book 6666, Page 75 in the Essex South Registry of Deeds. Provided further, the Deputy Commissioner is hereby authorized and directed, notwithstanding the provisions of Section Forty E through Forty I inclusive of said Chapter Seven of the General Laws, to grant and acquire, whether by purchase, gift, lease, land exchange, eminent domain pursuant to Chapter Seventy-Nine of the General Laws or otherwise, any and all easements necessary for utility, road, and other purposes and all licenses, mineral rights and water rights, as are required in connection with

design, construction, and operation of North Shore Community campus in the City of Lynn.

Emergency Letter: August 2, 1990 @ 9:56 A.M. Approved August 1, 1990.

Chapter 152. **AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO BORROW MONEY TO MAKE CERTAIN IMPROVEMENTS TO COUNTY OWNED BUILDINGS.**

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Essex county are hereby authorized to spend such sums as may be necessary not exceeding five million dollars for the purpose of equipping and upgrading the mechanical, electrical, safety, structural condition and grounds of county owned buildings, including architectural and engineering fees and other costs connected therewith. The buildings shall include courthouses in Essex county, the Correctional Alternative Center in the city of Lawrence and the Essex Agricultural and Technical Institute.

SECTION 2. For the purposes authorized by section one, the treasurer of Essex 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, five million dollars, and may issue bonds or notes of the county therefore, which shall bear on their face the words, Essex County Buildings Repair and Renovation Loan, Act of 1990. 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 then 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 August 2, 1990.

Chapter 153. AN ACT ESTABLISHING A WATER AND SEWER COMMISSION IN THE TOWN OF WILLIAMSBURG.

Be it enacted, etc., as follows:

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

SECTION 2. Words used in this act shall have the following meanings, unless a different meaning is clearly apparent from the language or context:-

Sewer works system shall mean the existing sewer works system in the possession of and under the jurisdiction, ownership, control and regulation of the town and its sewer commission, and all facilities, betterments, extension, improvements, enlargements thereto hereafter constructed or acquired.

Water works system shall mean the existing water supply and distribution system in the possession of and under the jurisdiction, ownership, control, and regulation of the town and its water commission, and all facilities, betterments, extension, improvements, and enlargements thereto hereafter constructed or acquired.

SECTION 3. Except as otherwise provided in this act, the powers of the commission shall be exercised by a board consisting of five members who shall be the incumbent water commissioners and sewer commissioners until the next annual election and until their successors as provided herein, are duly qualified to serve. Such persons shall be elected by ballot at the annual town election next after acceptance of this act, with two commissioners to be elected for a term of three years, two commissioners to be elected for a term of two years, and one commissioner to be elected for a term of one year. Upon the expiration of the initial terms, each of the said commissioners shall be thereafter elected for three year terms.

SECTION 4. All existing acts pertaining to the water department including chapter three hundred and forty-nine of the acts of nineteen hundred and one not in conflict with this act shall remain in effect. The commission shall operate on the same fiscal year as the town of Williamsburg and be subject to what sums of money the town may vote, for such purposes as the town may vote, at either an annual or special town meeting, to raise and appropriate or transfer from available funds to pay interest and principle on maturing debts; for charges, expenses, outlays; for

a water stabilization fund and a sewer stabilization fund for future improvements and the stabilization funds shall be allowed to retain interest.

SECTION 5. The commission shall assume all the rights, duties and obligations of the town of Williamsburg sewer commission and the town of Williamsburg water commission. It shall assume the care, custody, and control of all property, personal or real, which as of that date resides in the care, custody, and control of the aforesaid sewer and water commissions. The water and sewer commission shall be allowed to set, commit and abate rates and charges for water and sewer. At any town meeting, the water and sewer commission may cause by vote of the town meeting to be established stabilization funds for future improvements to each system to an amount to meet future need of either system under the provisions of sections seven and eight of chapter forty-four of the General Laws, and the town treasurer, with the approval of the board of selectmen, shall invest and reinvest said stabilization funds pursuant to the provisions of section one of chapter three hundred and sixty-eight of the acts of nineteen hundred and eighty-nine. The accounting officer of the town shall establish a water surplus revenue fund and a sewer surplus revenue fund for future operation and improvements to the water and sewer systems. Said water and sewer commission shall not be subject to the provisions of section twenty-one C of chapter fifty-nine of the General Laws.

SECTION 6. The commission shall have all the rights and powers which presently exist and reside in the Williamsburg sewer and water commissions under the General Laws.

SECTION 7. Upon the effective date of this act, except as otherwise provided herein, any provisions of any special laws and parts of special laws, and all bylaws and parts of bylaws pertaining to the sewer and water works system, which are inconsistent with the provisions of this act, shall be inoperative and cease to be effective.

SECTION 8. This act, being necessary for the welfare and living conditions of the town and its inhabitants, shall be liberally construed to effect the purposes hereof.

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

Approved August 2, 1990.

Chapter 154. AN ACT RELATIVE TO THE EMPLOYMENT SECURITY LAW.

Be it enacted, etc., as follows:

SECTION 1. Subsection (b) of section 21 of chapter 62C of the General Laws, as amended by section 3 of chapter 439 of the acts of 1989, is hereby further

amended by adding the following clause:-

(14) the disclosure to the commissioner of the department of employment and training of information necessary to locate delinquent or unregistered employing units and individuals who have been overpaid unemployment benefits by the department of employment and training.

SECTION 2. Section 1 of chapter 62D of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the definition of "Claimant agency", and inserting in place thereof the following two definitions:-

"Claimant agency", the IV-D agency as set forth in chapter one hundred and nineteen A, the department of employment and training, or the board of regents of higher education, in the exercise of its duty to aid and foster programs supporting higher education, pursuant to chapter fifteen A.

"Commissioner", the commissioner of the department of revenue.

SECTION 3. Said section 1 of said chapter 62D, as so appearing, is hereby amended by striking out the definitions of "Debt" and "Debtor" and inserting in place thereof the following two definitions:-

"Debt", an unpaid spousal or child support obligation which is being enforced by the claimant agency, or which is collected or ordered to be collected by a court, whether or not there is an outstanding judgment for the sum; an amount owed the department of employment and training; or any liquidated sum due and owing to the corporation on an education loan made under any of the programs administered by the corporation in behalf of the commonwealth, whether or not there is an outstanding judgment for that sum.

"Debtor", any individual owing money for support payments to the claimant agency or to persons for whom the claimant agency is providing enforcement services under state and federal law; any individual owing money to the department of employment and training; or any individual owing money on an education loan to the corporation, which obligation has not been adjudged satisfied by court order, set aside by court order, or discharged in bankruptcy.

SECTION 4. Said chapter 62D is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. In the event that a debtor owes liabilities to several claimant agencies, priority of set-off against any refund shall be as follows: (i) unpaid state tax liabilities; (ii) unpaid department of employment and training liabilities; (iii) unpaid spousal or child support obligations; and (iv) the board of regents of higher education.

SECTION 5. Section 1 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out subsection (s) and inserting in place thereof the following subsection:-

(s) (A) "Wages", every form of remuneration of an employee subject to this chapter for employment by an employer, whether paid directly or indirectly,

including salaries, commissions and bonuses, and reasonable cash value of board, rent, housing, lodging, payment in kind and all remuneration paid in any medium other than cash; provided, however, that such term shall not include:

(1) The amount of any payment, including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment, made to, or on behalf of, an employee or any of the employee's dependents under a plan or system established by an employer which makes provision for the employees generally and their dependents or for a class or classes of the employees and their dependents, on account of (i) sickness or accident disability but, in the case of payment made to an employee or any of the employee's dependents, this paragraph shall exclude from the term "wages" only payments which are received under a worker's compensation law; or (ii) medical or hospitalization expenses in connection with sickness or accident disability; or (iii) death.

(2) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer.

(3) Any payment made to, or on behalf of, an employee or the employee's beneficiary (i) from or to a trust described in section 401 (a) of Federal Internal Revenue Code and exempt from tax under section 501 (a) of the Code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust; or (ii) under or to an annuity plan which, at the time of such payment, is a plan described in section 403 (a) of the Federal Internal Revenue Code; or, (iii) under a simplified employee pension plan if, at the time of the payment, it is reasonable to believe that the employee will be entitled to a deduction under section 219 (b) (2) of the Federal Internal Revenue Code for such payment; or (iv) under or to an annuity contract described in section 403 (b) of the Federal Internal Revenue Code other than payment for the purchase of such contract which is made by reason of a salary reduction agreement whether evidenced by a written instrument or otherwise; or (v) under or to an exempt governmental deferred compensation plan as defined in section 3121 (v) (3) of the Federal Internal Revenue Code; or (vi) to supplement pension benefits under a plan or trust described in any of the foregoing provisions of this paragraph to take into account some portion or all of the increase in the cost of living as determined by the United States Secretary of Labor since retirement but only if such supplemental payments are under a plan which is treated as a welfare plan under section 3 (2) (B) (ii) of the Employee Retirement Income Security Act of 1974.

(4) The payment by an employer without deduction from the remuneration of the employee of the tax imposed upon an employee under section 3101 of the

Federal Internal Revenue Code, or any acts in addition thereto and amendments thereof.

(5) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business.

(6) Tips paid in any medium other than cash. Cash tips received by an employee in any calendar month in the course of the employee's employment by an employer unless the amount of such cash tips is twenty dollars or more and then only in the amount reported by the employee to the employer pursuant to section 6053 (a) of the Federal Internal Revenue Code.

(B) The term "wages" shall include: (i) any employer contribution under a qualified cash or deferred arrangement as defined in section 401K of the Federal Internal Revenue Code, to the extent not included in gross income by reason of section 402 (1) (8) of the Code; (ii) any amount treated as an employer contribution under section 414 (h) (2) of the Code; and (iii) any employer contribution under a nonqualified deferred compensation plan. For the purposes of clause (iii) the term nonqualified deferred compensation plan shall mean any plan or other arrangement for deferral of compensation other than a plan described in subparagraph (3) of paragraph (A). Any amount deferred under a nonqualified deferred compensation plan shall be taken into account for purposes of this paragraph as of the date that the services are performed or the date that there is no substantial risk of forfeiture of the rights to such amount, whichever date is later.

(C) Any amount taken into account as wages by reason of clause (iii) of paragraph (B) and the income attributable thereto shall not thereafter be treated as wages for purposes of this subsection.

SECTION 6. Section 12 of said chapter 151A, as so appearing, is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

Nothing in this section shall be construed to prevent the commissioner, after notice to the affected parties, from reconsidering his determination that the employing unit was subject or was not subject to this chapter, when in his judgment it appears that because of newly discovered evidence or for any other reasonable cause the determination should be reconsidered; provided, however, that no such reconsideration shall be made after two years from the date of the original determination. Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original determination in the manner prescribed in this chapter with respect to notice of an original determination. Any party notified of a redetermination may request a hearing within ten days after the mailing of the notice of redetermination. The conduct of such hearing shall be in accordance with the procedures prescribed by this section. Any party aggrieved by the decision on redetermination may appeal such decision. Such appeal shall be in accordance with the procedures prescribed in this section.

SECTION 7. Paragraph (2) of subsection (a) of section 14 of said chapter 151A, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- In relation to the solvency account "reserve percentage" shall mean the annual balance of said account on a computation date as determined under subsection (f) stated as a percentage, rounded up to four decimal places, of the total taxable payrolls reported by all employers whose experience rate is determined under paragraph (1) of subsection (i), for the period of twelve consecutive months ending on said computation date.

SECTION 8. Subsection (i) of said section 14 of said chapter 151A, as amended by section 1 of chapter 19 of the acts of 1989, is hereby further amended by adding the following paragraph:-

(4) Any nonprofit organization which has given notice in accordance with paragraph (3) of subsection (a) of section fourteen A to terminate its election shall pay contributions from the effective date of such election at the rate which appears in the column headed by the unemployment compensation fund reserve percentage as of the applicable computation date and on the line with an employer account reserve percentage of 0.0 but less than 0.5 positive as set forth in the experience rate table of subsection (i), or 5.4 percent, whichever is the lesser, until it has been an employer subject to such contributions for not less than a twelve consecutive month period specified in paragraph (1) of subsection (b); thereafter, its contributions rate shall be determined in accordance with the preceding provisions of this subsection.

SECTION 9. Subsection (n) of said section 14 of said chapter 151A, as appearing in the 1988 Official Edition, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) If the entire organization, trade or business of an employer, or substantially all the assets thereof, are transferred to another employer or employing unit, the transferee shall be deemed a successor for the purpose of this section. Written notice of such transfer shall be given to the commissioner immediately by all transferring employers and successors. Failure on the part of any successor to give such notice within one hundred and twenty days of the date of transfer shall bar the taking over by such successor of the account of any transferring employer having a plus balance, unless it is determined by the commissioner that the successor had good cause for failing to give such notice within such time. In no event shall good cause be considered if the successor fails to give such notice within one hundred and eighty days of the date of transfer. Successors shall also be barred from taking over the account of any transferring employers having a plus balance if such transferring employers have not filed all reports and paid all contributions required of such transferring employers under this chapter through the end of the quarter preceding the date of transfer; provided, however, that no successor shall be denied the transferring employer's plus balance if the successor files all reports and

pays all contributions required of such transferring employer within thirty days after mailing of the notice of determination. If the successor has been notified by the commissioner that it is barred from taking over the account of the transferring employer having a plus balance by reason of failure without good cause to give timely notice of such transfer, the successor may within ten days after the date of mailing of the notice, request a hearing for the purpose of reconsidering whether notice of such transfer was given timely or whether good cause exists for failure to give timely notice. Such hearing and any subsequent appeal shall be in accordance with the procedures prescribed by and pursuant to section twelve and, to the extent practical, shall be joined with any hearing conducted pursuant to an appeal of said successor under section twelve. If the commissioner allows the transferee to take over the account of any transferring employer having a plus balance, the commissioner shall notify the transferring employer of such allowance. The transferring employer may, within ten days after the date of mailing of the notice, request a hearing for the purpose of reconsidering whether the transfer of the account balance should be allowed. Such hearing and any subsequent appeal shall be in accordance with the procedures prescribed by and pursuant to section twelve.

SECTION 10. Paragraph (3) of subsection (a) of section 14A of said chapter 151A, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Any governmental employer which makes an election in accordance with paragraphs (1) and (2) shall continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election prior to the end of the election period, or not later than December thirty-first prior to the beginning of any subsequent calendar year. Any governmental employer which has terminated its election shall thereafter pay contributions under the provisions of section fourteen C for a minimum period of two calendar years. Any subsequent election as to the method of financing benefit payments in accordance with section fourteen A or section fourteen C shall not be terminable by such employer for two calendar years.

SECTION 11. Subsection (f) of said section 14A of said chapter 151A, as so appearing, is hereby amended by adding the following sentence:- Benefits, including dependency benefits, paid to any individual for service in the employ of a base period employer which has elected to make payments in lieu of contributions, and are not reimbursable by funds made available under any act of Congress, shall not be charged to any solvency account but shall be charged to the account of the base period employer.

SECTION 12. The first paragraph of subsection (a) of section 15 of said chapter 151A, as so appearing, is hereby amended by inserting after the third sentence the following sentence:- With respect to the calendar years beginning after December

thirty-first, nineteen hundred and eighty-eight, if any employer fails to pay when due any amount required of such employer under this chapter, such overdue amount shall carry interest at the rate of twelve percent per annum or such adjusted rate as is established under section thirty-two of chapter sixty-two C in effect for the calendar year, whichever is the greater.

SECTION 13. Said subsection (a) of said section 15 of said chapter 151A, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If an employer fails to file any report or form required of such employer with respect to wages or contributions within fifteen days from the date of which the commissioner or the commissioner's agent has mailed to such employer a demand for such report or form, the commissioner may assess upon such employer a penalty equal to ten percent of the contributions due; provided, however, that the penalty assessed shall not exceed one thousand dollars nor be less than thirty-five dollars for each such failure to file. If the employer which fails to file the required report or form owes no contributions for the particular quarter, the penalty shall be thirty-five dollars for each such failure to file, except that, no penalty shall be assessed under this paragraph against any employer which has ceased operations prior to the beginning of the applicable quarter.

SECTION 14. Subsection (b) of said section 15 of said chapter 151A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The commissioner may collect such overdue amounts, together with such interest or penalty, in a civil action or by petition for entry of judgment in the name of the commonwealth commenced within six years from January thirty-first next succeeding the last day of the calendar year in which wages were paid or within six years from January thirty-first next succeeding the last day of the calendar year in which the employer filed the contribution reports required under this chapter, whichever is the greater.

SECTION 15. Subsection (e) of said section 15 of said chapter 151A, as so appearing, is hereby amended by adding the following paragraph:-

(7) Any certificate or copy thereof which the commissioner has filed with the clerk of courts pursuant to paragraph (6) may include in the amount shown on such certificate or copy a penalty of fifty dollars which penalty shall be included in any judgment rendered pursuant to said paragraph (6).

SECTION 16. Section 15A of said chapter 151A, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following two subsections:-

(c) If any employer fails to pay any amount required under this chapter within ten days from the date notice to satisfy a judgment has been mailed to such employer, the commissioner or the commissioner's agent may file a notice of levy

with any agency or instrumentality of the commonwealth or with any political subdivision of the commonwealth, with a copy of said notice being mailed to the employer and when so filed the levy shall be an attachment upon any payment due the employer from said agency, instrumentality or political subdivision. Upon filing of the notice of levy said agency, instrumentality or political subdivision shall forward to the commissioner or the commissioner's agent any payment owed the employer until the liability out of which the levy arose is satisfied or becomes unenforceable by reason of lapse of time. The notice of levy shall lapse if not satisfied within six months from the date of service of the notice on the agency, instrumentality or political subdivision.

(d) Compliance with the levy shall discharge the bank, depository, agency, instrumentality or political subdivision from any obligation or liability to the delinquent employer with respect to the proceeds or payments surrendered.

SECTION 17. Said chapter 151A is hereby further amended by inserting after section 15A the following section:-

Section 15B . If any employer is the holder of a license to sell alcoholic beverages and fails to pay any amount required under this chapter within ten days from the date notice to satisfy a judgment obtained pursuant to section fifteen was mailed to such employer, the commissioner or the commissioner's agent may notify the commissioner of the alcoholic beverages control commission of such failure to pay. Upon the written request of the commissioner or commissioner's agent, and after a hearing and notice to the licensee as required under any applicable provision of law, the commissioner of the alcoholic beverages control commission shall suspend the license to sell alcoholic beverages of such licensee until written notice from the commissioner or the commissioner's agent has been received that the amount owed has been paid or that the licensee has entered into a payment agreement acceptable to the commissioner.

SECTION 18. Section 16 of said chapter 151A, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 16 and 25, the word "six" and inserting in place thereof, in each instance, the word:- ten.

SECTION 19. Said chapter 151A is hereby further amended by inserting after section 19 the following section:-

Section 19A. (a) Any employer applying to any agency or instrumentality of the commonwealth for a right or license to conduct a profession, trade or business, or for the renewal of such right or license, shall certify upon such application, under penalties of perjury that said employer has complied with all laws of the commonwealth relating to contributions and payments in lieu of contributions. Such rights or licenses shall not be issued or renewed unless such certification is made.

(b) No contract or other agreement for the purpose of providing goods, services or physical space to any agency or instrumentality of the commonwealth shall be

entered into, renewed or extended with any employer unless such employer certifies in writing, under penalties of perjury, that said employer has complied with all laws of the commonwealth relating to contributions and payments in lieu of contributions.

(c) Whoever certifies falsely that all laws of the commonwealth relating to contributions and payments in lieu of contributions have been complied with shall be subject to the penalty provided in section one of chapter two hundred and sixty-eight. For the purposes of this section, an employer may certify that all laws of the commonwealth relating to contributions and payments in lieu of contributions have been complied with if the employer has entered into and is complying with a repayment agreement satisfactory to the commissioner or if there is a pending adjudicatory proceeding or court action contesting the amount due.

(d) All agencies and instrumentalities of the commonwealth shall provide the commissioner with such information necessary to carry out the provisions of this section. Nothing in any general or special law to the contrary shall prohibit the exchange of such information between the commissioner and the agency or instrumentality.

SECTION 20. Said chapter 151A is hereby further amended by inserting after section 20 the following section:-

Section 20A. (a) Notwithstanding any other provision of this chapter, the commissioner may accept a lesser amount than that owed by the employer in full and final settlement thereof, provided that the following conditions are met:

(1) the employer has filed a petition in bankruptcy pursuant to 11 USC section 101 et seq;

(2) the commissioner finds that collectibility of the amount due is doubtful;

(3) the commissioner finds that the employer has not acted with intent to defraud;

(4) there is a written agreement signed by the employer and the commissioner or the commissioner's representative, setting forth the reasons for the settlement and all relevant information, including, but not limited to, the name and address of the employer, the settlement amount, and the amount actually paid in accordance with the terms of the settlement. Upon request the commissioner shall make available for public inspection said written agreement; and

(5) the settlement agreement is approved by the federal bankruptcy court judge assigned to the case.

(b) Any settlement agreement under this section which proposes to accept an amount which is twenty thousand dollars or more less than the full amount owed by the employer or which proposes to accept an amount which is less than fifty percent of the full amount owed by the employer shall be submitted to the attorney general for review. Any such settlement proposal shall take effect twenty-one days after its receipt by the attorney general, unless the attorney general objects in

writing to the settlement. In the event the attorney general objects to a settlement proposal, such settlement shall not take effect until the objection is resolved by the commissioner and attorney general. Any settlement approved under the terms of this section shall not be subject to the confidentiality provisions of section forty-six.

(c) Neither the employer nor the commissioner, upon signing the settlement agreement, shall be permitted to reopen the case except by reason of (1) falsification or concealment of assets or concealment of the actual amount owed by the employer, or (2) mutual mistake of a material fact sufficient to cause a contract to be reformed or set aside.

(d) Notwithstanding the provisions of section sixty-nine A, any amount owed that is not collected pursuant to the provisions of this section may be charged off by the commissioner.

SECTION 21. Paragraph (a) of section 25 of said chapter 151A, as appearing in the 1988 Official Edition, is hereby amended by striking out the third sentence.

SECTION 22. Subsection (d) of section 29 of said chapter 151A, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 23. Section 30 of said chapter 151A, as so appearing, is hereby amended by adding the following sentence:- An individual eligible to receive a trade readjustment allowance under Chapter 2 of Title II of the Trade Act of 1974, as amended, shall not be eligible to receive additional benefits under this section for each week the individual receives such trade readjustment allowance.

SECTION 24. Section 38 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 18, the word "seven" and inserting in place thereof the word:- ten.

SECTION 25. Said section 38 of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 25, the word "five" and inserting in place thereof the word:- twenty-five.

SECTION 26. Said section 38 of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 38, the word "five" and inserting in place thereof the word:- eight.

SECTION 27. Said section 38 of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 39, the word "seven" and inserting in place thereof the word:- ten.

SECTION 28. Subsection (a) of said section 38 of said chapter 151A, as so appearing, is hereby amended by adding the following paragraph:-

The commissioner may promulgate rules and regulations allowing an employer to report wages on "wages paid" or "wages earned" basis.

SECTION 29. Section 40 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 1, the word "ten" and inserting in place thereof the word:- thirty.

SECTION 30. Said chapter 151A is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:-

Section 42. The commissioner or any interested person aggrieved by any decision in any proceeding before the board of review may obtain judicial review of such decision by commencing within thirty days of the date of mailing of such decision, a civil action in the district court within the judicial district in which he lives, or is or was last employed, or has his usual place of business, and in such proceeding, every other party to the proceeding before the board shall be made a defendant. If an appeal to the board of review is deemed denied pursuant to subsection (a) of section forty-one because the board failed to act upon such appeal, judicial review may be obtained by commencing a civil action as prescribed in the preceding sentence, except that the time for commencing such action shall run from the date such appeal is deemed denied. The commissioner shall be deemed to have been a party to any such proceeding before the board. The complaint shall state the grounds upon which such review is sought. The plaintiff shall serve a copy of the complaint upon each defendant by registered or certified mail, return receipt requested, within seven days after commencing the action for judicial review.

The commissioner shall make every reasonable effort to file with the court a certified copy of the decision of the board of review, including all documents and a transcript of all testimony taken at the hearing before said board or the commissioner as the case may be, within twenty-eight days after service of the complaint upon the commissioner or within twenty-eight days after the commencement of the action for judicial review by the commissioner. Each defendant shall file an answer within twenty-eight days after receipt of the complaint, except that the commissioner may, by way of answer, file in court within such time period a certified copy of the record of the proceeding under review.

Except as otherwise provided in this section, or if inconsistent with the provisions of this section, such proceeding shall be governed by the Rules of Civil Procedure for the district courts and the municipal court of the city of Boston. The findings and decisions of the board shall be reviewed in accordance with the standards for review provided in paragraph (7) of section fourteen of chapter thirty A. Any proceeding under this section shall be given precedence over all other civil cases.

An appeal may be taken from the decision of the justice of the district court directly to the appeals court. Notice of appeal shall be filed in the office of the clerk of the district court within thirty days after entry of the judgment by the clerk. The completion of such appeal shall be made in accordance with the Massachusetts Rules of Appellate Procedure. Benefits shall be paid or denied in accordance with the decision of the trial court justice during the pendency of such appeal.

SECTION 31. Said chapter 151A is hereby further amended by striking out

section 46, as so appearing, and inserting in place thereof the following section:-

Section 46. (a) Except as provided in this section, information secured pursuant to this chapter is confidential and for the exclusive use and information of the department in the discharge of its duties. Such information is not a public record nor admissible in any action or proceeding, except as provided in this section. This information is absolutely privileged and shall not be made the subject matter or basis in any action of slander, libel or emotional distress.

(b) Such information may be admissible only in the following actions or proceedings:

(1) in civil or criminal cases brought pursuant to this chapter where the department or the commonwealth is a necessary party;

(2) in civil cases relating to the enforcement of child support obligations under section twenty-nine B;

(3) in criminal prosecutions for homicide, or any offense stemming from investigations conducted pursuant to section thirty T of chapter seven; and

(4) in criminal prosecutions for violation of federal law.

(c) The department shall disclose, upon request, such information in the following circumstances:

(1) to any employer, information concerning the employer's record;

(2) to any claimant or to the claimant's authorized agent, information concerning the claimant's own record;

(3) to the commissioners of public welfare, revenue, veterans' services, medical security and industrial accidents, information necessary in the performance of their official duties;

(4) to probation officers working for a governmental agency, information necessary in the performance of their official duties;

(5) to the Internal Revenue Service of the United States Department of the Treasury, information necessary for purposes of the administration of federal unemployment taxes.

(d) Nothing in this section shall be construed to prevent the commissioner from (i) complying with the provisions of section sixty-five, (ii) conducting any investigations under said section, or (iii) publishing in statistical form the results of any such investigations without disclosing the identity of the individual involved.

(e) Whoever discloses such information contrary to this section and without the authority of the commissioner or pursuant to the commissioner's rules and regulations, or as otherwise required or authorized by law, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than six months, or both.

(f) Nothing in this chapter shall prohibit the commissioner from requesting and exchanging information for purposes of income and eligibility verification in accordance with a system which meets the requirements of section 1137 of the

Social Security Act and the regulations promulgated by the Secretary of Labor thereunder. In addition, nothing in this chapter shall prohibit the commissioner from providing information to the Secretary of Health and Human Services under section 453 (e) of the Social Security Act and to officers and employees of the Department of Housing and Urban Development and to representatives of a public housing agency in accordance with section 903 (c) of P.L. 100-628, the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, to the extent required by section 303 of the Social Security Act; provided, however, that appropriate arrangements have been made for reimbursing the department for the costs of providing such information.

(g) (1) Notwithstanding any of the foregoing provisions of this section, the commissioner may publish a list of all active employers which are delinquent under this chapter in the payment of their obligations in an amount greater than five thousand dollars.

(2) At least ninety days prior to disclosing the identity of any such delinquent employer, the commissioner shall mail by certified mail addressed to such delinquent employer at the employer's last or usual place of business or abode a written notice detailing the amount, the nature, and the intended disclosure of this delinquency. If the delinquent amount has not been paid sixty days after said notice was mailed, the commissioner may publicly disclose such delinquency.

(3) Unpaid obligations shall not be deemed to be delinquent and subject to disclosure if there is a written agreement for payment without default between the employer and the commissioner, or the commissioner certifies that the liability is under appeal or is based wholly upon a question of law that is currently under appeal before a court or the board of review in another case involving the same question or that the employer has filed a petition in bankruptcy pursuant to 11 USC section 101 et seq.

(4) Any unauthorized disclosure made by the commissioner in a good faith effort to comply with this paragraph shall not be considered a violation of this section.

SECTION 32. Said chapter 151A is hereby further amended by striking out section 47, as so appearing, and inserting in place thereof the following section:-

Section 47. Whoever knowingly makes a false statement or misrepresentation to obtain or increase any benefit or other payment under any provision of this chapter, either for himself or for any other person, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not more than six months, or both. Each such false statement or misrepresentation shall constitute a separate offense.

Any employing unit which or any officer or agent of an employing unit who willfully attempts in any manner to evade or defeat any contribution or payment in lieu of contribution or who knowingly makes a false statement or misrepresen-

tation to avoid or reduce any contribution, payment in lieu of contribution, interest charge or benefit payment required of such employing unit under any provision of this chapter shall be guilty of a felony and upon conviction thereof, shall be punished by a fine of not less than ten thousand nor more than fifty thousand dollars, or by imprisonment for not more than five years, or both such fine and imprisonment. Each such attempt to evade or defeat and each such false statement or misrepresentation shall constitute a separate and distinct offense.

Any employing unit which, or any officer or agent of any employing unit who, knowingly fails or refuses to pay any such benefit, contribution, payment in lieu of contribution or interest charge, or to furnish any report or information duly required by the commissioner under any provision of this chapter, or makes or requires any deduction from wages to pay any portion of the contributions, payments in lieu of contributions or interest charges required from employers under any provision of this chapter, or attempts by threats or coercion of any kind to induce any individual to waive any rights under any provision of this chapter, or attempts by threats or coercion of any kind to prevent any individual from testifying at any hearing conducted under any provision of this chapter, shall be punished by a fine of not less than two thousand five hundred nor more than ten thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment. Each such failure or refusal to pay, each such deduction from wages and each such attempt to coerce shall constitute a separate and distinct offense.

Whoever willfully corrupts or by force or threat of force, including any threatening letter or communication, endeavors to intimidate or impede an officer or employee of the commonwealth acting in an official capacity under this chapter, or in any other way corrupts by force or threat of force, including any threatening letter or communication, obstructs or impedes, or endeavors to obstruct or impede, the due administration of this chapter, shall be punished by a fine of not more than five thousand dollars, or by imprisonment for not more than three years, or both such fine and imprisonment, except that if the offense is committed only by threat of force, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than one year, or both such fine and imprisonment. The term "threat of force", as used in this subsection, means threat of bodily harm to the officer or employee of the commonwealth or to a member of the officer's or employee's family.

If such employing unit or the employer of such officer or agent is a corporation, the president, secretary and the treasurer, or officers exercising corresponding functions, shall each be subject to the aforesaid penalties for any violation of any provision of this section, of which they, respectively, had knowledge, or, in the proper exercise of their duties ought to have had knowledge. The introduction into evidence of a certified copy of the annual report of condition or, where no report

has been filed, the articles of organization shall be prima facie evidence that the officers listed on the annual report of condition or, where applicable the articles of organization, are the officers of the corporation responsible for violation of any provision of this section.

Any person convicted of a violation of any provision of this chapter or of a violation of any order, rule or regulation of the commissioner or of the department made under the authority of any provision of this chapter, the punishment for which is not otherwise provided, shall be punished by a fine of not more than one hundred dollars for the first offense, and, for any subsequent offense within a period of two years immediately following a final conviction of a like offense by a court of the commonwealth, shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment for not more than two years, or both such fine and imprisonment.

Any person found guilty of violating any provision of this chapter, in addition to any other punishment, may be ordered to make restitution to the department of employment and training in an amount not to exceed the amount specified in the complaint of the commonwealth plus any amounts which have accrued under this chapter since filing of the complaint.

Complaint against any person for a violation of any provision of this section shall be made within six years after the date of such violation. All fines collected under this section shall be paid to the commissioner and after clearance shall be deposited in the Contingent Fund.

SECTION 33. Said chapter 151A is hereby further amended by inserting after section 47 the following section:-

Section 47A. Whoever, with intent to defraud, makes, draws, utters or delivers any check, draft or order for the payment of any amount required under this chapter upon any bank or other depository, with knowledge that the maker or drawer has not sufficient funds or credit at such bank or other depository for the payment of such instrument, although no express representation is made in reference thereto, shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or imprisonment for not more than two years, or both such fine and imprisonment. As against the maker or drawer thereof, the making, drawing, uttering or delivery of such check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank or other depository, unless the maker or drawer shall have paid the holder thereof the amount due thereof, together with all costs and protest fees, within two days after receiving notice that such check, draft or order has not been paid by the drawee. The word "credit" as used herein, shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

SECTION 34. Subsection (a) of section 69 of said chapter 151A, as appearing

in the 1988 Official Edition, is hereby amended by adding the following sentence:- Any civil action brought pursuant to this subsection shall be commenced within six years from the date of the erroneous payment.

SECTION 35. Said subsection (a) of said section 69 of said chapter 151A, as so appearing, is hereby further amended by adding the following paragraph:-

If any individual fails to pay when due any amount paid to said individual because of such individual's failure knowingly to furnish accurate information concerning any material fact, including amounts of remuneration received, as provided in subsection (c) of section twenty-four, such overdue amount shall carry interest at a per annum rate provided by subsection (a) of section fifteen from the due date until paid. The total amount of interest assessed shall not exceed fifty percent of the total amount due.

SECTION 36. Said section 69 of said chapter 151A, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The commissioner may waive recovery of an overpayment made to any individual, who, in the judgment of the commissioner, is without fault and where, in the judgment of the commissioner such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience.

Any person aggrieved by a determination or decision of the commissioner that recovery of an overpayment not be waived shall have the right to appeal such determination or decision in accordance with the provisions set forth in sections thirty-nine to forty-two, inclusive.

SECTION 37. Section 69A of said chapter 151A, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the foregoing paragraph the commissioner may charge off annually any delinquent employer account where the amount owed is ten dollars or less.

SECTION 38. Said chapter 151A is hereby further amended by inserting after section 69A the following two sections:-

Section 69B. In addition to any other remedy provided by this chapter, the commissioner may request that the amount payable to the department by an individual resulting from an overpayment of unemployment benefits which has become final as specified in 430 CMR 6.12 be set off against any refund owed such individual by the department of revenue; provided, however, that such individual is notified of the intention to request a set off of the amount owed and the right to apply to the commissioner for a review of such intention. The application for review shall be filed within twenty days after mailing or delivery of said notice and shall set forth the grounds for such application. The grounds shall be limited to the identity of the individual and the amount to be set off. The commissioner shall review the application and, where applicable, reconsider the intention to request

a set off. Thereafter, notice of the results of the commissioner's review of the application shall be mailed to the individual and this notice shall be final and not subject to appeal under any provision of this chapter; except that if a refund is set off for any amount owed the department, the individual may appeal such set off in accordance with the provisions of sections thirty-nine to forty-two, inclusive, and the commissioner shall refund to the individual any amount which has been set off erroneously. The grounds for appeal shall not include any issue that has been the subject of a prior appeal or which could have been the subject of a prior appeal if the individual or employer had filed a timely appeal.

Section 69C. (a) If a back pay award to an individual is reduced because of the receipt of unemployment benefits by the individual, the employer against whom the back pay award was made shall notify the commissioner of the back pay award in such manner as prescribed by the commissioner. The employer must notify the commissioner in writing not later than the twelfth day from which the employer learns about the reduction in the back pay award.

(b) An employer which has been assessed a back pay award which has been reduced because of the receipt of unemployment benefits by an individual shall reimburse the unemployment compensation fund for the amount of benefits paid from such fund equal to the amount of the reduction of the back pay award. The employer shall not be liable under this section to reimburse the fund more than the amount by which the commissioner determines the individual was overpaid unemployment benefits because of receipt of a back pay award.

(c) Any reimbursement of the fund by the employer pursuant to subsection (b) shall be credited against the overpayment resulting from the receipt of a back pay. An individual who has received a back pay award which has been reduced by the receipt of unemployment benefits shall not be liable with respect to an overpayment caused by receipt of said award that creates liability for the employer under subsection (b).

(d) Any reimbursement of the fund by the employer pursuant to subsection (b) shall be credited to the employer's account or the solvency account in accordance with section fourteen as if the reimbursement had been made by the individual who was overpaid unemployment benefits. If the employer has elected to make payments in lieu of contributions such credit shall be in accordance with the provisions of section fourteen A as if the reimbursement had been made by the individual who was overpaid unemployment benefits.

SECTION 39. Section 71 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 10, the word "two" and inserting in place thereof the word:- four.

SECTION 40. Said section 71 of said chapter 151A, as so appearing, is hereby further amended by adding the following four paragraphs:-

The commissioner may reconsider a decision issued pursuant to section twelve

or subsection (b) of section thirty-nine for which no application for review pursuant to section twelve or section forty was filed when in his judgment it appears that because of newly discovered evidence or for any other reasonable cause the commissioner should reconsider the decision. The commissioner shall not reconsider any decision after one year from the date of the original decision. Any party who files a request for reconsideration with the commissioner shall mail a copy of said request to every other party to the original hearing.

If the commissioner reconsiders a decision under this section, the commissioner shall revoke the original decision and reopen the original hearing, giving notice to all parties to the original hearing. The commissioner or the commissioner's representative shall conduct the hearing in accordance with the procedures prescribed by section twelve or subsection (b) of section thirty-nine, whichever is applicable. The commissioner or the commissioner's representative shall give notice of such decision, together with the findings and reasons thereof, to the parties. Any party aggrieved by the decision may file an application for review as provided by section twelve or section forty, whichever is applicable. Benefits shall be paid promptly or denied in accordance with such decision. Unless action is taken under said section twelve or said section forty, the decision shall be final on all questions of fact and law.

Subject to the same limitations and for the same reasons, the commissioner may reconsider a decision in any case in which the board of review or court has rendered a decision and may apply to said board or court to revoke or modify such decision and the board or court may affirm, modify or revoke such decision.

The decision of the commissioner not to reconsider a decision shall be final and not subject to appeal under any provision of this chapter.

SECTION 41. The provisions of section five shall apply to wages paid for services rendered on or after January first, nineteen hundred and ninety-one. The provisions of section seven shall apply to computation dates occurring on or after September thirtieth, nineteen hundred and ninety. The provisions of section nine shall apply to transfers which occur on or after the effective date of this act. The provisions of section twenty-nine shall apply to decisions of the commissioner issued on or after the effective date of this act. The provision of section thirty shall apply to decisions of the board of review issued on or after the effective date of this act. The provision of section thirty-five shall apply to amounts which become due on or after the effective date of this act. The provisions of section thirty-eight shall apply to back pay awards assessed on or after the effective date of this act. The provisions of section thirty-nine shall apply to new or additional claims filed on or after the effective date of this act. The provisions of section forty shall apply to decisions issued pursuant to section twelve of said chapter one hundred and fifty-one A or subsection (b) of section thirty-nine of said chapter one hundred and

fifty-one A, whichever is applicable, on or after the effective date of this act.

Approved August 2, 1990.

Chapter 155. AN ACT RELATIVE TO EXAMINATIONS BY THE BOARD OF CERTIFICATION OF HEALTH OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Section 64 of chapter 13 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words "four of whom shall be registered chiropractors, two of whom shall be registered physicians" and inserting in place thereof the words:- six of whom shall be registered chiropractors.

SECTION 2. Said section 64 of said chapter 13, as so appearing, is hereby further amended by striking out the last sentence.

SECTION 3. The second paragraph of section 87XXX of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the board deems the educational qualifications of an applicant are satisfactory and if such applicant passes a written examination satisfactory to the board, the board shall issue to him a certificate.

Approved August 2, 1990.

Chapter 156. AN ACT RELATIVE TO RIGHTS FOR ELDERLY AND HANDICAPPED PERSONS.

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by adding the following section:-

Section 103. (a) Any person within the commonwealth, regardless of handicap or age as defined in chapter one hundred and fifty-one B, shall, with reasonable accommodation, have the same rights as other persons to make and enforce contracts, inherit, purchase, lease, sell, hold and convey real and personal property, sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, including, but not limited to, the rights secured under Article CXIV of the Amendments to the Constitution.

(b) Any 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, but not limited to, 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) shall be established if, based upon 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 determined by the court.

Approved August 2, 1990.

Chapter 157. AN ACT INCREASING THE AMOUNT OF MONEY THE AMHERST POLICE RELIEF ASSOCIATION MAY PAY FOR DEATH BENEFITS.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary, the Amherst Police Relief Association may pay death benefits not exceeding ten thousand dollars.

Approved August 2, 1990.

Chapter 158. AN ACT RELATIVE TO SUBPOENAS OF CERTAIN RECORDS.

Be it enacted, etc., as follows:

The first paragraph of section 70 of chapter 111 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the fifth sentence the following sentence:- Notwithstanding the foregoing, a hospital or clinic served with a subpoena for such records of any party named in that proceeding as shown by the case caption appearing on the subpoena, shall deliver certified copies of the subpoenaed records in its custody to the court or place of hearing designated on the subpoena.

Approved August 2, 1990.

Chapter 159. **AN ACT AUTHORIZING THE TOWN OF MANSFIELD TO ESTABLISH A COUNCIL ON AGING TRUST FUND ACCOUNT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other provisions of law to the contrary, the town of Mansfield is hereby authorized to establish a special account to be known as the Council on Aging Trust Fund into which account shall be deposited all donations and gifts received from any source by the council on aging and the council on aging department of said town. Donations from private sources or specific fund raising campaigns may be received and placed into said account, as well as monies from other sources authorized by law.

SECTION 2. Said account shall be maintained by the town treasurer of said town and shall be kept separate and apart from all other monies by said treasurer. Said treasurer may invest the monies in said account in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four of the General Laws. The interest accruing on said account shall inure solely to the benefit of said account. Said account shall be audited by an independent certified public accountant and said audit report shall be submitted to the director of the bureau of accounts.

SECTION 3. The town treasurer shall assure that sufficient money is available at all times to meet current liabilities. The council on aging and the council on aging department in said town shall annually furnish said treasurer a schedule of anticipated expenditures on a monthly basis. Expenditures from such account may be authorized by majority vote of the council on aging board of directors, in accordance with conditions, restrictions or guidelines, if any, which may accompany the donation or gift of any funds. Any monies so authorized for expenditure but not expended shall revert to said account.

Approved August 2, 1990.

Chapter 160. **AN ACT AUTHORIZING THE LAKE PLEASANT WATER DISTRICT AND THE TURNERS FALLS FIRE DISTRICT TO GRANT CERTAIN EASEMENTS TO THE TOWN OF MONTAGUE FOR SANITARY SEWER PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. Subject to the provisions of section fifteen B of chapter forty of

the General Laws, the Lake Pleasant Water District and the Turners Falls Fire District are hereby authorized to grant certain easements in the town of Montague to said town of Montague.

Said easements are shown on a plan entitled "Plan of Proposed Easements for Sanitary Sewer Purposes Prepared by the Town of Montague", dated July 29, 1983, prepared by Almer Huntley, Jr. & Associates, Inc., 125 Pleasant Street, Northampton, Massachusetts to be recorded in the registry of deeds in the county of Franklin.

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

Approved August 3, 1990.

Chapter 161. AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF METHUEN TO CONVEY CERTAIN LAND IN SAID TOWN TO THE METHUEN YOUTH CENTER, INC.

Be it enacted, etc., as follows:

SECTION 1. The city known as the town of Methuen is hereby authorized to convey a certain parcel of land in said town to the Methuen Youth Center, Inc. for use as a youth center; said transfer to be upon such terms and conditions as may be established by the town council. Said parcel is shown on a plan entitled "Gill Avenue, Methuen, MA, prepared by Yankee Engineers Methuen, MA, dated June 11, 1990", which is on file in the office of the department of public works of the city known as the town of Methuen.

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

Approved August 3, 1990.

Chapter 162. AN ACT RELATIVE TO THE PAYMENT OF WAGES.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 148 of chapter 149 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- An employer, when paying an employee his wage, shall furnish to such employee a suitable pay slip, check stub or envelope showing the name of the employer, the name of the employee, the day, month, year, number of hours worked, and hourly rate, and the amounts of deductions or increases made for the pay period.

SECTION 2. Said chapter 149 is hereby further amended by striking out section 150A, as so appearing, and inserting in place thereof the following section:-

150A, as so appearing, and inserting in place thereof the following section:-

Section 150A. Every person making a deduction from wages of any employee for social security, unemployment compensation benefits, pension, vacation or health and welfare funds, state taxes, federal taxes, dues check-off and credit unions and every person engaged in contracting or sub-contracting, highway or building construction projects or public works construction who is party to an agreement to make contributions for unemployment compensation benefits, pension, vacation or health and welfare funds, apprentice training programs, federal tax, state tax, dues check-off or contributions to a credit union for the benefit of any employee, or who is required to make such contributions to such funds or programs or payments directly to an employee under the provisions of section twenty-seven, and which contributions or payments are computed on an hourly, daily, weekly or monthly basis, shall furnish each such employee a suitable pay slip, check stub or envelope, notifying such employee of the amount of each such deduction or contribution at the time of the payment of wages from which such deduction is made and in the case of a contribution at the time when such contribution is made; provided, however, that a new employee shall be notified in writing at the time of the first payment of his wages about the nature of such deduction or contribution; and provided, further, that each such employee shall be notified in writing at the initial time of any new deduction or contribution from the wages about the nature of such deductions and contributions.

SECTION 3. This act shall take effect on January first, nineteen hundred and ninety-two.

Approved August 3, 1990.

Chapter 163. AN ACT FURTHER REGULATING THE UNAUTHORIZED REPRODUCTION AND TRANSFER OF SOUND RECORDINGS.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 143, as appearing in the 1988 Official Edition, and inserting in place thereof the following six sections:-

Section 143. As used in sections one hundred and forty-three A to one hundred and forty-three E, inclusive, the following words shall have the following meanings:

"Article" or "recorded device", the tangible medium upon which sounds or images are recorded or otherwise stored, and shall include any original phonograph record, disc, wire, tape, audio or video cassette, film or other medium now known or later developed on which sounds or images may be recorded or other-

wise stored, or any copy or reproduction which duplicates, in whole or in part, the original.

"Owner", the person or other entity who owns a master phonograph record, master disc, master tape, master film or other device used for reproducing recorded sounds on a phonograph record, disc, tape, film, videocassette or other article on which sound is recorded, and from which the transferred recorded sounds are directly or indirectly derived; provided, however, that nothing contained in sections one hundred and forty-three to one hundred forty-three E, inclusive, shall be construed to apply to any person lawfully entitled to use or cause to be used such sound for profit through public performance, who transfers or causes to be transferred any such sound as part of a radio or television broadcast or for archival preservation.

Section 143A. Whoever directly or indirectly by any means, knowingly transfers or causes to be transferred any sound recorded on a phonograph record, disc, wire, tape, film, videocassette or other article on which such sound is recorded, with intent to sell, rent or transport, or cause to be sold, rented or transported, or to use or cause to be used for profit through public performance such article on which such sound is so transferred, without the consent of the owner, or whoever sells any such article with the knowledge that the sound thereon has been so transferred without the consent of the owner, shall be punished as provided in section one hundred and forty-three D.

Section 143B. Whoever for commercial advantage or private financial gain records or causes to be recorded a live performance with knowledge that such recording is without the consent of the owner, or advertises, sells, rents, transports or causes to be advertised, sold, rented or transported, or possesses for any of such purposes, a recording of a live performance with the knowledge that the live performance was recorded without the consent of the owner, shall be punished as provided in section one hundred and forty-three D.

Section 143C. Whoever for commercial advantage or private financial gain knowingly manufactures, rents, sells, transports, or causes to be manufactured, rented, sold or transported, or possesses for purposes of sale, rental or transport, any recorded device the outside packaging of which does not clearly and conspicuously bear the true name and address of the transferor of the sounds or images contained thereon shall be punished as provided in section one hundred and forty-three D.

Section 143D. A person who violates the provisions of sections one hundred and forty-three to one hundred and forty-three C, inclusive, shall be punished as follows:

(i) If the offense involves not less than one thousand unlawful sound recordings or not less than sixty-five unlawful audio visual recordings, by imprisonment for

not more than five years, or by a fine of not more than two hundred and fifty thousand dollars, or both such fine and imprisonment.

(ii) If the offense involves less than one thousand but not less than one hundred unlawful sound recordings, or less than sixty-five but not less than seven unlawful audio visual recordings, by imprisonment for not more than two years, or by a fine of not more than one hundred thousand dollars, or both such fine and imprisonment.

(iii) For any other offense not described in paragraph (i) or (ii), by imprisonment for not more than one year, or by a fine of not more than twenty-five thousand dollars, or both such fine and imprisonment.

Section 143E. Upon conviction of a person for a violation of sections one hundred and forty-three to one hundred and forty-three D, inclusive, the court may order the forfeiture, destruction, or other disposition of all recordings on which the conviction is based and all implements, devices and equipment used or intended to be used in the manufacture of the recordings on which the conviction is based; provided, however, that such order shall be stayed pending any appeal.

Approved August 3, 1990.

Chapter 164. **AN ACT DESIGNATING A CERTAIN INTERSECTION IN THE TOWN OF AVON AS THE EDWARD P. JOHNSON MEMORIAL SQUARE.**

Be it enacted, etc., as follows:

The intersection of Harrison boulevard and Dykeman way in the town of Avon shall be designated and known as the Edward P. Johnson Memorial Square. 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 August 3, 1990.

Chapter 165. **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 119 of the acts of 1989, 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-one.

Approved August 3, 1990.

Chapter 166. **AN ACT PLACING THE TOWN OF GRANBY IN THE JUDICIAL JURISDICTION OF THE DISTRICT COURT OF EASTERN HAMPSHIRE HELD AT WARE.**

Be it enacted, etc., as follows:

Section 1 of chapter 218 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the first and second paragraphs, under the caption "Hampshire", and inserting in place thereof the following two paragraphs:-

The district court of Hampshire, held at Northampton, Amherst, Cummington, South Hadley, Huntington and Easthampton; Hampshire county, except Belchertown, Granby and Ware.

The district court of eastern Hampshire, held at Ware; Belchertown, Granby and Ware and any violation of law committed on land of the metropolitan district commission comprising the Quabbin reservation or used for the supply or protection of the Quabbin reservoir.

Approved August 3, 1990.

Chapter 167. **AN ACT FURTHER REGULATING THE AWARDING OF CONTRACTS BY THE WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY.**

Be it enacted, etc., as follows:

The fourth paragraph of section 15 of chapter 701 of the acts of 1960, added by chapter 278 of the acts of 1964, is hereby amended by striking out, in line 4, the word "one", and inserting in place thereof the word:- ten.

Approved August 3, 1990.

Chapter 168. **AN ACT FURTHER REGULATING THE DENNIS WATER DISTRICT.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 277 of the acts of 1945 is hereby amended by inserting after section 6 the following two sections:-

Section 6A. Notwithstanding the provisions of section five B of chapter forty of the General Laws, for the purpose of creating a stabilization fund, the district may appropriate in any year an amount not exceeding five percent of the receipts from taxes, rates and services of the preceding fiscal year.

Section 6B. Notwithstanding the provisions of section five D of chapter forty of the General Laws, in order to offset the anticipated costs of funding its contributory retirement system the district may appropriate in any year an amount not exceeding ten percent of the receipts from taxes, rates and services of the preceding fiscal year.

SECTION 2. This act shall take effect upon its acceptance by the district.

Approved August 3, 1990.

Chapter 169. AN ACT FURTHER REGULATING THE REMOVAL OF MOTOR VEHICLES FROM PRIVATE WAYS.

Be it enacted, etc., as follows:

The third paragraph of section 120D of chapter 266 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clauses (1) and (2) and inserting in place thereof the following two clauses:-

(1) the maximum amount for towing or transportation of motor vehicles established by the department of public utilities for motor vehicles towed away when such towing is ordered by the police or other public authority under the provisions of section six B of chapter one hundred and fifty-nine B; and

(2) the maximum charge for storage of non-commercial passenger motor vehicles with a maximum capacity of nine persons, shall be not more than the maximum storage charge allowed under the provisions of said section six B of said chapter one hundred and fifty-nine B.

Approved August 3, 1990.

Chapter 170. AN ACT RELATIVE TO CREDIT CARDS ISSUED BY CREDIT UNIONS.

Be it enacted, etc., as follows:

Section 59A of chapter 171 of the General Laws, inserted by section 1 of chapter 79 of the acts of 1990, is hereby amended by striking out the third paragraph and

inserting in place thereof the following paragraph:-

The total obligation of one or more members pursuant to any credit card agreement entered into under the provisions of this subdivision shall not exceed five thousand dollars; and the aggregate balance of such loans and advances made by any such corporation at any time outstanding shall not exceed twenty percent of its deposits and shares.

Approved August 3, 1990.

Chapter 171. AN ACT FURTHER REGULATING AUTOMOBILE INSURANCE SURCHARGES.

Be it enacted, etc., as follows:

SECTION 1. Section 113B of chapter 175 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the twelfth paragraph and inserting in place thereof the following paragraph:-

The safe driver insurance plan shall provide for a series of driver classifications based upon driving record which shall reflect individual driving experience. The plan shall provide for upward premium adjustments for drivers who in the preceding five year period have accumulated three or more unsafe driver points based on one or more of the following surchargeable incidents: at-fault accidents, convictions of moving violations of motor vehicle laws, including payments pursuant to chapter ninety C and assignments to driver alcohol education programs under the provisions of section twenty-four D of chapter ninety, or any combination thereof, or four or more comprehensive claims totalling two thousand dollars or more unless fire, theft, comprehensive and collision coverages are not purchased by the insured. For the purposes of determining upward premium adjustments, the plans made effective on or after January first, nineteen hundred and ninety-one, shall consider only those surchargeable incidents with surcharge dates in the five year period immediately preceding the effective date of the policy. Notwithstanding the foregoing, with respect to the plan made effective on January first, nineteen hundred and ninety-one, the premium adjustment for any class of driver, some or all members of which received a surcharge in nineteen hundred and ninety attributable in whole or in part to surchargeable incidents with surcharge dates prior to January first, nineteen hundred and eighty-five, shall be reduced to reflect the approximate dollar amount of the increase in surcharges paid by that class of driver to the extent that such increase was attributable to surchargeable incidents with surcharge dates prior to January first, nineteen hundred and eighty-five. Pursuant to such plan the commissioner may place drivers who have accumulated fewer than three unsafe driver points, so-called, into

classifications for which an upward premium adjustment is provided. The registrar shall develop a system for separately reporting violations for driving a motor vehicle which has an expired registration sticker affixed to the license plate. When the registrar has implemented such a system, driving a motor vehicle which has an expired registration sticker affixed to the license plate shall not be considered a surchargeable incident.

SECTION 2. The thirteenth paragraph of said section 113B of said chapter 175, as so appearing, is hereby amended by adding the following sentence:- The commissioner and the merit rating board shall develop a system for considering the driving experience of drivers previously licensed in states other than Massachusetts in order to provide upward or downward premium adjustments to such drivers.

Approved August 3, 1990.

Chapter 172. **AN ACT AUTHORIZING AND DIRECTING THE COMPTROLLER TO MAKE CERTAIN CORRECTIONS TO PREVIOUS FISCAL LEGISLATION AND TO TAKE CERTAIN ACTIONS NECESSARY TO CLOSE THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY AND OPEN THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-ONE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, in order to consistently charge expenditures to the various funds of the commonwealth, when fiscal legislation enacted for fiscal year nineteen hundred and ninety omitted language, by item, identifying the funds to which expenditures were to be charged and said expenditures were charged to funds other than the general fund in fiscal year nineteen hundred and eighty-nine, the comptroller is authorized and directed to review and consider the original designation of charges to the various funds of the Commonwealth for fiscal year nineteen hundred and ninety and to allocate said charges in accordance with those made in fiscal year nineteen hundred and eighty-nine with due consideration for account restructurings in chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine. All adjustments to charges to the various funds of the commonwealth shall be implemented in accordance with schedules filed in advance with the house and senate committees on ways and means.

SECTION 2. Notwithstanding fiscal legislation for the fiscal year ending June thirtieth, nineteen hundred and ninety to the contrary, the comptroller shall not

approve any new cost of living adjustment to be commenced during the fiscal year ending June thirtieth, nineteen hundred and ninety-one on the basis of the provisions of such fiscal year nineteen hundred and ninety legislation.

SECTION 3. Notwithstanding the provisions of section one hundred and seventy-two of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine 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 of, 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; and for fringe benefits associated with the University of Massachusetts Medical School, seven million nine hundred thirty thousand dollars; provided further, that in fiscal year nineteen hundred ninety-one, the comptroller shall not recover more than twelve million six hundred thousand dollars for fringe benefits associated with the University of Massachusetts Medical School; provided further, that the University of Massachusetts Medical School, including the Group Practice Trust, shall reimburse the General Fund for the full amount of costs associated with providing fringe benefits to its employees beginning in fiscal year nineteen hundred and ninety-two and each fiscal year thereafter.

Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall not recover the costs associated with providing fringe benefits to employees of the University of Massachusetts Teaching Hospital for fiscal years nineteen hundred and ninety through nineteen hundred and ninety-two; provided, however, that the comptroller shall collect the following amounts from the University of Massachusetts Teaching Hospital for services provided by the commonwealth: fifteen million six hundred thousand dollars in fiscal year nineteen hundred and ninety and seventeen million dollars in fiscal year nineteen hundred and ninety-one; provided further, that in fiscal year nineteen hundred and ninety-two, the comptroller shall collect an amount that is equal to, but unrelated to, the commonwealth's cost of providing fringe benefits to said hospital's employees, interns, residents and other teaching hospital staff.

Except as provided in the preceding paragraphs, nothing in this section shall be construed as prohibiting the comptroller from making charges to recover the commonwealth's cost 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 4. For the purpose of accommodating delayed receipt of revenues

in fiscal year nineteen hundred and ninety-one, authorized to be retained during fiscal year nineteen hundred and ninety-one, departments are hereby authorized to incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year nineteen hundred and ninety-one, to be charged to said items in accordance with schedules approved by the secretary of administration and finance and filed with the house and senate committees on ways and means.

SECTION 5. 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 ninety 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 ninety; 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; and provided further, that this section shall not apply to payments authorized pursuant to section two for such purposes.

SECTION 6. Notwithstanding any general or special law to the contrary, the comptroller shall, as of June thirtieth, nineteen hundred and ninety, transfer from the commonwealth's Stabilization Fund, to the extent that funds are available therein, including any interest income that is credited to the Stabilization Fund on account of said transferred amounts, 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 ninety.

SECTION 7. Notwithstanding any general or special law to the contrary, the comptroller shall, as of June thirtieth, nineteen hundred and ninety, transfer from the General Fund to the purchasing agent's supply fund and federal surplus

property respectively, the amount of any negative undesignated fund balance in said funds as of June thirtieth, nineteen hundred and ninety.

SECTION 8. This act shall take effect as of June thirtieth, nineteen hundred and ninety.

Approved August 3, 1990.

Chapter 173. AN ACT RELATIVE TO THE SOUTH ESSEX SEWERAGE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 339 of the acts of 1925 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Said board shall make a report each year of its doings for the preceding year and shall submit a copy of each such report to the governor, the county commissioners of Essex county, the mayor of the city of Salem, the mayor of the city of Beverly, the mayor of the city of Peabody, the chairman of the board of selectmen of the town of Danvers and the chairman of the board of selectmen of the town of Marblehead.

SECTION 2. The third paragraph of section 14 of said chapter 339 is hereby amended by striking out the last sentence.

SECTION 3. Said section 14 of said chapter 339 is hereby further amended by inserting after the third paragraph the following two paragraphs:-

Said board shall from time to time prescribe regulations to carry out the purposes and provisions of this act and of any general or special law pertaining to the district including, without limiting the generality of the foregoing, regulations governing:

(*a*) the character or quantity of any sewage, drainage or other substances discharged into the sewerage system under its control or any sewer tributary thereto;

(*b*) the proper operation of the sewerage system;

(*c*) the construction, alteration and use of all connections to the sewerage system;

(*d*) the establishment of reasonable fees for the disposal of septage, issuance of permits or other purposes provided by this act;

(*e*) administrative procedures for the enforcement by the board of the provisions of any such regulations including, without limiting the generality of the foregoing, procedures for the assessment and collection by the board of the civil penalties provided hereunder.

Prior to promulgation by the board, such regulations shall first be approved by

the division of water pollution control.

SECTION 4. The fourth paragraph of said section 14 of said chapter 339, added by section 3 of chapter 170 of the acts of 1985, is hereby amended by striking out the third sentence and inserting in place thereof the following four sentences:- Whoever violates any provision of this section, any regulation, order or permit issued pursuant to this act shall be subject to a civil penalty not to exceed ten thousand dollars per day for each day such violation continues and shall be liable for all costs and damages incurred by the district as a result of such violation. Such penalty may be assessed by the board pursuant to administrative proceedings, in which case the party so assessed shall have the right to appeal the board's decision to a court having jurisdiction as provided by this act; provided, however, that nothing hereunder shall prevent said board from proceeding directly to court to enforce any such regulation, order or permit. Whoever knowingly violates any regulation, order or permit issued pursuant to this act or makes any false representation in an application, record, report or plan, or falsifies, tampers with or renders inaccurate a monitoring device or method required by any regulation, order or permit issued pursuant to this act, or who without lawful authority injures, destroys or interferes with any property held or used by the district for the purpose of constructing, operating or maintaining the sewerage system shall be punished by a criminal fine of not less than one thousand dollars nor more than ten thousand dollars per day for each day such violation continues and shall be liable for all costs and damages incurred by the district as a result thereof or by imprisonment for not more than one year, or by both such fine and imprisonment. All such fines, penalties and charges established by or under authority of this act shall be collected for the account of and paid over to the district.

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

Approved August 7, 1990.

Chapter 174. AN ACT RELATIVE TO PARKING FACILITIES OWNED BY THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Worcester is hereby authorized to lease, for terms not exceeding ninety-nine years, parking spaces located in off-street parking facilities owned by the city of Worcester for private use for off-street parking purposes in the downtown commercial area revitalization district.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the city of Worcester is hereby authorized to borrow, from time to

time, upon the credit of the city such sums as may be deemed necessary, not exceeding, in the aggregate, ten million dollars, and to issue bonds or notes of the city therefor, for the purpose of acquiring, constructing or expanding new or existing off-street parking facilities to be owned by the city of Worcester. Indebtedness incurred under this act shall be deemed outside the debt limit as defined in section ten of chapter forty-four of the General Laws or any special laws and shall, except as provided herein, be subject to the applicable provisions of said chapter forty-four.

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

Approved August 7, 1990.

Chapter 175. AN ACT RELATIVE TO BONDS AND NOTES ISSUED BY CITIES AND TOWNS FOR APPROVED SCHOOL PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the issuance of bonds and notes by cities and towns for approved school 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 19 of chapter 44 of the General Laws, as amended by section 4 of chapter 594 of the acts of 1989, is hereby further amended by adding the following paragraph:-

Any maturities of each issue of bonds or notes issued for an approved school project as defined in chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight for which the construction grant is to be paid annually in equal parts, may 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 notes, or, in the alternative, in accordance with a schedule providing a more rapid amortization of principal, provided however, for the purposes of computing the construction grant, the cost of any such approved project shall not include interest paid or payable on account of any issue of serial bonds or notes in excess of the amount of interest that would be payable if the annual maturities of the serial bonds or notes were in equal principal amounts bearing interest at the same rate or rates as actually borne by such serial bonds or notes. A repayment schedule authorized

under the provisions of this paragraph shall be specifically authorized by the vote taken by a city, town or district to incur such debt.

SECTION 2. Section 21A of said chapter 44, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

The present value of the principal and interest payments due on refunding bonds issued under this section shall not exceed the present value of the principal and interest payments to be paid on the bonds to be refunded. In the event that bonds or notes issued for an approved school project under chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight are refunded under this section the amount of the state construction grant payable to the city, town or regional school district shall not be affected by any increase or decrease in the amount of interest payable on the refunding bonds or notes.

SECTION 3. Chapter two hundred and twenty-four of the acts of nineteen hundred and eighty-nine is hereby repealed.

SECTION 4. Section ninety-five of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine is hereby repealed.

SECTION 5. The provisions of this act shall apply to the bonds authorized by the town of Granville for the purposes described in article one of its warrant for the June thirteenth, nineteen hundred and eighty-eight special town meeting and shall apply to the town of Westhampton for the purposes described in articles one and two of the warrant for its special town meeting held on March fourteenth, nineteen hundred and eighty-nine.

Approved August 7, 1990.

Chapter 176. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE AND CONVEY CERTAIN PARCELS OF LAND IN THE TOWN OF AMHERST.**

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 this act and the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to lease for a period not to exceed fifty years certain real property or any interest therein located in the town of Amherst to the Amherst Housing Authority, for the purpose of constructing approximately six units of family housing; provided however, that any further extension of said lease or any other disposition of said property or interest therein shall require the approval of the general court, and shall be subject to such terms and conditions in keeping with this act and said chapter seven as the deputy commissioner may prescribe, in consultation with the board

of regents of higher education and the University of Massachusetts at Amherst, said property being:

a certain tract or parcel of land shown as "Land of Commonwealth of Massachusetts" on a plan entitled, "Plan of Land in Amherst, (Hampshire Co.), Mass., Prepared for Bednarski/Stein Architects, Inc." dated November 17, 1986, to be recorded in the Hampshire county registry of deeds.

SECTION 2. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey by deed approved as to form by the attorney general certain real property or any interest therein located in the town of Amherst to the Amherst Housing Authority, for the purpose of constructing approximately four units of family housing, subject to such terms and conditions in keeping with this act and said chapter seven as the deputy commissioner may prescribe, in consultation with the board of regents of higher education and the University of Massachusetts at Amherst and subject to the easements provided for in sections three and four of this act, said property being:

a certain tract or parcel of land situate on the east side of East Pleasant Street, Amherst, Hampshire County, Massachusetts, more particularly shown on a plan entitled, "Plan of Land in Amherst, (Hampshire Co.), Mass., Prepared for Bednarski/Stein Architects, Inc.", dated November 7, 1986, revised February 5, 1988, by C. T. Male Associates, Inc., to be recorded in the Hampshire county registry of deeds.

SECTION 3. Pursuant to section two of this act, an easement shall be granted by the Amherst Housing Authority to the commonwealth for use by the University of Massachusetts at Amherst, said easement being bounded and described as follows:

Beginning at the Highway Boundary #13 located in East Pleasant Street as shown on a plan entitled "Plan of Land in Amherst (Hampshire Co.), Mass., Prepared for Bednarski/Stein Architects, Inc." dated November 7, 1986 and revised February 2, 1988; July 20, 1989; and September 19, 1989; to be recorded in the Hampshire County Registry of Deeds; thence run S. 08° 00' 10" W. for a distance of 352.36'. Thence turn and run S. 81° 03' 42" E. for a distance of 21.00' to the Point of Beginning.

From the Point of Beginning, turn N. 09° 32' 30" E. and run 101.58' to the point of intersection with a curve having a radius of 25.00' and a chord of S. 82° 38' 05" E. with a distance of 2.00'. Thence turn easterly along the arc of said curve and run for a distance of 2.00' to the point of tangency, said arc being part of the southerly right-of-way of Fraternity Road. Thence S. 80° 20' 00" and run for a distance of 8.00' along the continuation of the southerly right-of-way line of Fraternity Road. Thence turn and run S. 09° 32' 30" W. for a distance of 101.54'. Thence turn and run N. 81° 03' 42" E. for a distance of 10.00' to the Point of Beginning. Said parcel containing 1016 square feet, more or less.

The above coordinate values are based on the Massachusetts Plane System.

SECTION 4. Pursuant to section two of this act, an easement shall be granted by the Amherst Housing Authority to the commonwealth for use by the University of Massachusetts at Amherst, said easement being bounded and described as follows:

Beginning at a point in the northerly line of land of the grantor herein, said point being S 81° 03' 42" E. a distance of 118.73 feet from an iron pipe in the easterly line of East Pleasant Street, a variable width 1883 County Way, said pipe being S 08° 00' 10" W. a distance of 352.86 feet from Highway Bound #13; thence the following three courses through land of the grantor herein N 50° 00' 00" E. a distance of 43.71 feet to a point, S 40° 00' 00" E. a distance of 10.00 feet to a point, S 50° 00' 00" W. a distance of 35.00 feet to a point in the northerly line of the grantor herein; thence along said northerly line N 81° 03' 42" W. a distance of 13.26 feet to the point of beginning. The coordinate values given to the above said points are based on the Massachusetts coordinate system. The easement described herein contains 394 square feet, more or less.

SECTION 5. 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 provide an easement of property or any interest therein located in the town of Amherst, to the Amherst Housing Authority, subject to such terms and conditions as the deputy commissioner may prescribe, in consultation with the board of regents of higher education and the University of Massachusetts at Amherst, said property being bounded and described as follows:

Beginning at a point in the southerly line of land of the grantor herein, said land being known as Fraternity Road, a private way, said point being S69°12'39"E a distance of 191.10 feet from a point at the intersection of the centerline of said Fraternity Road and the easterly line of East Pleasant Street, a variable width 1883 County Way, said intersection point being S08°00'10"W a distance of 221.84 feet from Highway Bound #13; thence the following nine courses through land of the grantor herein, N38°19'12"E a distance of 43.92 feet to a point, S67°23'45"E a distance of 77.45 feet to a point, S64°07'46"E a distance of 93.88 feet to a point, S54°39'29"E a distance of 41.69 feet to a point, S35°20'31"W a distance of 10.00 feet to a point, N54°39'29"W a distance of 40.86 feet to a point, N64°07'46"W a distance of 92.76 feet to a point, N67°23'45"W a distance of 69.59 feet to a point, S38°19'12"W a distance of 32.99 feet to a point in the southerly line of the grantor herein; thence northwesterly on a curve to the right of radius 561.68 feet an arc length of 10.55 feet to the point of beginning.

The easement described above contains two thousand four hundred and sixty-six square feet.

SECTION 6. The deputy commissioner of capital planning and operations,

acting for and on behalf of the commonwealth, is hereby authorized to acquire a certain parcel of land located in the town of Amherst.

Said parcel is a portion of land conveyed to Fraternity-Sorority Park, Inc. by deed recorded in Book 1492 at Page 253, and is more completely known as Lot #6 on a plan recorded in Hampshire county registry of deeds, Plan Book 71 at Pages 38 and 39.

Conveying a right of way for passing and repassing with or without vehicles over the streets as shown on said plan, which right of way shall be used in common with the grantor and such other persons to whom the grantor has or may convey similar rights. Said right of passage in any private way shall terminate on the acceptance of any such private way as a public way by the Town of Amherst. Also the right to connect to and use the public utilities now or hereafter installed therein.

Subject to Restrictive Covenants imposed by instrument of Fraternity-Sorority Park, Inc., dated March 26, 1969, recorded in said Registry in Book 1549, Page 176.

Subject to easement to Western Massachusetts Electric Company and New England Telephone and Telegraph Company from Fraternity-Sorority Park, Inc., dated December 2, 1968, recorded in said Registry in Book 1543, Page 332.

Granting also, the right to use, in common with others, for parking and recreational purposes, the five "To Be Retained" parcels, so-called, shown on said Plan Book 71, Pages 38 and 39 plan, containing 3.266 acres, 0.489 acres, 1.058 acres, 1.831 acres and 0.738 acres respectively.

Being the same premises conveyed by deed of Fraternity-Sorority Park, Inc. to The Massachusetts Corporation of Alpha Gamma Rho Fraternity, dated June 16, 1969, and recorded with Hampshire County Registry of Deeds, Book 1553, Page 36.

SECTION 7. In the event that the parcels described in sections one and two of this act are not used for family housing purposes within five years of the effective date of this act, or if the Amherst Housing Authority ceases to use the parcels for such purposes at any time thereafter, said parcels and any interests therein shall revert to the commonwealth upon such terms and conditions as the deputy commissioner may determine.

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

Approved August 7, 1990.

Chapter 177. 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 17A of chapter 6 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 6, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 2. Section 42 of said chapter 6, as so appearing, is hereby amended by striking out the caption preceding said section.

SECTION 3. Said chapter 6 is hereby further amended by striking out section 81, as so appearing, and inserting in place thereof the following section:-

Section 81. The commission shall cooperate with the division of industrial accidents in the department of labor and industries, the department of employment and training in the executive office of economic affairs, the departments of public welfare, social services, public health, mental retardation and mental health, and such other departments, divisions or subdivisions of the commonwealth as are charged or concerned with the rehabilitation of handicapped persons. Where practicable, the commission shall enter into agreements, confirmed in writing, setting forth procedures whereby said handicapped persons are located and listed to have their fitness and eligibility for rehabilitation services determined by the commission. The commission shall also enter into agreement with the department of employment and training, under which handicapped persons receiving vocational rehabilitation may be referred for preplacement interview or for job placement to the public employment offices established in said department by section nine M of chapter twenty-three; provided, that nothing in said agreement shall prevent reference of said handicapped persons to employment through the commission.

SECTION 4. Section 105 of said chapter 6, as so appearing, is hereby amended by striking out, in line 8, the words "director of the division of employment security" and inserting in place thereof the words:- commissioner of the department of employment and training.

SECTION 5. Section 127 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 6. Section 172 of said chapter 6, as so appearing, is hereby amended by striking out, in line 100, the word "and".

SECTION 7. Section 179 of said chapter 6, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

As used in this section the word "department" shall mean the department of

environmental protection.

SECTION 8. Section 190 of said chapter 6, as so appearing, is hereby amended by striking out, in line 3, the word "manpower" and inserting in place thereof the word:- economic,- and by striking out, in lines 22 and 23, the words "director of the division of employment security" and inserting in place thereof the words:- commissioner of the department of employment and training.

SECTION 9. Section 202 of said chapter 6, as so appearing, is hereby amended by striking out, in line 5, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 10. Section 2 of chapter 6A of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 11. Section 3 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 5, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 12. Section 17 of said chapter 6A, as so appearing, is hereby amended by striking out the caption "EXECUTIVE OFFICE OF MANPOWER AFFAIRS" preceding said section and inserting in place thereof the following caption:- EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

SECTION 13. Said section 17 of said chapter 6A, as so appearing, is hereby further amended by striking out, in line 8, the words "division of employment security" and inserting in place thereof the words:- department of employment and training,- and by striking out, in line 12, the word "Commission" and inserting in place thereof the word:- commission.

SECTION 14. Section 101 of said chapter 6A, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 15. Section fourteen B of chapter seven of the General Laws is hereby repealed.

SECTION 16. Section 30T of chapter 7 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 15, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 17. The last paragraph of section 40G of said chapter 7, as so appearing, is hereby amended by striking out, in lines 47 and 52, the words "division of employment security" and inserting in place thereof, in each instance, the words:- department of employment and training.

SECTION 18. Chapter 7A of the General Laws is hereby amended by inserting after section 5 the following section:-

Section 5A. The comptroller shall adopt rules and regulations, subject to the

approval of the commissioner of administration, providing for the payment by the commonwealth of late penalty interest in accordance with the provisions of section twenty-nine B of chapter twenty-nine.

SECTION 19. Section 46 of chapter 10 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 4, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 20. Section 66B of chapter 13 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 21. Section 49E of chapter 15 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "director of the division of employment security" and inserting in place thereof the words:- commissioner of the department of employment and training.

SECTION 22. Section 18 of chapter 16 of the General Laws, as so appearing, is hereby amended by striking out the definitions of "Commissioner" and "Department" and inserting in place thereof the following two definitions:-

"Commissioner", the commissioner of the department of environmental protection.

"Department", the department of environmental protection.

SECTION 23. Section 14 of chapter 19A of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "twenty-seven" and inserting in place thereof the word:- twenty-six.

SECTION 24. Section 20 of chapter 20 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "milk producers security fund" and inserting in place thereof the words:- Milk Producers Security Fund.

SECTION 25. Section 21 of said chapter 20, as so appearing, is hereby amended by striking out, in line 6, the words "milk producers security fund" and inserting in place thereof the words:- Milk Producers Security Fund.

SECTION 26. Said section 21 of said chapter 20, as so appearing, is hereby further amended by striking out, in line 7, the word "forty-nine" and inserting in place thereof the word:- forty-eight.

SECTION 27. The second paragraph of section 8C of chapter 21 of the General Laws, as so appearing, is hereby amended by striking out, in lines 15 and 16, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 28. The seventh paragraph of section 17B of said chapter 21, as so appearing, is hereby amended by striking out, in line 70, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 29. Section 19 of said chapter 21, as so appearing, is hereby amended by striking out, in line 7, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 30. The first paragraph of section 26 of said chapter 21, as so appearing, is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 31. Section 26A of said chapter 21, as so appearing, is hereby amended by striking out the definition of "Commissioner" and inserting in place thereof the following definition:-

"Commissioner", the commissioner of the department of environmental protection, or his authorized designee.

SECTION 32. Paragraph (a) of section 27A of said chapter 21, as appearing in section 3 of chapter 275 of the acts of 1989, is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 33. Section 33E of said chapter 21, inserted by section 5 of said chapter 275, is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 34. Section 34A of said chapter 21, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 2, 6 and 7, and in line 21, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 35. The first paragraph of section 54 of said chapter 21, as so appearing, is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 36. Section 7 of chapter 21A of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 21, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 37. The first paragraph of section 8 of said chapter 21A, as so appearing, is hereby amended by striking out, in line 1, and in lines 17 and 18, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 38. Said section 8 of said chapter 21A is hereby further amended by striking out the third paragraph, inserted by section 2 of chapter 265 of the acts of 1989, and inserting in place thereof the following paragraph:-

The provisions of this section shall not limit or restrict any existing authority of the department of environmental protection.

SECTION 39. The first paragraph of section 8A of said chapter 21A, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 6, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 40. Section 12 of said chapter 21A, as so appearing, is hereby amended by striking out, in lines 3, 7, 19 and 20, 37, 39 and 40, 44 and 45, 50, 52 and in line 53, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 41. Section 13 of said chapter 21A, as so appearing, is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 42. Section 14 of said chapter 21A, as so appearing, is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 43. Section 16 of said chapter 21A, as so appearing, is hereby amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of environmental protection.

SECTION 44. Section 17 of said chapter 21A, as so appearing, is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 45. Section 2 of chapter 21B of the General Laws, as so appearing, is hereby amended by striking out the definition of "Commissioner" and inserting in place thereof the following definition:-

"Commissioner", the commissioner of environmental protection.

SECTION 46. Said section 2 of said chapter 21B, as so appearing, is hereby further amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of environmental protection within the executive office of environmental affairs.

SECTION 47. Section 2 of chapter 21C of the General Laws, as so appearing, is hereby amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of environmental protection.

SECTION 48. Said section 2 of said chapter 21C, is hereby further amended by striking out the definition of "Division" and inserting in place thereof the following definition:-

"Division", the division of hazardous waste within the department of environmental protection.

SECTION 49. Section 7 of said chapter 21C, as so appearing, is hereby amended by striking out, in line 72, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 50. Section 17 of said chapter 21C, as so appearing, is hereby amended by striking out, in line 20, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 51. Section 22 of said chapter 21C, as so appearing, is hereby amended by striking out, in line 30, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 52. Section 29 of said chapter 21C, as so appearing, is hereby

amended by striking out, in lines 2 and 3 and in line 18, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 53. The definition of "Storage" in section 2 of chapter 21D of the General Laws, as so appearing, is hereby amended by striking out, in line 62, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 54. Section 3 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 61 and 65 the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 55. Section 4 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 44 and 45 and in line 70, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 56. The first paragraph of section 7 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 3 and 4, and in line 50, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 57. Section 9 of said chapter 21D, as so appearing, is hereby amended by striking out, in line 50, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 58. Section 17 of said chapter 21D, as so appearing, is hereby amended by striking out, in lines 19 and 20 and in line 24, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 59. Section 18 of said chapter 21D, as so appearing, is hereby amended by striking out, in line 6, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 60. Section 2 of chapter 21E of the General Laws, as so appearing, is hereby amended by striking out the definitions of "Commissioner" and "Department" and inserting in place thereof the following two definitions:-

"Commissioner", the commissioner of the department of environmental protection.

"Department", the department of environmental protection.

SECTION 61. Section 2 of chapter 21F of the General Laws, as so appearing, is hereby amended by striking out the definition of "Designated port area" and inserting in place thereof the following definition:-

"Designated port area", any port area suitable for maritime-industrial uses and so designated in accordance with the procedures established by the department of environmental protection under chapter ninety-one.

SECTION 62. Section 2 of chapter 21G of the General Laws, as so appearing, is hereby amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of environmental protection.

SECTION 63. Paragraph (c) of section 1 of chapter 21H of the General Laws, as so appearing, is hereby amended by striking out, in line 43, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 64. Section 2 of said chapter 21H, as so appearing, is hereby amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of environmental protection.

SECTION 65. Section 2 of chapter 21I of the General Laws, as appearing in section 3 of chapter 265 of the acts of 1989, is hereby amended by striking out the definition of "Commissioner" and inserting in place thereof the following definition:-

"Commissioner", the commissioner of the department of environmental protection.

SECTION 66. Said section 2 of said chapter 21I, as so appearing, is hereby further amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of environmental protection.

SECTION 67. Chapter 23 of the General Laws is hereby amended by striking out section 9I, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 9I. (a) There shall be in the executive office of economic affairs a department of employment and training, in this and in sections nine J to nine N, inclusive, called the department, which shall be under the supervision and control of a commissioner, in said sections called the commissioner, who shall be appointed by the governor for a term coterminous with that of the governor. The commissioner shall administer the provisions of chapter one hundred and fifty-one A. The commissioner shall devote his whole time in office hours to the duties of his office and he shall not serve on any political committee of any political party. Said office and the incumbent thereof shall not be subject to chapter thirty-one and the rules and regulations made thereunder.

(b) The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty and the commissioner shall devote his full time during business hours to the duties of his office.

SECTION 68. Section 9J of said chapter 23, as so appearing, is hereby amended by striking out, in lines 1, 12 and 13, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 69. Section 9K of said chapter 23, as so appearing, is hereby amended by striking out, in line 1 and in line 10, each time it appears, and in lines 12, 14 and 16, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 70. Section 9L of said chapter 23, as so appearing, is hereby amended by striking out, in lines 2, 4, 14 and 19, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in lines 1 and 9, the word "division" and inserting in place thereof, in each instance, the word:- department.

SECTION 71. Section 9M of said chapter 23, as so appearing, is hereby amended by striking out, in line 1, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 72. Section 9N of said chapter 23, as so appearing, is hereby amended by striking out, in lines 2 and 25, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in lines 1 and 29, the word "division" and inserting in place thereof, in each instance, the word:- department.

SECTION 73. Paragraph (a) of section 31 of chapter 23A of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 74. Paragraph (4) of section 44 of said chapter 23A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- SOMWBA, through the secretary and the OMWBDE executive director, shall coordinate its activities with those of other offices and activities of OMWBDE, and shall assist minority and women businesses in their dealings with federal agencies and with state departments and agencies, including, but not limited to, the department of labor and industries, the department of revenue, the state purchasing agent and the department of employment and training.

SECTION 75. The third paragraph of section 45 of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 76. The third paragraph of section 3 of chapter 23D of the General Laws, as so appearing, is hereby amended by striking out, in line 20, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 77. Section 17A of chapter 25 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words ", eighteen and eighteen A" and inserting in place thereof the words:- and eighteen.

SECTION 78. Section 8 of chapter 28 of the General Laws, as appearing in section 6 of chapter 275 of the acts of 1989, is hereby amended by striking out, in line 6, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 79. Clause (i) of section 4 of chapter 28A 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:- Such programs shall be developed in coordination with manpower training and educational programs offered under the executive offices of educational affairs, economic affairs and communities and development;.

SECTION 80. Section 8 of said chapter 28A, as so appearing, is hereby amended by striking out, in line 3, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 81. Paragraph (c) of section 10 of said chapter 28A, as so appearing, is hereby amended by striking out, in line 28, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 82. Section 2K of chapter 29 of the General Laws, inserted by section 4 of chapter 265 of the acts of 1989, is hereby amended by striking out, in line 2, the word "Commonwealth" and inserting in place thereof the word:- commonwealth,- and by striking out the fourth sentence and inserting in place thereof the following sentence:- 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 protection, the office of toxics use reduction assistance and technology, and other appropriate state agencies in the annual budget message.

SECTION 83. The first paragraph of section 13 of said chapter 29, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 3, the words "comptroller's bureau" and inserting in place thereof the words:- office of the comptroller.

SECTION 84. Said chapter 29 is hereby further amended by striking out section 48B, inserted by section 1 of chapter 375 of the acts of 1989, and inserting in place thereof 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 86) to the holders of such bonds or notes who are recipients of social security benefits.

SECTION 85. Section 1 of chapter 29C of the General Laws, as appearing in section 8 of chapter 275 of the acts of 1989, is hereby amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of environmental protection.

SECTION 86. Section 2 of said chapter 29C, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 87. Paragraph (d) of section 10 of said chapter 29C, as so appearing, is hereby amended by striking out, in line 18, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 88. Paragraph (a) of section 11 of said chapter 29C, as so appearing, is hereby amended by striking out, in line 49, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 89. Paragraph (2) of section 45 of chapter 30 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 31, the word "division" and inserting in place thereof the word:- department.

SECTION 90. Section 47A of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 91. The first paragraph of section 48 of said chapter 31, as so appearing, is hereby amended by striking out, in line 12, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 92. Section 66 of said chapter 31, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

All promotions in the official service of the department of employment and training in the executive office of economic affairs shall be made pursuant to section eight or section ten.

SECTION 93. The definition of "Employee" in section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 158, the word "who" and inserting in place thereof the word:- whose.

SECTION 94. Section 4 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 164 and 175, the words "Division of Employment Security" and inserting in place thereof, in each instance, the words:- department of employment and training.

SECTION 95. Section 26 of chapter 35 of the General Laws, as so appearing, is hereby amended by striking out, in line 17, the word "words" and inserting in place thereof the word:- works.

SECTION 96. The third paragraph of section 8H of chapter 40 of the General Laws, as so appearing, is hereby amended by striking out, in line 23, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 97. Section 13C of said chapter 40, inserted by chapter 455 of the acts of the 1989, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any city or town which accepts the provisions of this section and has elected to self insure its worker's compensation may establish reserves to pay worker's compensation claims until said claims are fully paid.

SECTION 98. Section 15B of said chapter 40, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 3, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 99. Section 38 of said chapter 40, as so appearing, is hereby amended by striking out, in line 23, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 100. Section 39B of said chapter 40, as so appearing, is hereby amended by striking out, in lines 17 and 18, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 101. Section 39C of said chapter 40, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 102. Said chapter 40 is hereby further amended by striking out section 39J 1/2, inserted by chapter 361 of the acts of 1989, and inserted in place thereof the following section:-

Section 39K. (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 protection 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.

SECTION 103. Said chapter 40 is hereby further amended by striking out section 39J 1/2, inserted by section 1 of chapter 492 of the acts of 1989, and inserting in place therof the following section:-

Section 39L. 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 104. Section thirty-nine K of said chapter forty, as appearing in the nineteen hundred and eighty-eight Official Edition, is hereby repealed.

SECTION 105. Section 41 of said chapter 40, as so appearing, is hereby

amended by striking out, in line 3, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 106. Section 41A of said chapter 40, as so appearing, is hereby amended by striking out, in line 9, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 107. Section 44B of said chapter 40, as so appearing, is hereby amended by striking out, in line 19, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 108. Section 44C of said chapter 40, as so appearing, is hereby amended by striking out, in line 15, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 109. The fourteenth paragraph of section 9 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out, in line 186, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 110. The first paragraph of section 24 of chapter 40B of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 111. Paragraph (g) of section 21 of chapter 40D of the General Laws, as so appearing, is hereby amended by striking out, in lines 64 and 65, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 112. Paragraph (b) of section 22 of said chapter 40D, as so appearing, is hereby amended by striking out, in lines 10 and 11 and in line 12, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 113. The definition of "Critical economic area" in section 2 of chapter 40E of the General Laws, as so appearing, is hereby amended by striking out, in line 28, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 114. Section 3 of said chapter 40E, as so appearing, is hereby amended by striking out, in line 6, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 115. The third paragraph of section 2 of chapter 40F of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 116. The second paragraph of section 2 of chapter 40G, as so appearing, is hereby amended by striking out, in line 7, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 117. The third paragraph of said section 2 of said chapter 40G, as so appearing, is hereby amended by striking out, in line 13, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 118. Subsection (a) of section 3 of chapter 40H of the General Laws,

as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The corporation is hereby placed in the executive office of economic affairs but shall not be subject to the supervision or control of said office or of any board, bureau, department or other agency of the commonwealth except as specifically provided in this chapter.

SECTION 119. Subsection (e) of said section 3 of said chapter 40H, as so appearing, is hereby amended by striking out, in line 51, the words "of the General Laws".

SECTION 120. Paragraph (a) of section 1A of chapter 40I of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 121. Paragraph (b) of said section 1A of said chapter 40I, as so appearing, is hereby amended by striking out, in line 13, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 122. Section 7 of said chapter 40I, as so appearing, is hereby amended by striking out, in line 4, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 123. Section 3 of chapter 40J of the General Laws, as so appearing, is hereby amended by striking out, in lines 7, 13 and 54, the word "manpower" and inserting in place thereof, in each instance, the word:- economic.

SECTION 124. Section 69G of chapter 41 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 125. The first paragraph of section 81U of said chapter 41, as so appearing, is hereby amended by striking out, in line 21, the word "sue" and inserting in place thereof the word:- use.

SECTION 126. Section 8 of chapter 44 of the General Laws, as so appearing, is hereby amended by striking out, in lines 168, 176, 188 and 189 and in line 195, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 127. Paragraph (b) of section 28C of said chapter 44, as so appearing, is hereby amended by striking out, in line 61, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 128. Paragraph (g) of said section 28C of said chapter 44, as so appearing, is hereby amended by striking out, in line 347, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 129. Said chapter 44 is hereby further amended by inserting after section 53F the following section:-

Section 53F1/2. Notwithstanding the provisions of section fifty-three or any other provision of law to the contrary, a city or town which accepts the provisions

of this section may establish a separate account classified as an "Enterprise Fund", for a utility, health care, recreational or transportation facility, and its operation, as the city or town may designate, hereinafter referred to as the enterprise. Such account shall be maintained by the treasurer, and all receipts, revenues and funds from any source derived from all activities of the enterprise shall be deposited in such separate account. The treasurer may invest the funds in such separate account in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four. Any interest earned thereon shall be credited to and become part of such separate account. The books and records of the enterprise shall be maintained in accordance with generally accepted accounting principles and in accordance with the requirements of section thirty-eight.

No later than one hundred and twenty days prior to the beginning of each fiscal year, an estimate of the income for the ensuing fiscal year and a proposed line item budget of the enterprise shall be submitted to the mayor, board of selectmen or other executive authority of the city or town by the appropriate local entity responsible for operations of the enterprise. Said board, mayor or other executive authority shall submit its recommendation to the town meeting, town council or city council, as the case may be, which shall act upon the budget in the same manner as all other budgets.

The city or town shall include in its tax levy for the fiscal year the amount appropriated for the total expenses of the enterprise and an estimate of the income to be derived by the operations of the enterprise. If the estimated income is less than the total appropriation, the difference shall be added to the tax levy and raised by taxation. If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the enterprise, subject to appropriation, or to reduce user charges if authorized by the appropriate entity responsible for operations of the enterprise. If during a fiscal year the enterprise incurs a loss, such loss shall be included in the succeeding fiscal year's budget.

If during a fiscal year the enterprise produces a surplus, such surplus shall be kept in such separate reserve fund and used for the purposes provided therefor in this section.

For the purposes of this section, acceptance in a city shall be by vote of the city council and approval of the mayor, in a town, by vote of a special or annual town meeting and in any other municipality by vote of the legislative body.

A city or town which has accepted the provisions of this section with respect to a designated enterprise may, in like manner, revoke its acceptance.

SECTION 130. The last paragraph of section 42 of chapter 54 of the General Laws is hereby amended by striking out the third sentence, added by section 28 of chapter 341 of the acts of 1989.

SECTION 131. The first paragraph of section 13 of chapter 58 of the General

Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 20, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 132. Clause Second of section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in line 23, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 133. Clause (10) of subsection (b) of section 21 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out, in lines 44 and 45, the words "director of the division of employment security" and inserting in place thereof the words:- commissioner of the department of employment and training.

SECTION 134. The first paragraph of section 4 of chapter 62E of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 135. The first paragraph of section 5 of said chapter 62E, as so appearing, is hereby amended by striking out, in line 5, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 136. The first paragraph of section 6 of said chapter 62E, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 137. Section 31C of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in lines 115 and 144, the word "manpower" and inserting in place thereof, in each instance, the word:- economic.

SECTION 138. Subsection (b) of section 38D of said chapter 63, as so appearing, is hereby amended by striking out, in lines 36 and 37, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 139. The second paragraph of section 35 of chapter 69 of the General Laws, as so appearing, is hereby amended by striking out, in lines 35 and 36, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 140. Section 12B of chapter 71B of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the word "by".

SECTION 141. Said section 12B of said chapter 71B, as so appearing, is hereby further amended by striking out, in line 11, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 142. The sixth paragraph of section 12C of said chapter 71B, as so appearing, is hereby amended by striking out, in line 81, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 143. The fifth paragraph of section 1 of chapter 83 of the General Laws, as so appearing, is hereby amended by striking out, in line 47, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 144. Section 6 of said chapter 83, as so appearing, is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 145. Section 7 of said chapter 83, as so appearing, is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 146. Section 7A of chapter 85 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 147. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Commissioner" and inserting in place thereof the following definition:-

"Commissioner", commissioner of the department of environmental protection.

SECTION 148. Section 7B of said chapter 90, as so appearing, is hereby amended by striking out, in lines 157 to 159, inclusive, the words "the registrar and has in his possession a valid Class I or Class 2 Massachusetts motor vehicles operator's license" and inserting in place thereof the words:- his state of residence for operation of the class of vehicle being operated and has said license in his possession.

SECTION 149. Paragraph (b) of section 7V of said chapter 90, as so appearing, is hereby amended by striking out, in line 10, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 150. The definition of "Department" in section 1 of chapter 91 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 151. The third paragraph of section 2 of said chapter 91, as so appearing, is hereby amended by striking out in lines 28 and 33, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 152. Section 10 of said chapter 91, as so appearing, is hereby amended by striking out, in line 13, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 153. Section 19A of said chapter 91, as so appearing, is hereby amended by striking out, in line 10, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 154. Section 34 of said chapter 91, as so appearing, is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 155. Section 76A of chapter 92 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 156. Section 108 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 157. Section 10D1/2 of chapter 94 of the General Laws, as so appearing, is hereby amended by striking out, in lines 8, 16 and in lines 18 and 19, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 158. Chapter 106 of the General Laws is hereby amended by striking out section 2-316A, as so appearing, and inserting in place thereof the following section:-

Section 2-316A. Limitation of Exclusion or Modification of Warranties.

The provisions of section 2-316 shall not apply to sales of consumer goods, services or both. Any language, oral or written, used by a seller or manufacturer of consumer goods and services, which attempts to exclude or modify any implied warranties of merchantability and fitness for a particular purpose or to exclude or modify the consumer's remedies for breach of those warranties, shall be unenforceable.

Any language, oral or written, used by a manufacturer of consumer goods, which attempts to limit or modify a consumer's remedies for breach of such manufacturer's express warranties, shall be unenforceable, unless such manufacturer maintains facilities within the commonwealth sufficient to provide reasonable and expeditious performance of the warranty obligations.

The provisions of this section may not be disclaimed or waived by agreement.

SECTION 159. Section 2B of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2 and in line 8, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 160. Section 2C of said chapter 111, as so appearing, is hereby amended by striking out, in lines 1 and 2 and in line 3, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 161. Section 5E of said chapter 111, as so appearing, is hereby amended by striking out, in lines 5 and 35, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 162. Section 5F of said chapter 111, as so appearing, is hereby amended by striking out, in line 29, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 163. Section 11 of said chapter 111, as so appearing, is hereby amended by striking out, in line 1, the word "It" and inserting in place thereof the words:- The department.

SECTION 164. Section 12 of said chapter 111, as so appearing, is hereby amended by striking out, in line 1, the word "It" and inserting in place thereof the words:- The department.

SECTION 165. Section 15 of said chapter 111, as so appearing, is hereby amended by striking out, in line 1, the word "It" and inserting in place thereof the words:- The department.

SECTION 166. Section 16 of said chapter 111, as so appearing, is hereby amended by striking out, in line 1, the word "It" and inserting in place thereof the words:- The department.

SECTION 167. Section 17 of said chapter 111, as so appearing, is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 168. Section 23 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 1 and 2 and in lines 15 and 16, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 169. The second paragraph of section 31 of said chapter 111, as so appearing, is hereby amended by striking out, in line 11, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 170. Section 31C of said chapter 111, as so appearing, is hereby amended by striking out, in line 10, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 171. Section 31D of said chapter 111, as so appearing, is hereby amended by striking out, in lines 2, 8 and 16, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 172. Section 142A of said chapter 111, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 173. Section 142B of said chapter 111, as so appearing, is hereby amended by striking out, in line 64, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 174. Section 142E of said chapter 111, as so appearing, is hereby amended by striking out, in lines 4 and 18, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 175. Section 142J of said chapter 111, as so appearing, is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 176. Section 143 of said chapter 111, as so appearing, is hereby amended by striking out, in line 12, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 177. Section 147 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 4 and 5 and in line 7, the words "quality

engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 178. The first paragraph of section 150A of said chapter 111, as so appearing, is hereby amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of environmental protection.

SECTION 179. The thirteenth paragraph of said section 150A of said chapter 111, as so appearing, is hereby amended by striking out, in line 155, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 180. Section 150A1/2 of said chapter 111 is hereby amended by striking out, in lines 1 and 2, as so appearing, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 181. Section 150B of said chapter 111, as so appearing, is hereby amended by striking out, in line 13, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 182. Section 152 of said chapter 111, as so appearing, is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 183. Section 159 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 184. The third paragraph of section 160 of said chapter 111, as so appearing, is hereby amended by striking out, in line 40, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 185. The third paragraph of section 160A of said chapter 111, as so appearing, is hereby amended by striking out, in line 27, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 186. Section 175 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 187. Section 194 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 11 and 12, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 188. Paragraph (4) of subsection (c) of section 197 of said chapter 111, as so appearing, is hereby amended by striking out, in line 57, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 189. Section 1 of chapter 111F of the General Laws, as so appearing, is hereby amended by striking out the definition of "DEQE" and inserting in place thereof the following definition:-

"DEP", the department of environmental protection.

SECTION 190. The definition of "Toxic or hazardous substance" in said section 1 of said chapter 111F, as so appearing, is hereby amended by striking out, in lines

138 and 139, the words "of the General Laws".

SECTION 191. Section 2 of said chapter 111F, as so appearing, is hereby amended by striking out, in line 15 and in line 21, the word "DEQE" and inserting in place thereof, in each instance, the word:- DEP.

SECTION 192. Paragraph (a) of section 4 of said chapter 111F, as so appearing, is hereby amended by striking out, in line 4, the word "DEQE" and inserting in place thereof the word:- DEP.

SECTION 193. Section 5 of said chapter 111F, as so appearing, is hereby amended by striking out, in line 16 and in lines 32 and 48, the word "DEQE" and inserting in place thereof, in each instance, the word:- DEP.

SECTION 194. Section 8 of said chapter 111F, as so appearing, is hereby amended by striking out, in line 22, the word "DEQE" and inserting in place thereof the word:- DEP.

SECTION 195. Section 9 of said chapter 111F, as so appearing, is hereby amended by striking out, in line 35, the word "DEQE" and inserting in place thereof the word:- DEP.

SECTION 196. Section 16 of said chapter 111F, as so appearing, is hereby amended by striking out, in lines 2 and 9, the word "DEQE" and inserting in place thereof, in each instance, the word:- DEP.

SECTION 197. Section 17 of said chapter 111F, as so appearing, is hereby amended by striking out, in lines 1, 8 and 11, the word "DEQE" and inserting in place thereof, in each instance, the word:- DEP.

SECTION 198. Section 18 of said chapter 111F, as so appearing, is hereby amended by striking out, in lines 29, 37, 52, 63, 70, 74 and 83, the word "DEQE" and inserting in place thereof, in each instance, the word:- DEP.

SECTION 199. Paragraph (b) of section 2 of chapter 111H of the General Laws, as so appearing, is hereby amended by striking out, in lines 11 and 12, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 200. Clause (b) of section 6 of said chapter 111H, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 201. Paragraph (c) of section 9 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 30, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 202. Paragraph (a) of section 14 of said chapter 111H, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 203. Paragraph (d) of said section 14 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 73, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 204. Clause (3) of paragraph (a) of section 17 of said chapter 111H,

as so appearing, is hereby amended by striking out, in line 13, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 205. Paragraph (a) of section 20 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 8, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 206. Paragraph (b) of said section 20 of said chapter 111H, as so appearing, is hereby amended by striking out, in lines 15 and 16, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 207. Paragraph (c) of said section 20 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 36, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 208. Paragraph (e) of section 21 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 44, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 209. Paragraph (b) of section 22 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 33, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 210. Paragraph (g) of section 23 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 109, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 211. Paragraph (a) of section 24 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 5, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 212. Paragraph (d) of said section 24 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 25, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 213. Paragraph (a) of section 26 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 5, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 214. Paragraph (b) of said section 26 of said chapter 111H, as so appearing, is hereby amended by striking out, in line 14, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 215. Paragraph (a) of section 36 of said chapter 111H, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 216. Section 171 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word "therapist", in line 5, the words:- , educational psychologist.

SECTION 217. Section 6 of chapter 114 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 218. Section 35 of said chapter 114, as so appearing, is hereby amended by striking out, in line 9, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 219. Section 36 of said chapter 114, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 220. Section 43E of said chapter 114, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 221. Section 43F of said chapter 114, as so appearing, is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 222. The first paragraph of section 3 of chapter 117 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 223. The fourth paragraph of section 3 of chapter 118 of the General Laws, as so appearing, is hereby amended by striking out, in lines 39 and 40, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 224. Chapter 118E of the General Laws is hereby amended by striking out section 16A, inserted by section 88 of chapter 653 of the acts of 1989, and inserting in place thereof the following section:-

Section 16B. 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 225. Section 1 of chapter 130 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 18, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 226. Section 25 of said chapter 130, as so appearing, is hereby amended by striking out, in lines 11 and 13, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 227. Section 28 of said chapter 130, as so appearing, is hereby

amended by striking out, in line 13, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 228. The fifth paragraph of section 74 of said chapter 130, as so appearing, is hereby amended by striking out, in line 62, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 229. Section 105 of said chapter 130, as so appearing, is hereby amended by striking out, in lines 1 and 2, 12, 21, 48 and in lines 63 and 64, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 230. The definition of "Coastal waters" in section 1 of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in line 17, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 231. Section 4 of said chapter 131, as so appearing, is hereby amended by striking out, in lines 91, 103 and 105, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 232. The first paragraph of section 40 of said chapter 131, as amended by section 54 of chapter 287 of the acts of 1989, is hereby further amended by striking out, in lines 13, 16, 17, 18 and 26, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 233. The eleventh paragraph of said section 40 of said chapter 131, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 138 and 139, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 234. The thirteenth paragraph of said section 40 of said chapter 131, as so appearing, is hereby amended by striking out, in lines 174 and 175 and in line 180, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 235. The sixteenth paragraph of said section 40 of said chapter 131, as so appearing, is hereby amended by striking out, in line 226, the words "Quality Engineering" and inserting in place thereof the word:- Protection.

SECTION 236. The seventeenth paragraph of said section 40 of said chapter 131, as so appearing, is hereby amended by striking out, in line 228, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 237. The twentieth paragraph of said section 40 of said chapter 131, as so appearing, is hereby amended by striking out, in line 259, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 238. Section 40A of said chapter 131, as so appearing, is hereby amended by striking out, in lines 1 and 2, 12, 21, 48 and 49 and in line 71, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 239. The first paragraph of section 45 of said chapter 131, as so appearing, is hereby amended by striking out, in lines 22 and 23, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 240. Section 46 of said chapter 131, as so appearing, is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 241. Section 16 of chapter 132A of the General Laws, as appearing in section 4 of chapter 728 of the acts of 1989, is hereby amended by striking out, in lines 17 and 18 and in line 32, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 242. Section 3 of chapter 132B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 3, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 243. Section 32B of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in line 15, the words"quality engineering" and inserting in place thereof the word:- protection.

SECTION 244. Section 32H of said chapter 140, as so appearing, is hereby amended by striking out, in line 9, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 245. Clause (7) of section 3 of chapter 141 of the General Laws, as amended by chapter 127 of the acts of 1989, is hereby further amended by striking out, in line 12, the word "license" and inserting in place thereof the word:- licensee.

SECTION 246. Section 10J of chapter 147 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "director of the division of employment security" and inserting in place thereof the words:- commissioner of the department of employment and training,- and by striking out, in lines 3 and 11, the word "division" and inserting in place thereof, in each instance, the word:- department.

SECTION 247. Chapter 151A of the General Laws, as so appearing, is hereby amended by striking out the title "EMPLOYMENT SECURITY" and inserting in place thereof the following title:- EMPLOYMENT AND TRAINING.

SECTION 248. Section 1 of said chapter 151A, as so appearing, is hereby amended by inserting after subsection (e) the following subsection:-

(e1/2) "Commissioner", the commissioner of the department of employment and training established under the provisions of section nine I of chapter twenty-three.

SECTION 249. Said section 1 of said chapter 151A, as so appearing, is hereby further amended by striking out subsection (g).

SECTION 250. Section 2 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 5, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 251. Section 5 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 5, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 252. Subsection (b) of section 8 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 22, the word "director" and inserting in place thereof the word:- commissioner,- and by striking out, in line 25, the words "unemployment compensation fund" and inserting in place thereof the words:- Unemployment Compensation Fund.

SECTION 253. Section 11 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 2, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 254. Section 12 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1, 9, 11, 16, 18, 22, 26, 32 and 42, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 255. Section 13 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 2 and 3, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in lines 4 and 5, the words "unemployment compensation fund" and inserting in place thereof the words:- Unemployment Compensation Fund.

SECTION 256. Section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 65, 68, 89, 98, 111, 146, 148, 154, 160, 163, 217, 224, 226, 229, 233, 234 and 235, 240, 242, 244, 252, 263 and in line 270, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 257. Section 14A of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 39, 47, 55, 63, 69, 80, 93, 102, 107, 116, each time it appears, 130, 131, 141, 144, 152, each time it appears, 155, 166, 170, 179, 184, 190 and 198, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 258. Said section 14A of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 11 and 12 and in line 224, the words "unemployment compensation fund" and inserting in place thereof the words:- Unemployment Compensation Fund.

SECTION 259. Section 14C of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 13, 18, 23, 51, 56, 119, 122, 124 and 137, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 260. Section 14F of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 2, 11, 25 and 32, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 261. Said section 14F of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 21 and 22, the word "director's" and inserting in place thereof, in each instance, the word:- commissioner's.

SECTION 262. Said section 14F of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 7 and 18, the words "unemployment trust fund" and inserting in place thereof, in each instance, the words:- Unemployment Trust Fund,- and by striking out, in lines 35 and 36, the words "unemployment insurance trust fund" and inserting in place thereof the words:- Unemployment Insurance Trust Fund.

SECTION 263. Section 14G of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 4, 11, 36, each time it appears, 60, 64, 65, 70, 129, 165, 171, 173, 177, 179 and 185, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 264. Said section 14G of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 66 and 67, the words "unemployment compensation fund" and inserting in place thereof the words:- Unemployment Compensation Fund,- and by striking out, in lines 68 and 69 and in line 159, the words "medical security trust fund" and inserting in place thereof, in each instance, the words:- Medical Security Trust Fund.

SECTION 265. Section 14I of said chapter 151A, inserted by section 4 of chapter 19 of the acts of 1989, is hereby amended by striking out, in lines 2 and 3, the words "re-employment and job placement fund" and inserting in place thereof the words:- Re-employment and Job Placement Fund.

SECTION 266. Section 15 of said chapter 151A, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 14, 20, 21, 25, 30, 36, 43, 50, 56, 60, 64, 73, 77, 79, 92, 96, 98, 116, 122, 132, 138, 143, 148, 150, 151, 160, 164, 165, 174, 188 and 190, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 267. Said section 15 of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 74, 77, 81, 179 and 188, the word "director's" and inserting in place thereof, in each instance, the word:- commissioner's.

SECTION 268. Said section 15 of said chapter 151A, as so appearing, is hereby further amended, by striking out, in line 107, the word
"division" and inserting in place thereof the word:- department.

SECTION 269. Section 15A of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 3, 8, 12 and 16, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 12, the word "director's" and inserting in place thereof the word:- commissioner's.

SECTION 270. Section 16 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 29 and 38, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 271. Section 18 of said chapter 151A, as so appearing, is hereby

amended by striking out, in lines 8, 10, 15, 20, 29, 32, 38, 47, 53 and 56, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 272. Said section 18 of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 27, the word "director's" and inserting in place thereof the word:- commissioner's.

SECTION 273. Said section 18 of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 16, 17, 23 and in lines 25 and 26, the words "unemployment compensation fund" and inserting in place thereof, in each instance, the words:- Unemployment Compensation Fund.

SECTION 274. Section 19 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 6, 10 and 11, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 275. Section 20 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1, 4, 12, 14 and 26, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 276. Said section 20 of said chapter 151A, as so appearing, is hereby further amended by striking out, in lines 7, 11 and 26, the word "division" and inserting in place thereof, in each instance, the word:- department.

SECTION 277. Said chapter 151A is hereby further amended by striking out section 22, as so appearing, and inserting in place thereof the following section:-

Section 22. Benefits shall be payable from the Unemployment Compensation Fund to any individual eligible for benefits under this chapter. Such benefits shall be paid, through the employment offices operated by the commonwealth or such other agencies of the department of employment and training as the Federal Social Security Board or its successor may approve, at such times and in such manner as the commissioner shall prescribe.

SECTION 278. Section 23 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 6, 8, 15 and 23, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 279. Section 24 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 13 and 17, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 280. Section 25 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 4, each time it appears, lines 10, 21, 33, 67, 70, 106, 110, 120, 136 and 156, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 150, the word "division" and inserting in place thereof the word:- department.

SECTION 281. Section 29 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 65 and 95, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 282. Section 29B of said chapter 151A, as so appearing, is hereby

amended by striking out, in lines 6, 10, 13, 17, 23, 25, 34, 46, 50 and 56, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 283. Section 29D of said chapter 151A, as so appearing, is hereby amended by striking out in lines 29, 30, 36, 61, 72, 73, 79, 80, 82, 83, 85, 93, 99, 104, 105, 106, 110, 111, 116 and 118 the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 284. Said section 29D of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 74, the word "director's" and inserting in place thereof the word:- commissioner's.

SECTION 285. Section 30 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 8 and 13, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 286. Section 30A of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 23, 31, 97, 102 and 225, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 287. Paragraph (e) of subsection (3) of said section 30A of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 159 and 160, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 288. Section 35 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 9 and 13, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 289. Section 37 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 2 and 7, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 290. Section 38 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 3, 4, 11, 15, 16, 19, 25, 31, 32, 35, 40 and 42, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in lines 18 and 21, the word "director's" and inserting in place thereof, in each instance, the word:- commissioner's.

SECTION 291. Section 39 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1, 3, 5, 9, 16, 20, 24, 27, 38, 40, 42, 49, 53 and 61, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 14, the word "director's" and inserting in place thereof the word:- commissioner's.

SECTION 292. Section 41 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 3, 17, 34 and 44, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 15, the word "director's" and inserting in place thereof the word:- commissioner's.

SECTION 293. Section 42 of said chapter 151A, as so appearing, is hereby

amended by striking out, in lines 1, 13, 19, 21, 24 and 51, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 294. Section 42A of said chapter 151A, as so appearing, is hereby amended by striking out, in line 2, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 295. Section 43 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 2, 14, 16, 23 and 25, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 296. Section 44 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1, 4, 6 and 8, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 10, the word "division" and inserting in place thereof the word:- department.

SECTION 297. Section 45 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 3, 4, 5, 8, 10, 12 and 13 the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 298. Section 46 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 2, 5, 11, 13 and 15, the word "division" and inserting in place thereof, in each instance, the word:- department,- and by striking out, in lines 23, 27, 30 and 32, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 299. Section 47 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 25, 51 and 68 the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 52, the word "division" and inserting in place thereof the word:- department.

SECTION 300. The sixth paragraph of said section 47 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 62, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 301. Section 48 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 3, the word "director" and inserting in place thereof the word:- commissioner,- and by striking out, in lines 2 and 3, the words "unemployment compensation fund" and inserting in place thereof the words:- Unemployment Compensation Fund.

SECTION 302. Section 50 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "unemployment compensation fund" and inserting in place thereof, in each instance, the words:- Unemployment Compensation Fund,- by striking out, in lines 12 and 13, the words "unemployment trust fund" and inserting in place thereof the words:- Unemployment Trust Fund,- and by striking out, in line 5, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 303. Section 51 of said chapter 151A, as so appearing, is hereby

amended by striking out, in line 2, the words "unemployment trust fund" and inserting in place thereof the words:- Unemployment Trust Fund,- and by striking out, in lines 4 and 5, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 304. Section 52 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 2, the words "unemployment trust fund" and inserting in place thereof the words:- Unemployment Trust Fund,- and by striking out, in lines 3 and 4, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 305. Section 53 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "unemployment trust fund" and inserting in place thereof the words:- Unemployment Trust Fund,- and by striking out, in line 6, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 306. Said section 53 of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 9, the words "unemployment compensation fund" and inserting in place thereof the words:- Unemployment Compensation Fund.

SECTION 307. Section 53A of said chapter 151A, as so appearing, is hereby amended by striking out, in line 2 and in lines 47 and 48, the words "unemployment trust fund" and inserting in place thereof, in each instance, the words:- Unemployment Trust Fund,- by striking out, in lines 39 and 40, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 40, the words "unemployment compensation fund" and inserting in place thereof the words:- Unemployment Compensation Fund.

SECTION 308. Section 54 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "unemployment compensation fund" and inserting in place thereof the words:- Unemployment Compensation Fund.

SECTION 309. Section 55 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 1, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 310. Section 56 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 2, 3, 8, 10 and 12, the words "unemployment compensation fund" and inserting in place thereof, in each instance, the words:- Unemployment Compensation Fund,- and by striking out, in line 17, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 311. Section 57 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 3, 14, 22, 23, 33 and 34, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 312. Section 58 of said chapter 151A, as so appearing, is hereby

amended by striking out, in line 47, the word "director" and inserting in place thereof the word:- commissioner,- and by striking out, in lines 60 and 61, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 313. Section 58A of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 22, 26 and 45, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 314. Section 61 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 10 and 12, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 315. The first paragraph of section 62 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 3 and 20, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 14, the words "unemployment compensation fund" and inserting in place thereof the words:- Unemployment Compensation Fund.

SECTION 316. Section 63 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1 and 8, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 317. Section 64 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1, 14, 20, 35 and 45 the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in lines 2 and 4, the words "Secretary of Labor" and inserting in place thereof, in each instance, the words:- secretary of labor.

SECTION 318. Section 65 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1 and 5, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 11, the word "division" and inserting in place thereof the word:- department.

SECTION 319. Section 66 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1, 19, 36, 45, 49, 53 and 63, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in lines 40 and 44, the words "unemployment compensation fund" and inserting in place thereof, in each instance, the words:- Unemployment Compensation Fund.

SECTION 320. Section 66A of said chapter 151A, as so appearing, is hereby amended by striking out, in line 2, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 321. Section 67 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 3 and 4, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 322. Section 68 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the word "director" and inserting in place

thereof, in each instance, the word:- commissioner.

SECTION 323. Section 69 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 3, 6, 7, 12 and 13, the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 1, the word
"division" and inserting in place thereof the word:- department.

SECTION 324. Section 69A of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1 and 4, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 325. Section 70 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 1, the word "director" and inserting in place thereof the word:- commissioner.

SECTION 326. Section 71 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1, 14, 16 and 31, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 327. Section 71A of said chapter 151A, as so appearing, is hereby amended by inserting after the definition of "Advance notification" the following definition:-

"Commissioner", the commissioner of the department of employment and training, established under the provisions of section nine I of chapter twenty-three.

SECTION 328. Said section 71A of said chapter 151A, as so appearing, is hereby further amended by striking out the definition of "Director".

SECTION 329. Said section 71A of said chapter 151A, as so appearing, is hereby further amended, by striking out, in lines 7, 12, 14, 15, 28 and 31 the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 330. Subsection (a) of section 71B of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 3, 6, 8, 9, 12, 14 and 17, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 331. Subsection (b) of said section 71B of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 21, 24 and 26 the word "director" and inserting in place thereof, in each instance, the word:- commissioner,- and by striking out, in line 22, the word "director's" and inserting in place thereof the word:- commissioner's.

SECTION 332. Subsection (c) of said section 71B of said chapter 151A, as so appearing, is hereby amended by striking out, in line 32, the word "director" and inserting in place thereof the word:- commissioner,- and by striking out, in line 33, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 333. Section 71C of said chapter 151A, as so appearing, is hereby amended by striking out, in line 1 and in lines 3 and 4, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 334. Section 71D of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 1 and 11 the word "manpower" and inserting in place thereof, in each instance, the word:- economic.

SECTION 335. Said section 71D of said chapter 151A, as so appearing, is hereby amended by striking out, in line 8, the words "division of employment security" and inserting in place thereof the words:- department of employment and training.

SECTION 336. Section 71E of said chapter 151A, as so appearing, is hereby amended by striking out, in line 3, the word "director" and inserting in place thereof the word:- commissioner,- by striking out, in lines 7 and 8, the words "reemployment assistance fund" and inserting in place thereof the words:- Reemployment Assistance Fund,- and by striking out, in line 15, the words "unemployment compensation fund" and inserting in place thereof the words:- Unemployment Compensation Fund.

SECTION 337. Section 71F of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 4 and 12, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 338. Section 71G of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 17 and 18, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 339. Section 72 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 2, 5 and 6, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

SECTION 340. Said chapter 151A is hereby further amended by striking out section 74, as so appearing, and inserting in place thereof the following section:-

Section 74. This chapter shall be known and may be cited as the Employment and Training Law, and shall be construed liberally in aid of its purpose, which purpose is to lighten the burden which now falls on the unemployed worker and his family.

SECTION 341. Section 4 of chapter 151B of the General Laws, as so appearing, is hereby amended by striking out, in lines 451 and 452, the words "division of employment security of the department of labor and industries" and inserting in place thereof the words:- department of employment and training in the executive office of economic affairs.

SECTION 342. Section 17 of chapter 151D of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "manpower" and inserting in place thereof the word:- economic.

SECTION 343. Subsection (9) of section 1 of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out, in lines 140 and 144, the words "director of the division of employment security" and inserting in place thereof, in each instance, the words:- commissioner of the department of employment and

training.

SECTION 344. Subsection (10) of said section 1 of said chapter 152, as so appearing, is hereby amended by striking out, in lines 148 and 149, the words "director of the division of employment security" and inserting in place thereof the words:- commissioner of the department of employment and training.

SECTION 345. Subsection (11) of said section 1 of said chapter 152, as so appearing, is hereby amended by striking out, in lines 152 and 153, the words "director of the division of employment security" and inserting in place thereof the words:- commissioner of the department of employment and training.

SECTION 346. Section 30I of said chapter 152, as so appearing, is hereby amended by striking out, in lines 2 and 8, the words "division of employment security" and inserting in place thereof, in each instance, the words:- department of employment and training.

SECTION 347. Section 31 of said chapter 152, as so appearing, is hereby amended by striking out, in lines 12 and 13 and in line 45, the words "director of the division of employment security" and inserting in place thereof, in each instance, the words:- commissioner of the department of employment and training.

SECTION 348. The second paragraph of section 69H of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 28, the word "manpower" and inserting in place thereof, in each instance, the word:- economic.

SECTION 349. Section 69H1/2 of said chapter 164, as so appearing, is hereby amended by striking out, in lines 16 and 17, 76 and in line 109 the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 350. Section 94G1/2 of said chapter 164, as so appearing, is hereby amended by striking out, in line 12, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 351. Section 3 of chapter 165 of the General Laws, as so appearing appearing, is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 352. Section 4B of said chapter 165, as so appearing, is hereby amended by striking out, in line 6, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 353. Section 6 of said chapter 165, as so appearing, is hereby amended by striking out, in line 6, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 354. Section 2 of chapter 167 of the General Laws, as amended by section 103 of chapter 653 of the acts of 1989, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The commissioner, either personally or by his examiners, or such others of his assistants as he may designate, shall, at least once a calendar year, make a thorough

examination of the books, securities, cash, assets and liabilities and ascertain the condition of all banks under his supervision, the ability of each bank to fulfill its obligations, and also whether it has complied with the law; and he may also, whenever he considers it expedient, make, or cause to be made, at the expense of the bank, such further examinations or audits as he deems advisable, by his examiners, or by certified public accountants or public accountants not connected with such bank approved by him and subject to his direction, and he may also, whenever he considers it expedient, appoint individuals certified as real estate appraisers by the society of real estate appraisers, or similar successor society, to make, at the expense of the bank, appraisals of real estate securing loans of the bank, and, at the time he names such appraiser, he shall so notify the bank and advise it of the date on which he has requested submission of the appraisal report to him, whereupon the bank may then appoint an appraiser who may submit the report of his appraisal to the commissioner on the same date.

SECTION 355. Section 47G of chapter 175 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 24, the word "woman" and inserting in place thereof the word:- women.

SECTION 356. The third paragraph of the definition of "Pollution liability insurance policies acceptable for reinsurance under this chapter" in section 1 of chapter 175G of the General Laws, as appearing in section 1 of chapter 712 of the acts of 1989, is hereby amended by striking out, in line 4, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 357. The second paragraph of section 2 of said chapter 175G, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 16, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 358. Section 2 of chapter 183A of the General Laws, as so appearing, is hereby amended by striking out, in line 18, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 359. Section 13 of chapter 197 of the General Laws, as amended by section 7 of chapter 329 of the acts of 1989, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- A creditor of the deceased, whose right of action shall not accrue within one year after the date of death of the deceased, may present his claim to the probate court at any time before the estate is fully administered; and if, upon examination thereof, the court shall find that such claim is or may become justly due from the estate, it shall order the executor or administrator to retain in his hands sufficient assets to satisfy the same.

SECTION 360. Chapter 211B of the General Laws is hereby amended by striking out section 18, inserted by chapter 279 of the acts of 1989, and inserting in place thereof the following section:-

Section 19. 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.

SECTION 361. The first sentence of the second paragraph of section 20B of chapter 233 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 24, the word "whereever" and inserting in place thereof the word:- wherever.

SECTION 362. Section 2 of chapter 252 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 363. Section 7 of said chapter 252, as amended by section 99 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:- As soon as the district shall have been organized under the provisions of section six the commissioners shall, under the direction of the board, cause the necessary surveys and investigations to be made and shall prepare a plan showing in detail the boundaries of the district and the improvements to be effected.

SECTION 364. Section 33 of chapter 253 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 6, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 365. Section 13 of chapter 254 of the General Laws, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words ", in the manner provided in section sixteen,".

SECTION 366. Section 8 of chapter 258A of the General Laws, as so appearing, is hereby amended by striking out, in line 30, the words "subdivision one of this act" and inserting in place thereof the words:- this section.

SECTION 367. Chapter 265 of the General Laws is hereby amended by striking out section 40, added by section 1 of chapter 363 of the acts of 1989, and inserting in place thereof the following section:-

Section 41. 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 368. The first paragraph of section 9 of chapter 276A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 5, the words "director of the division of employment security" and inserting

in place thereof the words:- commissioner of the department of employment and training.

SECTION 369. Section 2A of chapter 834 of the acts of 1969 is hereby amended by striking out the words "quality engineering", inserted by section 37 of chapter 584 of the acts of 1987, and inserting in place thereof the word:- protection.

SECTION 370. The first sentence of the first paragraph of section 12 of chapter 286 of the acts of 1982, as amended by section 1 of chapter 472 of the acts of 1984, is hereby further amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 371. Section 14 of said chapter 286 is hereby amended by striking out, in line 9, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 372. Section 14A of said chapter 286 is hereby amended by striking out, in lines 1 and 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 373. Said chapter 286 is hereby further amended by striking out section 15, as amended by section 9 of chapter 167 of the acts of 1983, and inserting in place thereof the following section:-

Section 15. In developing standards and guidelines for the administration and disbursement of funds pursuant to sections fourteen and fourteen A, the department of environmental protection shall establish procedures whereby the cities, towns, or districts that submitted applications pursuant to chapter eight hundred and five of the acts of nineteen hundred and seventy-nine shall have the opportunity to submit additional information to supplement and clarify those applications that were not awarded leak detection or system rehabilitation grants pursuant to said chapter eight hundred and five; provided, however, that such additional information shall be considered in the determination of grants to be made pursuant to sections fourteen and fourteen A. Any city, town, or district in the commonwealth shall be eligible to apply for said funds.

SECTION 374. Section 16 of said chapter 286, as amended by section 10 of said chapter 167, is hereby further amended by striking out, in line 12, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 375. Section 18 of said chapter 286 is hereby amended by striking out, in line 3, the word "quality engineering" and inserting in place thereof the word:- protection.

SECTION 376. Section 19 of said chapter 286 is hereby amended by striking out, in lines 1 and 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 377. Section 19A of said chapter 286, as amended by section 2 of chapter 631 of the acts of 1982, is hereby further amended by striking out, in lines 11 and 14 and in line 21, the words "quality engineering" and inserting in place

thereof, in each instance, the word:- protection.

SECTION 378. Section 20 of said chapter 286 is hereby amended by striking out, in lines 1 and 2 and in lines 12 and 13, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 379. Section 9F1/2 of chapter 723 of the acts of 1983, inserted by section 13 of chapter 233 of the acts of 1984, is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 380. Paragraph (c) of section 8 of chapter 372 of the acts of 1984 is hereby amended by striking out, in line 24, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 381. Paragraph (d) of said section 8 of said chapter 372 is hereby amended by striking out, in lines 33, 43, 65, 75, 102 and in lines 110 and 111, the words "quality engineering", and inserting in place thereof, in each instance, the word:- protection.

SECTION 382. Paragraph (i) of said section 8 of said chapter 372 is hereby amended by striking out, in line 3, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 383. Section 20 of said chapter 372 is hereby amended by striking out, in line 12, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 384. Section 67 of said chapter 372 is hereby amended by striking out, in lines 5 and 6, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 385. Section 71 of said chapter 372 is hereby amended by striking out, in line 6, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 386. The first paragraph of section 1 of chapter 786 of the acts of 1985 is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 387. The first paragraph of section 2 of said chapter 786 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 388. The first paragraph of section 3 of said chapter 786 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 389. The first paragraph of section 4 of said chapter 786 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 390. The first paragraph of section 5 of said chapter 786 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting

in place thereof the word:- protection.

SECTION 391. Section 6 of said chapter 786 is hereby amended by striking out, in lines 10 and 13, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 392. Section 10 of chapter 564 of the acts of 1987 is hereby amended by striking out, in lines 7 and 8, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 393. The first paragraph of section 27 of said chapter 564 is hereby amended by striking out, in line 1 and in lines 13 and 14, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 394. The last paragraph of said section 27 of said chapter 564, added by section 156 of chapter 164 of the acts of 1988, is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 395. Section 28 of said chapter 564 is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 396. Section 40 of said chapter 564 is hereby amended by striking out, in lines 4 and 10, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 397. The first paragraph of section 18 of chapter 584 of the acts of 1987 is hereby amended by striking out, in line 5, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 398. Section 20 of said chapter 584 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 399. Paragraph (a) of section 21 of said chapter 584, as amended by section 2 of chapter 183 of the acts of 1989, is hereby further amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 400. Section 22 of said chapter 584, as amended by section 55 of chapter 208 of the acts of 1988, is hereby further
amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 401. Section 23 of said chapter 584 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 402. Section 24 of said chapter 584, as amended by section 56 of chapter 208 of the acts of 1988, is hereby further amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 403. Section 26 of said chapter 584 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 404. Section 30 of said chapter 584 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 405. Section 31 of said chapter 584 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 406. Section 32 of said chapter 584 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 407. Section 32A of said chapter 584 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 408. Section 33 of said chapter 584 is hereby amended by striking out, in lines 2 and 13, the words "quality engineering" and inserting in place thereof, in each instance, the word:- protection.

SECTION 409. Section 35 of said chapter 584 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 410. The second paragraph of section 42 of said chapter 584 is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 411. The first paragraph of section 47 of said chapter 584 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 412. The second paragraph of said section 47 of said chapter 584 is hereby amended by striking out, in line 11, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 413. Section 48 of said chapter 584 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 414. Section 90 of chapter 164 of the acts of 1988 is hereby amended by striking out, in line 2, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 415. Section 17 of chapter 236 of the acts of 1988 is hereby amended by striking out, in line 1, the words "quality engineering" and inserting in place thereof the word:- protection.

SECTION 416. Section one of chapter two hundred and twenty-one of the acts of nineteen hundred and eighty-nine is hereby repealed.

SECTION 417. Section eight of chapter seven hundred and twenty of the acts of nineteen hundred and eighty-nine is hereby repealed.

SECTION 418. Section one hundred and three of this act shall take effect on January first, nineteen hundred and ninety-one.

SECTION 419. Sections two hundred and eighty-three and two hundred and eighty-four of this act shall become inoperative on June thirtieth, nineteen hundred and ninety-one.

SECTION 420. Section three hundred and sixty-seven of this act shall apply to violations committed on or after October twentieth, nineteen hundred and eighty-nine.

Approved August 7, 1990.

Chapter 178. AN ACT TRANSFERRING CERTAIN COMMONWEALTH LAND IN THE CITY OF BOSTON TO THE MASSACHUSETTS WATER RESOURCES AUTHORITY.

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, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to grant all right, title and interest to a certain parcel of land located in the city of Boston and permanent and temporary construction easements in a certain parcel of land in said city of Boston to the Massachusetts Water Resources Authority for purposes of constructing, maintaining and operating a combined sewer overflow facility and related sewer pipes and improvements. The grant of property rights pursuant to this act shall be upon such terms and conditions as determined by the division of capital planning and operations, in consultation with the armory commission and the Massachusetts Water Resources Authority.

SECTION 2. Said parcel of land and said easements are shown on a plan entitled "Plan of Land for Commercial Point, CSO Facility; Easement and Land Acquisition", scale 1" = 40', dated September, 1987, prepared by ASEC Corporation, Engineers, Architects and Land Surveyors which is on file with the Massachusetts Water Resources Authority.

SECTION 3. The land transferred to the Massachusetts Water Resources Authority pursuant to this act is presently used by the commonwealth through its armory commission for uses related to the Dorchester armory. The present public uses of the land are surrendered, as of the effective date of this act, and thereafter, notwithstanding any general or special law to the contrary, the land shall be used by the Massachusetts Water Resources Authority for the public purpose of construction, operating and maintaining a combined sewer overflow facility and

related sewer pipes and improvements. All right, title and interest to the land referred to in this act shall revert to the commonwealth in the event that the Massachusetts Water Resources Authority and its corporate existence is terminated by law, or in the event that the land is not used by the Massachusetts Water Resources Authority for the purposes specified in this act. The land transferred in fee pursuant to this act shall be subject to any existing easements. The temporary construction easements transferred pursuant to this act shall terminate upon completion of the combined sewer overflow facility.

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

Approved August 7, 1990.

Chapter 179. AN ACT RELATIVE TO CERTAIN LOANS OF HAMPDEN COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-six A of Chapter thirty-five of the General Laws, or the terms of the loan authorized by the Emergency Board on June twenty-first, nineteen hundred and eighty-nine for Hampden County, the county is hereby authorized to refund said loan by the issuance of bonds or notes for a period of ten years. Payments on such refunding bonds or notes shall be made in accordance with section twelve of chapter sixty-four D of the General Laws, and shall be scheduled so that no more than nine-tenths of the principal amount of the original loan approved by the Emergency Board remains outstanding at the end of Fiscal nineteen hundred and ninety.

SECTION 2. Notwithstanding the provisions of Chapter 193 of the acts of 1989 wherein the county of Hampden was authorized to borrow up to $4,500,000, said county is hereby authorized to borrow not more than $1,500,000 for the purposes specified in said act for a term not to exceed ten years, provided that no more than nine-tenths of the principal sum shall remain outstanding after July thirty-first, nineteen hundred and ninety.

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

Approved August 7, 1990.

Chapter 180. AN ACT MAKING AN APPROPRIATION FOR THE RESOLUTION OF A CERTAIN LAWSUIT IN BERKSHIRE SUPERIOR COURT.

Be it enacted, etc., as follows:

SECTION 1. To provide for the costs of resolving a certain lawsuit filed in the Berkshire superior court, the sum set forth in section two is hereby appropriated from the General Fund subject to 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, for the fiscal year ending June thirtieth, nineteen hundred and ninety.

SECTION 2.

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Massachusetts Criminal Justice Training Council.

Item		
8200-0299	For a reserve for the payment of a settlement or judgement in a certain case filed in Berkshire superior court, civil action number 89-0528	$1,000,000

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

Approved August 7, 1990.

Chapter 181. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO LEASE CERTAIN PARK LAND IN SAID TOWN.

Be it enacted, etc., as follows:

The town of Winchester is hereby authorized to lease a portion of land owned by said town to Winchester Association Realty Trust, Albert S. and Leo Kahn Trustees notwithstanding that said land or portion thereof may be subject to park or other public restrictions or limitations. Said parcel of land is located on the southerly side of Skillings Road between land commonly known as the Woburn Loop and a portion of land owned by town of Winchester, containing 9,002 sq. ft. known as Parcel B-1 as more specifically shown on a plan dated May 2, 1990 by SAIC Engineering Inc. and bounded as follows:

Westerly by land of MBTA commonly know as Woburn Loop 252.28';

Northeasterly by Skillings Road 57.23';

Easterly in three courses by land Town of Winchester 52.51', 105.90' and 48.76' respectively; and

Southerly by said land of Town of Winchester 39.74'

Approved August 7, 1990.

Chapter 182. AN ACT REGULATING THE REASSEMBLING OF MOTOR VEHICLES FROM CERTAIN OTHER MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 90D of the General Laws is hereby amended by inserting after section 20E the following section:-

Section 20F. (a) Any person, including a person licensed under section fifty-nine of chapter one hundred and forty, who reassembles a motor vehicle by means of welding together or connecting the frames or unit bodies of two or more motor vehicles, which are not total loss salvage vehicles, shall make application to the registrar for a certificate of title and an inspection of the motor vehicle prior to registration or sale of said vehicle. Each application for title and inspection shall be accompanied by the following:

(1) the outstanding certificate of title;

(2) an affidavit signed by the owner in the form prescribed by the registrar which includes the following information: (i) the identification numbers of each motor vehicle used to reassemble or connect the motor vehicle; (ii) bills of sale evidencing acquisition of all major component parts used to rebuild the vehicle with the corresponding identification numbers of the vehicles from which parts were removed if such a part contains or should contain the manufacturer's vehicle identification number; (iii) a description of the location of the point of connection or weld joint of the two or more vehicle frames; and

(3) the required inspection fee.

The inspection shall include an examination of the vehicle and its major component parts to determine that the vehicle information contained in the application and supporting documents is true and correct, and that there is no indication that the vehicle or any of its parts are stolen. Said inspection shall be conducted by a person appointed under the provisions of section twenty-nine of chapter ninety. Such inspection shall not be for the purpose of checking road worthiness or the safety condition of the vehicle. No liability shall be imposed upon the registrar of motor vehicles or upon the commonwealth or its agents or employees which may result from, or be connected with, any act or omission relative to said inspection.

(b) Upon satisfactory inspection results and receipt of all required documents and fees, the registrar shall issue a new certificate of title which shall contain the notation "reconstructed".

Approved August 7, 1990.

Chapter 183. **AN ACT REQUIRING THE REPORTING OF ALL SECLUSION AND RESTRAINT AT BRIDGEWATER STATE HOSPITAL.**

Be it enacted, etc., as follows:

Section 21 of chapter 123 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the twelfth paragraph and inserting in place thereof the following paragraph:-

A copy of the restraint form and any such attachments shall become part of the chart of the patient. Copies of all restraint forms and attachments shall be sent to the commissioner of mental health, or with respect to Bridgewater state hospital to the commissioner of correction, who shall review and sign them within thirty days, and statistical records shall be kept thereof for each facility including Bridgewater state hospital, and each designated physician. Furthermore such reports, excluding patient identification, shall be made available to the general public at the department's central office, or with respect to Bridgewater state hospital at the department of correction's central office.

Approved August 7, 1990.

Chapter 184. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE TOWN OF UXBRIDGE.**

Be it enacted, etc., as follows:

The division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws to convey by deed approved as to form by the attorney general a certain parcel of land in the town of Uxbridge to said town for use as a cemetery for the reinterment of human skeletal remains unearthed during the reconstruction project of State Highway Route 146 in the town of Uxbridge. Said parcel is shown on a plan entitled Plan of Land in Uxbridge, Mass. surveyed for the Town of Uxbridge Historical Commission, Scale 1" = 40', dated December 20, 1989, by Andrews Survey & Engineering, Inc., Uxbridge, MA., which is on file with said commission.

Approved August 7, 1990.

Chapter 185. AN ACT RELATIVE TO LOANS BY BANKS TO THEIR DIRECTORS, TRUSTEES AND OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 168 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 9, the word ", nineteen".

SECTION 2. Said chapter 168 is hereby further amended by striking out section 19, as so appearing, and inserting in place thereof the following section:-

Section 19. No such corporation shall, except as hereinafter provided, make any loan or extend credit in any manner to any of its officers or to any of its directors or trustees, including a member of its board of investment, and no such officer, director or trustee shall, except as hereinafter provided, borrow from or otherwise become indebted to such corporation or be surety for loans by it to others or directly or indirectly, whether acting individually or as trustee holding property in trust for another person, be an obligor for money borrowed of the corporation; provided, however, that with the prior approval of a majority of the entire board of investment, excluding any member thereof involved in the loan or extension of credit, such corporation may make a loan or extend credit to such officer in an amount not exceeding twenty thousand dollars on a loan or extension of credit, secured or unsecured, and in an amount not exceeding seventy-five thousand dollars on a loan or extension of credit intended or secured for educational purposes, and in an amount not exceeding two hundred and seventy-five thousand dollars on a loan secured by a first mortgage on real estate improved with a one to four family dwelling or a condominium established in accordance with chapter one hundred and eighty-three A which is to be occupied, in whole or in part, by such officer; and provided, further, that such corporation may make a loan or extension of credit to such director or trustee, who is not an officer of such corporation, subject to the limitations contained in chapter one hundred and sixty-seven E. Such corporation shall not give a preferential rate of interest or other preferential terms on any such loan or extension of credit to any such officer, director or trustee. Any loans or extensions of credit made hereunder shall be subject to the provisions of section twenty. For the purposes of this section, the term "officer" shall include a president, a vice-president, a treasurer and a clerk, and any other officer who participates in major policy functions of the corporation whether or not (1) such other officer has an official title; provided, however, that the term shall not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the corporation and whose decisions are limited by policy

standards fixed by the senior management of the corporation; (2) the title designates the officer an assistant; or (3) the officer is serving without salary or compensation.

No officer, whether acting individually or as trustee holding property in trus for another person, shall become the owner of real estate upon which a mortgag is held by the corporation; provided, however, that this prohibition shall not appl to any officer who becomes the owner of real estate upon which a first mortgag is held by the corporation securing a loan in an amount not exceeding two hundre and seventy-five thousand dollars on real estate improved with a one to four famil dwelling or a condominium established in accordance with chapter one hundre and eighty-three A which is to be occupied, in whole or in part, by such office The provisions of this section shall not apply to loans made to any officer on depos books, or to loans as are guaranteed or insured in whole or in part as authorize by chapter forty-six of the acts of nineteen hundred and forty-five or by an regulations thereunder.

SECTION 3. Section 19 of chapter 170 of the General Laws, as so appearin is hereby amended by striking out the first paragraph and inserting in place there the following paragraph:-

No officer or director of a bank shall, except as hereinafter provided, borrc from or otherwise become indebted to the bank of which he is an officer or direct and no bank shall, except as hereinafter provided, make any loan or extend cre in any other manner to any of its officers or directors; provided, however, that wi the prior approval of a majority of the entire board of directors, excluding a member thereof involved in the loan or extension of credit, a bank may make loan or extend credit to any such officer and such officer may become indebt to such bank in an amount not exceeding twenty thousand dollars on a loan extension of credit, secured or unsecured, and in an amount not exceedin seventy-five thousand dollars on a loan or extension of credit intended or secure for educational purposes, and in amount not exceeding two hundred and seventy five thousand dollars on a loan secured by a first mortgage on real estate improve with a one to four family dwelling or a condominium established in accordance with chapter one hundred and eighty-three A which is to be occupied, in whole or in part, by such officer, and in an amount secured by a deposit account of such officer in said bank; and provided, further, that a bank may make a loan or extension of credit to such director, who is not an officer of such bank, subject to the limitations contained in chapter one hundred and sixty-seven E. Such bank shall not give a preferential rate of interest or other preferential terms on any such loan or extension of credit to any such officer or director. For the purposes of this section, the term "officer" shall mean a president, a vice-president, a treasurer and a clerk, and any other officer who participates in major policy functions of the bank whether or not (1) such other officer has an official title; provided, however, that

the term does not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the bank and whose decisions are limited by policy standards fixed by the senior management of the bank; (2) the title designates the officer an assistant; or (3) the officer is serving without salary or compensation.

SECTION 4. Section 18 of chapter 172 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 officer or director of a trust company shall, except as hereinafter provided, borrow from or otherwise become indebted to a trust company of which he is an officer or director, and no trust company shall, except as hereinafter provided, make any loan or extend credit in any other manner to any of its officers or directors; provided, however, that with the prior approval of a majority of the entire board of directors, excluding any member thereof involved in the loan or extension of credit, a trust company may loan or extend credit to any such officer and such officer may become indebted to such trust company in an amount not exceeding twenty thousand dollars on a loan or extension of credit, secured or unsecured, and in an amount not exceeding seventy-five thousand dollars on a loan or extension of credit intended or secured for educational purposes, and in an amount not exceeding two hundred and seventy-five thousand dollars on a loan secured by a first mortgage on real estate improved with a one to four family dwelling or a condominium established in accordance with chapter one hundred and eighty-three A which is to be occupied, in whole or in part, by such officer; and provided, further, that a trust company may make a loan or extension of credit to such director, who is not an officer of such trust company, subject to the limitations contained in chapter one hundred and sixty-seven E. Such trust company shall not give a preferential rate of interest or other preferential terms on any such loan or extension of credit to any such officer or to any such director. For the purposes of this section, the term "officer" shall mean a president, a vice-president, a treasurer and a clerk, and any other officer who participates in major policy functions of the trust company whether or not (1) such other officer has an official title; provided, however, that the term does not include a person who may have an official title and may exercise a certain measure of discretion in the performance of his duties, including discretion in the making of loans, but who does not participate in the determination of major policies of the trust company and whose decisions are limited by policy standards fixed by the senior management of the trust company; (2) the title designates the officer an assistant; or (3) the officer is serving without salary or compensation.

Approved August 7, 1990.

Chapter 186. **AN ACT RELATIVE TO THE ISSUANCE OF CERTAIN LICENSES.**

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 1 the following section:-

Section 1A. Whenever any person required to report under the provisions of section fifty-one A of chapter one hundred and nineteen is issued or reissued a license or certificate to engage in a business or profession, the issuing agency shall send such person a statement informing them of their obligations under said section fifty-one A.

Such statement shall contain a statement that such person understands his obligations under said section fifty-one A and the punishment for failure to comply, which shall be signed by such person and returned to the issuing agency.

In compliance with the provisions of this section, the issuing agency may include such required statement on application forms for such licenses or certificates.

Approved August 7, 1990.

Chapter 187. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO EXCHANGE CERTAIN LAND IN THE TOWNS OF HUBBARDSTON AND PRINCETON WITH THEODORE H. CURTIS.**

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and seventy-six of the acts of nineteen hundred and eighty-five is hereby repealed.

SECTION 2. The division of capital planning and operations, acting for and on behalf of the commonwealth, in consultation with the metropolitan district commission, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, is hereby authorized to convey to Theodore H. Curtis, by deed approved as to form by the attorney general, all the right, title and interest of the commonwealth in and to certain parcels of land in the towns of Hubbardston and Princeton. Said parcels of land are bounded and described as follows:

Parcel #1. Starting at a steel rod at a corner of walls on the easterly side of Old Colony Road, in the town of Hubbardston at land of grantee.

Thence by the northerly sideline of said Old Colony Road eleven hundred and

fifty feet (1150') more or less to a steel rod set at a corner of walls at land of Richard C. Kelton.

Thence north fifty-two degrees and nine minutes east (N52°-09'E) one hundred eighty and no tenths feet (180.0') by a stone wall of land of said Kelton to a drill hole set in a boulder at a corner of walls at land now or formerly of James McInerny et ux.

Thence south thirty-eight degrees and thirty-seven minutes east (S38°-37') sixteen hundred and eighteen feet (1618'+) more or less by land of said McInerny to a stone bound at a wall corner.

Thence north fifty-one degrees and fifty minutes east (N51°-50'E) five hundred and thirteen and no tenths feet (513.0'), still by a stone wall and land of said McInerny to a wall corner at land of Gordon and Jacqueline Smith.

Thence south forty-five degrees and fifty minutes east (S45°-50'E) six hundred and forty feet (640') more or less following a stone wall and by land of said Smith to the beginning of a curve to the right in the wall.

Thence following said curve to the right still by land of said Smith ninety-five feet (95') more or less to a point in the northerly sideline of Old Colony Road. Then westerly by the northerly sideline of Old Colony Road eleven hundred feet (1100') more or less to a point at land of grantee.

Thence north fifty-one degrees and forty-eight minutes east (N51°-48') two hundred and fifty feet (250') more or less by land of grantee to a stone bound.

Thence northwesterly three hundred feet (300') more or less by a stone wall and land of grantee to a wall corner. Thence northerly thirty-six feet (36') more or less following a stone wall and land of grantee to a wall corner. Thence westerly three hundred and sixty feet (360') more or less by a stone wall and land of grantee to the point of beginning. Containing twenty and ninety-five hundredths acres (20.95ac) thirteen and three one hundredths acres (13.03ac) more or less of which are in Hubbardston and seven and ninety-two hundredths acres (7.92ac) of which are in Princeton.

Parcel #2. A certain parcel of land located on the southerly side of Old Colony Road, in Hubbardston, and bounded and described as follows: Starting at a steel rod located on the southerly end of a stone wall, which steel rod is located approximately 400 feet westerly along said southerly sideline of Old Colony Road from the intersection of said southerly sideline of Old Colony Road and the Hubbardston-Princeton Town Line.

Thence the line runs south four degrees and thirty-eight minutes east (S4°-38'E) fifteen and thirty-two hundredths feet, by a stone wall to a steel rod at a corner of walls.

Thence the line runs south seventy-four degrees and fourteen minutes west (S74°-14'W) following a stone wall to a steel rod at or near the end of the wall, a distance of one hundred twenty-four and twenty-two one hundredths feet (124.22')

Thence the line continues along the same course one hundred and seventy-five and seventy-eight hundredths feet (175.78') to a point.

Thence the line runs south two degrees and fourteen minutes west (S2°-14'W), two hundred and fifty and no hundredths feet (250.00') to a point.

Thence the line runs north sixty-two degrees and fourteen minutes east (N62°-14E), four hundred and twenty-five feet (425.00') to a point.

Thence the line runs thirty-two degrees and fourteen minutes east (32°-14'E) two hundred and ten feet (210') more or less to a point in the southerly side of Old Colony Road.

Thence westerly by said southerly side of Old Colony Road two hundred feet (200') more or less at the beginning.

Containing two and no tenths (2.0) acres of land all in the Town of Hubbardston.

Theodore H. Curtis, in payment for said land shall transfer to the commonwealth in fee simple, a parcel of land determined by said division and said commission to be equivalent to or in excess of the value of the land granted, or, if said division in consultation with said commission so decides, shall pay a fair market value price to be determined by one or more independent appraisals approved by the deputy commissioner of said division and the costs thereof shall be assumed by said Theodore H. Curtis.

SECTION 3. This act shall take effect as of December tenth, nineteen hundred and eighty-five.

Approved August 7, 1990.

Chapter 188. 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.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety.

Approved August 7, 1990.

Chapter 189. AN ACT ESTABLISHING THE WORCESTER HEALTH AND HOSPITALS AUTHORITY.

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

which is to immediately establish an authority to operate the Worcester City 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:

SECTION 1. Chapter two hundred and sixty-six of the acts of nineteen hundred and fifty-three providing for the consolidation of the Worcester City Hospital and the Belmont Hospital in the city of Worcester is hereby repealed.

SECTION 2. It is hereby declared that a hospital authority is established, hereinafter called "the authority", in the city of Worcester to care for and treat individuals requiring such services now provided by Worcester City Hospital or such other health related services that they provide in the future to individuals at Worcester City Hospital or in any other health care settings as the authority may establish.

SECTION 3. The authority is hereby established as a public body corporate a politic and political subdivision of the Commonwealth to be known as the Worcester health and hospitals authority. The authority shall own, maintain and operate the Worcester City Hospital and any other facilities which may be established, acquired, or received through gift or transfer in accordance with the powers conferred by this act. All health care and health care related activities performed by the authority shall be considered essential government functions.

SECTION 4. The authority shall be managed, controlled and governed by five members, two of whom shall be appointed by the Worcester city manager, subject to confirmation by the Worcester city council, and two of whom shall be appointed by the secretary of human services. Within fourteen days of their appointments, the four members so appointed shall elect either on an interim basis or for a four year term a fifth member who shall be knowledgeable in the area of health care and the administration of public charitable health care facilities. The authority shall appoint an administrator who shall be familiar with both health care and the administration of public charitable health care facilities. The administrator shall be sworn to the faithful performance of his duties and shall be the chief administrative and executive officer of the authority. Until such time as the administrator is qualified and takes office, the current acting administrator of the Worcester City Hospital shall assume the duties of the administrator with the powers necessary to carry out this act. Of the two members appointed by the city manager, one member shall serve a one year term and the other shall serve a three year term. Of the members appointed by the secretary of human services, one member shall serve a two year term and the other shall serve a four year term. Thereafter, all such members shall serve a four year term. No member shall serve a term of more than eight years. The city manager shall not appoint any individual to serve on the

authority unless such individual is eligible to serve a full four year term, except when such appointment is to fill the remaining term of a member who is no longer on said authority. Any member may be removed by the appointing authority at any time for cause. Members of the authority are excluded from future service with the authority as administrator other than in an interim or acting capacity for a period not to exceed twelve months.

SECTION 5. The authority shall hold at least six meetings each calendar year and a majority of the members shall constitute a quorum for each meeting. The authority shall hold at least one of the above six meetings in January and shall designate this meeting as the authority's annual meeting.

SECTION 6. The authority members shall elect a chairman, vice chairman, secretary and treasurer who shall serve for a term of one year or until their successors are elected. Such elections shall initially take place at the first meeting of the authority. Subsequent elections shall take place at the authority's annual meeting and shall be based on a list of candidates proposed by the authority's nominating committee.

SECTION 7. The authority shall have the following standing committees: executive, nominating, finance, medical and personnel. Each committee shall have at least three voting members. The administrator shall serve as an ex officio non-voting member of each standing committee. The authority may elect to establish additional standing committees. Appointments to all standing committees shall be made by the chair.

SECTION 8. The chairman shall preside at the meeting of the authority. The chairman shall execute and deliver for, on behalf of and in the name of the authority, all instruments which may be required for the proper prosecution of its business. The authority may, by vote, delegate this function to the administrator. In the absence or inability of the chair to perform his duties, such duties shall be performed by the vice chairman and, in his absence, by the treasurer. The secretary shall attend all of the authority's meetings and shall record the proceedings thereof in a book provided for such purpose. The treasurer shall attend all of the authority's meetings and, acting on behalf of and with the permission of the authority, shall have custody of the funds of the authority, shall keep and maintain complete records of all financial transactions and shall carry a complete record of all accounts. Said treasurer shall cause books to be kept containing a detailed account of all funds received and expended and shall make quarterly reports to the authority of all funds so received and so expended. The authority may make such other rules of procedure as it deems appropriate.

SECTION 9. The authority shall have the general management, oversight and control of the facility now known as Worcester City Hospital and other related health care activities and any branches thereof which have been or may hereafter be established and of the expenditure of the money budgeted for the operation

thereof. In addition to the administrator, the authority may hire such other employees, assistant administrators and subordinate officers as it may deem necessary or expedient. The authority shall establish, implement and publish a salary structure for all its employees. Said authority shall establish and enforce all necessary rules and regulations for the administration, governance and operation of all facilities under its control. Said authority shall ensure that all such steps and measures are taken to ensure compliance with all appropriate regulatory agencies which govern the activities of facilities controlled by said authority. Said authority shall have charge and control of all its financial receipts and expenditures. Further, said authority shall have the following powers and duties:

1. to adopt a seal, and the engraved or printed facsimile of such seal appearing on any bond, note or other instrument of the authority shall have the same effect as though such seal were impressed thereon;

2. to sue and be sued, by only to the same extent and upon the same conditions that a city or town may sue or be sued;

3. with its own funds to acquire by purchase, gift or eminent domain under chapter seventy-nine, chapter seventy-nine A or chapter eighty A of the General Laws or by lease or otherwise, land or buildings or interests in land, air or water for the purposes of the authority and to plan, design, acquire, construct, reconstruct, improve, extend, equip, repair, maintain and operate health care facilities which may include but not be limited to hospitals, urgent care centers, surgical day care centers, ambulance programs, schools of nursing, psychiatric centers, nursing homes, health maintenance organizations, geriatric facilities and sheltered living facilities as such terms are defined in section one of chapter one hundred and twenty-one B of the General Laws, and community facilities designed to meet the needs of the elderly and to acquire the personal property necessary in connection with operation of the foregoing;

4. to dispose of any real or personal property of the authority, which is no longer needed for its purposes, by sale or otherwise; provided, however, that no real property shall be disposed of by the authority unless by majority vote and, provided further, that the city of Worcester shall be given first preference on such sales of either real or personal property;

5. to maintain an office at such place or places as the authority may determine;

6. to receive and disburse funds for any of the authority's purposes and to maintain financial reserves;

7. to appoint such boards of trustees for any or all of the facilities under its control as it deems necessary and appropriate;

8. to receive and apply for grants or gifts for authority purposes;

9. to make and enforce such rules and regulations as may, in the judgment of the authority, be necessary for the efficient operation, control and supervision of any health care facility or related activity within its jurisdiction and for accomplish-

ing the purposes of this act;

10. to issue temporary notes, from time to time, in the name of and upon the full faith and credit of the authority, in anticipation of revenue to be received from any source, in an amount not to exceed two million dollars at any time, and in such greater amount as may be approved, from time to time, by a majority vote of the authority; provided, however, that the aggregate amount of notes outstanding at any time shall not exceed one-half of the authority's ordinary operating revenues of the previous fiscal year. For the authority's first year of operation this limit shall be set at twenty million dollars. The proceeds of such notes shall be used to pay current operating expenses only but no purchasers of such notes shall be in any way responsible for the proper application of such proceeds. Each such loan shall be payable no later than three years from its date of issue. Temporary notes issued under this clause for shorter periods than permitted hereby may be refunded, from time to time, by issue of other temporary notes maturing within the required period. Temporary notes may be issued pursuant to this clause by the chairman and treasurer and said chairman and treasurer shall determine the form, interest rate and other details of such notes and shall sign such notes;

11. to employ and fix the compensation of such engineers, attorneys, accountants, financial experts, contractors, physicians, superintendents, managers and such other employees and agents as it may deem necessary or incidental to the performance of its duties and the execution of its powers under this act;

12. to enter into agreement with the federal government or other lenders for the borrowing of funds for any project which the authority is authorized to undertake, and containing such covenants, terms and conditions, as the authority may deem desirable, but not to exceed a term of thirty years, and pursuant to any such agreement, to borrow funds from the federal government or any qualified lender upon the security of the bonds, notes or other evidences of indebtedness, and to secure the same by mortgages upon property held or to be held by it or by pledge of its revenues;

13. to borrow funds to repay debts incurred by Worcester City Hospital prior to July first, nineteen hundred and ninety;

14. to organize and control the activities of such nonprofit corporations as may be necessary and appropriate to receive loans and grants from the federal and state government or from any nonprofit agency for the purposes of this act; provided, however, that the trustees of any such nonprofit corporations shall be appointed by a majority vote of the authority and may be removed as trustees of such nonprofit corporations at any time without cause by a majority vote of the authority;

15. to select an independent certified public accountant to perform an annual audit of the authority's books and accounts and to make a report of such accountant's findings and opinions at the annual meeting of the authority. Such independent certified public accountant shall not serve as the authority's auditor

for a term of more than five consecutive years;

16. to perform all internal audits of the authority's books, accounts, records and procedures to verify said authority's compliance with governing internal and external rules and regulations;

17. to establish accounts with banks for receipt and disbursement of funds by the authority;

18. to do all acts and things necessary for the procurement of goods, supplies and services in accordance with applicable state and federal law;

19. to purchase services, including, but not limited to, auditing, treasury, purchasing, personnel, retirement, health and other insurance services from the city of Worcester until such services are established by the authority. The authority shall establish such services no later than July first, nineteen hundred and ninety-two;

20. to file with the appropriate state agency pursuant to section one hundred and one of chapter six A of the General Laws to seek financial relief;

21. to appoint, within forty-five days of the passage of this act, a community need determination committee, of which the chairman of the authority shall serve as chairman, composed of the authority's chairman, the chairman of the Worcester city council's committee of health, an appointee of the commissioner of public health, the city manager of the city of Worcester, a physician with privileges at Worcester City Hospital, a local representative of the elderly, a local member of the business community, a member of a collective bargaining unit at Worcester City Hospital, a nurse employed at Worcester City Hospital and a community health center director. Such committee shall hold at least one public hearing within sixty days of its appointment to determine the need for and appropriate mission of Worcester City Hospital, considering all other public and health uses for Worcester City Hospital. A report on each hearing shall be filed with the appropriate state agency pursuant to the provisions of section one hundred and one of chapter six A of the General Laws. This committee shall be considered the community need determination committee referred to in said section one hundred and one of said chapter six A;

22. the authority shall develop and submit a plan of action for future health care and related operations to the appropriate state agency. Such plan of action, as established pursuant to the provisions of clause (6) of paragraph (e) of said section one hundred and one of said chapter six A, at a minimum, shall consider the health care needs of the citizens of the city of Worcester who rely on Worcester City Hospital and the interest of Worcester City Hospital employees. The authority shall fully comply with paragraph (f) of said section one hundred and one of said chapter six A and in addition all other applicable statutes. The authority shall retain the right to withdraw its application for financial relief from the agency at any time subject to said section one hundred and one of said chapter six A. Also, the

department of public health is hereby authorized and empowered to accept gifts, donations or contributions from any public or private source for the purpose of assisting the authority in establishing the health care service needs of the citizens of Worcester and in the development of a plan of action for the authority as established in clause (6) of paragraph (e) of section one hundred and one of chapter six A. Said department is authorized to secure and expend an amount not to exceed fifty thousand dollars pursuant to this authorization. The department may enter into such contract and any other arrangements as are necessary to carry out the purpose of this section;

23. to do all acts and things necessary or convenient to carry out the provisions of this act;

SECTION 10. Any bonds, notes, or certificates of indebtedness of the authority, in the absence of an express recital to the contrary on the face thereof, shall constitute negotiable instruments for all purposes. They may be payable from income of the authority or constitute a general obligation thereof, may be sold at, above or below par, at public or private sale, may mature at such time or times, may be secured in such manner, may contain such other covenants, terms or conditions, but not to exceed a term of thirty years, not inconsistent with law, may be executed by such officers, and may be issued with or without the corporate seal, all as may be authorized either by vote of the authority or by the officers to whom the power to determine any or all the matters set forth in this sentence may be expressly delegated by vote of the authority. The engraved or printed facsimile of the seal of the authority on its bonds, notes, or certificates of indebtedness shall have the same validity and effect as if such seal were impressed thereon. Whenever, a bond, note or certificate of indebtedness is required to bear the signature of two or more officers, it shall be sufficient if the signature of any one of such officers upon such instrument is a written signature and the remaining signature or signatures are engraved, printed, or stamped facsimile signatures; provided, that each officer whose facsimile signature appears on such instrument has, by a writing bearing his written signature and filed in the office of the secretary of the authority, authorized the officer whose written signature appears on such instrument to cause such facsimile to be placed thereon. The facsimile signature of any officer so engraved, printed or stamped thereon shall have the same validity and effect as his written signature. In case any officer whose signature or a facsimile thereof appears on any notes, bonds, or coupons shall cease to be such officer before the delivery of such notes or bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bond, notes, certificates of indebtedness and temporary notes of the authority issued under this act under clauses 10, 12 and 14 of section eight, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth. The bonds of the authority

issued under this act shall be legal investments for the the deposits and the income derived therefrom of savings banks, for the trust funds of trust companies, for the capital and other funds of insurance companies, and for funds over which the commonwealth has exclusive control.

SECTION 11. For purposes of this act, the authority may from time to time issue bonds or notes not to exceed thirty million dollars. Such bonds or notes shall bear on their face the words:- Worcester Health and Hospitals Authority, Act of 1990. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than thirty years from the original date of issue of the initial loan. The proceeds of such bonds or notes shall be paid over to the treasurer of the authority to be used for the purposes of this act upon such terms and conditions as the authority shall state.

SECTION 12. The authority, in all its parts and its locations, shall be exempt from any and all state and local taxes.

SECTION 13. This act shall be construed in all respects to meet constitutional requirements. If any provision is held invalid in any circumstances, such invalidity shall not affect any other provision or circumstance. In carrying out this act, all things shall be done which are necessary to meet constitutional requirements, whether or not such things are otherwise required by statute.

SECTION 14. The city of Worcester shall transfer or assign to the authority and the authority shall assume all of the assets and liabilities currently controlled or occupied or which have been incurred by Worcester City Hospital, together with all contracts, obligations, claims and causes of action in effect with Worcester City Hospital at the time of the passage of this act. Notwithstanding the above, the city of Worcester shall retain, to prosecute and receive any damages, costs and fees awarded to said city in the Civil Number N90-40012-XX currently pending in the United States District Court. Should the authority ever cease to operate, the assets of the authority would be sold to liquidate any outstanding indebtedness and any surplus from such sale after the payment of debts of the authority shall be given to the city of Worcester. In any event, the city of Worcester would not be responsible for debts which exceed the assets of the authority, incurred on or after the effective date of this act.

SECTION 15. Any bonds, interim receipts, temporary bonds and revenue funding bonds issued under the provisions of this act shall not be deemed to constitute a debt of the city of Worcester or the commonwealth or a pledge of faith and credit of the city of Worcester or the commonwealth, but all such bonds and interim receipts shall be payable solely from the funds herein provided therefor from revenues. All such bonds and interim receipts shall contain on the face thereof a statement to the effect that neither the city of Worcester nor the commonwealth shall be obliged to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of the city of Worcester or the commonwealth is

pledged to the payment of the principal or the interest on such bonds and interim receipts.

All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act, and no liability or obligations shall be incurred by the authority hereunder beyond the extent to which monies shall have been provided under the provisions of this act.

Notwithstanding the above, the city of Worcester shall act as the guarantor of up to fifteen million dollars of debt to be issued by the authority. The proceeds of such debt issued by the authority can only be used to repay debts owed to medicare as of July first, nineteen hundred and ninety. Any indebtedness guaranteed by the city of Worcester under this section shall be outside the statutory limit of indebtedness of the city of Worcester described in section ten of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven of said chapter.

SECTION 16. All employees of Worcester City Hospital at the time of passage of this act shall immediately become employees of the authority.

SECTION 17. Each union acting as a collective bargaining agent for employees at Worcester City Hospital shall be recognized as the collective bargaining agent for the employees they currently represent, by the authority upon passage of this act.

SECTION 18. For purposes of chapter one hundred and fifty E of the General Laws, the administrator shall be considered the chief executive officer responsible for the negotiating and signing of all collective bargaining agreements.

SECTION 19. All licenses, permits, and approvals, currently issued by state and local authorities relating to the activities and functions at Worcester City Hospital shall be transferred to the name of the Worcester Health and Hospitals Authority, upon the effective date of this act.

SECTION 20. This act shall take effect as of July first, nineteen hundred and ninety.

Approved August 14, 1990.

Chapter 190. AN ACT EXEMPTING THE POSITION OF FIRE CHIEF IN THE TOWN OF EASTHAMPTON FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of fire chief in the town of Easthampton shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

service status of any person holding the position of fire chief in the town of Easthampton on the effective date of this act.

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

Approved August 14, 1990.

Chapter 191. **AN ACT MERGING THE POSITIONS OF TOWN CLERK AND TREASURER OF THE TOWN OF SOUTH HADLEY INTO THE POSITION OF TOWN CLERK-TREASURER.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the positions of town clerk and treasurer of the town of South Hadley shall be merged into one position to be known as town clerk-treasurer and the powers and duties formerly exercised by the town clerk and town treasurer shall be exercised by said town clerk-treasurer. The incumbents in the positions of town clerk and treasurer upon the effective date of this act shall continue to hold said positions and to perform the duties thereof until the next annual election of town officers. A town clerk-treasurer shall be elected at said annual election.

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

Approved August 14, 1990.

Chapter 192. **AN ACT RELATIVE TO THE CLASSIFICATION OF CERTAIN SELECTMEN AS SPECIAL MUNICIPAL EMPLOYEES.**

Be it enacted, etc., as follows:

Paragraph (n) of section 1 of chapter 268A of the General Laws, as amended by chapter 289 of the acts of 1989, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- "Special municipal employee", a municipal employee who is not a mayor, a member of the board of aldermen, a member of the city council, or a selectman in a town with a population in excess of ten thousand persons and whose position has been expressly classified by the city council, or board of aldermen if there is no city council, or board of selectmen, as that of a special employee under the terms and provisions of this chapter; provided, however, that a selectman in a town with a population of ten thousand or fewer persons shall be a special municipal employee without being expressly so classified.

Approved August 14, 1990.

Chapter 193. **AN ACT AUTHORIZING THE TOWN OF SOUTH HADLEY TO REIMBURSE CERTAIN MONIES PAID IN ERROR AS REAL ESTATE TAXES.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of South Hadley is hereby authorized to reimburse Primus Industries, Inc. the sum of nine thousand two hundred forty-five dollars and ninety-two cents paid to said town as personal property taxes in error for the fiscal year nineteen hundred and eighty-seven.

Approved August 14, 1990.

Chapter 194. **AN ACT RELATIVE TO THE COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY KNOWN AS THE TOWN OF METHUEN.**

Be it enacted, etc., as follows:

Chapter 550 of the acts of 1978 is hereby amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. There is hereby established a community development board which shall consist of no less than five members, who shall serve for terms of no less than three years as determined by ordinance. Said members shall be appointed by the town manager. Said board shall have all powers, duties and functions of a planning board under applicable law. The officers of said board shall be determined by ordinance.

Approved August 14, 1990.

Chapter 195. **AN ACT AUTHORIZING THE TOWN OF DRACUT TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT 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 town of Dracut

is hereby authorized to issue a license for the sale of wines and malt beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight to Mama's Italian Restaurant Inc., subject to all the provisions of said chapter one hundred and thirty-eight except for section seventeen; provided, however, that the licensing authority shall not approve the transfer of said license to any other person, organization, corporation or location; and provided, further, that the issuing of this license shall reduce by one any increase in licenses under the provisions of said section seventeen.

Emergency Letter: August 29, 1990 @ 10:57 A.M. Approved August 14, 1990.

Chapter 196. **AN ACT AUTHORIZING THE TOWN OF DRACUT TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINE AND MALT 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 Dracut is hereby authorized to issue a license for the sale of wine and malt beverages not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight to Food Emporium, Inc., a corporation organized and existing under the laws of the state of New Hampshire and doing business as Convenience Plus, subject to all the provisions of said chapter one hundred and thirty-eight except for section seventeen; provided, however, that the licensing authority shall not approve the transfer of said license to any other person, organization, corporation or location; and provided, further, that the issuing of this license shall reduce by one any increase in licenses issued under the provisions of said section seventeen.

Emergency Letter: August 29, 1990 @ 10:57 A.M. Approved August 14, 1990.

Chapter 197. **AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO ENTER INTO CERTAIN LEASES.**

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 267 of the acts of 1928, as amended by section 1 of chapter 45 of the acts of 1982, is hereby further amended by adding the following sentence:- Said city, acting by its board of water commissioners, may

lease to said city, acting by its mayor, the exclusive right to occupy, use and operate all or any part of the buildings, machinery, equipment and appurtenances erected or otherwise acquired by said board of water commissioners for the generation of electricity.

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

Approved August 14, 1990.

Chapter 198. AN ACT RELATIVE TO THE EXPLOITATION OF MINORS IN THE SALE AND DISTRIBUTION OF CONTROLLED SUBSTANCES.

Be it enacted, etc., as follows:

Chapter 94C of the General Laws is hereby amended by inserting after section 32J the following section:-

Section 32K. Any person who knowingly causes, induces or abets a person under the age of eighteen to distribute, dispense or possess with the intent to distribute or dispense any controlled substance as defined herein, or to accept, deliver or possess money used or intended for use in the procurement, manufacture, compounding, processing, delivery, distribution or sale of any such controlled substance shall be punished by imprisonment in the state prison for not less than five years nor more than fifteen years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of five years and a fine of not less than one thousand nor more than one hundred thousand dollars may be imposed but not in lieu of the mandatory minimum five year term of imprisonment established herein.

Approved August 14, 1990.

Chapter 199. AN ACT RELATIVE TO THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Be it enacted, etc., as follows:

Section 4 of chapter 708 of the acts of 1966 is hereby amended by striking out paragraph *(x)*, added by section 33 of chapter 722 of the acts of 1989, and inserting in place thereof the following paragraph:-

(y) 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.

Approved August 14, 1990.

Chapter 200. AN ACT PROVIDING FOR THE ESTABLISHMENT OF AN OCCUPATIONAL LEAD POISONING REGISTRY.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after section 11 the following section:-

Section 11A. To assist in the identification and treatment of workers exposed to lead and to reduce the incidence of occupational lead poisoning in the commonwealth, an occupational lead registry shall be established within the division of occupational hygiene of the department of labor and industries.

Every clinical laboratory that performs blood lead testing on site, or that sends blood lead specimens to out-of-state laboratories for lead testing, shall report blood lead test results on individuals over the age of fifteen to the commissioner in a manner to be determined by the commissioner.

The report shall include the identity of the reporting laboratory; the name, date of birth or age, and blood level of the individual tested; the date the blood sample was drawn; and the name and address or telephone number of the health care provider ordering the test; and any other such information as the department deems necessary to carry out the provisions of this chapter. Results of free erythrocyte protoporphyrin or zinc protoporphyrin shall also be reported if available. A health care provider who has ordered a blood lead test shall, upon request by the department, provide information that the department deems necessary to carry out the provisions of this chapter. The clinical laboratory report and the provider information shall be maintained confidential and are not matters of public record; provided, however, that department of public health shall have full access to the reports and provider information for the purposes of research and analysis.

The department shall promulgate such regulations as it deems necessary for the implementation, administration, and enforcement of this chapter. Any person who violates a provision of this chapter, or any regulation adopted or issued thereunder shall be subject to a civil penalty not to exceed five hundred dollars for each

violation. Each day such violation occurs or continues shall be considered a separate violation.

The superior court department of the trial court shall have jurisdiction to enjoin violations of, or grant such additional relief as it deems necessary or appropriate to secure compliance with the provisions of this chapter, or any regulations issued or adopted thereunder, upon petition of the attorney general or the department. The department shall not be liable for any filing fee in any such enforcement effort before the superior court.

Approved August 14, 1990.

Chapter 201. AN ACT AUTHORIZING THE TOWN OF LITTLETON TO LEASE A CERTAIN BUILDING FOR A TERM OF NINETY-NINE YEARS.

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 board of selectmen of the town of Littleton is hereby authorized to lease for a term not exceeding ninety-nine years the Houghton Memorial Building to the Littleton Historical Society for use as a historical museum and reference library.

Approved August 14, 1990.

Chapter 202. AN ACT RELATIVE TO THE DESIGNATION OF JUNIOR COLLEGES.

Be it enacted, etc., as follows:

Section 79 of chapter 71 of the General Laws is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of the preceding paragraph, a school established hereunder may be designated by a name which does not include the word "junior"; provided, however, that the charter of such school shall require that such name, when used on its official documents and publications, be accompanied by a descriptive phrase which, in the judgment of the board of regents, will effectively distinguish such school from a senior college.

Approved August 14, 1990.

Chapter 203. **AN ACT EXTENDING THE DEADLINE FOR NOTICE REGARDING RE-ELECTION FOR CERTAIN TEACHERS IN THE TOWN OF MEDWAY.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section forty-one of chapter seventy-one of the General Laws or any other general or special law to the contrary, the school committee in the town of Medway shall notify in writing a teacher not serving at its discretion on or before May thirtieth whenever such person is not to be employed for the following school year.

Approved August 14, 1990.

Chapter 204. **AN ACT AUTHORIZING THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one and two of chapter two hundred and seven of the General Laws, a marriage between Diana Claire Mordini Chas, of Foxborough, Norfolk County, MA, and Mark Edward Mordini, of Foxborough, Norfolk County, MA may be solemnized in the commonwealth.

Approved August 14, 1990.

Chapter 205. **AN ACT FURTHER REGULATING THE SEWER AND WATER COMMISSION OF THE CITY KNOWN AS THE TOWN OF METHUEN.**

Be it enacted, etc., as follows:

SECTION 1. Subsection (1) of section 2 of chapter 539 of the acts of 1989 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

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. Said commission shall consist of not less than five members as determined by the town council. Said members 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 the first secular day of January or until their successors are qualified.

SECTION 2. Said subsection (1) of said section 2 of said chapter 539 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

A majority of the members of the commission 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.

SECTION 3. Section 5 of said chapter 539 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The town council shall, by ordinance, establish the terms of the first appointees to said commission; provided, however, that said terms shall be arranged so that one-third of their number, or as near thereto as possible, shall be appointed annually.

Approved August 14, 1990.

Chapter 206. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE CERTAIN PARCELS OF LAND IN THE TOWN OF PLYMOUTH FOR HIGHWAY PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, to acquire by eminent domain, purchase or otherwise, two parcels of park land in the town of Plymouth, said parcels being owned by the town of Plymouth and to transfer the care, custody and control of said parcels of land to the department of public works for highway purposes.

Said parcels of land are more particularly described as follows:-

PARCEL 3-12-T: A certain parcel of land situated at the northwesterly corner of the intersection of Main Street Extension and Sandwich Street, Plymouth, Plymouth County, Massachusetts, bounded and described as follows:-

Beginning at a point in the southwesterly sideline of Main Street Extension. Said point being S 50°-33'-26" E, one hundred six and fifty-eight hundredths (106.58) feet distant from an angle point in said sideline. Said point also marks a point of curvature at the sideline rounding onto Sandwich Street; thence running southeasterly, southerly and southwesterly along a curve to the right having a radius of twenty-three (23.00) feet, an arc distance of fifty and thirty-two hundredths (50.32)

feet to a point of tangency in the northerly sideline of Sandwich Street; thence running S 74°-47'-54" W, five and eighty-one hundredths (5.81) feet to a point in said northerly sideline of Sandwich Street; thence turning and running northeasterly, northerly and northwesterly along a curve to the left having a radius of twenty-six (26.00) feet, an arc distance of fifty-six and eighty-eight hundredths (56.88) feet by the remaining land of the town of Plymouth to a point of tangency in said southwesterly sideline of Main Street Extension; thence turning and running S 50°-33'-26" E, five and eighty-one hundredths (5.81) feet to the point of beginning.

The last four (4) courses describe Parcel No. 3-12-T which contains an area of one hundred and twenty-four (124) square feet.

For a more particular description of the above - described, reference is made to a plan entitled, "Plan of land in Plymouth, Massachusetts, Owned by the Town of Plymouth to be taken for Highway Purposes", dated April 23, 1990, and prepared by the Plymouth Department of Public Works - Engineering Division.

Being a portion of Parcel P-8 as described in a deed from the Plymouth redevelopment authority to the inhabitants of the town of Plymouth, recorded at the Plymouth county registry of deeds in book 3589, pages 197-200.

PARCEL 3-21-T: A certain parcel of land situated on the northeasterly side of Sandwich Street, Plymouth, Plymouth County, Massachusetts, bounded and described as follows:-

Beginning at a point in the northeasterly sideline of Sandwich Street. Said point being S 48°-30'-43" E, one hundred twenty-five and forty-four hundredths (125.44) feet distant from an angle point in said sideline; thence turning and running N 32°12'-00" E, seventy-six hundredths (0.76) feet to a point in the proposed sideline of said Sandwich Street; thence turning and running S 48°-51'-15" E, fifty-one and seventy-eight hundredths (51.78) feet in said proposed sideline and by the remaining land of the town of Plymouth to a point; thence turning and running S 29°-04'-03" W, one and eight hundredths (1.08) feet to a point in said northeasterly sideline of Sandwich Street. Said point being N 48°-30'-43" W, one hundred eleven and twelve hundredths (111.12) feet distant from the center of a stone bound situated in said northeasterly sideline of Sandwich Street; thence turning and running N 48°-30'-43" W, fifty-one and eighty-nine hundredths (51.89) feet in said northeasterly sideline of Sandwich Street to the point of beginning.

The last four (4) courses describe Parcel No. 3-21-T which contains an area of forty-seven (47) square feet.

For a more particular description of the above - described, reference is made of a plan entitled, "Plan of Land in Plymouth, Massachusetts, Owned by the Town of Plymouth to be Taken for Highway Purposes", dated April 25, 1990, and prepared by the Plymouth Department of Public Works - Engineering Division.

Being a portion of the land described in a deed from Albert E. Manter to the town of Plymouth, recorded at the Plymouth county registry of deeds in book 1466,

page 279.

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

Approved August 21, 1990.

Chapter 207. AN ACT RELATIVE TO MUTUAL HOLDING COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 1 of section 30 of chapter 63 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- A mutual holding company subject to chapter one hundred and sixty-seven H shall also be considered to be a corporation that is a domestic corporation for purposes of this chapter.

SECTION 2. Chapter 167H of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. As used in this chapter the following words, unless the context otherwise requires, shall have the following meanings:-

"Commissioner", the commissioner of banks.

"Mutual banking institution", a Massachusetts savings or cooperative bank operating in mutual form.

"Mutual holding company", a mutual banking institution reorganized in accordance with this chapter to hold all or part of the shares of capital stock of a subsidiary banking institution.

"Securities", (a) stock of any kind including without limitation preferred or common stock, (b) securities convertible into or exchangeable for stock of any kind, and (c) warrants, options or other rights for the issuance of stock of any kind or of securities convertible into or exchangeable for stock of any kind.

"Subsidiary banking institution", the banking institution resulting from the reorganization of a mutual banking institution in accordance with section three, all or part of the capital stock of which is held by a mutual holding company.

SECTION 3. Section 7 of said chapter 167H, as so appearing, is hereby amended by striking out clauses (5) and (6) and inserting in place thereof the following three clauses:-

(5) exercise any other power or engage in any activity permitted to a mutual banking institution chartered by the commonwealth;

(6) engage directly or indirectly only in such activities as are now or may hereafter be proper activities for bank holding companies under chapter one hundred and sixty-seven A or by applicable federal law or regulations; and

(7) exercise any rights, waive any rights or take or waive any other action with respect to any securities of any subsidiary banking institution which are held by

such mutual holding company.

SECTION 4. Said chapter 167H is hereby further amended by adding the following section:-

Section 11. In addition to its powers under the banking laws, any subsidiary banking institution shall, with the prior approval of the commissioner and subject to such regulations as he may prescribe, have the right to issue any securities as defined in section one and to take or waive any action in connection with any such issuance or otherwise with respect to any such securities; provided, however, that in no event shall the mutual holding company hold less than fifty-one percent of the combined voting power of all classes of securities of the subsidiary banking institution that have voting power in the election of directors of such subsidiary banking institution, and each time securities of the subsidiary banking institution are offered to the general public for a price payable in cash to the subsidiary banking institution, eligible account holders, as defined in the regulations prescribed by the commissioner, shall receive, without payment, nontransferable subscription rights to purchase such securities for the same price in the manner and to the extent set forth in such regulations. For purposes of this chapter an offer to the general public shall mean an offer to investors generally. It shall not include an offering in connection with an employee stock option or other employee benefit plan, an offering to the holders of convertible or other securities of the subsidiary banking institution, an offering in connection with a merger, acquisition or reorganization or any other similar limited offering.

From and after the time that securities of the subsidiary banking institution have been sold to the general public, there shall be at least two directors of the subsidiary banking institution who are independent and do not serve as an officer, director or employee of, and or not otherwise affiliated with, the mutual holding company or any other subsidiary or affiliate of the mutual holding company.

SECTION 5. Notwithstanding the provisions of any general or special law to the contrary, any trust company organized under chapter one hundred and seventy-two of the General Laws or any national banking association with its principal place of business in the commonwealth shall be exempt from acquisition by a mutual holding company, established pursuant to chapter one hundred and sixty-seven H of the General Laws, or by any subsidiary bank thereof until July first, nineteen hundred and ninety-two; provided, however, that such exemption shall be accomplished by a resolution adopted by a two-thirds vote of its board of directors and a two-thirds vote of its stockholders and by filing a certified copy of such resolution and vote with the commissioner of banks.

SECTION 6. Chapter 102 of the acts of 1990 is hereby amended by striking out section 43 and inserting in place thereof the following section:-

Section 43. A trust company, savings bank or cooperative bank chartered by the commonwealth, a national banking association, federal savings and loan

association or federal savings bank which has its main office located in the commonwealth, or a bank holding company as defined in the Bank Holding Company Act of 1956 (12 USC 1841 et seq.) or a saving and loan holding company as defined in Section 408 of the National Housing Act (12 USC 1730a) whose principal place of business is in the commonwealth or deemed to be such a bank holding company under section forty-four may, by resolution adopted by a two-thirds vote of its directors or trustees, exempt itself from the provisions of sections eleven to sixteen, inclusive, of this act until July first, nineteen hundred and ninety-two, by filing a certified copy of such resolution and vote with the commissioner of banks; provided, however, that any such exemption shall not apply to acquisitions, purchases or mergers between such entitites and banking institutions as defined in section one of chapter one hundred and sixty-seven A of the General Laws which have their principal place of business in the commonwealth or in the state of Connecticut, Maine, New Hampshire, Rhode Island or Vermont and which are not directly or indirectly owned or controlled by a banking institution or holding company which has its principal place of business in a state other than the commonwealth or the states named herein, or between such entitites and bank holding companies or saving and loan holding companies, as defined above, which have their principal place of business in said states and which are not directly or indirectly owned or controlled by a banking institution or holding company which has its principal place of business in a state other than the commonwealth or the states named herein; and provided, further, that any of said entities which has so exempted itself, as provided herein, may, by resolution adopted by a two-thirds vote of its board of directors or trustees prior to said date of July first, nineteen hundred and ninety-two, rescind such exemption by filing a certified copy of such resolution and vote with the commissioner of banks, whereupon such rescission from said exemption shall take effect and shall be irrevocable.

SECTION 7. The provisions of section six shall take effect as of July sixth, nineteen hundred and ninety.

Emergency Letter: August 21, 1990 @ 4:04 P.M. Approved August 21, 1990.

Chapter 208. AN ACT RELATIVE TO THE OPERATION OF SEMI-TRAILERS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 90 of the General Laws is hereby amended by striking out the definitions of "Automobile transporter" and "Automobile", as appearing in the 1988 Official Edition, and inserting in place thereof the following three definitions:-

"Automobile", any motor vehicle except a motor cycle.

"Automobile transporter", any vehicle combination, including a stinger-steered automobile transporter and a low-boy automobile transporter, designed and used specifically for the transport of assembled, capable of being driven, highway vehicles. The highway vehicles being transported may be carried on the power unit on an over-cab rack and behind the cab and on the semi-trailer or low-boy.

"B-train assembly", a rigid frame extension attached to the rear frame of a first semi-trailer which allows for a fifth wheel connection point for a second semi-trailer in a tractor semi-trailer-semi-trailer unit.

SECTION 2. Said section 1 of said chapter 90 is hereby further amended by inserting after the definition of "Specific business locations", as so appearing, the following two definitions:-

"Specific manufacturing facility", a facility designed and used for the purpose of manufacturing complete finished projects, incomplete components or subassemblies from raw materials, or previously assembled components or subassemblies, which facility consists of at least one building structure and its associated yards, parking and loading areas, and internal roadways, and which facility is equipped to receive and ship cargo or freight by heavy commercial vehicle in a loading bay, dock or platform that allow such vehicle to load and unload off a public way.

"Stinger-steered automobile transporter", an automobile transporter configured as a semi-trailer combination wherein the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.

SECTION 3. Said section 1 of said chapter 90 is hereby further amended by inserting after the definition of "Intersecting way", as so appearing, the following definition:-

"Low-boy automobile transporter", a semi-trailer unit in which the trailer is designed and used specifically for the transport of assembled, capable of being driven, highway vehicles. The top surface of the deck platform of such semi-trailer shall not be more than thirty-six inches above the surface on which the wheels of the vehicle rest.

SECTION 4. Section 19 of said chapter 90, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Except as otherwise provided in sections nineteen F, nineteen G and nineteen H, or when a vehicle has been authorized by permit to transport an irreducible load, the following provisions shall apply:

No motor vehicle or trailer, the outside width of which is more than one hundred and two inches or the extreme overall length of which is more than thirty-three feet, or in the case of a truck or motor bus, forty feet, or in the case of a stinger-steered automobile transporter, sixty-five feet not including load overhang which

shall not exceed three feet beyond the foremost part of the front transporting vehicle or more than four feet beyond the rear bed of the body, or in the case of a semi-trailer unit or a trailer in a tractor-trailer unit, forty-eight feet, providing that in such semi-trailer unit or tractor-trailer unit the distance from the center of the foremost axle of the tractor to the center of the rearmost axle of the trailer or semi-trailer shall not exceed fifty-four feet, shall be operated on any way without a special permit so to operate from the board or officer having charge of such way or, in the case of the state highway or a way determined by the department of public works to be a through route, from said department. The overall length of a semi-trailer unit or a tractor-trailer combination, wherever used, may exceed thirty-three feet but shall not exceed sixty feet, except as otherwise specifically authorized by this section or authorized by a special permit granted as aforesaid. The one hundred and two inch width provided in this section shall be exclusive of load-induced tire bulge, rearview mirrors, turn signal lamps, hand-holds for cab entry and egress and splash and spray suppressant devices; provided, however, that such mirrors and other devices are so mounted as not to constitute a hazard to pedestrians on or adjacent to any public way. Other safety devices which the department determines are necessary for the safe and efficient operation of motor vehicles shall not be included in the calculation of the one hundred and two inch width specified in this section; provided, however, that such other safety devices may be so mounted and so extend beyond the permitted width only in such manner and to such extent as determined by the department, but in no event shall such safety devices extend more than three inches beyond the maximum vehicle width on each side. Notwithstanding the other provisions of this section, the combined overall length of a pole dolly or pole dickey and the load being carried thereon may, while being used for the transportation of poles or single units of lumber or metal, exceed forty-eight feet, but the overall length when considered in combination with the motor vehicle accompanying it shall not exceed sixty-five feet or, in the case of an electric company as defined in chapter one hundred and sixty-four, seventy feet, without a special permit as provided for in this paragraph.

SECTION 5. Section 19F of said chapter 90 is hereby amended by striking out the first two paragraphs, as so appearing, and inserting in place thereof the following two paragraphs:-

Notwithstanding the provisions of section nineteen C or any other provision of law to the contrary, semi-trailers of forty-eight feet in length when operating in semi-trailer units, or twenty-eight foot tandem units, and tractor semi-trailer-semi-trailer combinations connected by a B-train assembly that do not exceed the length limitation as set forth in the second paragraph of this section may operate on the National Network as hereinafter defined. The National Network shall consist of the Interstate System in Massachusetts and of the following portions of the Federal-Aid Primary System: Route 2 from I-190 in Leominster to I-495 in Littleton; U.S. Route

3 from I-95 in Burlington to the New Hampshire State Line; Route 24 from I-195 in Fall River to I-93 in Randolph; Route 140 from I-195 in New Bedford to Route 24 in Taunton. Temporary restrictions may be applied to portions of the National Network during actual construction in accordance with the provisions of 23 Code of Federal Regulations 658.11(d)(4).

No semi-trailer or trailer operating in a tandem unit or in a tractor semi-trailer-semi-trailer combination connected by a B-train assembly as authorized by this section shall exceed twenty-eight feet in length, or twenty-eight and one-half feet if otherwise permitted by law, including load and load-holding devices, when operating on the National Network and routes of reasonable access designated by the department as provided in section nineteen G. No overall length limitations shall apply to motor vehicles comprised of semi-trailers or trailers of lengths specified above operating in a semi-trailer unit, a tandem unit or a tractor semi-trailer-semi-trailer combination on the National Network and routes of reasonable access designated by the department. Any trailer or semi-trailer of such dimensions as those that were in actual and lawful use in the commonwealth on December first, nineteen hundred and eighty-two, may be operated on the National Network and on routes of reasonable access designated by the department.

SECTION 6. Said chapter 90 is hereby further amended by inserting after section 19G the following section:-

Section 19H. Notwithstanding the provisions of section nineteen or any other general or special law to the contrary, semi-trailers of forty-eight feet in length when operating in semi-trailer units of greater than sixty foot overall length and tandem units, whose semi-trailers or trailers shall not exceed twenty-eight feet in length, or twenty-eight and one-half feet in length if otherwise permitted by law, may operate on public ways in the commonwealth, in addition to the ways included in the National Network, as defined in section nineteen F, when traveling between specific manufacturing facilities and the National Network pursuant to a special permit as hereinafter provided. The owner or operator of a specific manufacturing facility may apply to the department for a special permit designating an approved route of travel to such specific manufacturing facility for use by said semi-trailers of forty-eight feet in length and said tandem units. Such permits may be issued by the department, subject to such conditions as the department determines necessary for promoting the public safety and convenience. The department may revoke such permit. In determining whether or not a proposed route to a specific manufacturing facility should be so approved, the department shall consider the proximity of the facility to major limited access highways, the physical dimensions and safety characteristics of the forty-eight foot semi-trailer units and tandem units as they related to the ways included in the proposed route, the current and projected traffic volumes and capacities of such ways, and such other criteria as the department may determine necessary for promoting the public safety and

convenience. The department may, in accordance with the provisions of chapter thirty A, promulgate rules and regulations necessary to carry out the provisions of this section.

Approved August 21, 1990.

Chapter 209. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND ON THE GROUNDS OF THE TEWKSBURY STATE HOSPITAL TO THE TEWKSBURY HOUSING AUTHORITY.**

Be it enacted, etc., as follows:

SECTION 1. Subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, the deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to convey to the Tewksbury Housing Authority, by deed, approved as to form by the attorney general, all of the right, title and interest of the commonwealth in and to a certain parcel of land located on the grounds of the Tewksbury state hospital in the town of Tewksbury under the control of the department of public health, for the future development of public housing, said parcel of land being bounded and described as follows:

Beginning at a point on the easterly side of Livingston Street, said point is 0.6 miles, more or less, north of the centerline of Main Street, thence; N87 15'00"E, along land of the Commonwealth of Massachusetts, a distance of 438.23' to a point, thence; N9 02'00"W, along other land of said Commonwealth, a distance of 400.00'W, along other land of said Commonwealth, a distance of 438.23' to a point on the easterly line of said Livingston Street, thence; 29 02'00"E, along the easterly line of said Livingston Street, a distance of 400.00' to the point of beginning.

Said parcel of land contains 4.00 acres and is shown on Subdivision Plan of Livingston Street Tewksbury Massachusetts prepared for Tewksbury Housing Authority, dated December 12, 1984 and revised March 6, 1985 and prepared by Cuoco & Cormier, Inc. Civil Engineers and Land Surveyors.

SECTION 2. The conveyance described in section one shall be subject to such conditions and restrictions as the commissioner of the department of mental health may deem advisable including the reservation of any easement or easements deemed appropriate by said commissioner for sewer and rain purposes.

SECTION 3. In the event that the parcel of land conveyed by section one is not used for the purpose described therein, or the conditions and restrictions herein are not complied with within five years of the effective date of this act, said parcel

of land shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

Approved August 21, 1990.

Chapter 210. **AN ACT FURTHER REGULATING THE AUTHORIZATION PROCESS FOR TAX ANTICIPATION NOTES, FOR CITIES, TOWNS AND DISTRICTS.**

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 44 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:- Cities, towns and districts may incur debt in any fiscal year for temporary loans in anticipation of the revenue of the fiscal year in which the debt is incurred, and may issue notes therefor to an amount which for cities and towns shall not exceed in the aggregate the total tax levy of the fiscal year preceding the fiscal year in which the debt is incurred, together with the net amount received during such preceding fiscal year from the excise on motor vehicles and trailers, as provided by chapter sixty A, and the payments made by the commonwealth in lieu of taxes on account of property taken for institutions or for metropolitan district purposes; and for districts shall not exceed the receipts from taxes, rates and services of the fiscal year preceding that in which the debt is incurred, and for newly established districts which have not yet had receipts from taxes, rates and services throughout an entire fiscal year, an amount as fixed by vote of the district.

SECTION 2. Section four A of said chapter forty-four is hereby repealed.

Emergency Letter: August 24, 1990 @ 10:23 A.M. Approved August 23, 1990.

Chapter 211. **AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO BORROW MONEY FOR THE PURPOSES OF EXPANDING, RENOVATING AND EQUIPPING A RESPIRATORY CARE UNIT AT THE WORCESTER COUNTY HOSPITAL.**

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Worcester county with the approval of the advisory board on county expenditures for said county are hereby authorized to expand, renovate and equip its respiratory care unit at the Worcester county

hospital.

SECTION 2. For the purposes authorized by section one, the county treasurer of said county, may borrow upon the credit of said county such sums as may be necessary not exceeding one million one hundred twenty-five thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Worcester County Hospital Respiratory Care Unit, Act of 1990. 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. Said county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

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

Approved August 28, 1990.

Chapter 212. AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO TRANSFER A CERTAIN PORTION OF LAND IN THE TOWN.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Weymouth is hereby authorized to transfer a portion of a parcel of land shown on the Weymouth Town Atlas as Lot 7, Block 522, Sheet 45 to the Old South Union Church, in exchange for a portion of Lot 6, Block 522, Sheet 45, as shown on said Atlas, which said latter parcel is to be conveyed to said town of Weymouth for library purposes.

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

Approved August 28, 1990.

Chapter 213. 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 Catherine White, who is a judge in the superior court department of the trial court, in the city of Waltham on October fourth, nineteen hundred and ninety, between Anne Sargeant and Bob Rosenthal, both of the town of Belmont and the state secretary shall issue to said Honorable Catherine A. White in her capacity as aforesaid a certificate of such authorization.

Approved August 28, 1990.

Chapter 214. **AN ACT DESIGNATING A CERTAIN HOUSING DEVELOPMENT IN THE TOWN OF IPSWICH AS FREDERICK GLEN WOODWORTH HEIGHTS.**

Be it enacted, etc., as follows:

The Ipswich Housing Authority is hereby authorized and directed to designate the housing project development located on Leslie road in said town as Frederick Glen Woodworth Heights in honor of Frederick Glen Woodworth who donated the land on which the project is built. Suitable markers bearing said designation shall be attached thereto by the department of communities and development in compliance with the standards of said department.

Approved August 28, 1990.

Chapter 215. **AN ACT DIRECTING THE STATE SECRETARY TO PLACE A CERTAIN QUESTION ON THE BIENNIAL STATE ELECTION BALLOT IN THE CITY OF FITCHBURG.**

Be it enacted, etc., as follows:

SECTION 1. Not later than September nineteen hundred and ninety-one, the city of Fitchburg shall establish, and shall thereafter maintain, a municipal ambulance, which shall be housed in the fire department and under the jurisdiction and supervision of the fire chief or his designee. Notwithstanding the acceptance otherwise required by section thirty-nine K of chapter forty of the General Laws, the city of Fitchburg may establish an enterprise fund pursuant to said section thirty-nine K for this purpose.

SECTION 2. The state secretary shall cause to be placed on the official ballot to be used at the biennial state election in the year nineteen hundred and ninety

in the city of Fitchburg the following question:- "Shall the city of Fitchburg maintain a municipal ambulance, that shall be housed in the fire department and under the jurisdiction and supervision of the fire chief or his designee, this service to be established not later than September nineteen hundred and ninety-one as an enterprise fund?" If a majority of votes in answer to this question is in the affirmative, then this act shall thereupon take effect, but not otherwise. If a majority of such votes is in the affirmative, the city of Fitchburg shall be considered to have accepted this act for the purpose of subsection (a) of section twenty-seven C of chapter twenty-nine of the General Laws.

Approved August 28, 1990.

Chapter 216. **AN ACT RELATIVE TO THE GRANTING OF CERTAIN EASEMENTS IN THE TOWN OF BOURNE.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 85 of the acts of 1990 is hereby amended by striking out, in line 14, the figure "33" and inserting in place thereof the figure:- #3.

SECTION 2. This act shall take effect as of July twelfth, nineteen hundred and ninety.

Approved August 28, 1990.

Chapter 217. **AN ACT PROVIDING THAT DONALD E. RAWSON MAY CONTINUE EMPLOYMENT WITH THE FIRE DEPARTMENT OF THE TOWN OF HOLLISTON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Donald E. Rawson, chief of the Holliston fire department, is hereby authorized to continue in such position until and including August fifteenth, nineteen hundred and ninety-one; provided, however, that he is physically and mentally capable of performing the duties of the position. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to August fifteenth, nineteen hundred and eighty-seven, 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. This act shall take effect upon its passage.

Emergency Letter: August 29, 1990 @ 4:58 P.M. Approved August 29, 1990.

Chapter 218. **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 public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by the Honorable Bonnie H. MacLeod-Griffin, as she is a justice of the Cambridge district court, in the city of Cambridge on September eighth, nineteen hundred and ninety between Thomas N. Margulis and Jane Emily Starkman both of the city of Newton and the state secretary shall issue to said Honorable Bonnie H. MacLeod-Griffin in her capacity as aforesaid a certificate of such authorization.

Approved August 31, 1990.

Chapter 219. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by the Honorable Stephen I. Ross as he is clerk magistrate of the Orleans District Court, in the town of Sudbury on September second, nineteen hundred and ninety between Jane Ellen Lynch, of the town of Clinton, and Lawrence Alan Barbash, of the town of Framingham, and the state

secretary shall issue to said Stephen I. Ross in his capacity as aforesaid a certificate of such authorization.

Approved August 31, 1990.

Chapter 220. **AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE OF THE TOWN OF WESTWOOD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The position of chief of police in the town of Westwood shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any person holding the position of chief of police in the town of Westwood on the effective date of this act.

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

Approved September 5, 1990.

Chapter 221. **AN ACT AUTHORIZING WORCESTER COUNTY TO BORROW MONEY FOR RENOVATIONS AND REPAIRS TO COUNTY COURTHOUSE FACILITIES AND OTHER CAPITAL PURCHASES FOR COUNTY PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Worcester county are hereby authorized to raise and expend a sum not exceeding one million three hundred and one thousand two hundred and eighty-nine dollars for renovations and repairs to courthouse facilities and other capital purchases 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, the treasurer of Worcester county, with the approval of the county commissioners and the advisory board on county expenditures for said county, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, one million three hundred and one thousand two hundred and eighty-nine dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Worcester County Courthouse Renovations and Capital Purchases Loan, Act of 1990. 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 September 5, 1990.

Chapter 222. AN ACT ESTABLISHING A LIABILITY INSURANCE FUND IN THE CITY OF BEVERLY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Beverly may appropriate in each fiscal year an amount not exceeding one-twentieth of one percent of its equalized valuation as defined in section one of chapter forty-four of the General Laws to establish and maintain a special fund to be known as the City of Beverly Liability Insurance Fund. Any interest earned on the amount appropriated to said fund shall be included to and become part of said fund.

The commissioners of trust funds shall be the custodian and administrator of said fund.

Said commissioners of trust funds shall pay from the amount in said fund, including the interest thereon, such amounts as the mayor and board of aldermen for said city determines to be necessary from time to time to settle claims against said city and to cover costs of defending said city against such claims including without limitation the costs of employing legal counsel, court costs and filing fees. Said commissioners of trust funds shall, subject to appropriation, pay from the amount in the fund, including the interest thereon, such amounts as the mayor and board of aldermen shall determine are necessary to effect insurance to protect said city against some or all of such claims.

SECTION 2. Upon recommendation of the mayor and approval of the board of aldermen, the fund established in section one may be combined with the funds established pursuant to sections thirteen and thirteen A of chapter forty of the General Laws, and such resulting fund may be used for all purposes set forth in said sections thirteen and thirteen A; provided, however, that no monies from the combined fund shall be used to restore municipal buildings damaged or destroyed by fire. Upon recommendation of the mayor and approval of the board of

aldermen, regulations and guidelines concerning disbursement from the combined fund may be established.

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

Approved September 5, 1990.

Chapter 223. AN ACT ESTABLISHING THE ESSEX-MIDDLESEX SANITARY DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. A water pollution abatement district, to be known as the Essex-Middlesex Sanitary District, hereinafter called the district, is hereby established upon acceptance by vote of the town meetings of the towns of Boxford, Topsfield, Hamilton, Middleton, North Reading, and Wenham and shall include the territory of each town so voting.

SECTION 2. The district shall be a body politic and corporate. There shall be a commission to be known as the district commission. An executive director and treasurer shall be appointed by the district commission.

The district commission upon formation shall consist of one member from each of the towns in the district and one additional member from the host town in which the facility is located, when established, said members to be residents of their respective towns and appointed for a term of three years by a vote of the board of selectmen; provided, however, that in a town where the members of the board of health are elected, such appointment shall be by joint vote of the board of selectmen and the board of health. The initial appointments shall be: two members for one year, two members for two years and two members for three years. The membership of the district commission may be expanded by a two-thirds vote of the members of the commission.

The district commission shall employ qualified persons to serve as executive director and treasurer and fix their salaries. Said director shall administer the affairs and direct the work of the district as approved by the commission. The powers and duties of the director shall be set forth in the by-laws of the district.

The executive director may, with the approval of the district commission, employ such other persons as he shall deem necessary and fix their salaries.

The commission shall, within thirty days of initial appointment of all members and thereafter annually in the month of June select a chairperson, a vice chairperson, and a secretary from among the membership who shall also act as an executive committee.

SECTION 3. The district commission:

(A) May act by a majority vote on all matters except that a two-thirds majority

vote shall be required for the following four items:

(1) the undertaking of any capital outlay project costing more than twenty-five thousand dollars;

(2) the issuance of bonds or notes;

(3) the removal of the executive director;

(4) the exercise of the power of eminent domain.

(B) Shall adopt, and may amend or repeal, by-laws, regulations and rules for the conduct of its affairs.

(C) Shall adopt a corporate seal.

(D) May sue and be sued.

(E) May enter into contracts and other instruments necessary or convenient to the exercise of its powers.

(F) May incur expenses in order to carry out the purpose of this act.

(G) May issue bonds and notes as hereinafter provided and to secure the payment thereof may pledge or assign, or provide for a lien upon or security interest in, any or all property of the district or any or all revenues, including without limitation assessments, grants or taxes or rates, fees or charges derived from the operation of any or all facilities or projects of the district.

(H) May acquire, dispose of, lease, as lessee or lessor, transfer, sell and encumber real and personal property, including intangible property, or interests therein, for the purposes of the district, as it deems appropriate in the exercise of its powers.

(I) May manage, control and supervise abatement facilities.

(J) May construct, acquire, transfer, sell, improve and maintain and operate abatement facilities.

(K) Shall provide revenues to carry out the purposes of the district, in accordance with clauses I and J.

(L) May apply for, accept and receive grants, loans or other financial assistance from the federal government, the commonwealth or any other public or private source.

(M) May invest available funds as provided by law.

(N) Shall adopt regulations and rules as to the quality and character of any sewage derived from septic systems and other wastes received by the district's facilities or projects.

For the purposes of this act abatement facilities shall include facilities for the purpose of treating, neutralizing or stabilizing sewage derived from septic systems and other wastes as are disposed of by means of the facilities, including treatment or disposal plants, the necessary intercepting, outfall and outlet pipelines, pumping stations and force mains integral to such facilities and pipelines, equipment and furnishings thereof and their appurtenances, and

(O) May provide for the insurance, including self-insurance, of any property or

operations of the district, its members, commissioners, officers and employees, against any risk or hazard, and may indemnify its members, commissioners, officers and employees against any risk or hazard.

(P) May create and fund reserves for the purpose of planning, constructing, reconstructing, financing, acquiring, owning, managing, insuring, leasing, equipping, extending, improving, operating, maintaining, repairing and closing any of its facilities or projects.

(Q) May establish rates, fees and charges for the use of any of its facilities or projects.

(R) May request any member, for the purposes of the district, to exercise the power of eminent domain available to such member and reimburse such member for the cost of the acquisition and other expenses related to such exercise of eminent domain. Each and every member shall have the right to exercise the power of eminent domain, in accordance with the provisions of law governing such right, for the purposes of the district upon such a request from the district commission.

(S) May enforce whether through the courts or otherwise any of its duly adopted regulations or rules or the payment or collection of any assessments provided under section seven hereof or any amounts to be received pursuant to the provisions of section nine hereof. In cases determined appropriate by the district commission, the district commission may seek injunctive relief of any kind available through the courts.

(T) May exercise such other powers as are necessary or incidental to carrying out the purposes of this act.

SECTION 4. The district may apply to the appropriate state and federal authorities for grants, loans or other financial assistance for the purpose of assisting the district in developing a comprehensive water pollution abatement project for such district. In no case shall such financial assistance exceed the reasonable and necessary cost of such projects, after subtracting therefrom any federal grants, loans or other financial assistance made to such district for the same purposes.

SECTION 5. The district commission, or its agents, may enter upon any lands or waters for the purpose of making surveys, test pits and borings, and may take by eminent domain or acquire by purchase or otherwise, the right to temporarily occupy any lands necessary for the carrying out of the said purposes.

SECTION 6. No lands, rights-of-way, or other easements, property, structures, or rights acquired by the district, as herein provided, and located in a member community, shall be taxed or assessed by the municipality if yielding no rent, but the district may annually on July first pay to the municipality, an amount in lieu of taxes, said amount to be established by the district commission.

SECTION 7. It is the intent of the district to be self-supporting; provided, however, that the district commission may assess any and all costs of operation of the district among the members using a formula based on the estimated or actual

gallonage of sewage derived from septic systems contributed to the system by each member. Said assessments shall annually, no later than sixty calendar days prior to the earliest annual town meeting of any member, be filed with the board of selectmen of each member who shall incorporate the amount in the warrant for approval at the next annual town meeting. Approval by a two-thirds vote of the member communities shall be binding on the entire membership.

SECTION 8. The district, by vote of the commissioners, is authorized to issue, from time to time, general obligation or revenue bonds or notes of the district to pay for the costs of operating and maintaining the facilities and projects of the district and the costs of capital outlay required in connection with the facility or facilities or the project or projects contained in an approved plan, in such amount or amounts as the district commissioners may determine and may refund any such bonds or notes with general obligation or revenue bonds. Such bonds or notes may be callable with or without premium, shall contain such terms and conditions, bear such rate or rates of interest, including variable rates and rates established by reference to an index or formula, be sold in such manner, at public or private sale, at such time or times and at such price or prices, be secured by such pledges, assignments, liens, security interests, reserves, guarantees, letters of credit, insurance and similar documents, and mature at such times and in such amounts as the district commission shall determine; provided, however, that any bonds or notes issued under this section that are not temporary shall be payable not later than thirty years from their date.

If the district votes to issue bonds or notes, the district commission may authorize the issuance, in the name of the district, of general obligation or revenue temporary notes for a period of not more than two years in anticipation of the money to be received from the sale of such bonds or notes; but the time within which such bonds or notes shall become payable shall not be extended by reason of the issuance of such temporary notes beyond the time fixed in the vote authorizing such bonds or notes.

The district, by vote of the commissioners, is authorized to issue, from time to time, general obligation or revenue temporary notes of the district in anticipation of assessments and other revenues of the district of the year in which such notes are issued. Temporary notes in anticipation of assessments or other revenues shall be payable not more than one year from their dates. If at any time any principal or interest is due or about to become due on any bond or note issued by a district and funds to pay the same are not available, the district may temporarily borrow money and issue temporary general obligation notes of the district, payable not more than one year from their dates, to pay such principal and interest.

Temporary notes issued under this section for a shorter period than the maximum permitted may be renewed by the issuance of other temporary notes maturing within the required period; provided, that the period from the date of

issue of the original temporary note to the date of maturity of the renewal note shall not exceed the maximum period for which the original temporary note may have been issued. Such temporary notes or renewal notes may be sold at discount or with interest payable at or at and before maturity.

Bonds and notes of the district shall be signed by the treasurer and countersigned by the executive director of the district and shall have the district seal affixed. Sections sixteen B and sixteen C of chapter forty-four of the General Laws shall be applicable to such bonds and notes.

The term "costs of operating and maintaining" as used herein shall include any or all costs or expenses incurred or to be incurred in connection with the operation or maintenance of any of the district's facilities or projects, including without limitation the cost of maintaining, repairing or servicing any facilities or projects of the district, the cost of acquiring, maintaining or repairing offices owned or leased by the district or acquiring, maintaining, servicing or repairing equipment or furnishings owned or leased by the district, any salaries or expenses of any commissioner, officer or employee of the district while acting in the performance of their duties on behalf of the district, insurance, utilities, any fees and charges of any independent consultants for engineering, financial or legal services and any similar cost or expense necessary or incidental to the district in carrying out its purposes hereunder.

The term "capital outlay" as used herein shall mean the cost of construction, acquisition, extension or improvement of facilities included in the project or projects contained in an approved plan, the cost of acquisition of all the land or interest therein of any nature or description, for such construction, extension, acquisition or improvement, and any legal appraisal or surveys, fees or services with relation thereto, the cost of demolition or the removal of any buildings or structures on land so acquired, the cost of furnishings and equipment, financing charges, costs of issuance of bonds and notes, including any premium on any insurance obtained in connection therewith or the cost of any guarantees, letters of credit or similar documents purchased in connection therewith, insurance during construction, cost of architectural, engineering, legal or other expenses, plans, specifications, estimates and costs and such other expenses, acquisition or improvement of such facilities, and the placing of such facilities in operation.

The term "improvement" as used in this section shall include the cost of acquiring more equipment, the cost of converting the existing facility into a new condition of completeness or efficiency from a worn, damaged or deteriorated condition whenever the plans for such improvement have been approved.

Any bonds or notes issued under this section shall not be included in computing the limit of indebtedness of any city or town any portion of which is included in the district.

SECTION 9. The district commission shall annually determine the amounts

required for the payment of principal and interest and premium, if any, on such bonds and notes issued or to be issued by the district which will be due during the ensuing calendar year and may apportion the amounts so determined among the municipalities in the district in accordance with the provisions of section seven. The district commission shall also annually determine the amounts necessary to be raised to maintain and operate the district during said year, for capital outlay items the cost of which is not to be funded, and for all other matters for which the district is required to raise money, and shall apportion among the municipalities the amounts so determined, in accordance with the provisions of said section seven, reduced by the amounts of revenues of funds which are available or are to be received by the district during said year and are applicable to costs of maintenance and operations. All amounts apportioned hereunder shall be subject to the provisions of section seven, including the approval procedures therein. Amounts apportioned or assessed under this act shall be subject to the provisions of section twenty B of chapter fifty-nine of the General Laws.

Approved September 5, 1990.

Chapter 224. **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 Janet M. Smith in the city of Boston on September eighth, nineteen hundred and ninety, between Heidi Lee Emerick and David Allen Pasqualini, both of the city of Boston, and the state secretary shall issue to said Janet M. Smith a certificate of such authorization.

Approved September 7, 1990.

Chapter 225. AN ACT VALIDATING CERTAIN ACTIONS BY THE TOWN OF TYNGSBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section forty-four E of chapter one hundred and forty-nine of the General Laws or any other general or special law to the contrary, the school department of the town of Tyngsborough is hereby authorized to lease for a period of five years two portable classrooms from John Schiavi for ninety-seven thousand two hundred dollars.

SECTION 2. All action heretofore taken by the town of Tyngsborough in furtherance of the purposes of section one are hereby ratified, validated and confirmed.

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

Approved September 17, 1990.

Chapter 226. AN ACT ESTABLISHING A PERSONNEL BOARD IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 503 of the acts of 1952 is hereby amended by striking out section 24A, inserted by section 2 of chapter 308 of the acts of 1979, and inserting in place thereof the following section:-

Section 24A. Personnel Board. - There shall be established a personnel board which shall consist of three members to be appointed by the town manager subject to the approval of the board of selectmen. Each member shall be selected on the basis of his professional experience and expertise in the area of personnel administration. Said personnel board shall be empowered, after consultation with the personnel director, to hear and rule on employee appeals of adverse reclassification determinations of the personnel director. Said personnel board shall perform such other functions as may be provided for in the town by-laws or in a collective bargaining agreement.

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

Approved September 17, 1990.

Chapter 227. **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 Sandra D. Blitz in the town of Andover on October twelfth, nineteen hundred and ninety between Laura A. Galper and Theodore B. Whiton, both of the city of Alameda in the state of California and the state secretary shall issue to said Sandra D. Blitz a certificate of such authorization.

Approved September 17, 1990.

Chapter 228. **AN ACT RELATIVE TO CERTAIN BENEFITS WHICH MAY BE PAID BY THE ATTLEBORO POLICE RELIEF ASSOCIATION, INC.**

Be it enacted, etc., as follows:

The Attleboro Police Relief Association, Inc. a corporation duly established under the laws of the commonwealth, is hereby authorized to pay to the designated beneficiary of any member who meets the requirements of section 1 of article IV of the by-laws of said corporation upon the death or retirement of such member the sum of fifteen hundred dollars. A retired member may designate himself as the beneficiary.

Emergency Letter: September 18, 1990 @ 10:50 A.M. Approved September 17, 1990.

Chapter 229. **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 Joel Goldman in the town of Danvers on September twenty-first nineteen hundred and ninety, between Lenore A. Cena and Thomas W. Powers both of the city of Peabody and the state secretary shall issue to said Joel Goldman a certificate of such authorization.

Approved September 18, 1990.

Chapter 230. **AN ACT ENLARGING THE POWERS OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF CORRECTION APPOINTED AS SPECIAL POLICE OFFICERS.**

Be it enacted, etc., as follows:

Section 127 of chapter 127 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- Such special state police officers of the investigative and fugitive apprehension unit of the department of correction may also perform police duties: (1) when on official duty as such a special state police officer of said investigative and fugitive apprehension unit, and in the company of an on-duty police officer or state police officer during the course of such police officer's official duties; (2) to serve arrest warrants or escape warrants issued by any court in the commonwealth for the arrest of any person charged with any crime; and (3) when arresting escapees pursuant to arrest warrants or transporting said escapees, over individuals who attempt or threaten to interfere with such special state police officers of said investigative and fugitive apprehension unit in the performance of their duties.

Approved September 18, 1990.

Chapter 231. AN ACT AUTHORIZING INSURERS TO VALUE REAL ESTATE OWNERSHIP INTERESTS AT AN ASSESSED VALUE.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by striking out section 11, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 11. In addition to the reserve provided for in sections nine and ten, the commissioner shall, except as provided in section twelve, charge to each company as a liability all unpaid losses and claims for losses, and all other debts and liabilities including, in the case of a stock company, its capital stock and including, in the case of a mutual company with a guaranty capital or guaranty fund, such guaranty capital or guaranty fund. Said commissioner shall allow to the credit of a company in the account of its financial condition only such assets as are available for the payment of losses including an electronic data processing machine; provided, however, that such machine costs at least one hundred thousand dollars and that such cost is to be amortized in full over a period not to exceed ten years; and including all assets deposited with officers of other states or countries for the security of the policyholders of such company, or assets deposited as collateral for bonds given for the security of the policyholders of a company in lieu of assets deposited with officers of other states or countries; and provided, further, that such deposit is made with a national bank, savings bank or trust company at its principal place of business in the commonwealth which has been approved by the commissioner; and, provided further, that no holding or parcel of real estate shall be given a higher value than would be adequate to yield at three percent annual interest the average amount of its net rental for three years next preceding, except that if a company shows to his satisfaction that the actual value of any of its real estate is greater than the value so ascertained, then the actual value of said real estate as determined by the commissioner shall be allowed. Further, said commissioner may allow any such company to value any of its real estate at the value established by local assessing authorities, less the outstanding amount of any encumbrance thereon. Said commissioner may, in his discretion, require any company to furnish such information as may be required to substantiate the values hereinbefore prescribed.

He shall not allow stockholders' obligations of any description as part of the assets or capital of any stock company, unless secured by sufficient approved collateral.

Said commissioner may value all bonds or other evidences of debt having a fixed term and rate held by a company, if amply secured and not in default as to

principal or interest, as follows: if purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield, in the meantime, the effective rate of interest at which the purchase was made; provided, however, that the purchase price shall in no case be taken at a higher figure than the actual market value when purchased; and, provided further, that the commissioner shall have full discretion in determining the method of calculating values according to the preceding rule and the values found by him in accordance with such rule shall be made final and binding; and, provided further, that any such company may return such bonds or other evidences of debt at their market value or their book value, but in no event at an aggregate value exceeding the aggregate of the values calculated according to the foregoing rule.

Approved September 18, 1990.

Chapter 232. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Virginia Lee Koebke in the town of Dudley on October seventh, nineteen hundred and ninety between Andrea L. Cristina of the town of Dudley and William J. Trifone of the town of Southbridge, and the state secretary shall issue to said Virginia Lee Koebke a certificate of such authorization.

Approved September 25, 1990.

Chapter 233. **AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO ACQUIRE THE OLD CENTRAL FIRE STATION FOR HISTORIC PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Pittsfield is hereby authorized to enter into an agreement with CRT Real Estate Corporation and the Central Renewal Corporation, both Massachusetts corporations, whereby the said city shall acquire the real estate known as the Old Central Fire Station and in consideration thereof the said city shall lease certain property on Depot street in said city to the said corporation in accordance with the terms of said agreement.

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

Approved September 25, 1990.

Chapter 234. AN ACT ESTABLISHING AN APPOINTED BOARD OF HEALTH IN THE TOWN OF MANCHESTER-BY-THE-SEA.

Be it enacted, etc., as follows:

The board of health in the town of Manchester-by-the-sea shall consist of three members who shall be appointed by the board of selectmen and shall serve for terms of three years. Members of the board of health now in office shall serve until their terms expire.

Approved September 25, 1990.

Chapter 235. AN ACT AUTHORIZING THE TOWN OF MILLIS TO REVOKE ITS ACCEPTANCE OF CERTAIN LAWS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Millis, acting by and through its town meeting, is hereby authorized to revoke the acceptance of sections sixty-nine C to sixty-nine F, inclusive, of chapter forty-one of the General Laws as voted by the annual town meeting of said town held on March twenty-third, nineteen hundred and seventy.

Approved September 25, 1990.

Chapter 236. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF NEWTON AS THE AMERICAN EX-PRISONERS OF WAR BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway Route 16 over Interstate I-95 in the city of Newton shall be designated and known as American Ex-Prisoners of War Bridge, in recognition of the contribution to the nation and the commonwealth rendered by the American Ex-Prisoners of War. The department of public works shall erect suitable signs at such bridge bearing said designation in compliance with the standards of said department.

Approved September 26, 1990.

Chapter 237. AN ACT RELATIVE TO THE WORCESTER HEALTH AND HOSPITAL AUTHORITY.

Be it enacted, etc., as follows:

Chapter 189 of the acts of 1990 is hereby amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. Any bonds, notes, or certificates of indebtedness of the authority, in the absence of an express recital to the contrary on the face thereof, shall constitute negotiable instruments for all purposes. They may be payable from income of the authority or constitute a general obligation thereof, may be sold at, above or below par, at public or private sale, may mature at such time or times, may be secured in such manner, may contain such other covenants, terms or conditions, but not to exceed a term of thirty years, not inconsistent with law, may be executed by such officers, and may be issued with or without the corporate seal, all as may be authorized either by vote of the authority or by the officers to whom the power to determine any or all the matters set forth in this sentence may be expressly delegated by vote of the authority. The engraved or printed facsimile of the seal of the authority on its bonds, notes, or certificates of indebtedness shall have the same validity and effect as if such seal were impressed thereon. Whenever, a bond, note or certificate of indebtedness is required to bear the signature of two or more officers, it shall be sufficient if the signature of any one of such officers upon such instrument is a written signature and the remaining signature or signatures are engraved, printed, or stamped facsimile signatures; provided, that each officer whose facsimile signature appears on such instrument has, by a writing bearing his written signature and filed in the office of the secretary of the authority, authorized the officer whose written signature appears on such instrument to cause such facsimile to be placed thereon. The facsimile signature of any officer so engraved, printed or stamped thereon shall have the same validity and effect as his written signature. In case any officer whose signature or a fac-

simile thereof appears on any notes, bonds, or coupons shall cease to be such officer before the delivery of such notes or bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bond, notes, certificates of indebtedness and temporary notes of the authority issued under this act under clauses 10, 12 and 13 of section nine, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth. The bonds of the authority issued under this act shall be legal investments for the deposits and the income derived therefrom of savings banks, for the trust funds of trust companies, for the capital and other funds of insurance companies, and for funds over which the commonwealth has exclusive control.

Approved September 26, 1990.

Chapter 238. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL TOWN MEETING IN THE TOWN OF WALES.

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 Wales at its annual town meeting held on May sixteenth, nineteen hundred and ninety 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 September 27, 1990.

Chapter 239. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred

and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Susan Gallagher-Heroux, on September twenty-ninth, nineteen hundred and ninety between Nan Gallagher and Brett Edwin Boe, both of the town of Easton, and the state secretary shall issue to said Susan Gallagher-Heroux a certificate of such authorization.

Approved September 27, 1990.

Chapter 240. **AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in a manner set forth under said section thirty-nine, the solemnization of a marriage by Barry Margolin as he is an attorney in the state of Maine, in the town of Rockport on October seventh, nineteen hundred and ninety between Lynn Furler and Robert Clarkson, both of the town of Rockport, and the state secretary shall issue to said Barry Margolin in his capacity as aforesaid a certificate of such authorization.

Approved October 4, 1990.

Chapter 241. **AN ACT PROVIDING GROUP INSURANCE TO CERTAIN PERSONS EMPLOYED AS CALL FIREFIGHTERS IN THE TOWN OF KINGSTON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty-two B of the General Laws or of any other general or special law or rule to the contrary, any person who was appointed a call firefighter in the town of Kingston prior to January first, nineteen hundred and eighty-five shall be deemed an "employee" as defined in section two of said chapter thirty-two B for the purposes of said chapter thirty-

two B and the spouse of each such call firefighter shall be deemed a "dependent" as so defined in said chapter thirty-two B; provided, however, that when any such person ceases to perform the duties of such position of call firefighter, such person and spouse shall be deemed eligible to continue such group general or blanket insurance as a retired employee and his dependent in accordance with the provisions of said chapter thirty-two B.

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

Approved October 4, 1990.

CHAPTER 242. AN ACT RELATIVE TO A CERTAIN PARCEL OF LAND IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. The last paragraph of section 3 of chapter 419 of the acts of 1985 is hereby amended by striking out, in line 12, the word "five" and inserting in place thereof the word:- ten.

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

Approved October 5, 1990.

Chapter 243. AN ACT RELATIVE TO CERTAIN BONDS TO BE ISSUED BY THE SOUTHERN BERKSHIRE REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The provisions of section twenty-two A of chapter forty-four of the General Laws shall apply to any bonds issued by the Southern Berkshire Regional School District for the project authorized by its regional district school committee on January nineteenth, nineteen hundred and eighty-nine, upon a two-thirds vote of the school committee; provided, however, that the powers granted by said section twenty-two A to the mayor of a city shall be exercised by the chairman of the school committee. Bonds issued for said project may be issued for a term not to exceed twenty years from the date of issue. In all other respects said bonds shall be subject to the applicable provisions of chapters forty-four and seventy-one of the General Laws.

SECTION 2. The proceeds of any construction grant approved pursuant to chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight for said project shall be paid directly to the trustee appointed in accordance with

section four, which proceeds shall be held in trust and applied by said trustee to pay principal and interest on the bonds issued by the district.

SECTION 3. At least five days prior to each date on which a payment of principal or interest is due on bonds or notes issued for said project, the district treasurer shall deposit with the trustee the amount necessary to make payment, after taking account of all other moneys held by the trustee that are available for such purpose.

SECTION 4. Any funds to be held in trust under sections two and three shall be deposited with a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth. The treasurer of the district with the approval of the chairman of the school committee shall appoint the trustee and shall execute a trust agreement in such form as they may determine to be necessary or appropriate. Any such funds held in trust may be invested in accordance with the provisions of section fifty-four of chapter forty-four of the General Laws, and the trust agreement may provide that any investment earnings shall be applied without appropriation to pay project costs, debt service on bonds or notes issued by the district for the project or trustee's fees and other related expenses.

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

Approved October 10, 1990.

Chapter 244. **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. Leggart, as he is an attorney-at-law in the commonwealth in the town of Ipswich on October thirteenth, nineteen hundred and ninety between Wayne D. Bennett and Theresa J. Tsagaris, both of the city of Cambridge, and the state secretary shall issue to said Richard D. Leggart a certificate of such authorization.

Approved October 11, 1990.

Chapter 245. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine the solemnization of a marriage by the Honorable John E. Fenton, who is a judge of the land court in the commonwealth in the city of Boston on October twentieth, nineteen hundred and ninety between Dorothy N. Stevens and Chester F. Collier both 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 October 16, 1990.

Chapter 246. AN ACT FURTHER REGULATING THE LICENSING OF COMMERCIAL MOTOR VEHICLE OPERATORS.

Be it enacted, etc., as follows:

SECTION 1. The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by (a) permitting operators of commercial motor vehicles to hold only one license, (b) disqualifying operators of commercial motor vehicles who have committed certain criminal, or other offenses, or serious traffic violations; and (c) strengthening licensing and testing standards for operators of commercial motor vehicles.

The chapter is a remedial law and shall be liberally construed to promote the public health, safety and welfare. To the extent that the provisions of this chapter conflict with the general operator licensing provisions of chapter ninety, this chapter prevails.

SECTION 2. The General Laws are hereby amended by inserting after chapter

90E the following chapter:-

CHAPTER 90F.

UNIFORM OPERATION OF COMMERCIAL MOTOR VEHICLES ACT.

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Alcohol", any substance containing any form of alcohol, including but not limited to, ethanol, methanol, propanol and isopropanol.

"Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood; or the number of grams of alcohol per two hundred and ten liters of breath; or the number of grams of alcohol per sixty-seven milliliters of urine.

"Commerce", trade, traffic, and transportation within the jurisdiction of the United States between a place in a state, including a place outside of the United States; and trade, traffic, and transportation in the United States which affects any other trade, traffic, and transportation.

"Commercial driver license system" (CDLIS), the information system established pursuant to the CMVSA - 86 (Title XII, Public Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle operators.

"Commercial motor vehicle", a motor vehicle used in commerce designed or used to transport passengers or property which has a gross vehicle weight rating of twenty-six thousand and one or more pounds or such lesser rating as determined by federal regulation, or which is designed to transport more than 16 passengers, including the driver; or which transports hazardous materials and is required to be placarded in accordance with 49 CFR part 172, sub-part F.

"Controlled substance", any substance classified as a controlled substance under section 102(6) of the Controlled Substances Act (21 U.S.O. 802(6), including all substances listed on Schedules I through V of 21 CFR Part 1308.

"Conviction", an unvacated adjudication of guilt; a determination that a person has violated or failed to comply with the law in a court of original jurisdiction; in an administrative proceeding, if the adjudication of guilt is within its jurisdiction; an unvacated forfeiture of bail or collateral, deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost; or violation of a condition of release without bail; regardless of whether the penalty is rebated, suspended or probated.

"Disqualification", a prohibition against operating a commercial motor vehicle.

"Driver license", a license issued by the commonwealth to an individual to drive a motor vehicle.

"Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial vehicle, or assigns a person

to drive a commercial motor vehicle.

"Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year.

"Foreign jurisdiction", any jurisdiction other than a state of the United States.

"Gross vehicle weight rating" (GVWR), the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater.The GVWR of a combination (articulated vehicle) commonly referred to as the "gross combination weight rating" (or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified for the towed unit or units by the manufacturer, the GVWR of a combination (articulated) vehicle is the GVWR of the power unit plus the total weight of the towed unit including the loads on them.

"Hazardous materials", as defined under section 103 of the Hazardous Materials Transportation Act (49 App. USC 1801 et seq.).

"Learners permit to operate commercial motor vehicles", a permit issued pursuant to section seven of this chapter.

"License to operate a commercial motor vehicle", a license to operate a commercial motor vehicle issued in accordance with the requirements of this chapter and the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to an individual authorizing him to operate a certain class of commercial motor vehicle.

"Motor vehicle", any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, not including any vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

"Nonresident CDL", a license to operate a commercial motor vehicle issued by a state to an individual who resides in a foreign jurisdiction.

"Operate", to operate or be in physical control of a commercial motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of sections ten and eleven, "operate" includes operation or physical control of a motor vehicle anywhere within the commonwealth.

"Operator", any person who drives, operates, or is in physical control of a commercial motor vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required to hold a commercial driver license.

"Out of service order", a temporary prohibition against operating a commercial motor vehicle.

"Registrar", the registrar of motor vehicles.

"Serious traffic violation", excessive speeding, as defined by the United States Department of Transportation by regulation; operation under the influence of alcohol or drugs, operating to endanger or reckless driving, under the provisions of paragraphs (a) to (h), inclusive, of subdivision 1 of section twenty-four of chapter

ninety; leaving the scene of a personal injury accident under section twenty-four of chapter ninety; homicide by a commercial motor vehicle under the provisions of section twenty-four G of said chapter ninety and causing serious bodily injury while operating a commercial motor vehicle while under the influence of intoxicating liquor or drugs under the provisions of section twenty-four L of said chapter ninety; any other violations of state law relating to motor vehicle traffic control which the registry determines by regulation to be serious.

"State", a state of the United States and the District of Columbia.

Section 2. Any person who operates a commercial motor vehicle shall not have more than one license to operate a motor vehicle except during the ten day period beginning on the date the person is issued a license to so operate.

Section 3. A. Notification of convictions. Any operator of a commercial motor vehicle holding a license to operate issued by the commonwealth, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control, in any other state or Canadian Province other than parking violations, shall notify the registrar of motor vehicles.

Any driver of a commercial motor vehicle holding a driver license issued by the commonwealth, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state or Canadian Province, other than parking violations, shall notify his or her employer in writing of the conviction within thirty days of the date of conviction.

B. Notification of suspensions, revocations and cancellations. Each driver whose driver license is suspended, revoked, or cancelled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify his employer of that fact before the end of the business day following the day the driver received notice of that fact.

C. Notification of previous employment. Each person who applies to be a commercial motor driver must provide the following information for the ten years preceding the date of application.

A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle; the dates between which the applicant drove for each employer; and the reason for leaving that employer. The applicant must certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.

Section 4. A. Each employer must require the applicant to provide the information specified in paragraph (C) of section three.

B. No employer may knowingly allow, permit, or authorize any applicant to operate a commercial motor vehicle during any period in which the driver has a driver license suspended, revoked, or cancelled by any state; has lost the privilege

to drive a commercial motor vehicle in any state, or has been disqualified from driving a commercial motor vehicle in any state; or in which the driver has more than one license to operate a motor vehicle or commercial motor vehicle, except during the ten day period beginning on the date the employee is issued a license to so operate.

Section 5. (A) Except when driving under a learner's permit to operate a commercial vehicle and accompanied by the holder of a license to operate a commercial motor vehicle valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a license to operate a commercial motor vehicle valid for the vehicle they are driving.

(B) No person may operate a commercial motor vehicle while their driving privilege is suspended, revoked, cancelled, subject to a disqualification, or in violation of an out of service order.

(C) The registrar may promulgate regulations granting waivers consistent with federal law.

Section 6. No person may be issued a license to operate a commercial motor vehicle unless that person is a resident of the commonwealth and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 CFR part 383, sub-parts G and A, and has satisfied all other requirements of the CMVSA-86 (Title XII of Public Law 99.570) in addition to any other requirements imposed by law. The tests shall be prescribed and conducted by the registrar.

The registrar may authorize a person, including an agency of the commonwealth or of another state, an employer, a private driver training facility, or other private institution, or a department, agency or instrumentality of local government, to administer the skills test specified by this section, provided the test is the same as would otherwise be administered by the commonwealth; and further, that the third party has entered into an agreement with the commonwealth which complies with requirements of 49 CFR part 383.75.

The registrar shall promulgate rules and regulations within federal guidelines, establishing criteria for alternative testing procedures in order to provide reasonable accommodation for illiterate and non-English speaking applicants for licenses to operate commercial vehicles.

An applicant seeking a license to operate a commercial motor vehicle, and one or more endorsements shall be given credit for each examination passed within twelve months or until the license and endorsements are issued, whichever occurs first.

Any person holding a license to operate a commercial motor vehicle shall not be retested at the time of renewal except for renewal of a hazardous materials endorsement as required by federal law, or if the operator has had his license

cancelled, revoked or suspended, or when the registrar is acting pursuant to section twenty-two of chapter ninety.

The registrar shall waive the skills test specified in this section for an applicant for a license to operate a commercial motor vehicle who meets the requirements of 49 CFR part 383.77, except when acting pursuant to section twenty-two of chapter ninety.

A learner's permit to operate a commercial vehicle may be issued to an individual who holds a valid license to operate a motor vehicle or a Class "C" driver license who has passed the vision and written tests required for an automobile Class "C" driver license.

A learner's permit to operate a commercial motor vehicle may not be issued for a period to exceed twelve months. Only one renewal or re-issuance may be granted within a two-year period. The holder of a learner's permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a valid license to operate a commercial motor vehicle for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

A license to operate a commercial motor vehicle or a learner's permit to operate a commercial motor vehicle may not be issued to a person while the person is subject to a disqualification from operating a commercial motor vehicle or while the person's license to operate a motor vehicle is suspended, revoked or cancelled in any state; nor may a license to operate a motor vehicle be issued to a person who has a license to operate a commercial motor vehicle issued by any other state unless the person first surrenders all driver licenses issued by any state, which licenses shall be returned to the issuing states for cancellation.

Section 7. The application for a license to operate a commercial vehicle or a learner's permit to operate a commercial vehicle, must include the following:

(1) the full name and current mailing and residential address of the applicant;

(2) a physical description of the applicant including sex, height, weight, eye, and hair color;

(3) date of birth of applicant;

(4) the applicant's Social Security number of the applicant;

(5) the signature of the applicant;

(6) a photograph of the applicant;

(7) certifications, including those required by 49 CFR 383.71 (a).

(8) any other information required by the registrar.

(9) consent of the applicant to release driving record information. The application must be accompanied by the application fee required by the provisions of section thirty-three of chapter ninety.

When a licensee changes his name, mailing address or residence, an application for a duplicate license shall be made forthwith to the registrar.

No person who has been a resident of the commonwealth for thirty days or more may operate a commercial motor vehicle under the authority of a license to operate a commercial motor vehicle issued by another jurisdiction.

Section 8. A license to operate a commercial motor vehicle shall be marked "Commercial Driver License" or "CDL", and shall be, to the maximum extent practicable, tamper proof, and shall include, but not be limited to, the following information:

(1) the name and residential address of the person;

(2) the person's color photograph;

(3) a physical description of the person including sex, height;

(4) date of birth;

(5) the person's social security number and any number or identifier deemed appropriate by the registrar;

(6) the person's signature;

(7) the class or type of commercial motor vehicle or vehicles which the person is authorized to operate, together with any endorsements or restrictions;

(8) the name of the commonwealth; and

(9) the dates between which the license is valid.

A license to operate a commercial motor vehicle may be issued with classifications, endorsements, and restrictions, as established by the registrar by regulation in conformity with federal standards.

Before issuing a license to operate a commercial motor vehicle, the registrar must obtain driving record information through the commercial driver license information system, the national driver register, and from each state in which the person has been licensed.

If the registrar receives official notice, in any form which he deems appropriate, including electronic transmission that a resident of the commonwealth, or any person licensed to operate a motor vehicle or commercial motor vehicle under the provisions of chapter ninety or ninety F, or any applicant therefor, has had his license or right to operate suspended or revoked in another state or country, the registrar shall not issue a license to such person who is an applicant, and if a license has already been issued he shall revoke said license immediately without a hearing; provided however, if said license or right to operate is subsequently reinstated by the other state or country, the person may reapply for said license revoked by the registrar subject to regulations established by the registrar. The combined electronic record of the registry of motor vehicles shall be the official record of the registrar for purposes of admissability in any court.

Within ten days after issuing a license to operate a commercial motor vehicle, the registrar must notify the commercial driver license information system of that fact, providing all information required to ensure identification of the person.

The commercial driver license shall expire as provided in section eight of

chapter ninety.

When applying for renewal of a commercial driver license, the applicant shall complete the application form required by paragraph (A) of section nine, providing updated information and required certifications.If the applicant wishes to retain a hazardous materials endorsement, the written test for hazardous materials endorsement must be taken and passed.

Section 9.(A) Any person is disqualified from operating a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

(1) Driving a commercial motor vehicle under the influence of alcohol or drugs as provided in section twenty-four of chapter ninety.

(2) Driving a commercial motor vehicle while the alcohol concentration of the person's blood or breath is four hundredths or more.

(3) Leaving the scene of an accident involving a commercial motor vehicle driven by the person; or

(4) Using a commercial motor vehicle in the commission of a felony as defined in this chapter.

If any of the above violations occurred while transporting a hazardous material required to be placarded, the person shall be disqualified for a period of three years.

(B) Any person shall be disqualified for life if convicted of two or more violations of any of the offenses specified in paragraph (A), or any combination of those offenses, arising from two or more separate incidents. Only offenses committed after the effective date of this chapter may be considered in applying this paragraph.

(C) The registrar may issue regulations establishing guidelines, including conditions, under which a disqualification for life under paragraph (B) may be reduced to a period of not less than ten years.

(D) Any person shall be disqualified from operating a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

(E) Any person shall be disqualified from operating a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations, or one hundred and twenty days if convicted of three serious traffic violations, committed in the operation of a commercial motor vehicle arising from separate incidents occurring within a three-year period.

(F) After suspending, revoking, or cancelling a license to operate a commercial motor vehicle, the registrar shall update its records to reflect such action within ten days. After suspending, revoking or cancelling the priveleges of a nonresident operator of a commercial motor vehicle, the registrar shall notify the licensing authority of the state which issued the license or certificate of the nonresident

operator of a commercial motor vehicle within ten days.

Section 10.(A) Notwithstanding any other provision of this chapter, a person may not drive, operate, or be in physical control of a commercial motor vehicle while having alcohol in his system.

(B) A person who drives, operates, or is in physical control of a commercial motor vehicle while having alcohol in his system or who refuses to take an alcohol concentration test to determine his blood alcohol content shall be placed out-of-service for twenty-four hours.

Section 11. (A) Any person who operates a commercial motor vehicle upon the highways of the commonwealth shall be deemed to have given consent, to a test or tests of that person's blood, breath, or urine for the purpose of determining that person's alcohol concentration, or the presence of other drugs.

(B) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the operator of a commercial motor vehicle, has probable cause to believe that the operator was operating a commercial motor vehicle while having alcohol in his system.

(C) A person requested to submit to a test as provided shall be advised that a refusal to submit to the test will result in that person being disqualified from operating a commercial motor vehicle.

(D) If the person refuses testing, or submits to a test which discloses an alcohol concentration of four hundredths or more, the law enforcement officer must submit a sworn report to the registrar certifying that the test was requested pursuant to paragraph (A) and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of four hundredths or more.

(E) Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (D), the registrar shall disqualify the driver from driving a commercial motor vehicle for a period of one year; provided, however, that upon receipt of such report with respect to any person who refuses to submit to such a test while transporting a hazardous waste required to be placarded, the registrar shall disqualify such person from driving a commercial motor vehicle for three years. The registrar shall disqualify for life any person who refuses to submit to two or more tests. Any operator who has been disqualified shall be entitled to a hearing before the registrar which shall be limited to the following issues: (1) did the law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, have probable cause to believe that the driver was driving a commercial motor vehicle while having alcohol in his system and (2) did such person refuse to submit to such test.

Section 12. Within ten days after receiving a report of the conviction of any nonresident holder of a license to operate a commercial motor vehicle for any violation of law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the registrar

shall notify the driver licensing authority in the licensing state of the conviction.

Section 13. Notwithstanding any other provision of law to the contrary, the registrar shall furnish full information regarding the driving record of any person to the driver license administrator of any other state, or Province or Territory of Canada, requesting that information; to any employer or prospective employer upon request and payment of a fee as provided in section thirty-three of chapter ninety; and to insurers upon request.

Section 14. The registrar may adopt any rules and regulations necessary to carry out the provisions of this chapter.

Section 15. The registrar may enter into and execute agreements, arrangements, or declarations to carry out the provisions of this chapter.

Section 16. Notwithstanding any law to the contrary, a person may operate a commercial motor vehicle if the person has a license to operate a commercial motor vehicle issued by any state or Province or Territory of Canada, in accordance with the minimum Federal standards for the issuance of commercial motor vehicle driver licenses, if the person is not suspended, revoked, or cancelled; and if the person is not disqualified from operating a commercial motor vehicle.

Approved October 22, 1990.

Chapter 247. AN ACT AUTHORIZING TREASURERS OF CERTAIN COUNTIES AND REGIONAL SCHOOL DISTRICTS TO EXPEND CERTAIN FUNDS IN FISCAL YEAR NINETEEN HUNDRED AND NINETY-ONE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize treasurers of certain counties and regional school districts to expend certain funds in fiscal year nineteen hundred and ninety-one, therefore 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 97 of the acts of 1990 is hereby amended by striking out, in lines 8 to 10, inclusive, the words "October fifteenth, nineteen hundred and ninety; provided, however, that in October, said expenditure shall be no greater than one-twenty-fourth of said amount" and inserting in place thereof the words:- November thirtieth.

SECTION 2. Chapter 101 of the acts of 1990 is hereby amended by striking out, in line 10, the words "October fifteenth" and inserting in place thereof the words:-

November thirtieth.

Approved October 23, 1990.

Chapter 248. AN ACT RELATIVE TO THE CAMBRIDGE POLICE MUTUAL AID ASSOCIATION.

Be it enacted, etc., as follows:

The Cambridge Police Mutual Aid Association, a corporation established under the laws of the commonwealth, is hereby authorized, upon the retirement or other severance of any member in good standing who has completed twenty-five or more years of service as a permanent officer of the police department of the city of Cambridge, to pay such member such sum, not exceeding fifteen thousand dollars, as may from time to time be determined by a vote of the association; provided, however, that such member shall thereupon cease to be a member of said association, and shall not thereafter be entitled to receive any benefits therefrom.

Said association is further authorized, upon the retirement or other severance of a member in good standing who has completed at least one, but less than twenty-five years of service as a permanent officer of said police department of said city, to pay such member a sum of money as may from time to time be determined by a vote of the association, not to exceed three hundred dollars for each year of service for the first ten years of service, plus a sum of money as may from time to time be determined by a vote of the association, not to exceed seven hundred dollars for each year of service in excess of ten years; provided, however, that in no event shall the total amount exceed fifteen thousand dollars; and provided, further, that such member shall thereupon cease to be a member of the association and shall not thereafter be entitled to receive any benefits therefrom.

Said association is further authorized to pay, to any active member in good standing, upon the death of his or her spouse, the sum of one thousand dollars; provided, however, that the final payment to such member, upon his retirement shall be reduced by that amount.

Said association is further authorized, upon the death of an active member in good standing, to pay the spouse of such member such sum, not exceeding fifteen thousand dollars, as may be from time to time determined by a vote of the association.

Approved October 23, 1990.

Chapter 249. **AN ACT RELATIVE TO CERTAIN EMPLOYEES OF SCHOOL COMMITTEES.**

Be it enacted, etc., as follows:

SECTION 1. Section 23E of chapter 112 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 26, the word "section" and inserting in place thereof the following words:- section, or

(f) any person employed by a school committee to provide services covered by this section.

SECTION 2. Said section 23E of said chapter 112, as so appearing, is hereby further amended by adding the following paragraph:-

An applicant for a position with a school committee who has a valid athletic trainer license, shall be given hiring priority over an applicant without such license.

Emergency Letter: October 26, 1990 @ 2:30 P.M. Approved October 26, 1990.

Chapter 250. **AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF BILLERICA AS THE PAUL F. NEWMAN BRIDGE.**

Be it enacted, etc., as follows:

The bridge on state highway Route 3A which crosses the Shawsheen river in the town of Billerica shall be designated and known as the Paul F. Newman Bridge. Suitable markers bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved October 26, 1990.

Chapter 251. **AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF BRIDGEWATER.**

Be it enacted, etc., as follows:

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

SECTION 2. One hundred or more qualified voters may file with the town clerk an affidavit containing the name of the officer and the office held whose recall is sought and a statement of the grounds upon which the petition is based. Said town

clerk and the board of registrars shall, within five days certify thereon the number of signatures which are names of registered voters of the town. The town clerk shall upon certification deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which shall be kept available. The blanks shall be issued by the town clerk with said clerk's signature and official seal attached thereto. They shall be dated, shall be addressed to the board of selectmen and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the office held by the person named, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within twenty-one days after the certification of the affidavit, and shall have been signed by at least ten 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 of the petition, submit the petition to the board of registrars of voters in the town, and the registrars shall within fourteen days certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk and the board of registrars to be sufficient, he shall submit the same with his certificate to the board of selectmen without delay, and said board shall, within seven days give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty nor more than ninety days after the date of the town clerk's certification that a sufficient petition has been filed; provided, however, if any other town election is to occur within one hundred days after certification, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as specified in the section provided.

SECTION 4. An officer sought to be removed may be a candidate to succeed himself and, unless the officer requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of office until the recall election. If then re-elected, he shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, the officer shall be deemed removed upon the qualification of 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 be deemed removed and the office vacant.

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

FOR the recall of (name of officer) (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 said propositions. Under the proposition shall appear the word "Candidates", 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 provision shall be made to allow the same intent of the voter. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer within six months after he takes office, or 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 office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal by recall or resignation.

Approved October 26, 1990.

Chapter 252. AN ACT AUTHORIZING 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 sections one and two of chapter two hundred and seven of the General Laws, a marriage between Tina Marie Rouke and Daniel Edward Richard both of the city of New Bedford may be solemnized in the commonwealth.

Approved October 30, 1990.

Chapter 253. AN ACT RELATIVE TO A CERTAIN PROBATION OFFICER OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a sick leave bank for a certain probation 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:

Notwithstanding any general or special law or any rule or regulation to the contrary, the trial court of the commonwealth is hereby authorized and directed to establish a sick leave bank for probation officer Peter L'Etoile. Each employee in the bargaining unit represented by Local 254 S.E.I.U. may voluntarily contribute one or more of their sick days to said bank for use by probation officer L'Etoile.

Approved October 30, 1990.

Chapter 254. AN ACT FURTHER REGULATING SERVICE BEYOND THE AGE OF SEVENTY BY PUBLIC EMPLOYEES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The definition of "Regular compensation" in section 1 of chapter 32 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:- Regular compensation shall also mean compensation received by any member having made the election provided for in section ninety G1/2 or section ninety G3/4 and serving after age seventy pursuant to section ninety F, ninety G or ninety H.

SECTION 2. Paragraph (m) of subdivision (1) of section 5 of said chapter 32, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding any provision of this chapter to the contrary, any member classified in Group 1 or Group 2, except for elected officials subject to the provisions of paragraph (b) of subdivision (2) of section ten, whose employment commenced on or after January first, nineteen hundred and seventy-eight, and who has not completed ten or more years of creditable service before attaining the mandatory age requirements of this chapter or who, in any system having accepted the provisions of section ninety Gfl, has not completed ten or more years of creditable service before the termination of his

employment, shall on the termination of his employment be entitled to a return of his accumulated deductions with interest.

SECTION 3. Said chapter 32 is hereby further amended by inserting after section 90G1/2 the following section:-

Section 90G3/4. Notwithstanding the provisions of section ninety F, ninety G or ninety H or any other general or special law to the contrary, any member continuing in service pursuant to said sections after having attained the age of seventy may elect to accrue creditable service and receive regular compensation, subject to the provisions of this section. Any member so electing shall continue to have deductions made from his regular compensation, and shall upon retirement receive a superannuation retirement or veteran's pension allowance, as applicable, based on the years and full months of service rendered and the regular compensation received prior to having attained said age seventy, together with the years and full months of service rendered and the regular compensation earned subsequent to such election.

The provisions of this section shall take effect for the members of any retirement system by majority vote of the board of such system, subject to the approval of the legislative body. For purposes of this paragraph, legislative body shall mean a town meeting in a town system, the city council, subject to the provisions of its charter, in a city system, the county commissioners in a county system, the district members in a district system, and the governing body of an authority in an authority system. Acceptance shall be deemed to have occurred upon the filing of a certificate of acceptance with the commissioner and shall be effective as of January first, nineteen hundred and eighty-eight. Any member of a system accepting this section who, on or after the effective date of such acceptance but prior to the date on which such acceptance occurred is continuing in service pursuant to said section ninety F, ninety G or ninety H after having attained the age of seventy, may include any regular compensation received and creditable service rendered after having attained age seventy by depositing, upon such conditions as the board shall determine, in the annuity savings fund of the system an amount equal to the amount which would have been withheld from his regular compensation, without interest thereon, had said acceptance taken effect on the date such member attained said age seventy, and had such member made the election provided for in this section on such date. Any member of a system for which acceptance of this section occurred prior to the date such member attains age seventy may elect to be subject to the provisions of this section not earlier than the date such member attains the age of sixty-nine and not later than the sixtieth day before the date on which the member will attain the age of seventy. The board shall notify the member of his option to elect to be subject to the provisions of this section not earlier than the date on which such member attains the age of sixty-nine and not later than one hundred and eighty days before the date on which the member will attain the age

of seventy. An election under this section may not be revoked. Any person having made deposits under the provisions of section ninety G 1/2 shall be credited with both the creditable service and regular compensation to which such deposits are allocable, without any further deposits being required under this section on account of such service and regular compensation.

SECTION 4. Said chapter 32 is hereby further amended by inserting after section 90I, inserted by section 15 of chapter 341 of the acts of 1989, the following section:-

Section 90J. In any city, town, county, district or authority retirement system accepting the provisions of this section, the retirement system shall pay the costs for the annual physical and mental examination of any member serving beyond age seventy pursuant to the provisions of section ninety F, ninety G or ninety H. Such payments shall be made from and charged to the expense fund of the system. Acceptance of this section shall take effect by majority vote of the retirement board, subject to the approval of the local legislative body. For the purposes of this section, legislative body shall mean the town meeting for the purposes of a town system, the city council subject to the provisions of its charter in a city system, the district meeting in a district system, the county commissioners in a county system, and the governing body of the authority in an authority system. Acceptance shall be deemed to have occurred upon the filing of a certificate of acceptance with the commissioner.

SECTION 5. Any member having rendered service pursuant to section ninety F, ninety G, or ninety H of chapter thirty-two of the General Laws on or after January first, nineteen hundred and eighty-eight who has received a return of his accumulated deductions pursuant to the provisions of paragraph (m) of subdivision (1) of section five of said chapter thirty-two and who, pursuant to the provisions of said paragraph (m) of said subdivision (1) of said section five of said chapter thirty-two would be eligible to receive a retirement allowance under the provisions of section five or ten of said chapter thirty-two shall, upon making the payments required by section ninety G3/4 of said chapter thirty-two and upon paying into the Annuity Savings Fund of the applicable retirement system an amount equal to any amounts received by such member as a return of accumulated deductions with interest, receive such allowance under said section five or ten, as applicable. Said allowance shall be computed as if the member had begun receipt of such allowance on the date on which the member retired; provided, however, that the amount to be paid by such member shall be reduced by an amount equal to the payments which the member would have received had such allowance been in effect as of the date on which such member retired, as determined by the retirement board.

The retirement allowance of any member having rendered service pursuant to said section ninety F, ninety G or ninety H of said chapter thirty-two on or after

January first, nineteen hundred and eighty-eight and having retired prior to the date on which the provisions of this act become effective for the system from which he is retired and whose service credit or regular compensation would be increased by the provisions of sections one and three of this act shall, upon the completion of the payments required by the provisions of section ninety G 3/4 of said chapter thirty-two be recalculated as of the date on which the member retired to reflect such increased service credit or regular compensation, and said member shall thereupon receive such increased allowance together with an amount equal to the difference between the allowance the member actually received from the date of retirement to the date of recalculation and the amount of the allowance which the member would have received had such recalculated allowance been paid to the member from the date of retirement.

The state teachers' and state employees' retirement systems shall be deemed to have accepted the provisions of said section ninety G 3/4 of said chapter thirty-two on the effective date of this act, and such acceptance shall be effective as of January first, nineteen hundred and eighty-eight.

Approved October 30, 1990.

Chapter 255. AN ACT TO REORGANIZE CERTAIN POLICE FORCES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 18 of chapter 6A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 13, the semicolon and the word:- "and" and inserting in place thereof a comma; and by inserting at the end of said line 13 the words:- "; and the department of metropolitan district police".

SECTION 2. Section 8 of chapter 21A of the General Laws, as most recently amended by section 2 of chapter 265 of the Acts of 1989, is hereby amended by inserting, at the end of the ninth paragraph, the words:- ", except for the metropolitan district police".

SECTION 3. Section 3 of chapter 28 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out in lines 8 and 9 the words:- "including officers and members of the police force".

SECTION 4. Chapter 92 of the General Laws is hereby amended by inserting the following sections:-

Section 60B. There shall be within the executive office of public safety a department of metropolitan district police, under the supervision and control of the superintendent of the metropolitan district police.

Section 60C. The governor, upon recommendation by the secretary of public safety, shall appoint the superintendent of the metropolitan district police, who shall serve at the pleasure of the governor. Said superintendent shall be the executive and administrative head of the department of metropolitan district police, and may, with the approval of the secretary of public safety, appoint such police officers and other personnel necessary to carry out the duties of the department. The position of said superintendent shall be classified in accordance with section forty-five of chapter 30 and the salary shall be determined in accordance with section forty-six C of said chapter 30.

SECTION 5. Section 61 of chapter 92 of the General Laws, as so appearing, is hereby amended by striking out, in line 1 and line 17, respectively, the word:- "commission" and inserting in place thereof, respectively, the words:- "department of metropolitan district police".

SECTION 6. Section 61A of chapter 92 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 5, the words:- "the commissioner,"; and by striking out, in line 8 and line 14, respectively, the word:- "commission" and inserting in place thereof, respectively, the words:- "department of metropolitan district police".

SECTION 7. Section 62 of said chapter 92, as so appearing, is hereby amended by striking out, in line 1, the word:- "commissioner" and inserting in place thereof the word:- "superintendent".

SECTION 8. Section 62A of said chapter 92, as so appearing, is hereby amended by striking out, in lines 1 and 4, respectively, the word:- "commission" and inserting in place thereof, respectively, the words:- "department".

SECTION 9. Section 63A of said chapter 92, as so appearing, is hereby amended by inserting, in line 1, after the word "commission" the following words:- ", upon the recommendation of the superintendent,".

SECTION 10. Section 63B of said chapter 92, as so appearing, is hereby amended by striking out in lines 1, 3, and 15, respectively, the word:- "commission" and inserting in place thereof, respectively, the word:- "department".

SECTION 11. All budget items and personnel and equipment schedules pertaining to the equipment and maintenance thereof of the metropolitan district commission police force, as said force was constituted hitherto; the property of the metropolitan district commission police force and its upkeep; and the salaries and benefits of metropolitan district commission police force employees shall be transferred from the executive office of environmental affairs to the executive office of public safety as of the effective date of this act.

SECTION 12. For all purposes, the department of metropolitan district police as constituted by this act shall be deemed to be the successor to the metropolitan district commission police, as formerly constituted, without any discontinuity of function or service to the public and to the extent possible without any disconti-

nuity of function or service to the metropolitan district commission or the executive office of environmental affairs. Any reference in any general or special law, rule or regulation to the metropolitan district commission police force, as constituted prior to the effective date of this act, shall henceforth be deemed to refer to the department of metropolitan district police, as constituted by this act.

Nothing contained in this act shall be construed as amending, abridging or impairing the powers, duties, authority, jurisdiction, or contractual or legal obligations of the metropolitan district commission police force which are in force immediately prior to the effective date of this act; nor shall anything contained in this act be construed as amending, abridging or impairing the existing collective bargaining rights, or other rights, including but not limited to civil service rights, seniority, group insurance benefits, and retirement benefits of any employee of the metropolitan district commission police.

No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act.

SECTION 13. The secretary of public safety and the secretary of environmental affairs shall, no later than November 1, 1990 jointly execute a memorandum of understanding providing for the orderly implementation of this act, which memorandum shall assure, at a minimum, that no entity within the metropolitan district commission or the executive office of environmental affairs shall lose the use of any property or equipment which it used prior to November 1, 1990, either exclusively or concurrently with the metropolitan district commission police and to the extent possible shall not lose any services currently provided to the metropolitan district commission or the executive office of environmental affairs.

SECTION 14. 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 Amendments to the Massachusetts Constitution.

The foregoing was filed with the General Court and received by the Clerk of the House of Representatives and the Clerk of the Senate on August 21, 1990. 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 law effective November 1, 1990.

Chapter 256 **AN ACT FURTHER REGULATING THE SUSPENSION OR REVOCATION OF THE LICENSE OR RIGHT TO OPERATE A MOTOR VEHICLE.**

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 paragraph (c) and inserting in place thereof the following paragraph:-

(c) If the registrar receives official notice, in any form which the registrar deems appropriate, including electronic transmissions, that a resident of the commonwealth or any person licensed to operate a motor vehicle under the provisions of this chapter has been convicted in another state or country of a motor vehicle violation, the registrar shall give the same effect to said conviction for the purposes of suspension, revocation, limitation or reinstatement of the right to operate a motor vehicle, as if said violation had occurred in the commonwealth.

As used in this section "motor vehicle violation" shall mean a violation of law, regulation, by-law, or ordinance, except a violation related to parking, the nature of which would have been reported to the registrar pursuant to chapters eighty-nine, ninety, ninety C, or one hundred and seventy-five, if said violation had occurred in the commonwealth.

If the registrar receives official notice, in any form which the registrar deems appropriate, including electronic transmissions, that a resident of the commonwealth, or any person licensed to operate a motor vehicle under the provisions of chapter ninety, or any applicant therefor has had a license or right to operate suspended or revoked in another state or country, the registrar shall not issue a license to said person, and if a license has already been issued the registrar shall immediately revoke said license, without a prior hearing. However, if said license or right to operate is subsequently reinstated by such other state or country, the person may apply to the registrar for reinstatement of said license in the commonwealth.

SECTION 2. The first paragraph of section 23 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words "fifty nor more than one hundred", and inserting in place thereof the following words:- five hundred nor more than one thousand.

SECTION 3. Said first paragraph of said section 23 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 36, the words "two hundred nor more than one thousand", and inserting in place thereof the following words:- five hundred nor more than five thousand.

SECTION 4. Said section 23 of said chapter 90, as so appearing, is hereby amended by adding the following two paragraphs:-

Upon a conviction of operating after suspension or revocation of license or right to operate under the first paragraph, the registrar shall extend said suspension or revocation for an additional sixty days. Upon a conviction of operating after suspension or revocation of license a right to operate under the second paragraph, the registrar shall extend said suspension or revocation for an additional year.

If a person operating a motor vehicle after suspension or revocation of a license

to operate or the right to operate a motor vehicle under the first or second paragraphs of this section, is found by the registrar to have operated a vehicle registered to another in violation of said suspension or revocation, the registrar shall, after hearing, revoke the certificate of registration of said motor vehicle for up to thirty days. Pursuant to said hearing, the certificate of registration and the number plates shall be immediately surrendered to the registrar.

SECTION 5. Section 30 of said chapter 90, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The registrar shall maintain, in the main office, a record of all convictions of persons charged with violations of the laws relating to motor vehicles, and notwithstanding any general or special law to the contrary, such record shall be public, open to the inspection of any person during reasonable business hours, and subject to regulations promulgated by the registrar.

SECTION 6. Section 33 of said chapter 90, as so appearing, is hereby amended by adding the following paragraph:-

For the reinstatement of any license or right to operate a motor vehicle which has been suspended or revoked under any provision of this chapter, a fee of fifty dollars.

SECTION 7. The tenth paragraph of section 113B of chapter 175 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Said plan shall also reflect an adjustment for insurance premium based upon any motor vehicle violation reported to the registrar pursuant to the first paragraph of paragraph (c) of section twenty-two.

Approved November 2, 1990.

Chapter 257. AN ACT RELATIVE TO THE BOARD OF LIBRARY TRUSTEES IN THE TOWN OF BLACKSTONE.

Be it enacted, etc., as follows:

Section 3-3 of Article 3 of the charter of the town of Blackstone, which is on file with the archivist of the commonwealth, as provided by section 12 of chapter 43B of the General Laws is hereby amended by striking out the words "Board of Library Trustees 5 3", inserted by section 1 of chapter 562 of the acts of 1987, and inserting in place thereof the following:- Board of Library Trustees 6 3.

Approved November 6, 1990.

Chapter 258. **AN ACT AUTHORIZING THE CITY OF HAVERHILL TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO ACADEMY PLAZA TRUST.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the city of Haverhill is hereby authorized to issue a license for the sale of all alcoholic beverages, not to be drunk on the premises, to Academy Plaza Trust under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen; provided, however, that the granting of this license shall reduce by one any increase in licenses granted due to census reapportionment under said section seventeen.

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

Approved November 9, 1990.

Chapter 259. **AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF PHILLIPSTON.**

Be it enacted, etc., as follows:

SECTION 1. Any person who holds an elective office in the town of Phillipston may be recalled therefrom by the registered voters of the town in the manner provided herein.

SECTION 2. Any one hundred registered 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 twenty-one days after the filing of the affidavit and shall have been signed by at least twenty-five percent of the qualified voters as of the most recent town election. To every signature shall be added the place of residence of the signer, giving the street and number, if any.

The town clerk shall upon receipt of such filing, date and time stamp the petition. Within one working day following the day of such filing the town clerk shall submit the petition to the registrars of voters. The registrars shall within three 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 it with his certificate to the board of 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 said 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 be in accordance with the General Laws 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 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 not re-elected in the recall election, 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 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 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 the subject of the recall petition is a candidate, his name shall be first listed; all others shall be listed alphabetically. If a majority of 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 November 9, 1990.

Chapter 260. AN ACT RELATIVE TO THE OFFICE OF HANDICAPPED AFFAIRS.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 6 of the General Laws is hereby amended by striking out, in line 11, as appearing in the 1988 Official Edition, the words "office of handicapped affairs" and inserting in place thereof the words:- Massachusetts office on disability.

SECTION 2. Said chapter 6 is hereby further amended by striking out the caption preceding section 185.

SECTION 3. Said chapter 6 is hereby further amended by striking out section 185, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 185. There shall be a Massachusetts office on disability, in this section and in sections one hundred and eighty-six to one hundred and eighty-nine, inclusive, called the office, consisting of a director on disability, in this section and in sections one hundred and eighty-six to one hundred and eighty-nine, inclusive, called the director, and an advisory council, as hereinafter described. The director shall be appointed by the governor and shall serve at the pleasure of the governor. The director shall, at the time of his appointment, have substantial professional or administrative experience in a field concerned with disability.

The position of the director shall be classified in accordance with section forty-five of chapter thirty, and the salary shall be determined in accordance with section forty-six C of said chapter thirty. The director shall devote his full time during business hours to the duties of the office.

The director shall, with the advice of the advisory council, have sole charge of the supervision and administration of the office. The director may, subject to appropriation, employ and remove such assistant directors and other employees and consultants as he may deem necessary to enable him to perform his duties. The provisions of chapter thirty-one and section nine A of chapter thirty shall not apply to the director or to such assistant directors and consultants as he may appoint. In making such appointments, the director shall make every reasonable effort to ensure that persons with disabilities are employed.

SECTION 4. Said chapter 6 is hereby further amended by striking out section 187, as so appearing, and inserting in place thereof the following section:-

Section 187. The office, in order to bring about full and equal participation in all aspects of life by all persons with disabilities in the commonwealth, shall strive for the advancement of legal rights and for the promotion of the maximum possible opportunities, supportive services, accommodations and accessibility, in a manner which fosters dignity and self-determination. The duties and functions of the office shall be:

(a) to identify, analyze, evaluate and monitor public policies, programs, services and regulations that affect or may affect persons with disabilities;

(b) to utilize a system of collection of information for the purpose of identifying inadequate or inaccessible programs and services, inadequate coordination of programs and services, unnecessary programs and services, and duplication of programs and services;

(c) to make recommendations and to provide comprehensive coordination and support to appropriate state agencies concerning public policies, programs, services and regulations as they affect or may affect persons with disabilities;

(d) to develop and promote information and referral services regarding programs, services, rights and opportunities for persons with disabilities;

(e) to identify and recommend to state and local agencies, departments and organizations appropriate sources of state and federal funds which are available for expanding or improving services and programs for persons with disabilities;

(f) to prepare and submit to the governor an annual report which shall be a public document; and which shall include the description, and evaluation of the activities of the office implementing the aforesaid duties and functions; the description, evaluation and analysis of public policies, programs, services and regulations that affect or may affect persons with disabilities; and recommendations for the development, coordination and improved responsiveness of such policies, programs, services and regulations.

SECTION 5. The first paragraph of section 189 of said chapter 6, as so appearing, is hereby amended by striking out, in line 12, the words "handicapped persons" and inserting in place thereof the words:- persons with disabilities.

SECTION 6. The second paragraph of said section 189 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 28 and 29, the words "handicapped persons" and inserting in place thereof the words:- persons with disabilities.

SECTION 7. Section 4G of chapter 7 of the General Laws is hereby amended by striking out, in lines 4 and 5, as so appearing, the words "office of handicapped affairs" and inserting in place thereof the words:- Massachusetts office on disability.

SECTION 8. Section 13A of chapter 22 of the General Laws, as amended by chapter 507 of the acts of 1989, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be in the executive office of public safety a board to be known as the architectural access board, which shall consist of the director of the Massachusetts office on disability or his designee, the secretary of the executive office of elder affairs or his designee, the secretary of the executive office of public safety or his designee, and six members to be appointed by the governor, in consultation with the secretary of the executive office of public safety from lists submitted by the director of the Massachusetts office on disability. Three of the appointive members shall be selected after consultation with advocacy groups in behalf of the physically handicapped. 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. The board shall elect a chairman from among its members who shall serve for one year or until his successor is elected.

SECTION 9. Section 5B of chapter 23B of the General Laws, inserted by section 9 of chapter 722 of the acts of 1989, is hereby amended by striking out, in lines 9 and 10, the words "office of handicapped affairs" and inserting in place thereof the words:- Massachusetts office on disability.

SECTION 10. Chapter 40 of the General Laws is hereby amended by striking out section 8J, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 8J. A city which accepts the provisions of this section by vote of its city council, subject to the provisions of its charter, or town which accepts the provisions of this section by vote of its inhabitants at an annual meeting or at a special meeting is hereby authorized to establish a disability commission, hereinafter called the commission, for the purpose of coordinating or carrying out programs designed to meet the problems of persons with disabilities in coordination with programs of the Massachusetts office on disability. Said commission shall research local problems of persons with disabilities and shall coordinate the

activities of other local groups organized for similar purposes, and may advertise, prepare, print, and distribute books, maps, charts, plans and pamphlets necessary for its work. Said commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the city or town annual report and shall have at least six meetings annually.

Said commission shall consist of not more than seven members. In cities, the members shall be appointed by the mayor, subject to the provisions of the city charter except that in cities having a Plan D or Plan E form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, except towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen and except towns having a town council form of government, in which towns the appointment shall be made by the town manager. A majority of said commission members shall consist of persons with disabilities and one of such members may be a member of the immediate family of such disabled person and one member of said commission shall be either an elected or appointed official of that city or town. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one of the members expires each year, and their successors shall be appointed for terms of three years each. A member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairman of the commission shall be chosen by a majority vote of said commission members.

Said commission may receive gifts of property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the selectmen in a town, such gifts to be managed and controlled by said commission for the purposes of this section.

Approved November 20, 1990.

Chapter 261. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws or any other general or special law to the contrary, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Kathleen O'Connor in the city of Springfield, on November twenty-fourth, nineteen hundred and ninety, between Eva Goldstein and William Donald Hume both of the city of Springfield, and the state secretary shall issue to said Kathleen O'Connor a certificate of such authorization.

Approved November 21, 1990.

Chapter 262. **AN ACT AUTHORIZING THE TOWN OF DANVERS TO PAY CERTAIN COSTS RELATIVE TO THE HUNT CENTER FOR EMERGENCY AND AMBULATORY CARE, FORMERLY KNOWN AS HUNT MEMORIAL HOSPITAL.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Danvers is hereby authorized to borrow, from time to time, and as provided for herein, a sum not to exceed in the aggregate six million dollars and to issue therefor bonds or notes of the town of Danvers. The proceeds of such bonds or notes shall be used to pay costs, expenses and liabilities, or to defray deficits, which arise in the fiscal years nineteen hundred and ninety-one, nineteen hundred and ninety-two, nineteen hundred and ninety-three, nineteen hundred and ninety-four and nineteen hundred and ninety-five and relate to or otherwise result from the operations, sale, transfer or closure of the Hunt Center for Emergency and Ambulatory Care, formerly known as Hunt Memorial Hospital situated in the town of Danvers. Bonds or notes issued pursuant to the authority of this act shall be general obligation bonds of the town of Danvers and the sums borrowed with respect to each particular year shall be considered a separate loan.

In no event shall the bonds or notes issued under authority of this act with respect to any particular fiscal year exceed such amount as is certified by the commissioner of revenue for such fiscal year as the amount of hospital related costs, expenses and liabilities, or hospital related deficit, which is necessary to be borrowed at the time of certification in order to promote and ensure the fiscal stability of the town of Danvers. Bonds or notes issued from time to time under authority of this act shall be payable within five years of their date of issuance, and in no event shall any such bond or note be issued subsequent to June thirtieth,

nineteen hundred and ninety-seven.

SECTION 2. Indebtedness incurred under the provisions of this act shall not be included in determining the statutory limit of indebtedness of the town of Danvers under section ten of chapter forty-four of the General Laws but, except as provided herein, shall otherwise be subject to the provisions of said chapter forty-four.

SECTION 3. 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 Danvers is hereby authorized to expend the proceeds from the sale or transfer of the real estate, personal property or other assets of the Hunt Center for Emergency and Ambulatory Care, formerly known as Hunt Memorial Hospital for any costs or expenses resulting directly or indirectly from the operations or closure of said hospital.

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

Approved November 26, 1990.

Chapter 263. AN ACT AUTHORIZING THE COMMISSIONER OF LABOR AND INDUSTRIES TO SUSPEND THE OPERATION OF CERTAIN LABOR LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the commissioner of labor and industries to suspend the operation of certain labor laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of labor and industries is hereby authorized, in conformity with Article XX of Part the First of the Constitution of the Commonwealth, to suspend until July first, nineteen hundred and ninety-two the application or operation of any provision of chapter one hundred and forty-nine of the General Laws or any rule or regulation made thereunder, regulating, limiting or prohibiting the employment of persons, or of minors over the age of sixteen, or both. The commissioner shall exercise this authority when he finds, after opportunity has been given to interested parties to be heard, that an emergency exists or that conditions of hardship in an industry, branch of an industry, or individual establishment require or justify the suspension of any provision of such laws, rules or regulations. Suspensions issued by the commissioner shall prescribe, and may be either granted or limited to, one or more particular departments,

operations or occupations within an establishment or a particular industry or branch of industry. The commissioner shall appoint industry advisory committees, on which employers and employees shall be equally represented, to consult and advise him in matters relating to the suspension authorized by this act.

SECTION 1A. A special commission is hereby established for the purpose of examining which labor laws are suspended, how often the labor laws are suspended, and whether the labor laws should be amended instead of suspended. Said commission shall consist of two members of the senate, one of whom shall be the senate chairman of the joint committee on commerce and labor, two members of the house of representatives, one of whom shall be the house chairman of the joint committee on commerce and labor, and three members to be appointed by the governor, one of whom shall be the commissioner of the department of labor and industries, one of whom shall be a representative of Associated Industries of Massachusetts and one of whom shall be a representative of the Massachusetts AFL/CIO - State Labor Council.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before the first Wednesday in November, nineteen hundred and ninety-one.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety.

Approved November 30, 1990.

Chapter 264. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF SWANSEA.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Swansea 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 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 office from which removal is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit, and shall have been signed by at least twenty-five 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 selectmen within five working days, and the selectmen shall within five working days give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate the selectmen shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if his term of office expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

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

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

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

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

Approved November 30, 1990.

Chapter 265. AN ACT RELATIVE TO THE REVENUES OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately suspend the implementation of certain provisions of the General Laws relative to the taxation of services, therefore 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 111 of chapter 121 of the acts of 1990 is hereby amended by striking out, in line 4, the words "December first, nineteen hundred and ninety" and inserting in place thereof the following words:- March sixth, nineteen hundred and ninety-one.

SECTION 2. Notwithstanding the provisions of section one of this act, the sales or use tax shall not apply to sales of miscellaneous amusement and recreation services (SIC 799) and admissions and box rentals to entertainment events where payment is received pursuant to a billing issued before March sixth, nineteen hundred and ninety-one, by the vendor in the regular course of business, or in the case of a vendor who does not issue billings in the regular course of business,

where the payment for such services is received by the vendor before March sixth, nineteen hundred and ninety-one; provided, however, that the sales or use tax shall apply to any such amusement and recreation services or entertainment events or portion thereof that are performed on or after January first, nineteen hundred and ninety-two.

SECTION 3. Any vendor, as defined in chapters sixty-four H and sixty-four I of the General Laws, who collects any sales or use taxes or reimbursements thereof, on account of sales of tangible personal property or services first made subject to tax effective December first, nineteen hundred and ninety by reason of chapters one hundred and twenty-one and one hundred and fifty of the acts of nineteen hundred and ninety and as to which the effective date has been delayed by this act for the period commencing December first, nineteen hundred and ninety and ending March fifth, nineteen hundred and ninety-one, shall make reasonable efforts to return such sales or use taxes or reimbursements thereof to any purchasers of such tangible personal property or services.

SECTION 3A. Section 2 of chapter 151 of the acts of 1990 is hereby amended by adding after the second paragraph the following paragraph:-

Bonds issued under the authority of this section shall not be included in the computation of outstanding bonds for purposes of the limit imposed by the second paragraph of section sixty A of chapter twenty-nine of the General Laws, nor shall debt service with respect to such bonds be included in any computation of the limit imposed by section sixty B of said chapter twenty-nine.

SECTION 3B. Section three A shall take effect as of August first, nineteen hundred and ninety.

SECTION 4. This act shall take effect on December first, nineteen hundred and ninety.

Approved November 30, 1990.

Chapter 266. **AN ACT AUTHORIZING THE MARTHA'S VINEYARD REGIONAL HIGH SCHOOL DISTRICT TO CONVEY A CERTAIN EASEMENT.**

Be it enacted, etc., as follows:

SECTION 1. The Martha's Vineyard Regional High School District is hereby authorized to convey, upon such terms and conditions as said district shall determine, an easement over a certain parcel of land located in the town of Oak Bluffs to the Island Elderly Housing, Inc. for roadway and utility purposes.

Said easement is shown on a plan of land entitled "Plan of land in Oak Bluffs, Mass. prepared for Island Elderly Housing, Inc." dated June 1, 1990, drawn by

Scholfield Brothers, Inc. which is on file with said regional high school district.

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

Approved December 4, 1990.

Chapter 267. AN ACT RELATIVE TO EXTENDED COMMITMENT OF JUVENILE OFFENDERS AND TRIAL AS ADULTS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 58 of chapter 119 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:- If the allegations against a child are proved beyond a reasonable doubt, he may be adjudged a delinquent child, or in lieu thereof, the court may continue the case without a finding and, with the consent of the child and at least one of the child's parents or guardians, place said child on probation; provided, however, that any such probation may be imposed until such child becomes age eighteen or age nineteen in the case of a child whose case is disposed of after he has attained his eighteenth birthday.

SECTION 2. Said section 58 of said chapter 119, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If a child is adjudged a delinquent child, the court may place the case on file, or may place the child in the care of a probation officer for such time and on such conditions as may seem proper, or may commit him to the custody of the department of youth services but the probationary or commitment period shall not be for a period longer than until such child becomes eighteen or age nineteen in the case of a child whose case is disposed of after he has attained his eighteenth birthday, except that the commitment period shall be no longer than until the age twenty-one for a child adjudicated a delinquent child by reason of having violated section one of chapter two hundred and sixty-five. If it is alleged in the complaint upon which the child is so adjudged that a penal law of the commonwealth, a city ordinance or a town by-law has been violated, the court may commit such child to the custody of the commissioner of youth services and authorize him to place such child in the charge of any person, and, if at any time thereafter the child proves unmanageable, to transfer such child to that facility or training school which in the opinion of said commissioner, after study, will best serve the needs of the child. The department of youth services shall provide for the maintenance, in whole or in part, of any child so placed in the charge of any person.

SECTION 3. Said chapter 119 of the General Laws is hereby further amended

by striking out section 61, as so appearing and inserting in place thereof the following section:-

Section 61. The commonwealth may request a transfer hearing whenever it is alleged in a complaint that a child, who is fourteen years old or older, has committed an offense against a law of the commonwealth, which, if he were an adult, would be punishable by imprisonment in the state prison, and that the offense has allegedly been committed by a child who had previously been committed to the department of youth services, or involves the threat or infliction of serious bodily harm.

The court shall hold a transfer hearing whenever the commonwealth so requests. The court shall order a transfer hearing, in every case in which the offense alleged is murder in the first or second degree, manslaughter, rape, kidnapping, or armed robbery that has resulted in serious bodily injury.

At said transfer hearing, which must be held before any hearing on the merits of the charges alleged the court shall find whether probable cause exists to believe that the child has committed the offense or violation charged. If probable cause is found, the court shall then determine whether the child presents a danger to the public, and whether the child is amenable to rehabilitation within the juvenile system. In making this determination the court shall consider but is not limited to evidence of the following factors:

The nature, circumstances, and seriousness of the alleged offense; the child's court and delinquency record; the child's age and maturity; the family, school and social history of the child; the success or lack of success of any past treatment efforts for the child; the nature of services available through the juvenile justice system; the adequate protection of the public; and the likelihood of rehabilitation of the child.

If, at the conclusion of the hearing, the court enters a written finding based upon clear and convincing evidence that the child presents a significant danger to the public and that the child is not amenable to rehabilitation within the juvenile justice system, the court shall dismiss the delinquency complaint and cause a criminal complaint to be issued. The case shall thereafter proceed according to the usual course of criminal proceedings and in accordance with the provisions of section thirty of chapter two hundred and eighteen and section eighteen of chapter two hundred and seventy-eight. If the court fails to make such findings that the child presents a significant danger to the public and that the child is not amenable to rehabilitation, the court shall proceed on the delinquency complaint.

If a child is charged with murder in the first or second degree, and a finding of probable cause has been made, there shall exist a rebuttable presumption that the child presents a significant danger to the public and that such child is not amenable to rehabilitation within the juvenile justice system. If, at the hearing, the court enters a written finding based upon a preponderance of the evidence that

the child presents a significant danger to the public and that the child is not amenable to rehabilitation within the juvenile justice system, the court shall dismiss the delinquency complaint and cause a criminal complaint to be issued. The case shall thereafter shall proceed according to the usual course of criminal proceedings and in accordance with the provisions of section thirty of chapter two hundred and eighteen and section eighteen of chapter two hundred and seventy-eight. If the court fails to make such findings the court shall proceed on the delinquency complaint.

Whenever a criminal complaint is issued in accordance with this section, the provisions of section sixty-eight shall apply to any person, under the age of eighteen, who is committed for failure to recognize pending final disposition in the district or superior court.

Unless the child waives the provisions of this paragraph, the judge who conducted the transfer hearing shall not conduct any subsequent criminal delinquency proceeding arising out of the facts alleged in the delinquency complaint.

SECTION 4. The third sentence of section 65 of said chapter 119 of the General Laws, as so appearing, is hereby amended by inserting in line eleven after the word "and" the following words:- , except when the child is charged with murder in the first or second degree.

SECTION 5. Said chapter 119 is hereby further amended by striking out section 72, as so appearing, and inserting in place thereof the following section:-

Section 72. Courts shall continue to have jurisdiction in their juvenile sessions over children who attain their seventeenth birthday pending adjudication of their cases, or pending hearing and determination of their appeals, or during continuances or probation, or after their cases have been placed on file; and if a child commits an offense prior to his seventeenth birthday, and is not apprehended until between his seventeenth and eighteenth birthdays, the court shall deal with such child in the same manner as if he had not attained his seventeenth birthday, and all provisions and rights applicable to a child under seventeen shall apply to such child.

Courts shall continue to have jurisdiction in their juvenile sessions over persons who attain their eighteenth birthday pending adjudication of their cases, or pending hearing and determination of their appeals, or during continuances or probation, or after their cases have been placed on file. Nothing herein shall authorize the commitment of a person to the department of youth services after he has attained his nineteenth birthday, or give any court in its juvenile session any power or authority over a person after he has attained his nineteenth birthday; provided, however, that the commitment period shall be no longer than until the age of twenty-one for a child adjudicated a delinquent by reason of having violated section one of chapter two hundred and sixty-five.

SECTION 6. Chapter 120 of the General Laws is hereby amended by striking out section 16, as so appearing, and inserting in place thereof the following section:-

Section 16. Every person committed to the department until the age of eighteen as a delinquent child, if not already discharged, shall be discharged when he reaches his eighteenth birthday, unless a petition is filed by the department under section seventeen. Every person committed to the department until the age of nineteen as a delinquent child, if not already discharged, shall be discharged when he reaches his nineteenth birthday, unless a petition is filed by the department under section seventeen. Every person committed to the department until the age of twenty-one as a delinquent child, if not already discharged, shall be discharged when such person reaches his twenty-first birthday. The department may continue to have responsibility for any person provided for in this chapter under twenty-one years of age for the purposes of specific educational or rehabilitative programs, under conditions agreed upon by both the department and such persons terminable by either.

SECTION 7. Said chapter 120 is hereby further amended by striking out section 17, as so appearing and inserting in place thereof the following section:-

Section 17. Whenever the department is of the opinion that discharge of a person from its control at the age limit stated in section sixteen would be physically dangerous to the public, the department shall make an order directing that the person remain subject to its control beyond the period and shall make application to the committing court for a review of that order by the court. The order and application shall be made at least ninety days before the time of discharge stated in said section sixteen; provided, however, that if the date on which the child has been committed to the department is less than ninety days from the time of discharge stated in said section sixteen, the order and application may be made at any time prior to the date of discharge. The application shall be accompanied by a written statement of the facts upon which the department bases its opinion that discharge from its control at the time stated would be physically dangerous to the public, but no such application shall be dismissed nor shall the order be discharged, merely because of its form or an asserted insufficiency of its allegations; every order shall be reviewed upon its merits.

SECTION 8. The second paragraph of section 18 of said chapter 120, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If after a full hearing the court is of the opinion that discharge of the person to whom the court order applies would be physically dangerous to the public, the court shall confirm the order of the department.

SECTION 9. Said chapter 120 of the General Laws is hereby further amended by striking out section 19, as so appearing, and inserting in place thereof the

following section:-

Section 19. When an order of the department is confirmed as provided in section eighteen, the control of the department over the person shall continue, subject to the provisions of this chapter; provided, however, unless the person is previously discharged in accordance with section six (e), the department shall discharge the person upon his twenty-first birthday. The department shall have the power, in order to protect children and adolescents, to transfer the custody of any person eighteen years of age or older to the department of correction for placement in an appropriate institution.

SECTION 10. The provisions of this act shall not apply to any person whose commitment to the department of youth services has been extended prior to the effective date of this act. The provisions of sections sixteen to nineteen, inclusive, of chapter one hundred and twenty of the General Laws as they appeared prior to the effective date of this act shall apply to all persons whose commitment to the department of youth services has been extended prior to the effective date of this act.

Emergency Letter: December 5, 1990 @ 9:30A.M. Approved December 4, 1990.

Chapter 268. AN ACT (NO TITLE).

Be it enacted by the People, and by their authority, as follows:

SECTION ONE. Section 18A of Chapter 58 of the General Laws is hereby repealed.

SECTION TWO. Section 18C of Chapter 58 of the General Laws is hereby repealed and replaced with the following new section:

Section 18C. For fiscal year 1992, the State Treasurer shall, subject to appropriation and upon certification of the Commissioner, distribute the entirety of the Local Aid Fund established pursuant to M.G.L. c.29 Sec.2D, including but not limited to forty (40%) percent of the sales tax, forty (40%) percent of the income tax, and forty (40%) percent of the corporate income tax as well as the balance of the State Lottery Fund, in accordance with the provisions of this section. The distribution will be made in four equal payments. Said payments shall be made on or before September thirtieth, December thirty-first, March thirty-first and June thirtieth.

1. The amount distributed under this section to any city or town shall not be less than one hundred percent of the total actually received by said city or town under M.G.L. c.58, Sec.18A, and M.G.L. c.58, Sec.18C, and M.G.L. c.10, Sec.35 for fiscal year 1989.

2. In the event that the amount credited to the Local Aid Fund and appropriated

to cities and towns for fiscal year 1992 is greater than the amount credited to the Local Aid Fund and appropriated to cities and towns for fiscal year 1989, then, fifty (50%) percent of the excess shall be distributed to the cities and towns, with each city and town receiving an amount equal to fifty (50%) percent of such excess multiplied by a fraction, the numerator of which shall be the number of persons who reside in such city of town, the denominator of which shall be the number of persons who reside in the Commonwealth. Fifty (50%) percent of such excess shall be distributed to the cities and towns with each city and town receiving an amount determined in accordance with the same formula used in determining the distribution to cities and towns for fiscal year 1989 updated to reflect the current demographics, fiscal conditions and population of each locality.

For purposes of this section, the following words shall have the following meanings:

(a) "Persons who reside in the Commonwealth", the total population of the Commonwealth as enumerated in the most recent official state census conducted by the state secretary or in the most recent official federal census, adjusted by the commissioner to conform as nearly as possible to the same definitions as used in such state census.

(b) "Persons who reside in such city or town", the population of the city or town as enumerated in the most recent official state census conducted by the state secretary or in the most recent official federal census, adjusted by the commissioner to conform as nearly as possible to the same definitions as used in such state census.

This section shall take effect upon passage.

SECTION THREE. Chapter 58 of the General Laws is hereby amended by adding the following section:

Section 18C. Commencing with fiscal year 1993, and continuing thereafter, the State Treasurer shall, subject to appropriation and upon certification of the Commissioner, annually distribute the Local Aid Fund established pursuant to M.G.L. c.29 Sec.2D, including but not limited to forty (40%) percent of the sales tax, forty (40%) percent of the income tax and forty (40%) percent of the corporate income tax as well as the balance of the State Lottery Fund, in accordance with the provisions of this section. The distribution will be made in four equal payments. Said payments shall be made annually, in each fiscal year, on or before September thirtieth, December thirty-first, March thirty-first and June thirtieth.

(1) The amount distributed under this section to any city or town shall not be less than one hundred percent of the sum of the total amounts actually received by said city or town under M.G.L. c.58, Sec.18A and M.G.L. c.58, Sec.18C and M.G.L. c.10, Sec.35, for the preceding fiscal year, unless the amount credited to the Local Aid Fund in the current fiscal year is less than the amount credited to the Local Aid Fund, as certified by the Commissioner in the preceding fiscal year.

(2) In the event that the amount credited to the Local Aid Fund and

appropriated to cities and towns in any fiscal year is greater than the amount credited to the Local Aid Fund and appropriated to cities and towns in the preceding fiscal year, the excess shall be distributed to each city and town as determined by the Secretary of Administration and Finance with the advice and consent of the Local Government Advisory Committee operating pursuant to G.L. c.3, Sec.62.

The distribution shall be made such that each city and town in the Commonwealth shall receive some portion of these excess funds and such that no city or town shall receive less than such city or town received in the previous fiscal year.

(3) In the event that the amount credited to the Local Aid Fund and appropriated in any fiscal year to cities and towns is less than the amount credited to the Local Aid Fund and appropriated to cities and towns in the preceding fiscal year, then such deficiency shall be applied against each city and town, such that the distribution to each city and town in the current fiscal year shall equal the distribution in the previous fiscal year, multiplied by a fraction the numerator of which is the total amount available for distribution in the current year and the denominator of which is the total amount distributed in the previous fiscal year.

This section shall take effect as of January 1, 1991.

SECTION FOUR. The Treasurer shall publish by July 15 of each year a statement indicating: (1) the total amount of revenue credited to the Local Aid Fund; (2) the amount of revenue from the Local Aid Fund appropriated to the cities and towns; and, (3) the amount of revenue from the Local Aid Fund to be distributed to each city and town from that Fund and the dates that the quarterly payments will be made.

SECTION FIVE. In fiscal year 1991 and in each succeeding fiscal year, the Auditor of the Commonwealth shall publish an audit of the Local Aid Fund, showing: (1) the total amount of revenue derived from the income tax, sales tax, and corporate income tax as well as the balance of the state lottery fund after the payment of prizes and expenses of operation; (2) the amount of revenue that was actually credited to the Local Aid Fund; (3) the amount of revenue from the Local Aid Fund that was appropriated to the cities and towns; and, (4) the amount of revenue that was actually distributed from the Local Aid Fund to each city and town. The audit shall include the actual disposition of all revenue credited to the Local Aid Fund.

SECTION SIX. If any quarterly distribution as is required by this statute is not made, any city or town, singly or collectively, may bring an action in the nature of mandamus in the Superior Court against the Commonwealth to require the distribution to be made in accordance with this statute. The court may advance such action to the top of its docket for speedy resolution of these claims. Any city or town not receiving a timely distribution of funds and required by this statute shall be entitled to a late payment fee to be paid by the Commonwealth equal to twenty-

five (25%) percent of the city's or towns' quarterly distribution entitlement as determined by the statement published by the Treasurer and Receiver-General pursuant to Section 4 of this statute.

SECTION SEVEN. No later than March 1 of fiscal year 1991 and no later than March 1 in each succeeding year, the Secretary of Administration and Finance shall issue to each city and town a report of estimated receipts to be received from the Local Aid Fund to be used by each city and town in preparing its budget and calculating its tax rate.

This law was approved by the people at the November 6, 1990 state election under the provisions of Article XLVIII of the Amendments to the Constitution.

Chapter 269. AN ACT (NO TITLE).

Be it enacted by the People, and by their authority, 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 first sentence and inserting in place thereof the following sentence:-

Nominations of candidates for any offices to be filled at a state election may be made by nomination papers, stating the facts required by section eight and signed in the aggregate by not less than such number of voters as will equal one half of one per cent of the entire vote cast for governor at the preceding state election for that office in the commonwealth at large or in the electoral district or division for which the officers are to be elected.

SECTION 2. Section 44 of chapter 53 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:-

In no event shall the number of signatures required be more than the number required of a candidate for the same office in the same electoral district or division to have his or her name placed on the ballot as provided for under section 6.

SECTION 3. Section 1 of chapter 50 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following after line 73:-

"Political designation" shall apply to any designation required in section 8 of chapter 53, expressed in not more than three words, which a candidate for nomination under section 6 of chapter 53 represents, and to any designation expressed in not more than three words to qualify a political party under this section, filed by fifty registered voters with the secretary of state on a form provided by him or her, requesting that such voters, and any others wishing to do so, may change their registration to such designation, provided however, that the designation "Independent" shall not be used.

SECTION 4. Section 1 of chapter 50 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out lines 74 through 87,

inclusive, and inserting in place thereof the following:-

"Political party" shall apply to a party which at the preceding biennial state election polled for any office to be filled by all the voters of the commonwealth at least three per cent of the entire vote cast in the commonwealth for that office, or which shall have registered on the voting lists prepared by the registrars of voters by the first day of July in any year of a biennial state election a number of voters enrolled with its political designation equal to or greater than one per cent of the entire number of voters registered by the first day of July in that year in the commonwealth. Such parties shall be eligible to conduct primary elections at the next following biennial state election. With reference to municipal elections and primaries and caucuses for the nomination of city and town officers, "political party" shall include a municipal party.

SECTION 5. Section 36 of chapter 51 of the 1988 Official Edition is hereby amended by striking the following words appearing in the Affidavit of Registration:-

DO YOU WISH TO ENROLL IN A POLITICAL PARTY?

DEMOCRATIC ☐ REPUBLICAN ☐

and inserting in place thereof:-

DO YOU WISH TO ENROLL IN A POLITICAL PARTY OR DESIGNATION?

DEMOCRATIC ☐ REPUBLICAN ☐

POLITICAL DESIGNATION:.....

SECTION 6. Section 38 of chapter 53 of the 1988 Official Edition is hereby amended by replacing the word "party" with the words "party or political designation" where it appears in lines 11, 12, 26, 31, 36, 42, 45, 47, and 54.

SECTION 7. Section 38A of chapter 53 of the 1988 Official Edition is hereby amended by replacing the word "party" where it appears in line 5, with the words "party or political designation."

SECTION 8. Section 7 of chapter 53 of the General Laws, as so appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Section 7. Every voter signing a nomination paper shall sign in person as registered or substantially as registered, and shall state the address where he or she is currently living with street and number, if any, and his or her address on January first preceding, if different, but any voter who is prevented by physical disability from writing may authorize some person to write his or her name and residence in his or her presence.

SECTION 9. Section 45 of said chapter 53 as so appearing is hereby amended by striking out lines 16 through 18, inclusive, and inserting in place thereof the following sentence:-

Signatures shall be subject to section 7.

SECTION 10. Section 17 of said chapter 53 as so appearing is hereby amended by adding the following sentence:-

In no case shall any blank forms for such nominations be larger than eight and one half inches by fourteen inches, nor shall anyone be prohibited from making exact copies of such blanks provided by the secretary of state for the purpose of collecting signatures for such nominations, nor shall any such copies be rejected for certification or submittal to the secretary of state.

SECTION 11. Section 22A of said chapter 53 as so appearing is hereby amended by adding the following sentence:-

In no case shall any blank forms for such initiative or referendum petitions be larger than eight and one half inches by fourteen inches, nor shall anyone be prohibited from making exact copies of such blanks provided by the secretary of state for the purpose of collecting signatures for such petitions, nor shall any such copies be rejected for certification or submittal to the secretary of state.

SECTION 12. Section 47 of said chapter 53 as so appearing is hereby amended by adding the following sentence:-

In no case shall any blank forms for such nominations be larger than eight and one half inches by fourteen inches, nor shall anyone be prohibited from making exact copies of such forms provided by the secretary of state for the purpose of collecting signations for such nominations, nor shall any such copies be rejected for certification or submittal to the secretary of state.

This law was approved by the people at the November 6, 1990 state election under the provisions of Article XLVIII of the Amendments to the Constitution.

Chapter 270. AN ACT ESTABLISHING THE DEPARTMENT OF BUDGET AND FINANCE IN 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, the department of budget and finance is hereby established in the town of West Newbury. Said department shall be under the direction of a full time finance director appointed by the board of selectmen.

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

SECTION 3. The department of budget and finance shall be comprised of the divisions of treasurer, tax collector, assessors, accountant, and purchasing and such other divisions as the board of selectmen, with the approval of town meeting may, from time to time, assign.

SECTION 4. Upon the assumption of office by the finance director, the terms of the existing town treasurer, tax collector, town clerk and town accountant shall terminate. The persons who were in those elected offices at the effective date of this act shall continue as employees of the department under the direction and supervision of the finance director at least until the expiration of their terms of office. Said employees will maintain the same salary and benefits.

SECTION 5. Upon termination of the term of any office as aforesaid, the finance director shall assume the powers and duties of treasurer and said director shall appoint the person or persons to direct the divisions of town accountant, collector and clerk and purchasing subject to the approval of the board of selectmen.

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

Approved December 7, 1990.

Chapter 271. **AN ACT CREATING AN EXPERIENTIAL EDUCATION PROGRAM WITHIN PHYSICAL EDUCATION DEPARTMENTS.**

Be it enacted, etc., as follows:

Section 1A of chapter 69 of the General Laws is hereby amended by inserting after the fifth sentence the following sentence:- Said director shall include within such curriculum the development of an experiential education program which will build self-confidence, develop self-awareness, leadership, responsibility, judgement and initiative in youth by imparting a variety of wilderness skills which may include, but not be limited to, cross-country skiing, rock climbing, canoeing, backpacking, map and compass, camping and first aid.

Approved December 7, 1990.

Chapter 272. **AN ACT AUTHORIZING THE MEDICAL DIRECTOR OF BRIDGEWATER STATE HOSPITAL TO SIGN AND FILE PETITIONS DIRECTLY WITH THE DISTRICT COURT.**

Be it enacted, etc., as follows:

Paragraph (a) of section 18 of chapter 123 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "facility", in line 24, the words:- and the medical director of the Bridgewater state hospital.

Approved December 7, 1990.

Chapter 273. **AN ACT RELATIVE TO SHELBURNE FALLS FIRE DISTRICT.**

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 262 of the acts of 1855, as amended by section 30 of chapter 160 of the acts of 1963, is hereby further amended by adding the following paragraph:-

Whenever appropriations are duly voted by said district the clerk shall apportion the sums of money to be raised between the town of Buckland and the town of Shelburne in the proportion that the number of users in each of said towns bears to the total number of users in said district and shall render a certified copy of the vote, with the apportionment made by said clerk, to the assessors of the Shelburne Falls Fire District, who shall assess the share of each town in the same manner in all respects in which town taxes are required by law to be assessed;.

SECTION 2. This act shall take effect as of July first, nineteen hundred and eighty-eight.

Approved December 7, 1990.

Chapter 274. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND TO THE TOWN OF CLINTON FOR CEMETERY USE.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations, subject to the provisions of sections forty E to forty J of chapter seven of the General Laws, inclusive, is hereby authorized to convey a certain parcel of land in the town of Clinton containing five acres, more or less, to the town of Clinton to be used by said town for cemetery purposes. Said land is presently under the control of the division of watershed management of the metropolitan district commission.

Said land is shown on a plan of land entitled "Plan of Land in Clinton to be conveyed to the town of Clinton", dated April 1990, which is on file in the office of the division of watershed management of the metropolitan district commission in the town of Clinton and said parcel of land is bounded and described as follows:-

Starting at a stone monument located on the northerly side of Route 110, approximately twelve hundred fifty and 00/100 (1,250.00) feet southwesterly of South Meadow Road.

Thence northeasterly along the northerly side of Route 110, one hundred and thirty-four and 82/100 (134.82) feet to the point of beginning of the parcel.

Thence N 39°-15'-00" W four hundred twelve and 18/100 (412.18) feet to a point.

Thence N 69°-45'-00" E eight hundred thirty-six and 01/100 (836.01) feet to a point.

Thence S 39°-15'-00" E one hundred forty and 00/100 (140.00) feet to a point.

Thence S 50°-45'-00" W seven hundred ninety and 45/100 (790.45) feet along the northerly side of Route 110, to the point of beginning of the parcel.

SECTION 2. Chapter six hundred and eighty-five of the acts of nineteen hundred and seventy-nine is hereby repealed.

SECTION 3. In the event the parcel described in section one is not used for cemetery purposes within five years of the effective date of this act, or if the town ceases to use the parcel for such purposes thereafter, said parcel shall revert to the commonwealth upon terms and conditions as determined by said deputy commissioner.

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

Approved December 10, 1990.

Chapter 275. AN ACT AUTHORIZING CITIES AND TOWNS TO ESTABLISH CERTAIN REVOLVING FUNDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for revolving funds in cities and towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 44 of the General Laws is hereby amended by inserting after section 53E, as appearing in the 1988 Official Edition, the following section:-

Section 53E1/2.. Notwithstanding the provisions of section fifty-three, a city or town may annually authorize the use of one or more revolving funds by one or more municipal agency, board, department or office which shall be accounted for separately from all other monies in such city or town and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund, nor shall any expenditures be made

unless approved in accordance with sections forty-one, forty-two, fifty-two and fifty-six of chapter forty-one.

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town. No revolving fund may be established pursuant to this section for receipts of a municipal water or sewer department or of a municipal hospital. No such revolving fund may be established if the aggregate limit of all revolving funds authorized under this section exceeds ten percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. No revolving fund expenditures shall be made for the purpose of paying any wages or salaries for full time employees.

A revolving fund established under the provisions of this section shall be by vote of the annual town meeting in a town, upon recommendation of the board of selectmen, and by vote of the city council in a city, upon recommendation of the mayor or city manager, in Plan E cities, and in any other city or town by vote of the legislative body upon the recommendation of the chief administrative or executive officer. Such authorization shall be made annually prior to each respective fiscal year; provided, however, that each authorization for a revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; (4) a limit on the total amount which may be expended from such fund in the ensuing fiscal year; and, provided, further, that no board, department or officer shall be authorized to expend in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine.

In any fiscal year the limit on the amount that may be spent from a revolving fund may be increased with the approval of the city council and mayor in a city, or with the approval of the selectmen and finance committee, if any, in a town; provided, however, that the one percent limit established by clause (4) of the third paragraph is not exceeded.

The board, department or officer having charge of such revolving fund shall report to the annual town meeting or to the city council and the board of selectmen, the mayor of a city or city manager in a Plan E city or in any other city or town to the legislative body and the chief administrative or executive officer, the total amount of receipts and expenditures for each revolving fund under its control for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the town meeting or city council may, by vote determine, and the amount of any increases in spending authority granted during the prior and current fiscal years, together with such other information as the town meeting or

city council may by vote require.

At the close of a fiscal year in which a revolving fund is not reauthorized for the following year, or in which a city or town changes the purposes for which money in a revolving fund may be spent in the following year, the balance in the fund at the end of the fiscal year shall revert to surplus revenue unless the annual town meeting or the city council and mayor or city manager in a Plan E city and in any other city or town the legislative body vote to transfer such balance to another revolving fund established under this section.

The director of accounts may issue guidelines further regulating revolving funds established under this section.

SECTION 2. For the purposes of establishing a revolving fund under the provisions of this act during fiscal year nineteen hundred and ninety-one, a town by majority vote of a special town meeting in a town, upon recommendation of the board of selectmen, or by vote of the city council in a city, upon recommendation of the mayor or city manager, in a Plan E city, and in any other city or town by vote of the legislative body, upon recommendation of the chief administrative or executive officer, may authorize the use of a revolving fund during said fiscal year; provided, however, that prior to such vote the finance committee in a town and the auditor or chief financial officer in a city designated by special law, General Law or ordinance, certifies to the assessors that the estimated revenue of the proposed revolving fund has not been used as a local estimated receipt, offset receipt, enterprise revenue or otherwise within the city or town's fiscal nineteen hundred and ninety-one appropriations.

Approved December 10, 1990.

Chapter 276. AN ACT AUTHORIZING THE CITY OF NEWTON TO LEASE A CERTAIN PARCEL OF LAND TO SELL THE BUILDINGS THEREON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B of the General Laws but pursuant to a competitive process resulting in an award to a developer in August, nineteen hundred and eighty-nine and reported to the Office of the Inspector General prior to May first, nineteen hundred and ninety the city of Newton is hereby authorized to lease a certain parcel of land located in said city, presently being used for school and recreational purposes, and to sell the buildings thereon. Said parcel is bounded and described as follows:-

Beginning at a point on the south side of Washington Street about 315' southwesterly of Myrtle Street, West Newton;

thence running in a straight line about 320' southeasterly;
thence turning southwesterly and running in a straight line about 310';
thence turning southeasterly to run in a straight line about 85';
thence turning and running in a straight line for about 170' southwesterly;
thence running a distance of about 120' northwesterly in a straight line;
thence turning and running a distance of about 30' northeasterly in a straight line;
thence turning and running in a straight line northwesterly about 270' to Washington Street;
and thence running along Washington Street in a curving line northeasterly about 460' to the point of beginning.

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

Approved December 10, 1990.

Chapter 277. AN ACT RELATIVE TO THE CO-OPERATIVE BANK INVESTMENT FUND.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 2 of chapter 482 of the acts of 1984, as most recently amended by section 5 of chapter 244 of the acts of 1986, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following three sentences:- The directors shall be elected by the incorporators and shall be divided into three groups as equal in number as possible. At the annual meeting next following the effective date of this act, one group shall be elected for a term of three years, one group shall be elected for a term of two years, and one group shall be elected for a term of one year. At the ensuing annual meeting following the conclusion of such terms, each group shall be elected for a three year term; provided, however, that any director may be removed by a vote of the incorporators at any meeting thereof.

SECTION 2. Section 3 of said chapter 482 is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

For the purposes of this section, the term, "co-operative bank", shall include any savings bank incorporated as such in the commonwealth and subject to the provisions of chapter one hundred and sixty-eight of the General Laws, any trust company incorporated as such in the commonwealth and subject to the provisions of chapter one hundred and seventy-two of the General Laws, any credit union incorporated as such in the commonwealth and subject to the provisions of chapter one hundred and seventy-one of the General Laws and any federally chartered credit union with its principal place of business in the commonwealth.

SECTION 3. Section 7 of said chapter 482 is hereby amended by striking out, in line 23, the words "one-half of one" and inserting in place thereof the word:- five.

Approved December 10, 1990.

Chapter 278. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY PROPERTY IN THE TOWN OF TOPSFIELD TO THE TOWN OF TOPSFIELD.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey by deed approved as to form by the attorney general, a certain parcel of land located in the town of Topsfield, to the town of Topsfield, subject to the requirements of sections two to four, inclusive, and to such additional terms and conditions as the deputy commissioner may prescribe in consultation with the department of youth services.

Said parcel being the same premises conveyed by the Maryknoll Sisters of St. Dominic, Inc. to the Commonwealth of Massachusetts by deed dated November 10, 1969, recorded with southern district registry of deeds in the county of Essex, November 12, 1969, Book 5649, Page 611.

SECTION 2. No deed conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such deed provides that said property shall be used for municipal purposes.

SECTION 3. The town shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by said deputy commissioner for the granting of this conveyance.

SECTION 4. In the event the parcel described in section one is not used for said purposes as described in section two within five years of the effective date of this act, or if the town ceases to use the parcel for such purposes thereafter, said parcel shall revert to the commonwealth upon terms and conditions as determined by said deputy commissioner.

Approved December 10, 1990.

Chapter 279. **AN ACT AUTHORIZING THE TOWN OF HUDSON TO CONVEY CERTAIN PARK LAND TO P.V. DAVIS CONSTRUCTION CO., INC.**

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson acting by and through its board of selectmen is hereby authorized to convey to P.V. Davis Construction Co., Inc. two certain parcels of land presently managed and controlled by said town and being a part of Riverside park. Said parcels are shown as Parcels B and D on a plan entitled "Plan of Land in HUDSON, MASS., Owned by: As Noted survey: Thomas Land Surveyors, Inc., 118 Forest Avenue, Hudson, Massachusetts, Scale: 1" = 40', October 5, 1989" containing 640 square feet and 4,611 square feet respectively.

SECTION 2. In consideration of the conveyance provided in section one, P.V. Davis Construction Co., Inc. shall grant to the town of Hudson two certain parcels of land shown as Parcels A and C on the aforesaid plan, containing 144 square feet and 2,010 square feet respectively.

Approved December 10, 1990.

Chapter 280. **AN ACT ELIMINATING THE CALCULATION OF THE SCHOOL TAX RATE.**

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three C of chapter fifty-nine of the General Laws is hereby repealed.

SECTION 2. Section 3A of chapter 60 of the General Laws, as amended by chapter 308 of the acts of 1989, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Every bill or notice for real or personal property tax shall have printed thereon in a conspicuous place the tax rate for each class within the town, as determined by the assessors.

Approved December 10, 1990.

Chapter 281. **AN ACT AUTHORIZING THE ABATEMENT OF CERTAIN UNPAID PROPERTY TAX BILLS.**

Be it enacted, etc., as follows:

Section 2 of chapter 60 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

In cities and towns which accept the provisions of this paragraph, no tax shall be collected if the actual tax due is less than ten dollars. If a tax committed to the collector is unpaid and is less than ten dollars, the collector shall request in writing that the assessors abate the tax. Upon receipt of such request, the assessors shall forthwith abate such tax and certify such abatement in writing to the collector. Said certificate of abatement shall discharge the collector from further obligation to collect the tax so abated.

Approved December 10, 1990.

Chapter 282. AN ACT RELATIVE TO THE ENUMERATION OF FEES FOR SHERIFFS, DEPUTY SHERIFFS AND CONSTABLES.

Be it enacted, etc., as follows:

Chapter 262 of the General Laws is hereby amended by striking out section 8, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 8. The fees of sheriffs, deputy sheriffs and constables shall be as follows:

A. For the service of civil process:

(1) For service of an original summons, trustee process, subpoena or scire facias, either by reading it or by leaving a copy thereof, ten dollars for each defendant upon whom service is made, except as herein otherwise provided.

(2) For service of an original summons and complaint for divorce or for any other service required to be served in hand, fifteen dollars for each defendant upon whom service is made.

(3) For attestation of each copy of a writ, precept or process, except, as herein otherwise provided, two dollars.

(4) If the officer by the direction of the plaintiff or his attorney makes a special service of a writ or precept, either by attaching personal property or arresting the body, he shall be entitled to one dollar for each defendant upon whom the writ is so served, and four dollars additional for custody of the body arrested, and at the same rate for each day during which he has such custody. If the officer employs an assistant in the arrest of the body, he shall be entitled to three dollars a day for such assistant.

(5) For the custody of personal property attached, replevied or taken on execution, not more than twenty-five dollars for each day of not more than eight hours for the keeper while he is in charge, and not more than ten dollars a day for the officer for a period not longer than ten days; but the officer may be allowed

a greater compensation for himself or his keeper, or compensation for a longer period, by the consent of the plaintiff, or by order of the court upon a hearing. He shall also be entitled to expenses for packing, labor, teaming, storage and taking and preparing a schedule of property attached, replevied or taken on execution, if he certifies that such expenses were necessary and are reasonable.

(6) For an attachment on mesne process of land or of any leasehold estate, ten dollars for each defendant against whom an attachment is made, twenty-two cents a mile each way for travel from the place of service to the registry, and his fee for the copy deposited in the registry of deeds or land court, together with the recording fees actually paid.

(7) For a special attachment of real estate, five dollars additional for each person against whom an attachment is made.

(8) For the service of a writ of replevin: for seizure of property, five dollars for each defendant; securing and swearing appraisers, four dollars, and the actual amount paid to appraisers, as hereinafter provided; examining and approving sureties, three dollars; delivery of property replevied, three dollars; for each service, three dollars for each copy, at the rate hereinbefore provided for copies of writs, precepts or other processes.

(9) For a levy on real estate:

(a) For preparing and serving notice of sale, a fee not to exceed twenty-five dollars, plus travel.

(b) For posting notices of sale, ten dollars, plus travel.

(c) The necessary expenses of advertising.

(d) For the sale of land or of any leasehold estate, ten dollars.

(e) For preparing, executing and acknowledging deed, twenty-five dollars.

(f) For travel, twenty-two cents a mile each way from the place where he receives the execution to the office of the register of deeds, and his fee for the copy.

(10) For a sale of personal property on mesne process or on execution the following:

(a) For service of a copy of notice to appoint appraisers, four dollars for each person upon whom service is made.

(b) The necessary expenses of taking and preparing a schedule of property proposed to be sold.

(c) For attendance upon and swearing appraisers, five dollars.

(d) The amount actually paid to appraisers as hereinafter provided.

(e) For preparing and posting notice of a proposed sale, ten dollars, plus travel.

(f) The necessary expenses of keeper, labor and advertising.

(g) For custody of property, four dollars a day.

(h) For services as auctioneer, or for services of an auctioneer in selling property, a fair and reasonable amount.

(i) If the sale is made on execution, poundage may be charged as hereinafter

provided.

(j) The fair compensation for the services of an appraiser shall not be more than fifteen dollars for each day's service, but the officer may be allowed a greater compensation for the appraisers by an order of the court.

(k) For each adjournment of sale of real or personal property, five dollars.

(11) For taking bail and furnishing and writing the bail bond, one dollar, which shall be paid by the defendant, and taxed in his bill of costs, if he prevails.

(12) For serving an execution in a personal action by copy and demand on debtor or on trustee, ten dollars and travel, if the execution is not collected in whole or in part; for serving an execution in a personal action, and collecting damages or costs on an execution, warrant of distress or other like process, for an amount not exceeding one hundred dollars, four cents for every dollar; all above one hundred dollars, and not exceeding five hundred dollars, two cents for every dollar; and all above five hundred dollars, one cent for every dollar; but such percentage shall be allowed only upon the amount actually collected. A levy of the execution upon his body shall be considered, so far as the fees of the officer are material, a full satisfaction of the execution if the debtor has recognized with surety or sureties as required by law.

(13) For serving a writ of seisin or possession in a real action, eight dollars for each parcel.

(14) For serving an execution upon a judgment for partition, or for assignment of dower or curtesy, one dollar a day.

(15) For serving a writ of capias, a writ of habeas corpus, a writ of ne exeat, or other process of civil arrest in a civil proceeding, twenty-five dollars, plus, upon consent of the plaintiff or upon order of the court, a greater compensation which may include the services of an assistant if necessary, plus travel.

(16) For serving a venire or notice to jurors for attendance upon any court, civil or criminal, four dollars for each person upon whom service is made.

(17) For summoning witnesses, ten dollars for each person upon whom service is made, and one dollar for each copy served, together with the fee paid to the witness.

(18) For dispersing treasurer's process warrants and proclamations of all kinds, two dollars each.

(19) For travel in the service of original writs, executions, warrants, summonses, subpoenas, notices and other processes, twenty-two cents a mile each way, to be computed from the place of service to the court or place of return; and if the same precept, or process is served upon more than one person, the travel shall be computed from the most remote place of service, with such further travel as was necessary in serving it; if the distance from the place of service to the place of return exceeds twenty and does not exceed fifty miles, twenty-two cents a mile one way only shall be allowed for all travel exceeding twenty miles, and, if it exceeds fifty

miles, only four cents a mile one way shall be allowed for all travel exceeding that distance.

(20) For travel in the service of venires and notices to jurors, twenty-two cents a mile for the distance actually traveled.

(21) For posting warrants, for notifying town meetings or for other purposes, three dollars for each copy posted together with twenty-two cents a mile for the distance actually traveled.

B. For the service of criminal process:

(1) For serving a warrant of capias in a criminal proceeding, twenty-five dollars, plus, upon consent of the plaintiff or upon order of the court, a greater compensation which may include the services of an assistant if necessary, plus travel, and of a summons upon the defendant, ten dollars, for each person upon whom the same is served.

(2) For a copy of a mittimus, warrant or other precept required by law in criminal cases, two dollars.

(3) For service of a witness, summons or subpoena in criminal cases, ten dollars plus travel in the amount of twenty-two cents a mile each way for a distance of not more than twenty miles, and for any excess over twenty miles, five cents a mile each way, and no more. The distance shall be computed from the most remote place of service to the place of return, but upon a subpoena the court shall reduce the fee for travel to a reasonable amount for the service performed if the travel charged has not been actually performed by the officer who made the service.

(4) For service of an order of notice under chapter two hundred and seventy-three A, ten dollars.

Approved December 10, 1990.

Chapter 283. AN ACT RELATIVE TO HOUSING FOR OLDER PERSONS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of subsection 6 of section 4 of chapter 151B of the General Laws, as most recently amended by section 15 of chapter 722 of the acts of 1989, is hereby further amended by striking out the last sentence and inserting in place thereof the following two sentences:- 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 communities consisting of either a structure or structures constructed expressly for use as housing for persons fifty-five or over or sixty-two or over, on one parcel or on contiguous parcels of land, totalling at least five acres in size. For the purpose of this subsection, housing intended for occupancy by persons fifty-five or over and sixty-two or over shall comply with the provisions set forth in 42 USC 3601 et seq.

SECTION 2. Subsection 7 of said section 4 of said chapter 151B, as most recently amended by chapter 722 of the acts of 1989, is hereby further amended by striking out the last sentence and inserting in place thereof the following two sentences:- 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 communities consisting of either a structure or structures constructed expressly for use as housing for persons fifty-five or over or sixty-two or over, on one parcel or on contiguous parcels of land, totalling at least five acres in size. For the purpose of this subsection, housing intended for occupancy by persons fifty-five or over and sixty-two or over shall comply with the provisions set forth in 42 USC 3601 et seq.

Approved December 10, 1990.

Chapter 284. **AN ACT RELATIVE TO CERTAIN CONSTRUCTION BY VOCATIONAL-TECHNICAL SCHOOL STUDENTS.**

Be it enacted, etc., as follows:

Chapter 74 of the General Laws is hereby amended by inserting after section 2A, as appearing in the 1988 Official Edition, the following section:-

Section 2B. Notwithstanding any general or special law to the contrary, a city or town may provide for the construction of one and two family dwellings for persons of low income, by students in vocational-technical schools enrolled in construction programs.

No such construction shall be undertaken without the prior approval of the division of occupational education and in a city with the prior approval of the mayor and council or in a town with the prior approval of the town council, or if there is no town council, with the approval of the town meeting and board of selectmen.

Approved December 10, 1990.

Chapter 285. **AN ACT FURTHER REGULATING THE SETTLEMENT OF ESTATES OF ABSENTEES.**

Be it enacted, etc., as follows:

Section 13 of chapter 200 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 upon the expiration of seven years after the date of the disappearance or absconding as found and recorded by the court or, in case

such receiver is not appointed within six years after said date, upon the expiration of one year after the date of the appointment of the receiver, the remainder of said property has not been accounted for, delivered or paid over to the absentee or his legal representative under section twelve, the court shall order the distribution thereof, subject to the deduction hereinafter provided, to the persons to whom, and in the shares and proportions in which, it would have been distributed if said absentee had died intestate within the commonwealth on the date of the expiration of said seven years or of said one year, as the case may be.

Approved December 10, 1990.

Chapter 286. AN ACT RELATIVE TO ASCERTAINING THE WILL OF THE PEOPLE RELATIVE TO IMPROVING PUBLIC EDUCATION.

Be it enacted, etc., as follows:

For the purpose of ascertaining the will of the voters relative to improving public education, the state secretary shall cause to be placed on the official ballot to be used at the biennial state election to be held in the year nineteen hundred and ninety-two the following question:- "Shall the general court, in order to support public education, earmark an additional penny on the sales tax to a special fund to be used solely for the improvement of public elementary, secondary, higher education, and adult education in the commonwealth; provided that state and local governments do no decrease their current levels of public education funding, except where enrollment declines?"

Approved December 10, 1990.

Chapter 287. AN ACT FURTHER REGULATING NOTICE OF CANCELLATION ON INSURANCE POLICIES.

Be it enacted, etc., as follows:

SECTION 1. Section 113A of chapter 175 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out provision (2) and inserting in place thereof the following provision:-

(2) That, except as otherwise provided in provision (2)A and in section one hundred and thirteen D, no cancellation of the policy, whether by the company or by the insured, shall be valid unless written notice thereof is given by the party proposing cancellation to the other party giving the specific reason or reasons for such cancellation at least twenty days in each case prior to the intended effective

date thereof, which date shall be expressed in said notice, and that such notice of cancellation sent by the company to the insured and return premium, if any, shall be delivered in hand to the named insured, or be left at his last address, at his last business, residence or other address known to the company, or be forwarded to said address by first class mail, postage prepaid, and a notice left or forwarded, as aforesaid, shall be deemed a sufficient notice. No written notice of cancellation shall be deemed effective when mailed by the company unless the company obtains a certificate of mailing receipt from the United States Postal Service showing the name and address of the insured stated in the policy. Furthermore, an affidavit of any officer, agent or employee of the company, duly authorized for the purpose, that he has so sent such notice addressed as aforesaid shall be prima facie evidence of the sending thereof as aforesaid; together with a provision that, in the event of a cancellation by the insured, he shall, if he has paid the premium on the policy to the company or to its agent who issued the policy, or to the duly licensed insurance broker, if any, by whom the policy was negotiated be entitled to receive a return premium after deducting the monthly short rates as determined by the commissioner for the time the policy shall have been in force, or in the event of cancellation by the company, the insured shall, if he has paid the premium as aforesaid, be entitled to receive a return premium calculated on a pro rata basis; provided, however, that if the insured after the sending of a notice of cancellation by the company, or after giving such notice to the company, files a new certificate under section thirty-four H of chapter ninety prior to the intended effective date of such cancellation, the filing of said certificate shall operate to terminate the policy on the date of said filing, and the return premium, if any, payable to the insured shall be computed as of the date of said filing, instead of the intended effective date of cancellation expressed in the notice thereof; provided, further, that if the final effective date of a cancellation by the company is fixed by an order of the board of appeal on motor vehicle liability policies and bonds or of the superior court, or a justice thereof, as provided in section one hundred and thirteen D, the return premium, if any, payable to the insured shall be computed as of the final effective date; and provided, further, that said cancellation shall not become effective unless the company or an insurance premium finance agency licensed under the provisions of chapter two hundred and fifty-five C has, immediately upon the intended effective date of the cancellation of the policy, whether proposed by the company or by the insured, forwarded to the registrar of motor vehicles a notice, in such form as he may prescribe, containing such information to apprise the registrar of the particular motor vehicle registration on which the insurance is intended to be cancelled. If the reason for cancellation is for nonpayment of premium, the notice of cancellation provided for in this provision shall state the amount of the deficiency of the premium owed the company for all the insurance provided and shall state in substance that the cancellation will not be effective if

the insured pays the full amount of such deficiency on or prior to the effective date of the cancellation. The fact that an insurance agent or broker has paid the full premium to the company but has himself not been paid by the insured shall not operate to prevent cancellation for nonpayment of premium.

SECTION 2. The first paragraph of section 187C of said chapter 175, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- Such notice and return premium, if any, shall be delivered in hand to the named insured, or be left at his last address as shown by the company's records or, if its records contain no such address, at his last business, residence or other address known to the company, or be forwarded to said address by first class mail, postage prepaid, and a notice left or forwarded, as aforesaid, shall be deemed a sufficient notice. No written notice of cancellation shall be deemed effective when mailed by the company unless the company obtains a certificate of mailing receipt from the United States Postal Service showing the name and address of the insured stated in the policy.
Emergency Letter: December 24, 1990 @ 9:48 A.M. Approved December 10, 1990.

Chapter 288. AN ACT RELATIVE TO CERTAIN CEMETERIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 114 of the General Laws is hereby amended by striking out section 3A, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 3A. No cemetery corporation created by special charter or organized under the provisions of section one shall take over ownership of an unoccupied grave unless a minimum of seventy-five years has elapsed after issuance of a license for the grave by the cemetery corporation or its predecessor in interest; and the cemetery corporation cannot locate the license holder or the holder's successor in interest after making a diligent search. If ownership of the license is ascertained after such a taking occurs, then the cemetery corporation shall pay the fair value of the license at the time of its taking to the owner.

No cemetery corporation created by special charter or organized under the provisions of section one shall reuse an occupied grave except: upon the request and with the consent of a relative or descendant of the decedent occupying the grave, providing no other descendant objects; to provide for the burial of a relative or descendant of the decedent occupying the grave; and if the remains of the decedent occupying the grave will remain in the grave. The municipality where the cemetery is located shall determine, by by-law or ordinance, the method to be used in reusing such occupied graves and may reasonably limit the circumstances

under which such reuse can occur.

SECTION 2. Said chapter 114 is hereby further amended by striking out section 10A, as so appearing, and inserting in place thereof the following section:-

Section 10A. No municipality shall take over the ownership of an unoccupied grave unless a minimum of seventy-five years has elapsed after issuance of a license for the grave by the municipality or its predecessor in interest; and the municipality cannot locate the license holder or the holder's successor in interest after making a diligent search. If ownership of the license is ascertained after such a taking occurs, then the municipality shall pay the fair value of the license at the time of its taking to the owner.

No municipality shall reuse an occupied grave except: upon the request and with the consent of a relative or descendant of the decedent occupying the grave, providing that no other descendant objects; to provide for the burial of a relative or descendant of the decedent occupying the grave; and if the remains of the decedent occupying the grave will remain in the grave. The municipality shall determine, by by-law or ordinance, the method to be used in reusing such occupied graves and may reasonably limit the circumstances under which such reuse can occur.

Approved December 10, 1990.

Chapter 289. **AN ACT RELATIVE TO THE AMOUNT OF LOANS TO BE MADE ON COLLATERAL BY CREDIT UNIONS HAVING ASSETS OVER ONE HUNDRED THOUSAND DOLLARS.**

Be it enacted, etc., as follows:

Section 59 of chapter 171 of the General Laws, inserted by section 1 of chapter 79 of the acts of 1990, is hereby amended by striking out subparagraph (3) and inserting in place thereof the following subparagraph:-

(3) A credit union having assets of less than one hundred thousand dollars may make loans evidenced by the note of the borrower and secured by a pledge or security interest in satisfactory collateral valued at not more than eighty-five percent of its market value, in amounts not exceeding five thousand dollars; a credit union having assets of more than one hundred thousand dollars may make loans evidenced by a pledge or security interest in satisfactory collateral valued at not more than ninety-five percent of its market value, in amounts not exceeding fifteen thousand dollars or one percent of assets, whichever is greater; provided, however, that a loan based on one percent of assets shall not exceed forty thousand dollars. Each such loan made under this paragraph shall be payable within sixty months from the date of the note.

Approved December 10, 1990.

Chapter 290. **AN ACT ESTABLISHING A SPECIAL ACCOUNT IN THE TOWN OF DARTMOUTH.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, or any other provisions of law to the contrary, the town of Dartmouth is hereby authorized to establish a special account to be known as the Dartmouth Social Day Trust Fund into which account shall be deposited all receipts, revenues and funds received from any source by the social day program in said town. Donations from private sources also may be received and placed into said account, as well as monies from other sources authorized by law.

SECTION 2. Said account shall be maintained by the town treasurer of said town. Said treasurer may invest the monies in said account in the manner authorized by sections fifty-five and fifty-five A of said chapter forty-four. The interest accruing on said account shall inure solely to the benefit of said account. Said account shall be audited by an independent certified public accountant and said audit report shall be submitted to the director of the bureau of accounts.

SECTION 3. The town treasurer shall assure that sufficient money is available at all times to meet current liabilities. The Dartmouth social day program in said town shall annually furnish said treasurer a schedule of anticipated expenditures on a monthly basis.

SECTION 4. The funds and interest of said account shall be expended only for capital expenditures and budget appropriations for the Dartmouth social day program in said town and only by a majority vote at the town meeting. Any monies so appropriated and not expended shall revert to said account.

Approved December 10, 1990.

Chapter 291. **AN ACT PERMITTING A CHARGE FOR DIRECTORY ASSISTANCE AND IMPROVING TELECOMMUNICATIONS WITHIN THE COMMONWEALTH.**

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 18 of chapter 6A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "police", in line 13, the following words:- ; the statewide emergency telecommunications board.

SECTION 2. Said chapter 6A is hereby further amended by inserting after

section 18 the following six sections:-

Section 18A. In this section and in sections eighteen B to eighteen F, inclusive, and in section fourteen A of chapter one hundred and sixty-six, the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Automatic number identification", an enhanced 911 service capability that allows for the automatic display of the seven digit number used to place a 911 call.

"Automatic location identification", an enhanced 911 service capability that allows for the automatic display of information relating to the geographical location of the telephone used to place a 911 call.

"Board", the statewide emergency telecommunications board.

"Director", the executive director of the statewide emergency telecommunications board.

"Enhanced 911 service", a service consisting of telephone network features provided for users of the public telephone system enabling such users to reach a public safety answering point by dialing the digits 911. Such service directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the calls originate and provides the capability for automatic number identification and automatic location identification.

"Enhanced 911 network features", those features which provide selective routing, automatic number identification and automatic location identification.

"Enhanced 911 systems", a distinct entity or geographical segment in which enhanced 911 service is provided. It consists of an electronic switching system serving as a control office and trunking connecting all central offices within a geographical segment and the public safety answering points and circuits from such public safety answering points to a data base for retrieval of location information.

"Local exchange service", telephone exchange lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information.

"Municipality", any city or town in the commonwealth.

"Network components", includes the software and hardware for the control office, other central office modification, trunking and all components of the computer storage system and data base used for selective routing of 911 calls and automatic location identification, including a public safety answering point.

"Public safety agency", a functional division of a municipality or the state which provides fire fighting, law enforcement, ambulance, medical or other emergency services.

"Private safety agency", any entity, except for a municipality or a public safety agency, providing emergency police, fire, ambulance or medical services.

"Public safety answering point", a facility assigned the responsibility of receiving 911 calls and, as appropriate, directly dispatching emergency response

services or transferring or relaying emergency 911 calls to other public or private safety agencies.

A primary public safety answering point is equipped with automatic number identification and automatic location identification displays, and is the first point of reception of a 911 call. It serves the municipality in which it is located, and other cities and towns as may be determined by the board.

A secondary public safety answering point is equipped with automatic number identification and automatic location identification displays. It receives 911 calls only when they are transferred from the primary public safety answering point or on an alternative routing basis when calls cannot be completed to the primary public safety answering point.

A ringing public safety answering point is equipped for receipt of voice communications only, and may not operate twenty-four hours each day. It receives 911 calls that are transferred from the primary public safety answering point.

"Selective routing", the method to direct 911 calls to the appropriate public safety answering point based on the geographical location from which the call originated.

"Subscriber", an end user who receives telephone exchange access service.

"Telephone company", includes all persons, firms, corporations, associations and joint stock associations or companies, as defined in chapter one hundred and fifty-nine, furnishing or rendering local telephone exchange service.

Section 18B. (a) There shall, be within the executive office of public safety, a statewide emergency telecommunications board consisting of the secretary of public safety; the secretary of consumer affairs and business regulation; the director of the Massachusetts civil defense agency and office of emergency preparedness; the director of the office of management information systems; the commissioner of the department of public safety; the superintendent of the metropolitan district commission police and the police commissioner of the city of Boston; the executive director of the state office of handicapped affairs; and thirteen members to be appointed by the governor, three of whom shall be representatives of the Massachusetts Chiefs of Police Association, three of whom shall be representatives of the Massachusetts Fire Chiefs Association, one of whom shall be a representative of the Massachusetts Emergency Medical Care Advisory Board, one of whom shall be a representative of the Massachusetts Police Association, one of whom shall be a representative of the Professional Fire Fighters of Massachusetts, one of whom shall be a representative of the Massachusetts Municipal Association, one of whom shall represent the interests of the vision impaired, one of whom shall represent the interests of the hearing impaired, and one of whom shall represent the interests of the mobility impaired.

(b) The board shall coordinate and effect the implementation of enhanced 911, and administer its service in the commonwealth. The board shall also promulgate

rules and regulations for the administration of enhanced 911, pursuant to chapter thirty A. Not later than six months after its organization, the board shall establish technical and operational standards, hereinafter referred to as "standards", for the establishment of public safety answering points which utilize enhanced 911 network features in accordance with section fourteen A of chapter one hundred and sixty-six and section eighteen C of this chapter. Municipalities shall comply with such standards in the design, implementation and operation of public safety answering points. The board may inspect each public safety answering point which utilizes enhanced 911 network features to determine if it meets the requirements of said sections and all other technical and operational standards required by law.

The number of public safety answering points and answering positions at primary public safety answering points shall be determined by the board according to a formula that takes into account cost, efficiency and the public safety needs of cities and towns. Applications for secondary public safety answering points shall be reviewed and approved by the board. The installation and operation costs of secondary public safety answering points shall be the responsibility of the applicant or applicants.

(c) The governor shall annually designate the chairperson of the board from among its members. The board shall meet at least annually, and at other times as determined by the chairperson, who shall notify all members of the time and place of all such meetings; provided, however, that a special meeting may be called at any time by a request of a majority of the board members. Members of the board shall receive no compensation, but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties.

(d) The secretary of public safety shall appoint and, subject to appropriation or funds otherwise available from other sources, fix the salary of an executive director, after reviewing final applicants with the approval of the board. Said director shall be responsible for administering, directing and managing the affairs and business of the board, for the supervision of all personnel associated with the enhanced 911 system, and for the appointment of all such personnel except as otherwise provided by the board. The director shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one, but shall be classified in accordance with section forty-five of said chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. The executive director, with the approval of the board, may appoint such other employees, including experts and consultants, as he deems necessary, subject to appropriation or available funds, to carry out the board's responsibilities.

(e) The board shall file a written annual report to the governor and shall file a copy thereof with the state secretary, the clerk of the house of representatives and the clerk of the senate.

(f) The board is hereby authorized to enter into contracts and agreements with, and accept gifts, grants, contributions, and bequests of funds from, any department, agency, or subdivision of federal, state, county, or municipal government and any individual, foundation, corporation, association, or public authority for the purpose of providing or receiving services, facilities or staff assistance in connection with its work. Such funds shall be deposited with the state treasurer and may be expended by the board in accordance with the provisions of section seventeen B of chapter ten.

Section 18C. (a) Each public safety answering point shall be capable of transmitting a request for law enforcement, fire fighting, medical, ambulance or other emergency services to a public or private safety agency that provides the requested services.

(b) Each primary public safety answering point shall be equipped with a system approved by the board for the processing of requests for emergency services from the physically challenged.

(c) Except as approved by the board, no person shall permit an automatic alarm or other alerting device to dial the numbers 911 automatically or provide a prerecorded message in order to access emergency services directly.

(d) A public safety agency or private agency that receives a request for emergency service outside of its jurisdiction shall promptly forward the request to the public safety answering point or public safety agency responsible for that geographical area. Any emergency unit dispatched to a location outside its jurisdiction in response to such request shall render service to the requesting party until relieved by the public safety agency responsible for that geographical area.

(e) Municipalities may enter into written cooperative agreements to carry out the provisions of subsections (a), (b), and (d).

Section 18D. (a) Each municipality in the commonwealth shall establish, staff, and operate, in conjunction with one or more other municipalities or by itself, a public safety answering point on a twenty-four hour a day, seven days a week basis, in a manner and according to a schedule to be approved by the board. Each such municipality also shall submit for approval its recommendations for providing enhanced 911 service in such municipality along with any other required information to the board within twelve months of the promulgations of standards by the board.

(b) The board shall review each proposed municipal plan to determine if it meets the requirements of law, and the technical and operational standards established by the board. The board shall require primary public safety answering points to display automatic number identification, automatic location identification and may require other enhanced 911 features that are or may become available; provided, however, that the purchasing and installation costs of any additional mandatory enhanced 911 features shall be the responsibility of a telephone

company as provided in section seven. The primary public safety answering point shall be designed according to the plan as specified in subsection (c).

(c) The board shall develop, not later than eighteen months after the promulgation of standards, a statewide plan for the implementation and maintenance of enhanced 911 service. Such plan shall include the following:

(1) A division of the commonwealth into geographical segments. An enhanced 911 system shall be established for each municipality or county, or by groups of municipalities or counties, as specified by the board.

(2) An implementation schedule, developed after consultation with telephone companies, for the sequence of converting to enhanced 911 systems.

(3) A designation within each enhanced 911 system, of the municipalities and the public safety agencies within such municipalities, to serve as the primary public safety answering points. In all cases, the recommendation for the primary public safety answering point locations shall be for existing public safety agencies and, whenever possible, for the buildings at which they customarily operate. The board shall also evaluate the need for secondary public safety answering points in municipalities which have requested them. It shall be the responsibility of the board to make the final determination regarding the total number and location of primary public safety answering points.

(4) The board shall, no later than September thirtieth of each year, review the existing configuration of primary, secondary and ringing public safety answering points, and develop changes or recommendations for change by December thirty-first of each year; provided, however, that any recommendation respecting the provision of enhanced 911 service that would result in aggregate expenditures of five hundred thousand dollars or more in a calendar year by a telephone company shall require the approval of the department of public utilities.

Section 18E. The attorney general may, at the request of the board or on his own initiative, institute civil proceedings against any municipality or petition the department of public utilities to institute proceedings to require a telephone company to provide services under this chapter.

Section 18F. After consultation with the department of public utilities, the secretary of public safety is hereby authorized to make an assessment proportionally against each telephone company based upon the intrastate operating revenues of each said company derived from sales within the commonwealth as shown in the annual report of said companies to the department of public utilities. Said assessment shall be made at a rate to be determined and certified annually by the secretary of public safety sufficient to produce not more than three hundred thousand dollars in revenue for the fiscal year for which the assessment is made; provided, however, that if the board fails to expend in any fiscal year the total amount assessed for the purposes set forth herein, any unexpended amount in such fiscal year shall be credited against the assessment to be made in the following year

and the assessment in the following year shall be reduced by such unexpended amount; provided, further, that in addition to said assessment amounts, the assessment shall include amounts, to be credited to the General Fund, equal to the amount of funds estimated by the secretary for administration and finance to be expended from the General Fund for direct and indirect fringe benefit costs attributable to personnel costs of the board. The funds produced by such assessment shall be deposited in the General Fund and expended, subject to appropriation, to provide for the operating expenses of the board.

SECTION 3. Section 19 of chapter 159 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 11, the words "residential customers or".

SECTION 4. Said chapter 159 is hereby further amended by striking out section 19A, as so appearing, and inserting in place thereof the following section:-

Section 19A. The department may approve a rate, fare, toll or charge for directory assistance service pursuant to schedules filed with the department; provided, however, that for each business or residence line and for each private branch exchange trunk line to which a customer subscribes, said customer shall be entitled to receive an allowance of ten direct dialed directory assistance calls per month; provided, further, that as of January, nineteen hundred and ninety-three, directory assistance calls for telephone numbers which are non-listed, or non-listed and non-published shall not be included in the ten call allowance; and provided, further, there shall be no rate, fare, toll or charge for said calls. The department shall determine an appropriate reduced monthly direct dialed directory assistance call allowance applicable to each Centrex line to which a business customer subscribes to provide a monthly call allowance equivalent to the allowance provided to each private branch exchange trunk line. Customers who are certified handicapped or elderly pursuant to regulations promulgated by the department shall be allowed an unlimited number of directory assistance calls without charge, and subject to such other terms and conditions as the department finds reasonable; provided, however, that no rate, fare, toll or charge for directory assistance service may be charged to users of coin operated telephones. The department may approve a rate, fare, toll or charge for directory assistance service to other common carriers as defined in paragraph (d) of section twelve for such directory assistance service as provided for herein.

For the purposes of this section, "directory assistance service" or "directory assistance call" shall mean information given to a customer of a telecommunications company to provide such customer with a telephone number. Each customer will be entitled without charge to a directory for each area within the commonwealth.

SECTION 5. Chapter 166 of the General Laws is hereby amended by striking out section 14A, as so appearing, and inserting in place thereof the following

section:-

Section 14A. (a) In order to establish statewide enhanced 911 service, upon the written request of the statewide emergency telecommunications board, established by section eighteen B of chapter six A, hereinafter referred to as the board, each telephone company providing local exchange service in the state shall provide and maintain enhanced 911 service in compliance with a schedule established by the board after consultation with the phone company.

(b) Each municipality in the commonwealth shall be served by a primary public safety answering point that utilizes enhanced 911 network features in accordance with the implementation schedule established by the board under the provisions of section eighteen D of chapter six A.

(c) No provision of law shall be construed to prohibit or discourage the formation of multiagency, multijurisdictional or regional public safety answering points, that any such plan is approved by the board. Any public safety answering point may serve the jurisdiction of more than one public agency or a segment of the jurisdiction of a municipality.

(d) A telephone company shall forward to any public safety answering point, or any other answering point equipped for enhanced 911 service, the telephone number and street address of any telephone used to place a 911 call. Subscriber information provided in accordance with this section shall be used only for the purpose of responding to emergency calls or for use in any ensuing investigation or prosecution, including the investigation of false or intentionally misleading reports of incidents requiring emergency service. No telephone company, nor the agents of any telephone companies, shall be liable in any action to any person for releases of information as permitted in this section.

(e) As enhanced 911 service becomes available and where facilities are available, each telephone company and owner of a private coin telephone in the state shall convert each public coin or coinless telephone within areas served by such enhanced 911 service to dial tone first capability, which will allow a caller to dial 911 without first inserting a coin or paying any other charge. Each provider of public coin or coinless telephone shall provide access to enhanced 911 service, and prominently display instructions on how to use such system.

SECTION 6. Said chapter 166 is hereby further amended by inserting after section 15D the following section:-

Section 15E. (a) As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:-

"Common carrier", as the term is used in chapters one hundred and fifty-nine and one hundred and sixty-six, and referring to a business in the commonwealth that is a provider of local exchange service, so-called, to one thousand or more subscribers.

"Deaf person", a person with a severe to profound hearing loss, who, in the

majority of circumstances, is unable to effectively use the telephone without the assistance of a TDD/TTY.

"Hard of hearing person", a person with a hearing loss who, in the majority of circumstances, is unable to effectively use a telephone without the assistance of a sound amplification control on the telephone receiver or without the use of a hearing aid and a hearing aid compatible handset.

"Disabled person", a person who has a physical, sensory or mental impairment which substantially limits one or more major activity such as caring for himself, performing manual tasks, walking, seeing, hearing, breathing, learning and working, and who is unable to use a telephone without the assistance of specialized telephone equipment.

"TDD/TTY", telecommunications device for the deaf consisting of terminals that permit two-way, typed telephone conversations with or between deaf people.

"TDD equipment distribution service", a system of administration and record keeping as well as distribution, repair and replacement of TDD/TTY equipment for certified subscribers.

"SCPE", specialized, customer-premises equipment, such as artificial larynxes, signaling devices, amplified handsets, large number dial overlay, direct telephone dialing, telebraille, TDD/TTY and other devices which provide access to telephone networks for people with hearing, speech, vision or mobility impairments.

"SCPE distribution service", a system of administration and record keeping, as well as distribution, repair and replacement of SCPE units for certified subscribers.

"Dual party TDD/TTY telephone message relay service", a system which uses third party intervention to connect deaf, hard of hearing and speech impaired persons who use TDD/TTY equipment, with persons of normal hearing and speech by way of telephone systems.

"Public coin and coinless telephone service", telephones operated by coin or credit card located in high volume traffic areas that return substantial revenue, including, but not limited to, police stations, hospitals, airports, bus terminals, train stations, libraries, social security, medicaid and medicare offices, and shopping centers.

"Semi-public coin and coinless telephone service", telephones operated by coin or credit card located in low volume traffic areas that return moderate revenue, including, but not limited to, convalescent homes, elderly housing complexes and small meeting houses.

(b) Every common carrier shall provide and maintain a TDD equipment distribution service and a SCPE distribution service, and shall make such services available to any residential subscriber who is (i) certified by the Massachusetts commission on the deaf and hard of hearing as sufficiently deaf or hard of hearing to be in need of TDD or SCPE equipment, (ii) certified by the Massachusetts commission for the blind as sufficiently visually impaired to be in need of SCPE

equipment, or (iii) certified by the Massachusetts rehabilitation commission as otherwise sufficiently disabled to be in need of SCPE equipment. For the purposes of making this certification, the respective aforementioned commissions shall require a written verification of the alleged disabilities by a physician or certified audiologist licensed to do business in the commonwealth. Each common carrier, upon the request of a certified subscriber, shall provide TDD equipment and SCPE equipment to the requesting subscriber. Such service shall be provided free of charge, or at reduced rates if the department of public utilities first certifies that said requesting subscriber is unable to afford said TDD or SCPE equipment at its full cost. Any reduced rate shall be in accordance with a rate schedule established by the department of public utilities.

(c) Each common carrier shall provide a dual party TDD/TTY telephone message relay service from a center located within the commonwealth. Employees of said center shall be residents of the commonwealth and preference in employment at said center shall be given to disabled persons as defined by this section.

(d) The department of public utilities shall review each such service to see that it conforms with the provisions herein. Said department shall promulgate rules and regulations necessary to carry out the provisions of this section; provided, however, that prior to such implementation of such services pursuant to sections (b) and (c) said common carrier shall issue a request for proposals subject to Department of Public Utilities review and approval seeking competitive bids from qualified vendors to provide the aforementioned services. Said common carrier shall be permitted to submit a competitive bid to provide the aforementioned services. Further provided, however, that beginning on January 2, 1991, the vendor selected to provide such services shall reimburse the Commonwealth for the costs incurred by the existing provider of said service, subject to D.P.U. review and approval, prior to full implementation of this Act. In any rate proceeding conducted pursuant to chapter 159 of the General Laws in which said carrier seeks to reflect the costs for such services in rates said carrier shall submit to the department such information about said requests for proposals so that the department may determine said carrier is providing such services at a cost to said carrier that reflects the least cost to its ratepayers with due regard for standards of reliability and quality that are consistent with the public interest.

(e) Each common carrier that provides public coin and coinless telephone service and maintains at least four or more telephones shall provide and maintain a minimum of twenty-five percent of its public and semi-public telephones with controls for sound amplification of incoming transmission. Any person, firm, corporation or other entity that is not a common carrier that provides public coin or coinless telephone service or semi-public coin or coinless telephone service and maintain at least four such telephones, shall provide and maintain a minimum of

twenty-five percent of its public or semi-public telephones with controls for sound amplification of incoming transmission.

(f) Every common carrier shall be in compliance with provisions of clause (b) on or before July first, nineteen hundred and ninety-two. Every common carrier shall be in compliance with provisions of clause (c) on or before July first, nineteen hundred and ninety-one. Every common carrier shall be in compliance with the provisions of clause (e) on or before July first, nineteen hundred and ninety-five; provided, however, that twenty-five percent of all new installations of public or semi-public telephones shall, after the effective date of this act, include such controls for sound amplification of incoming transmissions.

(g) There shall be an advisory committee on accessibility to telephone service for disabled persons. Said advisory committee shall consist of the secretary of human services or his designee; the commissioner of the Massachusetts commission for the deaf and hard of hearing or his designee; the commissioner of the Massachusetts rehabilitation commission or his designee; the commissioner of the Massachusetts commission for the blind or his designee; the executive director of the state office for handicapped affairs or his designee; and twelve persons to be appointed by the governor, four of whom shall be deaf persons, four of whom shall be hard of hearing persons, and four of whom shall be disabled persons. Each such member of the advisory committee shall serve for a term of three years. The chairperson of the advisory council shall be appointed by the governor and shall serve in this function for a term of one year. Said advisory council shall meet quarterly and shall make recommendations to the department of public utilities on all matters of policy and the operation of a telecommunication device for the deaf distribution service, the placement of public coin and coinless telephone services for the deaf in public places, a specialized customer premises equipment distribution service and a dual party telecommunication device for the deaf message relay service.

(h) The department of public utilities shall promulgate regulations relative to the provisions of this section after consultation with the advisory committee on accessibility to telephone service for disabled persons.

SECTION 7. Revenue received by a telephone company under a directory assistance charging plan authorized by section nineteen A of chapter one hundred and fifty-nine of the General Laws shall be used to offset the costs prudently incurred by said telephone company associated with the provision of services pursuant to sections eighteen A to eighteen F, inclusive, of chapter six A of the General Laws, section fourteen A and section fifteen E of chapter one hundred and sixty-six of the General Laws and the costs prudently incurred in providing the services under said sections eighteen A to eighteen F, inclusive, of said chapter six A, said section fourteen A and said section fifteen E of said chapter one hundred and sixty-six shall be allocated to the residents and business ratepayers in the same

proportion that their respective use of the systems bears to the total use of the systems provided for under said sections eighteen A to eighteen F, inclusive, of said chapter six A, said section fourteen A and said section fifteen E of said chapter one hundred and sixty-six; provided, however, that the revenues derived from said directory assistance charging plan that exceed the telephone company's prudently incurred costs to provide and maintain the facilities and maintain the facilities and services required under said sections shall be used to reduce monthly rates for residential ratepayers in a manner and as determined by the department at the time the residence directory assistance charging plan is implemented.

SECTION 8. Each municipality shall, not later than twelve months following the effective date of this act, and except as otherwise provided in this section, certify in writing to the secretary of the commonwealth whether it accepts the provisions of this act. Each municipality which certifies its acceptance of this act shall receive enhanced 911 service as defined in this act, and the benefits of enhanced 911 network features and network components, including at least one public safety answering point, and any other enhanced 911 network features that may be made available by the statewide emergency telecommunications board. Municipalities that exercise this option shall be responsible for the staffing and operation of the public safety answering point terminal equipment provided to it in accordance with the terms and conditions specified by the board. If a municipality decides to accept the provisions of this act later than twelve months from the effective date of this act, it shall, in addition to other requirements that may be established by the board, be responsible for the cost of purchasing or otherwise acquiring and maintaining the primary, and, where applicable, secondary public safety answering points.

SECTION 9. This act shall take effect in a city or town which accepts its provisions in accordance with section eight.

Emergency Letter: December 11, 1990 @ 4:12 P.M. Approved December 11, 1990.

Chapter 292. AN ACT EXTENDING THE TIME BY WHICH THE BUDGET MUST BE SUBMITTED IN CITIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the postponement of the presentation by mayors of city budgets to city councils for the current year, therefore 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 the first sentence 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 government in any city other than the city of Boston, 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 the city for the fiscal year ending June thirtieth, nineteen hundred and ninety-one.

SECTION 2. Notwithstanding the fourth paragraph of said section thirty-two of said chapter forty-four, if, upon the expiration of one hundred and fifty days after the annual organization of the city government in any city other than the city of Boston in the year nineteen hundred and ninety, the mayor shall not have submitted to the city council the annual budget for the fiscal year ending June thirtieth, nineteen hundred and ninety-one, the city council shall, upon its own initiative, prepare such annual budget by June thirtieth, nineteen hundred and ninety, and such preparation shall be where applicable subject to the provisions governing the annual budget of the mayor.

Approved December 11, 1990.

Chapter 293. **AN ACT RELATIVE TO THE INVESTMENT OF PUBLIC FUNDS OF THE CITY OF BOSTON IN FINANCIAL INSTITUTIONS AND CORPORATIONS RELATIVE TO NORTHERN IRELAND.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law or regulations to the contrary, no public funds of the city of Boston shall remain invested in or remain deposited in any bank or financial institution organized under the laws of the United States or the several states, which has been determined in accordance with section three, directly or through its subsidiaries, to have outstanding loans to any individual corporation organized under the laws of the United States or the several states engaged in the manufacture, distribution or sale of firearms or munitions, including but not limited to rubber or plastic bullets, tear gas, armored vehicles, or military aircraft for use or development in any activity in Northern Ireland. No public funds of the city of Boston shall remain invested in the stocks, securities or other obligations of any corporation so engaged. The term "public funds" as used in this act shall include, without limitation, pension funds and trust funds administered by the city of Boston, unless the terms of the trust can reasonably be interpreted as being inconsistent with the purposes of this act.

SECTION 2. No public funds of the city of Boston shall be invested in or remain invested in a corporation organized under the laws of the United States or the

several states and operating in Northern Ireland unless it has been determined that the corporation so engaged adheres to principles of nondiscrimination in employment and freedom of workplace opportunity. In making such a determination, the retirement board of the city of Boston as to pension funds of the city of Boston, and the collector-treasurer of the city of Boston as to all other public funds of the city of Boston, shall consider, without limitation, the following standards for corporate activity:

(1) equal access to employment, promotion, and job-preservation without regard to religious affiliation or other minority status;

(2) the promotion of religious tolerance within the workplace, and the eradication of any manifestations of religious and other illegal discrimination;

(3) adherence to other legal and regulatory guidelines for nondiscrimination and equality of opportunity existing in Northern Ireland; and

(4) adherence to the MacBride Principles for Northern Ireland, so-called.

SECTION 3. In making determinations relative to sections one and two, said retirement board or said collector-treasurer may conduct their own initial and subsequent investigations or may utilize and rely upon any other reliable investigation or information available relative to similar pension plans or otherwise.

SECTION 4. As to any divestiture pursuant to this act, said retirement board or said collector-treasurer shall determine what corporations organized under the laws of the United States or the several states and operating in Northern Ireland adhere to principles of nondiscrimination in employment and freedom of workplace opportunity and shall seek to invest funds from any such divestiture in such corporations consistent with the provisions of section five.

SECTION 5. Any such investment or divestiture shall only be done consistent with sound and prudent financial practices and, in the case of funds already invested, after reasonable notice and an opportunity to comply.

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

Approved December 11, 1990.

Chapter 294. AN ACT ESTABLISHING A LIABILITY INSURANCE FUND IN THE TOWN OF LEE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Lee may appropriate in each fiscal year an amount not exceeding one-twelfth of one-half of one percent of its equalized valuation as defined in section one of chapter forty-four of the General Laws to establish and maintain a special fund to be known as the Town of Lee's Liability Insurance Fund;

provided, however, that no such appropriation may be made in any fiscal year when the aggregate amount in said fund equals or exceeds one-half of one percent of such equalized valuation. Any interest earned on the amount appropriated to said fund shall be added to and become part of said fund.

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

Said treasurer shall pay from the amount in said fund, including the interest thereon, said amounts as the board of selectmen of said town shall determine, upon the favorable recommendation of the town counsel, to be necessary from time to time to settle claims against the said town and to cover the costs of defending said town against such claims including without limitation the costs of employing legal counsel, court costs and filing fees. Not more than ten thousand dollars may be expended for any claim under this act without appropriation. Said treasurer shall, subject to appropriation, pay from the amount in the fund, including the interest thereon, such amounts as the board of selectmen of said town shall determine are necessary to effect insurance to protect said town against some or all of such claims. Any amount in said fund which is not paid out by said town treasurer in accordance with this act which remains in said fund at the end of a fiscal year shall be added to said fund to be paid out by said town treasurer in subsequent years in accordance with this act.

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

Approved December 11, 1990.

Chapter 295. AN ACT AUTHORIZING THE TOWN OF MASHPEE TO REIMBURSE CERTAIN FEE OVERCHARGES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Mashpee is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said town is hereby authorized to pay the sum of two thousand one hundred and seventy-five dollars to Otis Trailer Village, Inc. and the sum of two thousand one hundred and seventy-five dollars to the Estate of Henry C. Labute, d/b/a Lakeside Trailer Park, such sums being reimbursement of overcharges of fees paid pursuant to the provisions of section thirty-two B of chapter one hundred and forty of the General Laws.

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

Approved December 11, 1990.

Chapter 296. **AN ACT RELATIVE TO NONPROFIT HOSPITAL SERVICE CORPORATIONS.**

Be it enacted, etc., as follows:

The first sentence of the second paragraph of section 2 of said chapter 176A is hereby amended by striking out, in line 7, the word "three" and inserting in place thereof the following word:- two.

Approved December 11, 1990.

Chapter 297. **AN ACT RELATIVE TO PRELIMINARY TAX BILLS.**

Be it enacted, etc., as follows:

SECTION 1. The fourth paragraph of section 23D of chapter 59 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:- Notwithstanding the provisions of the first paragraph, a city or town which seeks to issue a notice of preliminary tax for any fiscal year may, with the prior written approval of the commissioner, require the payment of a preliminary tax in excess of fifty percent of the tax payable during the preceding fiscal year, to the extent that such excess represents one-half of the amount of tax accruing as a result of the loss of exemption from tax that had been granted in the preceding fiscal year, improvements to the parcel, or the parcel being taxed as a separate parcel for the first time.

SECTION 2. Said section 23D of said chapter 59, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, the assessors of any city or town which issues a notice of preliminary tax may add any betterment assessment or apportionment thereof, water rate, annual sewer use charge and any other charge placed on the annual tax bill to the preliminary tax on the property to which it relates and such amount shall become part of the preliminary tax.

Approved December 11, 1990.

Chapter 298. **AN ACT RELATIVE TO THE RELEASE OF SEX OFFENDERS AND YOUTH OFFENDERS COMMITTING CRIMES AGAINST CHILDREN.**

Be it enacted, etc., as follows:

Section 12 of chapter 120 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "department", in lines 3 and 4, the following words:- ; provided, however, that if the child has been committed to the department of youth services for murder in the first or second degree, as defined by section one of chapter two hundred and sixty-five; or manslaughter, as defined by section thirteen of said chapter two hundred and sixty-five; or rape, as defined by section twenty-two or section twenty-two A of said chapter two hundred and sixty-five; or kidnapping, as defined by section twenty-five of said chapter two hundred and sixty-five; or indecent assault and battery on a child under the age of fourteen years, as defined by section thirteen B of said chapter two hundred and sixty-five; or assault on a child under the age of sixteen with intent to commit a rape, as defined by section twenty-four B of said chapter two hundred and sixty-five; or unnatural and lascivious acts with a child under the age of sixteen, as defined by section thirty-five A of chapter two hundred and seventy-two; then the department shall notify the police authority, of the city or town of which such child is a resident and as the police authority of the city or town where the offense occurred, of the intention to place such child in his usual home. Such notification shall occur at least seven days prior to the placement of any such child in his usual home.

Approved December 11, 1990.

Chapter 299. AN ACT RELATIVE TO UNDERINSURED MOTORIST PROTECTION.

Be it enacted, etc., as follows:

Section 113L of chapter 175 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out paragraph (4) and inserting in place thereof the following paragraph:-

(4) In the event of payment to any person under the coverage provided by this section and subject to the terms and conditions of such coverage, the insurer making such payment shall, to the extent thereof, be entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of such person against any person or organization legally responsible for the bodily injury for which such payment is made, including the proceeds recoverable from the assets of the insolvent insurer; provided, however, that, subject to the definitions and limitations of uninsured motor vehicle coverage set forth in paragraphs (1) and (2), the insurer shall not be entitled to any such proceeds unless and until the person insured under the coverage required or elected to be purchased under this section has received full compensation for his injuries, including

death resulting therefrom; and provided, further, that with respect to payments made by reason of the extension of coverage described in paragraphs (2) and (3), the insurer making such payment shall not be entitled to any right of recovery against such tort-feasor in excess of the proceeds recovered from such insolvent insurer of said tort-feasor.

Emerency Letter: December 19, 1990 @ 9:16 A.M. Approved December 11, 1990.

Chapter 300. AN ACT RELATIVE TO THE PUNISHMENT FOR OFFENSES THAT RESULT IN INJURY TO FIREFIGHTERS.

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by inserting after section 13D the following section:-

Section 13D1/2. Whoever commits an offence set forth in section one, two, five or seven of chapter two-hundred and sixty-six where said offense results in injury to a firefighter in the performance of his duty, shall be punished by imprisonment in the state prison for not more than ten years, or by a fine of not more than one thousand dollars and imprisonment in a jail or house of correction for not more than two and one-half years.

Emergency Letter: December 19, 1990 @ 9:16 A.M. Approved December 11, 1990.

Chapter 301. AN ACT RELATIVE TO INCREASING THE PENALTIES FOR LITTERING.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 16 of chapter 270 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words "two thousand five hundred" and inserting in place thereof the following words:- three thousand.

SECTION 2. The second paragraph of said section 16 of said chapter 270, as appearing in chapter 429 of the acts of 1989, is hereby amended by inserting after the word "dollars", in line 25, the words:- , or forty percent of said fine, whichever is the greater.

SECTION 3. Section 16A of said chapter 270, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 7, the words "twenty no more than fifty" and inserting in place thereof the words:- fifty nor more than one hundred.

Approved December 11, 1990.

Chapter 302. AN ACT RELATING TO COMMERCIAL AUTO SCHOOLS.

Be it enacted, etc., as follows:

Section 6 of chapter 136 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following clause:-

(52) The operation of commercial auto schools, otherwise known as driver education.

Approved December 11, 1990.

Chapter 303. AN ACT ESTABLISHING A SPECIAL ACCOUNT FOR THE TOWN OF BRAINTREE WATER AND SEWERAGE REHABILITATION 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 Braintree is hereby authorized to establish a special account to be known as the "Town of Braintree Water and Sewerage Rehabilitation Fund", the purpose of such fund is to provide revenue for the funding of engineering, testing, construction and rehabilitation of the water and sewage pipes, lines, facilities and systems located within the town of Braintree and to provide revenues to do all things necessary to correct, remedy, repair, prevent and prohibit any and all forms of infiltration or inflow from ground water and other sources of water into pipes, lines, facilities and systems. Such special account shall be maintained by the town treasurer of the town of Braintree in a banking institution doing business in the commonwealth, and expenditures from said special account shall be made subject to an appropriation initiated and approved by majority vote of the town meeting of the town of Braintree.

SECTION 2. Fees paid to such special account shall be made by applicants for building permits for the construction, erection, improvement, reuse or rehabilitation of land or buildings thereon for industrial, commercial, multi-family and residential uses. The method and amount of such fees from such private sources shall be as determined by by-law, but not to exceed one percent of estimated construction cost. Said by-law shall provide for the method of determining the amount of each contribution from such applicants based on their anticipated water and sewer use by each and for the particular kind of development contemplated.

SECTION 3. The treasurer of the town of Braintree is hereby authorized to invest monies in said special account and the interest accruing shall inure to the benefit of said special account. Said special account shall be maintained in

accordance with generally accepted principles and shall be audited annually with the cost of such audit charged to said special account.

SECTION 4. The board of water and sewer commissioners of the town of Braintree may make applications for available state and federal government grants for construction, improvements, engineering, rehabilitation and repair of the sewage pipes, lines, facilities and systems and to pledge any and all such sums of money in said special account with approval of town meeting for any such matching grants for the construction, improvements, repair and rehabilitation of said sewage pipes, lines, facilities and systems.

SECTION 5. This act shall take effect upon its acceptance by the town of Braintree.

Approved December 11, 1990.

Chapter 304. **AN ACT DESIGNATING A CERTAIN MEMORIAL AS THE OFFICIAL MEMORIAL OF THE COMMONWEALTH TO HONOR THE VIETNAM WAR VETERANS OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding after section 33, added by chapter 106 of the acts of 1990, the following section:-

Section 34. The memorial to be constructed in the city of Worcester by the Commonwealth of Massachusetts Vietnam Veterans' Memorial Trust, Incorporated shall be the official memorial of the commonwealth to honor the Vietnam War veterans of the commonwealth.

Approved December 11, 1990.

Chapter 305. **AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF REFLEX SYMPATHETIC DYSTROPHY MONTH.**

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15NNN, added by chapter 531 of the acts of 1989, the following section:-

Section 15 OOO. The governor shall annually issue a proclamation setting apart the month of July as Reflex Sympathetic Dystrophy Awareness Month and recommending that said month be observed in an appropriate manner by the people.

Approved December 11, 1990.

Chapter 306. **AN ACT INCREASING THE MINIMUM WAGE FOR CERTAIN EMPLOYEES.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 151 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:- A wage of less than four dollars and twenty-five cents per hour, in any occupation, as defined in this chapter, shall conclusively be presumed to be oppressive and unreasonable, wherever the term "minimum wage" is used in this chapter, unless the commissioner has expressly approved or shall expressly approve the establishment and payment of a lesser wage under the provisions of sections seven and nine.

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

Approved December 11, 1990.

Chapter 307. **AN ACT REGULATING EMPLOYMENT PRACTICES TO PREVENT THE EXPLOITATION OF MINORS.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 101 of the General Laws is hereby amended by striking out sections 20 and 21, as appearing in the 1988 Official Edition, and inserting in place thereof the following two sections:-

Section 20. No person, having a minor under his control, shall knowingly permit such minor to violate any provision of section nineteen or any provision of section thirty-four, nor shall any person procure or employ a minor to commit any such violation, nor shall any person, either for himself or as agent of any other person, furnish or sell to a minor any article the sale of which is permitted without a license by section seventeen, with knowledge that such minor would be selling such article in violation of section nineteen or in violation of section thirty-four, or after having received written notice to that effect from the school committee or any other officer charged with the enforcement of said section nineteen or said section thirty-four. Violation 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.

Section 21. Whoever employs a minor in, or, having the care or custody of a minor, permits such minor to engage in, hawking or peddling without a permit or license, if one is required, or permits him to engage in selling door-to-door for

future delivery without a certificate pursuant to section thirty-four, or for himself or as agent of any other person, furnishes or sells to a minor any article with knowledge that the minor would be selling such article in violation of the provisions of this chapter relative to hawkers and peddlers or in violation of the provisions of this chapter relative to those who sell door-to-door, shall be punished by a fine of not more than five hundred dollars, to be equally divided between the commonwealth and the town in which the offense was committed, or by imprisonment for not more than six months.

SECTION 2. Said chapter 101 is hereby further amended by striking out sections 31 and 32, as so appearing, and inserting in place thereof the following two sections:-

Section 31. Whoever counterfeits or forges a license, or a certificate of registration issued pursuant to section thirty-four, or has a counterfeited or forged license or certificate in his possession with intent to utter or use the same as true, knowing it to be false or counterfeit, or attempts to sell under a license or certificate which has expired or has been revoked or cancelled, or which has not been issued or transferred to him, or has in his possession another's license or certificate with intent to use the same, 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.

Section 32. The director, inspectors of standards and, within their respective jurisdictions, sealers or deputy sealers of weights and measures, constables and police officers shall arrest and prosecute every hawker and peddler, and transient vendor, who they may have reason to believe is violating any provision of this chapter. The chief of police, a police officer, or other official designated by a city council of a city or a board of selectmen of a town, may arrest and prosecute a person who engages in the sale of goods door-to-door for future delivery who such official has reason to believe is violating the provisions of section thirty-four.

SECTION 3. Said chapter 101 is hereby further amended by inserting after section 33 the following section:-

Section 34. (a) As used in this section the following terms shall have the following meanings:-

"Sales agent", a person under eighteen years of age who is recruited or retained by, or who represents, or is in any manner associated with, whether as an employee or an independent contractor, any sales organization engaged in the sale of goods or periodicals door-to-door for future delivery for any commercial purpose in a city or town in the commonwealth. The term "sales agent" shall not include: (i) a person engaged in activities under the immediate supervision of a parent or guardian, or (ii) a person who does not earn his primary source of income while performing services for a sales organization, or (iii) a person who does not reside away from his home while engaged in the sales activity.

"Sales organization", a person or representative thereof, engaged in the supervision, recruitment, retention, or employment of sales agents for the door-to-door sale of goods or periodicals for future delivery.

"Sales group", any group of persons, including sales agents, which is engaged in the door-to-door sale of goods or periodicals for future delivery and which is under the supervision of a sales organization or sales supervisor.

"Sales supervisor", a person representing a sales organization who directs or supervises a sales group in any city or town in which it is engaged in the sale of goods or periodicals door-to-door for future delivery.

(b) No sales organization shall recruit, hire, or employ a person to engage in the sale of goods or periodicals door-to-door for future delivery unless and until such person furnishes the sales organization with information sufficient to inform such sales organization of such person's age and identification.

Each sales organization shall:

(1) prior to the employment of a person under eighteen years of age, furnish to a parent or guardian of such person a listing of cities or towns in which the sales group will be working in the two weeks immediately following such employment, the dates when the sales group shall be in each such city or town, the address of the sales group in each such city or town during the time the sales group is in such city or town, and the business address at which such parent or guardian may be informed of such person's work address.

(2) keep accurate accounts of sales made, lawful expenses incurred, and all amounts earned by each sales agent.

(3) provide to each sales agent for each pay period, but not less than once each seven days, an itemized written statement of the account of such sales agent.

(4) pay, on the same day each pay period to each sales agent, all money earned from all sales made a week or more prior thereto by such sales agent.

No sales organization, in carrying out any contract, agreement, or other arrangement with any sales agent, shall engage in any of the following conduct or activity:

(1) threats or acts of reprisals, intimidation, or physical violence against any sales agent, or any person acting on behalf of any sales agent.

(2) refusal to disburse commissions, salary, compensation, or other remuneration owing to a sales agent.

(c) All sales agents and sales supervisors covered by the provisions of this section shall register with a chief of police or with another official to be designated by the city council of a city or the board of selectmen of a town of initial registration. Each applicant for registration shall provide positive identification, give a permanent street address, provide an exemplar of his signature, the name of his employer or the party responsible for complying with the provisions of subsection (b), the business address of such employer, the identity and registration of any motor

vehicle to be used to transport goods or persons engaged in said business, and a brief description of the goods to be sold and proposed method of operation. Said chief of police or designated official shall photograph each applicant for the purpose of identification and shall retain a copy of each such photograph for a minimum of two years.

Each registrant shall pay to the city or town in which the initial registration occurs a registration fee in accordance with the provisions of section twenty-two.

If the chief of police or designated official determines by investigation or receives reliable information that an applicant has been convicted of a felony or is a fugitive from justice or if such applicant refuses to provide any of the required information, then said applicant may be denied registration. Otherwise, said chief of police or designated official shall provide each successful applicant who pays the required fee a certificate of registration which shall be effective and valid for two years from the date of issuance. Each such certificate of registration shall include the applicant's photograph, the applicant's description and signature, as well as the date and the name of the city or town of issuance. The certificate of registration shall be issued within forty-eight hours of the submission of the application. Such certificate shall be conspicuously displayed by each registered sales agent and sales supervisor when engaged in selling.

Before a sales agent or sales group may commence selling goods or periodicals door-to-door for future delivery in a city or town, written notice shall be given to the chief of police or other official designated by the city council of such city or the board of selectmen of such town. Such written notification shall include the name and local address of each sales agent and sales supervisor, the date and time in which the sale is to be conducted, a description of the goods or periodicals to be sold, and the proposed method of operation.

The chief of police or other designated official of a city or town shall electronically notify the department of public safety of the name of each sales agent, including a sales agent within a sales group, and each sales supervisor who has registered or provided notice that he is selling goods or periodicals door-to-door for future delivery in said city or town. Said notification shall be by means of the criminal justice information system in accordance with a plan to be developed by the criminal history systems board. The department of public safety shall make inquiry to determine whether a sales agent or sales supervisor is a missing person.

The chief of police or other designated official may regulate the hours during which and conditions under which the registrant may engage in door-to-door selling. If the sales group intends to extend its stay in any city or town, the sales supervisor, or sales organization if there is no sales supervisor, shall submit to the chief of police or other designated person a written statement citing the reason for such extension and the date of the expected departure of such sales group.

Any such registration may be revoked for good cause by the chief of police or other designated official in any city or town in which such sales are being made. Good cause shall include a violation of this section or a determination that the registrant has been convicted of a felony, or is a fugitive from justice, or has been charged with a felony while engaged as a sales agent or sales supervisor. In the event of any such revocation, the chief of police or other designated official shall immediately notify in writing the chief of police of the city or town which issued the certificate of registration so revoked.

(d) A person or sales organization that knowingly violates any provision of this section shall be subject to a fine of five hundred dollars or imprisonment for not more than six months.

A person who knowingly supplies false information on an application or who carries on the business regulated by this section without registering or after his registration is revoked or expired shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.

(e) The provisions of this section shall not apply to any person who goes door-to-door to sell goods or periodicals on behalf of any group organized for any political purpose or for any purpose described in section four of chapter one hundred and eighty, nor shall this section apply to a person engaged in any sale governed by section sixty-nine of chapter one hundred and forty-nine.

Approved December 11, 1990.

Chapter 308. AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Marblehead 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 the powers and duties vested in or exercised by any of the following departments or offices, which are hereby renamed divisions and included within the department of public works: highway, engineering and drain construction. 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 thereby, but the department shall in all respects be the successor of the agencies included as divisions within said department.

SECTION 2. The board of selectmen shall annually 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 of public works shall have full authority over the operations of the department and in the implementation of the policies established by said board. Said director shall be qualified by education, training and experience to perform the duties of said position and shall supervise all employees of the department as determined from time to time by said board of selectmen. Said 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. Said director shall hold office subject to the will of said board and shall not be subject to the provisions of chapter thirty-one of the General Laws.

All present employees of any of the departments listed in section one shall be transferred to the department, continue to serve and retain all rights and benefits to which they are entitled as of the effective date of this act.

SECTION 3. This act shall be submitted to the voters of the town of Marblehead at the annual town meeting to be held in the year nineteen hundred and ninety-one, or at a special town meeting in the form of the following question which shall be placed on the warrant of such town meeting in the following manner:- "Shall an act passed by the general court in the year nineteen hundred and ninety, entitled 'An Act authorizing the town of Marblehead to establish a department of public works', be accepted?" If a majority of the votes in answer to such question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved December 11, 1990.

Chapter 309. AN ACT RELATIVE TO THE RECREATION AND PARK COMMISSION IN THE TOWN OF MARBLEHEAD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 11 of the acts of 1963 is hereby amended by inserting after section 2 the following three sections:-

Section 2A. The position of tree warden shall be appointed annually by the recreation and park commissioners and the tree warden and departments under his control shall be combined with and under the control of the recreation and park commission.

Section 2B. Except as excluded by by-laws, the ground maintenance presently performed by all other departments of the town, shall be performed by or under the control of the recreation and park commission.

Section 2C. All present employees of any of the departments listed in section two A shall be transferred to the recreation and park commission and shall continue

to serve and retain all rights and benefits to which they are entitled, as of the effective date of this act.

SECTION 2. This act shall be submitted to the voters of the town of Marblehead at the annual town meeting to be held in the year nineteen hundred and ninety-one, or at a special town meeting in the form of the following question which shall be placed on the warrant of such town meeting in the following manner:- "Shall an act passed by the general court in the year nineteen hundred and ninety, entitled 'An Act relative to the recreation and park commission in the town of Marblehead', be accepted?" If a majority of the votes in answer to such question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved December 11, 1990.

Chapter 310. AN ACT RELATIVE TO FILLING TOWN MEETING VACANCIES IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section nine of chapter forty-three A of the General Laws, when a vacancy or vacancies occurs in the office of town meeting members in the town of Arlington, the town clerk of said town shall give notice to the remaining members from any precinct where said vacancy or vacancies exist, for the purpose of calling a special meeting to fill such vacancy or vacancies.

Approved December 11, 1990.

Chapter 311. AN ACT PROVIDING FOR THE TRANSFER OF CERTAIN FUNDS IN THE TOWN OF SUNDERLAND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eight C of chapter forty of the General Laws, the town of Sunderland is hereby authorized to transfer from the conservation fund of said town, established under the provisions of section five and said section eight C of said chapter forty, the sum of fourteen thousand dollars from the interest portion accumulated to the general fund of said town to be appropriated for expenditure in fiscal year nineteen hundred and ninety-one.

Approved December 11, 1990.

Chapter 312. AN ACT RELATIVE TO QUARTERLY TAXES IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-seven C of chapter fifty-nine of the General Laws or any other general or special law to the contrary, the town of Framingham is hereby authorized with respect to fiscal year nineteen hundred and ninety-one to issue notices of preliminary tax in addition to such notice of preliminary tax as is authorized pursuant to said section fifty-seven C of said chapter fifty-nine. No additional notice of preliminary tax may issue, however, unless first approved by the commissioner of revenue; and provided further that as a condition of any such approval, the commissioner may establish such requirements as he deems appropriate, which may include, but need not be limited to, the submission by the board of assessors of all information required to set the tax rate pursuant to section twenty-three of said chapter fifty-nine, except the assessed valuation of all real and personal property subject to taxation for the current fiscal year.

In the event that the issuance of an additional notice of preliminary tax is approved by the commissioner of revenue and requires a third installment payment with respect to fiscal year nineteen hundred and ninety-one, such notice shall be sent on or before December thirty-first, nineteen hundred and ninety or such later date as is approved by the commissioner of revenue and shall be due and payable on February first, nineteen hundred and ninety-one or thirty days after the date of mailing, whichever is later. In the event that the issuance of an additional notice of preliminary tax is approved by the commissioner of revenue and requires a fourth installment payment with respect to fiscal year nineteen hundred and ninety-one, such additional notice of preliminary tax shall be sent on or before April first, nineteen hundred and ninety-one or such later date as is approved by the commissioner of revenue and shall be due and payable on May first, nineteen hundred and ninety-one or thirty days after the date of mailing, whichever is later. The amount of any additional installment payment required pursuant to this act shall not exceed the amount of the first installment payment for fiscal year nineteen hundred and ninety-one as provided for by said section fifty-seven C of said chapter fifty-nine.

If any installment payment as provided for herein 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.

In the event that actual tax bills for fiscal year nineteen hundred and ninety-one

are not mailed by December thirty-first, nineteen hundred and ninety, then upon the establishment of the tax rate there shall be a single actual bill due and payable on May first, nineteen hundred and ninety-one, 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. To the extent not inconsistent with the provisions contained herein, the provisions of said section fifty-seven C of said chapter fifty-nine shall be fully applicable to any additional notice of preliminary tax issued pursuant to the authority of this section.

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

Approved December 13, 1990.

Chapter 313. **AN ACT RELATIVE TO LEAVE WITH PAY FOR CERTAIN INCAPACITATED EMPLOYEES OF THE MASSACHUSETTS PORT AUTHORITY.**

Be it enacted, etc., as follows:

The first paragraph of section 111F of chapter 41 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- The provisions of this section shall also apply in all respects to any permanent crash crewman, crash boatman, fire controlman or assistant fire controlman employed at the General Edward Lawrence Logan International Airport, and for the purposes of this section the Massachusetts Port Authority shall be deemed to be a fire district.

Approved December 13, 1990.

Chapter 314. **AN ACT RELATIVE TO THE MEMBERSHIP OF THE NANTUCKET HISTORIC DISTRICT COMMISSION.**

Be it enacted, etc., as follows:

Section 3 of chapter 395 of the acts of 1970, as amended by chapter 291 of the acts of 1985, is hereby further amended by adding the following paragraph:-

The chairman of the Historic District Commission may designate an associate member to sit on the commission in case of absence, inability to act or conflict of interest on the part of any member thereof or in the event of a vacancy on the commission until said vacancy is filled in the manner provided herein. Two such associate members shall be elected at the annual town meeting for terms of such length and so arranged that the terms of an associate member shall expire each

year. An associate vacancy occurring other than by expiration of the term shall be filled for the unexpired term by election at the annual town meeting. During the period between April, nineteen hundred and eighty-nine and the next town meeting two associate members shall be designated by election at the annual town meeting.

Approved December 13, 1990.

Chapter 315. AN ACT RELATIVE TO CERTAIN FINANCIAL CONDITIONS IN THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1 of chapter 147 of the acts of 1986 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Such loan or loans shall be payable not later than the fiscal year commencing July first, two thousand and six.

SECTION 2. This act shall take effect on July first, nineteen hundred and ninety.

Approved December 13, 1990.

Chapter 316. AN ACT RELATIVE TO 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 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. Paragraph (b) of section 1 of chapter 671 of the acts of 1989 is hereby amended by striking out, in line 17, the word "not".

SECTION 2. This act shall take effect as of January ninth, nineteen hundred and ninety; provided, however, that for the purposes of any criminal liability imposed pursuant to the third paragraph of section four of said chapter six hundred and seventy-one, this act shall take effect upon its passage.

Approved December 14, 1990.

Chapter 317. **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 Stern, in the town of Marblehead on December twenty-second, nineteen hundred and ninety between Elizabeth Olson of the city of Beverly and Barry Grossman of the town of Marblehead, and the state secretary shall issue to said David Stern a certificate of such authorization.

Approved December 14, 1990.

Chapter 318. **AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF BELCHERTOWN.**

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Belchertown a department of public works under the jurisdiction of the board of selectmen. The department of public works 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; the functions of the tree warden; park and playground maintenance; engineering services; building maintenance of all town buildings, except those under the jurisdiction of the school department; and other operations as may be deemed necessary or desirable. The board of selectmen shall have the power to make all policy decisions related to the operations of public works within the town of Belchertown, unless otherwise provided in this act.

SECTION 2. The board of selectmen shall appoint and fix the compensation of a director of public works and all employees of the department. The director of public works shall supervise and direct the operations of the department of public works. The director of the department of public works shall be especially fitted by education, training and experience to perform the duties of the office; the

director shall have such other qualifications as the board of selectmen may from time to time provide. While employed by the town of Belchertown, the director of public works shall hold no other elective or appointive office nor engage in any other business or occupation.

SECTION 3. Upon the appointment of a director of public works as provided in section two, the sewer commission shall become an advisory body and the management of all elements of the sewer system shall be transferred to the department of public works. The sewer commission shall have the power to provide advice and information to the board of selectmen and the director of the department of public works on matters related to the operations of the sewer system. The incumbents in the office of the sewer commissioners shall continue to serve for the balance of the term for which they were elected. Upon the expiration of the terms of the sewer commissioners, the offices shall be appointed by the board of selectmen for terms of office so arranged that the terms of office of one member expires each year.

SECTION 4. Upon the appointment of a director of public works as provided in section two, the cemetery commission shall continue to be elected by the voters of the town. Five years following the effective date of this act, the cemetery commission shall cease to be an elected commission and shall be appointed by the board of selectmen. Upon the appointment of the cemetery commission, management of cemeteries shall be transferred to the department of public works. The cemetery commission shall have the power to provide advice and information to the board of selectmen and the director of the department of public works on matters related to the operation of cemeteries.

Appointments when made by the board of selectmen shall be for terms of office so arranged that the terms of office of one member expires each year. When said cemetery commission shall become appointive in accordance with this section, the incumbents in the office of the cemetery commissioners shall continue to serve for the balance of the term for which they were elected. Upon the expiration of the terms of the cemetery commissioners, the offices shall be appointed by the board of selectmen.

SECTION 5. No person in the permanent full-time service or employment of the town shall forfeit pay grade or time in service. Each such person shall be retained in a capacity as similar to the person's former capacity as is practical. No contracts or liabilities in force on the date when this act becomes fully effective shall be affected but the board of selectmen shall in all respects be the lawful successor of the cemetery commission and the sewer commission.

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

Approved December 14, 1990.

Chapter 319. AN ACT RELATIVE TO CRIMINAL OFFENDER RECORD INFORMATION.

Be it enacted, etc., as follows:

SECTION 1. Section 168 of chapter 6 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:-

There shall be a criminal history systems board, hereinafter called the board, consisting of the following persons: the secretary of public safety, who shall serve as chairman, the attorney general, the chief counsel for the committee for public counsel services, the chairman of the parole board, the commissioner of the department of correction, the commissioner of probation and commissioner of the department of youth services, or their designees, all of whom shall serve ex officio, and nine persons to be appointed by the governor for a term of three years, one of whom shall represent the Massachusetts District Attorneys Association, one of whom shall represent the Massachusetts Sheriffs Association, and one of whom shall represent the Massachusetts Chiefs of Police Association, one of whom shall represent private users of criminal offender record information, one of whom shall be a victim of crime, and four of whom shall be persons who have experience in issues relating to personal privacy. Upon the expiration of the term of any appointive member, his successor shall be appointed in a like manner for a term of three years.

SECTION 2. The second paragraph of said section 168 of said chapter 6, as so appearing, is hereby further amended by striking out the first two sentences.

SECTION 3. The third paragraph of said section 168 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 28 and 29, the words ", after giving the security and privacy council an opportunity to present its advice and recommendations,".

SECTION 4. The third paragraph of said section 168 of said chapter 6, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following two sentences:- After consultation with the executive office of communities and development and subject to the provision of said chapter thirty A, the board shall promulgate further regulations governing the collection and use by local housing authorities of such criminal offender record information as they may lawfully receive; provided, however, that such regulations shall provide that the following information be available to housing authorities operating pursuant to chapter one hundred and twenty-one B, upon request, solely for the purpose of evaluating applicants to housing owned by such housing authorities, in order to further the protection and well-being of tenants of such

housing authorities: conviction date; and arrest and other data regarding any pending criminal charge; provided, further, that any housing authority receiving such data shall not make, and shall prohibit, any dissemination of such information, for any purpose other than as set forth herein. The board shall have the authority to hear complaints alleging that criminal offender record information, evaluative information, or records of juvenile proceedings have been unlawfully disseminated or obtained, and to issue orders enforcing its rules and regulations, including the imposition of civil fines payable to the commonwealth not to exceed five hundred dollars for each willful violation thereof, after notice and hearing as provided by applicable law.

SECTION 5. Section one hundred and seventy of said chapter six is hereby repealed.

SECTION 6. The third paragraph of section 171 of said chapter 6, as so appearing, is hereby amended by inserting after the second sentence the following five sentences:- Such regulations shall, at a minimum, provide that an agency which generates evaluative information shall make such information available within a reasonable time period upon request to the individual referred to therein unless such information falls within such exemptions as the agency shall establish in said regulations. No agency shall establish an exemption for evaluative material unless disclosure of such information would pose a direct and articulable threat to the safety of any individual or the security of a correctional facility, and such threat shall have been detailed in a certificate which is kept with such evaluative information. An agency shall reply in writing, upon the request of an individual for the release of their evaluative information. Said writing shall include the agency's decision to release or withhold the evaluative information in whole or in part and a listing of all sources of origin for all evaluative information generated by the custodial agency. Any individual aggrieved by an agency's decision denying access to evaluative information may appeal the denial in writing within thirty days thereafter to the board or to a three member panel thereof, as the board may determine, and the board or such panel or any court under section one hundred and seventy-seven shall have access to any certificate.

SECTION 7. Section 172 of said chapter 6, as so appearing, is hereby amended by inserting after the word, "in", in line 1, the words:- this section and.

SECTION 8. Said section 172 of said chapter 6, as so appearing, is hereby amended by striking out in line 27 the words:- , after consultation with the council,.

SECTION 9. Said section 172 of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 39 and 40, the words, "a majority of the board, and a majority of the council, each voting as a separate body," and inserting in place thereof the following words:- the board, by a two-thirds majority of the members present and voting,.

SECTION 10. The third paragraph of said section 172 of said chapter 6, as so

appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The extent of access to such information under clause (c) shall also be determined by such a two-thirds majority vote of the board.

SECTION 11. The fifth paragraph of said section 172 of said chapter 6, as so appearing, is hereby amended by adding the following two sentences:- Except as authorized by this chapter it shall be unlawful to request or require a person to provide a copy of his criminal offender record information. At the time of making any criminal record inquiry pursuant to clause (b) or (c) of the first paragraph of this section, the party certified to receive criminal offender record information shall submit to the board an acknowledgement that such inquiry will be undertaken, signed by the person who is the subject of such inquiry on a form prepared or approved by the board.

SECTION 12. Said section 172 of said chapter 6, as so appearing, is hereby further amended by inserting after the fifth paragraph the following two paragraphs:-

Notwithstanding any other provisions of this section, the following information shall be available to any person upon request: (a) criminal offender record information consisting of conviction data; provided, however, that all requests for such conviction data shall be made to the board; and provided, further, that the board shall disclose only conviction data which it maintains in a standardized format in its automated criminal history file, and (b) information indicating custody status and placement within the correction system; provided, however, that no information shall be disclosed that identifies family members, friends, medical or psychological history, or any other personal information unless such information is directly relevant to such release or custody placement decision, and no information shall be provided if its release would violate any other provisions of state or federal law. The parole board, except as required by section one hundred and thirty of chapter one hundred and twenty-seven, the department of correction, a county correctional authority, or a probation department with the approval of a justice to the appropriate division of the trial court, may, in its discretion, make available a summary, which may include references to evaluative information, concerning a decision to release an individual on a permanent or temporary basis, to deny such release, or to change his custody status.

Information shall be provided or made available pursuant to the preceding paragraph only if the individual named in the request or summary has been convicted of a crime punishable by imprisonment for a term of five years or more, or has been convicted of any crime and sentenced to any term of imprisonment, and at the time of the request: is serving a sentence of probation or incarceration, or is under the custody of the parole board; or having been convicted of a misdemeanor, has been released from all custody or supervision for not more than

one year; or having been convicted of a felony, has been released from all custody or supervision for not more than two years; or, having been sentenced to the custody of the department of correction, has finally been discharged therefrom, either having been denied release on parole or having been returned to penal custody for violation of parole, for not more than three years. In addition to the provisions of the preceding sentence, court records for all criminal cases shall be made available for public inspection for a period of one week following conviction and imposition of sentence.

SECTION 13. Said chapter 6 is hereby further amended by inserting after section 172 the following two sections:-

Section 172A. The criminal history systems board shall assess a fee of twenty-five dollars for each request for criminal offender record information; provided, however, that such fees shall not be assessed for such requests from a victim of crime, witness, or family member of a homicide victim, all as defined by section one of chapter two hundred and fifty-eight B, from an individual seeking criminal offender record information pertaining to himself, from a governmental agency, or from such other person or group of persons as the board shall exempt. All such fees shall be deposited in the general fund.

Section 172B. Notwithstanding any provision of section one hundred seventy-two of this chapter or of any other provision of law, the following information shall be available to the department of social services and the department of youth services, upon request, for the purpose of evaluating any and all foster homes and adoptive homes, whether with public or private agencies, in order to further the protection of children: conviction data, arrest data, sealed record data, and juvenile arrest or conviction data. The department of social services and the department of youth services shall not make, and shall prohibit, any dissemination of such information, for any purpose other than as set forth herein.

SECTION 14. Section 175 of said chapter 6, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Each individual shall have the right to inspect, and if practicable, copy, criminal offender record information which refers to him. If an individual believes such information to be inaccurate or incomplete, he shall request the agency having custody or control of the records to purge, modify or supplement them. If the agency declines to so act, or if the individual believes the agency's decision to be otherwise unsatisfactory, the individual may in writing request review by the board. The board shall in each case in which it finds prima facie basis for complaint, conduct a hearing at which the individual may appear with counsel, present evidence, and examine and cross-examine witnesses. Written findings shall be issued within sixty days of receipt by the board of the request for review. Failure to issue findings shall be deemed a decision of the board. If the record in question is found to be

inaccurate, incomplete or misleading, the board shall order that the record be appropriately purged, modified, or supplemented by explanatory notation. Failure of the board to act shall be deemed a decision of the board.

SECTION 15. Said chapter 6 is hereby further amended by striking out section 176, as so appearing, and inserting in place thereof the following section:-

Section 176. Any individual or agency aggrieved by any order or decision of the board may appeal such order or decision to the superior court in the county in which he is a resident or in which the board issued the order or decision from which the individual or agency appeals. The court shall in each such case conduct a de novo hearing, and may order such relief as it finds equitable.

SECTION 16. Section 178 of said chapter 6, as so appearing, is hereby amended by striking out, in line 7, the words ", the council".

SECTION 17. Said chapter 6 is hereby further amended by inserting after section 178, as so appearing, the following two sections:-

Section 178A. A victim of crime, witness, or family member of a homicide victim, all as defined by section one of chapter two hundred and fifty-eight B, shall be certified by the board, upon request, to receive criminal offender record information, provided that the request for said information relates to the offense in which such person was involved. Criminal justice agencies may also disclose to such persons such additional information, including but not limited to evaluative information, as such agencies determine, in their discretion, is reasonably necessary for the security and well being of such persons.

Section 178B. The restrictions on the dissemination of criminal offender record information as provided in this chapter shall cease to exist at the death of the individual for whom a criminal justice agency has maintained criminal offender record information.

SECTION 18. Section 1 of chapter 279 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

When a person is sentenced by a court upon conviction of any crime, he shall be informed by the probation department on a form provided by the criminal history systems board that he will have a criminal record that may be accessible to the public under certain conditions, and of his rights pertaining thereto, as provided in sections one hundred and sixty-seven through one hundred and seventy-eight of chapter six.

SECTION 19. Section twelve of this act shall take effect on July first, nineteen hundred and ninety-two.

Approved December 14, 1990.

Chapter 320. AN ACT RELATIVE TO CERTAIN MORTGAGE DOCUMENTS.

Be it enacted, etc., as follows:

SECTION 1. Section 100 of chapter 140 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:- No charge, bonus, fee, expense or demand of any nature whatsoever, except as herein provided, shall be made upon loans to which said sections relate; provided, however, that a licensee may, if the loan agreement so provides, assess and collect a charge, not to exceed ten dollars, for any check, draft or order for the payment of money submitted in accordance with said agreement which is returned unpaid or not honored by a bank or other depository.

SECTION 2. Chapter 184 of the General Laws is hereby amended by striking out section 17C, as so appearing, and inserting in place thereof the following section:-

Section 17C. Any mortgagee, when processing an application for a loan to be secured by a first mortgage on residential property located in the commonwealth of four or less units and occupied or to be occupied in whole or in part by the mortgagor shall, upon the issuance to the applicant of a letter of commitment to or denial of such application, include therein a statement that the applicant has thirty days from the date of said letter to request a copy of any report, wherever and by whomever prepared, utilized by the mortgagee in connection with any such application and containing an opinion as to the value of said residential property. Upon written request of the said applicant, a copy of any such report shall be provided without additional charge or fee within thirty days from the date of such request; provided, however, that a mortgagee shall not be required to make such copy available if the applicant rescinds the transaction. A mortgagee, appraiser or employee or other agent of the mortgagee shall not be liable in damages to the applicant, or to the seller or agent of the seller of such property on account of the disclosure or the contents of any such report.

SECTION 3. Chapter 255B of the General Laws is hereby amended by striking out section 11, as so appearing, and inserting in place thereof the following section:-

Section 11. The holder of a retail installment contract may, if the contract so provides, collect a delinquency and collection charge on each installment in default for a period of not less than fifteen days in an amount not in excess of five percent of each installment or five dollars, whichever is less, and assess and collect a charge, not to exceed ten dollars, for any check, draft or order for the payment of money

submitted in accordance with said contract which is returned unpaid or not honored by a bank or other depository.

SECTION 4. Chapter 255C of the General Laws is hereby amended by striking out section 15, as so appearing, and inserting in place thereof the following section:-

Section 15. A premium finance agreement may provide for the payment by the insured of a delinquency, collection and cancellation charge as provided in section one hundred and sixty-two B of chapter one hundred and seventy-five, and the regulations issued thereunder, and for the assessment and collection of a charge, not to exceed ten dollars, for any check, draft or order for the payment of money submitted in accordance with said agreement which is returned unpaid or not honored by a bank or other depository.

SECTION 5. Chapter 255D of the General Laws is hereby amended by striking out section 20, as so appearing, and inserting in place thereof the following section:-

Section 20. The holder of a retail installment sale agreement may, if the agreement so provides, collect a delinquency and collection charge on each installment in default for a period of not less than fifteen days in an amount not in excess of five percent of each installment or five dollars, whichever is less, and assess and collect a charge, not to exceed ten dollars, for any check, draft or order for the payment of money submitted in accordance with said agreement which is returned unpaid or not honored by a bank or other depository.

SECTION 6. The provisions of section one and sections three, four and five shall apply only to agreements and contracts entered into on or after the effective date of this act.

Approved December 14, 1990.

Chapter 321. AN ACT PROVIDING FOR THE PAYMENT OF CERTAIN MEDICAL EXPENSES BY THE DEPARTMENT OF SOCIAL SERVICES.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of fulfilling a moral obligation of the commonwealth, and notwithstanding any general or special law to the contrary, there is hereby appropriated the sum of sixty-eight thousand three hundred and thirty-eight dollars to be expended by the department of social services as payment for prior year expenses to the Cambridge hospital for services rendered pursuant to the direction of said department.

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

Approved December 14, 1990.

Chapter 322. **AN ACT RELATIVE TO THE APPOINTMENT OF DEPARTMENT HEADS IN THE TOWN OF BROOKLINE.**

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 270 of the acts of 1985 is hereby amended by striking out clause *(b)* and inserting in place thereof the following clause:-

(b) recruitment and recommendations for appointment by the board of selectmen of all department heads, except the librarian, the superintendent of schools, the treasurer/collector, the town clerk, and any other department head who is elected or who is appointed by another elected board or commission, provided that in the case of the director of recreation any recommendation must be approved by the park and recreation commission, that in the case of the director of the council on aging any recommendation must be approved by the council on aging and that in the case of the rent control board director any recommendation must be approved by the rent control board.

SECTION 2. Chapter 13 of the acts of 1963 is hereby amended by striking out section 4.

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

Approved December 17, 1990.

Chapter 323. **AN ACT RELATIVE TO THE APPOINTMENT OF A CERTAIN EMPLOYEE OF THE CITY OF NEWTON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-six of chapter seven hundred and sixty-seven of the acts of nineteen hundred and eighty-one or any other general or special law or rule to the contrary, for purposes of chapter thirty-one of the General Laws and rules authorized thereunder, Frank Greco, an employee of the city of Newton shall be deemed to have been appointed on September eleventh, nineteen hundred and seventy-three.

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

Approved December 17, 1990.

Chapter 324. **AN ACT RELATIVE TO THE FINANCIAL CONDITIONS IN THE CITY OF BROCKTON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law, city charter provision, or local ordinance to the contrary, the city of Brockton, acting by and through the city of Brockton finance control board established by section three of this act, is hereby authorized to borrow at one time or from time to time, such sums as the finance control board deems appropriate for maintaining and operating the city while it adjusts the level of its expenses and revenues so as to achieve balanced budgets and fiscal stability. Bonds or notes issued under authority of this act for operating purposes may be issued for a term not in excess of five years and such bonds or notes shall be general obligation bonds or notes backed by the full faith and credit of the city of Brockton; provided, further, that the finance control board shall have full authority to pledge future distributions of state aid for the purpose of retiring bonds or notes issued for operating purposes under authority of this act. No bond or note shall be issued pursuant to the authority provided herein in an amount in excess of an amount, nor for a term longer than such term, as it is approved by the commissioner of revenue. Debt, or any other action with respect thereto, may be authorized under this section by a majority vote of the members of the finance control board, and the authorization therefor and issuance thereof shall require no further action by any officer, council, board or commission of the city of Brockton. Any or all bonds or notes issued under authority of this act shall not be subject to the debt limitations of section ten of chapter forty-four of the General Laws but, except as provided for herein, shall otherwise be subject to the provisions of said chapter forty-four.

SECTION 2. All proceeds of any loan authorized by section one of this act shall be deposited in a separate fund which shall be set up on the books of the city and maintained separate and apart from all other funds and accounts of the city. Such fund shall be called the City of Brockton Finance Control Fund, hereinafter referred to as the fund. The city of Brockton finance control board, as established by section three of this act, may authorize disbursements, without further appropriation or any other approval or action by any officer, council, board or commission of the city of Brockton, from the fund for such operating purposes as the board deems appropriate to maintain and continue city operations. If the finance control board so votes, funds borrowed for operating purposes may be applied, with the approval of the director of accounts, as general revenue for purposes of section twenty-three of chapter fifty-nine of the General Laws. The finance control board may establish such rules and procedures as it deems appropriate relating to disbursements from the fund and the reporting and accounting therefor.

SECTION 3. There is hereby established in the city of Brockton a city of Brockton finance control board consisting of the secretary of administration and finance, or his designee; the commissioner of revenue, or his designee; the director of accounts, or his designee; the mayor of the city of Brockton, and the president of the city council. The board is constituted to initiate and assure the implemen-

tation of appropriate initiatives to secure the financial stability of the city of Brockton, and shall continue in existence until June thirtieth, nineteen hundred and ninety-one unless the members, after written notice is given to the city council by the board of its intention to vote and consideration is given to the recommendation of the city council should they so choose to offer one, by majority vote shall annually vote to continue the operation of the board from year to year. Notwithstanding the foregoing, in no event shall the finance control board continue in existence after June thirtieth, nineteen hundred and ninety-four.

Until such time as the finance control board shall cease to exist, no appropriation, loan order or transfer shall take effect until approved by the finance control board. In addition to the authority and powers conferred elsewhere in this act, and notwithstanding any general or special law, city charter provision, or local ordinance to the contrary, the finance control board shall independently possess the following powers:

(a) the power, subject to the express delegation thereof by the mayor and by the city council by majority vote, to amend at any time any appropriation, loan order, transfer or municipal spending authority. The power to amend, pursuant to the authority contained herein, shall include the power to increase or decrease an existing appropriation, loan order, transfer or spending authority; the power to eliminate an existing appropriation, loan order, transfer or spending authority; and the power to create an appropriation, transfer or spending authority. In exercising its power under this paragraph, the board may act with respect to municipal spending purposes which are not the subject of separately identified appropriations. The powers of the board under this paragraph shall not be subject to the limitations of section thirty-three B of chapter forty-four of the General Laws.

(b) if for any reason there is no annual budget lawfully established for a fiscal year by the first day of such fiscal year, the power, subject to the express delegation thereof by the mayor and by the city council by majority vote, to establish such appropriations for that fiscal year as it deems appropriate and to amend, as provided for above, such appropriations during that fiscal year.

(c) the power, subject to the express delegation thereof by the mayor and by the city council by majority vote, to encumber or impound, at any time, any unexpended or unencumbered appropriation or spending authority of any kind notwithstanding the prior approval of the finance control board of such appropriation or spending authority. To the extent that funds previously encumbered or impounded remain encumbered or impounded at the conclusion of the fiscal year, such amounts shall revert to the general fund.

(d) in addition and without limitation of the aforementioned powers, the independent power, subject to the express delegation thereof by the mayor and by the city council by majority vote, to establish, set, raise or lower any fee, rate or charge, for any service, license, permit or other municipal activity, otherwise

within the authority of the city to establish, set, raise or lower; provided further that no such fee, rate or charge shall be established, set, raised or lowered without written notice to the mayor and city council at least forty-five days before the effective date of such action.

(e) the power, to hire, employ and supervise such staff personnel as the board deems appropriate to further the purposes of this act. The compensation of staff personnel hired under authority of this paragraph shall be determined and fixed by the board and be paid by the city of Brockton. All staff personnel hired pursuant to the authority of this paragraph shall be deemed city of Brockton employees, excepting such employees as are formally designated as independent contractors by the board.

Action by the finance control board pursuant to the foregoing provisions shall in all respects constitute valid and lawful action by the city for purposes of chapter forty, forty-one, and forty-four and fifty-nine of the General Laws and for all municipal finance and other matters.

In each year during which the finance control board continues in existence, the mayor shall, at the same time as the annual budget is submitted to the city council, provide to the board a copy of the proposed annual budget together with a supporting revenue and expenditure statement in such detail as the board may prescribe. The board shall review such budgetary information and may issue a report of its findings.

In order to promote and ensure the fiscal stability of the city of Brockton, the board, in its discretion, may also require the filing of a detailed annual work plan by each municipal department which shall be approved by the mayor, setting forth certain actions which will be implemented by every such department through its department head to ensure greater efficiency in the delivery of services to the citizens of Brockton.

Each work plan shall be in such detail as the board may prescribe, and may include but not be limited to the following: (1) a plan for improved financial and spending controls; (2) budget guidelines and objectives for the fiscal years nineteen hundred and ninety-one, and for such other fiscal years for which the board may remain in existence; (3) a professional and non-professional staffing plan; (4) a plan for other proposed savings to be implemented. Any such plan submitted by the school department shall be approved by the school committee.

During the course of each fiscal year in which the finance control board is in existence, the board may require that a status report be filed with the board by each department head on a quarterly basis.

The board shall have full authority to waive any reporting or filing requirements contained in this section.

The finance control board may prepare such reports of its findings and reviews as it deems appropriate, and issue such recommendations for further action to the

mayor, city council, municipal department heads or agencies of the commonwealth as the board determines appropriate. Members of the board who are employees or officers of the commonwealth or the city of Brockton shall serve without compensation. The board may establish compensation, subject to the aforementioned limitations, for members of the board; provided, however, that no such compensation shall become effective unless and until approved by the commissioner of administration and finance. The board shall have full authority to adopt such rules and procedures as it deems necessary and appropriate to effectuate the purposes of this act.

SECTION 4. Notwithstanding the provisions of any general or special law, city charter provision, or local ordinance to the contrary, there shall be in the city of Brockton a department of finance which shall be responsible for the overall budgetary and financial administration of the city of Brockton. The department of finance shall be under the charge and control of a chief financial officer who shall be appointed by the mayor for a period of three years. The chief financial officer shall report to and be under the direction of the mayor.

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, the city collector or the city treasurer. Without the prior approval of the city council, the chief financial officer shall not, at any time, assume the duties or responsibilities of any city official whose appointment requires approval by the city council. Such approval by the city council, if granted, may restrict the term or scope of such assumption.

The position of director of budgets and purchasing and the department of budget and purchasing are hereby abolished.

SECTION 5. The powers and duties of the chief financial officer shall include the following:

(a) Coordination, administration and supervision of all financial services and activities together with assistance in all matters related to municipal financial affairs, and;

(b) Development and maintenance of uniform systems for all financial planning and operations in all departments, including the school department, or boards, commissions or agencies or other units of city government, the operation of which have a financial impact upon the general fund of the city, and;

(c) Implementation and maintenance of uniform budget guidelines and procedures including direction and assistance in development and preparation of all departmental and other budgets and spending plans, and;

(d) Monitoring of the expenditure of all funds, including periodic reporting by or to the appropriate body, agency or officer of the status of accounts and including the continuing review of the spending plan for each department or activity of the

city, and;

(e) Review of all proposed contracts and obligations with a term or impact in excess of one year, and;

(f) Supervision of the allotment of funds on a periodic basis as provided for herein.

All department budgets, the budgets or spending plans for all other activities of the city, requests for supplemental appropriations, and request for transfers of revenues or appropriations must be submitted to the chief financial officer for review, compilation and recommendation prior to the submission to the mayor or city council, as appropriate.

For each and every proposed appropriation order, and with respect to any proposed city council vote necessary to effectuate a financial action, including all transfers, all collective bargaining agreements, an 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, as the case may be, such financial action, financial transfer, appropriation order, collective bargaining agreement, ordinance revisions, special legislation, or borrowing authorization may nonetheless be approved, provided further that the absence of such certification of the chief financial officer is expressly noted in such order or vote.

School department budgets, expenditures and other financial matters requiring action by the city council shall be submitted to the chief financial officer for review and comment after they have been acted upon by the school committee.

SECTION 6. The city auditor of the city of Brockton 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 local ordinance.

The city auditor shall, in addition to his other duties, provide, upon majority vote and at the written request of either the city council or its finance committee, within a reasonable time period from such request, an oral or written assessment,

or both, as the city council or its finance committee may request, of the current and future financial impact of the cost of any proposed appropriation order, lease or contract arrangement for a term including more than one fiscal 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 a vote of the city council or its finance committee. Such assessment and analysis shall be provided by the auditor as his professional opinion and he shall not be obligated to represent the opinion 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 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 five of this act; or *(iv)* any actions with respect to temporary or permanent indebtedness.

SECTION 7. Notwithstanding the provisions of any general or special law, city charter provisions, or local ordinance 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 on 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 the appropriations for all personnel expenditure categories included in such department's or unit's budget, indicating the amounts to be expended by such department or unit for such purposes during each of the five following allotment periods: July first through September thirtieth, October first through December thirty-first, 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 before the end of such time period, he shall give notice in writing to such effect to the department head or officer in charge thereof, the mayor, the city solicitor, the chief financial officer or the city auditor as appropriate, and to the city clerk who shall forthwith transmit the same to the city council and finance control board, if such board remains in existence

at the time. Upon such a determination and notice thereof, the chief financial officer shall provide the foregoing officials additional reports on at least a monthly basis indicating the status of each of such accounts.

The mayor, within ten days after receiving such a 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 or unit of city government.

If the allotment for such period is waived, the department or other unit of city government shall reduce subsequent periods' allotments by the amount 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, city auditor and finance control board, if such board remains in existence at the time. If the allotment for such period is not waived, the department or other unit of city government shall terminate all personnel expenditures necessary to meet allotment 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, city council and finance control board, if such board remains in existence at the time, within seven days.

No personnel expenses earned or accrued within any department, board, commission, agency or other unit of city government including the school department shall be charged to or paid from any allotment of a subsequent period without the express written approval of the mayor specifically permitting such a charge or payment, except for subsequently determined retroactive compensation adjustments; provided further that such permission by the mayor shall not be effective if the entire appropriation for such personnel expenditure categories shall be exhausted. No provision contained in this section shall be construed to impair the authority of the city to make expenditures as otherwise provided by law in the case of an emergency involving the health or safety of the people or their property.

Approval of a payroll for the 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 or other unit of city government including the superintendent of schools and the school committee as well as any other official so approving such payroll including the mayor, chief financial officer, city auditor and city treasurer.

If the continued payment of wages, salaries, or other personnel expenses is not approved in a period where a department or other unit of city government has exhausted the period allotment or allotments as specified above, or in any case, has exhausted 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 and 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 the purposes of this statute, 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 unexpected and immediate threat to the health or safety of persons or property.

SECTION 8. Notwithstanding any general or special law, city charter provision, or local ordinance to the contrary, but fully subject to the provisions of section twenty-one C of chapter fifty-nine of the General Laws, proposition two and one-half, so-called, the city of Brockton shall establish a special reserve fund for extraordinary and unforeseen expenditures, which fund shall be designated 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.

Commencing with fiscal year nineteen hundred and ninety-two and for all fiscal years thereafter, prior to the date when the tax rate 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 an amount, the "Supplemental Reserve Fund Sum", as determined under the provisions herein, such amount to be certified to the board of assessors by the city auditor.

The Supplemental Reserve Fund Sum for fiscal year nineteen hundred and ninety-two shall be an amount equal to one-quarter of one percent of the gross

amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; the Supplemental Reserve Fund Sum for fiscal year nineteen hundred and ninety-three shall be an amount equal to one-half of one percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; the Supplemental Reserve Fund Sum for fiscal year nineteen hundred and ninety-four shall be an amount equal to three-quarters of one percent of the gross amount to be raised for the prior fiscal year for the general operating funds as appearing on the city's tax rate recapitulation for such prior year, the Supplemental Reserve Fund Sum for the fiscal year nineteen hundred and ninety-five shall be an amount equal to one percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year, and; the Supplemental Reserve Fund Sum for fiscal year nineteen hundred and ninety-six and each subsequent fiscal year shall be an amount equal to one and one-half percent of the gross amount to be raised for the prior fiscal year for the general operating fund as appearing on the city's tax rate recapitulation for such prior year; provided further that such amounts may be increased by penalty adjustments as provided for herein.

In each year the amount required to be raised for such special reserve fund may be reduced by the amount, if any, remaining in the reserve fund established for the preceding year after all expenditures have been made therefrom as herein authorized, and such remaining amount shall be retained in the special reserve fund provided for the then current fiscal year.

Transfers or expenditures may be made from the special reserve fund of any fiscal year during that fiscal year only and then only by the mayor with the approval of the city council, and provided further that if the finance control board continues in existence at the time of such transfer or expenditure, only with the approval of said board. Each such transfer or expenditure request by the mayor shall be accompanied by a written statement detailing the amount and the reason for such transfer or expenditure. Except for such transfers or expenditures as hereabove authorized, there shall be no other transfers or expenditures from such fund, nor shall there be any charges against such fund nor reductions in the amount of such fund.

If in any fiscal year subsequent to fiscal year nineteen hundred and ninety-one, the special reserve fund as provided for herein is depleted by transfers or expenditures in excess of fifty percent of the amount certified for that year by the city auditor plus the amount of any penalty adjustment as provided for hereinafter, or if the city incurs net 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 of the

gross amount to be raised for the year with respect to which the use of the reserve fund or the deficits were incurred as the case may be. Such 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; provided further, however, that if such penalty adjustment increase shall be made for fiscal years nineteen hundred and ninety-three, nineteen hundred and ninety-four, nineteen hundred and ninety-five, or nineteen hundred and ninety-six, it shall be in addition to the percentage increase in the reserve fund provided for hereinabove. 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. All amounts required by this act to be raised 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 commencing with fiscal year nineteen hundred and ninety-six reduce the amount otherwise required to be raised for the special reserve fund by one-quarter of one 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, which percentage decrease shall be of a permanent nature and fully effective with respect to the special reserve fund requirements of all succeeding fiscal years; provided that such decrease shall not reduce the fund below one and one-half 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, and provided further that such reduction, if any shall not work to eliminate or modify such subsequent penalty adjustments as may arise under the provisions hereinabove. While the finance control board remains in existence, such board, to the extent it deems it appropriate to effectuate the purposes of this act, may waive in part or in whole the requirement of this section.

SECTION 9. No official of the city of Brockton, except in the case of an emergency involving the health and safety of the people or their property, shall knowingly expend or cause to be expended in any fiscal year any sum in excess of such official's departmental or other governmental units appropriation duly made in accordance with law, nor commit the city, nor cause it to be committed, to any obligation for the future payment of money in excess of such appropriation.

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 amounts 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

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 or of section seven above shall be subject to removal for cause.

For the purposes of this statute, the word "official" shall mean a city department head, permanent, temporary or acting, including the superintendent of schools, and all municipal boards, committees, including the school committee, and commissions which recommend, authorize or approve the expenditure of funds.

SECTION 10. The provisions of this act shall be deemed to supersede any charter provision or ordinance which is contrary or inconsistent with the provisions of this act.

SECTION 11. This act shall take effect upon its passage except that the provisions of section seven as to allotments shall be in effect only for allotment periods ending forty-five days or more after the effective date of this act. During the period prior to the initial appointment of a chief financial officer, or during any period in which the position of chief financial officer is vacant, the mayor or his designee shall perform the duties and responsibilities of the chief financial officer with respect to the budget allotment system established by section seven of this act. With respect to fiscal year nineteen hundred and ninety-one, an allotment schedule must be submitted as provided within fifteen days of the appointment of a chief financial officer, or if no such officer has been appointed, within fifteen days of a written request therefor from the mayor or his designee.

SECTION 12. The provisions of this act are severable and if any of its provisions or an application thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions or other applications thereof.

Emergency Letter: January 2, 1991 @ 4:58 P.M. Approved December 17, 1990.

Chapter 325. 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

Burns in the town of Saugus on December twenty-third, nineteen hundred and ninety between Steven Vincent Angelo, of the town of Saugus, and Virginia Anne Richard, of the town of Saugus, and the state secretary shall issue to said John Burns a certificate of such authorization.

Approved December 17, 1990.

Chapter 326. **AN ACT RELATIVE TO PARKING FOR DISABLED VETERANS AND HANDICAPPED PERSONS WITHIN CITIES AND TOWNS.**

Be it enacted, etc., as follows:

SECTION 1. Section 21 of chapter 40 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:-

The penalty for violation of any ordinance or by-law made hereunder shall not be less than twenty-five dollars nor more than one hundred dollars and the vehicle may be removed according to the provisions of section one hundred and twenty D of chapter two hundred and sixty-six.

SECTION 2. Section 22A of said chapter 40, as so appearing, is hereby amended by striking out, in line 42, the word "may" and inserting in place thereof the following word:- shall.

SECTION 3. Said section 22A of said chapter 40, as so appearing, is hereby further amended by inserting after the word "dollars", in line 69, the following words:- and may provide for the removal of a vehicle in accordance with the provisions of section twenty-two D.

Approved December 17, 1990.

Chapter 327. **AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF SOUTHBRIDGE.**

Be it enacted, etc., as follows:

The charter of the town of Southbridge which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out Section 8-3 of chapter 6 and inserting in place thereof the following section:-

Section 8-3. All contracts made by any department, board or commission where the amount involved is five hundred dollars or more shall be in writing. No contract

for construction work, or for the purchase of equipment, supplies and materials, whether for repairs or original construction, the estimated cost of which amounts to ten thousand dollars or more, except in cases of special emergency, involving the health or safety of the people or their property, shall be awarded unless proposals for the same have been invited by advertisements in at least one newspaper published in the town once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of such proposals. Such advertisements shall state the time and place where plans and specifications of proposed work or supplies may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the town the right to reject any or all of such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any requirement of this section.

Approved December 17, 1990.

Chapter 328. AN ACT EXEMPTING THE POSITION OF POLICE CHIEF IN THE TOWN OF HUDSON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of police chief in the town of 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 police chief in said town on the effective date of this act.

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

Approved December 18, 1990.

Chapter 329. AN ACT DESIGNATING BAY STATERS AS THE OFFICIAL DESIGNATION FOR CITIZENS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

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

Section 35. Bay Staters shall be the official designation of citizens of the commonwealth.

Approved December 18, 1990.

Chapter 330. AN ACT RELATIVE TO MEDICAL BENEFITS FOR GASTROESOPHAGEAL REFLUX AND OTHER DISEASES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by striking out section 47I, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 47I. Any individual policy of accident and sickness insurance issued pursuant to section one hundred and eight, and any group blanket policy of accident and sickness insurance issued pursuant to section one hundred and ten, shall provide coverage for nonprescription enteral formulas for home use for which a physician has issued a written order and which are medically necessary for the treatment of malabsorption caused by Crohn's disease, ulcerative colitis, gastroesophageal reflux, gastrointestinal motility, or chronic intestinal pseudo-obstruction.

SECTION 2. Chapter 176A of the General Laws is hereby amended by striking out section 8L, as so appearing, and inserting in place thereof the following section:-

Section 8L. Any contract between a subscriber and the corporation under an individual or group hospital service plan that shall be delivered, issued or renewed in the commonwealth shall provide, as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage for nonprescription enteral formulas for home use, for which a physician has issued a written order and which are medically necessary for the treatment of malabsorption caused by Crohn's disease, ulcerative colitis, gastroesophageal reflux, gastrointestinal motility or chronic intestinal pseudo-obstruction.

SECTION 3. Chapter 176B of the General Laws is hereby amended by striking out section 4K, as so appearing, and inserting in place thereof the following section:-

Section 4K. Any subscription certificate under an individual or group medical service agreement that shall be delivered, issued or renewed in the commonwealth shall provide, as benefits to all individual subscribers and members within the commonwealth, all group members having a principal place of employment within the commonwealth and all persons included in section four C, coverage for nonprescription enteral formulas for home use for which a physician has issued a written order and which are medically necessary for the treatment of malabsorption caused by Crohn's disease, ulcerative colitis, gastroesophageal reflux, gastrointestinal motility, or chronic intestinal pseudo-obstruction.

Approved December 18, 1990.

Chapter 331. AN ACT AUTHORIZING THE DIVISION OF ADMINISTRATIVE LAW APPEALS TO HEAR CERTAIN APPEALS.

Be it enacted, etc., as follows:

The second paragraph of subdivision (4) of section 16 of chapter 32 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the fifth sentence and inserting in place thereof the following two sentences:- After the conclusion of such hearing, the division of Administrative Law Appeals shall submit to the parties a written decision which shall be final and binding upon the board involved and upon all other parties, and shall be complied with by such board and by such parties, unless within fifteen days after such decision, (1) either party objects to such decision, in writing, to the contributory retirement appeal board, or (2) the contributory retirement appeal board orders, in writing, that said board shall review such decision and take such further action as is appropriate and consistent with the appeal provided by this section. The contributory retirement appeal board shall then pass upon the appeal within six months after the conclusion of such hearing, and its decision shall be final and binding upon the board involved and upon all other parties, and shall be complied with by such board and by such parties.

Approved December 18, 1990.

Chapter 332. AN ACT PROVIDING FOR THE EXECUTION OF HEALTH CARE PROXIES BY INDIVIDUALS.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 201C the following chapter:-

CHAPTER 201D.

Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Attending physician", the physician, selected by or assigned to a patient, who has primary responsibility for the treatment and care of the patient, in whatever setting medical diagnosis or treatment is rendered. Where more than one physician shares such responsibility, any such physician may act as the attending physician.

"Capacity to make health care decisions", the ability to understand and appreciate the nature and consequences of health care decisions, including the benefits and risks of and alternatives to any proposed health care, and to reach an

benefits and risks of and alternatives to any proposed health care, and to reach an informed decision.

"Facility", any facility as defined in section seven E of chapter one hundred and eleven.

"Health care", any treatment, service or procedure to diagnose or treat the physical or mental condition of a patient.

"Health care agent" or "agent", an adult to whom authority to make health care decisions is delegated under a health care proxy.

"Health care decision made by an agent under a health care proxy", a decision which is made in accordance with the requirements of this chapter, is consistent with any limitations in the health care proxy, and is consistent with responsible medical practice.

"Health care provider", an individual or facility licensed, certified, or otherwise authorized or permitted by law to administer health care in the ordinary course of business or professional practice.

"Health care proxy", a document delegating to an agent the authority to make health care decisions, executed in accordance with the requirements of this chapter.

"Principal", a person who has executed a health care proxy.

Section 2. Every competent adult shall have the right to appoint a health care agent by executing a health care proxy. Said health care proxy shall be in writing signed by such adult or at the direction of such adult in the presence of two other adults who shall subscribe their names as witnesses to such signature. The witnesses shall affirm in writing that the principal appeared to be at least eighteen years of age, of sound mind and under no constraint or undue influence. No person who has been named as health care agent in a health care proxy shall act as a witness to the execution of such proxy. For the purposes of this section, every adult shall be presumed to be competent and every health care proxy shall be presumed to be properly executed unless a court determines otherwise.

A competent adult may designate an alternate health care agent as part of a valid health care proxy. Said alternate may serve when the designated health care agent is not available, willing or competent to serve and the designated health care agent is not expected to become available, willing or competent to make a timely decision given the patient's medical circumstances; or, the health care agent is disqualified from acting on the principal's behalf pursuant to other requirements of this chapter.

Section 3. No person who is an operator, administrator or employee of a facility may be appointed as health care agent by an adult, who, at the time of executing the health care proxy is a patient or resident of such facility or has applied for admission to such facility unless said operator, administrator or employee is related to the principal by blood, marriage or adoption.

Section 4. The health care proxy shall:

(i) identify the principal and the health care agent;

(ii) indicate that the principal intends the agent to have authority to make health care decisions on the principal's behalf;

(iii) describe the limitation, if any, that the principal intends to impose upon the agent's authority; and

(iv) indicate that the agent's authority shall become effective if it is determined pursuant to section six that the principal lacks capacity to make health care decisions.

Section 5. An agent shall have the authority to make any and all health care decisions on the principal's behalf that the principal could make, including decisions about life-sustaining treatment, subject, however, to any express limitations in the health care proxy.

After consultation with health care providers, and after full consideration of acceptable medical alternatives regarding diagnosis, prognosis, treatments and their side effects, the agent shall make health care decisions: (i) in accordance with the agent's assessment of the principal's wishes, including the principal's religious and moral beliefs, or (ii) if the principal's wishes are unknown, in accordance with the agent's assessment of the principal's best interests.

Notwithstanding any general or special law to the contrary, the agent shall have the right to receive any and all medical information necessary to make informed decisions regarding the principal's health care, including any and all confidential medical information that the principal would be entitled to receive.

Health care decisions by an agent pursuant to a health care proxy on a principal's behalf shall have the same priority over decisions by any other person, including a person acting pursuant to a durable power of attorney as would decisions by the principal, when competent, except as otherwise provided in the health care proxy or by specific court order overriding the proxy.

A physician who is provided with a health care proxy shall arrange for the proxy or a copy thereof to be inserted in the principal's medical record.

A health care provider shall comply with health care decisions made by an agent under a health care proxy to the same extent as if such decisions have been made by the principal, subject to any limitations in the health care proxy, or in any specific court order.

Section 6. The authority of a health care agent shall begin after a determination is made, pursuant to the provisions of this section, that the principal lacks the capacity to make or to communicate health care decisions. Such determination shall be made by the attending physician according to accepted standards of medical judgment. The determination shall be in writing and shall contain the attending physician's opinion regarding the cause and nature of the principal's incapacity as well as its extent and probable duration. This written determination shall be entered into the principal's permanent medical record.

If the attending physician determines that a patient lacks capacity because of mental illness or developmental disability, the attending physician who makes the determination must have, or must consult with a health care professional who has, specialized training or experience in diagnosing or treating mental illness or developmental disabilities of the same or similar nature in making such determination.

A physician who has been appointed as a patient's agent shall not make the determination of the patient's capacity to make health care decisions.

Notice of a determination that a principal lacks capacity to make health care decisions shall promptly be given orally and in writing: (i) to the principal, where there is any indication of the principal's ability to comprehend such notice; (ii) to the agent; and (iii) if the patient is in or is transferred from a mental health facility, to the facility director.

A determination made pursuant to this section that a principal lacks capacity to make health care decisions is solely for the purpose of empowering an agent to make health care decisions pursuant to a health care proxy.

Notwithstanding a determination pursuant to this section that the principal lacks capacity to make health care decisions, where a principal objects to a health care decision made by an agent pursuant to a health care proxy the principal's decisions shall prevail unless the principal is determined to lack capacity to make health care decisions by court order.

In the event the attending physician determines that the principal has regained capacity:

(i) the authority of the agent shall cease, but shall recommence if the principal subsequently loses capacity; and (ii) the principal's consent for treatment shall be required.

Section 7. A principal may revoke a health care proxy by notifying the agent or a health care provider orally or in writing or by any other act evidencing a specific intent to revoke the proxy.

For the purposes of this section, every principal shall be presumed to have the capacity to revoke a health care proxy unless determined otherwise pursuant to court order.

A health care proxy shall also be revoked upon: (i) execution by the principal of a subsequent health care proxy, or (ii) the divorce or legal separation of the principal and his spouse, where the spouse is the principal's agent under a health care proxy.

A physician who is informed of or provided with a revocation of a health care proxy shall immediately record the revocation in the principal's medical record and notify orally and in writing the agent and any health care providers known by the physician to be involved in the principal's care of the revocation. Any agent or member of the nursing staff informed of or provided with a revocation of a health

care proxy pursuant to this section shall immediately notify the attending physician of such revocation.

Section 8. No health care provider or employee thereof shall be subject to criminal or civil liability or be deemed to have engaged in unprofessional conduct, for carrying out in good faith a health care decision by an agent pursuant to a health care proxy.

No person acting as agent pursuant to a health care proxy shall be subject to criminal or civil liability for making a health care decision in good faith pursuant to this chapter.

Section 9. Liability for the cost of health care provided pursuant to an agent's decision shall be the same as if the health care were provided pursuant to the principal's decision.

Section 10. A person may not require or prohibit the execution of a health care proxy by an individual as a condition for providing health care services or insurance of such individual.

Section 11. Nothing in this chapter shall limit the enforceability of a health care proxy or similar instrument executed in another state or jurisdiction in compliance with the law of that state or jurisdiction; provided, however, that no person or health care provider or facility shall be required to enforce such proxy where to do so would violate sections fourteen and fifteen herein; provided, further, that all the responsibilities of a person, health care provider or facility are fulfilled as required under said sections fourteen and fifteen.

Section 12. Nothing in this chapter shall be construed to constitute, condone, authorize, or approve suicide or mercy killing, or to permit any affirmative or deliberate act to end one's own life other than to permit the natural process of dying.

Section 13. Nothing in this chapter shall preclude any medical procedure deemed necessary by the attending physician to provide comfort care or pain alleviation. Such procedures shall include but not be limited to treatment with sedatives and pain-killing drugs; non-artificial oral feeding; suction; and hygenic care.

Section 14. Notwithstanding any provisions herein to the contrary, nothing in this chapter shall be construed to require a physician to honor an agent's health care decision that the physician would not honor if the decision had been made by the principal because the decision is contrary to the moral or religious views of the physician; provided, however, that the patient is transferred to another physician in the same facility, or in an equivalent facility that is reasonably accessible to the patient's family, who is willing to honor the agent's decision. If the physician or the agent is unable to arrange such a transfer, the physician shall seek judicial relief or honor the agent's decision.

Refusal to carry out actions requested by the agent when those actions would

be contrary to the moral or religious views of the physician or other individual health provider shall not be grounds for dismissal, suspension, demotion, failure to promote, discrimination in hiring, withholding of pay or refusal to grant financial assistance under any state aided project, or used in any way to the detriment of that individual in any hospital, clinic, medical, premedical, nursing, social work, or psychology school or state aided program or institution which is supported in whole or in part by the commonwealth; provided, however, that individuals fulfill all the responsibilities required under section fourteen or fifteen.

Section 15. Notwithstanding any provisions herein to the contrary, nothing in this article shall be construed to require a private facility to honor an agent's health care decision that the facility would not honor if the decision had been made by the principal because the decision is contrary to a formally adopted policy of the facility that is expressly based on religious beliefs and the facility would be permitted by law to refuse to honor the decision if made by the principal, provided:

(a) the facility has informed the patient or the health care agent of such policy prior to or upon admission, if reasonably possible; and

(b) the patient is transferred to another equivalent facility that is reasonably accessible to the patient's family and willing to honor the agent's decision. If the facility or the agent is unable to arrange such a transfer, the facility shall seek judicial guidance or honor the agent's decision.

Section 16. In those instances that a health care proxy has not been executed, nothing herein shall preclude a health care provider from relying upon the informed consent of responsible parties on behalf of incompetent or incapacitated patients to the extent permitted by law.

Nothing in this chapter shall invalidate a power of attorney delegating the authority to make health care decisions executed prior to the enactment of this chapter.

A competent adult's failure to appoint a health care agent or to provide the agent with specific health care instructions pursuant to this article shall create no presumptions regarding the adult's wishes about health care.

Section 17. The health care provider, the conservator for, or guardian of the principal, members of the principal's family, a close friend of the principal, or the commissioner of public health may commence a special proceeding in a court of competent jurisdiction, with respect to any dispute arising under this chapter, including, but not limited to, a proceeding to:

(i) determine the validity of the health care proxy;

(ii) have the agent removed on the ground that the agent is not reasonably available, willing and competent to fulfill his or her obligations under this chapter or is acting in bad faith; or

(iii) override the agent's decision about health care treatment on the grounds that: the decision was made in bad faith or the decision is not in accordance with

the standards set forth in section five.

SECTION 2. Section 3 of chapter 215 of the General Laws is hereby amended by adding the following paragraph:-

Probate courts shall have exclusive original jurisdiction of all actions concerning the execution and validity of health care proxies created pursuant to chapter two hundred and one D or disputes arising thereunder.

Emergency Letter: December 19, 1990 @ 9:15 A.M. Approved December 18,1990.

Chapter 333. AN ACT RELATIVE TO AN APPLICANTS' RECORD OF TRAINING AND EXPERIENCE.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 22 of chapter 31 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:- In any examination, the applicant shall be allowed seven days after the date of such examination to file with the administrator a training and experience sheet and to receive credit for such training and experience as of the time designated by the administrator.

SECTION 2. Section 23 of said chapter 31, as so appearing, is hereby amended by striking out the last sentence.

Approved December 18, 1990.

Chapter 334. AN ACT FURTHER REGULATING TAX TITLES IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. Whenever the town of Nantucket has conveyed or sold any land or holds a tax title, pursuant to chapter sixty of the General Laws, by any instrument in writing conveying or taking or purporting to convey or to take such land, and said instrument is duly recorded in the registry of deeds for the district wherein such land is situated and a period of forty years elapses after the instrument is accepted for record, and the notice or procedure for taking and sale or conveyance under said chapter or the instrument or record thereof because of defect, irregularity, or omission, fails to comply in any respect with any requirement of law relating thereto, including a failure by the town to foreclose the right of redemption, the instrument or record thereof shall, notwithstanding such defects, irregularities or

omissions be effective for all purposes and shall operate to foreclose all rights of redemption to the same extent as though such notice or procedure or the instrument or record thereof had originally not been subject to any such defects, irregularities, or omissions, unless an instrument of redemption has been recorded prior to the effective date of this act.

SECTION 2. The provisions of this act shall only apply to instruments recorded prior to July first, nineteen hundred and forty-eight, and shall have no effect on any legal proceeding commenced prior to the effective date of this act in the courts of this commonwealth in which a party has appeared asserting a cause of action claiming the right to redeem.

SECTION 3. This act shall take effect one year after the date of its enactment.

Approved December 18, 1990.

Chapter 335. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO DESIGNATE CERTAIN PARK LAND IN THE CITY OF BOSTON AS THE SOUTHWEST CORRIDOR PARK.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to designate certain park land located in the city of Boston within the Southwest Corridor, so-called, as the Southwest Corridor park. A suitable marker bearing such designation shall be erected thereon by said commission.

Approved December 18, 1990.

Chapter 336. AN ACT FURTHER REGULATING DISTINCTIVE REGISTRATION PLATES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 60A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "conflict", in line 76, the words:- ; provided, however, that the excise tax shall not apply to a motor vehicle owned and registered by the surviving spouse of a deceased former prisoner of war, until such time as the surviving spouse remarries or fails to renew such registration.

SECTION 2. The sixth paragraph of section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting

in place thereof the following sentence:- The registrar of motor vehicles may issue, without charge, to former prisoners of war, defined as any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured and incarcerated by an enemy of the United States during an armed conflict, upon presentation of satisfactory evidence of such prisoner of war status, as determined by the registrar, distinctive registration plates for one pleasure passenger vehicle owned and principally used by said individual; provided, however, that the surviving spouse of a deceased prisoner of war may elect to retain a distinctive registration plate for personal use until such time as such spouse remarries, fails to renew such registration, or does not wish to retain usage thereof.

Approved December 18, 1990.

Chapter 337. AN ACT DESIGNATING THE AMERICAN EX-PRISONERS OF WAR HIGHWAY.

Be it enacted, etc., as follows:

The portion of Interstate highway Route 295 within the commonwealth shall be designated and known as the American Ex-prisoners of War highway, in recognition of the contributions to the nation and the commonwealth rendered by these veterans. The department of public works shall erect and maintain suitable markers along said highway bearing such designation, in compliance with the standards of said department and as authorized by the federal highway administration.

Approved December 18, 1990.

Chapter 338. AN ACT ESTABLISHING AN AUTOMOBILE INSURANCE FRAUD BUREAU.

Be it enacted, etc., as follows:

SECTION 1. (a) Notwithstanding the provisions of any general or special law to the contrary, the Automobile Insurers Bureau of Massachusetts, or its successor licensed under the provisions of section eight of chapter one hundred and seventy-five A of the General Laws is hereby authorized to create an insurance fraud bureau with the powers and duties specified in this section for the prevention and investigation of fraudulent insurance transactions.

(b) Said insurance fraud bureau shall be governed by a board consisting of thirteen members, one of whom shall be the secretary of the executive office of

public safety, one of whom shall be the registrar of motor vehicles, and one of whom shall be the commissioner of insurance, and ten of whom shall be members of the governing committee of the Automobile Insurers Bureau of Massachusetts, or its successor.

(c) The governing board of said insurance fraud bureau shall employ an executive director and a general counsel. The executive director shall be responsible for the administrative operation of said insurance fraud bureau and shall perform such other tasks as said board may direct. The general counsel shall be the chief legal officer of said insurance fraud bureau.

(d) The executive director shall appoint other employees of said insurance fraud bureau as necessary. The executive director may expend for legal, investigative, clerical and other assistance and expenses such sums as may be necessary. All costs of administration and operation of said insurance fraud bureau shall be borne by the Automobile Insurers Bureau of Massachusetts, or its successor. The executive director shall determine the estimated costs for the operation of said insurance fraud bureau and, upon approval by said board, shall assess the Automobile Insurers Bureau of Massachusetts for such estimated costs. The estimated costs shall be paid to the executive director and he shall subsequently make adjustments to future assessments for any variation between estimated and actual costs on a fair and reasonable basis.

(e) The executive director shall designate such authorized personnel employed by said insurance fraud bureau to have access to the following information and records when the same are relevant to any said insurance fraud bureau investigation: records kept within the registry of motor vehicles; records kept by insurance companies; and criminal offender record information pursuant to clause (b) of section one hundred and seventy-two of chapter six of the General Laws; provided, however, that access to such information and records shall be solely for the use by such authorized personnel in the performance of their official duties and responsibilities within said insurance fraud bureau.

(f) Any insurer licensed pursuant to the provisions of chapter one hundred and seventy-five of the General Laws, and any person engaged in the business of insurance in the commonwealth exempted from compliance with the licensing requirements of said chapter one hundred and seventy-five, or other similar entity, having reason to believe that an insurance transaction may be fraudulent, or havi ng knowledge that a fraudulent insurance transaction is about to take place, or has taken place, shall within thirty days after determination that the transaction may be fraudulent, send to said insurance fraud bureau, on a form prescribed by the executive director, the information requested by the form and such additional information relative to the transaction and the parties involved as the executive director may require.

(g) Said insurance fraud bureau shall review each such report and undertake

such further investigation as it deems necessary and proper to determine the validity of the transaction. Upon receipt of such report pursuant to subsection (f), or other information which provides reason to believe that any person has violated any law of the commonwealth concerning insurance fraud, said insurance fraud bureau may conduct an investigation within or without the commonwealth. A person having material which is located outside the commonwealth and is requested by the executive director may make it available to the executive director or his representative to be examined at the place where it is located. The executive director may designate representatives, including officials of the state in which the material is located, to inspect the material on his behalf, and may respond to similar requests from officials of other states.

(h) The executive director, or his designee, may request the attendance and testimony of witnesses and the production of books and records relevant to an investigation. If a person neglects or refuses to comply with any request to provide testimony or produce books and records relevant to the investigation, the executive director may refer the matter to the attorney general, the district attorney, or the United States attorney.

(i) Whenever the executive director is satisfied that a material fraud, deceit, or intentional misrepresentation has been committed in an insurance transaction or purported insurance transaction, or that a violation of sections one hundred and eleven A and one hundred and eleven B of chapter two hundred and sixty-six of the General Laws, or other laws of the commonwealth concerning insurance fraud has occurred, the executive director shall refer the matter to the attorney general, the district attorney or the United States attorney. The executive director shall also report any suspected violation of law to the appropriate licensing agencies of the state and federal governments.

(j) In the absence of malice or bad faith, no insurer, member of said insurance fraud bureau, member of said governing board, or an employee or agent of said insurance fraud bureau or other person subject to the provisions of this section, or an employee or agent of such insurer or person, shall be subject to civil liability for damages by reason of any statement, report or investigation made pursuant to the provisions of this section.

(k) Beginning August first, nineteen hundred and ninety-one and every six months thereafter said insurance fraud bureau shall file a report with the clerk of the house of representatives who shall forward the same to the joint legislative committee on insurance and a similar report shall be filed with the attorney general which shall include appropriate information, unless otherwise prohibited by law, on the disposition of matters referred to said insurance fraud bureau. Beginning August first, nineteen hundred and ninety-one and every six months thereafter the attorney general shall file a report with the clerk of the house of representatives who shall forward the same to the joint legislative committee on insurance and a

similar report shall be filed with said insurance fraud bureau which shall include appropriate information, unless prohibited by law, on the disposition of matters referred to the attorney general by said insurance fraud bureau. Said insurance fraud bureau shall periodically report to insurers regarding the status of matters reported to said insurance fraud bureau by insurers, the outcome of all investigations and prosecutions conducted by said insurance fraud bureau, and patterns and practices of fraudulent insurance transactions identified in the course of performing its duties. Said insurance fraud bureau shall perform such research functions and data collection efforts as directed by the governing board to assist in the prevention, detection and prosecution of fraudulent insurance transactions.

(l) The commissioner of insurance is hereby authorized and directed to make an annual assessment each year in the amount of one hundred thousand dollars against the Automobile Insurers Bureau of Massachusetts, or its successor licensed under the provisions of section eight of chapter one hundred and seventy-five A of the General Laws. Said assessment shall be paid to the commissioner within thirty days after the date of notice from the commissioner of said assessment. Said assessment shall be utilized by the attorney general for the purpose of the investigation and prosecution of automobile insurance fraud matters referred to the attorney general by said insurance fraud bureau established by this section. The attorney general shall designate at least one assistant attorney general who shall devote full-time to the investigation and prosecution of automobile insurance fraud matters which are referred by said insurance fraud bureau. The attorney general may designate additional assistant attorneys general for the investigation and prosecution of insurance fraud matters as deemed necessary.

(m) A person convicted for the violation of any law concerning insurance fraud, following the investigation and referral for prosecution by said insurance fraud bureau, shall be ordered to make restitution to the insurer for any financial loss sustained as a result of such violation.

SECTION 2. This act shall terminate on December thirty-first, nineteen hundred and ninety-three.

Emergency Letter: December 24, 1990 @ 9:48 A.M. Approved December 19, 1990.

Chapter 339. AN ACT AUTHORIZING THE ADMISSIBILITY OF OUT-OF-COURT STATEMENTS OF CHILD ABUSE VICTIMS.

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by adding the following three sections:-

Section 81. (a) An out-of-court statement of a child under the age of ten

describing an act of sexual contact performed on or with the child, the circumstances under which it occurred, or which identifies the perpetrator shall be admissible as substantive evidence in any criminal proceeding; provided, however, that the statement is offered as evidence of a material fact and is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; the person to whom the statement was made or who heard the child make the statement testifies; the judge finds pursuant to subsection (b) that the child is unavailable as a witness; and the judge finds pursuant to subsection (c) that the statement is reliable.

(b) The proponent of such statement shall demonstrate a diligent and good faith effort to produce the child and shall bear the burden of showing unavailability. A finding of unavailability shall be supported by specific findings on the record, describing facts with particularity, demonstrating that:

(1) the child is unable to be present or to testify because of death or physical or mental illness or infirmity; or

(2) by a ruling of the court, the child is exempt on the ground of privilege from testifying concerning the subject matter of such statement; or

(3) the child testifies to a lack of memory of the subject matter of such statement; or

(4) the child is absent from the hearing and the proponent of such statement has been unable to procure the attendance of the child by process or by other reasonable means; or

(5) the court finds, based upon expert testimony from a treating psychiatrist, psychologist, or clinician, that testifying would be likely to cause severe psychological or emotional trauma to the child; or

(6) the child is not competent to testify.

(c) If a finding of unavailability is made, the out-of-court statement shall be admitted if the judge further finds: (1) after holding a separate hearing, that such statement was made under oath; that it was accurately recorded and preserved, and there was sufficient opportunity to cross-examine; or (2) after holding a separate hearing and, where practicable and where not inconsistent with the best interests of the child, meeting with the child, that such statement was made under circumstances inherently demonstrating a special guarantee of reliability.

For the purposes of finding circumstances demonstrating reliability pursuant to clause (2) of subsection (c), a judge may consider whether the relator documented the child witness's statement, and shall consider the following factors:

(i) the clarity of the statement, meaning, the child's capacity to observe, remember, and give expression to that which such child has seen, heard, or experienced; provided, however, that a finding under this clause shall be supported by expert testimony from a treating psychiatrist, psychologist, or clinician;

(ii) the time, content and circumstances of the statement;

(iii) the child's sincerity and ability to appreciate the consequences of such statement.

(d) An out-of-court statement which is admissible by common law or by statute shall remain admissible notwithstanding the provisions of this section.

Section 82. (a) The out-of-court statements of a child under the age of ten describing any act of sexual contact performed on or with the child, the circumstances under which it occurred, or which identifies the perpetrator shall be admissible as substantive evidence in any civil proceeding, except proceedings brought under subparagraph C of section twenty-three or section twenty-four of chapter one hundred and nineteen; provided, however, that such statement is offered as evidence of a material fact and is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; the person to whom such statement was made or who heard the child make such statement testifies; the judge finds pursuant to subsection (b) that the child is unavailable as a witness; and the judge finds pursuant to subsection (c) that such statement is reliable.

(b) The proponent of such statement shall demonstrate a diligent and good faith effort to produce the child and shall bear the burden of showing unavailability. A finding of unavailability shall be supported by specific findings on the record, describing facts with particularity, demonstrating that:

(1) the child is unable to be present or to testify because of death or existing physical or mental illness or infirmity; or

(2) by a ruling of the court, the child is exempt on the ground of privilege from testifying concerning the subject matter of such statement; or

(3) the child testifies to a lack of memory of the subject matter of such statement; or

(4) the child is absent from the hearing and the proponent of such statement has been unable to procure the attendance of the child by process or by other reasonable means; or

(5) the court finds, based upon expert testimony from a treating psychiatrist, psychologist, or clinician, that testifying would be likely to cause severe psychological or emotional trauma to the child; or

(6) the child is not competent to testify.

(c) If a finding of unavailability is made, the out-of-court statement shall be admitted if the judge further statement was made under oath, that it was accurately recorded and preserved, and there was sufficient opportunity to cross-examine; or (2) after holding a separate hearing and, where practicable and where not inconsistent with the best interests of the child, meeting with the child, that such statement was made under circumstances inherently demonstrating a special guarantee of reliability.

For the purposes of finding circumstances demonstrating reliability pursuant to clause (2) of subsection (c) a judge may consider whether the relator documented the child witness's statement, and shall consider the following factors:

(i) the clarity of the statement, meaning, the child's capacity to observe, remember, and give expression to that which such child has seen, heard, or experienced; provided, however, that a finding under this clause shall be supported by expert testimony from a treating psychiatrist, psychologist, or clinician;

(ii) the time, content and circumstances of the statement;

(iii) the existence of corroborative evidence of the substance of the statement regarding the abuse including either the act, the circumstances, or the identity of the perpetrator;

(iv) the child's sincerity and ability to appreciate the consequences of the statement.

(d) An out-of-court statement admissible by common law or by statute shall remain admissible notwithstanding the provisions of this section.

Section 83. (a) Any out-of-court statements of a child under the age of ten describing any act of sexual contact performed on or with the child, the circumstances under which it occurred, or which identifies the perpetrator offered in an action brought under subparagraph C of section twenty-three or section twenty-four of chapter one hundred and nineteen shall be admissible; provided, however that the person to whom the statement was made, or who heard the child make the statement testifies, and the judge finds that the statement is offered as evidence of a material fact and is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable effort.

(b) An out-of-court statement admissible by common law or by statute shall remain admissible notwithstanding the provisions of this section.

Approved December 19, 1990.

Chapter 340. **AN ACT FURTHER REGULATING THE FEES CHARGED FOR THE REGISTRATION OF CERTAIN MOTOR VEHICLES.**

Be it enacted, etc., as follows:

Chapter 653 of the acts of 1989 is hereby amended by striking out section 245 and inserting in place thereof the following section:-

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, sixty-four, 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-two; provided, however, that the registrar of motor vehicles shall on or before April first, nineteen hundred and ninety-one conduct a study and file with the joint committee on public safety a report describing in detail the various feasible alternatives that are available to accomplish the purposes of said 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, sixty-four, and ninety-five, including in particular, use of a sticker system, so-called; and provided, further, that on or before June first, nineteen hundred and ninety-one the registrar of motor vehicles shall file with the joint committee on public safety a plan to carry out the purposes of said 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, sixty-four, and ninety-five together with drafts of necessary legislation, in a manner designed to minimize the costs to the public, to avoid fraud and abuse associated with the misuse of general distinguishing registrations and number plates, and to promote the collection of all taxes due and owing to the commonwealth and the cities and towns.

Approved December 20, 1990.

Chapter 341. AN ACT RELATIVE TO THE TRIAL COURTS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The chief administrative justice of the trial court is hereby authorized to transfer amounts, as needed, among the following line items: items 0330-0100 through 0339-2200, excluding items 0330-2030, 0330-2040, 0330-2200, and 0330-2410 in section two of chapter one hundred and fifty of the acts of nineteen hundred and ninety, as reduced by section one A of said chapter; provided, that said chief administrative justice shall submit a transfer of funds proposal to the house committee on ways and means for approval. Said house committee on ways and means shall approve or reject said proposal within three days of submission. The transfer of funds proposal when approved by the house committee on ways and means shall be placed on file with the office of the clerk of the house of representatives.

SECTION 2. The chief justice of the appeals court, or his designee, is hereby authorized to transfer amounts, as needed, between item 0322-0001 and item 0322-0002 in section two of chapter one hundred and fifty of the acts of nineteen hundred and ninety, as reduced by section one A of said chapter; provided, that within

fourteen days after the transfer of any amount as authorized herein, said chief justice shall notify the house and senate committees on ways and means of any such transfer.

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

Emergency Letter: December 21, 1990 @ 5:05 P.M. Approved December 21, 1990.

Chapter 342. **AN ACT AUTHORIZING THE TOWN OF SWAMPSCOTT TO ACQUIRE CERTAIN SEWER EASEMENTS IN THE CITY OF LYNN AND IN THE TOWN OF SWAMPSCOTT.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any other general or special law to the contrary, the board of public works of the town of Swampscott, acting for and on behalf of said town, may take by eminent domain, under the provisions of chapter seventy-nine of the General Laws, or acquire by lease, purchase, or otherwise, such rights of way and permanent easements, or other interests in land in the city of Lynn and the town of Swampscott; said easements being necessary to construct, operate and maintain sewer lines to convey wastewater from the town of Swampscott to the wastewater treatment facility located in the city of Lynn are described as follows:

Parcel 1

Beginning at a point at the northwest corner of land owned by the Town of Swampscott and designated as Phillips Park and continuing across said Phillips Park until the intersection of said Phillips Park and Lodge Road.

Said easement is approximately 50.00 feet wide and is shown and further described on a plan entitled "Plan of Land in Swampscott, Mass. showing Sewer Easement as drawn for Town of Swampscott, Mass." Scale 1" = 40' dated April 18, 1990 and prepared by H20 Engineering Consulting Assoc., Inc., 6 Page Place, Woburn, Mass. 01801. A copy of the plan is on file in the office of the Department of Public Works.

Parcel 2

Beginning at the intersection of Market Street and Broad Street and continuing in and along Broad Street until the intersection of Broad Street and Washington Street thence turning and running in and along Washington Street until the intersection of Sagamore Street and Washington Street.

Said easement is shown on a plan entitled "Sewer Easement Plan of Land in Lynn, Mass.," prepared for Town of Swampscott, Massachusetts, dated October 17, 1990, prepared by Reid Land Surveyors, Inc. to which reference is hereby made for a more complete description of said easement. A copy of the plan is on file

in the office of the Swampscott Department of Public Works.

Parcel 3

Beginning at the intersection of Washington Street and Sagamore Street and continuing in and along Sagamore Street, crossing Newhall Street and continuing in and along Sagamore Street to Nahant Street thence turning on Nahant Street and continuing in and along Nahant Street until the intersection of Nahant Street and Lynn Shore Drive.

Said easement is shown on a plan entitled "Sewer Easement Plan of Land in City of Lynn, Mass." dated March 28, 1990, prepared by H20 Engineering Consult. Assoc., Inc., to which reference is hereby made for a more complete description of said easement. A copy of the plan is on file in the office of the Swampscott Department of Public Works.

Parcel 4

Beginning at the intersection of the Lynnway and Gas Wharf Road and continuing in and along Gas Wharf Road until the intersection of Gas Wharf Road and property of the City of Lynn.

Said easement is shown on a plan entitled "Plan of Land in Lynn, Mass., Gas Wharf Road, as drawn for Town of Swampscott, Massachusetts," dated April 19, 1990 and prepared by H20 Engineering Consulting Assoc., Inc. to which reference is hereby made for a more complete description of said easement. A copy of the plan is on file in the office of Swampscott Department of Public Works.

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

Approved December 21, 1990.

Chapter 343. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN EASEMENT TO THE TOWN OF SWAMPSCOTT IN LAND UNDER THE JURISDICTION OF THE METROPOLITAN DISTRICT COMMISSION, LOCATED IN LYNN, MASSACHUSETTS.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey by deed approved as to form by the Attorney General, a permanent easement located in the city of Lynn to an individual or entity, subject to the requirements of sections two to four, inclusive of this act and to such terms and conditions as the deputy commissioner may prescribe in consultation with the metropolitan district commission said easement

being described as follows: Beginning at a stone bound at the end of Nahant Street; Thence running S46°-27'-21"W 16.50 ft. to a point; Thence running S43°-32'-39"E 58.00 ft. to a point; Thence running N77°-02'-37"E 60.13 ft. to a point; Thence running N28°-03'-55"E 230.38 ft. to a point; Thence running N39°-14'-41"E 130.27 ft. to a point; Thence running N45°-01'-07"E 156.37 ft. to a point; Thence running N59°-54'-06"E 153.27 ft. to a point; Thence running N65°-46'-20"E 66.31 ft. to a point; Thence running N72°-30'-43"E 77.37 ft. to a point; Thence running N82°-01'-47"E 99.16 ft. to a point; Thence running N72°-40'-52"E 97.42 ft. to a point; Thence running N51°-24'-53"E 120.25 ft. to a point; Thence running N41°-16'-39"E 294.07 ft. to a point; Thence running N46°-15'-33"E 130.47 ft. to a point; Thence running N66°-01'-13"E 134.65 ft. to a point; Thence running N83°-10'-35"E 121.00 ft. to a point; Thence running N34°-03'-48"E 56.37 ft. to a point; Thence running S55°-56'-12"E 10.00 ft. to a point; Thence running S34°-03'-48"W 47.71 ft. to a point; Thence running N83°-10'-35"E 47.28 ft. to a point; Thence running N80°-46'-33"E 96.74 ft. to a point; Thence running N55°-30'-18"E 104.66 ft. to a point; Thence running N46°-42'-05"E 235.00 ft. to a point; Thence running N37°-10'-15"E 510.00 ft. to a point; Thence running N39°-52'-24"E 399.50 ft. to a point; Thence running N43°-12'-36"E 405.61 ft. to a point; Thence running N45°-56'-55"E 854.80 ft. to a point; Thence running N00°-00'-00"E 88.99 ft. to a point; Thence running N68°-56'-50"E 15.31 ft. to a point; Thence running along the Lynn-Swampscott Town Line S21°-03'-10"E 10.00 ft. to a point; Thence running S00°-00'-00"W 86.36 ft. to a point; Thence running S45°-56'-55"W 858.81 ft. to a point; Thence running S43°-12'-36"W 405.08 ft. to a point; Thence running S39°-52'-24"W 398.97 ft. to a point; Thence running S37°-10'-15"W 510.60 ft. to a point; Thence running S46°-42'-05"W 236.60 ft. to a point; Thence running S55°-30'-18"W 107.67 ft. to a point; Thence running S80°-46'-33"W 99.19 ft. to a point; Thence running S83°-10'-35"W 180.21 ft. to a point; Thence running S66°-01'-13"W 131.40 ft. to a point; Thence running S46°-15'-33"W 128.29 ft. to a point; Thence running S41°-16'-39"W 294.52 ft. to a point; Thence running S51°-24'-53"W 123.02 ft. to a point; Thence running S72°-40'-52"W 100.11 ft. to a point; Thence running S82°-01'-47"W 99.15 ft. to a point; Thence running S72°-30'-43"W 75.95 ft. to a point; Thence running S65°-46'-20"W 65.21 ft. to a point; Thence running S59°-54'-06"W 151.45 ft. to a point; Thence running S45°-01'-07"W 154.56 ft. to a point; Thence running S39°-14'-41"W 128.79 ft. to a point; Thence running S28°-03'-55"W 233.95 ft. to a point; Thence running S77°-02'-37"W 70.39 ft. to a point; Thence running N43°-32'-39"W 63.71 ft. to a point; Thence running N46°-27'-21"E 10.00 ft. to a point; Thence running N46°-27'-21"E 16.50 ft. to the point of beginning as shown on a plan by entitled "Sewer Easement Plan of Land in City of Lynn, Mass.," dated August 22, 1990 and prepared by H20 Engineering Consult. Assoc., Inc., 6 Page Place, Woburn, MA 01801 which plan is on file with the Swampscott Department of Public Works.

SECTION 2. No deed conveying by on or behalf of the commonwealth the

easement described in section one shall be valid unless such deed provides that said easement be used for the purpose of laying, installing, maintaining, repairing and operating sanitary sewer lines.

SECTION 3. If the construction described in section two is not begun within two years after the effective date of this act, or if said easement ceases at anytime to be used for the purposes so described, said easement shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

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

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

Approved December 21, 1990.

Chapter 344. AN ACT AUTHORIZING THE TOWN OF BELLINGHAM TO ISSUE AN ADDITIONAL ALCOHOLIC CLUB LICENSE TO THE BELLINGHAM SPORTSMEN'S CLUB.

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 Bellingham is hereby authorized to issue to the Bellingham Sportsmen's Club 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 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 not less than one year; and provided, further, that the issuing of the license shall reduce by one any increase in licenses issued under the provisions of said section seventeen.

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

Approved December 21, 1990.

Chapter 345. AN ACT EXEMPTING THE POSITION OF CEMETERY SUPERINTENDENT IN THE TOWN OF WINTHROP FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of cemetery superintendent in the town of Winthrop shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

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

Approved December 21, 1990.

Chapter 346. **AN ACT AUTHORIZING THE TOWN OF MASHPEE TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO TRIPLE "C" ENTERPRISES, INCORPORATED.**

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 Mashpee is hereby authorized to issue a license for the sale of all alcoholic beverages not to be drunk on the premises to Triple "C" Enterprises, Incorporated, doing business as The Barn 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 this issuing of this license shall reduce by one any increase in licenses issued under the provisions of said section seventeen.

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

Approved December 21, 1990.

Chapter 347. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN EASEMENT IN THE TOWN OF SANDWICH.**

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 utility easement in land within the Shawme-

Crowell State Park, in the town of Sandwich to the Sandwich water district, subject to such conditions as the deputy commissioner in consultation with the department of environmental management may prescribe.

Said easement is shown on a plan of land entitled "Plan of Utility Easement in Sandwich, MA." by Kingsbury Surveying Co., Inc. dated February fifteenth, nineteen hundred and ninety which is on file in the offices of the Sandwich water district.

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

Approved December 21, 1990.

Chapter 348. **AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO RELEASE ITS SANDING RIGHTS IN A CERTAIN PARCEL OF LAND.**

Be it enacted, etc., as follows:

SECTION 1. The town of Falmouth is hereby authorized to release its sanding rights in a certain parcel of land in said town. Said parcel is shown as Parcel "A" on a plan entitled "Plan of Land for James Kinchla, East Falmouth, Barnstable County, Mass.," dated September 26, 1989.

SECTION 2. In consideration of the release authorized by section one, James Kinchla shall convey to the town of Falmouth all his rights, title and interest in a certain parcel of land shown as Parcel B on said plan and shall record a building restriction on Parcel A.

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

Approved December 21, 1990.

Chapter 349. **AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF METHUEN TO TRANSFER CONTROL OF CERTAIN RECREATIONAL LAND TO THE DEPARTMENT OF PUBLIC WORKS OF SAID TOWN.**

Be it enacted, etc., as follows:

SECTION 1. The city known as the town of Methuen, acting by and through its town manager, with approval of its town council, is hereby authorized to transfer the care, custody and control of a certain parcel of land presently used as a recreational area to the Methuen department of public works to use as a park and ride facility.

Said parcel is more particularly described as: Beginning at a point on the northerly side of Pelham Street at a point where Lot 1 touches Lot 2 on said plan; thence travelling westerly on said Pelham Street, N 69°36'00" W, a distance of 154 feet to a point; thence travelling north-northwest, N 04°12'00" W, 293.15 feet to a point; thence travelling northeasterly, N 58°38'00", a distance of 315.74 feet to a point; thence travelling southeasterly, S 04°39'45" E, a distance of 282 feet to a point; thence travelling southwesterly, S 28°55'19" W, a distance of 262 feet to the point of origin.

Said parcel consists of 2.32 acres, plus or minus, and is shown as Lot 1 on a "Plan of Land in Methuen, MA, Prepared for the Town of Methuen", dated June 1, 1990, by Thomas F. Doucette, registered land surveyor which is on file with said department.

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

Approved December 21, 1990.

Chapter 350. AN ACT ESTABLISHING THE EASTERN HAMPSHIRE COUNTY REGIONAL REFUSE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established the Eastern Hampshire Regional Refuse District, a body politic and corporate, hereinafter referred to as the district. Said district shall function as a regional solid waste management district in accordance with sections forty-four A to forty-four L, inclusive, of chapter forty of the General Laws, with the powers provided therein and in accordance with the provisions of the regional agreement adopted by member municipalities of said district. All provisions of said regional agreement are hereby ratified, validated and confirmed, notwithstanding any failure of said regional agreement or its manner of adoption to comply with said chapter forty.

The district is created for the purpose of providing solid waste disposal services for its member municipalities and the residents thereof and for others whom the district may want to contract in accordance with any agreements reached by member municipalities. The district shall be composed of and shall include all of the lands and residents within the towns of Amherst, Belchertown, and Hadley, which, by vote at an annual town meeting, accept the provisions of this act and thereby agree to participate in its creation, and such other municipalities as are subsequently admitted to the district. The municipalities composing the district shall constitute its membership and are herein designated as member municipalities.

SECTION 2. In addition to the powers conferred by statute and the regional

agreement, the following provisions shall hereby govern the operation of the district:

(a) the allocated share of district debt of each member municipality shall not be included as "total taxes assessed" for the purposes of the limitation provided by section twenty-one C of chapter fifty-nine of the General Laws;

(b) the allocation of costs under the regional agreement pursuant to the budget provisions thereof shall not be limited by the provisions of section twenty-one C of chapter fifty-nine of the General Laws, but shall be as stated in said regional agreement;

(c) the limitation on the amount of apportionments and the mechanism for increasing said limitation shall be as set out in section 9.3 and section 9.4 of said regional agreement; and,

(d) the maturities of the bonds or notes authorized as provided in the regional agreement may be arranged so that for each issue the annual combined payments of principal and interest payable in each year shall be as nearly equal as practicable in the opinion of the board of supervisors of the district, or arranged to provide for a more rapid amortization of principal, and may be arranged so that the initial annual payment of principal commences not later than one year after regular use of the facilities being financed commences, as projected or determined by said board and project costs to be financed by the issuance of bonds or notes may include interest on such borrowing, including interest on notes issued in anticipation of federal or state aid, for a period of up to six months after the date so projected or determined for commencement of regular use of facilities financed by bonds or notes.

SECTION 3. The regional agreement may be amended in accordance with its terms in any respect permitted by law, notwithstanding any general or specific ratification, validation or confirmation contained in this act.

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

Approved December 21, 1990.

Chapter 351. AN ACT MAKING AN APPROPRIATION FOR THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing a certain item in the general appropriation act and for a certain other activity and project, the sum set forth in section two for the purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and fifty of the acts of nineteen hundred and ninety, for the

fiscal year ending June thirtieth, nineteen hundred and ninety-one or for such period as may be specified, the sum so appropriated to be in addition to any amounts available for the purpose.

SECTION 2. Section 2 of chapter 150 of the acts of 1990 is hereby amended by inserting after item 2440-0012 the following item:-

2440-0014 (R)	The metropolitan district commission shall retain and may expend revenues not exceeding one million four hundred thousand dollars accrued from rental of ice time and from public skating fees charged at skating rinks operated by the commission for the operation and maintenance of the rinks for this skating season, including the costs of personnel	$1,400,000

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

Approved December 21, 1990.

Chapter 352. AN ACT RELATIVE TO QUARTERLY TAXES IN THE TOWN OF WAYLAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-seven C of chapter fifty-nine of the General Laws or any other general or special law to the contrary, the town of Wayland is hereby authorized with respect to fiscal year nineteen hundred and ninety-one to issue notices of preliminary tax in addition to such notice of preliminary tax as provided in said section fifty-seven C of said chapter fifty-nine. No additional notice of preliminary tax may issue, however, unless first approved by the commissioner of revenue; and provided further that as a condition of any such approval, the commissioner may establish such requirements as he deems appropriate, which may include, but not be limited to, the submission by the board of assessors of all information required to set the tax rate under the provision of section twenty-three of said chapter fifty-nine, except the assessed valuation of all real and personal property subject to taxation for the current fiscal year.

In the event that the issuance of an additional notice of preliminary tax is approved by the commissioner of revenue and requires a third quarterly installment payment with respect to fiscal year nineteen hundred and ninety-one, such notice shall be sent on or before December thirty-first, nineteen hundred and ninety or such later date as is approved by the commissioner of revenue and shall be due and payable on February first, nineteen hundred and ninety-one or thirty days after the date of mailing, whichever is later. The amount of any additional

installment payment required pursuant to this act shall not exceed the amount of the first quarterly installment payment for the fiscal year nineteen hundred and ninety-one as provided for by said section fifty-seven C of said chapter fifty-nine.

If any installment payment as provided for herein 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.

In the event the actual tax bills for fiscal year nineteen hundred and ninety-one are not mailed by December thirty-first, nineteen hundred and ninety, then upon the establishment of the tax rate there shall be a single actual bill due and payable on May first, nineteen hundred and ninety-one, 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. To the extent not inconsistent with the provisions contained herein, the provisions of said section fifty-seven C of said chapter fifty-nine shall be fully applicable to any additional notice of preliminary tax issued pursuant to the authority of this section.

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

Approved December 21, 1990.

Chapter 353. AN ACT ESTABLISHING THE EFFECTIVE DATE OF THE UNIFORM PROCUREMENT ACT IN THE CITY OF BOSTON AND VALIDATING CERTAIN CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of chapter thirty B of the General Laws, the city of Boston may lawfully make payments under any contract executed prior to November 21, 1990, and such contract shall continue in full force and effect for the term thereof but in no event beyond June 30, 1991, provided such contract was advertised and awarded to the lowest responsive and responsible bidder on the basis of sealed bids, provided further that such contract has not been materially amended, and provided further that such contract was otherwise solicited, awarded and executed in accordance with applicable law.

SECTION 2. Notwithstanding any contrary provision of chapter thirty B of the General Laws, the city of Boston may lawfully make payments under any contract listed in the document dated December 11, 1990, entitled "Contracts Designated for Validation Through Special Legislation" as filed on said date in the offices of both the finance commission of the city of Boston and the city clerk of the city of Boston, and such contract shall continue in full force and effect for the term thereof but in no event beyond June 30, 1991, provided that such contract was otherwise

solicited, awarded and executed in accordance with applicable law.

SECTION 3. Notwithstanding any contrary provisions of chapter 30B of the General Laws, the city of Boston may lawfully make payments under any contract executed prior to November 21, 1990 in the amount of $10,000 or less and such contract shall continue in full force and effect for the term thereof but in no event beyond June 30, 1991, provided that such contract was otherwise solicited, awarded and executed in accordance with applicable laws.

SECTION 4. This act shall not apply to any contract otherwise exempt from chapter 30B of the General Laws.

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

Emergency Letter: December 24, 1990@9:48A.M. Approved December 21, 1990.

Chapter 354. 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 authorizes in the manner set forth in said section thirty-nine, the solemnization of a marriage by Christopher J. Hodgkins in the town of Deerfield on December thirty-first, nineteen hundred and ninety between Joan C. Peabody and R. Gary Stetson both of the town of Deerfield, and the state secretary shall issue to said Christopher J. Hodgkins a certificate of such authorization.

Approved December 21, 1990.

Chapter 355. AN ACT RELATIVE TO INTERNATIONAL EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 71 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the seventh sentence the following three sentences:- The department of education is hereby directed in

collaboration with the Massachusetts Center for Global Education, to establish a task force for the purpose of developing a model curriculum for grades kindergarten through twelve in global education and international studies. A copy of said curriculum shall be sent to the superintendent of schools for each school district in the commonwealth. The department shall encourage each school district to implement said curriculum, or a variation thereof.

SECTION 2. On or before June thirtieth, nineteen hundred and ninety-two, the department of education shall report to the joint committee on education the status of the curriculum developed pursuant to section one of this act and the implementation thereof and make a recommendation regarding the future of the task force established pursuant to said section one.

Approved December 21, 1990.

Chapter 356. AN ACT FURTHER REGULATING THE REGIONAL SCHOOL BUDGET APPROVAL PROCESS FOR TWO MEMBER SCHOOL DISTRICTS.

Be it enacted, etc., as follows:

Section 16B of chapter 71 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the fourth to seventh, paragraphs inclusive, and inserting in place thereof the following three paragraphs:-

The annual regional school district budget as adopted by a two-thirds vote of the regional school district committee shall require the approval of two-thirds of the local appropriating authorities of the member municipalities. The regional school district budget so approved shall be apportioned between or among the member municipalities and paid in accordance with the terms of the agreement.

In the event that the regional school district budget in a regional school district is not approved by at least two-thirds of the member municipalities as required by this section, the regional school district committee shall have thirty days to reconsider, amend and resubmit a budget on the basis of the issues raised. The amounts required to be raised on account of the regional school district budget shall be reapportioned between or among the member municipalities by the regional school district committee and a copy of the amended budget shall be provided, not later than seven days from the date the amended regional school district budget was adopted by the regional school district committee, to the chairmen of the boards of selectmen, chairmen of the finance committees, mayors, presidents of the city councils and treasurers of the member municipalities. With the approval of the commissioner of education, a regional school district committee may have an additional fifteen days within which to reconsider, amend and reapportion said

budget. The respective amounts reapportioned between or among the member municipalities by the regional school district committee shall be recertified by the district treasurer to the treasurers of the member municipalities not later than seven days from the date the amended regional school district budget was adopted by the regional school district committee. Prior to the expiration of forty-five days from the date on which such budget was adopted by the regional school district committee, each member municipality shall hold a meeting of the local appropriating authority to act upon the appropriation of the budget so reapportioned and recertified to it. If the appropriating authorities of at least two-thirds of the member municipalities vote to appropriate the amounts so reapportioned and recertified to them, such budget shall be considered approved and shall be apportioned between or among the member municipalities and paid by them in accordance with the terms of the regional school district agreement. In the case of a regional school district having three or more members, if the appropriating authorities of more than one-third of the member municipalities vote not to appropriate the amounts so reapportioned and recertified to them, then the budget shall again be recommitted to the regional school district committee for action pursuant to this paragraph. In the case of a two-member regional school district, if the appropriating authority of either member municipality votes not to appropriate the amount so reapportioned and recertified to it, the provisions of the following paragraph shall apply.

The regional school district committee shall convene a special district-wide meeting open to all registered voters in both municipalities at which the amended regional school district budget, proposed by the regional school district committee, shall be considered. Such meeting shall be called pursuant to a warrant, under the hands of at least a majority of the regional school district committee, notice of which shall be given at least fourteen days prior to the date of such meeting. The warrant shall state the time, place and purpose of the meeting and shall be directed to the district secretary, who shall give notice by posting a copy in the city or town clerk's office and at least two other public places in each member municipality and who shall further provide notice by publishing a copy of said warrant in at least one newspaper in general circulation within the member municipalities. The boards of selectmen of the member municipalities in a joint meeting shall, by a majority vote of those present, appoint a town moderator or any other person acceptable to the boards of selectmen to act as moderator and the district secretary shall keep the record of such meeting. Approval of the regional school district budget shall require the affirmative vote of at least a majority of those present and voting thereon, by a counted vote. The regional school district budget so approved shall be apportioned between the member municipalities and paid by them in accordance with the terms of the regional school district agreement.

Approved December 21, 1990.

Chapter 357. **AN ACT RELATIVE TO PERMITS FOR ALCOHOLIC BEVERAGE SALESMEN.**

Be it enacted, etc., as follows:

Section 19A of chapter 138 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 3, the word "permits" and inserting in place thereof the words:- , and to any individual employed as a salesman for a licensee under section eighteen who is also an officer, shareholder or partner of such licensee, permits.

Approved December 21, 1990.

Chapter 358. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE CITY OF LYNN TO THE BOARD OF REGENTS OF HIGHER EDUCATION.**

Be it enacted, etc., as follows:

The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provision 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, certain parcels of land located in the city of Lynn to the board of regents of higher education subject to such terms and conditions as the deputy commissioner may prescribe in consultation with the metropolitan district commission. Said parcel is shown on a plan of land, entitled "Commonwealth of Massachusetts Metropolitan District Commission, Parks Division, Lynn (Essex County) Mass., Plan of Land" prepared by Howard, Needles, Tammen & Bergendoff, Engineers-Architects-Planners, dated December 7, 1988.

Approved December 21, 1990.

Chapter 359. **AN ACT AUTHORIZING THE ESTABLISHMENT OF THE NORTH RAYNHAM WATER DISTRICT SYSTEM DEVELOPMENT 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 North Raynham water district is hereby authorized to establish a special account to be known as the North Raynham Water District System Development Fund. Such fund shall provide revenue for the cost of acquisition or development of new well fields, storage and distribution systems and the purchase of all related materials, equipment, labor work and all other items associated therewith which will contribute to the betterment of the waterworks system. Such special account shall be maintained by the treasurer of the North Raynham water district 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 water commissioners and approved by a majority vote of the voters at a meeting of the North Raynham water district.

SECTION 2. Payments to such account shall be made by applicants for connection to the water system of said district 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 water commissioners of said district. Such schedule shall provide for the method of determining the amount of each payment from such applicants based on the anticipated water use by the particular kind of development contemplated.

SECTION 3. Appropriations from time to time may be made by the North Raynham water district into said special account for the purpose of providing additional funds for aforesaid cost of acquisition or development of new well fields, storage and distributions systems and the purchase of all related materials, equipment, labor work and all other items associated therewith.

SECTION 4. The treasurer of said district 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 water commissioners of said district may make application for available state and federal government grants for the cost of acquisition or development of new well fields, storage and distribution systems and the purchase of all related materials and to pledge any and all sums of money in said account for such matching grants.

SECTION 6. The treasurer of said district shall file with the water commissioners 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 special account. The water commissioners may review and comment on said report and file such review with the state auditor.

Approved December 21, 1990.

Chapter 360. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN LYNN TO THE METROPOLITAN DISTRICT COMMISSION.**

Be it enacted, etc., as follows:

The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E through forty J, inclusive, of chapter seven of the General Laws, to transfer certain parcels of land and easements located in the city of Lynn to the metropolitan district commission for roadway purposes subject to such additional terms and conditions as the deputy commissioner may prescribe in consultation with the board of regents, said land being:

Parcel A

Easement to a parcel of land, situated in the City of Lynn, Essex County, Commonwealth of Massachusetts, adjoining the northerly MDC location line of the Lynnway and bounded by said location line and by a line described as follows:

Beginning at a point on said location line, said point bearing N 26 degrees 33' 56"E and being 52.01 feet distant from Station 96+72.83 of the Lynnway baseline, and extending thence, leaving said location line, N 04 degrees 13' 34"E 33.74 feet;

thence, S 63 degrees 20"E 72.66 feet;

thence, S 26 degrees 42' 40"W, 31.17 feet to a point again on said northerly location line, said point bearing N 26 degrees 42' 42"E and being 52.00 feet distant from station 97+32.48 of said baseline;

S following said location line N 63 degrees 17' 20"W, 59.76 feet to the point of beginning.

Said parcel contains about 2,064 square feet.

The parcel of land hereby described is shown on a plan signed by the DIRECTOR OF PARK ENGINEERING, said plan being entitled:

"COMMONWEALTH OF MASSACHUSETTS, METROPOLITAN DISTRICT COMMISSION, PARKS DIVISION, LYNN (ESSEX COUNTY) MASS., LYNNWAY PLAN OF TAKING: HOWARD NEEDLES TAMMEN & BERGENDOFF ENGINEERS - ARCHITECTS - PLANNERS, BOSTON, MASS. Scale: 1 IN - 20 FT DATE: MAY, 1988."

For title see: Land Court Case 26673A, Book 148, Page 34031, Certificate 34031, Document 179193, Essex County - Southern District Registry of the Land Court.

Parcel B

Easement to a parcel of land, situated in the City of Lynn, Essex County, Commonwealth of Massachusetts, adjoining the northerly MDC location line of the

Lynnway and bounded by said location line and by a line described as follows:

Beginning at a point on said location line, said point bearing N 24 degrees 17' 46"E and being 56.49 feet distant from Station 94+74.78 of the Lynnway baseline, and extending thence, leaving said location line, N 26 degrees, 42' 40"E 31.17 feet;

thence, S 63 degrees 17' 20"E 187.34 feet;

thence, S 04 degrees 13' 34"W, 33.74 feet to a point again on said northerly location line, said point bearing N 26 degrees 33' 56"E and being 52.01 feet distant from Station 96+72.83 of said baseline;

thence, following said location line N 63 degrees 17' 20"W, 200.24 feet to the point of beginning.

Said parcel contains about 6,040 square feet.

The parcel of land hereby described is shown on a plan signed by the DIRECTOR OF PARK ENGINEERING, SAID PLAN BEING ENTITLED:

"COMMONWEALTH OF MASSACHUSETTS, METROPOLITAN DISTRICT COMMISSION, PARKS DIVISION, LYNN (ESSEX COUNTY) MASS., LYNNWAY PLAN OF TAKING; HOWARD NEEDLES TAMMEN & BERGENDOFF, ENGINEERS - ARCHITECTS - PLANNERS, BOSTON, MASS. Scale: 1 IN - 20 FT, DATE: MAY 1988."

For title see: Land Court Case 19601B, Book 148 Page 34031, Certificate 34031, Document 179193, Essex County - Southern District, Registry of the Land Court.

Parcel G

A parcel of land, situated in the City of Lynn, Essex County, Commonwealth of Massachusetts, adjoining the easterly street line of Market Street Extension and the southerly street line of Broad Street and bounded by a line described as follows:

Beginning at a point on said easterly street line of Market Street Extension, said point bearing N 56 degrees 12' 20"E and being 49.09 feet distant from Station 3+88.77 of the Market Street Construction baseline.

thence, following said easterly street line, northerly by a curve to the left having a radius of 456.54 feet, and a length of 41.38 feet;

thence, following the line defining the southeasterly intersection of said streets to a curve to the right having a radius of 6.13 feet and a length of 10.96 feet;

thence, following said southerly street line of Broad Street, N 62 degrees 40' 20"E, 56.38 feet to a point being identical with station 10+64.60 of the Broad Street Construction baseline;

thence, leaving said baseline and said southerly street line, westerly by a curve to the left having a radius of 142.00 feet and a length of 19.43 feet;

thence, by another curve to the left having a radius of 42.00 feet and a length of 65.52 feet, to the point of beginning.

Said parcel contains about 581 square feet.

The parcel of land hereby described is shown on a plan signed by the DIRECTOR OF PARK ENGINEERING, said plan being entitled:

"COMMONWEALTH OF MASSACHUSETTS, METROPOLITAN DISTRICT COMMISSION, PARKS DIVISION, LYNN (ESSEX COUNTY) MASS., LYNNWAY; PLAN OF TAKING; HOWARD NEEDLES TAMMEN & BERGENDOFF ENGINEERS - ARCHITECTS - PLANNERS, BOSTON, MASS. Scales: AS NOTED, DATE: June, 1988." For title see: Book 6844 Page 280 Essex County - Southern District Registry.

Parcel H

A parcel of land, situated in the City of Lynn, Essex County, Commonwealth of Massachusetts, adjoining the easterly MDC location line of the Lynnway, and the westerly street line of Washington Street and bounded by a line described as follows:

Beginning at a point on said location line of the said point bearing N 26 degrees 42' 40"E and being 52.00 feet distant from Station 101+63.94 of Lynnway baseline.

thence, leaving said location line and tangent thereto, to easterly, to northeasterly, by a curve to the left having a radius of 42.00 feet, and a length of 107.05 feet to a point on said westerly street line of Washington Street, said point bearing N 26 degrees 42' 40"E and being 128.83 feet distant from Station 101+87.40 of said baseline;

thence, tangent to the line back, in part following said westerly street line and in part following said easterly location line N 29 degrees 19' 30"E a total of 126.07 feet;

thence, following said easterly location line by a curve to the right having a radius of 3.50 feet and a length of 8.92 feet;

thence, N 63 degrees 17' 20"W 126.07 feet to the point of beginning.

Said parcel contains about 3502 square feet.

The parcel of land hereby described is shown on a plan signed by the DIRECTOR OF PARK ENGINEERING, said plan being entitled:

"COMMONWEALTH OF MASSACHUSETTS, METROPOLITAN DISTRICT COMMISSION, PARKS DIVISION, LYNN (ESSEX COUNTY) MASS., LYNNWAY PLAN OF TAKING HOWARD NEEDLES TAMMEN & BE
RGENDOFF ENGINEERS - ARCHITECTS - PLANNERS, BOSTON, MASS. Scales: AS NOTED, DATE: JUNE, 1989."

For title see: Book 6844, Page 280, Essex County, Southern District Registry.

Approved December 21, 1990.

Chapter 361. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE A CERTAIN PARCEL OF LAND IN THE TOWN OF TEMPLETON 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 Templeton and presently being used for water department maintenance purposes by said town and to transfer the care, custody and control of said parcel to the department of public works in conjunction with the relocation of the Depot Road Bridge, so-called.

Subsequent to the completion of said bridge relocation, 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 Templeton for highway purposes.

Said parcel is shown on a plan of land entitled "Parcel of Land To Be Taken From The Town Of Templeton For The Purpose Of The Relocation of Depot Road And Bridge Over The Boston and Maine Railroad In The Town Of Templeton", which plan is on file with the chief engineer of the department of public works.

Approved December 21, 1990.

Chapter 362. AN ACT PROTECTING CERTAIN PUBLIC COMMONS.

Be it enacted, etc., as follows:

SECTION 1. As used in this act the following words shall have the following meanings:

"Article 38", Article 38 of the Boston Zoning Code as it existed on May first, nineteen hundred and ninety.

"Article 40", Article 40 of the Boston Zoning Code as it existed on September eleventh, nineteen hundred and eighty-nine.

"New shadow", the casting of a shadow at any time on an area which is not cast in shadow at such time by a structure which exists or for which a building permit has been granted on the date upon which application is made to a permit-granting authority for a proposed structure and which would not be cast in shadow by a structure conforming to as-of-right height limits allowed by the Boston or Lynn Zoning Code, whichever is applicable, as in force on May first, nineteen hundred and ninety. New shadow shall not include a de minimis shadow cast by an antenna, fence, flagpole, sign or other similar structure.

"Permit granting authority", any zoning board of appeals, planning board, zoning commission, redevelopment authority or other public body authorized to grant permits or approvals pursuant to chapter forty A, chapter one hundred and twenty-one A or chapter one hundred and twenty-one B of the General Laws, or chapter six hundred and sixty-five of the acts of nineteen hundred and fifty-six, as

amended. Permit granting authority shall not include the Inspectional Services Department in the city of Boston or the Building Department in the city of Lynn, or any body or department succeeding to the duties thereof.

"Structure", a structure, as defined in the Massachusetts state building code, which is: (i) intended to be permanent; and (ii) not located within the boundaries of the Boston Common or the Lynn Common.

SECTION 2. Notwithstanding any provision of chapter forty A, chapter one hundred and twenty-one A, or chapter one hundred and twenty-one B of the General Laws, or chapter six hundred and sixty-five of the acts of nineteen hundred and fifty-six, or any other general or special law to the contrary, no permit granting authority shall take any action which would authorize the construction of any structure which would cast a new shadow on the Boston Common in the city of Boston or the Lynn Common in the city or Lynn; provided, however, that the provisions of this section shall not apply to actions authorizing:

(a) Any structure which casts a new shadow upon the aforementioned commons only during the first hour after sunrise or before seven o'clock in the morning, whichever is later, or the last hour before sunset.

(b) Any structure in the city of Boston included in a development plan or a master plan within a planned development area, all as approved on or before May first, nineteen hundred and ninety, by the city of Boston Zoning Commission in accordance with chapter six hundred and sixty-five of the act of nineteen hundred and fifty-six, as such development plan or master plan may thereafter be amended; provided, however, that such amendment shall not permit construction of a structure which casts additional new shadow on any area of the Boston Common, subject to the one acre exclusion set forth in the second sentence of subsection (c); or

(c) Any structure within the Midtown Cultural District established by Article 38 which casts no new shadow for more than two hours from eight o'clock in the morning through two-thirty in the afternoon on any day from March twenty-first to October twenty-first, inclusive, in any calendar year, on any area of the Boston Common. Notwithstanding the foregoing, authorization may be granted by a permit-granting authority for a structure which casts a new shadow on the Boston Common beyond the aforementioned two hour period if the area shaded at the end of such two hour period does not exceed one acre, such area to be calculated as the sum of the areas of new shadow cast at any time beyond the two-hour limit by all structures in the Midtown Cultural District approved by the city of Boston Board of Appeal after March twentieth, nineteen hundred and eighty-nine, whether or not exempt pursuant to subsection (b).

Any structure within the South Station Economic Development Area established by Article 40 east of Atlantic avenue and north of Beach street which casts a new shadow upon the Boston Common only during the first hour after sunrise or before

eight o'clock in the morning, whichever is later, or during the last hour before sunset.

Approved December 21, 1990.

Chapter 363. AN ACT FURTHER REGULATING AN INDIVIDUAL'S RIGHT TO DO BUSINESS IN THE COMMONWEALTH FOR HABITUAL VIOLATION OF INJUNCTIONS.

Be it enacted, etc., as follows:

Section 8 of chapter 93A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "any", in line 4, the following words:- individual or.

Approved December 21, 1990.

Chapter 364. AN ACT RELATIVE TO VEHICULAR BRIDGES MAINTAINED BY THE DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 634 of the acts of 1971, as most recently amended by section 1 of chapter 425 of the acts of 1986, is hereby further amended by inserting after the second paragraph the following paragraph:-

The city, town, county or other public entity which controls the public way at the approaches to the removed bridge may request in writing that the department construct a culvert-type passageway sufficient for pedestrians and bicyclists under the said roadway, and the department may construct such passageway; provided, however, that upon completion of the construction of said roadway and passageway, the title to such passageway shall vest in and the maintenance of such passageway shall be the responsibility of the city, town, county or other public entity which requested the department to construct such passageway.

SECTION 2. The construction by the department, acting on behalf of the commonwealth, of any culvert-type passageway sufficient for pedestrians and bicyclists under a roadway as authorized by section one between November seventh, nineteen hundred and eighty-six and March first, nineteen hundred and ninety-one, is hereby ratified, and the title to such passageway is hereby vested in and the maintenance of such passageway is hereby declared to be the responsibility of the city, town, county or other public entity which has title to the roadway and fill which replaced the bridge.

Approved December 21, 1990.

Chapter 365. AN ACT FURTHER REGULATING THE REGISTRATION OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Section 2 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:-

Notwithstanding any other provisions of law, the registrar is hereby authorized to enter into reciprocal agreements on behalf of the commonwealth with the duly authorized representatives of any state of the United States, the District of Columbia or a state or a province of a foreign country, providing for the registration of vehicles on an apportionment or allocation basis. In exercising the authority granted herein, the registrar is expressly authorized to enter into and to become a member of the International Registration Plan, or such other designation that may, from time to time, be given to such a plan. The registrar is further authorized to promulgate and to enforce such rules and regulations as may be necessary to carry out the provisions of the International Registration Plan or any other agreement entered into under authority herein set forth. If the registrar enters into the International Registration Plan or into any other agreement under the authority herein set forth, and if the provisions set forth in said International Registration Plan or other agreements are different from provisions prescribed by law or any rules or regulations promulgated by the registrar pursuant to the authority granted hereunder to the registrar, then the agreement provisions shall prevail. The provisions set forth in this paragraph shall constitute complete authority for the registration of motor vehicles, including the registration of fleet vehicles, within the International Registration Plan, upon an apportionment or allocation basis without reference to or application of any other law in the commonwealth.

SECTION 2. Section 2 of chapter 39 of the acts of 1987 is hereby amended by striking out the word "ninety-one", in line 2, and inserting in place thereof the word:- ninety-two.

Approved December 21, 1990.

Chapter 366. AN ACT FURTHER REGULATING THE LIABILITY OF INNHOLDERS.

Be it enacted, etc., as follows:

Section 10 of chapter 140 of the General Laws is hereby amended by adding

the following two paragraphs:-

Whenever an innholder provides a security box in the room of any guest, the innholder shall not be liable for the loss of any items deposited in the security box, by theft or otherwise, in excess of one thousand dollars; provided, however, that the provisions of section thirteen have been complied with.

As used in this section, "security box" means a metal or alloy box used for the safekeeping of valuables or other property, which may be securely locked with a locking mechanism.

Approved December 21, 1990.

Chapter 367. AN ACT FURTHER REGULATING CERTAIN CONSUMER PRODUCT PRICING PRACTICES.

Be it enacted, etc., as follows:

SECTION 1. Section 184C of chapter 94 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 49, the word "exclusive".

SECTION 2. Said section 184C of said chapter 94, as so appearing, is hereby further amended by inserting after the word "by", in line 51, the following word:- color,.

Approved December 21, 1990.

Chapter 368. AN ACT PROVIDING THAT CERTAIN TEMPORARY TOWN OFFICERS NEED NOT BE REGISTERED VOTERS OF THE TOWN.

Be it enacted, etc., as follows:

Section 40 of chapter 41 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the second sentence.

Approved December 21, 1990.

Chapter 369. AN ACT RELATIVE TO THE INTIMIDATION OF WITNESSES.

Be it enacted, etc., as follows:

The first paragraph of section 13B of chapter 268 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:- Whoever, directly or indirectly, willfully endeavors by means of a gift, offer or promise of anything of value or by misrepresentation, intimidation, force or threats of force to influence, impede, obstruct, delay or otherwise interfere with any witness or juror in any stage of a trial or other criminal proceeding or with any person furnishing information to a criminal investigator relating to a violation of a criminal statute of the commonwealth, and whoever injures any person or damages his property on account of the giving of such information to a criminal investigator or on account of testimony given at a trial or other criminal proceeding, shall be punished by imprisonment in the state prison for not less than two and one-half years and not more than five years, and by a fine of not less than one thousand dollars and not more than five thousand dollars.

Approved December 21, 1990.

Chapter 370. AN ACT ESTABLISHING THE RIGHT OF ACCESS TO CERTAIN RECORDS.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 12BB, as appearing in the 1988 Official Edition, the following section:-

Section 12CC. A health care provider who maintains records for a patient treated or examined by such provider shall permit inspection of such records by such patient or an authorized representative of the patient, and upon request and payment of a reasonable fee shall make a copy of such patient's record available to such patient or such representative. For purposes of this section, "health care provider" shall mean a person or entity providing medical care or services, including but not limited to, physicians and surgeons, therapists, dentists, nurses, optometrists, chiropractors, psychologists, podiatrists.

Approved December 21, 1990.

Chapter 371. AN ACT RELATIVE TO THE REVOCATION AND SUSPENSION OF FISH AND GAME LICENSES.

Be it enacted, etc., as follows:

Chapter 131 of the General Laws is hereby amended by inserting after section

90 the following section:-

Section 90A. Any person, whose privilege to hunt, trap, or fish has been suspended or revoked in any jurisdiction of the United States or Canada, shall not be licensed for such activity in the commonwealth or if so licensed, at the time, such license shall be suspended, during the period of such suspension or revocation if, after notice and hearing, the director determines that the offense carrying such suspension or revocation would constitute a violation of section ten, thirteen, twenty-two, sixty-one, sixty-two, sixty-four, sixty-five, sixty-eight, sixty-nine, seventy-three, seventy-four, seventy-five, seventy-five A, seventy-nine, eighty, eighty A, or eighty-two. Such licensed person shall immediately return said license to the division of fisheries and wildlife. Violation of this section shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Approved December 21, 1990.

Chapter 372. AN ACT RELATIVE TO MASTER PLANNING IN COMMUNITIES.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by striking out section 81D, as amended by chapter 78 of the acts of 1990, and inserting in place thereof the following section:-

Section 81D. A planning board established in any city or town under section eighty-one A shall make a master plan of such city or town or such part or parts thereof as said board may deem advisable and from time to time may extend or perfect such plan.

Such plan shall be a statement, through text, maps, illustrations or other forms of communication, that is designed to provide a basis for decision making regarding the long-term physical development of the municipality. The comprehensive plan shall be internally consistent in its policies, forecasts and standards, and shall include the following elements:

(1) Goals and policies statement which identifies the goals and policies of the municipality for its future growth and development. Each community shall conduct an interactive public process, to determine community values, goals and to identify patterns of development that will be consistent with these goals.

(2) Land use plan element which identifies present land use and designates the proposed distribution, location and inter-relationship of public and private land uses. This element shall relate the proposed standards of population density and building intensity to the capacity of land available or planned facilities and services. A land use plan map illustrating the land use policies of the municipality shall be

included.

(3) Housing element which identifies and analyzes existing and forecasted housing needs and objectives including programs for the preservation, improvement and development of housing. This element shall identify policies and strategies to provide a balance of local housing opportunities for all citizens.

(4) Economic development element which identifies policies and strategies for the expansion or stabilization of the local economic base and the promotion of employment opportunities.

(5) Natural and cultural resources element which provides an inventory of the significant natural, cultural and historic resource areas of the municipality, and policies and strategies for the protection and management of such areas.

(6) Open space and recreation element which provides an inventory of recreational and resources and open space areas of the municipality, and policies and strategies for the management and protection of such resources and areas.

(7) Services and facilities element which identifies and analyzes existing and forecasted needs for facilities and services used by the public.

(8) Circulation element which provides an inventory of existing and proposed circulation and transportation systems.

(9) Implementation program element which defines and schedules the specific municipal actions necessary to achieve the objectives of each element of the master or study plan. Scheduled expansion or replacement of public facilities or circulation system components and the anticipated costs and revenues associated with accomplishment of such activities shall be detailed in this element. This element shall specify the process by which the municipality's regulatory structures shall be amended so as to be consistent with the master plan.

Such plan shall be made, and may be added to or changed from time to time, by a majority vote of such planning board and shall be public record. The planning board shall, upon completion of any plan or report, or any change or amendment to a plan or report produced under this section, furnish a copy of such plan or report or amendment thereto, to the division of municipal development, office of local and regional planning of the executive office of communities and development.

A city or town which has an established master or study plan under section eighty-one A and applies for a state grant from the commonwealth shall prepare and keep on file within such city or town an economic development supplement; provided, however, that such city or town shall not be required to prepare such supplement if such city or town has a supplement on file. Such supplement shall be at least one page in length and shall contain the goals of the city or town with respect to industrial or commercial development, affordable housing, and preservation of parks and open space.

Approved December 21, 1990.

Chapter 373. **AN ACT EXEMPTING A CERTAIN POSITION IN THE SCHOOL DEPARTMENT OF THE CITY OF TAUNTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The positions of high school security officer in the school department of the city of Taunton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of high school security officer in the school department of the city of Taunton on the effective date of this act.

Approved December 21, 1990.

Chapter 374. **AN ACT RELATIVE TO TRANSFERRING A CERTAIN PARCEL OF LAND FROM THE DIGHTON FOREST COMMITTEE TO THE DIGHTON LOCAL HOUSING PARTNERSHIP AND THE DIGHTON HOUSING AUTHORITY.**

Be it enacted, etc., as follows:

The town of Dighton, acting by and through its town meeting members, is hereby authorized to convey to the Dighton Housing Authority and the Dighton Local Housing Partnership a certain parcel of land from the Dighton Forest Committee. Said parcel of land is approximately 8.9 acres located on Tremont street being parcel 7, Map 3 on the Dighton town assessor's map.

Approved December 21, 1990.

Chapter 375. **AN ACT AUTHORIZING THE CITY OF TAUNTON TO FURNISH WATER TO THE MASSACHUSETTS CORRECTIONAL INSTITUTION, BRIDGEWATER.**

Be it enacted, etc., as follows:

SECTION 1. The city of Taunton is hereby authorized to furnish water available to said city from any source, including water obtained by the city from Assawompset and Pocksha ponds pursuant to the authority of chapter four hundred of the acts of nineteen hundred and twenty-four, to the Massachusetts correctional institution, Bridgewater under such terms and conditions as the city and the

department of correction may from time to time agree; provided, however, that said department shall continue to supply water to existing customers who were in actual or constructive receipt of water supplied from said department on or before January first, nineteen hundred and eighty-nine.

SECTION 2. Any mains installed outside of the city limits pursuant to such agreements shall be dedicated exclusively to serving the Massachusetts correctional institution, Bridgewater and the department of correction customers as described in section one.

Approved December 21, 1990.

Chapter 376. **AN ACT AUTHORIZING THE GOVERNOR TO DESIGNATE AN ADDITIONAL JUSTICE OF THE PEACE TO SOLEMNIZE MARRIAGES IN THE TOWNS OF FALMOUTH, SHARON, STOUGHTON, EAST BRIDGEWATER AND MASHPEE.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws regulating the number of justices of the peace that may be designated, the governor is hereby authorized to designate an additional justice of the peace in the town of Mashpee and an additional justice of the peace in the town of Falmouth, in the town of Sharon, in the town of Stoughton and in the town of East Bridgewater to solemnize marriages under the provisions of said section thirty-nine.

Emergency Letter: December 24, 1990 @ 3:12 P.M. Approved December 12, 1990.

Chapter 377. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO CONVEY LAND IN THE CITY OF WORCESTER.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations is hereby authorized and directed, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey by deed approved as to form by the attorney general, a permanent easement for highway purposes over a certain parcel of land in the city of Worcester under the control and custody of the board of regents of higher education and presently used for educational

purposes to the city of Worcester for highway purposes in conjunction with improvements to Belmont and Plantation streets. Said parcel of land is shown on a plan entitled "Plan of Land in Worcester, Massachusetts to be conveyed as a permanent easement for street purposes to the City of Worcester by Commonwealth of Massachusetts, University of Massachusetts Scale 1" = 20' October 4, 1989 Bayside Engineering Associates, Incorporated Boston, Massachusetts", which plan shall be kept on file with the chief engineer of the department of public works.

SECTION 2. The deputy commissioner of capital planning and operations is hereby authorized and directed, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey by deed approved as to form by the attorney general, a permanent easement for highway purposes over a certain parcel of land in the city of Worcester under the control and custody of the department of mental health and presently used for mental health purposes to the city of Worcester for highway purposes in conjunction with improvements to Belmont and Plantation streets. Said parcel of land is more particularly bounded and described as follows:

Beginning at a point opposite Station 64+00 on the Belmont Street centerline then running.

South 86°-45'-38" East for a distance of two hundred one and 00/100 feet (201.00') to a point then turning and running.

South 81°-03'-00" East for a distance of five hundred sixteen and 75/100 feet (516.75') to a point.

Then turning and running along a curve to the left whose radius is twenty-eight and 00/100 feet (28.00') and whose length is thirty and 43/100 feet (30.43') to a non-tangent point then turning and running.

South 81°-03'-00" East for a distance of seven and 00/100 feet (7.00') to a point then turning and running.

South 04°-19'-53" East for a distance of thirty-five and 95/100 feet (35.95') to a point then turning and running along Belmont Street.

North 81°-03'-00" West for a distance of seven hundred fifty-six and 79/100 feet (756.79') to the point of beginning.

Containing 13,326 square feet more or less.

Approved December 21, 1990.

Chapter 378. AN ACT RELATIVE TO THE CONSTRUCTION OF CERTAIN REAL ESTATE INSTRUMENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 183 of the General Laws is hereby amended by striking

out section 58, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 58. Every instrument passing title to real estate abutting a way, whether public or private, watercourse, wall, fence or other similar linear monument, shall be construed to include any fee interest of the grantor in such way, watercourse or monument, unless (a) the grantor retains other real estate abutting such way, watercourse or monument, in which case, (i) if the retained real estate is on the same side, the division line between the land granted and the land retained shall be continued into such way, watercourse or monument as far as the grantor owns, or (ii) if the retained real estate is on the other side of such way, watercourse or monument between the division lines extended, the title conveyed shall be to the center line of such way, watercourse or monument as far as the grantor owns, or (b) the instrument evidences a different intent by an express exception or reservation and not alone by bounding by a side line.

SECTION 2. The provisions of section one shall take effect on January the first, nineteen hundred and ninety-one and shall apply to instruments executed on and after said effective date and to instruments executed prior thereto, except that as to such prior executed instruments this act shall not apply to land registered and confirmed under the provisions of chapter one hundred and eighty-five of the General Laws before said effective date or to the extent that any person or his predecessor in title has changed his position as a result of a decision of a court of competent jurisdiction.

Emergency Letter: December 31, 1990 @ 3:28 P.M. Approved December 21, 1990.

Chapter 379. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF SELECTMEN OF THE TOWN OF MANCHESTER.

Be it enacted, etc., as follows:

The board of selectmen of the town of Manchester shall consist of five members. Members of the board of selectmen now in office and elected at the annual town election of nineteen hundred and ninety shall serve until their terms expire. In the election for the board of selectmen to be held in said town in nineteen hundred and ninety-one, one person shall be elected for a term of three years, one person shall be elected for a term of two years and one person shall be elected for a term of one year. Persons elected thereafter shall be elected for a term of three years.

Approved December 21, 1990.

Chapter 380. AN ACT PROVIDING FOR THE REMOVAL OF DECEASED PERSONS BY CHIEFS OF POLICE.

Be it enacted, etc., as follows:

Section 6 of chapter 38 of the General Laws is hereby amended by striking out the first paragraph, as amended by chapter 323 of the acts of 1989, and inserting in place thereof the following four paragraphs:-

When any person in the commonwealth is supposed to have died by violence or by the action of chemical, thermal or electrical agents or following abortion or from diseases resulting from injury or infection relating to occupation or suddenly when not disabled by recognizable disease or from malnutrition or from sexual abuse or a child who is determined to be physically dependent upon an addictive drug at birth or when any person is found dead, it shall be the duty of any person having knowledge of such death immediately to notify the medical examiner of the district of the county wherein the body lies of the known facts concerning the time, place, manner, circumstances and cause of such death. A physician who, having knowledge of such a death, fails to notify the medical examiner shall be punished by a fine of not more than one hundred dollars. 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.

If the medical examiner is unable to respond and take charge of the dead body in an expeditious manner, the chief of police of the town wherein the body lies, or his representative, may seek telephone authority from the medical examiner to move such body after documenting all facts relevant to the appearance, condition and position of the body and every fact and circumstance tending to show the cause and circumstances of death and, upon removal of any such body, shall so notify the next of kin, if known, or cause them to be notified, that the chief of police is taking jurisdiction of the body and of the next location to which the deceased person will be taken.

If the chief of police or his representative is unable to reach the medical examiner he may call the headquarters office of the office of the chief medical examiner and seek telephone authority as hereinbefore prescribed. If neither the medical examiner nor the headquarters office can be contacted the chief of police or his representative, or the representative of the district attorney may authorize transfer of the body to the regional medical examiner's office or to a funeral home.

All documentation concerning the death will be communicated to the medical examiner with names and addresses of all known witnesses.

Upon taking charge of the dead body and before moving the same the medical examiner shall carefully note the appearance, the condition and the position of the body and record every fact and circumstance tending to show the cause and manner of death with names and addresses of all known witnesses and subscribe the same and make such record a part of his report as provided in section seven. If on view of the dead body and after personal inquiry into the cause and manner of death, the medical examiner considers a further examination necessary in the public interest, he shall immediately notify the district attorney of the district and county within whose jurisdiction the body lies of his intention to make such further examination. The body shall not be moved, and the scene where the body is located shall not be disturbed, until the district attorney or his representative either arrives at the scene or gives directions as to what shall be done at the scene and for the removal of the body. The district attorney and his law enforcement representative, upon receipt of notification of the death, shall thereafter be the authority to direct and control the criminal investigation of the death and shall coordinate the criminal investigation with the police within whose jurisdiction the death occurred. The police shall forthwith notify the district attorney or his law enforcement representative of such death. Such an autopsy shall be performed in the presence of two or more discreet persons whose attendance the medical examiner may compel by subpoena. If a medical examiner considers it necessary to have a physician present as a witness at an autopsy, such physician shall receive a fee of fifteen dollars. Other witnesses, except officers named in section fifty of chapter two hundred and sixty-two, shall be allowed ten dollars each. A clerk may be employed to record the results of such a view or autopsy and shall receive not more than five dollars per day therefor. Upon written order of the district attorney of the district wherein the body lies or of the attorney general, a medical examiner shall also make, or cause to be made in his presence, an autopsy under like conditions of any dead body within his county. The medical examiner may on his own authority, and shall if so requested by the district attorney of the county wherein the body lies, employ the services of a pathologist, a chemist or other expert to aid in the examination of the body or of substances supposed to have caused or contributed to death, and if the aforesaid pathologist, chemist or other expert is not already employed by the commonwealth or by the city or county wherein the body lies for the discharge of such services, he shall, upon written authorization of the medical examiner and of the district attorney, if such employment and services were requested by him, be allowed reasonable compensation, payable by the county in the manner provided in section nineteen. The medical examiner shall, at the time of the autopsy, record or cause to be recorded each fact and circumstance tending to show the condition of the body and the cause

and manner of death, with the names and addresses of witnesses, which record he shall subscribe. The medical examiner may allow reasonable compensation, payable by the county in the manner provided in section nineteen, for the transportation of such bodies as need to be moved to a place where they can be more satisfactorily examined, and for the use of such quarters as may be necessary for the performance of an autopsy.

Approved December 21, 1990.

Chapter 381. AN ACT RELATIVE TO THE TESTING OF DRINKING WATER.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 160B the following five sections:-

Section 160C. As used in this section and sections one hundred and sixty B to one hundred and sixty G, inclusive, the following terms shall, unless the context clearly indicates otherwise, have the following meanings:-

"Department", the department of environmental protection.

"Home water treatment device", any product that (a) is designed to alter the chemical, electro-chemical, or physical properties or characteristics of drinking water, and (b) is used, sold, leased, or rented for use on residential real property primarily for personal, family, or household purposes.

"Purchaser", a person who purchases, leases or rents home water treatment devices.

"Seller", a person who sells, leases, rents or promotes home water treatment devices.

Section 160D. Any person shall be permitted to test or analyze drinking water for the purpose of selling, leasing, renting or promoting home water treatment devices for the following substances: chlorine, chloride, color, iron, manganese, odor, hardness, hydrogen sulfide, PH, sulfate, TDS, zinc and such other substances as the department may by regulation allow; provided, however, that the test or analysis shall be accompanied by a form provided or approved by the department and given by the seller to the prospective purchaser setting out clearly and accurately the scope, limits, and results of said test or analysis. A civil penalty of not more than five thousand dollars shall be assessed for a failure by the seller to provide prospective purchasers with the required form. The department, in consultation with representatives of consumer groups and the home water treatment device industry shall develop such form or approve such forms as may be submitted to the department. Failure by the department to provide or approve

such form shall constitute a waiver of said requirement until such form shall be provided or approved by the department.

Any person may deliver to an independent laboratory, certified by the department to test for drinking water supply parameters, a sample of water collected and sealed in a manner approved by the department for the purpose of having said water tested or analyzed. Results of such testing and analysis, including a comparison of such results with Massachusetts drinking water standards and a brief description of the health effects of any contaminants shown to be present at levels that exceed the Massachusetts drinking water standards shall be reported in writing to the prospective purchaser by the certified laboratory on a standard testing result form, as approved by the department, prior to any sale, lease or rental arrangement of a home water treatment device.

Section 160E. A civil penalty of not more than five thousand dollars shall be assessed on any person who is not certified by the department to perform drinking water quality testing who tests or analyzes drinking water, except for those tests allowed under the provisions of section one hundred and sixty D for the purpose of selling, leasing, renting or promoting a home water treatment device.

Section 160F. Any misleading statement or material misrepresentation made in order to sell, lease, rent or promote for sale, lease, or rental of a home water treatment device shall constitute an unfair and deceptive practice under the provisions of chapter ninety-three A.

Section 160G. The department may make such rules and regulations or issue orders requiring such action as it deems necessary to enforce the provisions of sections one hundred and sixty C to one hundred and sixty F, inclusive. The department and cities, towns and districts acting through their local boards of health or boards or offices having like powers and duties where there is no board of health, shall have concurrent jurisdiction to enforce the provisions of said sections one hundred and sixty C to one hundred and sixty F, inclusive. Any persons aggrieved by any action of a city, town or district pursuant to the provisions of said sections one hundred and sixty C to one hundred and sixty F, inclusive, may appeal to the department and said department may, after a hearing, affirm, rescind, modify or amend such action. Civil penalties collected by cities, towns, and districts from said enforcement shall be retained for use by the cities, towns, and districts.

Approved December 21, 1990.

Chapter 382. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF EASTON.

Be it enacted, etc., as follows:

SECTION 1. Section 4-2 of the charter of the town of Easton, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by adding the following paragraph:-

(q) He shall advertise all vacancies on town boards and committees in a newspaper of general circulation and shall actively recruit candidates for all appointments to be made by himself, the board of selectmen, or the moderator.

SECTION 2. The third paragraph of section 7-11 of said charter is hereby amended by striking out subparagraph *(a)* and inserting in place thereof the following subparagraph:-

(a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by certified mail or service of process by constable or deputy sheriff in hand or by leaving at the last and usual place of abode and by mailing first class mail, postage prepaid, to the last known address of the person sought to be removed.

Approved December 21, 1990.

Chapter 383. **AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWNS OF SWANSEA AND SOMERSET AS THE GEORGE FURTADO BRIDGE.**

Be it enacted, etc., as follows:

The bridge extending over the Lees river and located on United States highway Route 6 in the towns of Swansea and Somerset shall be designated and known as the George Furtado bridge, in honor of George Furtado in recognition of thirty-nine years of service for the department of public works. The department of public works shall erect a suitable marker bearing said designation in compliance with the standards of said department and as authorized by the federal highway administration.

Approved December 21, 1990.

Chapter 384. **AN ACT RELATIVE TO THE CONVEYANCE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF TEWKSBURY.**

Be it enacted, etc., as follows:

Chapter 209 of the acts of 1990 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. The conveyance described in section one shall be subject to such conditions and restrictions as the commissioner of the department of public health may deem advisable including the reservation of any easement or easements deemed appropriate by said commissioner for sewer and rain purposes.

Approved December 21, 1990.

Chapter 385. AN ACT AUTHORIZING THE CITY OF MELROSE TO GRANT A PENSION TO WAYNE R. ULWICK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the city of Melrose is hereby authorized and directed to retire Wayne R. Ulwick, a member of the police department of said city, who sustained serious and permanent injuries in the performance of his duties, and is totally and permanently incapacitated for further service as a police officer. The annual retirement allowance payable to said Wayne R. Ulwick shall be equal to the salary he would have been entitled to receive had he continued in the service of the police department of said city at the grade held by him at the time of such retirement. Such retirement allowance shall be paid to said Wayne R. Ulwick as of the effective date of this act provided that said allowance shall be in the alternative to, and exclusive of, any other allowance, benefit or other payment to said Wayne R. Ulwick other than that provided in accordance with the provisions of this act.

SECTION 2. Upon the death of Wayne R. Ulwick, the retirement board of the city of Melrose is authorized and directed to pay to Diane Ulwick, his wife, if she survives him and as long as she remains unmarried, an annuity in the amount of three-fourths of the amount payable to him at the time of his death, increased by three hundred and twelve dollars for each child of said Wayne R. Ulwick until such time as each child has attained age eighteen and such payment shall continue for the benefit of each child over the age of eighteen and physically or mentally incapacitated from earning.

SECTION 3. Upon the retirement of Wayne R. Ulwick in accordance with the provisions of section one, the retirement board of the city of Melrose is hereby authorized and directed to pay him forthwith all amounts standing to his credit in the annuity savings fund of the retirement system of said city.

SECTION 4. The retirement board of the city of Melrose is hereby authorized and directed to indemnify said Wayne R. Ulwick for any hospital, medical, and related expenses which may have been or may be incurred as a result of injuries sustained by him in the performance of his duties on September twenty-seventh,

nineteen hundred and eighty-six, whether such expenses are incurred before or after the date of such retirement.

Approved December 21, 1990.

Chapter 386. AN ACT RELEASING A CERTAIN RESTRICTION ON LAND LOCATED IN THE TOWN OF CHARLTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-two of chapter one hundred and eighty-four of the General Laws or any other general or special law to the contrary, the commissioner of food and agriculture is hereby authorized to release an agricultural preservation restriction now held by the commonwealth on land located in the town of Charlton containing approximately twenty-two thousand seven hundred and nineteen square feet of land.

Said restriction is shown on a plan entitled "Plan of Land Owned by Patrick Blomberg located on H.K. Davis Road, Charlton, MA." prepared by Jalbert Engineering, Inc., Sturbridge, MA. 01566; Scale: 1" = 40', January 31, 1990, to be recorded.

SECTION 2. The recipient of the release described in section one shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the release of this restriction.

Approved December 21, 1990.

Chapter 387. AN ACT AUTHORIZING THE CITY OF MELROSE TO CONTINUE THE EMPLOYMENT OF POLICE CHIEF ROBERT T. LLOYD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Robert T. Lloyd, of the police department in the city of Melrose is hereby authorized to continue in such position until December twenty-third, nineteen hundred and ninety-one or one month after certification of the civil service list, whichever comes first; provided, however, that he is mentally and physically capable of performing the duties of his office or position. Said Robert T. Lloyd shall, at his own expense, be examined by an impartial physician designated by the retirement board of said city 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 December twenty-third, nineteen hundred and ninety, and upon retirement said employee shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on said date.

SECTION 2. The provisions of this act shall take effect upon an affirmative vote of the board of aldermen of the city of Melrose, subject to the provisions of its charter.

Emergency Letter: December 24, 1990 @ 3:12 P.M. Approved December 24, 1990.

Chapter 388. AN ACT RELATIVE TO WETLANDS PROTECTION.

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

Be it enacted, etc., as follows:

SECTION 1. The twenty-fourth paragraph of section 40 of chapter 131 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following two sentences:- In addition to the other duties provided for in this section, a conservation commission and its agents, officers, and employees; the commissioner, his agents and employees; environmental officers, and any officer with police powers may issue enforcement orders directing compliance with this section and may undertake any other enforcement action authorized by law. Any person who violates the provisions of this section may be ordered to restore property to its original condition and take other actions deemed necessary to remedy such violations.

SECTION 2. Said section 40 of said chapter 131, as so appearing, is hereby further amended by inserting after the twenty-fourth paragraph the following paragraph:-

No person shall remove, fill, dredge or alter any area subject to protection under this section without the required authorization, or cause, suffer or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with an enforcement order issued pursuant to this section. Each day such violation continues shall constitute a separate offense except that any person who fails to remove unauthorized fill or otherwise fails to restore illegally altered land to its original condition after giving written notification of said violation to the conservation commission and the department shall not be subject to additional penalties unless said person thereafter

fails to comply with an enforcement order or order of conditions.

SECTION 3. The last paragraph of said section 40 of said chapter 131, as so appearing, is hereby amended by striking out the last two sentences.

Approved December 26, 1990.

Chapter 389. **AN ACT AUTHORIZING THE STATE-BOSTON RETIREMENT SYSTEM TO PAY AN ANNUAL PENSION TO STANLEY G. PUGSLEY, SR.**

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the public good, 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 Stanley G. Pugsley, Sr., 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 September twenty-fifth, nineteen hundred and sixty-eight. 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 Stanley G. Pugsley, Sr.'s death, his wife Evelyn should she survive him, shall be paid in monthly installments an annual benefit equal to three-quarters of the amount of the annual benefit that would have been payable to Stanley G. Pugsley, Sr. had he continued to live.

SECTION 2. On the effective date of this act, all amounts standing to the credit of Stanley G. Pugsley, Sr. in the Annuity Savings Fund of the State-Boston retirement system shall be paid to him.

SECTION 3. 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 one hundred B shall apply to Stanley G. Pugsley, Sr. 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.

SECTION 4. 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 5. This act shall take effect upon its passage.

Approved December 26, 1990.

Chapter 390. **AN ACT RELATIVE TO A CERTAIN RETIRED EMPLOYEE'S GROUP INSURANCE ELIGIBILITY.**

Be it enacted, etc., as follows:

SECTION 1. In order to fulfill a moral obligation and notwithstanding the provisions of section nine of chapter thirty-two B of the General Laws or of any other general or special law to the contrary, James J. Riley shall be deemed to have continued all insurance coverages with Norfolk county in accordance with the provisions of the third paragraph of said section nine and therefore shall be eligible to continue such insurance coverages with said county in accordance with the provisions of the first paragraph of said section nine, subject to the provisions of section nine A or nine E of said chapter thirty-two B, whichever may be applicable.

SECTION 2. The provisions of section one of this act shall take effect upon acceptance by the county commissioners in Norfolk county.

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

Approved December 26, 1990.

Chapter 391. **AN ACT RELATIVE TO CERTAIN VOTERS' NAMES OMITTED FROM VOTING LISTS.**

Be it enacted, etc., as follows:

Section 59 of chapter 51 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "place", in line 6, the words:- by consulting the list of the names of voters in the precinct not entered in at least the current annual register under section thirty-seven, which list the registrars of voters shall make available at the polling place for this purpose and then, if necessary,.

Approved December 26, 1990.

Chapter 392. **AN ACT EXTENDING THE TIME FOR VOTERS ADMITTED TO A HEALTH CARE FACILITY TO APPLY FOR ABSENTEE BALLOTS.**

Be it enacted, etc., as follows:

SECTION 1. Section 89 of chapter 54 of the General Laws, as appearing in the

1988 Official Edition, is hereby amended by striking out subsection (c), and inserting in place thereof the following subsection:-

(c) To a voter who states under penalty of perjury that he has been admitted, after noon of the fifth day before the relevant election, to any health care facility, as defined by section twenty-five B of chapter one hundred and eleven, the ballot and accompanying papers shall, unless the clerk determines that there is clearly insufficient time, be delivered as provided in subsection (d) of said section ninety-two, provided that an application is received in the office of the registrars of voters no later than the close of the polls on the day of the election.

SECTION 2. Said section 89 of said chapter 54, as so appearing, is hereby further amended by striking out, in line 26, the words "No such" and inserting in place thereof the words:- Except as provided in subsection (c), no.

SECTION 3. Subsection (d) of section 92 of said chapter 54, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Delivery of the official absent voting ballot to a voter in a health care facility, as provided in subsection (c) of section eighty-nine, shall be in the same manner as provided in subsection (c) of this section, but if allowed in the sole discretion of the city or town clerk, any person designated in writing by the voter, except a candidate for any office at the election, may instead perform the functions of the election official.

Approved December 26, 1990.

Chapter 393. AN ACT RELATIVE TO CERTAIN POWERS OF THE DEPARTMENT OF PUBLIC UTILITIES.

Be it enacted, etc., as follows:

Chapter 292 of the acts of 1978 is hereby amended by striking out section 3, as most recently amended by chapter 88 of the acts of 1988, and inserting in place thereof the following section:-

Section 3. Section two of this act shall become inoperative on December thirty-first, nineteen hundred and ninety-two.

Approved December 26, 1990.

Chapter 394. AN ACT FURTHER REGULATING THE LIABILITY OF OWNERS OF PRIVATE PROPERTY.

Be it enacted, etc., as follows:

Section 21 of chapter 84 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following sentence:- Failure to give such notice shall not be a defense under this section unless the defendant proves that he was prejudiced thereby.

Approved December 26, 1990.

Chapter 395. AN ACT RELATIVE TO DISCRIMINATION BASED ON AGE AND HANDICAP.

Be it enacted, etc., as follows:

Section 9 of chapter 151B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-

Any person claiming to be aggrieved by a practice concerning age discrimination in employment made unlawful by section four may bring a civil action under this section for damages or injunctive relief, or both, and shall be entitled to a trial by jury on any issue of fact in an action for damages regardless of whether equitable relief is sought by a party in such action. If the court finds for the petitioner, recovery shall be in the amount of actual damages; or up to three, but not less than two, times such amount if the court finds that the act or practice complained of was committed with knowledge, or reason to know, that such act or practice violated the provisions of said section four. The provisions set forth in the first, second and third paragraphs shall be applicable to such complaint or action to the extent that such provisions do not conflict with the provisions set forth in this paragraph.

Emergency Letter: December 27, 1990 @ 9:48 P.M. Approved December 26, 1990.

Chapter 396. AN ACT PROVIDING FOR BLOOD OR BREATH ALCOHOL CONTENT ANALYSIS FOR PERSONS SUSPECTED OF OPERATING A VESSEL UNDER THE INFLUENCE OF ALCOHOL.

Be it enacted, etc., as follows:

Section 8 of chapter 90B of the General Laws is hereby amended by striking out subsections (a) and (b), as appearing in the 1988 Official Edition, and inserting in place thereof the following two subsections:-

(a) (1) No person shall operate any vessel on the waters of the commonwealth while such person is under the influence of intoxicating liquor or marijuana,

narcotic drugs, depressant or stimulant substances, as defined in section one of chapter ninety-four C, or the vapors of glue.

(2) In any prosecution for a violation of paragraph (1), evidence of the percentage, by weight, of alcohol in the defendant's blood at the time of the alleged offense, as shown by chemical test or analysis of his blood or as indicated by chemical test or analysis of his breath, shall be admissible and deemed relevant to the determination of the question of whether the defendant was at such time under the influence of intoxicating liquor; provided, however, that if such test or analysis was made by or at the direction of a law enforcement officer, it was made with the consent of the defendant, the results thereof were made available to the defendant upon his request and the defendant was afforded a reasonable opportunity, at his request and at his expense, to have another such test or analysis made by a person or physician selected by him; and provided, further, that blood shall not be withdrawn from any person for the purpose of such test or analysis except by a physician, registered or certified medical technician; and, provided further, that a chemical test or analysis of the defendant's breath shall be by means of equipment which has been calibrated within thirty days of its use.

Evidence that the defendant failed or refused to consent to such test or analysis shall not be admissible against him in a civil or criminal process but any failure of the law enforcement officer to attempt to administer or have administered such test or analysis, shall be so admissible. If such evidence is that such percentage was five one-hundredths or less, there shall be a presumption that such defendant was not under the influence of intoxicating liquor, and he shall be released from custody forthwith, but the officer who placed him under arrest shall not be liable for false arrest, if such law enforcement officer had reasonable grounds to believe that the person arrested had been operating a vessel while under the influence of intoxicating liquor; if such evidence is that such percentage was more than five one-hundredths but less than ten one-hundredths, there shall be no presumption; and if such evidence is that such percentage was ten one-hundredths or more, there shall be a presumption that such defendant was under the influence of intoxicating liquor. A certificate, signed and sworn to, by a chemist of the department of public safety or by a chemist of a laboratory certified by said department, or a reading from a device certified by said department as providing accurate readings of the percentage of alcohol in blood, and signed and sworn to by the law enforcement officer who administered such test which contains the results of an analysis of the percentage of alcohol in such blood shall be prima facie evidence of the percentage of alcohol in such blood.

Whoever operates a vessel on the waters of the commonwealth shall be deemed to have consented to submit to a chemical test or analysis of his breath or blood in the event that he is arrested for operating while under the influence of intoxicating liquor; provided, however, that no person shall be deemed to have

consented to a blood test unless such person has been brought for treatment to a medical facility licensed under the provisions of section fifty-one of chapter one hundred and eleven; and provided, further, that no person who is afflicted with hemophilia, diabetes or any other condition requiring the use of anticoagulants shall be deemed to have consented to a withdrawal of blood. Such test shall be administered at the direction of a law enforcement officer, having reasonable grounds to believe that the person arrested has been operating a vessel under the influence of intoxicating liquor.

If a person arrested for operating while under the influence of intoxicating liquor refuses to submit to such test or analysis, after having been informed that the refusal to so submit shall be punished by a civil fine of not more than one hundred dollars, such person shall be subject to a civil fine of not more than one hundred dollars assessed through an adjudicatory proceeding conducted by the division pursuant to the provisions of chapter thirty A. Such penalty shall be the exclusive penalty that may be prescribed for a refusal to submit to such test or analysis.

At the time of such refusal such person shall be cited for such refusal which citation shall state that such person shall be subject to an adjudicatory hearing held by the division of law enforcement. Written notice of the date, time and place of such hearing shall be provided to the person either by service, in hand, or by certified mail, return receipt requested. Such notice in addition shall include a concise statement of the facts giving rise to the hearing, reference to this section, the potential penalty hereunder, a statement of such person's rights to an adjudicatory hearing and the manner in which such person may waive such hearing, the consequences of waiver, and the manner of payment of the penalty if such person elects to pay the penalty and waive the adjudicatory hearing.

Such person may waive the right to an adjudicatory hearing by so stating in writing or by failing to appear twice at such adjudicatory hearing at the designated time, date and place. The division may reschedule hearing dates, times and places in response to written requests received at least one day prior to such hearing.

If a person waives his right to an adjudicatory hearing, such person shall be assessed the full civil penalty of one hundred dollars. If a civil administrative penalty is assessed, said civil administrative penalty shall be final upon the expiration of thirty days if no action for judicial review is commenced pursuant to said chapter thirty A.

If a person fails to pay a civil administrative penalty assessed pursuant to this section within ninety days of the time it becomes final, such person shall be liable to the commonwealth for up to three times the amount of such penalty, together with the costs, plus interest from the time the civil administrative penalty became final, including all costs and attorney's fees incurred directly in the collection thereof. The rate of interest shall be the rate set forth in section six C of chapter

two hundred and thirty-one. The director shall refuse to issue an original certificate of number or to renew the certificate of number for any boat owned by a person who fails to pay such civil administrative penalty and any related penalties or costs, until such payment is made in full.

(3) Any person convicted of a violation of paragraph (1) may as part of the disposition in the case, be ordered to participate in a boating safety education course or an alcohol education or rehabilitation program or a drug treatment or drug rehabilitation program.

(b) No person shall operate any motorboat or vessel or use any water skis, surfboard or similar device on the waters of the commonwealth negligently so as to endanger the lives or safety of the public, or use any water skis, surfboard or similar device thereon in the nighttime.

Approved December 26, 1990.

Chapter 397. AN ACT RELATIVE TO PROTECTION OF THE RELIGIOUS RIGHTS AND PRACTICES OF CERTAIN PEOPLE.

Be it enacted, etc., as follows:

Chapter 201 of the General Laws is hereby amended by adding the following section:-

Section 51. It shall be the duty of all guardians appointed under this chapter to protect and preserve the ward's right of freedom of religion and religious practice.

Approved December 26, 1990.

Chapter 398. AN ACT RELATIVE TO THE INVESTMENTS OF INSURANCE COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Section 65 of chapter 175 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "Canada", in line 24, the words:- and, unless approved by the commissioner, to an aggregate amount not in excess of three percent of the assets and not in excess of fifty percent of the surplus, calculated as of the time such loan is made, of such company, make and hold loans upon real property, including leasehold estates therein, in foreign countries other than Canada,.

SECTION 2. Section 66B of said chapter 175, as so appearing, is hereby

amended by inserting after the word "therein", in line 6, the words:- and, unless approved by the commissioner, to the extent the cost or value of such real property together with the estimated cost of any proposed improvements thereon does not exceed, in the aggregate, three percent of the assets or fifty percent of the surplus, calculated as of the time such purchase, lease or acquisition is made, of such company, in foreign countries.

Approved December 26, 1990.

Chapter 399. AN ACT RELATIVE TO THE CO-OPERATIVE BANKS EMPLOYEES BENEFIT ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 170 of the General Laws is hereby amended by adding the following three sections:-

Section 33. The participating members of the Co-operative Banks Employees Retirement Association, established by section thirty, shall constitute as the Co-operative Banks Employees Benefit Association, in this section and in sections thirty-four and thirty-five called the benefit association, for the purpose of providing retirement benefits through retirement plans which are not qualified plans under Section 401 of the Internal Revenue Code of the United States and for establishing employee welfare benefit plans, in this section called plans, for eligible employees of participating organizations. The benefit association, in its name and by or through its authorized officers, may (a) establish plans and related trusts for eligible members participating therein, (b) make agreements, establish trusts and make or cause to be made investments subject to such limitations as may from time to time be prescribed by law or by the by-laws of the benefit association, (c) sue and be sued, plead and be impleaded, (d) enforce liens and other obligations and foreclose mortgages held by the benefit association on or with respect to real or personal property situated in the commonwealth or in any state or territory of the United States, (e) adopt an official seal and alter the same at pleasure, and (f) do such other acts that may be necessary to carry out the powers conferred upon it by law and its by-laws.

For the purposes of this section and sections thirty-four and thirty-five, reference to "bank" and "banks" shall, unless the context otherwise requires, mean and include any or all member organizations and a reference to "directors" of a bank shall, unless the context otherwise requires, mean and include the governing body of each of such organizations.

Eligible employees may contribute a portion of their salaries or wages to or under plans established by the benefit association, to be deducted by the

employing banks and paid to the benefit association. A participating bank may contribute to or under plans of the benefit association to the extent determined by its directors. Contributions and benefits under the plans of the benefit association shall not exceed the limits, if any, imposed on such plans by the Internal Revenue Code of 1986 as amended, and the Employee Retirement Income Security Act of 1974, as amended, in this section called the Code and ERISA, respectively.

All plans maintained by the benefit association shall conform to the Code and funds held under the plans of the benefit association shall be invested in such manner as the benefit association shall determine, consistent with the by-laws. Funds held under plans of the benefit association shall be held by or used by the benefit association for the exclusive purpose of providing plan benefits to eligible members and, as determined by the benefit association, may be used to defray reasonable expenses of administering the plans and investing the assets of the plans. To the extent that expenses necessary for the administration of the benefit association or the plans of the benefit association are not paid from the plans, they shall be paid by participating banks on a proportionate basis, as provided in the by-laws.

A participating bank, by vote of its directors may adopt one or more of the plans of the benefit association for the benefit of its employees and their beneficiaries.

Nothing in this section shall be construed so as to prevent any such bank from establishing its own employee welfare benefit plans or non-qualified retirement plan.

Section 34. The trustees of the Co-operative Banks Employees Retirement Association shall prepare the by-laws of the benefit association and file the same with the commissioner. Said by-laws shall prescribe the manner in which, and the officers and agents by whom, the benefit association will be conducted and the manner in which its funds may be invested and paid out. They shall also provide that the said trustees of the Co-operative Banks Employees Retirement Association shall serve as the initial trustees of the benefit association and shall continue such service for the term prescribed in such by-laws and for the election of subsequent trustees.

Such benefit association shall annually, within six months after the close of its fiscal year, report to the commissioner such statements of its membership and financial transactions as the commissioner may consider necessary to show its business and standing. The commissioner may verify such statement by an examination of the books and papers of the benefit association.

The benefit association shall not be subject to chapter thirty-two or chapter one hundred and seventy-five or to such other provisions of law as relate to insurance companies or other benefit associations.

Section 35. The property of the benefit association shall be exempt from taxation and from the operation of any law relating to insolvency, and shall not be

attached or taken on execution or other process to satisfy any debt or liability of the benefit association, a participating bank, or any employee member of the benefit association. No assignment of any right in or to said funds or of any pension or annuity payable under section thirty-three shall be valid, except that deferred annuity contracts purchased by a participating bank on account of past service of eligible employees may be assigned to such bank prior to actual retirement.

Nothing in this section shall prevent an employee's annuity or pension from being attached, taken on execution, assigned, or subject to other process to satisfy a support order under chapter two hundred and eight, two hundred and nine, or two hundred and seventy-three.

SECTION 2. The by-laws of the Co-operative Banks Employees Retirement Association shall be prepared and filed with the commissioner of banks, as required by section thirty-four of chapter one hundred and seventy of the General Laws, inserted by section one of this act, on or before March fifteenth, nineteen hundred and ninety-one.

Approved December 26, 1990.

Chapter 400. AN ACT RELATIVE TO THE DEVELOPMENT OF MULTIPLE USE ALTERNATIVE FUEL.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 164 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the definition of "Gas company" the following definition:-

"Multiple-use alternative fuel", any fuel other than coal, pipeline gas, liquified natural gas, number two oil, number six oil, nuclear or any combination thereof which is also capable of powering internal combustion engines and diesel engines.

SECTION 2. Section 94A of said chapter 164, as so appearing, is hereby amended by inserting after the word "review", in line 17, the words:- when considering contracts with facilities up to four hundred and fifty megawatts, utilizing mutliple-use alternative fuels, the department may approve contracts in which the fuel component of the delivered price of electricity is fixed at a figure no greater than the nineteen hundred and eighty-nine state annual forecast of energy resources projected cost of the fuel predominantly used in the commonwealth for the year in which such facility commences service, and the department may approve contracts on a must-run basis which allows for payment under such contracts notwithstanding the actual dispatch of that facility.

SECTION 3. This act shall become inoperative on December thirty-first, nineteen hundred and ninety-five; provided, however, that any approval of any

contract under section two of this act shall continue in full force and effect.

Approved December 26, 1990.

Chapter 401. **AN ACT RELATIVE TO THE ORDER OF CERTAIN PERSONS FOR APPOINTMENT AS FIREFIGHTERS AND POLICE OFFICERS.**

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 31 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "list", in line 51, the following words:- or, where applicable, in the first position on the reserve roster.

SECTION 2. Said section 26 of said chapter 31, as so appearing, is hereby further amended by inserting after the word "list", in line 64, the following words:- or, where applicable, on the reserve roster.

Approved December 26, 1990.

Chapter 402. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF BELCHERTOWN TO THE BELCHERTOWN HOUSING AUTHORITY.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey to the Belchertown Housing Authority by deed approved as to form by the attorney general, a certain parcel of land located in the town of Belchertown subject to the provisions of this act and to such additional terms and conditions as the deputy commissioner may prescribe. Said parcel is shown on a plan, entitled "Plan of Land in Belchertown, Massachusetts prepared for Belchertown Housing Authority" dated November 8, 1989 and prepared by Almer Huntley Jr. & Associates, Inc., which is on file with said authority.

SECTION 2. No deed conveying by or on behalf of the commonwealth, the property described in section one shall be valid unless said deed provides that said property shall be used for the development of state aided low income family housing and housing for people with special needs. Said deed shall prescribe that

the following requirements shall be met and adhered to:

(1) The authority shall construct no more than three duplexes for families on this parcel.

(2) The authority shall provide housing for eight current residents of the Belchertown state school. A unit for four clients shall be constructed on this parcel and a unit for four clients shall be constructed on a parcel granted to the authority by the town of Belchertown by deed dated January 15, 1988 and recorded in the registry of deeds in Hampshire county, Book 3139, page 0170. It being a portion of parcel number three granted to the town of Belchertown by the commonwealth by deed dated December 13, 1973 and recorded in the registry of deeds in Hampshire county, Book number 1751, page 328.

(3) In the event that the second parcel is found to be unsuitable for the construction of special needs housing, a unit for eight current residents of the Belchertown state school shall be constructed on this parcel.

(4) 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.

(5) 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 protection to be kept on file.

SECTION 3. The Belchertown Housing Authority shall assume the cost of appraisals, surveys and other expenses as deemed necessary by the deputy commissioner of the division of capital planning and operations for the conveyance of this property.

SECTION 4. 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 Belchertown 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.

Emergency Letter: 12/27/90 @ 11:00 A.M. Approved December 26, 1990.

Chapter 403. AN ACT RELATIVE TO THE PROTECTION OF ABUSED PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 34C of chapter 208 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "nine", in

line 6, the following words:- or section three, four or five of chapter two hundred and nine A or section fifteen or twenty of chapter two hundred and nine C or an order for custody pursuant to any abuse prevention action.

SECTION 2. Chapter 209A of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. As used in this chapter the following words shall have the following meanings:

"Abuse", the occurrence of one or more of the following acts between family or household members:

(a) attempting to cause or causing physical harm;

(b) placing another in fear of imminent serious physical harm;

(c) causing another to engage involuntarily in sexual relations by force, threat or duress.

"Court", the superior, probate and family, district or Boston municipal court departments of the trial court, except when the petitioner is in a dating relationship when "Court" shall mean district, probate, or Boston municipal courts.

"Family or household members", persons who:

(a) are or were married to one another;

(b) are or were residing together in the same household;

(c) are or were related by blood or marriage;

(d) having a child in common regardless or whether they have ever married or lived together; or

(e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts consideration of the following factors:

(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

"Law officer", any officer authorized to serve criminal process.

"Vacate order", court order to leave and remain away from a premises and surrendering forthwith any keys to said premises to the plaintiff. The defendant shall not damage any of the plaintiff's belongings or those of any other occupant and shall not shut off or cause to be shut off any utilities or mail delivery to the plaintiff. In the case where the premises designated in the vacate order is a residence, so long as the plaintiff is living at said residence, the defendant shall not interfere in any way with the plaintiff's right to possess such residence, except by order or judgment of a court of competent jurisdiction pursuant to appropriate civil eviction proceedings, a petition to partition real estate, or a proceeding to divide marital property. A vacate order may include in its scope a household, a multiple family dwelling and the plaintiff's workplace. When issuing an order to vacate the

plaintiff's workplace, the presiding justice must consider whether the plaintiff and defendant work in the same location or for the same employer.

SECTION 3. Said chapter 209A is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. A person suffering from abuse from an adult or minor family or household member may file a complaint in the court requesting protection from such abuse, including, but not limited to, the following orders:

(a) ordering the defendant to refrain from abusing the plaintiff, whether the defendant is an adult or minor;

(b) ordering the defendant to refrain from contacting the plaintiff, unless authorized by the court, whether the defendant is an adult or minor;

(c) ordering the defendant to vacate forthwith and remain away from the household, multiple family dwelling, and workplace. Notwithstanding the provisions of section thirty-four B of chapter two hundred and eight, an order to vacate shall be for a fixed period of time, not to exceed one year, at the expiration of which time the court may extend any such order upon motion of the plaintiff, with notice to the defendant, for such additional time as it deems necessary to protect the plaintiff from abuse;

(d) awarding the plaintiff temporary custody of a minor child;

(e) ordering the defendant to pay temporary support for the plaintiff or any child in the plaintiff's custody or both, when the defendant has a legal obligation to support such a person. In determining the amount to be paid, the court shall apply the standards established in the child support guidelines;

(f) ordering the defendant to pay the person abused monetary compensation for the losses suffered as a direct result of such abuse. Compensatory losses shall include, but not be limited to, loss of earnings or support, costs for restoring utilities, out-of-pocket losses for injuries sustained, replacement costs for locks or personal property removed or destroyed, medical and moving expenses and reasonable attorney's fees;

(g) ordering the plaintiff's address to be impounded as provided in section nine;

(h) ordering the defendant to refrain from abusing or contacting the plaintiff's child, or child in plaintiff's care or custody, unless authorized by the court;

(i) the judge may recommend to the defendant that the defendant attend a recognized batterer's treatment program.

No filing fee shall be charged for the filing of the complaint. Neither the plaintiff nor the plaintiff's attorney shall be charged for certified copies of any orders entered by the court, or any copies of the file reasonably required for future court action or as a result of the loss or destruction of plaintiff's copies.

Any relief granted by the court shall be for a fixed period of time not to exceed one year. Every order shall on its face state the time and date the order is to expire

and shall include the date and time that the matter will again be heard. If the plaintiff appears at the court at the date and time the order is to expire, the court shall determine whether or not to extend the order for any additional time reasonably necessary to protect the plaintiff or to enter a permanent order. When the expiration date stated on the order is on a weekend day or holiday, or a date when the court is closed to business, the order shall not expire until the next date that the court is open to business. The plaintiff may appear on such next court business day at the time designated by the order to request that the order be extended. The court may also extend the order upon motion of the plaintiff, for such additional time as it deems necessary to protect from abuse the plaintiff or any child in the plaintiff's care or custody. The fact that abuse has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order, of allowing an order to expire or be vacated, or for refusing to issue a new order.

The court may modify its order at any subsequent time upon motion by either party. When the plaintiff's address is impounded and the defendant has filed a motion to modify the court's order, the court shall be responsible for notifying the plaintiff. In no event shall the court disclose any impounded address.

No order under this chapter shall in any manner affect title to real property.

No court shall compel parties to mediate any aspect of their case. Although the court may refer the case to the family service office of the probation department or victim/witness advocates for information gathering purposes, the court shall not compel the parties to meet together in such information gathering sessions.

A court shall not deny any complaint filed under this chapter solely because it was not filed within a particular time period after the last alleged incident of abuse.

A court may issue a mutual restraining order or mutual no-contact order pursuant to any abuse prevention action only if the court has made specific written findings of fact. The court shall then provide a detailed order, sufficiently specific to apprise any law officer as to which party has violated the order, if the parties are in or appear to be in violation of the order.

Any action commenced under the provisions of this chapter shall not preclude any other civil or criminal remedies. A party filing a complaint under this chapter shall be required to disclose any prior or pending actions involving the parties for divorce, annulment, paternity, custody or support, guardianship, separate support or legal separation, or abuse prevention.

If there is a prior or pending custody support order from the probate and family court department of the trial court, an order issued in the superior, district or Boston municipal court departments of the trial court pursuant to this chapter may include any relief available pursuant to this chapter except orders for custody or support.

If the parties to a proceeding under this chapter are parties in a subsequent proceeding in the probate and family court department for divorce, annulment,

paternity, custody or support, guardianship or separate support, any custody or support order or judgment issued in the subsequent proceeding shall supersede any prior custody or support order under this chapter.

SECTION 4. Said chapter 209A is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. Upon the filing of a complaint under this chapter, the court may enter such temporary orders as it deems necessary to protect a plaintiff from abuse, including relief as provided in section three. Such relief shall not be contingent upon the filing of a complaint for divorce, separate support, or paternity action.

If the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, the court may enter such temporary relief orders without notice as it deems necessary to protect the plaintiff from abuse and shall immediately thereafter notify he defendant that the temporary orders have been issued. The court shall give he defendant an opportunity to be heard on the question of continuing the emporary order and of granting other relief as requested by the plaintiff no later han ten court business days after such orders are entered.

Notice shall be made by the appropriate law enforcement agency as provided n section seven.

If the defendant does not appear at such subsequent hearing, the temporary orders shall continue in effect without further order of the court.

SECTION 5. Section 5 of said chapter 209A, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief administrative justice and shall deliver a copy of such order on the next court day to the clerk-magistrate of the court having venue and jurisdiction over the matter.

SECTION 6. Said section 5 of said chapter 209A is hereby further amended by inserting after the word "clerk-magistrate", in line 13, the words:- or register.

SECTION 7. Said chapter 209A is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. Whenever any law officer has reason to believe that a family or household member has been abused or is in danger of being abused, such officer shall use all reasonable means to prevent further abuse. The officer shall take, but not be limited to the following action:

(1) remain on the scene of where said abuse occurred or was in danger of occurring as long as the officer has reason to believe that at least one of the parties involved would be in immediate physical danger without the presence of a law officer. This shall include, but not be limited to remaining in the dwelling for a reasonable period of time;

(2) assist the abused person in obtaining medical treatment necessitated by an assault, which may include driving the victim to the emergency room of the nearest hospital, or arranging for appropriate transportation to a health care facility, notwithstanding any law to the contrary;

(3) assist the abused person in locating and getting to a safe place; including but not limited to a designated meeting place for a shelter or a family member's or friend's residence. The officer shall consider the victim's preference in this regard and what is reasonable under all the circumstances;

(4) give such person immediate and adequate notice of his or her rights. Such notice shall consist of handing said person a copy of the statement which follows below and reading the same to said person. Where said person's native language is not English, the statement shall be then provided in said person's native language whenever possible.

"You have the right to appear at the Superior, Probate and Family, District or Boston Municipal Court, if you reside within the appropriate jurisdiction, and file a complaint requesting any of the following applicable orders: (a) an order restraining your attacker from abusing you; (b) an order directing your attacker to leave your household, building or workplace; (c) an order awarding you custody of a minor child; (d) an order directing your attacker to pay support for you or any minor child in your custody, if the attacker has a legal obligation of support; and (e) an order directing your attacker to pay you for losses suffered as a result of abuse, including medical and moving expenses, loss of earnings or support, costs for restoring utilities and replacing locks, reasonable attorney's fees and other out-of-pocket losses for injuries and property damage sustained.

For an emergency on weekends, holidays, or weeknights the police will refer you to a justice of the superior, probate and family, district, or Boston municipal court departments.

You have the right to go to the appropriate district court or the Boston municipal court and seek a criminal complaint for threats, assault and battery, assault with a deadly weapon, assault with intent to kill or other related offenses.

If you are in need of medical treatment, you have the right to request that an officer present drive you to the nearest hospital or otherwise assist you in obtaining medical treatment.

If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and your children can leave or until your safety is otherwise ensured. You may also request that the officer assist you in locating and taking you to a safe place, including but not limited to a designated meeting place for a shelter or a family member's or a friend's residence, or a similar place of safety.

You may request a copy of the police incident report at no cost from the police department."

The officer shall leave a copy of the foregoing statement with such person before leaving the scene or premises.

(5) assist such person by activating the emergency judicial system when the court is closed for business;

(6) inform the victim that the abuser will be eligible for bail and may be promptly released; and

(7) arrest any person a law officer witnesses or has probable cause to believe has violated a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to section eighteen, thirty-four B or thirty-four C of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, section three, four or five of this chapter, or sections fifteen or twenty of chapter two hundred and nine C. When there are no vacate, restraining, or no-contact orders or judgments in effect, arrest shall be the preferred response whenever an officer witnesses or has probable cause to believe that a person:

(a) has committed a felony;

(b) has committed a misdemeanor involving abuse as defined in section one of this chapter;

(c) has committed an assault and battery in violation of section thirteen A of chapter two hundred and sixty-five.

The safety of the victim and any involved children shall be paramount in any decision to arrest. Any officer arresting both parties must submit a detailed, written report in addition to an incident report, setting forth the grounds for dual arrest.

No law officer investigating an incident of domestic violence shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party.

No law officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a domestic violence incident for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter and the statewide policy as established by the secretary of public safety.

Whenever any law officer investigates an incident of domestic violence, the officer shall immediately file a written incident report in accordance with the standards of the officer's law enforcement agency and, wherever possible, in the form of the National Incident-Based Reporting System, as defined by the Federal Bureau of Investigation. The latter information may be submitted voluntarily by the local police on a monthly basis to the crime reporting unit of the criminal history systems board.

The victim shall be provided a copy of the full incident report at no cost upon request to the appropriate law enforcement department.

When a judge or other person authorized to take bail bails any person arrested under the provisions of this chapter, he shall make reasonable efforts to inform the

victim of such release prior to or at the time of said release.

When any person charged with or arrested for a crime involving abuse under this chapter is released from custody, the court or the emergency response judge shall issue, upon the request of the victim, a written no-contact order prohibiting the person charged or arrested from having any contact with the victim and shall use all reasonable means to notify the victim immediately of release from custody. The victim shall be given at no cost a certified copy of the no-contact order.

SECTION 8. Section 7 of said chapter 209A, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following seven paragraphs:-

Whenever the court orders under sections eighteen, thirty-four B, and thirty-four C of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, sections three, four and five of this chapter, or sections fifteen and twenty of chapter two hundred and nine C, the defendant to vacate, refrain from abusing the plaintiff or to have no contact with the plaintiff or the plaintiff's minor child, the register or clerk-magistrate shall transmit two certified copies of each such order and one copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve one copy of each order upon the defendant, together with a copy of the complaint, order and summons. The law enforcement agency shall promptly make its return of service to the court.

Law enforcement officers shall use every reasonable means to enforce such abuse prevention orders. Law enforcement agencies shall establish procedures adequate to insure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order. The court shall notify the appropriate law enforcement agency in writing whenever any such order is vacated and shall direct the agency to destroy all record of such vacated order and such agency shall comply with that directive.

Each abuse prevention order issued shall contain the following statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

Any violation of such order shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment. Where the defendant has no prior record of any crime of violence and where the court believes, after evaluation by a certified or provisionally certified batterer's treatment program, that the defendant is amenable to treatment, the court may, in addition to any other penalty, order appropriate treatment as specified in this section. If a defendant ordered to undergo treatment has received a suspended sentence, the original sentence shall be reimposed if the defendant fails to participate in said program as required by the terms of his probation.

When a defendant has been ordered to participate in a treatment program

pursuant to this section, the defendant shall be required to regularly attend a certified or provisionally certified batterer's treatment program. To the extent permitted by professional requirements of confidentiality, said program shall communicate with local battered women's programs for the purpose of protecting the victim's safety. Additionally, it shall specify the defendant's attendance requirements and keep the probation department informed of whether the defendant is in compliance.

In addition to, but not in lieu of, such orders for treatment, if the defendant has a substance abuse problem, the court may order appropriate treatment for such problem. All ordered treatment shall last until the end of the probationary period or until the treatment program decides to discharge the defendant, whichever comes first. When the defendant is not in compliance with the terms of probation, the court shall hold a revocation of probation hearing. To the extent possible, the defendant shall be responsible for paying all costs for court ordered treatment.

In each instance where there is a violation of an abuse prevention order, the court may order the defendant to pay the plaintiff for all damages including, but not limited to, cost for shelter or emergency housing, loss of earnings or support, out-of-pocket losses for injuries sustained or property damaged, medical expenses, moving expenses, cost for obtaining an unlisted telephone number, and reasonable attorney's fees.

SECTION 9. Section 13 of chapter 209C of the General Laws is hereby amended by inserting after the first sentence the following sentence:-

Section 5A. For good cause shown, the court shall impound a party's address by excluding it from the complaint and from all other court documents and testimony, and shall ensure that the address is kept confidential from each other party except the IV-D agency as set forth in chapter one hundred and nineteen A.

SECTION 10. Section 15 of said chapter 209C, as appearing in the 1988 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

At any time pursuant to an action under this chapter, the court may upon motion of any party or on its own motion issue a temporary order or final judgment including a vacate, restraining or no-contact order to protect a party or child. Any such order or judgment, including a custody provision if issued by a probate court, shall be served as specified under sections four and seven of chapter two hundred and nine A and shall contain the following statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE. Criminal violations of such orders shall be enforced pursuant to section seven of chapter two hundred and nine A.

SECTION 11. Said section 15 of said chapter 209C is hereby further amended by striking the last paragraph and inserting in place thereof the following paragraph:-

All orders entered pursuant to this section, unless modified or revoked pursuant

to section twenty or twenty-three of chapter two hundred and nine C, shall continue in force and be incorporated in the final judgment. Violations of any order or judgment may be punished as contempt.

SECTION 12. Section 20 of said chapter 209C, as so appearing, is hereby amended by adding the following sentence:- Except as restricted by section twenty-three, the court may also modify a judgment to protect a party or child.

SECTION 13. Section 28 of chapter 276 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 officer authorized to serve criminal process may arrest, without a warrant, and detain a person found in the act of stealing property in the presence of the officer regardless of the value of the property stolen and may arrest, without a warrant, and detain a person whom the officer has probable cause to believe has committed a misdemeanor by violating a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to section eighteen, thirty-four B or thirty-four C of chapter two hundred and eight, section three, four or five of chapter two hundred and nine A, section thirty-two of chapter two hundred and nine, or section fifteen or twenty of chapter two hundred and nine C.

SECTION 14. The secretary of public safety shall establish a policy for law enforcement response to domestic violence consistent with the provisions of this act; provided, however, that he may revise, terminate, or revoke such policy at his discretion. Such policy shall be developed after consultation with the director of the victim assistance office, at least two representatives of a certified or provisionally certified batterer's treatment program, and at least four representatives from the governor's anti-crime council including at least one district attorney, one member of the Massachusetts bar experienced in criminal defense, one police chief and one judge or his designee. Such policy for law enforcement response to domestic violence shall be promulgated within six months of the effective date of this act.

SECTION 15. Each law enforcement agency shall establish and implement specific operational guidelines consistent with the policy established under the provisions of section fourteen or adopt said policy. Local operational guidelines shall be submitted to the secretary of public safety for review within sixty days of the adoption of said policy. The secretary shall provide written notice of approval of the local guidelines within thirty days of receipt of said guidelines. Upon approval, said guidelines shall be effective immediately at the local law enforcement agency. Prior to, or in the absence of approved guidelines, the law enforcement agency shall implement said policy.

SECTION 16. Within six months of the effective date of this act, guidelines and standards for the certification of batterer's treatment programs by the department of public health shall be set up by a commission to be established by the chief justice of the trial court department, one member of which shall be a district

attorney or his designee, two of which shall be members of a recognized batterer's treatment program with training experience, two of which shall be members of a domestic violence program or the statewide coalition of programs which provide services to victims of domestic violence and one of whom shall be a member from a probation department. Prior to the establishment of such guidelines and standards, the department of public health may provisionally certify batterer's treatment programs pursuant to regulations promulgated by the department. Such provisional certification shall expire upon establishment of guidelines under this section.

The department of public health shall thereafter certify and monitor batterer's treatment programs according to the standards established and promulgated by the commission. Programs so certified shall be the only batterer's treatment programs appropriate for court referrals.

Emergency Letter: January 3, 1991 @ 11:44A.M. Approved December 26, 1990.

Chapter 404. **AN ACT RELATIVE TO EMPLOYMENT CONTRACTS WITH EXECUTIVE OR ADMINISTRATIVE PERSONNEL OF SCHOOL COMMITTEES AND SCHOOL DISTRICTS.**

Be it enacted, etc., as follows:

SECTION 1. Paragraph (l) of section 16 of chapter 71 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "district", in line 92, the words:- and to establish an employment contract for a period of time to provide for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties or office, liability insurance, and leave for said superintendent.

SECTION 2. The second paragraph of section 41 of said chapter 71, as so appearing, is hereby amended by inserting after the word "years", in line 14, the words:- which may provide for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties or office, liability insurance, and leave for said superintendent or school business administrator.

SECTION 3. Section 63 of said chapter 71, as so appearing, is hereby amended by inserting after the word "term", in line 12, the words:- and may provide for fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties or office, liability insurance, and leave for said superintendent and shall.

Approved December 26, 1990.

Chapter 405. **AN ACT RELATIVE TO THE PROVISION OF ELECTRIC SERVICE BY THE TOWN OF READING MUNICIPAL LIGHT DEPARTMENT TO THE TOWNS OF READING, WILMINGTON, NORTH READING AND LYNNFIELD.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the municipal light department of the town of Reading hereby is authorized to include in annual operating expenses and recover through its electric rates voluntary, in-lieu-of-tax payments made to the towns of Reading, Wilmington, North Reading and Lynnfield. Such payments may be made during each calendar year commencing July tenth, nineteen hundred and ninety, in accordance with the following formula:

(a) the municipal light department of the town of Reading shall calculate an amount equal to two percent of its net plant, determined in accordance with the policies and decisions of the department of public utilities, as of the end of the calendar year prior to the year in which the in lieu of tax payments are to be made; and

(b) the amount calculated in clause *(a)* shall be appropriated by the municipal light department of the town of Reading and distributed during such year to the towns of Reading, Wilmington, North Reading and Lynnfield as in lieu of tax payments based on a pro rata allocation in accordance with the respective retai kilowatt-hour sales within each town from such prior calendar year as a percentag of said municipal light department's total retail sales within all four of the town during such prior calendar year.

Nothing in this section shall preclude said municipal light department fro earning a return of eight percent per annum on the cost of the plant in accordanc with section fifty-eight of chapter one hundred and sixty-four of the General Law making additional voluntary in lieu of tax payments to the town of Reading fro its unappropriated earned surplus, and otherwise using its earned return of up t eight percent per annum for purposes authorized by law.

SECTION 2. Notwithstanding the provisions of any general or special law t the contrary, the towns of Wilmington, North Reading and Lynnfield are authorize to contract for, and shall continue to receive electric service from the municipal ligh department of the town of Reading for a term of up to twenty years commencing on the date of execution of such contract. Any such contract executed prior to July tenth, nineteen hundred and ninety is hereby ratified, validated and confirmed. During the term of such contract, the rights accorded to such towns under chapter one hundred and sixty-four of the General Laws and chapter three hundred and

sixty-nine of the acts of nineteen hundred and eight to purchase and acquire the plant of the municipal light department of the town of Reading are hereby suspended and cannot be exercised; provided, however, that after the expiration or termination of such contract, such towns shall have the right to purchase and acquire such plant in accordance with the provisions of said chapter one hundred and sixty-four and said chapter three hundred and sixty-nine.

SECTION 3. This act shall take effect as of July tenth, nineteen hundred and ninety.

Approved December 26, 1990.

Chapter 406. **AN ACT RELATIVE TO TRAFFIC VIOLATIONS AT SOUTHEASTERN MASSACHUSETTS UNIVERSITY.**

Be it enacted, etc., as follows:

Section 1 of chapter 90C of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting in line 56, after the word "seventy-five", the following words:- , any person appointed by the trustees of Southeastern Massachusetts university under section seventeen of chapter seventy-five B.

Approved December 26, 1990.

Chapter 407. **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 Carter in the Roxbury district of the city of Boston on December twenty-ninth, nineteen hundred and ninety, between Maria Crumb and John Murad, both of said Roxbury district of said city of Boston, and the state secretary shall issue to said Joseph Carter a certificate of such authorization.

Approved December 27, 1990.

Chapter 408. AN ACT TO PROVIDE PROTECTION FOR ENDANGERED AND THREATENED SPECIES.

Be it enacted, etc., as follows:

SECTION 1. The seventh paragraph of section 6G of chapter 21 of the General Laws, as appearing in section 23 of chapter 653 of the acts of 1989, is hereby amended by striking out, in the fourth line the word "twenty-six A,".

SECTION 2. Section twenty-six A of chapter one hundred and thirty-one of the General Laws is hereby repealed.

SECTION 3. Section 90 of said chapter 131, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 38, the word "twenty-six A,".

SECTION 4. The General Laws are hereby amended by inserting after chapter 131 the following chapter:-

CHAPTER 131A.

MASSACHUSETTS ENDANGERED SPECIES ACT.

Section 1. The following words shall have the following meanings unless the context clearly requires otherwise:-

"Alter", to change the physical or biological condition of a habitat in any way that detrimentally affects the capacity of the habitat to support a population of endangered or threatened species.

"Animal", any member of the animal kingdom including, but not limited to, any mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod or other invertebrate or any part, product, egg or offspring or the dead body or any part thereof.

"Director", the director of the division of fisheries and wildlife within the department of fisheries, wildlife and environmental law enforcement, who shall have all powers hereunder that exist for purposes of chapter one hundred and thirty-one.

"Endangered species", any species of plant or animal in danger of extinction throughout all or a significant portion of its range including, but not limited to, species listed from time to time as "endangered" under the provisions of the Federal Endangered Species Act of 1973, as amended, and species of plants or animals in danger of extirpation, as documented by biological research and inventory.

"Land in agricultural use", land primarily and directly used in raising animals including, but not limited to, dairy cattle, beef cattle, poultry, sheep, swine, horses, ponies, mules, goats, bees and fur-bearing animals, for the purpose of selling such animals or a product derived from such animals in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto

and represents a customary and necessary use in raising such animals and preparing them or the products derived therefrom for market; or when primarily and directly used in raising fruits, vegetables, berries, nuts and other foods for human consumption, feed for animals, tobacco, flowers, sod, trees, nursery or greenhouse products and ornamental plants and shrubs for the purpose of selling such products in the regular course of business; or when primarily and directly used in raising forest products and certified, in consultation with the division of fisheries and wildlife, by the state forester, to be a planned program to improve the quantity and quality of a continuous crop for the purpose of selling such products in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary use in raising such products and preparing them for market.

"Land in aquacultural use", land and waters used primarily and directly in the commercial cultivation of aquatic organisms including finfish, mollusk or crustacean in a controlled environment.

"Normal maintenance or improvement", (a) all tilling and harvesting practices customarily employed to enhance existing growing conditions; (b) the pasturing of animals including the construction and maintenance of such fences as may be required; (c) the use of fertilizers, pesticides, herbicides and other materials, subject to all state and federal laws and regulations governing the use thereof; (d) the construction, grading or restoration of field ditches, subsurface drains, grass waterways, vents, access roads, farm ponds and similar projects to improve drainage, prevent erosion, provide more effective use of rainfall and improve equipment operation and efficiency, in order to improve conditions for the growing of existing crops or the raising of animals; (e) the cultivation of cranberries, including the following practices: (i) sanding operations using existing pits; (ii) cleaning of cross ditches, canals and natural waterways; (iii) repair and replacement but not enlargement of water control structures, including flumes, pumps, dikes and piping above and below ground; (iv) repair, replacement and regrading of existing cranberry bogs; (v) repair and cleaning of reservoirs, dams and water storage systems within the limits of existing water rights.

"Person", an individual, corporation, partnership, trust, association or other private entity or any officer, agent, department or instrumentality of the federal government or any state or its political subdivisions.

"Plant", a member of the plant kingdom including seeds, roots, or other parts.

"Significant habitat", specific areas of the commonwealth, designated in accordance with section four, in which are found the physical or biological features important to the conservation of a threatened or endangered species population and which may require special management considerations or protection.

"Species", any subspecies or variety of plant or animal and any distinct plant or animal population which interbreeds or cross pollinates when mature.

"Species of special concern", any species of plant or animal which has been documented by biological research and inventory to have suffered a decline that could threaten the species if allowed to continue unchecked or that occurs in such small numbers or with such a restricted distribution or specialized habitat requirements that it could easily become threatened within the commonwealth.

"Take", in reference to animals, to harass, harm, pursue, hunt, shoot, hound, kill, trap, capture, collect, process, disrupt the nesting, breeding, feeding or migratory activity or attempt to engage in any such conduct, or to assist such conduct, and in reference to plants, to collect, pick, kill, transplant, cut or process or attempt to engage or to assist in any such conduct.

"Threatened species", any species of plant or animal likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range including, but not limited to, species listed from time to time as "threatened" under the provisions of the Federal Endangered Species Act of 1973, as amended, and any species declining or rare as determined by biological research and inventory and likely to become endangered in the foreseeable future; provided, however, that the inclusion of any species on the Federal Threatened Species list shall not limit the discretion of the director to list said species as "endangered".

Section 2. Except as otherwise provided in this chapter, no person may take, possess, transport, export, process, sell or offer for sale, buy or offer to buy, nor shall a common or contract carrier knowingly transport or receive for shipment, any plant or animal species listed as endangered, threatened or of special concern or listed under the Federal Endangered Species Act.

Except as otherwise provided in this chapter, no person may alter significant habitat.

Section 3. Any person may transport, possess, or sell, in accordance with the terms of any necessary state and federal permit, any species appearing on any of the lists prepared in accordance with section four which enters the commonwealth from another state or from a point outside the territorial limits of the United States. A person may possess or propagate all plants listed as endangered, threatened or special concern; provided, however, that the sources for such propagation or possession shall not be taken from the wild. All nurserymen may sell all plants listed as endangered, threatened or of special concern; provided, however, that the sources for such sale shall not be taken from the wild.

The director may permit the taking, possession, purchase, sale, transportation, exportation or shipment of any species appearing on the list of endangered or threatened species or species of special concern developed by the director pursuant to section four for scientific or educational purposes, or for or from propagation in captivity and may permit the taking of special concern species for the purposes of falconry pursuant to regulations promulgated by the director.

The director may permit the removal, capture, or destruction of any species appearing on the list of endangered or threatened species or species of special concern developed by the director pursuant to section four to protect human health, when a public health hazard exists as certified by the department of public health.

A landowner may construct a single family house covering no more than three thousand square feet of ground and install any necessary utilities to service said house and construct in a reasonable fashion a single access driveway to the nearest public or private way on a lot having an area of at least three acres; provided, however, that the lot on which said construction takes place was owned by said landowner and in existence on January first, nineteen hundred and ninety; and provided, further, that said lot was not held in common ownership with any adjoining land as of said date. For purposes of this paragraph, the phrase "in existence" shall mean a lot shown on a definitive plan that has received final approval under chapter forty-one or shown on a plan that has been endorsed under section eighty-one P of said chapter.

Section 4. The director shall conduct investigations and consult with the nongame advisory committee established pursuant to section five B of chapter one hundred and thirty-one in order to determine whether any species of plant or animal constitutes an endangered or threatened species or species of special concern.

Criteria for determining endangered, threatened or special concern status shall be based on biological data including, but not limited to, reproductive and population status and trends, whether the species is native or has been introduced, vulnerability, as determined by threats to the species or its habitat, specialization, as determined by unique habitat requirements; restricted distribution, as determined by limited or disjunct geographic range and rarity, as determined by a limited number of occurrences or by occurrence in limited numbers.

The director shall list endangered, threatened and special concern species and shall review said list at least once every five years for the purpose of listing or delisting species. The burden of proof for delisting species shall be on the person requesting such change in status. The establishment of said list and any proposed changes thereto shall be by regulation after a public hearing and shall be subject to the provisions of chapter thirty A.

Upon the effective date of the regulations adopted hereunder the director shall designate significant habitats of endangered or threatened species populations by regulation, after a public hearing, and subject to the provisions of chapter thirty A, on the basis of the best scientific evidence available, after taking into consideration the following criteria:

(i) the current and foreseeable threats to the population or its habitat;

(ii) the size of the population;

(iii) the potential benefits of designation to the population and to the status and welfare of the species generally; and

(iv) current and foreseeable uses of the land.

The director shall review and designate qualifying significant habitats on a yearly basis and may, from time to time, revise such designation by regulation as appropriate. The designation and revision of designation of significant habitat by the director shall constitute the adoption of regulations subject to the provisions of chapter thirty A. The location of designated significant habitat shall be marked on maps available for inspection by record owners and shall be described by metes and bounds or another adequate method which identifies the boundaries of the significant habitat.

Record owners of lands or interests in lands containing habitat to be so designated shall be notified by certified mail not less than thirty days prior to the public hearing regarding such designation. Upon the adoption of the regulation designating the significant habitat, the director shall cause a document identifying the location of each habitat so designated, together with a list of the assessed owners of such lands, to be recorded in the proper registry of deeds or, if such lands are registered, in the registry district of the land court, and shall send, by certified mail, a copy thereof to each record owner. Maps showing the location of significant habitats shall be made available to local zoning boards, planning boards and conservation commissions or, where none of the above exist, the local board of selectmen or mayor and the city council, in those communities where such habitats occur.

Local zoning boards, planning boards or conservation commissions shall notify the director, in writing, of any and all petitions, requests or applications for permits, orders or approvals regarding proposed activity within significant habitats within twenty-one days of the filing of such petitions, requests or applications.

Record owners of lands or interests in land containing significant habitat may appeal the director's designation of such significant habitat to the secretary of the office of environmental affairs by sending, by certified mail, a notice of appeal to said secretary within twenty-one days of such designation. Said secretary shall hold a hearing on such appeal within a reasonable time, and in no case later than one hundred and twenty days from the date of such designation. Said secretary shall consider the information and testimony presented at the hearing and shall make a determination thereon within sixty days. Said secretary shall reverse the decision of the director only upon a finding that such decision was without substantial basis in fact. Upon the reversal of a decision, the director shall rescind the regulation, or a part thereof, which established such designation, as it affects the appealing record owner.

In addition to the aforementioned appeal, owners of land containing significant habitat may, within twenty-one days of designation, petition the director to

consider purchasing such habitat from monies appropriated by the general court or from bond funds.

The division of fisheries and wildlife shall, after a public hearing and in accordance with the procedures set forth in chapter thirty A, adopt any regulations necessary to implement the provisions of this chapter. Said regulations shall be promulgated with the advice and assistance of a technical advisory committee to consist of nine persons to be appointed by the director; two of whom shall be university or college professors from two separate educational institutions with expertise in endangered species biology, one of whom shall be a member of a Massachusetts environmental organization; one of whom shall be a member of the nongame advisory committee established pursuant to section five B of chapter one hundred and thirty-one; one of whom shall be a member of the sporting community, one of whom shall be a representative of the utilities industry; one of whom shall be a representative of the real estate development industry, one of whom shall be a member of the staff of the department of public works and one of whom shall be a representative of agricultural interests.

The division of fisheries and wildlife shall, at least sixty days prior to filing such regulations under the provisions of section five of chapter thirty A, file such regulations with the clerk of the house of representatives who shall forward such regulations to the joint committee on natural resources and agriculture for its review at least sixty days prior to the effective date of said regulations. Said regulations shall include, but not be limited to: criteria to be applied by the director in determining which activities will reduce the viability of significant habitat to support endangered or threatened species; criteria to further define alteration of a significant habitat; and other regulations designed to carry out the purposes of this chapter. This provision shall not affect existing regulations listing endangered, threatened or special concern species in effect on the effective date of this chapter.

All agencies, departments, boards, commissions and authorities shall utilize their authorities in furtherance of the purposes of this chapter and shall review, evaluate and determine the impact on endangered, threatened and special concern species of all works, projects or activities conducted by them and shall use all practicable means and measures to avoid or minimize damage to such species.

Section 5. (a) Before any person alters a significant habitat, except as provided in paragraph (b) below or in paragraph four of section three, such person shall submit to the director the following:

(i) full plans and a complete description of the project and the anticipated use;

(ii) alternatives to the proposed project and anticipated use;

(iii) impacts of the proposed project and anticipated use on the subject species;

(iv) full plans for the protection of any endangered or threatened species present and the mitigation measures to be taken to provide amelioration of the impact;

(v) the potential economic effects of the proposed project on the person and the community; and

(vi), any additional information the director may require.

No alteration of a significant habitat may commence without a written permit issued by the director. The director shall render a decision within forty-five days of receiving all required information. A permit shall be granted only upon a finding by the director that the proposed action will not reduce the viability of the significant habitat to support the endangered or threatened species population involved.

Vegetation management activities conducted by gas or electric utility companies on existing rights of way for which the natural heritage and endangered species program of the division of fisheries and wildlife has reviewed vegetation management and yearly operational plans therefor and has made recommendations with respect to avoidance, minimization or mitigation of impacts on endangered, threatened or special concern species, and for which said utility company has incorporated any such avoidance, minimization or mitigation measures into said plans, shall forthwith be issued a permit by the director without further conditions; provided, however, that the permit may be conditioned upon implementation of any such avoidance, minimization or mitigation measures. Failure of the natural heritage and endangered species program of the division of fisheries and wildlife to make any such recommendations within ninety days of receipt of vegetation management or yearly operating plans for review shall be equivalent to the issuance of a permit by the director.

(b) Any work, project or activity of any person for which (i) a final environmental impact report certified by the secretary of environmental affairs as adequately and properly complying with the provisions of sections sixty-one to sixty-two H of chapter thirty has been issued, or (ii), an environmental notification form has been filed and the secretary has certified that an environmental impact report is not required, and for which the natural heritage and endangered species program of the division of fisheries and wildlife has reviewed the project and made recommendations with respect to avoidance, minimization or mitigation of impacts on endangered, threatened or special concern species, and for which the project proponent has incorporated any such avoidance, minimization or mitigation measures in the project design, shall forthwith be issued a permit by the director without further conditions, except that the permit may be conditioned upon implementation of any such avoidance, minimization or mitigation measures. Failure of the natural heritage and endangered species program of the division of fisheries and wildlife to make any such recommendations within the following time periods shall be equivalent to the issuance of a permit by the director: (A) if an environmental impact report is not required, ninety days after the secretary issues a notice of the receipt of an environmental notification form, as described in section sixty-two A of chapter thirty and the regulations thereunder; or (B) if an

environmental impact report is required, prior to certification by the secretary that the final environmental impact report adequately and properly complies with sections sixty-one to sixty-two H of chapter thirty.

(c) Record owners of lands or interests in lands aggrieved by a decision of the director or by his failure to act hereunder may appeal to the secretary of the office of environmental affairs by sending, by certified mail, a notice of appeal to the secretary within twenty-one days of such decision or failure to act. The secretary shall hold a hearing on such appeal within a reasonable time, and in no case later than one hundred twenty days from the date of such decision. The secretary shall consider the information and testimony presented at the hearing and shall make a determination thereon within sixty days. The secretary shall overturn the decision of the director only upon a finding that it was without substantial basis in fact, but shall fully examine on the merits any appeal involving the director's failure to act.

(d) The provisions of this section shall not apply to work performed in the normal maintenance or improvement on land in agricultural or aquacultural use.

(e) In addition to the appeal described in subparagraph (c), a landowner aggrieved by a decision of the director may file an action in superior court department of the trial court to determine whether such decision constitutes a taking requiring compensation under the Constitution of the United States.

Section 6. (a) Any person who violates the provisions of the first paragraph of section two or the rules and regulations promulgated thereunder, shall be punished by a fine of not less than five hundred dollars or imprisonment for not more than ninety days or both such fine and imprisonment. Upon a second or subsequent conviction such person shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars or by imprisonment for not more than one hundred and eighty days or both such fine and imprisonment.

(b) Any person who violates the provisions of the second paragraph of section two or rules and regulations promulgated thereunder, shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or by imprisonment for not more than ninety days or both such fine and imprisonment. Upon a subsequent conviction, such person shall be punished by a fine of not less than ten thousand dollars nor more than twenty thousand dollars or by imprisonment for not more than one hundred and eighty days or both such fine and imprisonment. In addition or as an alternative to such penalties, any such person may be ordered to restore the significant habitat to its prior condition.

(c) The commission of a prohibited act with respect to each individual animal or plant, or part thereof, shall constitute a separate violation.

SECTION 5. The division of fisheries and wildlife in the department of fisheries, wildlife and environmental law enforcement shall adopt regulations to implement the provisions of chapter one hundred and thirty-one A of the General Laws prior

to December thirty-first, nineteen hundred and ninety-one.

Approved December 27, 1990.

Chapter 409. AN ACT RELATIVE TO CERTAIN CAPITAL EXPENDITURES.

Be it enacted, etc., as follows:

Item 5095-8872 of section 2 of chapter 167 of the acts of 1987 is hereby amended by striking out, in lines 89 to 91, inclusive, the words "Any capital expenditure authorized in this appropriation" and inserting in place thereof the following words:- Any substantial capital expenditure or substantial change in service undertaken in connection with any construction or renovation project identified in this item, or with ancillary and support services associated therewith, without regard to the amount or source of funds authorized in this item.

Approved December 27, 1990.

Chapter 410. AN ACT FURTHER REGULATING MOTOR VEHICLE EMISSIONS STANDARDS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 90 of the General Laws, as most recently amended by section 56 of chapter 653 of the acts of 1989, is hereby further amended by adding the following paragraph:-

The registrar shall not register any motor vehicle which does not comply with the provisions of section one hundred and forty-two K of chapter one hundred and eleven and any regulations promulgated thereunder, or qualify as an exemption under subsection (b) of said section one hundred and forty-two K. Upon a determination that a motor vehicle is exempt under said section one hundred and forty-two K, it shall forever be exempt and the exemption shall be noted on the title of such vehicle. Said registrar shall not register any motor vehicle which has not complied with any emission system related recall. Whoever, through fraud or misrepresentation, procures or attempts to procure the registration of a motor vehicle in violation of the provisions of this paragraph, shall be subject to a fine of not more than twenty-five thousand dollars or by imprisonment for not more than one year or both such fine and imprisonment, and shall be subject to a civil penalty of not more than twenty-five thousand dollars for each such violation. Said penalties shall be in addition to any other penalties provided for any violation

hereunder. The civil penalty may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction.

SECTION 2. Chapter 111 of the General Laws is hereby amended by inserting after section 142J, as appearing in the 1988 Official Edition, the following section:-

Section 142K. (a) In addition to the provisions of section one hundred and forty-two J authorizing the department of environmental quality engineering to establish and administer setting motor vehicle emissions standards, for model years beginning with the model year nineteen hundred and ninety-three or as soon thereafter as allowable under federal law, the department of environmental protection, hereinafter referred to as the department, shall adopt motor vehicle emissions standards based on the California's duly promulgated motor vehicle emissions standards of the state of California unless, after a public hearing, the department establishes, based on substantial evidence, that said emissions standards and a compliance program similar to the state of California's will not achieve, in the aggregate, greater motor vehicle pollution reductions than the federal standards and compliance program for any such model year. The department shall publicly issue detailed written findings before and after holding a public hearing pursuant to this paragraph and said hearing shall be subject to the provisions for public hearings contained in chapter thirty A. A decision not to adopt said standards shall apply as long as the federal standards and the standards of the state of California do not change. Emissions standards adopted pursuant to this section shall include the one hundred thousand mile certification standards of the state of California.

Notwithstanding any other provision of this section, the department may postpone, for no more than one year, the adoption of said motor vehicle emission standards if the department makes a written determination that none of the following states is likely to adopt California's motor vehicle emission standards for model year nineteen hundred and ninety-three pursuant to the requirements of 42 USC 7507: Connecticut, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The department may further postpone adopting said motor vehicle emission standards for an additional year if the department makes a written determination that none of the aforesaid listed states is likely to adopt California's motor vehicle emission standards for model year nineteen hundred and ninety-four.

(b) No corporation, person or other entity shall sell or offer for sale a motor vehicle or motor vehicle engine, manufactured during or after the first model year that the motor vehicle emissions standards specified in subsection (a) are in effect which is intended for use primarily in the commonwealth and which has not been certified according to regulations promulgated by the department; provided, however, that reasonable exemptions may be made by the department for: (1) out-of-state registered vehicles transferred by inheritance, or by decree of divorce, dissolution or legal separation entered by a court of competent jurisdiction; (2)

vehicles purchased by non-residents prior to establishing residency in the commonwealth; and (3) used vehicles, as defined by regulations of the department, which were originally purchased in states with emission standards different from the standards of the commonwealth. Upon the granting of an exemption from the provisions of this section, a motor vehicle shall forever be exempt. The department may promulgate regulations including, but not limited to, prohibitions on the purchase, importation, delivery, receipt, rental, leasing or acquisition of motor vehicles or motor vehicle engines not in compliance with the provisions of this section.

(c) On or before August first, nineteen hundred and ninety, the department shall promulgate regulations to ensure maximum motor vehicle pollution reductions pursuant to the provisions of this section including, but not limited to: engine family certification standards; after-market parts certification; one hundred percent assembly line functional testing; two percent manufacturer quality audits; post assembly line pre-sale new vehicle testing; dealership inspection; in-use testing; anti-tampering protections; on-board diagnostics, and warranty and recall requirements. The promulgation of these regulations may be postponed in accordance with the provisions of subsection (a) concerning postponement but, in no event shall the department promulgate regulations later than June first, nineteen hundred and ninety-two.

(d) The manufacturer's warranty for passenger vehicles certified pursuant to subsection (a) shall extend, at a minimum, for three years or fifty thousand miles for emissions related parts with a retail cost of less than three hundred dollars and seven years or seventy thousand miles for emissions related parts with a retail cost of three hundred dollars or more. The department shall periodically adjust said three hundred dollar repair level by the percentage change in the consumer price index, as published by the United States Bureau of Labor Statistics. For the model year nineteen hundred and ninety-three, if the motor vehicle emissions standards as specified in subsection (a) are in effect, manufacturers shall report to the department all repairs made under warranty if the number of repairs on a specific model, for a specific emissions part, exceeds four percent of the total number of the model sold. For model year nineteen hundred and ninety-four and subsequent model years, if the motor vehicle emissions standards as specified in subsection (a) are in effect, manufacturers shall report to the department all repairs made under warranty if the number of repairs on a specific model for a specific emissions part exceeds two percent of the total number of the model sold.

(e) Any corporation, person, municipality or other entity that violates the requirements of this section or any regulation adopted hereunder shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than one year or both such fine and imprisonment and shall be subject to a civil penalty of not more than twenty-five thousand dollars for each such violation.

Each day that a violation for any motor vehicle continues shall be a separate offense. The civil penalty may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction.

The penalties imposed hereunder shall be in addition to all other enforcement powers of the department under applicable law.

(f) The provisions of this section are intended as minimum requirements of the commonwealth's motor vehicle emissions program and shall not limit the department's authority to adopt and implement the stricter air quality regulations allowed under any other federal and state law.

(g) To decrease the impact of out-of-state generated auto emissions on the air quality of the commonwealth, the department is hereby directed to work in cooperation with other states to facilitate Massachusetts' and other states' adoption of more stringent motor vehicle emissions control programs. The department is authorized to work in cooperation with and enter into contracts with other states in generating and reviewing certification, testing, recall and warranty data so long as such cooperation does not limit the effectiveness of the program established by this section and the department may adopt other states' certification results by reference.

(h) The responsibilities hereunder shall be in addition to all other responsibilities imposed by any other general or special law or rule or regulation.

SECTION 3. On or before February first, nineteen hundred and ninety-one, the executive office for administration and finance shall, in consultation with the department, levy fees upon motor vehicle manufacturers commensurate with the costs of implementing this section.

Approved December 27, 1990.

Chapter 411. **AN ACT DIRECTING THE CERTIFICATION AND APPOINTMENT OF THOMAS W. LUNDQUIST AS A FIREFIGHTER IN THE TOWN OF ROCKLAND.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of applicants for appointment as a firefighter, the personnel administrator is hereby authorized and directed to certify the name of Thomas W. Lundquist for original appointment to the position of firefighter in the town of Rockland according to his score on the civil service examination for such position and, provided that said Thomas Lundquist meets all other requirements for such appointment to such position, the town of Rockland is hereby authorized and directed to so appoint said Thomas Lundquist.

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

Approved December 27, 1990.

Chapter 412. AN ACT FURTHER REGULATING THE TERMS OF A SPECIAL ACCOUNT AT THE QUINCY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. Chapter 312 of the acts of 1981 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. The account authorized by section one shall be maintained by the city treasurer in a banking institution in said city and expenditures from such account shall be made by the director of the Quincy hospital without appropriation and used for the operation and maintenance and for the provision of capital, equipment and plant for said hospital. In addition, upon recommendation by the director and approval by a two-thirds vote of the board of managers, expenditures from such account may be loaned with proper surety and security as determined by the city solicitor and city auditor, for purposes of assisting in physician recruitment. Such account shall be maintained in accordance with generally accepted accounting principles, and shall be audited annually by a certified public accountant. Such audits shall be submitted to the board of managers of said hospital and to the mayor and members of the city council of said city. The city treasurer shall be authorized to invest the monies in such special account as authorized by section fifty-five A of chapter forty-four of the General Laws and the interest accruing thereon shall inure to the benefit of the Quincy hospital. For the purpose of providing health care for the citizens of the city of Quincy, said city may from time to time appropriate monies into said account and donations from private sources may be received into such special account.

SECTION 2. Section 3 of said chapter 312 is hereby amended by striking out the third sentence, and inserting in place thereof the following sentence:- All such sums so advanced shall be deposited into such account established under section one and said director shall repay such advances to the general fund together with an amount equal to the interest determined by the city treasurer to be allocable to any debt incurred during that fiscal year by the city in anticipation of revenue in order to make such advances.

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

Approved December 27, 1990.

Chapter 413. AN ACT FURTHER REGULATING THE ACQUISITION OF CAPITAL STOCK BY LIFE INSURANCE COMPANIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the acquisition of capital stock by life insurance 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:

Section 66D 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:- A domestic life company may invest in, acquire and hold fifty-one percent or more of the capital stock of any corporation as a subsidiary which is: a corporation providing investment advisory or management services; a corporation providing sales services to an investment company; a real property holding, developing, managing or leasing corporation; a data processing or computer service corporation; or a corporation whose business has been approved by the commissioner as complementary or supplementary to the business of a domestic life company; provided, however, that such percentage of capital stock may with the approval of the commissioner be less than fifty-one, excepting (1) an insurance company authorized to transact in the commonwealth the business set forth in the First, Second, Third, Fourth, Fifth or Eighth clause of section forty-seven, and (2) a corporation licensed by the commonwealth as an insurance agent or insurance broker for any business set forth in said clauses.

Approved December 27, 1990.

Chapter 414. AN ACT RELATIVE TO THE APPOINTMENT OF THE CHIEF OF POLICE IN THE TOWN OF DEDHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section ninety-seven A of chapter forty-one of the General Laws regarding the term of appointment, the town of Dedham is hereby authorized to appoint a chief of police annually or for a term of years not exceeding five years under the provisions of said section ninety-seven A.

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

Approved December 27, 1990.

Chapter 415. AN ACT PROHIBITING THE ISSUANCE OR RENEWAL OF PROFESSIONAL OR OCCUPATIONAL LICENSES TO EDUCATION LOAN DEFAULTERS.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 30A of the General Laws is hereby amended by adding the following paragraph:-

Any board of registration operating under the provisions of chapter one hundred and twelve, upon receiving a written list of names of educational loan defaulters from the Massachusetts Education Financing Authority established pursuant to section four of chapter fifteen C or the Massachusetts Higher Education Assistance Corporation created under chapter two hundred and ninety-eight of the acts of nineteen hundred and fifty-six, shall deny issuance of a professional or occupational certificate, registration, license, or authority to any applicant who is in such default on an educational loan made under any of the programs administered by said authority or corporation, hereinafter referred to in this paragraph as the loan agency. Any such applicant so denied a certificate, registration, license or authority due to such applicant's default on an educational loan shall be informed by the applicable board of registration of the availability of the following review procedure provided by this paragraph. Within thirty days of the receipt of such denial, the applicant may request the loan agency which notified the board of registration of the default to conduct a review of the applicant's alleged loan default. Upon receipt of a request for review, the loan agency shall notify the board of registration that the applicant has requested a review, whereupon the board of registration shall provisionally grant the certificate, registration, license or authority until the board of registration is notified by said loan agency of the disposition of the review. Such review shall include a determination that said loan agency has complied with all federal requirements applicable to student loan defaulters, and any further requirements specified by the secretary of consumer affairs and business regulation. If the educational loan agency which conducts the review determines that the notice of default was in error, or enters into an arrangement for repayment or enters into any other arrangement with the applicant, the loan agency shall promptly notify the applicable board of registration and such board shall issue the certificate, registration, license or authority to the applicant, provided the applicant meets all other requirements therefor. If the loan agency determines that the notice of default was warranted, the loan agency shall notify the applicable board of registration, to revoke said provisional certificate, registration, license or authority previously issued. The secretary of consumer affairs and business regulation is hereby authorized to promulgate regulations

pursuant to sections one to eight, inclusive, to enforce the provisions of this paragraph.

SECTION 2. Section 61 of chapter 112 of the General Laws is hereby amended by inserting after the first paragraph the following paragraph:-

Each such board of registration or examination, upon receiving a written list of names of educational loan defaulters from the Massachusetts Education Financing Authority established pursuant to section four of chapter fifteen C or the Massachusetts Higher Education Assistance Corporation created under chapter two hundred and ninety-eight of the acts of nineteen hundred and fifty-six, shall suspend, revoke or cancel a professional or occupational certificate, registration, license, or authority issued by it if the holder is so listed as being in default on an educational loan made under any of the programs administered by such authority or corporation, hereinafter referred to in this paragraph as the loan agency. Any such holder whose certificate, registration, license or authority is suspended, revoked or cancelled pursuant to this paragraph because of such holder's default on an educational loan shall be informed by the applicable board of registration of the availability of the review procedure provided by this paragraph. Within thirty days of the receipt of notice of such suspension, revocation or cancellation, the holder may request the loan agency which notified the board of registration of the default to conduct a review of the applicant's alleged loan default. Upon receipt of a request for review, the loan agency shall notify the board of registration that the applicant has requested a review, whereupon the board of registration shall provisionally cancel the suspension, revocation or cancellation of the certificate, registration, license or authority until the board of registration is notified by said loan agency of the disposition of the review. Such review shall include a determination that said loan agency has complied with all federal requirements applicable to student loan defaulters, and any further requirements specified by the secretary of consumer affairs and business regulation. If the loan agency which conducts the review determines that the notice of default was in error, or enters into an arrangement for repayment or enters into any other arrangement with the applicant, the loan agency shall promptly notify the applicable board of registration and such board shall reinstate or renew the certificate, registration, license or authority of the holder, provided the holder meets all other requirements therefor. If the loan agency determines that the notice of default was warranted, the loan agency shall notify the applicable board of registration to suspend, revoke or cancel said certificate, registration, license or authority. The secretary of consumer affairs and business regulation is hereby authorized to promulgate regulations pursuant to sections one to eight, inclusive, of chapter thirty A to enforce the provisions of this paragraph.

Approved December 27, 1990.

Chapter 416. **AN ACT AUTHORIZING A BI-WEEKLY PAY SYSTEM IN THE CITY OF GLOUCESTER.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one hundred and forty-eight of chapter one hundred and forty-nine of the General Laws, the city of Gloucester is hereby authorized to implement a bi-weekly pay system for all city employees.

Approved December 27, 1990.

Chapter 417. **AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF HEALTH OF THE CITY OF GLOUCESTER.**

Be it enacted, etc., as follows:

The city of Gloucester is hereby authorized to increase the membership of the board of health of said city to five members.

Approved December 27, 1990.

Chapter 418. **AN ACT RELATIVE TO THE RESPONSIBILITY OF NURSING HOMES FOR THE PERSONAL POSSESSIONS OF PATIENTS.**

Be it enacted, etc., as follows:

Section 72 of chapter 111 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 11, the word "and" and inserting in place thereof the following words:- , minimum requirements relative to the prevention and reparation of loss of or damage to patient's possessions including personal clothing, and minimum requirements relative to facility.

Approved December 27, 1990.

Chapter 419. **AN ACT RELATIVE TO THE PAYMENT OF BENEFITS BY THE WAKEFIELD POLICE RELIEF ASSOCIATION, INC.**

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and thirty of the acts of nineteen hundred

and seventy-nine is hereby repealed.

SECTION 2. The Wakefield Police Relief Association, Inc. is hereby authorized to pay, upon the retirement from the police department of the town of Wakefield of any member in good standing who has been a member for at least twenty years, upon a written request filed with the secretary of the Association within ninety days of such retirement and upon the surrender of the members certificate of member, to such member the sum of seven thousand dollars which shall be in lieu of any death benefit otherwise payable upon the death of such member and such member shall cease to be a member.

Said member may elect to receive the sum of five thousand dollars and two thousand dollars shall be paid as a death benefit upon the death of said member.

Approved December 27, 1990.

Chapter 420. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF HOLYOKE.

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 city of Holyoke, to an individual or entity, 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 environmental management said land is bounded and described as follows:-

Westerly by Interstate Ninety-One;

Northerly by land of George W. Page, Jr.;

Easterly by Smith's Ferry Road and the City of Holyoke cemetery

The above description is located within the northerly portion of a plan entitled "Plan of Land in the city of Holyoke, Massachusetts, Hampden County, owned by the Commonwealth of Massachusetts", prepared by Durkee, White, Towne and Chapdelaine, Civil Engineers and Land Surveyors, 356 Front Street, Chicopee, Massachusetts, being Drawing 89-5051, dated June 10, 1990.

SECTION 2. The recipient of said parcel 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. The third paragraph of section 154 of chapter 150 of the acts of 1990 is hereby amended by inserting after the word "date", in line 6, the words:-

; and provided, further, that, in accordance with subsection (5) of section twenty-five of chapter thirty-two of the General Laws, the obligations to the retirees of the Mount Tom state reservation commission which were incurred prior to July first, nineteen hundred and ninety, shall continue to be paid by Hampden and Hampshire counties in proportion to their assessed valuations for as long as such obligations exist.

Emergency Letter: January 2, 1991 @ 4:58 P.M. Approved December 27, 1990.

Chapter 421. **AN ACT AUTHORIZING THE TOWN OF BLACKSTONE TO CONTINUE THE EMPLOYMENT OF JOHN F. GREENE AS FIRE CHIEF.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, John F. Greene, chief of the fire department in the town of Blackstone is hereby authorized to continue in such position until and including February tenth, nineteen hundred and ninety-two, provided that he is mentally and physically capable of performing the duties of his position. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to February tenth, nineteen hundred and ninety-one 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. This act shall take effect as of February tenth, nineteen hundred and ninety-one.

Approved December 27, 1990.

Chapter 422. **AN ACT DESIGNATING A CERTAIN PICNIC AREA IN THE TOWN OF FREETOWN AS THE JOSEPH "OLD SMOKEY" AGUIAR PICNIC AREA.**

Be it enacted, etc., as follows:

The picnic area in the Freetown-Fall River State Forest on Slabridge road in the area known as Assonet in the town of Freetown shall be designated and known as the Joseph "Old Smokey" Aguiar picnic area. A suitable marker bearing such designation shall be attached thereto.

Approved December 27, 1990.

Chapter 423. **AN ACT DESIGNATING THE TOWN OF WESTPORT AS THE COASTAL AGRICULTURAL RESOURCE COMMUNITY OF NEW ENGLAND.**

Be it enacted, etc., as follows:

The town of Westport shall be designated and known as The Coastal Agricultural Resource Community of New England.

Approved December 27, 1990.

Chapter 424. **AN ACT RELATIVE TO CERTAIN RESTRICTIONS ON CONSERVATION LAND LOCATED IN THE TOWN OF BARNSTABLE.**

Be it enacted, etc., as follows:

The town of Barnstable is hereby authorized to release, a certain conservation restriction, subject to the approval of the secretary of environmental affairs, given by Francis N. Hamblin and Alice C. Hamblin, and recorded with the Barnstable registry of deeds in Book 2831 at page 5. The town of Barnstable is hereby authorized to establish a trust fund consisting of the proceeds of a payment made by the said Hamblins in connection with this release, the income from which shall be used by the town for conservation purposes.

Approved December 27, 1990.

Chapter 425. **AN ACT EXEMPTING CERTAIN PERSONS FROM THE CERTIFIED COURT INTERPRETER'S EXAMINATION.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter two hundred and twenty-one C of the General Laws or any general or special law to the contrary, and in order to promote the public good, the committee for the administration of interpreters for the trial court is hereby authorized and directed to exempt Joseph Jack and Leonard Rodriquez, two full-time court interpreters in Hampden county, from the requirements of section two and subsection (e) of section seven of said chapter two hundred and twenty-one C. Said interpreters shall continue their employment without loss of current salary or classification, medical and health

insurance, retirement and any other benefits, for the purpose of their continued full-time employment as court interpreters entitling them to be appointed by a judge under section two of said chapter two hundred and twenty-one C.

Such exemption shall not otherwise entitle either the said Joseph Jack or the said Leonard Rodriquez to be considered a certified interpreter until they pass the interpreters certification examination or an alternative method of certification as the chief administrative justice for the trial court may determine; provided, however, that the office of the chief administrative justice shall be responsible for providing training and assistance to the said Joseph Jack and the said Leonard Rodriquez if they choose to take the certification examination; and provided, further, that there shall be no time limit given to either party for passing such certification examination or such alternative method.

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

Approved December 28, 1990.

Chapter 426. AN ACT AUTHORIZING THE CONVEYANCE OF EASEMENTS IN THE CITY OF WORCESTER.

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 to forty J, inclusive, of chapter seven of the General Laws, to convey by deed approved as to form by the attorney general, certain permanent easements over, under and across land located at the University of Massachusetts Medical Center, to the Central Massachusetts Long Term Care Partnership, its successors and assigns, provided that a health-care facility is constructed and operated on the land shown on a plan recorded in the Worcester district registry of deeds, Plan Book 618, Plan 64, and, subject to the requirements of sections two and three and to such terms and conditions as the deputy commissioner may prescribe, in consultation with said University of Massachusetts Medical Center.

Said easements being bound and described as follows:

Easement A

A 60 foot wide easement located Southeasterly of Plantation Street in the City of Worcester, County of Worcester, Commonwealth of Massachusetts described as follows:

Beginning at the northeasterly corner of said easement at the southeasterly corner of land of Mildred S. Stapor & Joseph Scampini and the southwesterly corner of land of Mary A. Pascarelli at land of the Commonwealth of Massachusetts;

Thence S 33° 17' 00" E a distance of 57.06 feet;

Thence N 89° 25' 14" W a distance of 72.26 feet;

Thence N 33° 17' 00" W a distance of 56.12 feet to land of said Stapor and Scampini, the previous three courses being on land of said Commonwealth of Massachusetts;

Thence N 89° 57' 15" E a distance of 71.74 feet by land of said Stapor and Scampini to the point of beginning.

The above described easement contains 3,395 square feet more or less, and is shown as easement "A" on a plan entitled "'Easement' Plan of Land in Worcester, Mass., Property of: Commonwealth of Massachusetts University of Massachusetts Medical Ctr., Scale: 40 feet to an inch, Date: February 9, 1990" by Guerriere & Halnon, Inc. Engineering and Land Surveying, 333 West Street, Milford, Mass.

Said easement may be used to construct, maintain, repair, renew, and replace a driveway as means of ingress and egress for vehicular and pedestrian traffic to and from the property of the Central Massachusetts Long Term Care Partnership, its successors and assigns.

Easement B

A 40 foot wide easement located on the southeasterly side of Plantation Street in the City of Worcester, County of Worcester, Commonwealth of Massachusetts, described as follows:

Beginning at the southwesterly corner of said easement on the southeasterly side of said Plantation Street at a point northeasterly 1942 feet, more or less, from Belmont Street;

Thence N 28° 57' 30" E a distance of 74.24 feet by the southeasterly side of said Plantation Street to a point;

Thence S 61° 09' 40" E a distance of 51.60 feet;

Thence N 89° 57' 15" E a distance of 904.32 feet;

Thence S 00° 02' 45" E a distance of 40.00 feet;

Thence S 89° 57' 15" W a distance of 985.50 feet to the point of beginning, the previous four courses being on land of the Commonwealth of Massachusetts.

The above described easement contains 39,712 square feet more or less, and is shown as easement "B" on a plan entitled "'Easement' Plan of Land in Worcester, Mass., Property of: Commonwealth of Massachusetts University of Massachusetts Medical Ctr., Scale: 40 feet to an inch, Date: February 9, 1990" by Guerriere & Halnon, Inc. Engineering and Land Surveying, 333 West Street, Milford, Mass.

Said easement may be used as a means of ingress and egress for vehicular and pedestrian traffic from Plantation Street to the property of the Central Massachusetts Long Term Care Partnership, its successors and assigns.

Easement C

A 20 foot wide sewer easement located southeasterly of Plantation Street in the City of Worcester, County of Worcester, Commonwealth of Massachusetts described as follows:

Beginning at the northeasterly corner of said easement at a point on the southerly side of land of Mildred S. Stapor and Joseph Scampini, said point being S 89° 57' 15" W a distance of 9.57 feet from the southwesterly corner of land of Mary A. Pascarelli, and at land of the Commonwealth of Massachusetts.

Thence S 33° 17' 00" E a distance of 77.71 feet;

Thence S 89° 57' 15" W a distance of 23.91 feet;

Thence N 33° 17' 00" W a distance of 77.71 feet to land of said Stapor and Scampini, the previous three courses being on land of the Commonwealth of Massachusetts;

Thence N 89° 57' 15" E a distance of 23.91 feet by land of said Stapor and Scampini to the point of beginning.

The above described easement contains 1,554 square feet more or less, and is shown as easement "C" on a plan entitled "'Easement' Plan of Land in Worcester, Mass., Property of: Commonwealth of Massachusetts University of Massachusetts Medical Ctr., Scale: 40 feet to an inch, Date: February 9, 1990" by Guerriere & Halnon, Inc. Engineering and Land Surveying, 333 West Street, Milford, Mass.

Said easement may be used to install, use, maintain, repair, renew and replace a sewer line.

Easement D

A 20 foot wide drain easement located southeasterly of Plantation Street in the City of Worcester, County of Worcester, Commonwealth of Massachusetts described as follows:

Beginning at the northeasterly corner of said easement at a point on the southerly side of land of Mildred S. Stapor and Joseph Scampini, said point being S 89° 57' 15" W a distance of 20.33 feet from the southwesterly corner of land of Mary A. Pascarelli, and at land of the Commonwealth of Massachusetts;

Thence S 33° 17' 00" E a distance of 37.06 feet;

Thence S 89° 57' 15" W a distance of 23.91 feet;

Thence N 33° 17' 00" W a distance of 37.06 feet to land of said Stapor and Scampini, the previous three courses being on land of the Commonwealth of Massachusetts;

Thence N 89° 57' 15" E a distance of 23.91 feet by land of said Stapor and Scampini to the point of beginning.

The above described easement contains 741 square feet more or less, and is shown as easement "D" on a plan entitled "'Easement' Plan of Land in Worcester, Mass., Property of: Commonwealth of Massachusetts University of Massachusetts Medical Ctr., Scale: 40 feet to an inch, Date: February 9, 1990" by Guerriere & Halnon, Inc. Engineering and Land Surveying, 333 West Street, Milford, Mass.

Said easement may be used to install, use, maintain, repair, renew and replace a surface sewer line for drainage.

SECTION 2. No deed conveying by or on behalf of the commonwealth the

easements described in section one shall be valid unless such deed provides that said easements shall be used for the purpose of laying, maintaining, repairing, replacing and using underground utility lines, and for passage and access purposes, including but not limited to pedestrian and maintenance vehicular passage and access as well as emergency access.

SECTION 3. The Central Massachusetts Long Term Care Partnership shall assume the costs of appraisals, surveys and for other expenses as deemed necessary by the deputy commissioner for granting these easements.

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

Approved December 28, 1990.

Chapter 427. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN EASEMENTS OVER COMMONWEALTH-OWNED LAND IN THE CITY OF QUINCY.**

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 five permanent easements over land located in the city of Quincy, to the city of Quincy, 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 metropolitan district commission, said easements being described as follows:

The above described easements are shown on sheets 1 and 4 of a plan entitled "Easement Plan of Land in Quincy, Mass., Whitman & Howard, Inc.", dated September 6, 1990, drawn by Joseph W. McCarthy, Jr.

SECTION 2. No deed conveying by or on behalf of the commonwealth the easements described in section one shall be valid unless such deed provides that said easements shall be used for the purpose of laying, maintaining, repairing, replacing, and using one or more sanitary sewer lines and related sewerage treatment facilities.

SECTION 3. If the aforementioned purposes as described in section two ceases at any time, said easements shall revert to the commonwealth under terms and conditions as the deputy commissioner of the division of capital planning and operations shall prescribe.

SECTION 4. The city of Quincy shall assume the costs of any appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner of

the division of capital planning and operations for the granting of these easements.

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

Approved December 28, 1990.

Chapter 428. AN ACT FURTHER REGULATING THE CONDUCT OF DOG RACING.

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

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 12A of chapter 494 of the acts of 1978, as appearing in section 4 of chapter 277 of the acts of 1986, is hereby amended by striking out in line 2, the words:- "eighty-six through nineteen hundred and ninety" and inserting in place thereof the following words:- "ninety-one through nineteen hundred and ninety-five".

SECTION 2. Said section 12A of said chapter 494, as so appearing in section 4 of said chapter 277 is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Funds paid by licensees and deposited by the commission in the Greyhound Capital Improvements Trust Fund and in the Greyhound Promotional Trust Fund shall remain in said funds until expended under this section; provided however, that any amount in said accounts as of December thirty-first nineteen hundred and ninety-five which has not been so expended or as to which no binding commitment has been made by said trustees shall thereupon be deposited in the General Fund.

SECTION 3. The introductory paragraph of section 13 of said chapter 494, as appearing in section 5 of said chapter 277 is hereby amended by striking out in lines 4 to 7, inclusive, the words "during the calendar years nineteen hundred and eighty-six through nineteen hundred and ninety, for clauses (c) and (f), and during the calendar years nineteen hundred and eighty-five through nineteen hundred and ninety," and inserting in place thereof:- during the calendar years nineteen hundred and ninety-one through nineteen hundred and ninety-five for clauses (c) and (f), and during the calendar years nineteen hundred and ninety-one through nineteen hundred and ninety-five,.

SECTION 4. Section 15 of said chapter 494, as appearing in section 8 of said chapter 277, is hereby amended by striking out the words "During calendar years nineteen hundred and eighty-seven through nineteen hundred and ninety," and

inserting in place the words:- During the calendar years nineteen hundred and ninety-one through nineteen hundred and ninety-five,.

SECTION 5. The first sentence of the first paragraph of said section 9 of said chapter 277 is hereby amended by striking out, in lines 3 and 4, the words:- "during the calendar years nineteen hundred and eighty-six through nineteen hundred and ninety," and inserting in place thereof the following words:- , during the calendar years nineteen hundred and ninety-one through nineteen hundred and ninety-five,.

Approved December 28, 1990.

Chapter 429. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT AN EASEMENT TO THE BOSTON EDISON COMPANY IN LAND LOCATED IN THE CITY OF BOSTON.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey by deed, approved as to form by the attorney general, an easement over a certain parcel of land located in the city of Boston presently under the control of said division for the purposes of constructing, reconstructing, installing, replacing, repairing, adding to, renewing, inspecting, maintaining, operating and abandoning in place steel pipes and conduits comprising a three hundred and forty-five thousand volt electric transmission line and conduits with fiber optic cables to the Boston Edison Company and subject to such additional terms and conditions as said deputy commissioner or a successor state agency may prescribe. The consideration for such easement shall be the fair market value of said easement as determined by an independent appraisal. Said consideration to be agreed upon by said Boston Edison Company and said deputy commissioner or a successor state agency. The cost of appraisals, surveys and other expenses shall be paid by said Boston Edison Company. Said parcel and easement are shown on a plan, entitled "Easement Plan in Boston, MA" drawn by Survey Engineers of Boston and dated February 9, 1987 on file with Boston Edison Company, to be recorded in the Suffolk county registry of deeds.

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

Approved December 28, 1990.

Chapter 430. AN ACT RELATIVE TO THE CHARLEMONT SEWER DIS TRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 266 of the acts of 1981 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For the purpose of paying the necessary expenses and liabilities incurred under this act, the district may from time to time, within fifteen years after the passage of this act, borrow in addition to amounts authorized by chapter forty-four of the General Laws such sums as may be necessary, not exceeding in the aggregate, four hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Charlemont Sewerage District Loan, Act of 1981.

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

Approved December 28, 1990.

Chapter 431. AN ACT RELATIVE TO THE CHILDREN'S TRUST FUND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the expenditure of funds from the Children's Trust Fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 202 of Chapter 6 of the General Laws as appearing in the 1988 official edition is hereby amended by striking out in line 3 the words "twenty-five" and inserting in place thereof the words "between twenty-five and fifty, to be appointed by the Governor from recommendations by the Board, with particular attention given to appointing members who reflect the ethnic and racial diversity of the Commonwealth's children, youth and their families, provided that such appointments are made no sooner than February first, nineteen hundred and ninety-one".

SECTION 2. Section 203 of Chapter 6 of the General Laws is hereby amended by inserting in line 23 after the word "neglect;" the following;- such agencies shall provide information requested by the Board to carry out its duties, particularly its duty to maximize all federal funds available for reimbursement to the Children's Trust Fund for prevention activities;.

SECTION 3. Section 203 of Chapter 6 of the General Laws is hereby further

amended by striking clause (4) in the first sentence of the second paragraph and inserting in place thereof the following clause; (4) to authorize the expenditure of all funds deposited into the Children's Trust Fund;.

SECTION 4. Chapter 10 of the General Laws as so appearing is hereby amended by deleting section 50 and inserting in place thereof the following section:

Section 50. There shall be established upon the books of the Commonwealth a separate fund to known as the Children's Trust Fund, which shall not be subject to further appropriation. These funds shall be expended for the purposes set forth in the fourth paragraph of section 202 and subsections (1) through (9) of section 203 of chapter 6.

The Child Abuse Prevention Board, established pursuant to section 202 and 203 of Chapter 6, is authorized to receive and expend monies received from (1) state appropriations; (2) gifts, grants and donations from public or private sources; (3) federal reimbursements, grants-in-aid, or other monies credited or transferred from any other fund or source pursuant to law; (4) and any interest earned from the Children's Trust Fund. These funds shall be impressed with a trust and held for the Board in the Children's Trust Fund. The State treasurer may receive, deposit and invest funds held for the Board in such a manner that will insure the highest interest rate available consistent with the safety of the fund.

The books and records of the Children's Trust Fund shall be subject to an annual audit be the state auditor.

The comptroller is hereby authorized to transfer to the Children's Trust Fund all monies, including interest, in the Child Abuse Prevention Fund.

Approved December 28, 1990.

Chapter 432. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF SAMUEL SLATER DAY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately designate December twentieth as Samuel Slater 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 15 OOO, inserted by chapter of the acts of 1990, the following section:-

Section 15PPP. The governor shall annually issue a proclamation setting apart December twentieth as Samuel Slater Day, in recognition of the beginning of

America's Industrial Revolution along the banks of the Blackstone River where Samuel Slater established his first mill and later relocated and established the town of Webster, and in further recognition of the contribution of countless working men and women to America's national greatness, and recommending that said day be observed in an appropriate manner by the people.

Approved December 28, 1990.

Chapter 433. AN ACT RELATIVE TO THE MASSACHUSETTS WATERFOWL STAMP.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize and direct the secretary of administration and finance to establish a fee for the Massachusetts waterfowl stamp, therefore 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 secretary of administration and finance, pursuant to the provisions of section forty-five of chapter one hundred and fifty of the acts of nineteen hundred and ninety and section eleven of chapter one hundred and thirty-one of the General Laws and notwithstanding the provisions of any general or special law to the contrary, is hereby authorized and directed to establish a fee of five dollars for the Massachusetts waterfowl stamp.

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

Approved December 28, 1990.

Chapter 434. AN ACT RELATIVE TO THE REPORTING OF HATE CRIMES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 116A the following section:-

Section 116B. The criminal justice training council shall provide instruction for police officers in identifying, responding to and reporting all incidents of hate crime, as defined in section sixteen of chapter twenty-two. The criminal justice training council shall include such instruction in all curricula for recruits and in-service trainees and in all police academies operated or certified by said council.

SECTION 2. Chapter 22 of the General Laws is hereby amended by adding the following four sections:-

Section 16. For the purposes of sections 16 to 19, inclusive, the following words shall have the following meanings:-

"Crime reporting unit", a joint project of the department of public safety and the criminal history systems board charged with the responsibility of collecting incident reports submitted by state, local and campus police departments and other law enforcement authorities and disseminating periodic reports analyzing and interpreting crime rates and trends in the commonwealth.

"Hate crime", any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part, by racial, religious, ethnic, handicap or sexual orientation prejudice, or which otherwise deprives another person of his constitutional rights by threats, intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation. Hate crime shall also include, but not be limited to, acts that constitute violations of sections thirty-seven and thirty-nine of chapter two hundred and sixty-five, section one hundred and twenty-seven A of chapter two hundred and sixty-six and chapter two hundred and seventy-two.

"Hate crime data", information, incident reports, records and statistics relating to hate crimes, collected by the crime reporting unit.

"Incident report", an account of occurrence of a hate crime received or collected by the crime reporting unit.

Section 17. The commissioner of public safety shall promulgate regulations relating to the collection of hate crime data.

Said regulations shall include, but not be limited to, the following:

(1) Establishment of a central repository for the collection and analysis of hate crime data and, upon the establishment of such repository, the crime reporting unit shall be responsible for collecting, analyzing, classifying and reporting such data, and shall maintain this information in the central repository.

(2) Procedures necessary to ensure effective data-gathering and preservation and protection of confidential information, and the disclosure of information in accordance with section nineteen.

(3) Procedures for the solicitation and acceptance of reports regarding hate crime which are submitted to the crime reporting unit.

(4) Procedures for assessing the credibility and accuracy of reports of hate crime data from law enforcement agencies.

Section 18. The crime reporting unit shall summarize and analyze reports of hate crime data it receives. Said unit shall transmit copies of all such reports to the attorney general. The crime reporting unit shall also file an annual report regarding

hate crime data with the governor, the attorney general, the joint committees on public safety, criminal justice and the judiciary, and the senate and house committees on ways and means. Such annual reports shall be public records.

Section 19. The crime reporting unit shall cause any hate crime data collected to be made available for use by any law enforcement agency and shall also be made available to any unit of local government, to any state agency and to the general public in a manner consistent with the requirements of sections one hundred and sixty-seven and one hundred and sixty-eight of chapter six. Dissemination of such information shall be subject to all confidentiality requirements otherwise imposed by law.

Emergency Letter: December 31, 1990 @ 3:28 P.M. Approved December 28, 1990.

Chapter 435. AN ACT AUTHORIZING THE TRANSFER OF CERTAIN PARK LAND BY THE TOWN OF BREWSTER.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Brewster is hereby authorized to transfer the care, custody, management and control of a portion of the land shown on Brewster Assessor's Map 46 as Parcels 4 and 14, which parcels were taken for conservation purposes by said town on January eleventh, nineteen hundred and sixty-seven, to the board of water commissioners to be used for watershed protection, public water supply purposes, passive recreation, and conservation purposes; and further, by transferring by mutual agreement the remainder of said land to the recreation commission to be used for recreation purposes, limited to the construction of athletic fields with ancillary buildings and structures not to exceed six hundred square feet in size, for playing baseball, softball, soccer, and other sports with support parking and sanitary facilities in consultation with said board of water commissioners; and to transfer the sum of twelve thousand dollars from Article 41 of nineteen hundred and eighty-nine annual town meeting, and to raise and appropriate eight thousand dollars for engineering, survey, and design of ball fields, to be spent under the supervision of the board of selectmen; and further, in order to provide comparable or equivalent land for conservation purposes as required by the town's self help contracts with the division of conservation services, to transfer the care, custody, management and control of the land shown as Article 2 and Article 4 on a plan of land entitled "A sketch showing Articles 1, 2, 3 and 4 of special town meeting March 9, 1987 prepared for Land Acquisition Committee February 9, 1987, 1 inch = 400 feet, Nickerson and Berger, Inc., Registered Land Surveyors and Professional Engineers, 260 Cranberry Highway, Orleans, MA", which plan is recorded at the

registry of deeds in the county of Barnstable in Plan Book 432, Pages 58 and 59, from the board of selectmen to the conservation commission, to be used for conservation, watershed protection, and passive recreation purposes under the provisions of section eight C of chapter forty of the General Laws, or to take any other necessary action relative thereto.

Approved December 28, 1990.

Chapter 436. AN ACT RELATIVE TO THE PROTECTION AND MAINTENANCE OF QUABBIN WATERSHED LANDS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 737 of the acts of 1972 is hereby amended by adding the following definition:-

"Division", the division of fisheries and wildlife.

SECTION 2. Said chapter 737 is hereby further amended by striking out section 10 and inserting in place thereof the following section:-

Section 10. Hunting shall not be allowed in the Quabbin reservoir area except in those areas specified by the commission for the purposes of a deer management program as provided under the provisions of this act.

The commission shall periodically review the Quabbin reservoir lands with specific regard to the condition and resiliency of the forest ecosystem. If the commission shall determine that watershed management goals cannot be met because of deer population impacts, the commission shall, with the division, develop a deer management program which shall be administered by the division and the commission.

The deer management program shall be administered pursuant to this act and subject to such special rules and regulations as may be promulgated by the commission with respect to watershed management and by the division with respect to deer management, to insure adequate protection of the public water supply.

Approved December 28, 1990.

Chapter 437. AN ACT PROVIDING FOR FAIR AND EFFICIENT CHILD SUPPORT ENFORCEMENT IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Section 17 of chapter 209C 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 sentences:- In an action to establish paternity under this chapter, the court shall, on a motion of a party, and upon a proper showing, order the mother, the child, and the putative father to submit to one or more blood or genetic marker tests, to be performed by a duly qualified physician or other such expert. An affidavit by the mother or the putative father alleging that sexual intercourse between the mother and the putative father occurred during the probable period of conception shall be sufficient to establish a proper showing. The court may, in its discretion, order any person properly made a party under this chapter to submit to such testing.

Approved December 28, 1990.

Chapter 438. AN ACT RELATIVE TO REGULATIONS OF BOARDS OF HEALTH.

Be it enacted, etc., as follows:

The first paragraph of section 31 of chapter 111 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 three sentences:- A summary which shall describe the substance of any regulation made by a board of health under this chapter shall be published once in a newspaper of general circulation in the city or town, and such publication shall be notice to all persons. No regulation or amendment thereto which relates to the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code shall be adopted until such time as the board of health shall hold a public hearing thereon, notice of the time, place and subject matter of which, sufficient for identification, shall be given by publishing in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days prior to the date set for such hearing, or if there is no such newspaper in such city or town, then by posting notice in a conspicuous place in the city or town hall for a period of not less than fourteen days prior to the date set for such hearing. Prior to the adoption of any such regulation or amendment which exceeds the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code, a board of health shall state at said public hearing the local conditions which exist or reasons for exceeding such minimum requirements.

Approved December 28, 1990.

Chapter 439. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE CERTAIN PARCELS OF LAND IN THE CITY OF ATTLEBORO FROM THE CITY OF ATTLEBORO AND TO TRANSFER THE CARE, CUSTODY, AND CONTROL OF SAID LAND TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations, 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, certain hereinafter described parcels of public land in the city of Attleboro and to transfer the care, custody, and control of said parcels to the department of public works for highway purposes in conjunction with the alterations of Pond street for the Pond street bridge project, so-called.

SECTION 2. The deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to acquire by eminent domain, by purchase, or otherwise, a permanent drainage easement in conjunction with highway improvements to Pond street necessitated by the reconstruction of the aforesaid Pond street bridge, so-called on a certain parcel of land in the city of Attleboro.

SECTION 3. The parcels of land described in sections one and two are shown on a plan of land entitled: "Plan of Parcel in the City of Attleboro Bristol County Taken for Highway Purposes by the Department of Public Works dated March 23, 1989 Scale: 100 feet to the inch, prepared by Purcell Associates, Boston, Mass.," which plan shall be kept on file with the chief engineer of said department of public works.

Emergency Letter: December 31, 1990 @ 3:20 P.M. Approved December 28, 1990.

Chapter 440. **AN ACT RELATIVE TO COLLISION DAMAGE WAIVERS IN CAR RENTAL AGREEMENTS.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by inserting

after section 32E, as appearing in the 1988 Official Edition, the following section:-

Section 32E 1/2. (A) As used in this section the following words and phrases shall have the following meanings unless the context requires otherwise:

"Authorized Driver", a renter who drives a private passenger automobile rented under the terms of a rental agreement or any person expressly listed by the rental company on the rental agreement as an authorized driver.

"Collision Damage Waiver", any contract or contractual provision whether separate from or a part of a rental agreement, whereby the rental company agrees, for a charge, to waive any or all claims against the renter for damages to or loss of the rented private passenger automobile during the term of the rental agreement.

"Private Passenger Automobile", a motor vehicle of the private passenger or station wagon type, including a passenger van or mini van, which is designed primarily for the transport of persons.

"Rental Agreement", any written agreement setting forth the tems and conditions governing the use of a private passenger automobile provided by a rental company for thirty continuous days or less.

"Rental Company", any person or organization in the business of providing private passenger automobiles for rent to the public from locations in the state.

(B) (1) Except as provided in paragraph (2), each collision damage waiver shall display the following notice in no smaller print than ten point type:

"NOTICE: This contract offers, for an additional charge, a Collision Damage Waiver to cover your financial responsibility for damage to the rental vehicle. Your personal automobile insurance may already cover you for damage to a rental car. The purchase of a Collision Damage Waiver is optional and may be declined. For Massachusetts drivers: If you have an automobile policy on your personal vehicle with coverage for collision, your policy will cover collision damage to a rental vehicle, less the deductible on your policy. Drivers who hold policies in other states should check with their insurance agents to determine whether their policies extend to rental vehicles."

(2) If the commonwealth adopts a law, regulation or legally binding policy that requires private passenger automobile insurance policies approved for sale in the commonwealth to extend comprehensive coverage to rental vehicles, then each collision damage waiver must display the following notice in no smaller print than ten point type:

"NOTICE: This contract offers, for an additional charge, a Collision Damage Waiver to cover your financial responsibility for damage to the rental vehicle. Your personal automobile insurance may already cover you for damage to a rental car. The purchase of a Collision Damage Waiver is optional and may be declined. For Massachusetts residents: If you have an automobile policy on your personal vehicle with coverage for collision, your policy will cover collision damage to the rental vehicle, less the deductible on your policy. If you have comprehensive coverage

on your vehicle, your policy will cover loss on the rental vehicle caused by fire, theft or vandalism, less the deductible on your policy. Drivers who hold policies in other states should check with their insurance agents to determine whether their policies extend to rental vehicles."

(C) (1) A rental company, in a rental agreement for a term of thirty days or less, may not sell a collision damage waiver unless the renter agrees to such collision damage waiver in writing by initialing the appropriate portion of the rental agreement at the time the rental agreement is executed.

(2) No rental company may sell or offer to sell a collision damage waiver unless the rental agreement which applies to the particular transaction includes the notice required in section one.

(3) No rental company which advertises to rent or rents a private passenger automobile for a rate which does not include collision damage waiver may require that collision damage waiver be purchased as a condition of the rental.

(4) If a renter declines to purchase collision damage waiver, no rental company may require that the renter provide a deposit whether in cash or by credit card to cover possible damage or loss to the private passenger automobile.

(5) If a collision damage waiver is purchased, only the following may be excluded from the protection of the collision damage waiver:

(a) damage or loss caused intentionally, willfully or wantonly by an authorized driver;

(b) damage or loss occurring while an authorized driver operates the rental vehicle while legally intoxicated or under the influence of any illegal drug or chemical as defined or determined under the law of the state in which the damage occurred;

(c) damage or loss caused while an authorized driver is engaging in any speed contest;

(d) damage or loss caused while an authorized driver is using the vehicle to push or tow anything or using the vehicle to carry persons or property for hire, unless expressly authorized in the rental agreement;

(e) damage or loss incurred while an authorized driver is driving outside the United States or Canada, unless expressly authorized in the rental agreement;

(f) damage or loss incurred while the vehicle is driven, with the renter's permission or accession, by anyone other than an authorized driver;

(g) damage or loss incurred after the private passenger automobile was rented or an authorized driver was approved as a result of fraudulent information provided to the rental company;

(h) damage or loss incurred as a result of commission of a felony by an authorized driver.

(D) Any person violating any provision of this section shall be punished by a fine of not more than one hundred dollars for each such violation. Each rental

transaction in violation of this section shall constitute a separate violation. A civil penalty may be assessed in an action brought on behalf of the commonwealth.

(E) The secretary of consumer affairs and business regulation shall inform the office of the attorney general of any method, act or practice of which he is aware that is deemed by him to be a violation of any provision of this section.

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

Approved December 28, 1990.

Chapter 441. AN ACT RELATIVE TO THE GRAFTON WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 135 of the acts of 1984 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The district shall have the power to prosecute and defend all actions relating to its affairs and its assets and property shall be liable to execution and levy to the same extent as are the assets and property of the commonwealth.

SECTION 2. Section 9 of said chapter 135 is hereby amended by striking out the fourth sentence and inserting in place thereof the following three sentences:- At the meeting at which said water commissioners are first elected and at each annual district meeting held thereafter, the district shall elect by ballot, for a term of one year, a clerk of the district. Also at each annual district meeting, the board of water commissioners shall appoint, for a term of one year, a treasurer of the district. The board of water commissioners may, in their discretion, decide to pay said treasurer such compensation as the board deems reasonable.

SECTION 3. Section 10 of said chapter 135 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Said board of water commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the waterworks shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. Such income shall be exempt from levy and execution.

SECTION 4. Section 15 of said chapter 135 is hereby amended by striking out, in lines 7 and 8, the words "by eminent domain under chapter seventy-nine or chapter eighty-A of the General Laws" and inserting in place thereof the words:- in accordance with section eight of chapter two hundred and eleven of the acts of eighteen hundred and eighty-six.

SECTION 5. Said chapter 135 is hereby further amended by inserting after

section 15 the following two sections:-

Section 15A. The district shall be entitled, within thirty days of the entry of final judgment or issuance of rescript after appeal, to rescind any order of taking and to return to the Massachusetts - American Water Company any properties acquired under section fifteen. In the event of such rescission, Massachusetts - American Water Company shall be entitled to fair compensation for loss of use of its property after the order of taking as determined by the department of public utilities. In making such determination, the department of public utilities shall calculate the return on such property as operated as a public utility under chapter one hundred and sixty-five of the General Laws and shall deduct from such amount the value of any improvements or additions made to the property after the order of taking and any payment made pursuant to section seven B of chapter seventy-nine of the General Laws. In the event such deductions exceed the fair compensation owing for the loss of use of the property, the department of public utilities shall apply such excess to a reduction in the rate base used in setting appropriate water rates under said chapter one hundred and sixty-five. Upon such rescission, Massachusetts - American Water Company shall resume operation of the franchise under the jurisdiction of the department of public utilities pursuant to said chapter one hundred and sixty-five and shall be subject to such statutes, and the rules and regulations of the department of public utilities as if such taking had not occurred.

Section 15B. In the event Massachusetts - American Water Company receives an award under chapter seventy-nine of the General Laws for the taking of its property pursuant to section fifteen which is in excess of its rate base as calculated by the department of public utilities under chapter one hundred and sixty-five of the General Laws, the department of public utilities shall apply such excess, on a pro rata basis, to a reduction of the rate base of the Massachusetts - American Water Company in other cities and towns in the commonwealth in which it has franchises.

Approved December 28, 1990.

Chapter 442. AN ACT ESTABLISHING A COMPREHENSIVE FAMILY PLANNING PROGRAM.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 24D the following section:-

Section 24E. For the purposes of this section, the term "comprehensive family planning services" shall mean those medical, educational, and social services that assist individuals of childbearing age, including sexually active minors, in determining the number and spacing of their children.

The department shall establish within its health promotion division a program for comprehensive family planning services for all persons without regard to religion, race, color, national origin, creed, handicap, sex, number of pregnancies, marital status, age, or contraceptive preference, who do not receive medical assistance under chapter one hundred and eighteen E.

Comprehensive family planning services provided pursuant to this section shall be no less in scope than such services provided by the department of public welfare pursuant to chapter one hundred and eighteen E. Services shall be provided in a manner which protects the dignity of the recipient. Service providers shall assure confidentiality and shall protect the privacy of recipients in a manner consistent with the provisions of 5 USC 552a. No information obtained regarding a recipient shall be disclosed without the consent of said recipient, except as required by law or as necessary to provide such services. Information may be disclosed in summary, statistical, or other form which does not identify individual recipients. Recipients shall accept such services on a voluntary basis. Income standards for eligibility shall be established by the department; provided, however, that such standards shall not be less than two hundred percent of the non-farm income poverty guidelines prescribed by the United States department of health and human services. A sworn affidavit as to income by an applicant shall be sufficient to establish eligibility. This section shall be the responsibility of the division of health promotion. Services provided hereunder shall be provided by agencies operating under the provisions of 42 USC 300, 300a or comprehensive family planning agencies as defined by the department of public welfare.

Approved December 28, 1990.

Chapter 443. AN ACT ENCOURAGING REDEVELOPMENT IN THE ROXBURY AREA OF THE CITY OF BOSTON AND IN OTHER CITIES AND TOWNS.

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

Be it enacted, etc., as follows:

SECTION 1. As used in this act, the following terms shall, unless otherwise required, have the following meanings:

"Deputy Commissioner" shall mean the deputy commissioner of the division of capital planning and operations.

"Parcel 18" shall mean that portion of the City of Boston Parcel-to-Parcel Linkage Project known as Parcel 18 as more particularly described in the Master Plan and Development Impact Project Plan for Planned Development Area No. 34 approved by the Boston Redevelopment Authority on June 29, 1989, as the same may be amended from time to time (the "Master Plan").

The "Roxbury Trust Fund Committee" shall mean a committee consisting of seven members: including the sitting State Senator of the district or his or her designee, the sitting State Representative of the district or his or her designee, two members appointed by the Governor from a list of the four signatory Community Development Corporations to the Parcel 18 Task Force, and three members appointed by the Mayor representing a Latino social service agency in the Greater Roxbury community, the Roxbury Neighborhood Council, and a member of the Parcel 18 Task Force who resides in the City of Boston. With the exception of the Senator and Representative, each member of the Trust Fund Committee shall serve a five-year term which may be extended by reappointment.

The "Chinatown Trust Fund Committee" shall mean a committee consisting of seven members: including the sitting State Senator of the district or his or her designee, the sitting State Representative of the district or his or her designee, two members appointed by the Governor from the South Cove/Chinatown Neighborhood Council and or a similar neighborhood board organization, and three members appointed by the Mayor representing social service agencies in the Chinatown community. With the exception of the Senator and Representative, each member of the Trust Fund Committee shall serve a five-year term which may be extended by reappointment.

"Community Development Fund" shall mean the monies to be held in a Massachusetts Charitable Trust, to be placed in escrow in a money-market interest-bearing account, in accordance with the Cooperation Agreement for Planned Development Area No. 34 and 35, dated September 11, 1989, as may be amended, except that the level of benefits specified in this agreement shall not be amended except as provided in this act, as approved by the Boston Redevelopment Authority and the Zoning Commission.

"Parcel 18 Improvement" shall mean the buildings and other improvements including the plaza and parking garage, whether public or private, which comprise the mixed use project to be developed and constructed in accordance with the Master Plan approved by the Boston Redevelopment Authority and the Boston Zoning Commission.

SECTION 2. The deputy commissioner or any agency, authority or instrumentality of the commonwealth is authorized and directed to negotiate and enter into one or more leases, upon such terms and conditions as he or it shall deem appropriate, for the leasing of space in all or any portion of the Parcel 18 Improvements for occupancy by any state agency, authority or instrumentality. Said lease

or leases shall be for a term of fifteen (15) years, with options to extend the terms of such lease or leases for up to and including two successive additional terms of five years each, said options to be exercised solely by the lessee in each instance. The base rental amount shall in no event exceed the rent for comparable space in the City of Boston as determined by the deputy commissioner and provided further that any such lease or leases shall be entered into only after a review by the deputy commissioner of current and foreseeable agency space needs in the Boston area.

The Community Development Fund, as defined in Paragraph 14 (ii) of the Cooperation Agreement referred to in Section 1 herein, shall include payments of ten (10) percent of the net operating income of the Ruggles Center Project.

For purposes hereof, Net Operating Income shall be equal to gross income from all sources for such year for each Phase, as defined in the Cooperation Agreement, of the Parcel 18 project, minus (a) all operating expenses for such year including, but not limited to, costs, fees and expenses for real estate taxes, utilities, administrative and professional services, maintenance, operations, management, marketing, insurance, reserves and debt service, (b) a return on the equity invested in the Phase by the developer, as such equity is reduced or augmented from time to time, at an interest rate of five percent per annum above the interest rate of the developer's financing for the Phase ("Return"), and (c) the equity contributed directly or indirectly to the Phase by the developer, as such equity is reduced or augmented from time to time ("Equity"). For all purposes hereunder, to the extent that the developer does not realize its Return at any given time, such Return shall accrue and be added to Equity; the developer shall also receive its Return prior to the reduction of Equity.

SECTION 3. The construction, development, financing, management and leasing of Parcel 18 Improvements, or any part thereof, and any contract for construction and design services for or relating to the construction, development or leasing of the Parcel 18 Improvements shall be exempt from the provision section thirty-eight A and one-half through thirty-eight O, inclusive, of Chapter seven of the General Laws, sections forty-four A through forty-four J, inclusive of Chapter one hundred forty-nine of the General Laws and section 39M of Chapter 30 of the General Laws or any other special or general law or regulation providing for the advertising or bidding of improvements to, or the acquisition of disposition of interest in, real or person property.

SECTION 4. Chapter 487 of the Acts of 1980 is hereby amended to delete in the first sentence of Section 1 (c) of the word "five" and substitute therefor the word "thirty" and further, to delete Section 1 (d) the words "provided, however, that any rate schedule shall be reviewed and approved annually by the agency."

SECTION 4A. No grant received under the provisions of Section 1 of Chapter 487 of the Acts of 1980 shall be expended by the Boston Redevelopment Authority until an employment opportunities program for disadvantaged youths in the

Greater Roxbury area of the City of Boston has been approved by the Boston Redevelopment Authority and the developer of Parcel 18 and adopted for any improvements being constructed pursuant to such grant. Such program shall in any event comply with the provisions of any Grant agreement between the Boston Redevelopment Authority and the Commonwealth of Massachusetts.

SECTION 5. No lease pursuant to section two hereof shall be entered into until a copy thereof has been submitted to the state auditor at least twenty (20) days prior to the execution thereof. The state auditor shall review and comment thereon within fifteen (15) days of the receipt of any such lease.

SECTION 6. No lease pursuant to section two shall be executed unless, within thirty (30) days prior to the execution of such lease, a majority of the Roxbury Trust Fund Committee and Chinatown Trust Fund Committee shall vote to deliver a certificate to the house and senate chairperson of the joint committee on housing and urban development stating that on the date of such certification no default exists on the part of the developer of Parcel 18 in its obligations to pay the Development Impact Project Contribution and Jobs Contribution Grant in accordance with the applicable requirements of the City of Boston Zoning Code and any and all required Community Development Fund payments in accordance with the Cooperation Agreement for Planned Development Area No. 34, dated September 11, 1989, as may be amended and the Cooperation Agreement for Planned Development Area No. 35, dated September 11, 1989, as may be amended, except that the level of benefits specified in these agreements shall not be amended except as provided in this act. The Cooperation Agreement for Planned Development Area No. 35 shall in any event provide that the community development as defined in such Agreement shall be distributed as follows: of the first one million dollars fifty (50) percent for the benefit of the Roxbury community, fifty (50) percent for the benefit of the Chinatown community; and the community development fund to be distributed thirty-three (33) percent for the Roxbury community, thirty-three (33) percent for the Chinatown community, and thirty-three (33) percent for the benefit of communities throughout the City of Boston; provided that any portion of the community development fund derived from the net operating income, as provided for in Section 2, shall be distributed fifty (50) percent for the benefit of the Roxbury community and fifty (50) percent for the benefit of the Chinatown community.

The portion of the community development fund to be distributed for the benefit of communities throughout the City of Boston shall be administered by the City of Boston Neighborhood Housing Trust. The portion of the community development fund to be distributed for the benefit of the Roxbury community shall be administered by the Roxbury Trust Fund Committee. The portion of the Community Development Fund to be distributed for the benefit of the Chinatown community shall be administered by the Chinatown Trust Fund Committee.

Notwithstanding any general or special law to the contrary, all applicable

Cooperation Agreements shall be amended to include the provisions of Section 2, regarding net operating income; of Section 4A, and of Section 6, and such amended Agreements shall be recorded with the Suffolk County Registry of Deeds provided that Paragraph 14 of such agreements shall not be amended in a manner which reduces the amount of the community benefits provided for in this Act.

SECTION 7. The provisions of this act shall be binding upon and enforceable, as provided in paragraph 25 of the co-operation agreement for the planned development area 34, against the successors and assigns of the developer of Parcel 18 (other than mortgagees of the Parcel 18, or part thereof, of those claiming through mortgagees of the Parcel 18, or part thereof, unless said party obtains title to the Parcel 18, or part thereof, and proceeds with the development of the project), it being understood and agreed that the developer of Parcel 18 shall have a right to transfer or assign to another party or parties its rights and interests in the Parcel 18 project, or part thereof, subject to such limitations as may be contained in the cooperation agreement between the developer of Parcel 18 and the city of Boston.

SECTION 8. Notwithstanding any general or special law to the contrary, all applicable cooperation agreements shall be recorded with the Suffolk County Registry of Deeds.

Approved December 29, 1990.

Chapter 444. AN ACT AUTHORIZING THE GOVERNOR TO ENTER INTO A COMPACT WITH THE STATE OF RHODE ISLAND.

Be it enacted, etc., as follows:

SECTION 1. The governor, on behalf of this commonwealth, is hereby authorized to enter into a compact, substantially in the following form, with the state of Rhode Island, and the general court hereby signifies in advance its approval and ratification of such a compact so entered into, such approval and ratification to be effective upon the filing of a copy of such compact in the office of the state secretary:-

ARTICLE I

PURPOSE AND POLICY

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational, and lay leadership basis at the state and local levels.

2. Enhance the economic and environmental qualities of the bays system.

3. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of environmental and

economic aspects of Narragansett Bay and Mount Hope Bay.

4. Provide a clearing house of information on matters relating to the problems of the bays systems and how they are being met in different places, so that the legislative branch of state government may have ready access to the experience and record of the compact members and so that both lay and professional groups in this field may have additional avenues for the sharing of experience and interchange of ideas in the formation of this public policy.

5. Facilitate the improvement of state and local systems so that all of them will be able to meet adequate and desirable goals which require continuous advancement is related marine opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of bays systems in a manner which will accord with the needs and advantages of diversity among localities and the state of Rhode Island and the Commonwealth of Massachusetts.

C. The party states recognize that each of them has an interest in the water quality in the other states, as well as in its own marine system.

ARTICLE II

STATE DEFINED

As used in the compact, "state" means state of Rhode Island or the Commonwealth of Massachusetts.

ARTICLE III

THE COMMISSION

A. The commission of the states, hereinafter called "the commission", is hereby established. The commission shall be comprised of seventeen (17) members, eight (8) members from Rhode Island, eight (8) members from Massachusetts and one (1) member being the north east regional director of the Environmental Protection Agency or his/her designee. The Rhode Island members shall be the governor or his designee, three (3) senators chosen by the senate majority leader, three (3) members of the house of representatives chosen by the speaker of the house and one (1) member chosen jointly by the senate majority leader and the speaker of the house. The Massachusetts members shall be the governor or his designee, two (2) senators appointed by the president of the senate, four (4) members of the house of representatives appointed by the speaker of the house and one member appointed jointly by the president of the senate and the speaker of the house of representatives. The member of the commission shall be uncompensated and serve for a term of two (2) years.

B. The members of the commission shall be entitled to one (1) vote on each commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which

a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the executive committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to article III (J).

C. The commission shall have a seal.

D. The commission shall elect annually, from its members, a chairman, a vice chairman, and a treasurer. The commission may provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive secretary shall be secretary.

E. Notwithstanding the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the executive committee appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and fix the duties and compensation of such personnel. The commission in its by-laws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two (2) or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (F) of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt by-laws for the conduct of its business and shall have the power to amend and rescind its by-laws. The commission shall publish its by-laws in convenient form and shall file a copy thereof and a copy of any amendments thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

ARTICLE IV

POWERS

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning needs and resources.

2. Encourage and foster research in all aspects of Narragansett Bay and Mount Hope Bay, but with special reference to the desirable scope of environmental and economic aspects.

3. Develop proposals for adequate financing of the compact as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of Mount Hope Bay as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE V

COOPERATION WITH FEDERAL GOVERNMENT

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States shall be represented on the commission by the north east regional executive director of the environmental protection agency or his/her designee. Such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common policies of the member states, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE VI

COMMITTEES

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect an executive committee of five (5)

members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the by-laws of the commission. A federal representative on the commission may serve with the executive committee, but without vote. The voting members of the executive committee shall serve for terms of two (2) years, except that members elected to the first executive committee of the commission shall be elected as follows: one (1) for one (1) year and one (1) for two (2) years. The chairman, vice chairman, and treasurer of the commission shall be members of the executive committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the executive committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two (2) terms as a member of the executive committee; provided that service for a partial term of one (1) year or less shall not be counted toward the two (2) term limitation.

B. In addition there shall be an advisory board. This board, selected by the commission, shall be comprised of a minimum of eight (8) members whose term of service shall be for one (1) year. The guiding principle for the composition of the membership on the advisory board of each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, marine trades, water quality and environmental standards.

B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one (1) or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to the state of Rhode Island and Commonwealth of Massachusetts.

C. The commission may establish such additional committees as its by-laws may provide.

ARTICLE VII

FINANCE

A. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to article III (G) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to article III (G) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

B. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the

audit and accounting procedures established by its by-laws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

C. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

D. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VIII

ELIGIBLE PARTIES: ENTRY INTO AND WITHDRAWAL

A. This compact shall have as eligible parties the state of Rhode Island and the Commonwealth of Massachusetts.

B. Adoption of the compact may be either by enactment thereof, or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1991.

C. Except for withdrawal effective on December 31, 1991, in accordance with paragraph B of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one (1) year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governor of the other party state. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE IX

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of either state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

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

Approved December 29, 1990.

Chapter 445. **AN ACT CLARIFYING RATE SETTING COMMISSION AUTHORITY OVER HOSPITAL RATE COMPLIANCE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately clarify rate setting commission authority over hospital rate compliance, therefore 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 6A of the General Laws is hereby amended by striking out section 86, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

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

Approved December 29, 1990.

Chapter 446. **AN ACT AUTHORIZING THE TOWN OF HOPKINTON TO USE CERTAIN PARK LAND FOR SEWER PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The town of Hopkinton is hereby authorized to use all or a portion of a certain parcel of land acquired by said town for park purposes acting through its water and sewer commissioners for the construction operation and maintenance of a sewer pumping station and for such access roadway, utilities and appurtenances as may be necessary or appropriate thereto.

Said parcel is shown on an instrument of taking recorded with the southern district registry of deeds in the county of Middlesex in Book 4996, Page 553.

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

Approved December 29, 1990.

Chapter 447. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE A CERTAIN PARCEL OF PUBLIC LAND IN THE TOWN OF WALPOLE AND TO TRANSFER SAID PARCEL TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations, acting for and in behalf of the commonwealth, is hereby authorized to acquire by eminent domain or otherwise, a certain parcel of public land, hereinafter described, in the town of Walpole, being used by said town for town common purposes, and to transfer said parcel of land to the department of public works for highway purposes.

Said parcel is located on Route 1-A, Main street in said town and is bounded and described as follows:-

Beginning at Station 176 + 04, 25 feet left; thence North 28°-40'-15" West 12.25 feet; thence North 37°-52'-00", East 131.64 feet; thence South 25°-57'-25" East 15.00 feet; thence South 36°-11'-40" West 25.53 feet; thence South 37°-52'-00" West 104.47 feet to the place of beginning, containing one thousand six hundred sixty-two square feet of land more or less.

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

Approved December 29, 1990.

Chapter 448. **AN ACT RELATIVE TO CREDITABLE SERVICE FOR CLARENCE A. RICHARDS OF THE CITY OF SPRINGFIELD.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for creditable service for Clarence A. Richards, therefore 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 three of chapter thirty-two of the General Laws or any other general or special law to the contrary, the retirement board of the Hampden county retirement system is hereby authorized and directed to permit Clarence A. Richards of the city of Springfield to become a member in service of said system, as of October twenty-second, nineteen hundred and eighty-

four. Upon becoming a member in service of said system, said Clarence Richards shall pay into said annuity savings fund, in one sum or in installments, as the board shall determine, an amount equal to any retirement allowance or accumulated regular deductions received by him under the provisions of said chapter thirty-two.

Said Clarence Richards shall also pay into said annuity savings fund, in one sum or in installments as the board shall determine, an amount equal to the amounts which would have been deducted from the regular compensation of said Clarence Richards for the period from October twenty-second, nineteen hundred and eighty-four until the effective date of this act had he been a member in service during said period. In addition to the payment of the amount required by the preceding sentence, said Clarence Richards shall also pay into the annuity savings fund an amount of interest such that upon the completion of such payments the value of his accumulated payments under this paragraph, together with regular interest thereon, shall equal the value of his accumulated regular deductions for such period which would have resulted if such deductions had actually been made when such regular compensation was actually received.

Upon the completion of the payments required hereunder, the retirement board shall grant to said Clarence Richards creditable service for the period from October twenty-second, nineteen hundred and eighty-four until the effective date of this act, and shall also credit said Clarence Richards with all prior service rendered by him as a member in service, provided that no such credit shall be granted unless and until such payments are completed.

Approved December 29, 1990.

Chapter 449. **AN ACT AUTHORIZING THE TOWN OF NORFOLK TO HOLD TOWN MEETINGS IN THE KING PHILIP REGIONAL DISTRICT HIGH SCHOOL.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the town of Norfolk, with the approval of the King Philip regional school committee, is hereby authorized to hold its regular and special town meetings in the King Philip regional high school building in the town of Wrentham; provided, however, that a meeting for the election by official ballot of federal, state or other officials or any referendum ballot questions, shall be held within the limits of the town of Norfolk.

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

Approved December 29, 1990.

Chapter 450. AN ACT AUTHORIZING THE CITY OF NORTHAMPTON TO GRANT A CERTAIN EASEMENT.

Be it enacted, etc., as follows:

SECTION 1. The city of Northampton, acting by and through the conservation commission of said city, is hereby authorized to grant a permanent easement through a certain parcel of conservation land, under the care and control of said conservation commission to install, construct, reconstruct, replace and repair, maintain, use, operate and inspect water lines across and upon the land in said city of Northampton. Said parcel is bounded and described as follows:

BEGINNING at a point on the westerly side of Crestview Drive, said point being the southeasterly corner of land now or formerly of Kevin and Kathy Monahan, said point also being the northerly corner of Lot 53 as shown on a Plan of Land entitled, "Partial Revision of Brookwood Estates, Northampton, Mass. for Kay Vee Realty Co., Inc.", Smith Associates, Scale: 40' = 1", dated March, 1978 and recorded in the Hampshire registry of deeds in the county of Hampshire in Planbook 108, Page 16.

THENCE S. 45° 23' 43" E. along said Crestview Drive a distance of 30.00 feet to an unmonumented point;

THENCE S. 33° 42' 05" W. along other land of the Northampton conservation commission a distance of 101.84 feet to an unmonumented point;

THENCE N. 45° 23' 43" W. along land now or formerly of Gordon E. Murphy a distance of 49.26 feet to an unmonumented point;

THENCE N. 44° 36' 17" E. along land now or formerly of Kevin and Kathy Monahan a distance of 100.00 feet to an unmonumented point and the place of beginning.

Being the same parcel described as Water Line Easement No. 2 on a plan of land entitled "Definitive Subdivision of Land in Northampton, Massachusetts prepared for Gordon E. Murphy" dated October 11, 1988, as revised, prepared by Almer Huntley, Jr. & Associates, Inc., of Northampton, Massachusetts, being the "Stone Ridge Pond" Subdivision approved by the Northampton Planning Board on June 22, 1989 and recorded in the registry of deeds in the county of Hampshire, Plan Book 165, Pages 31-38.

Such easement is granted for the purpose of installation, construction, reconstruction, replacement and repair, maintenance, use, operation and inspection of water lines serving the "Stone Ridge Pond" Subdivision as approved by the Northampton Planning Board on June 22, 1989 and recorded in the registry of deeds in the county of Hampshire, Plan Book 165, Pages 31-38.

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

Approved December 29, 1990.

Chapter 451. **AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO MAKE CHANGES IN CERTAIN PROPERTY TAX BILLS.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-nine of chapter fifty-nine of the General Laws, the board of assessors of the city of Pittsfield may, on their own motion, abate certain excess property tax assessments for fiscal year nineteen hundred and ninety, which resulted from clerical or data processing error; provided, however, that in no event shall such abatements be made later than forty-five days after the effective date of this act.

SECTION 2. Notwithstanding the provisions of section seventy-six of chapter fifty-nine of the General Laws, the board of assessors of the city of Pittsfield may revise certain incorrect property tax assessments for fiscal year nineteen hundred and ninety, which resulted from clerical or data processing error, and assess any additional taxes resulting from such revision; provided, however, that in no event shall such assessments be made later than forty-five days after the effective date of this act.

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

Approved December 29, 1990.

Chapter 452. **AN ACT RELATIVE TO A CERTAIN LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES IN THE TOWN OF ABINGTON.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 526 of the acts of 1987 is hereby amended by striking out, in lines 8 to 11, inclusive, the words:- ", that the licensing authority shall not approve the transfer of said license to any other person, organization, corporation or location; and provided, further".

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

Approved December 29, 1990.

Chapter 453. **AN ACT RELATIVE TO THE BOARD OF PARK COMMISSIONERS OF THE CITY OF EVERETT.**

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and nineteen of the acts of nineteen hundred and twenty-seven is hereby repealed.

SECTION 2. The board of park commissioners of the city of Everett shall have all the powers and duties now vested in the Everett stadium and athletic field commission and all assets and liabilities of said commission shall be transferred to said board.

SECTION 3. Notwithstanding the provisions of section two of chapter forty-five of the General Laws, the board of park commissioners in the city of Everett shall consist of seven members, five of whom shall be appointed under the provisions of said section two of said chapter forty-five and one of whom shall be the principal of Everett high school, ex officio, and one of whom shall be a member of the Everett school committee who shall be appointed by the mayor of the city of Everett.

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

Approved December 29, 1990.

Chapter 454. AN ACT RELATIVE TO LIQUOR LIABILITY JOINT UNDERWRITING ASSOCIATION.

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 most recently amended by chapter 657 of the acts of 1989, 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-one.

Approved December 29, 1990.

Chapter 455. AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF SWAMPSCOTT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

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

rule to the contrary, the position of clerical employee at the town administration building and the position of secretary to the police department in the town of Swampscott 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 clerical employee at the town administration building or the position of secretary to the police department in the town of Swampscott on the effective date of the act.

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

Approved December 29, 1990.

Chapter 456. AN ACT RELATIVE TO THE COMMISSION ON EMPLOYMENT OF THE HANDICAPPED.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately change the name, membership and purpose of the commission on employment of the handicapped, therefore 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 "employment of the handicapped" and inserting in place thereof the following words:- the employment of people with disabilities.

SECTION 2. Said chapter 6 is hereby further amended by striking out the caption preceding section 105, as so appearing.

SECTION 3. Said chapter 6 is hereby further amended by striking out section 105, as amended by section 4 of chapter 177 of the acts of 1990, and inserting in place thereof the following section:-

Section 105. There shall be a commission on the employment of people with disabilities, in this section and sections one hundred and six and one hundred and seven called the commission, consisting of the secretary of communities and development, the secretary of consumer affairs and business regulation, the secretary of economic affairs, the secretary of human services, the secretary of labor, the secretary of transportation and construction, the commissioner of the Massachusetts commission for the blind, the commissioner of the commission for the deaf and hard of hearing, the commissioner of corrections, the commissioner of education, the commissioner of employment and training, the commissioner of

industrial accidents, the commissioner of labor and industries, the commissioner of medical security, the commissioner of mental health, the commissioner of public health, the commissioner of public welfare, the commissioner of social services, the commissioner of youth services, the commissioner of the Massachusetts rehabilitation commission, the commissioner of veterans' services, the chancellor of the board of regents of higher education, the chairman of the Massachusetts developmental disabilities council, the director of the office of affirmative action, the director of the Massachusetts office on disability, and the personnel administrator of the department of personnel administration, or their respective designees, who shall serve as ex officio members, and twenty-eight members to be appointed by the governor, three of whom shall represent rehabilitation programs, three of whom shall represent industry, three of whom shall represent employment boards, two of whom shall represent labor, two of whom shall represent education, and one of whom shall represent veterans' organizations. It is encouraged that the majority of the remaining appointive members be persons with disabilities. A chairperson or co-chairpersons shall be named by the governor from among the said remaining appointive members. The chairperson or co-chairpersons may appoint additional individuals to serve as ex officio members. Of the appointive members, seven shall be designated in their initial appointment to serve for terms of one year, seven for terms of two years, seven for terms of three years and seven for terms of four years. Upon the expiration of the initial term of an appointive member, his successor shall be appointed in like manner for a term of four years. The governor shall in like manner fill any vacancy for the remainder of the unexpired term.

SECTION 4. Said chapter 6 is hereby further amended by striking out section 106, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 106. The commission shall promote employment to maximize the independence, productivity, and integration of all citizens in the commonwealth with disabilities. Said purposes shall be accomplished through the encouragement and advocacy by the commission of the following: (i) plans to promote, develop, and coordinate effective education, transition, employment and training services to facilitate the employment of persons with disabilities at the state and local levels; (ii) the development of and access to educational programs that will enable students with disabilities to enter employment; (iii) the dissemination of information about available services and resources to persons who are disabled, families, advocates, and employers; (iv) the creation of greater awareness of the abilities of persons with disabilities; (v) the expansion of employment opportunities for persons with disabilities in both the public and private sectors; (vi) the creation of work environments which enable persons with disabilities to achieve their full potential; and (vii) the acceptance, appreciation, and support of such persons by

employers and employees.

SECTION 5. Section 107 of said chapter 6, as so appearing, is hereby amended by striking out, in line 10, the words "handicapped persons" and inserting in place thereof the words:- people with disabilities.

SECTION 6. Section 189 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "chairman of the commission on employment of the handicapped" and inserting in place thereof the words:- chairperson of the commission on the employment of people with disabilities.

SECTION 7. Section 17 of chapter 6A of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words "the handicapped" and inserting in place thereof the words:- people with disabilities.

SECTION 8. This act shall take effect on February first, nineteen hundred and ninety-one.

Approved December 29, 1990.

Chapter 457. AN ACT RELATIVE TO REDUCTION IN RANK FOR CERTAIN PUBLIC EMPLOYEES IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty-one of the General Laws or of any other general or special law or rule to the contrary, if a permanent employee of the fire force of the city of Taunton serving in any position in a title above the lowest title on such force is to be separated from such position because of lack of money or the abolition of such position, each such employee shall be separated from his position according to his seniority in such title based on his length of service after permanent promotion in said force and shall be reinstated to such position held by him 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 said force to the next lower title or titles in succession in said force and shall not affect the seniority of any employee in service for any other purpose, including but not limited to, the separation of any permanent employee from service on said force.

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

Approved December 29, 1990.

Chapter 458. AN ACT RELATIVE TO THE FINANCES OF BRISTOL COUNTY.

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 seven hundred thousand dollars to finance county expenditures for the fiscal year ending June thirtieth, nineteen hundred and ninety-one, including costs of operating and maintaining the Bristol county agricultural school. Such sum shall include the amount of all sums advanced and to be advanced temporarily by the county for such purposes in anticipation of the receipt of funds appropriated in item 7100-0119 of section two of chapter one hundred and fifty of the acts of nineteen hundred and ninety. No expenditures shall be made under this act for purposes other than the payment of direct costs of operating and maintaining the Bristol county agricultural school, including reimbursement of the county treasury for sums advanced to pay such direct costs, unless such expenditures shall first have been approved by the director of the bureau of accounts in the department of revenue.

SECTION 2. For the purposes authorized by section one of this act, including reimbursement of the county treasury for sums advanced temporarily therefrom for such purposes, the treasurer of Bristol county, with the approval of the county commissioners and the advisory board on county expenditures for said county, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, one million seven hundred thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words Bristol County Agricultural School Loan, Act of 1990. 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 December 29, 1990.

Chapter 459. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS, THE COUNTY OF HAMPDEN, THE TOWN OF LONGMEADOW, THE TOWN OF HOPKINTON, AND THE TOWN OF CHARLTON TO GRANT CERTAIN EASEMENTS TO TENNESSEE GAS PIPELINE COMPANY.**

Be it enacted, etc., as follows:

SECTION 1. The county of Hampden is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a twenty-five foot wide permanent easement over a parcel of land located in the town of Agawam adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of said county, 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, presently being used for police training purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the Hampden county property, Hampden county, TB-L12-200-2-251", on file with said county, 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 2. The county of Hampden is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a twenty-five foot wide permanent easement over a parcel of land located in the town of Agawam adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of said county, 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, presently being used for police training purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the Hampden county property, Hampden County, TB-L12-200-2-249", on file with said county, 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 3. The town of Longmeadow is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a permanent easement not more than fifty feet wide over a parcel of land located in said town adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of the conservation commission of said town, 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, presently being used for conservation

purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the town of Longmeadow property, Hampden county, Massachusetts, TB-L12-2-266.05", on file with said town, 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 4. The town of Longmeadow is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a twenty-five foot wide permanent easement over a parcel of land located in said town adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of the conservation commission of said town, 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, presently being used for conservation purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the town of Longmeadow property, Hampden county, Massachusetts, TB-T12-200-2-266.10", on file with said town, 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 5. The town of Longmeadow is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a twenty-five foot wide permanent easement over a parcel of land located in said town adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of the conservation commission of said town, together with a temporary work space for construction purposes not more than fifty 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, presently being used for conservation purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the town of Longmeadow property, Hampden county, Massachusetts, TB-L12-200-2-270", on file with said town, 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 6. The town of Longmeadow is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a twenty-five foot wide permanent

easement over a parcel of land located in said town adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of the conservation commission of said town, together with a temporary work space for construction purposes not more than fifty 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, presently being used for conservation purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the town of Longmeadow property, Hampden county, Massachusetts, TB-L12-200-2-273", on file with said town, 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 7. The town of Longmeadow is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a twenty-five foot wide permanent easement over a parcel of land located in said town adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of the conservation commission of said town, 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, presently being used for conservation purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the town of Longmeadow property, Hampden county, Massachusetts, TB-L12-200-2-274.03", on file with said town, 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 7A. The town of Longmeadow is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a twenty-five foot wide permanent easement over a parcel of land located in said town adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of the conservation commission of said town, 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, presently being used for conservation purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the town of Longmeadow property, Hampden

county, Massachusetts, TB-L12-T200-2-274.03A", on file with said town, 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 town of Longmeadow is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a twenty-five foot wide permanent easement over a parcel of land located in said town adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of the conservation commission of said town, together with a temporary work space for construction purposes not more than fifty 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, presently being used for conservation purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the town of Longmeadow property, Hampden county, Massachusetts, TB-L12-200-2-276", on file with said town, 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 9. The town of Longmeadow is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a fifteen foot wide permanent easement over a parcel of land located in said town adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of the conservation commission of said town, together with a temporary work space for construction purposes fifteen feet wide, immediately adjacent to the area of the existing 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, presently being used for conservation purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the town of Longmeadow property, Hampden county, Massachusetts, TB-L12-200-2-286.13", on file with said town, 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 10. The town of Hopkinton is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a twenty-five foot wide permanent easement over a parcel of land located in said town adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town

under the control of the school department of said town, 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, presently being used for school purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the town of Hopkinton property, Middlesex county, Massachusetts, TB-L12-200-2-659", on file with said town, which shall be recorded with 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 10A. The town of Charlton is hereby authorized to grant by deed to the Tennessee Gas Pipeline Company a ten foot wide permanent easement over a parcel of land located in said town adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over land in said town under the control of the board of selectmen of said town, 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, presently being used for open space purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the town of Charlton, Worcester county, Massachusetts, TB-L12-E264B-100-31", on file with said town, which shall be recorded with the registry of deeds in the county of Worcester.

Said easement shall be used for the installation and maintenance of replacement gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 10B. The division of capital planning and operations, acting in consultation with the division of fisheries and wildlife, is hereby authorized to grant by deed, approved as to form by the attorney general, to the Tennessee Gas Pipeline Company a ten foot wide permanent easement over a parcel of land located in the town of Spencer adjacent to an existing easement owned by said Tennessee Gas Pipeline Company over 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 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, presently being used for conservation and recreation purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the Commonwealth of Massachusetts, division of Fisheries & Game property, Worcester county,

Massachusetts, TB-L12-E264B-100-39", on file with said division of fisheries and wildlife, which shall be recorded with the registry of deeds in the county of Worcester.

Said easement shall be used for the installation and maintenance of replacement gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 10C. The division of capital planning and operations, acting in consultation with the department of environmental management, is hereby authorized to grant by deed, approved as to form by the attorney general, to the Tennessee Gas Pipeline Company a ten foot wide permanent easement over a parcel of land located in the town of Spencer 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, 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 state forest purposes, is described on a plan of land entitled "Tenneco Gas, proposed right-of-way crossing, the Commonwealth of Massachusetts, Spencer State Forest property, Worcester county, Massachusetts, TB-L12-E264B-100-53", on file with said department of environmental management, which shall be recorded with the registry of deeds in the county of Worcester.

Said easement shall be used for the installation and maintenance of replacement gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 11. In consideration for the easements authorized in sections one to ten C, 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 the 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 12. 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 one, ten B and ten C hereof.

SECTION 12A. The Tennessee Gas Pipeline Company is hereby directed to continue to meet with and obtain all necessary approvals from all appropriate local municipalities and state agencies, including but not limited to, the town of Longmeadow.

SECTION 13. Sections one to twelve A, inclusive, are hereby considered to be

an exception to section seventeen of chapter two hundred and eighty-eight of the acts of nineteen hundred and eighty-nine.

Approved December 29, 1990.

Chapter 460. **AN ACT ESTABLISHING AN HONORARY TITLE OF EMERGENCY MEDICAL TECHNICIAN-EMERITUS.**

Be it enacted, etc., as follows:

The department of public health is hereby authorized to designate a person "Emergency Medical Technician-Emeritus" if he has used the title of emergency medical technician under the provisions of section six of chapter one hundred and eleven C of the General Laws. Such person may not operate an ambulance or be an attendant thereon.

Approved December 29, 1990.

Chapter 461. **AN ACT AUTHORIZING THE NAUSET REGIONAL SCHOOL DISTRICT AND SUPERINTENDENCY UNION NO. 54 SCHOOL COMMITTEES TO ESTABLISH A REVOLVING ACCOUNT.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the school committees of the Nauset Regional School District and Superintendency Union #54, acting jointly may establish a revolving fund which shall be a separate account for professional enhancement purposes, hereinafter to be known as the professional enhancement account. Expenditures may be made from said account by said Regional School District and union school committee to reimburse teachers for professional growth items, including, but not limited to: (1) course reimbursement; (2) sabbatical leaves; and (3) other professional development, educational and enhancement purposes. Distribution of such funds will be determined by the administrative council. Expenditures will be made in accordance with section thirty-eight I and forty-one A of chapter seventy-one of the General Laws, without further appropriations; provided, however, that said special account shall not be used to employ or pay the salary of any employee.

Each town in the school district shall, by a specific vote of its annual town meeting, appropriate an amount of money sufficient to fund the professional

enhancement account. Notwithstanding the provisions of section fifty-three and fifty-three A of chapter forty-four of the General Laws, private contributions may also be deposited into said account. This account shall be kept separate and apart from all other monies by the regional treasurer who shall be responsible for the accounting of said fund. The superintendent of the Nauset Regional School District shall submit annually a report of said account to the board of selectmen or town manager of each town in said district, and a copy of said report shall be submitted to the director of accounts. This account shall go into effect once it has been accepted by the annual town meeting of each town in said district.

Approved December 29, 1990.

Chapter 462. AN ACT RELATIVE TO THE WORKERS' COMPENSATION ASSIGNED RISK INSURANCE POOL.

Be it enacted, etc., as follows:

SECTION 1. Section sixty-five A of chapter one hundred and fifty-two of the General Laws is hereby amended by striking out that section and inserting in place thereof the following:

Section 65A. Any employer whose application for workers' compensation insurance has been rejected or not accepted within five days by two insurers may appeal to the commissioner of insurance and if it shall appear that such employer has complied with or will comply substantially with all laws, orders, rules, and regulations in force and effect relating to the welfare, health and safety of his employees, and shall not be in default of payment of any premium for such insurance, then the commissioner shall designate an insurer who shall forthwith, upon the receipt of the payment for the premium therefor, issue to such employer a policy of insurance contracting to pay the compensation provided for by this chapter. The commissioner of insurance shall make equitable distribution of such risks among insurers in a reasonable manner that, so far as practicable, does not discriminate against any insurer or group of insurers. The commissioner may designate one or more insurers as servicing carriers to issue policies of insurance to employers qualified hereunder. The commissioner may establish a servicing carrier fee to compensate servicing carriers for services provided hereunder, which fee shall be paid by the reinsurance pool established under section sixty-five C, and shall not be unreasonable or discriminatory.

The commissioner of insurance may delegate his duties under this section to the rating organization designated by him under section sixty-five C to administer the reinsurance pool established under that section; provided that such organization shall adopt rules and procedures for assigning rejected risks, shall incorporate

such rules and procedures into its plan of operation subject to the approval of the commissioner under section sixty-five C, and shall each year submit to the commissioner a report of the assigned risks for the preceding year. The commissioner of insurance may, upon reasonable notice to the rating organization designated by him under section sixty-five C and after a hearing, revoke the delegation of authority provided for by this section.

SECTION 2. Section sixty-five B of chapter one hundred and fifty-two of the General Laws is hereby amended by striking out the word "eight" in the last line of that section and inserting in place thereof "eleven C.".

SECTION 3. Section sixty-five C of chapter one hundred and fifty-two of the General Laws is hereby amended by striking out that section and inserting in place thereof the following:

Section 65C: All losses incurred under policies issued to employers under section sixty-five A shall be equitably distributed among all insurers authorized to transact and transacting workers' compensation insurance in the commonwealth. Such distributions of losses shall be effected through a reinsurance pool constituted by and comprised of all insurers writing workers' compensation insurance in the commonwealth. No insurer, as defined in section one, subparagraph seven of this chapter and including any insurance company, reciprocal or interinsurance exchange which has contracted with an employer to pay the compensation provided for by this chapter, shall be authorized to write or to continue to write workers' compensation insurance in this commonwealth unless such insurer is a member of the reinsurance pool established herein.

The commissioner of insurance shall designate a rating organization, duly qualified under section fifty-two C, to administer the reinsurance pool in such manner as shall be approved by the commissioner. Such rating organization shall adopt a plan of operation, which shall be submitted for approval to the commissioner of insurance and, upon approval by the commissioner, shall be binding upon all members of the reinsurance pool. If a rating organization fails to adopt a plan of operation within a reasonable time of its designation by the commissioner, the commissioner may promulgate a plan of operation for the administration of the reinsurance pool. Such plan of operation shall contain rules and procedures for the allocation of losses of the reinsurance pool among its members consistent with this section, and shall otherwise be consistent with law. Amendments to such plan of operation may be made by the rating organization designated by the commissioner or may be made at the direction of the commissioner upon reasonable notice to such rating organization and after a hearing. All amendments to the plan of operation proposed by the rating organization designated to administer the reinsurance pool shall be submitted for approval to the commissioner of insurance.

SECTION 4. Section sixty-five D of chapter one hundred and fifty-two of the General Laws is hereby amended by striking out that section and inserting in place

thereof the following:

Section 65D. By arrangement between insurers which are members of the reinsurance pool, and with the approval of the commissioner of insurance, an insurer referred to in section sixty-five C may issue a policy to an employer who had been assigned by the commissioner of his designee to another insurer, and such issuance of a policy shall constitute a compliance with and be subject to section sixty-five A.

SECTION 5. Sections sixty-five E and sixty-five F of chapter one hundred and fifty-two of the General Laws are hereby repealed.

SECTION 6. Section sixty-five G of chapter one hundred and fifty-two of the General Laws is hereby amended by striking out that section and inserting in place thereof the following:

Section 65G. The words "Losses incurred," as used in section sixty-five C shall mean, with respect to each policy, the losses paid and estimated to be paid thereunder. Any dispute as to the amounts to be paid under section sixty-five C, or as to an assignment under section sixty-five A, shall be resolved by the commissioner of insurance upon hearing after reasonable notice to all interested parties.

SECTION 7. Section sixty-five H of chapter one hundred and fifty-two of the General Laws is hereby amended by striking out that section and inserting in place thereof the following:

Section 65H. Provision may be made under the plan of operation established under section sixty-five C for the subsequent adjustment of payments originally made on behalf of assigned risks on the basis of estimated losses incurred.

Emergency Letter: December 31, 1990 @ 3:29 P.M. Approved December 29, 1990.

Chapter 463. AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN STATE-OWNED REAL PROPERTY IN THE TOWNS OF GRAFTON AND SHREWSBURY.

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 lease for a term or terms of up to ninety-nine years or convey by a deed approved as to form by the attorney general, all or a portion of certain parcels of land, hereinafter referred to as Parcels "A", "B", and "C" in the towns of Grafton and Shrewsbury to one or more individuals or entities for economic development including biotechnology, light manufacturing, research and development, or other uses as established by the master plan to be prepared pursuant to section two. Such conveyance, lease, or transfer of control

shall be in accordance with such other terms and conditions as the deputy commissioner may prescribe.

The deputy commissioner of the division of capital planning and operations is further authorized to, as may be appropriate, convey by deed approved as to form by the attorney general, lease up to a term of ninety years, or otherwise transfer the care and control of all or a portion of Parcels "A", "B", and "C" in the towns of Grafton and Shrewsbury, to other state or public agencies for public uses such as a train depot, passive or active recreation facilities, open space, wetlands, or cemetery, as established by the master plan prepared pursuant to section two. Such conveyance, lease, or transfer of control shall be in accordance with such other terms and conditions as the deputy commissioner may prescribe.

Parcel "A" is generally described as that parcel consisting of approximately 250 acres located within the towns of Grafton and Shrewsbury, northerly of the Boston and Albany railroad tracks, and westerly of Pine Street in Grafton and Green Street in Shrewsbury.

Parcel "B" is generally described as that parcel of approximately 20 acres located within the town of Shrewsbury easterly of Green Street.

Parcel "C" is generally described as that parcel of approximately 60 acres located within the town of Shrewsbury easterly of Green Street and northerly of a parcel known as the "Job Corps Parcel."

Said Parcels "A", "B", and "C" contain approximately 330 acres of land, of which approximately 132 acres are in Grafton and 198 acres are in Shrewsbury, as shown more particularly on a plan entitled "Surplus Site in Grafton and Shrewsbury," as referenced hereafter, prepared by MAssets and dated 5/2/90, which is on file with the division of capital planning and operations. The precise configuration of Parcels "A", "B", and "C" shall be described in a land survey plan which will be prepared subsequent to the completion of a master plan to be prepared for the site, as provided for in section two, and filed with the Worcester district registry of deeds.

SECTION 2. The division of capital planning and operations is hereby authorized to prepare a master plan, requests for proposals, and disposition documents, and to hire planning, real estate, and legal consultants as necessary to prepare such documents, studies and plans as may be necessary to determine the guidelines for the disposition and development of the parcels, or portions thereof, described in section one. Said master plan may present narrative and graphic descriptions of the characteristics of the property, recommend uses for the site, and provide development guidelines to be incorporated into requests for proposals and property disposition agreements. Upon completion of the master plan, and at least thirty days before adoption of the master plan by the deputy commissioner of the division of capital planning and operations, the deputy commissioner shall provide a copy of said master plan to the joint legislative committee on state administration,

and the house and senate committees on ways and means. Following adoption of the master plan and pursuant to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, the deputy commissioner shall solicit and select development proposals and negotiate and execute land disposition instruments based on the requirements of this act and the development guidelines adopted in the master plan.

SECTION 3. The deputy commissioner of capital planning and operations is hereby authorized to grant or to receive, whether by purchase, lease, gift, or otherwise, interests in land including rights of way or easements whether for utility, road or other purposes, across commonwealth property described in or adjacent to section one of this act, or to convey such property for roadways or road improvements as may be needed in connection with the purposes described in section one, to the state, Grafton and Shrewsbury departments of public works.

SECTION 4. As deemed necessary by the deputy commissioner the grantees of real property described in section one shall assume the costs of any appraisals, surveys, and other expenses for the granting of interests in said real property.

Approved December 29, 1990.

Chapter 464. AN ACT ENHANCING THE ENFORCEMENT OF LABOR LAWS.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following section:-

Section 148B. For the purpose of this section, individuals performing any service, except services authorized under this chapter, shall be deemed to be employees under this section unless and until it is shown that: such individual has been and will continue to be free from control and direction in connection with the performance of such service under his contract; and such service is performed either outside the usual course of the business for which the service is performed or is performed outside of all places of business of the enterprise; and, such individual is customarily engaged in an independently established occupation, profession or business of the same nature as that involved in the service performed. The failure to withhold federal or state income taxes, unemployment compensation or workers compensation from an employee's wages shall not be used for the purposes of making a determination under this section. The president and treasurer of a corporation and any officer or agent having the management of such corporation shall be deemed the employer within the meaning of this section.

Whoever violates this section 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 two months in the house of correction, or both such fine and imprisonment.

Approved December 29, 1990.

Chapter 465. AN ACT FURTHER REGULATING FIRST MORTGAGES ON REAL ESTATE FOR CREDIT UNIONS.

Be it enacted, etc., as follows:

Section 65 of chapter 171 of the General Laws, inserted by section 1 of chapter 79 of the acts of 1990, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Except as may be otherwise specified in this section, a credit union having assets of four million dollars or more, may loan, upon any one parcel of real estate, an amount not exceeding two hundred thousand dollars and the total liability of any one member as borrower upon loans so secured shall not exceed three hundred and twenty-five thousand dollars.

Approved December 29, 1990.

Chapter 466. AN ACT PROHIBITING PASSENGERS UNDER THE AGE OF TWELVE YEARS IN THE BODY OF A PICK-UP TRUCK, SO-CALLED.

Be it enacted, etc., as follows:

Section 13 of chapter 90 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting, after the sixth sentence, the following two sentences:- No person shall operate a motor vehicle, commonly known as a pick-up truck, nor shall the owner permit it to be operated, for a distance more than five-miles, in excess of five-miles per hour, with persons under twelve years of age in the body of such truck, unless such truck is part of an official parade, or has affixed to it a legal "Owner Repair" or "Farm" license plate or a pick-up truck engaged in farming activities. No person, except firefighters or garbage collectors, or operators of fire trucks or garbage trucks, or employees of public utility companies, acting pursuant to and during the course of their duties, or such other persons exempted by regulation from the application of this section or by limited application by special permit granted by the selectmen in a town or of the city council in a city, shall hang onto the outside of, or the rear-end of any vehicle, and no person on

a pedacycle, motorcycle, roller skates, sled, or any similar device, shall hold fast or attach the device to any moving vehicle, and no operator of a motor vehicle shall knowingly permit any person to hang onto or ride on the outside or rear-end of the vehicle or streetcar, or allow any person on a pedacycle, motorcycle, roller skates, sled, or any similar device, to hold fast or attach the device to the motor vehicle operated on any highway.

Approved December 29, 1990.

Chapter 467. AN ACT FURTHER DEFINING MARITAL PROPERTY.

Be it enacted, etc., as follows:

Section 34 of chapter 208 of the General Laws, as appearing in section 59 of chapter 287 of the acts of 1989, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- 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, including but not limited to, all vested and nonvested benefits, rights and funds accrued during the marriage and which shall include, but not be limited to, retirement benefits, military retirement benefits if qualified under and to the extent provided by federal law, pension, profit-sharing, annuity, deferred compensation and insurance.

Approved December 29, 1990.

Chapter 468. AN ACT RELATIVE TO THE LOCAL ASSESSMENT OF SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT.

Be it enacted, etc., as follows:

Section 18 of chapter 40B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 30, the word "fifteen" and inserting in place thereof the following word:- thirty.

Approved December 29, 1990.

Chapter 469. AN ACT RELATIVE TO THE CLEANUP OF TOXIC WASTE.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 21E of the General Laws is hereby amended by striking out the definition of "Priority disposal site", as appearing in the 1988 Official Edition, and inserting in place thereof the following definition:-

"Priority disposal site", a disposal site which constitutes a substantial hazard to health, safety, public welfare or the environment and a disposal site located within five hundred feet of a building being used as a school.

SECTION 2. Subsection (f) of section 3A of said chapter 21E, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The order in which priority sites are addressed under this subsection shall be determined in accordance with the Massachusetts Contingency Plan; provided, however, that such priority sites shall include a disposal site located within five hundred feet of a school building.

Approved December 29, 1990.

Chapter 470. **AN ACT FURTHER REGULATING THE NONCRIMINAL DISPOSITION OF ORDINANCE AND BY-LAW VIOLATIONS.**

Be it enacted, etc., as follows:

Section 21D of chapter 40 of the General Laws is hereby amended by striking out the fifth paragraph, as appearing in the 1988 Official Edition, and inserting in place thereof the following paragraph:-

Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the city or town clerk of the municipality within which the violation occurred together with the notice such specific sum of money not exceeding three hundred dollars as the town shall fix as penalty for violation of the ordinance, by-law, rule or regulation. Such payment shall if mailed be made only by postal note, money order or check. Upon receipt of such notice, the city or town clerk shall forthwith notify the district court clerk of such payment and the receipt by the district court clerk of such notification shall operate as a final disposition of the case. An appearance under this paragraph shall not be deemed to be a criminal proceeding. No person so notified to appear before the clerk of a district court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.

Approved December 29, 1990.

Chapter 471. AN ACT ESTABLISHING A SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF LEE.

Be it enacted, etc., as follows:

SECTION 1. The voters of the town of Lee shall, in accordance with any applicable general or special law or by-law or vote of the town, continue to elect the following: *(a)* town meeting members, *(b)* moderator, *(c)* board of selectmen, *(d)* school committee members, *(e)* housing authority, *(f)* assessors, *(g)* planning board members, *(h)* community development corporation members, *(i)* town clerk, *(j)* town treasurer, *(k)* tax collector, *(l)* board of health, *(m)* 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 hereafter provided by applicable provisions of any general law, special law, 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 the town administrator for consultation, conference and discussion on matters relating to their respective offices.

SECTION 2. The board of selectmen shall consist of three members elected by the voters of the town. Selectmen in office at the time of the approval of this act shall serve until the term of which they were elected shall have expired.

SECTION 3. The board of selectmen shall appoint town counsel, members of all appointed multi-member boards, committees and commissions except those appointed by the moderator and the town administrator as herein provided.

The moderator shall appoint the finance committee, as provided by by-law, and such committees and officers as he may now or hereafter be directed to appoint by any applicable general law, special law, by-law or vote of the town meeting.

SECTION 4. A member of the board of selectmen, or the finance committee shall during the term for which he was elected or appointed be ineligible either by election or appointment to hold any other compensated town office, other than that of town meeting member. Nothing in this section shall preclude the members of the board of selectmen from serving on appointed *ad hoc* committees.

SECTION 5. The board of selectmen shall, by unanimous vote, appoint, as soon as practicable, for an indefinite term, a town administrator who shall be qualified by education, training and previous full-time experience to perform the duties of the office. In its search for a town administrator, the board of selectmen shall advertise in the International City Management Newsletter or similar professional publication and in at least one newspaper having statewide or regional circulation. The town administrator shall be appointed without regard to his political designation. He need not be a resident of the town or the commonwealth when appointed, but shall become a resident of Berkshire county during the first year of his appointment unless otherwise provided by the board of selectmen. He shall have a college degree at the bachelor level and shall have had five years of full-time paid experience in a supervisory administrative position in the public sector. A masters degree may be substituted for not more than two years of such paid experience. No person holding elective office in the town with the exception of town meeting members shall, within three years of holding such office, be eligible for appointment as town administrator. Before entering upon the duties of his office, he shall be sworn to the faithful and impartial performance thereof by 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. 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 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, the board of selectmen shall, within seven days, appoint an officer of the town or another 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, an officer of the town, or another suitable person, to perform his duties during his temporary absence or disability. In the event of failure by the administrator to make such designation, the board of selectmen may, by resolution, designate an officer of the town or another suitable person to perform the duties of the administrator until he shall return or his disability shall cease.

SECTION 9. The board of selectmen may remove the town administrator. At least thirty days before such proposed removal shall become effective, the board of selectmen shall adopt at a public meeting and shall file with the town clerk a written preliminary resolution of removal, a copy of which resolution shall be delivered to the town administrator in person or at the administrator's last known

mailing address. The administrator may, within seven days of service of such resolution, reply in writing to the resolution and may request a public hearing. If the town administrator so requests, the board of selectmen shall hold a public hearing not earlier than fourteen days nor later than twenty-one days after the filing of such a request. At such a public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, the selectmen may adopt a final resolution of removal. In the preliminary resolution, the board of selectmen may suspend the administrator from duty, but in any case his salary shall continue to be paid during the period of consideration of the preliminary resolution and until thirty additional days after the vote of the final resolution.

SECTION 10. The town administrator shall appoint all town officials whose appointment or election is not specifically provided for herein. The town administrator shall appoint with majority approval of the board of selectmen, and may remove with the majority approval of the 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 appointments made by representatives of the commonwealth. Appointments to permanent positions made by the town administrator shall become effective on the fifteenth day following the day the notice of appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority vote of the board, vote to reject any such appointment.

Any person appointed by the town administrator to any town office under the provisions of this act of any general or special law shall be eligible during the term of said office to hold any other town office except that the town accountant shall not be eligible to hold the position of town treasurer or town collector. The town administrator, subject to any applicable provision of the General Laws relating thereto, may, with the approval of the board of selectmen, assume the duties of any office which he is authorized to fill by appointment, but shall receive no additional compensation for assuming the duties of any such additional office.

SECTION 11. In addition to specific powers and duties provided in this act, the town administrator shall have the general powers and duties enumerated in this section:

(a) The town administrator shall attend all regular meetings of the board of selectmen except meetings at which his removal is being considered, and shall attend all town meetings and shall be permitted to speak when recognized by the moderator.

(b) The town administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provision of section fifty-six of chapter forty-one of the General Laws shall be submitted to the town administrator. The approval of any such warrant by the town

administrator shall be sufficient authority to authorize payment by the town treasurer but the board of selectmen shall approve all warrants in the absence of the administrator or in the event of a vacancy in the office of town administrator.

(c) The town administrator shall be the chief budget officer of the town, and shall prepare and submit to the board of selectmen, an operating and capital improvement budget, as provided by by-law.

(d) Except as otherwise provided by this act, the 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; 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.

(e) The town administrator shall supervise and be responsible for the efficient administration of all departments, commissions, boards and officers, except the board of selectmen. He shall not, however, exercise any control over the discretionary power vested by statute in any such board, committee, commission or officer.

(f) The town administrator shall keep the board of selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town meeting as he may deem necessary or expedient.

(g) The town administrator shall have jurisdiction over the rental and use of all town property.

(h) The town administrator shall be responsible for the purchase of all supplies and materials and equipment, except those intended for the school department or for the library, and shall approve the award of all contracts for all departments of the town. He may make purchases for departments not under this supervision only upon and in accordance with requisitions duly signed by the heads of such departments.

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

(j) The town administrator may, upon the request and with the approval of the board of selectmen, 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) The town administrator shall be the agent of the board of selectmen for collective bargaining.

(l) The town administrator shall be responsible for the implementation of town

meeting votes and shall report annually in writing to the town meeting on the implementation of prior town meeting votes.

(m) The town administrator shall be accessible and available for consultation to boards, committees and commissions of the town, whether appointed or elected, and shall be responsive to their request for assistance.

(n) The town administrator shall keep full and complete records of his office, and shall provide quarterly reports to the board of selectmen.

(o) The town administrator, with the unanimous approval of the members of the board of selectmen and in accordance with the provisions of this act and the General Laws, may reorganize, consolidate or abolish departments or offices under his direction and supervision, in whole or in part, may establish such new departments or offices as he deems necessary, and may transfer the powers and duties of one department or office to another.

(p) Notwithstanding the provisions of chapter four hundred and thirty-eight of the acts of nineteen hundred and seventy, the town administrator shall be an *ex officio* member of the board of public works established by said act with all the privileges of membership, except the power to vote.

(q) The town administrator shall perform such other duties as may be required of him by by-law, by vote of the board of selectmen, or vote of the town meeting.

SECTION 12. The town administrator may without notice cause the affairs of any department under his supervision or the job-related conduct of any officer or employee thereof to be examined. The town administrator shall have access to all town books and papers for information necessary for the proper performance of his duties.

SECTION 13. 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 Lee 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.

SECTION 14. 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 under revocation any contract made by the town with the town administrator then in office shall be terminated upon such vote.

SECTION 15. No person in the permanent full-time service or employment of the town shall forfeit his pay, grade or time in service. Each person shall be retained in a capacity as similar to his former capacity as is practical.

SECTION 16. This act shall be submitted for acceptance to the voters of the town of Lee at the annual town elections to be held in the year nineteen hundred and ninety-one in the form of the following question, which shall be placed upon

the official ballot: "Shall an act passed by the General Court in the year nineteen hundred and ninety, entitled 'An Act Establishing a Selectmen-Administrator Form of Government in the Town of Lee' be accepted?"

If a majority of the votes 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-one, it shall again be submitted at the annual town election in the year nineteen hundred and ninety-two, and if accepted shall take full effect but not otherwise.

SECTION 17. The town may vote to establish a charter commission for the purpose of considering the appointment or election of persons to the positions of clerk, treasurer, and collector, along with any other matters it may deem necessary. Said vote shall include directions for notice of public meetings to be held by the charter commission, and shall set deadlines for the commission's findings and recommendations, and any other necessary directions to maximize public input in the charter commission's deliberations.

Approved December 29, 1990.

Chapter 472. AN ACT RELATIVE TO AUTOMOBILE THEFT IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 175A of the General Laws is hereby amended by inserting after section 10 the following section:-

Section 10A. (a) An automobile insurance rating organization licensed under the provisions of section eight is hereby authorized to create a statewide toll free tip line for reporting information on stolen cars and suspected auto theft activities to the state police and the governor's auto theft strike force. Said line shall be manned between eight ante meridian and five post meridian, Mondays through Fridays, and shall utilize a message recording device at all other times.

(b) Information shall be directed by the state police in conjunction with the governor's auto theft strike force to the appropriate local law enforcement agency, which shall investigate auto theft activities based on such information. The results of the investigation shall be submitted to the governor's auto theft strike force in a timely manner.

(c) If the investigation made pursuant to paragraph (b) leads to an arrest or arrests and prosecution of persons involved in auto theft or related violations of law, such information which leads to the arrest and prosecution shall be reviewed by a reward committee. Such reward committee shall be created by the governor's auto theft strike force subject to the approval of the commissioner of public safety

and shall include representatives of local law enforcement agencies, the state police, the registry of motor vehicles and insurance companies writing automobile policies in the commonwealth.

(d) The governor's auto theft strike force shall, after approval of the reward committee, reward information with:

(1) up to one thousand dollars for information leading to the arrest and prosecution of suspected individual car thieves;

(2) up to one thousand dollars for the issuance of a warrant for suspected car theft ring members or chop shop operators;

(3) up to five thousand dollars for the arrest and binding over for trial of suspected car theft ring members or chop shop operators;

(4) up to ten thousand dollars for the conviction of car theft ring members or chop shop operators.

(e) In all cases, the methods for receiving and processing tips shall protect the identity of informants.

(f) The governor's auto theft strike force, in conjunction with the department of public safety, shall contract for an advertising and public relations campaign, including public service announcements, to publicize the existence of this program.

(g) All expenses and rewards incurred by said program shall be paid by the automobile insurance rating organization.

Approved December 29, 1990.

Chapter 473. AN ACT FURTHER REGULATING THE COMPENSATION OF TOWN CLERKS WHO SERVE AS REGISTRARS OF VOTERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 41 of the General Laws is hereby amended by inserting after section 19I the following section:-

Section 19J. Notwithstanding the provisions of sections nineteen G and nineteen H, a city or town which accepts this section may compensate a clerk of a city or town who also serves as a member of its board of registrars of voters, in addition to any compensation to which such clerk is entitled as city or town clerk, a sum not less than fifty dollars but not to exceed one hundred dollars, and, if the number of registered voters exceeds one thousand, an additional sum not less than fifty dollars but not to exceed one hundred dollars for each additional thousand of registered voters or major fraction thereof; provided, however, that the total payment for such service as a member of said board shall not exceed four thousand

dollars in any year.

SECTION 2. For the purposes of implementing section one during fiscal year nineteen hundred and ninety-one, a town may accept the provisions of this act and set such compensation for a town clerk at a special town meeting and provide that payment of such additional compensation may be made from available funds and the amounts of such payments shall be reported by the town accountant or by the town treasurer if there is no town accountant, to the assessors who shall include the amounts so reported in the aggregate appropriation assessed in the determination of the next subsequent annual tax rate.

Approved December 29, 1990.

Chapter 474. AN ACT RELATIVE TO THE PREVENTION OF CHILD ABUSE.

Be it enacted, etc., as follows:

SECTION 1. Section 51A of chapter 119 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "policeman", in line 11, the words:- , office for children licensor, school attendance officer, allied mental health and human services professional as licensed pursuant to the provisions of section one hundred and sixty-five of chapter one hundred and twelve, drug and alcoholism counselor, psychiatrist, and clinical social worker.

SECTION 2. Section 51B of said chapter 119, as so appearing, is hereby amended by inserting after the word "household", in line 18, the following words:- ; provided, further, that if such child named in the report is an out-of-home placement, the department shall notify his parent that a report has been filed when such report is supported by the department; provided, further, that the department shall notify the biological parent of other children in the same placement if the child named in such supported report died or was seriously injured; provided, further, that such notification shall not be required if in the commissioner's judgment such notification would be against the best interests of the child; provided, further, that when appropriate, the department shall consult with the biological parent of the child who is the subject of the report and the other children in the decisions regarding the children's removal or further placement.

Approved December 29, 1990.

Chapter 475. AN ACT RELATIVE TO COLLEGE AND UNIVERSITY SECURITY INFORMATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 22 of the General Laws is hereby amended by adding the following section:-

Section 16. Each public or private degree-granting post-secondary institution of higher education shall submit, on an annual basis, a uniform crime report, consistent with the Federal Bureau of Investigation's Uniform Crime Report, to the department of public safety. Said department shall file all such reports with the Federal Bureau of Investigation. In addition, said department shall keep a copy of said reports on file for at least five years. Upon submitting said crime report, each institution shall provide public notice to its campus or campuses that the institution makes said report available, upon request, to any applicant, student, or employee of the institution and how such individuals can get a copy of the report from the institution.

In addition, each such institution shall certify that it has a campus security policy that has been made available, upon request, to any applicant, student, or employee of the institution. Said policy shall provide information on campus security procedures, including, but not limited to the following: (a) the administrative office responsible for security on the campus; (b) policy regarding the possession, use, and sale of alcoholic beverages and enforcement of underage drinking laws; (c) policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws; (d) policy regarding the unauthorized possession and use of weapons by students and employees; (e) policy regarding access to institutional facilities and programs by students, employees, guests and other individuals; (f) procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports; (g) a description of the communication media used to inform the campus community about security matters as well as the frequency with which the information is usually provided.

Said campus security policy shall further provide information on security and access to grounds and buildings, including, but not limited to, security considerations used in the maintenance of campus facilities.

Said policy shall further provide information on student housing safety measures, including, but not limited to: (a) policies concerning the identification and admission of visitors in student housing facilities; (b) measures to secure entrances to student housing facilities; (c) standard security features used to secure doors and windows in students' rooms; (d) the type and frequency of programs

designed to inform student housing residents about housing security and enforcement procedures; (e) policy and special security procedures for housing students during low-occupancy periods such as holidays and vacation periods; (f) policy on the housing of guests and others not assigned to the student housing or not regularly associated with the institution of higher education.

Said policy shall further provide information on campus law enforcement, including: (a) a description of the type and number of security personnel utilized by the institution, including a description of their training; (b) the enforcement authority of security personnel, including their working relationship with state and local police agencies; (c) policy on reporting criminal incidents to state and local police.

SECTION 2. The provisions of this act shall be null and void upon the implementation of a federal campus security law.

Approved December 29, 1990.

Chapter 476. AN ACT REQUIRING THE USE OF A HELMET BY A CERTAIN CHILD PASSENGER ON A BICYCLE.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 11B of chapter 85 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) The operator shall not ride other than upon or astride a permanent and regular seat attached to the bicycle. The operator shall not carry another person on said bicycle, except on a "baby seat", so called, attached to the bicycle in which such other person shall be able to sit upright; provided, however, that such seat is equipped with a harness to hold such other person securely in the seat and that protection is provided against the feet of such other person hitting the spokes of the wheel of the bicycle; and provided, further, that any such passenger between the ages of one year to four years, inclusive, shall wear a helmet. Said helmet shall fit the person's head and be equipped with straps to secure it in place and shall meet the standard for helmets of the American National Standards Institute (ANSI Z 90.4) or the Snell Memorial Foundation's 1984 Standard for Protective Headgear for use in bicycling. The operator shall not carry any person under the age of one year on said bicycle.

SECTION 2. Said chapter 85 is hereby further amended by inserting after section 11C, as so appearing, the following section:-

Section 11D. Every person engaged in the retail business of selling or renting bicycles shall display in an area conspicuous to customers of such business a sign

containing the following statement: "It is highly recommended that a bicycle helmet be worn while riding a bicycle.".

Approved December 29, 1990.

Chapter 477. AN ACT RELATIVE TO THE BOARD OF ALLIED MENTAL HEALTH AND HUMAN SERVICES PROFESSIONS.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 88 of chapter 13 of the General Laws, as amended by section 1 of chapter 720 of the acts of 1989, is hereby further amended by inserting after the word "be", in line 2, the words:- within the division of registration.

SECTION 2. The first sentence of subparagraph (A) of the first paragraph of section 89 of said chapter 13, as amended by section 2 of said chapter 720, is hereby amended by inserting after the word "be", in line 6, the word:- clinical.

SECTION 3. Section 90 of said chapter 13, as amended by section 3 of said chapter 720, is hereby further amended by striking out the seventh, eighth, and ninth paragraphs.

SECTION 4. The fourteenth paragraph of said section 90 of said chapter 13, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 77, the word "licenses" and inserting in place thereof the word:- licensees.

SECTION 5. Section 165 of chapter 112 of the General Laws, as amended by section 7 of chapter 720 of the acts of 1989, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The board may issue a license to an applicant as a marriage and family therapist, a rehabilitation counselor and a mental health counselor; provided, however, that each such applicant shall provide satisfactory evidence to the board that such applicant: (1) is of good moral character; (2) has not engaged or is not engaging in any practice or conduct which would be grounds for refusing to issue a license under section one hundred and sixty-nine; (3) demonstrates to the board, the successful completion of a masters degree in a relevant field from an educational institution licensed by the state in which it is located and meets national standards for granting of a masters degree with a subspecialization in marriage and family therapy, rehabilitation counseling, counseling, or a relevant subspecialization approved by the board.

SECTION 6. Said section 165 of said chapter 112 is hereby further amended by inserting after the word "institute", in line 17, as appearing in the 1988 Official Edition, the words:- or under the direction of a supervisor.

SECTION 7. Said section 165 of said chapter 112 is hereby further amended

by striking out the third sentence and inserting in place thereof the following sentence:- For purposes of this clause, "Supervision" shall be defined as no less than two hundred hours of supervised clinical experience, at least one hundred hours of which shall consist of individual supervision with a clinician who has expertise in marriage and family therapy, rehabilitation counseling, educational psychology, or counseling and who holds a masters degree in social work, marriage and family therapy, rehabilitation counseling, educational psychology, counseling or an equivalent field or holds a doctorate degree in psychology, or a medical degree with a subspecialization in psychiatry; (4) successfully passes a written or oral examination administered by the board to determine the applicant's qualifications for licensure for each profession licensed pursuant to this section; and (5) individuals licensed under the provisions of this section will not be eligible to renew licenses issued pursuant to the provisions of section three of chapter eight hundred and eighteen of the acts of nineteen hundred and seventy-seven unless such individuals satisfy the requirements of section one hundred and thirty-one of chapter one hundred and twelve, except for successful completion of an examination.

SECTION 8. Said section 165 of said chapter 112 is hereby further amended by adding the following two paragraphs:-

The board shall promulgate rules and regulations specifying the required qualifications of the supervising clinician.

The board may issue a license to an applicant as an educational psychologist; provided, however, that each such applicant, in addition to complying with clauses (1), (2) and (5) of the first paragraph shall provide satisfactory evidence to the board that such applicant:

(1) has successfully completed a relevant masters degree in psychology from an educational institution licensed by the state in which it is located;

(2) has successfully completed the equivalent of two full time academic years of post masters degree experience in school psychological services supervised by a licensed educational psychologist or a person eligible for licensing under this section; provided however, that such supervisor has been regularly involved for at least thirty contact hours per year;

(3) has been certified as a school psychologist by the department of education or holds a comparable certification from another state; and

(4) has successfully passed an oral or written examination administered by the board to determine the applicant's qualifications as an educational psychologist.

SECTION 9. The first paragraph of section 3 of chapter 521 of the acts of 1987 is hereby amended by striking out, in line 3, the word "eighty-nine" and inserting in place thereof the word:- ninety-two.

SECTION 10. The second paragraph of said section 3 of said chapter 521 is hereby amended by striking out, in line 3, the word "eighty-nine" and inserting in place thereof the word:- ninety-two.

SECTION 11. Said section 3 of said chapter 521 is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Individuals licensed under the provisions of this section shall not be eligible to renew licenses issued pursuant to the provisions of section three of chapter eight hundred and eighteen of the acts of nineteen hundred and seventy-seven, unless such individuals satisfy the requirements of section one hundred and thirty-one of chapter one hundred and twelve of the General Laws, except for successful completion of an examination.

Approved December 29, 1990.

Chapter 478. **AN ACT DIRECTING THE TEACHERS' RETIREMENT BOARD TO GRANT CERTAIN RETIREMENT BENEFITS TO THE SURVIVING SPOUSE OF GEORGE V. CARLINO.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the teachers' retirement board is hereby authorized and directed to pay Clelia Carlino, the surviving spouse of George V. Carlino, a former teacher of the Billerica Memorial high school, 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 George V. Carlino been retired for ordinary disability under section six of said chapter thirty-two and had he received an allowance in accordance with the provisions of clause *(b)* of subdivision (2) of said section six of said chapter thirty-two. Such allowance shall be paid to said Clelia Carlino as of the effective date of this act provided that said allowance shall be in the alternative to and exclusive of, any other allowance, benefit, or other payment to said Clelia Carlino from said teachers' retirement board account of said George V. Carlino.

Approved December 29, 1990.

Chapter 479. **AN ACT TO PROVIDE ASSISTANCE TO THOSE NEIGHBORHOODS IMPACTED BY THE CONSTRUCTION OF THE CENTRAL ARTERY AND THE THIRD HARBOR TUNNEL PROJECT.**

Be it enacted, etc., as follows:

Chapter 121 of the acts of 1990 is hereby amended by striking out section 94 in its entirety and inserting in place thereof the following section:-

Section 94. The secretary of the executive office of transportation and construction is hereby authorized, subject to appropriation, to establish a grant program to provide assistance to neighborhoods in the cities of Boston, Cambridge and Somerville impacted by the construction of central artery and the third harbor tunnel from any funds made available to the executive office of transportation and construction.

The impacted neighborhoods of the city of Boston shall include, but not be limited to, the North End, South End, Chinatown, East Boston, South Boston, Charlestown, West End, and Beacon Hill neighborhoods of the city of Boston as defined by the Boston Redevelopment Authority. The impacted neighborhoods of the city of Cambridge shall include, but not be limited to, East Cambridge as defined by the Cambridge redevelopment authority. The impacted neighborhoods in the city of Somerville shall include, but not be limited to, Northeast Somerville as defined by the Somerville department of communities and development.

The funds for said grants and programs may be expended for the following purposes:-

(a) To establish a citizen's advisory committee to oversee the project as it impacts the said neighborhoods. The committee established herein shall consist of seventeen members, five of whom shall be residents of the impacted neighborhoods of the city of Boston, one of whom shall be a resident of the impacted neighborhood in the city of Cambridge, and one of whom shall be a resident of the impacted neighborhood in the city of Somerville, two of whom shall be businessmen of the impacted neighborhoods, three of whom shall be appointed by the governor and three of whom shall be appointed by the mayor of the city of Boston, one appointed by the city manager of the city of Cambridge, and one appointed by the mayor of Somerville. No less than two shall be experts in engineering, no less than two shall be experts in urban planning and no less than two shall be experts in transportation.

The committee shall sit throughout the entire project period. It shall meet monthly without compensation to prepare a report made available to the public on the progress of the project and any and all adverse impacts arising from the project during that period.

The committee shall be concerned with, but not limited to, the following:

(1) continued easy access into and out of the impacted neighborhoods by both pedestrians and vehicles;

(2) continued unimpaired ability for sale or rental of available property;

(3) effective and efficient noise and air pollution control measures;

(4) prevention of and restitution for any and all damages caused by the project to property in the impacted neighborhoods;

(5) hours of operation work can be performed to complete the project;

(6) appropriate routes for heavy equipment vehicles and/or other vehicles

removing excavated land from the project site and/or any vehicle related to the project;

(7) traffic and parking alternatives in reaction to problems stemming from project;

(8) prevention of and restitution for any and all harm caused by the project to businesses of the impacted neighborhoods;

(9) securing any and all land made available by the project and its use to stabilize and improve the residential areas of the impacted neighborhoods;

(10) assured citizen participation in the siting of vent shafts necessary for the project.

In the event that these or any concerns are raised by the committee, the secretary shall be notified and, thereby, authorized to expend the necessary funds from monies authorized to assist impacted neighborhoods. The committee shall monitor the project in order to protect the rights, privileges and quality of life of the residents and businessmen of the neighborhoods;

(b) To establish a grant program to support community property owners whose property is damaged as a result of the project;

(c) To provide any additional funds needed to the cities of Boston, Cambridge, and Somerville environmental department to monitor levels of both noise and air pollution resulting from the project;

(d) To establish a grant program to assist and subsidize property owners of seven unit dwellings or less who lose existing rental tenants, the ability to let to new rental tenants, or any property owner of a seven unit dwelling or less whose property is sold at a value that has been reduced by the impact of the project. Said property owner shall be compensated for the difference between the property's fair market value and the selling price devalued by the project;

(e) To provide monies to the cities of Boston, Cambridge, and Somerville to study, analyze and implement traffic plans and improvements for the impacted neighborhoods, provided that all such projects, except those which involve only state roads, shall be planned in consultation with and subject to the approval of the city of Boston's transportation department which projects shall include but not be limited to: (1) the planning, design, construction, renovation, repair or other work necessary to service traffic flow in the neighborhoods; and, (2) the controlling of traffic to, from and through the neighborhoods to reduce at the maximum extent possible the number of vehicles traveling through the neighborhoods' residential areas, especially any and all vehicles related to the project; provided, however, that any projects related to the traffic planning and improvements which involve state roads shall be planned in consultation with and subject to the approval of the state department of public works; provided, further, that the costs of any such projects which are approved by the state department of public works shall be funded by said department from new or existing state transportation funding sources;

(f) To provide monies to the cities of Boston, Cambridge, and Somerville for

any addition public safety personnel needed to protect the communities, or to expedite any plan of the cities of Boston, Cambridge, and Somerville to mitigate adverse effects the project may have on the impacted neighborhoods;

(g) To establish a neighborhood business assistance plan for all small businesses in the impacted neighborhoods because of economic loss or opportunity, including, but not limited to, grants, loans, legal assistance, technical assistance or relocation grants or preferences;

(h) To provide for the acquisition of parking spaces to replace any parking spaces that are lost to the impacted neighborhoods because of the project. In addition to the acquisition of replacement parking spaces, the Secretary of Transportation shall establish a subsidized resident parking program for all residents of the impacted neighborhoods.

The secretary of transportation shall do all things necessary to mitigate or protect impacted neighborhoods from any and all adverse effects of the project. Further, it shall, in conjunction with the secretary and the cities of Boston, Cambridge, and Somerville, do whatever possible to retain and expand employment opportunities for the residents of the cities of Boston, Cambridge and Somerville, improve private and public transportation access to the impacted neighborhoods; upgrade public services in the impacted neighborhoods, facilitate additional affordable housing opportunities for low and moderate income families; and promote the sound economic growth within the impacted neighborhoods and the cities of Boston, Cambridge, and Somerville in a manner which recognizes and protects the integrity of residential neighborhoods.

The grant recommendations of the secretary of the executive office of transportation and construction shall be subject to the approval of the house and senate committees on ways and means.

Approved December 29, 1990.

Chapter 480. AN ACT REGULATING TANNING FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended by adding the following eight sections:-

Section 207. For the purposes of sections two hundred and eight to two hundred and fourteen, inclusive, the following words shall, unless the context clearly indicates otherwise, have the following meanings:

"Board of health" or "board", the board of health, including the board or officer having like powers and duties in towns where there is no board of health, with jurisdiction in the community in which a tanning facility is located.

"Phototherapy device", equipment that emits ultraviolet radiation and is used by health care professionals in the treatment of disease.

"Tanning device", any equipment used for tanning the skin that emits electromagnetic radiation with wavelengths in the air between two hundred and four hundred nanometers, including, but not limited to, a tanning booth, tanning bed or sunlamp which includes high pressure tanning lamps. Tanning device shall also include any accompanying equipment, including, but not limited to, protective eyewear, timers and handrails.

"Tanning facility", any location, place, area, structure or business which provides access to a tanning device.

Section 208. No access shall be provided to any tanning device by a tanning facility until said facility has been granted a license therefor by the board of health. Each license granted hereunder shall expire one year from the date of its issue. The fee for each such license and annual renewal thereof shall be determined by the board. The board shall inspect each tanning facility within thirty days of licensure and every six months thereafter. A tanning facility which violates the provisions of this section, sections two hundred and nine to two hundred and fourteen, inclusive, or any other applicable law, rule or regulation shall have seven days after written notice of such failure in which to comply with such provisions. The board may revoke the license of a tanning facility which fails to comply after said seven days. Any person aggrieved by a determination of the board pursuant to sections two hundred and seven to two hundred and thirteen, inclusive, may appeal to the department within twenty days of said determination. Any person, including, but not limited to, the board, aggrieved by a determination of the department may appeal said decision pursuant to the provisions of section fourteen of chapter thirty A.

Section 209. A tanning facility shall give each customer a written statement of warning and shall post a notice in a conspicuous place in every area in which a tanning device is used. Said statement or notice shall be at least eight and one-half inches wide by eleven inches long and printed in white on a red background. Said statement and notice shall contain the following information in substantially the following form:

DANGER: ULTRAVIOLET RADIATION.

1. Follow instructions.

2. Avoid too frequent or lengthy exposure. As with natural sunlight, exposure to a sunlamp may cause eye and skin injury and allergic reaction. Repeated exposure may cause chronic damage characterized by wrinkling, dryness, fragility, bruising of the skin and skin cancer.

3. Wear protective eyewear. FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG TERM INJURY TO THE EYES.

4. Ultraviolet radiation from sunlamps aggravates the effects of sun. Do not

sunbathe before or after exposure to ultraviolet radiation.

5. Abnormal or increased skin sensitivity or burning may be caused by certain foods, cosmetics or medications, including but not limited to, tranquilizers, diuretics, antibiotics, high blood pressure medication, birth control pills and skin creams. Consult a physician before using a sunlamp if you are taking medication, have a history of skin problems, or believe you are especially sensitive to sunlight. Pregnant women or women on birth control pills who use a tanning device may develop discolored skin.

6. IF YOU DO NOT TAN IN THE SUN YOU WILL NOT TAN FROM USE OF THIS DEVICE. Use of a tanning device does not provide substantial protective base against the effects of the sun.

Each time a person uses a tanning facility, or each time a person executes or renews a contract to use a tanning facility such person shall sign a written statement acknowledging that such person has read and understood such warning.

Section 210. A tanning facility shall at all times during operating hours have an operator present who is sufficiently knowledgeable in the correct operation of the tanning devices used at the tanning facility to be able to inform and assist each customer in the proper use of such tanning devices and to provided sanitized protective eyewear and towels. No person shall use a tanning device without such protective eyewear.

A tanning facility shall (i) limit each customer to the maximum exposure established by the department, (ii) control the interior temperature so it does not exceed one hundred degrees Fahrenheit, and (iii) use a timer that has an accuracy of plus or minus ten percent of any selected time interval and check that selected time has not been extended for each customer.

Section 211. No person fourteen years of age to seventeen years of age, inclusive, shall use a tanning device without the prior written consent of a parent or legal guardian who shall indicate therein that such parent or guardian has read and understood the warnings required under the provisions of section two hundred and nine.

No person under fourteen years of age shall use a tanning device unless accompanied by a parent or legal guardian.

Section 212. No tanning facility shall claim or distribute promotional material that claims that use of a tanning device is safe and free from risk. The liability of a tanning facility operator or the manufacturer of a tanning device shall not be affected by the giving of the warnings required by section two hundred and nine.

A tanning facility shall send a written report of any injury or complaint of injury to the board of health with a copy to the complainant or injured person. The board shall retain said report for a period of at least one year from the date of receipt thereof and shall allow public inspection thereof.

Section 213. The board of health, local health agent, or department shall have

access at all reasonable times to any tanning facility for the purposes of inspecting said facility.

The department may promulgate rules and regulations necessary for the implementation of sections two hundred and seven to two hundred and fourteen, inclusive, including, but not limited to, the maximum exposure limit for a person using a tanning device which limit shall not exceed the manufacturer's recommended maximum exposure time.

The provisions of sections two hundred and seven to two hundred and fourteen, inclusive, shall not apply to a phototherapy device used by or under the supervision of a licensed physician who is trained in the use of such phototherapy device.

Section 214. Whoever violates any provision of sections two hundred and seven to two hundred and thirteen, inclusive, or any rule or regulation of the department promulgated thereunder shall be punished by a fine of not less than two hundred dollars nor more than two thousand dollars.

SECTION 2. The provisions of this act shall take effect on July first, nineteen hundred and ninety-one.

Approved December 29, 1990.

Chapter 481. AN ACT TO ASSIGN THE RANK OF COMMISSIONER TO THE HEAD OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 7 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "administration", in line 3, the words, "except that in sections 38A 1/2 through 43H the word 'commissioner' shall mean 'commissioner of capital planning and operations'".

SECTION 2. Section 4A of said chapter 7, as most recently amended by section 1 of chapter 731 of the acts of 1989, is hereby further amended by inserting after the words "division of capital planning and operations", in the first sentence, the words:- headed by a commissioner.

SECTION 3. Said section 4A of said chapter 7, as appearing in the 1988 Official Edition, is hereby further amended by striking out, in lines 51 and 57, the word:- deputy.

SECTION 4. Section 38A 1/2 of said chapter 7, as so appearing, is hereby amended by striking out, in line 65, the word "deputy" each time it appears.

SECTION 5. Section 38F of said chapter 7, as so appearing, is hereby amended by striking out, in lines 20 and 23, in each instance, the word "deputy".

SECTION 6. Section 38G of said chapter 7, as so appearing, is hereby amended by striking out, in lines 2, 3, 5, 9, 11, 13, 15, 20, 21, 25 and 27, the word "deputy".

SECTION 7. Section 38H of said chapter 7, as so appearing, is hereby amended by striking out, in lines 6, 11, 19 and 25, in each instance, the word "deputy".

SECTION 8. Section 38I of said chapter 7, as so appearing, is hereby amended by striking out, in line 1, the word "deputy".

SECTION 9. Section 38J of said chapter 7, as so appearing, is hereby amended by striking out, in lines 7 and 9, in each instance, the word "deputy".

SECTION 10. Section 39A of said chapter 7, as so appearing, is hereby amended by striking out, in lines 31 and 135, in each instance, the word "deputy".

SECTION 11. Section 39B of said chapter 7, as so appearing, is hereby amended by striking out, in lines 2, 15, 59, 63, 67 and 72, in each instance, the word "deputy", and by adding after line 13 the following:- "The commissioner may, subject to appropriation, appoint deputy commissioners and associate deputy commissioners and legal counsel as appropriate and may authorize such deputy commissioners or associate deputy commissioners or legal counsel to act in his/her stead in particular matters or classes of matters,".

SECTION 12. Section 39C of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 11, 12 and 21, in each instance, the word "deputy".

SECTION 13. Section 40A of said chapter 7, as so appearing, is hereby amended by striking out, in line 42, the word "deputy".

SECTION 14. Section 40B of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 14, 16 and 18, in each instance, the word "deputy".

SECTION 15. Section 40C of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 33, 41, 47, 53, 56 and 63, in each instance, the word "deputy".

SECTION 16. Section 40D of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 6, 18, 22, 26, 39, 40, 48, 59, 69, 74, 79, 93, 95, 108 and 110, in each instance, the word "deputy".

SECTION 17. Section 40E of said chapter 7, as so appearing, is hereby amended by striking out, in lines 15, 46, 48, 53, 56 and 59, in each instance, the word "deputy".

SECTION 18. Section 40F of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 4, 10, 26, 38, 46, 50, 58, 61, 65, 70, 80, 82, 85, 93, 95, 98, 102, 104, 105, 107, 120, 125, 129, 132, 137, 138, 147, 151, 153, 155, 163, 165, 167, 172, 175, 176, 182 and 195, in each instance, the word "deputy".

SECTION 19. Section 40F 1/2 of said chapter 7, as so appearing, is hereby amended by striking out, in lines 2, 5, 7, 15, 18, 22, 29, 32, 36, 40, 47, 49, 52, 57, 61, 64, 66, 74, 78, 80, 88, 96, 102 and 104, in each instance, the word "deputy".

SECTION 20. Section 40G of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 8, 10, 21, 32, 38, 40 and 45, in each instance, the word "deputy".

SECTION 21. Section 40H of said chapter 7, as so appearing, is hereby amended by striking out, in lines 6, 20, 23, 26, 29, 41, 47, 49, 54, 56 and 62, in each instance, the word "deputy".

SECTION 22. Section 40I of said chapter 7, as so appearing, is hereby amended by striking out, in lines 4, 13, 14, 15 and 19, in each instance, the word "deputy".

SECTION 23. Section 40J of said chapter 7, as so appearing, is hereby amended by striking out, in lines 9, 23 and 26, in each instance, the word "deputy".

SECTION 24. Section 40K of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 19 and 23, in each instance, the word "deputy".

SECTION 25. Section 40L of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 7, 11 and 46, in each instance, the word "deputy".

SECTION 26. Section 40M of said chapter 7, as so appearing, is hereby amended by striking out, in lines 2, 4, and 12, in each instance, the word "deputy".

SECTION 27. Section 40N of said chapter 7, as so appearing, is hereby amended by striking out, in lines 43, 57, 64, 93, 101 and 103, in each instance, the word "deputy".

SECTION 28. Section 41A of said chapter 7, as so appearing, is hereby amended by striking out, in lines 4 and 12, in each instance, the word "deputy".

SECTION 29. Section 41B of said chapter 7, as so appearing, is hereby amended by striking out, in lines 8, 11, 16, 19, 39, 46 and 52, in each instance, the word "deputy".

SECTION 30. Section 41C of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 22, 27, 28 and 29, in each instance, the word "deputy".

SECTION 31. Section 42A of said chapter 7, as so appearing, is hereby amended by striking out, in lines 4, 16, 19, 21 and 24, in each instance, the word "deputy".

SECTION 32. Section 42B of said chapter 7, as so appearing, is hereby amended by striking out, in lines 8, 16, 44, 48, 59 and 69, in each instance, the word "deputy".

SECTION 33. Section 42C of said chapter 7, as so appearing, is hereby amended by striking out, in lines 8, 12, 40, 42 and 46, the word "deputy".

SECTION 34. The fourth paragraph of said section 42C of said chapter 7, as most recently amended by chapter 517 of the acts of 1989, is hereby further amended by striking out, in the first and second sentences, the word "deputy".

SECTION 35. Section 42E of said chapter 7, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 29, 38 and 47, in each instance, the word "deputy".

SECTION 36. Section 42F of said chapter 7, as so appearing, is hereby amended by striking out, in lines 2, 12 and 20, in each instance, the word "deputy".

SECTION 37. Section 42G of said chapter 7, as so appearing, is hereby amended by striking out, in line 30, the word "deputy".

SECTION 38. Section 42H of said chapter 7, as so appearing, is hereby amended by striking out, in lines 2 and 6, in each instance, the word "deputy".

SECTION 39. Section 42I of said chapter 7, as so appearing, is hereby amended by striking out, in lines 3, 16 and 22, in each instance, the word "deputy".

SECTION 40. Section 42J of said chapter 7, as so appearing, is hereby amended by striking out, in lines 50 and 53, in each instance, the word "deputy".

SECTION 41. Section 42K of said chapter 7, as so appearing, is hereby amended by striking out, in line 1, the word "deputy".

SECTION 42. Section 43A of said chapter 7, as so appearing, is hereby amended by striking out, in lines 4, 15, 18, 20, 26 and 30, in each instance, the word "deputy".

SECTION 43. Section 43B of said chapter 7, as so appearing, is hereby amended by striking out, in lines 2, 6 and 10, in each instance, the word "deputy".

SECTION 44. Section 43C of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 17, 23, 25, 31, 34, 36, 41, 50, 57 and 58, in each instance, the word "deputy".

SECTION 45. Section 43D of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1 and 12, in each instance, the word "deputy".

SECTION 46. Section 43E of said chapter 7, as so appearing, is hereby amended by striking out, in lines 14, 16, 19, 22, 25 and 31, in each instance, the word "deputy".

SECTION 47. Section 43F of said chapter 7, as so appearing, is hereby amended by striking out, in lines 6 and 10, in each instance, the word "deputy".

SECTION 48. Section 6 of chapter 29A of the General Laws, as so appearing, is hereby amended by striking out, in the first sentence of the second paragraph, the word "deputy".

SECTION 49. Section 39R of said chapter 30 of the General Laws, as so appearing, is hereby amended by striking out, in lines 114, 122 and 124, in each instance, the word "deputy".

SECTION 50. Section 44A of said chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6, 85, 91, 93, 95, 101 and 103, in each instance, the word "deputy".

SECTION 51. Section 44B of said chapter 149, as so appearing, is hereby amended by striking out, in line 14, the word "deputy".

SECTION 52. Section 44C of said chapter 149, as so appearing, is hereby amended by striking out, in lines 37, 42, 63, 76, 81, 89, 96, 98 and 104, in each instance, the word "deputy".

SECTION 53. Section 44D of said chapter 149, as so appearing, is hereby amended by striking out, in lines 3, 6, 18, 34, 43, 50, 64, 74, 79, 109, 112 and 140, in each instance, the word "deputy".

SECTION 54. Section 44E of said chapter 149, as most recently amended by sections 77 and 78 of chapter 341 of the acts of 1989, is hereby further amended by striking out, in the fourth clause of the fifth paragraph of subsection four the word "deputy".

SECTION 55. Section 44F of said chapter 149, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 51, the word "deputy".

SECTION 56. Section 44G of said chapter 149, as so appearing, is hereby amended by striking out, in line 27, the word "deputy".

SECTION 57. Section 44J of said chapter 149, as most recently amended by section 79 of the Acts of 1989, is hereby further amended by striking out, in the second sentence of subsection one, in the first sentence of subsection six and in the second sentence of subsection six, the word "deputy".

SECTION 58. Section 17 of chapter 211B of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 25, the word "deputy".

Approved December 29, 1990.

Chapter 482. AN ACT ESTABLISHING AN EXEMPTION FOR THE VIETNAM VETERANS OF AMERICA.

Be it enacted, etc., as follows:

Section 8E of chapter 12 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:-

Section 8E. Every public charity established, organized or chartered under the laws of the commonwealth or under the laws of any other state, except the American National Red Cross, the Grand Army of the Republic, American Veterans of World War II, Korea and Vietnam, Vietnam Veterans of America, AMVETS, the United Spanish War Veterans, the American Legion, the disabled American Veterans of the World War, Military Order of the Purple Heart, the Paralyzed Veterans of America, the Veterans of World War I of the U.S.A., and the Veterans of Foreign Wars of the United States, shall, before engaging in charitable work or raising funds in the commonwealth, register with the division by filing a copy of its charter, articles of organization, agreement of association or instrument of trust, and a true copy of its constitution and by-laws, together with such other information as the director may require. Every public charity registered with the division shall also file with the division any amendments to its charter, articles of

organization, agreement of association, instrument of trust or constitution, within thirty days after adoption.

Approved December 29, 1990.

Chapter 483. AN ACT ESTABLISHING THE MONSON AREA FIRE PROTECTION DISTRICT IN THE TOWN OF MONSON.

Be it enacted, etc., as follows:

SECTION 1. All of the inhabitants of the town of Monson, liable to taxation in said town and residing therein, shall constitute a fire, rescue, and ambulance protection district and are hereby made a body corporate by the name of the Monson Fire, Rescue, and Ambulance Protection district, hereinafter called the district, for the purpose of supplying themselves with fire, rescue, and ambulance equipment and apparatus and facilities for the extinguishment of fires, for rescuing, and for the provision of ambulance service, with the power to establish fire ponds and hydrants in areas not served by the municipal water supply system and to relocate and discontinue same, and to establish any and all fees, and for the purpose of assessing and raising taxes and fees as provided herein for the payment of such services and for defraying the necessary expenses of carrying out the business of the district, subject to all General Laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district, through its prudential committee, shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its prudential committee, as hereinafter provided for, may contract with any municipality, or with any water district, for whatever water may be required, and is hereby authorized to furnish the same; and it may also contract with any municipality or any fire district for fire protection or for ambulance service.

SECTION 3. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operations, the district may, in addition to any other authority to borrow under the General Laws, borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, the debt limit authorized by section ten of chapter forty-four of the General Laws but not more than two hundred thousand dollars, and may issue bonds or notes therefore, which shall bear on their face the words, Monson Fire, Rescue, and Ambulance District Loan, Act of 1990. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than ten years or the maximum statutory term provided from their dates, whichever is shorter. Indebtedness incurred under this act shall be subject to the provisions of

said chapter forty-four pertaining to such districts.

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

SECTION 5. Whenever a tax is duly voted by the district for the purpose 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. 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 treasurer of the district for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 6. Any meeting of the voters of the town of Monson to be held prior to the acceptance and approval of this act, and any meeting of the voters of the district to be held prior to the qualification of a majority of the prudential committee, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a constable, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district fourteen days at least before the time of the meeting. Such constable or one of the members of the board of selectmen shall preside at such organizational meeting only. At any meeting held hereunder prior to the acceptance and approval of this act, the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon, it shall thereupon take effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the prudential committee, meetings of the district shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the district.

SECTION 7. The district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of and voters in the district, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a prudential committee; and at every annual district meeting follow-

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

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

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

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

SECTION 11. This act shall take full effect upon its acceptance by a majority vote of the voters of the town of Monson present and voting thereon, by the use of a checklist, at district meeting called in accordance with section six, within four months after its passage.

SECTION 12. Upon acceptance as provided in section eleven, if such acceptance occurs prior to December thirty-first, nineteen hundred and ninety, the prudential committee is authorized to certify to the assessors of the town of Monson, the existence of the district and to authorize assessment of taxes upon

property owners within the district, as of January first of nineteen hundred and ninety, for the fiscal year commencing July first, nineteen hundred and ninety and ending with July first nineteen hundred and ninety-one and to include such assessment on bills sent to taxpayers by the said town and its tax collector as required by law.

Approved December 29, 1990.

Chapter 484. **AN ACT PROVIDING THAT CERTAIN ELECTED POSITIONS IN THE TOWN OF WAREHAM SHALL BE APPOINTIVE.**

Be it enacted, etc., as follows:

The charter of the town of Wareham, which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 3-2(c) and inserting in place thereof the following section:-

Section 3-2(c). Appointing Powers- the board of selectmen shall appoint the Town Administrator, the Registrars of Voters (but not the town clerk) and other election officers, the Board of Health, and the members of all the other multiple-member bodies for whom no other method of selection is provided by the charter.

Approved December 29, 1990.

Chapter 485. **AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO CONVEY A CERTAIN PARCEL OF OPEN SPACE LAND TO MERCY HOSPITAL.**

Be it enacted, etc., as follows:

The city of Springfield acting by and through its mayor, with the approval of the city council of said city, is hereby authorized to convey a certain parcel of open space land presently under the care and control of the park department of said city to the Mercy Hospital. Said land is bounded and described as follows:-

EXHIBIT A

A parcel of land in Springfield, Hampden County, Massachusetts as shown on a plan entitled "COMPILED MAP OF LAND IN SPRINGFIELD (Hampden County) MA PREPARED FOR THE MERCY HOSPITAL OF SPRINGFIELD" prepared by C.T. Male Associates, P.C., dated August 8, 1989, bounded as follows:

NORTHWESTERLY by land now or formerly of Paul M. Desrosiers and

Springfield Boys' Club, Inc. approximately 1258.32 feet;

NORTHEASTERLY by land now or formerly of the Roman Catholic Bishop of Springfield approximately 166.95 feet;

SOUTHEASTERLY by land now or formerly of the Springfield Housing Authority approximately 808.44 feet;

NORTHEASTERLY by land now or formerly of the Springfield Housing Authority approximately 134.04 feet;

SOUTHEASTERLY by land now or formerly of the Commonwealth of Massachusetts approximately 393.98 feet; and

SOUTHWESTERLY by land now or formerly of the Mercy Hospital of Springfield approximately 440.00 feet.

Being shown on said plan as "LAND OF CITY OF SPRINGFIELD (PARKS DEPARTMENT)" containing 8.001 acres more or less.

Being a portion of the premises described in a tax deed to the city of Springfield dated September nineteenth, nineteen hundred and thirty-eight and recorded at registry of deeds in the county of Hampden, Book 1663, Page 310.

Approved December 29, 1990.

Chapter 486. AN ACT PROVIDING ACCESS TO THE CHARLES RIVER WATERWAYS.

Be it enacted, etc., as follows:

Notwithstanding any provision of section fourteen of chapter ninety-one of the General Laws or any other general or special law to the contrary, The Spaulding Rehabilitation Hospital Corporation is hereby authorized to construct, maintain and repair a timber pier, walkway and promontory beyond the harbor line on the southerly side of the Charles river in the city of Boston, such harbor line having been established in chapter one hundred and seventy of the acts of eighteen hundred and eighty, and most recently amended by chapter five hundred and ninety-one of the acts of nineteen hundred and fifty. Said pier, walkway and promontory shall be constructed and located in substantial conformity with the description of structures and conditions contained in department of environmental protection water license number 2107. Said pier, walkway and promontory shall be maintained and used as set forth in said license, which authorizes use for patient care and hospital administrative support, and provides public access to waterfront open space for passive recreational purposes and public access to navigable waters for recreational boating and fishing purposes.

Approved December 29, 1990.

Chapter 487. AN ACT FURTHER REGULATING EMPLOYMENT IN HIGHER EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 268A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "teaching", in line 55, the words:- or performing other related duties.

SECTION 2. Section 4 of chapter 268B of the General Laws is hereby amended by striking out paragraph (k), as amended by section 349A of chapter 150 of the acts of 1990, and inserting in place thereof the following paragraph:-

(k) Any final action by the commission made pursuant to this chapter shall be subject to review in superior court upon petition of any party in interest filed within thirty days after the action for which review is sought. The court shall enter a judgment enforcing, modifying or setting aside the order of the commission or it may remand the proceedings to the commission for such further action as the court may direct. If the court modifies or sets aside the commission order or remands the proceedings to the commission, the court shall determine whether such modification, set aside or remand is substantial. If the court does find such modification, set aside or remand to be substantial, the employee shall be entitled to be reimbursed from the treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by him in the defense of the charges contained in said proceedings. The amount of such reimbursement shall be awarded by the court, but shall not exceed twenty thousand dollars per person, per case. Reimbursement of such costs shall be applicable to state, county or municipal employees whose conduct is so regulated by the provisions of chapter two hundred and sixty-eight A and this chapter.

SECTION 3. Section two of this act shall apply to commission orders issued on or after the effective date of this act.

Emergency Letter: December 31, 1990 @ 3:29 P.M. Approved December 29, 1990.

Chapter 488. AN ACT RELATIVE TO THE TERMS OF THE MEMBERS OF THE BOARD OF ALLIED HEALTH PROFESSIONS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eleven A of chapter thirteen of the General Laws, of the members of the board of allied health professions appointed to the term commencing January sixth, nineteen hundred and ninety-two, one athletic trainer, the occupational therapist assistant and the physical therapist

assistant shall be appointed for a term of one year; one athletic trainer, one occupational therapist, one physical therapist and the physician member shall be appointed for a term of two years; and one athletic trainer, one physical therapist, one occupational therapist and the member who represents the general public shall be appointed for a term of three years. All subsequent appointments shall be for a term of three years, in accordance with the provisions of said section eleven A.

Approved December 29, 1990.

Chapter 489. AN ACT FURTHER REGULATING THE REPORTING REQUIREMENTS OF CERTAIN POLITICAL COMMITTEES.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 18 of chapter 55 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out clause (e) and inserting in place thereof the following clause:-

(e) by all other non-elected and elected political committees which are not required to file reports as aforesaid, on or before: (1) the same days and in accordance with the same schedule as set forth in clause (a), if the political committee is aiding or promoting the success or defeat of one or more candidates in a state primary, special or general election; (2) the same days and in accordance with the same schedule as set forth in clause (b), if the political committee is aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing a question submitted to the voters, in a city or town preliminary, primary general or special election.

SECTION 2. Said second paragraph of said section 18 of said chapter 55, as so appearing, is hereby further amended by striking out clause (g).

Emergency Letter: December 31, 1990 @ 3:29 P.M. Approved December 29, 1990.

Chapter 490. AN ACT FURTHER REGULATING THE ABATEMENT OF CERTAIN TAXES.

Be it enacted, etc., as follows:

The first paragraph of section 8 of chapter 58 of the General Laws, as amended by section 30 of chapter 341 of the acts of 1989, is hereby further amended by inserting after the third sentence the following sentence:- Whenever in the opinion of the commissioner, the assessors or the board or officer assessing a tax, assessment, rate or charge have made an obvious clerical error and such tax,

assessment, rate or charge has been paid, the commissioner may, in writing, authorize the assessors or such board or officer to abate any part or the whole of such tax, assessment, rate or charge for a period not to exceed the three fiscal years preceding the year of the application to the commissioner; provided, however, that no interest shall be due in connection with any such abatement.

Approved December 29, 1990.

Chapter 491. AN ACT RELATIVE TO BETTERMENT ASSESSMENTS FOR SEWERAGE FACILITIES IN THE TOWN OF MILLBURY.

Be it enacted, etc., as follows:

Paragraph 2 of subsection A of section 3 of chapter 307 of the acts of 1973, as amended by section 1 of chapter 156 of the acts of 1978, is hereby further amended by adding the following sentence:- If any units in a multiple family dwelling are individually owned they shall be assessed as one full unit.

Approved December 29, 1990.

Chapter 492. AN ACT EXTENDING HOMESTEAD PROTECTION FOR ELDERLY AND DISABLED PERSONS TO MOBILE HOMES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 188 of the General Laws is hereby amended by striking out section 1A, as amended by section 2 of chapter 475 of the acts of 1989, and inserting in place thereof the following section:-

Section 1A. The real property or mobile home of persons sixty-two 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 has 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 real property or mobile home 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 USC 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 USC 1382c(a)(3)(A) and (C), which are in effect at the time of filing, shall be recorded or filed, whichever is appropriate, with a disabled person's declaration of homestead protection.

Each individual having an ownership interest in the real property or mobile home 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 or claim of homestead shall be terminated upon the sale or transfer of the real property or mobile home during the declarant's lifetime or upon the sale or transfer of the declarant's interest in the real property or mobile home 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 by a release of the elderly or disabled person's claim of homestead, duly signed, sealed and acknowledged by the declarant, and filed in the city or town clerk's office in the city or town in which the mobile home is located; or pursuant to section two.

SECTION 2. Said chapter 188 is hereby further amended by striking out section 2, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 2. To acquire an estate of homestead in real property, the fact that it is designed to be held as such shall be set forth in the deed of conveyance by which

the property is acquired; or, after the title has been acquired, such design may be declared by a writing duly signed, sealed and acknowledged and recorded in the registry of deeds for the county or district in which the property is situated. To acquire a claim of homestead in a mobile home, the fact that it is designed to be held as such shall be set forth in a writing duly signed, sealed and acknowledged and filed at the city or town clerk's office in the city or town in which the mobile home is located. The acquisition of a new estate or claim of homestead shall defeat and discharge any such previous estate.

Approved December 29, 1990.

Chapter 493. **AN ACT FURTHER AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN PARK LAND IN THE TOWN OF HULL TO THE HULL REDEVELOPMENT AUTHORITY.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 644 of the acts of 1987 is hereby amended by adding the following paragraph:-

The more precise configuration of these parcels shall be as shown on that plan of land referenced within this act, as it is further revised and recorded with the Plymouth county registry of deeds, and in the event of any inconsistency between the legal description of said parcels as contained in this act and the recorded plan, said plan shall control.

SECTION 2. Said chapter 644 is hereby further amended by adding the following paragraph:-

The more precise configuration of these parcels shall be as shown on that plan of land referenced within this act, as it is further revised and recorded with the Plymouth county registry of deeds, and in the event of any inconsistency between the legal description of said parcels as contained in this act and the recorded plan, said plan control.

SECTION 3. Said chapter 644 is hereby further amended by inserting after section 3 the following section:-

Section 3A. No deed or instrument conveying real property interests or otherwise affecting title conveying real property interests or otherwise affecting title to the parcels of land located in the town of Hull and described within this chapter shall be valid unless it references that plan of land entitled "MDC/HRA Land Exchange Plan in Hull (Plymouth County) Mass.", dated May 7, 1987, revised through August 16, 1988, and recorded August 19, 1988 with the Plymouth county registry of deeds in Plan Book 31, Page 211. In the event that all or a portion of

the description of any of the parcels set forth within this chapter contradicts or is otherwise inconsistent with the description of such parcels as shown upon said plan of record, then said plan of record and any subsequent plans of record shall control as to the accuracy and correctness of such description.

SECTION 4. Section 4 of said chapter 644 is hereby amended by striking out, in lines 2 and 3, the words "within three years of the effectiveness date of this act".

SECTION 5. Said section 4 of said chapter 644 is hereby further amended by inserting after the first sentence the following sentence:- In the event that the property described in section one reverts to the commonwealth, the deputy commissioner, notwithstanding any general or special law to the contrary, shall transfer the property described in section two to the Hull Redevelopment Authority, or its successors, so long as the costs, fees and expenses of such transfer and the restoration of the properties are paid by the recipient.

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

Approved December 31, 1990.

Chapter 494. AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF BARNSTABLE FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. All positions in the town of Barnstable, except the positions of plumbing inspector, sealer of weights and measures and all police positions in the police department including chief, shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any person holding positions in the town of Barnstable on the effective date of this act.

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

Approved December 31, 1990.

Chapter 495. AN ACT RELATIVE TO THE CREATION OF A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF BOURNE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, there is hereby created in the town of Bourne a department of public works, headed by a superintendent of public works.

SECTION 2. The superintendent of public works shall be appointed by the board of selectmen, and he shall exercise and perform, under its supervision and direction, such of the powers, rights and duties transferred to the department of public works under section three and such other powers, rights and duties as may from time to time be transferred to said department. He shall keep full and complete records of the doings of his office and shall render to the board of selectmen, as often as it may require, a full report of all operations under his control during the period reported upon. He shall keep the board of selectmen fully advised as to the needs of the town within the scope of his duties.

The position of superintendent of public works shall be a permanent classified position under the salary administration plan by-law of said town. The superintendent of public works shall be a registered civil engineer, or a person otherwise especially suited by education, training or previous experience to perform the duties of the office.

SECTION 3. The department of public works shall assume all of the duties and responsibilities, and perform all of the functions including, but not limited to, those which prior to the adoption of this act were performed by the highway division, tree and park maintenance division, sanitary landfill division, superintendent of public sewers, composting and recycling, and rubbish collection division.

SECTION 4. The department of public works shall be responsible for the maintenance and repair of town buildings and property.

SECTION 5. No person employed full-time on the effective date of this act in the highway, maintenance, park or sanitation divisions of the 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 rights, or their vacations, personal days, sick days, holidays, seniority and other employee rights in the position held on the effective date of this act.

SECTION 6. The provisions of this act shall not impair the status of the present elected incumbent highway surveyor. Upon a vacancy in said office of the elected highway surveyor, or upon the conclusion of the term of office of the elected highway surveyor in nineteen hundred and ninety-five, whichever shall first occur, the powers and duties thereof shall be exercised and performed as provided in this act.

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

Approved December 31, 1990.

Chapter 496. AN ACT RELATIVE TO THE FORECLOSURE OF MORTGAGES.

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

which is, in part, to immediately clarify actions brought under the Soldiers' and Sailors' Civil Relief Act, therefore 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 57 of the acts of 1943, as most recently amended by section 1 of chapter 127 of the acts of 1982, is hereby further amended by striking out the last paragraph and inserting in place thereof the following two paragraphs:-

In proceedings under this section, no person who is not a record owner of the equity of redemption in the mortgaged property and who is not entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act, 50 USC Sections 510 to 591, inclusive, with respect to the mortgage, trust deed or other security described in the bill, whether named as a defendant in the bill or not, shall be entitled to appear or be heard in such proceeding, except on behalf of a person so entitled, or unless an affidavit by the claimant, or a certificate by counsel appearing for him, stating that he is entitled to the benefits of said act, is filed with the appearances. Such proceedings shall be limited to the issues of the existence of such persons and their rights if any. No proceedings shall be brought under this section in any case in which the record ownership of the equity of redemption in the mortgaged property is held by one or more of the following types of entities, whether domestic or foreign: a corporation; a limited partnership; a trust operating under a written instrument or declaration of trust, the beneficial interest under which is divided into transferable certificates of participation or shares; or a general partnership or joint venture of which all the general partners who appear of record so appear to be one or more of the foregoing types of entities. The court in which is brought any proceeding under this section shall not require or cause to be joined as a party or to be served with process in or notice of said proceeding any party interested in the mortgaged property other than the record owner thereof.

A decree by the court that no person is then subject to or is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, or any amendments thereto hereafter enacted, shall forever bar the persons named in the bill or complaint from complaining that such foreclosure or seizure is invalid under said act.

SECTION 2. Said chapter 57 is hereby further amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. A copy of said decree may be recorded in the registry of deeds and city or town clerk's office in which such mortgage is recorded, and if so recorded shall be conclusive evidence of compliance with the provisions of said Soldiers' and Sailors' Civil Relief Act of 1940, and any amendments thereto, in so far as the court

has power to determine the same, as against all persons, except that such copy shall not be conclusive evidence of such compliance against persons whose interests appeared of record prior to the recording of the notice of said proceeding unless they were named as defendants or had notice of said proceeding.

SECTION 2A. The provisions of this act shall not apply to members of the armed services while engaged, directly or indirectly, on active duty during the operation known as Desert Shield, whether members of regular armed services, reservists or members of the National Guard.

SECTION 3. This act shall take effect on January first, nineteen hundred and ninety-one and shall apply to any complaint filed after said date in accordance with the provisions of this act.

Approved December 31, 1990.

Chapter 497. AN ACT AUTHORIZING THE TOWN OF PEMBROKE TO REIMBURSE CERTAIN MONIES PAID IN ERROR AS REAL ESTATE TAXES.

Be it enacted, etc., as follows:

SECTION 1. The town of Pembroke is hereby authorized to reimburse Robert S. Holt the sum of five hundred and ninety dollars and ninety-nine cents paid to said town as real estate taxes in error for the fiscal year nineteen hundred and eighty-nine on property described as parcel 150 on the assessors map B-5 for said town.

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

Approved December 31, 1990.

Chapter 498. AN ACT PROVIDING FOR THE INCREASED PROTECTION OF PUBLIC EMPLOYEES AGAINST ASSAULT AND BATTERY WHILE PERFORMING OFFICIAL DUTIES.

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by striking out section 13D, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 13D. Whoever commits an assault and battery upon any public employee when such person is engaged in the performance of his duties at the time of such assault and battery, shall be punished by imprisonment for not less than

ninety days nor more than two and one-half years in a house of correction or by a fine of not less than five hundred nor more than five thousand dollars.

Approved December 31, 1990.

Chapter 499. AN ACT RELATIVE TO SAVINGS BANK LIFE INSURANCE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 26 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. There shall be a department of banking and insurance consisting of a division of banks and loan agencies and a division of insurance. Each division shall be in charge of a commissioner who shall be known, respectively, as the commissioner of banks and the commissioner of insurance. The commissioners shall act as a board in all matters concerning the department as a whole.

SECTION 2. Section 8C of said chapter 26, as so appearing, is hereby amended by striking out, in lines 27 to 29, inclusive, the words "and as the words "savings insurance bank" and "insurance department" as defined in section one of chapter one hundred and seventy-eight,".

SECTION 3. Said chapter 26 is hereby further amended by striking out the caption preceding section 9.

SECTION 4. Sections nine and ten of said chapter twenty-six are hereby repealed.

SECTION 5. Section 1 of chapter 30 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 5, the words "of savings bank life insurance".

SECTION 6. Paragraph (b) of section 2 of chapter 32A of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the words "the division of savings bank life insurance".

SECTION 7. Section 4 of said chapter 32A, as so appearing, is hereby amended by striking out, in lines 28 to 30, the words "any savings bank authorized to engage in the insurance business in accordance with chapter one hundred and seventy-eight and".

SECTION 8. Section 8 of said chapter 32A, as so appearing, is hereby amended by striking out, in lines 84 and 85, the words ", the division of savings bank life insurance".

SECTION 9. Section 3 of chapter 32B of the General Laws, as so appearing, is hereby amended by striking out, in lines 72 to 74, inclusive, the words "any savings bank authorized to engage in the insurance business in accordance with

chapter one hundred and seventy-eight and".

SECTION 10. Section 12 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out paragraph (c).

SECTION 11. Section eighteen of chapter sixty-three of the General Laws is hereby repealed.

SECTION 12. Paragraph (1) of section 22B of said chapter 63, as appearing in the 1988 Official Edition, is hereby amended by striking out, in lines 2 to 4, inclusive, the words "and every savings and insurance bank not subject to the gross investment income tax under section eighteen".

SECTION 13. Section 22C of said chapter 63, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "or savings or insurance bank".

SECTION 14. The second paragraph of section 39 of chapter 168 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words ", the Savings Bank Life Insurance Council".

SECTION 15. Section 3 of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words "or one hundred and seventy-eight".

SECTION 16. Section 3A of said chapter 175, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words ", and, so far as is provided therein, chapter one hundred and seventy-eight".

SECTION 17. Section 24A of said chapter 175, as so appearing, is hereby amended by striking out, in lines 3 to 5, inclusive, the words "and no savings and insurance bank as defined in section one of chapter one hundred and seventy-eight".

SECTION 18. Section 120A of said chapter 175, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- "Insurer" as used in this section shall include every life insurance company as defined in section one hundred and eighteen of chapter one hundred and seventy-five and every fraternal benefit society as defined in section one of chapter one hundred and seventy-six.

SECTION 19. Section 138A of said chapter 175, as so appearing, is hereby amended by striking out, in line 21, the words ", including in such term a savings and insurance bank".

SECTION 20. Section 146B of said chapter 175, as so appearing, is hereby amended by striking out, in lines 32 to 35, the words "(k) savings and insurance bank as defined in section one of chapter one hundred and seventy-eight or other depository underwriting insurance subject to analogous terms and conditions".

SECTION 21. Section 193T of said chapter 175, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "or savings and insurance bank".

SECTION 22. Chapter one hundred and seventy-eight of the General Laws is

hereby repealed.

SECTION 23. The General Laws are hereby further amended by inserting after chapter 178 the following chapter:-

CHAPTER 178A.

SAVINGS BANK LIFE INSURANCE.

Section 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:-

"Bank", a trust company, commercial bank, savings bank, savings and loan association, cooperative bank or credit union chartered by the commonwealth, a national banking association, federal savings and loan association, federal savings bank or federal credit union which has its main office located in and is authorized to do business in the commonwealth.

"Certificate", the certificate issued by the commissioner pursuant to section thirty-two of chapter one hundred and seventy-five;

"Commissioner", the commissioner of insurance;

"Company", The Savings Bank Life Insurance Company of Massachusetts;

"Date of conversion", the date on which the certificate is effective;

"Directors", the directors of the company;

"Division", the division of insurance of the department of banking and insurance of the commonwealth;

"Individual policyholder", persons holding individual policies of savings bank life insurance on the date of conversion;

"Insurance contracts", life and annuity policies and contracts, and pure endowment contracts;

"Insurance department", the department of a savings and insurance bank in which the business of issuing savings bank life insurance is conducted;

"Savings bank", a bank chartered under the provisions of chapter one hundred and sixty-eight and any such bank which has converted to federal charter;

"Savings and insurance bank", a savings bank which has established an insurance department under the provisions of chapter one hundred and seventy-eight and is operating such department on the date of conversion;

"Savings bank life insurance", insurance contracts issued by a savings and insurance bank;

"Surplus", the total amount of surplus on the effective date of conversion of the insurance department of each savings and insurance bank assumed by the company calculated in the manner provided in the annual financial statement filed pursuant to section twenty-nine of chapter one hundred and seventy-eight together with such adjustments and additions and subtractions to said statement as deemed necessary by the commissioner and approved, in writing, by a majority of the members of the policyholders protective board established by section nine to reflect the market value of assets on the date of conversion, and to effectuate a

conversion that is fair, equitable and non-prejudicial to individual policyholders and to provide for the establishment of the company on a safe and sound basis so as to insure its ability to offer safe, low cost insurance.

Section 2. There is hereby established a domestic stock life insurance company to be known as The Savings Bank Life Insurance Company of Massachusetts and such company shall have all the rights, powers and privileges and be subject to all the duties, liabilities and restrictions of a domestic stock insurance company established under the provisions of chapter one hundred and seventy-five, except as otherwise provided herein. Upon the date of conversion, such company may issue insurance contracts as set forth in clause sixteenth of section forty-seven of said chapter one hundred and seventy-five and shall assume the ownership and operation of the insurance departments of all savings and insurance banks and the Savings Bank Life Insurance Council, established by section thirty-two of chapter one hundred and seventy-eight, as hereinafter provided. The company shall be subject to the provisions of chapter sixty-three, insofar as applicable, in the same manner as a life insurance company as defined in section one hundred and eighteen of said chapter one hundred and seventy-five.

Section 3. Each savings and insurance bank shall designate one of its directors or trustees to serve as a director of the company until such time as their successors shall have been duly elected by the stockholders of the company. Such designations shall be filed with the commissioner and said directors shall adopt by-laws governing the operation of the company. Except as provided in section nine, no person shall be eligible for election to serve as a director of the company who is not a director, trustee or officer of a savings bank or is not an officer of the company.

Section 4. Within forty-five days after the establishment of the company, the directors shall submit to the commissioner a plan pursuant to which the company shall assume the ownership and operation of the insurance department of each savings and insurance bank. Said plan shall provide that all savings and insurance banks shall be issued shares of the capital stock of the company in such proportion as the surplus of the insurance department of each such bank calculated at the fair market value of its assets bears to the total surplus of the insurance departments of all such banks as of the date of conversion, or in such other manner deemed to be fair and equitable by the directors and approved by the commissioner; provided, however, that each such bank shall receive not less than one share of the capital stock of the company. Said plan shall further provide that there shall be two classes of such stock: (a) Class A shares which shall be voting shares, and (b) Class B shares which shall be nonvoting shares. The first share of stock issued to each such bank shall be Class A stock and all remaining shares so issued to any such bank shall be Class B stock. No bank eligible to hold shares in the company shall hold more than one share of Class A stock. All shares of stock shall be

considered equal with respect to the payment of dividends, if any, in accordance with section ten.

Notwithstanding the provisions of section one hundred and seventy-four E of chapter one hundred and seventy-five, a bank and its officers and employees may act as an agent or broker exclusively for the company in the sale of insurance contracts. No such bank or its officers and employees shall act as agent or broker for any other insurance company doing business in the commonwealth. All licenses for the sale of savings bank life insurance acquired in accordance with the provisions of section ten A of chapter one hundred and seventy-eight and in effect on the date of conversion are hereby transferred to the company and shall continue in force until the stated expiration date, at which time, they may be renewed by the company. Applicants for a license as an agent or broker for the company shall be filed in accordance with sections one hundred and sixty-three and one hundred and sixty-three A of said chapter one hundred and seventy-five; provided, however, that any such license shall not become effective until the date of conversion.

The capital stock of the company shall be held only by a savings bank or its holding company; provided, however, that upon any proposed sale of such stock by any such bank or holding company, the shares to be sold shall first be offered to the company for purchase upon the same terms and conditions as those of the proposed sale and the company is hereby authorized, with the approval of the commissioner, to purchase and hold such shares.

Section 5. The plan of assumption shall require the company to assume all policies and contracts of savings bank life insurance in effect on the date of conversion. The plan shall also provide for distribution to individual policyholders of an amount equal to the surplus assumed by the company on the effective date of conversion. Such amount shall be distributed as additional annual dividends over a period of not less than eight nor more than twelve years in accordance with a schedule prepared by the company and approved by the commissioner and shall continue until the sum so distributed equals the amount of said surplus on said date of conversion. The amount of surplus so distributed shall be considered as an expense in determining the net profits of the company. The company shall, in the year following the year in which the final distribution is made according to said schedule, distribute to each individual policyholder then living a further additional dividend equal to the average of the rates established and announced, as the auction average on a discount basis, for United States Treasury bills with maturities of one year at auctions held during the years actually encompassed, multiplied by the sum of the additional annual dividends. In the event that any individual policyholder entitled to distribution dies prior to the complete distribution of said surplus, the beneficiary of said policyholder shall, in addition to the payment of the proceeds of such policy, receive a postmortem dividend equal to the then

present value of the unpaid additional annual dividends which would have accrued to such policyholder had he survived until the total surplus was so distributed, together with a pro rata payment, as of said policyholder's date of death, of the amount of said payment of interest determined in accordance with this section. In any year, the company may defer the distribution of said surplus for such year upon certification to and approval by the commissioner that the same would result in reducing the surplus to reserve ratio of the company below six percent. In the event of a complete liquidation of the company, there shall be distributed to individual policyholders an amount equal to the difference, if any, between the surplus assumed by the company on the effective date of conversion and the sum of such previously distributed amounts.

Section 6. After receipt by him of the plan of assumption, the commissioner shall fix the time and place for a public hearing thereon, which shall be held not more than forty-five days after said receipt. Fourteen days' notice of such hearing shall be sent by mail to each savings and insurance bank and shall include a summary of said plan as prepared by the commissioner. Notice of the time and place of such hearing, including said summary, shall be published once each week for two consecutive weeks in a newspaper of general circulation in each county of the commonwealth, with the last publication being at least fourteen days prior to the date of the hearing. If, after such hearing, the commissioner determines that the plan of assumption conforms to the requirements of this act, he shall approve said plan and issue to the company the certificate required by section thirty-two of chapter one hundred and seventy-five to be effective as of the close of business on December thirty-first, nineteen hundred and ninety-one. A refusal by the commissioner to grant his approval to the plan of assumption and to issue said certificate shall be subject to judicial review. If the commissioner has failed to issue such certificate by said December thirty-first, nineteen hundred and ninety-one, the company shall be authorized to conduct insurance business in accordance with chapter one hundred and seventy-eight of the General Laws until such time as said certificate is issued. For the purposes of this section, the commissioner may incur costs, not to exceed two hundred and fifty thousand dollars, and may expend the same without further appropriation for consultants and other personnel and may assess such cost against the savings and insurance banks in such proportion as the surplus of the insurance department of each such bank bears to the total surplus of the insurance departments of all such banks as of January first nineteen hundred and ninety.

Section 7. Upon the date of conversion, the company shall assume all of the assets including any surplus, rights and interests and all of the obligations and liabilities of the insurance departments of all savings and insurance banks and of the Savings Bank Life Insurance Council, to be held by said company pursuant to said plan of assumption and the provisions of this chapter. Upon such assumption,

the company shall issue shares of its capital stock as provided in section four whereupon all operations of said insurance departments and the Savings Bank Life Insurance Council shall cease; provided, however, that no action or proceeding pending at the time of such assumption to which any such insurance department or the Savings Bank Life Insurance Council may be a party shall be abated or discontinued and the same shall be brought to final judgment in the same manner as if such assumption shall not have occurred. The company may be substituted as a party to any such action by order of the court.

All insurance contracts, forms and riders which have been authorized for use by savings and insurance banks may continue to be used by the company.

The capital stock of the company shall be legal investments for savings banks. All investments of the insurance departments of savings and insurance banks assumed by the company in accordance with this chapter shall be legal investments for the company.

The company, in establishing rates, benefits and coverages shall not discriminate on the basis of gender. The company shall invest at least fifty percent of its investable assets in Massachusetts investments including, but not limited to, stocks, bonds, securities, mortgages and other debt instruments of Massachusetts corporations or companies, Massachusetts real estate, mortgages of real estate located in Massachusetts, or in such other Massachusetts related investments authorized for domestic life insurance companies by chapter one hundred and seventy-five.

Section 8. Upon the date of conversion, the offices of commissioner and deputy commissioner of savings bank life insurance, the offices of state medical director and state actuary of the division of savings bank life insurance, the Savings Bank Life Insurance Council and the General Insurance Guaranty Fund are abolished; provided, however, that the respective operations thereof may continue for such time, not to exceed thirty days, as is necessary, in the opinion of the commissioner, to discharge business pending as of the date of conversion and as may be required by the plan of assumption. The costs of all such operations shall be borne by the company.

Section 9. There is hereby established a body corporate to be known as the policyholders protective board, hereinafter in this section and in section ten called the board, consisting of seven members, as herein provided and hereinafter referred to as directors. The governor shall appoint seven original directors of the board, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; provided, however, that the terms of the original directors shall commence on the date of appointment and shall terminate on June thirtieth in the year of termination. Upon the termination of each of said terms, the governor shall appoint a successor for a term of seven years commencing on July first in the year of appointment. The chairperson shall be

designated by the governor for a term of two years. Upon the appointment of said seven original directors, the board shall be empowered to exercise its duties and responsibilities.

Four of the directors of said board shall be persons who are policyholders of savings bank life insurance, none of whom shall be corporators, trustees, directors, officers, employees or agents of a bank; provided, however, that any such person shall be qualified by training and experience in one of the following fields: business management, insurance, investments, accounting or law. Such four directors of the board shall designate one of their number to serve as a director of the company, with full powers as such director of the company.

Three directors of said board shall be policyholders of savings bank life insurance who shall be trustees, directors, officers, employees, or agents of a savings bank owning stock in the company. No person who is an officer, employee or agent of any life insurer other than the company shall be eligible to serve as a director of said board. The directors of the board shall elect, from their own number, a vice-chairman and a treasurer, and shall adopt by-laws governing the operation of said board.

The directors of the board shall review the financial operations of the company on a continuing basis and make such recommendations to the company as they deem appropriate to insure the ability of the company to offer safe, low cost insurance. Copies of such recommendations shall be filed with the commissioner and the executive office of consumer affairs and business regulation. Except as provided above, the directors of the board shall have the right to attend meetings of the board of directors of the company and to participate therein but shall not have a vote on any actions taken by said directors of the company. The directors of the board shall be compensated by the company for attendance at meetings of the directors of the company at the same rate of compensation and expense reimbursements received by directors of the company.

Section 10. The company may distribute to its stockholders only such dividends with respect to its capital stock as the directors of the company and the policyholders protective board shall approve. Prior to granting any such approval, said board shall review the operations of the company and if it finds that the company is being operated soundly and that its expenses, earnings and mortality are consistent with the company's purpose of providing safe, low cost insurance, it shall approve such dividends and report its findings, together with the reasons therefor, to the commissioner. The commissioner shall consider the report of the board and may, after notice and hearing if he deems the same to be necessary, veto any such approval if he determines that the payment of such dividends would impair the financial stability of the company or its ability to offer safe, low cost insurance. Any decision of the commissioner vetoing the payment of any such dividends may be judicially reviewed by the superior court of Suffolk county in ac-

cordance with the provisions of section fourteen of chapter thirty A.

SECTION 24. Sections one to twenty-two, inclusive, of this act shall take effect on the effective date of the certificate issued by the commissioner of insurance to The Savings Bank Life Insurance Company of Massachusetts in accordance with the provisions of section six of chapter one hundred and seventy-eight A of the General Laws, inserted by section twenty-three of this act or on December thirty-first, nineteen hundred and ninety-two, whichever occurs first.

SECTION 25. Upon the abolition of the General Insurance Guaranty Fund as provided in section eight of chapter one hundred and seventy-eight A of the General Laws, the assets thereof, after payment of all expenses and obligations, as determined by the commissioner of insurance, shall be transferred to the commonwealth and placed in a separate fund to be applied solely for the following purposes:

(b) Fifty percent of said revenue for the purposes of a grant and loan program to assist residential property owners and tenants in financing the 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; provided, however, that notwithstanding any other provisions of law, said program and funds shall be administered by the Massachusetts Housing Finance Agency established by chapter seven hundred and eight of the acts of nineteen hundred and sixty-six, hereinafter called the agency, consistent with the objectives of sections one hundred and ninety-two to one hundred and ninety-nine A, inclusive, of chapter one hundred and eleven, and the commissioner of administration is hereby authorized and directed to transfer said fifty percent of the balance to said agency within sixty days of the receipt thereof by the commonwealth; and provided, further, that in administering said program, the agency, in addition to its existing powers, shall have, but not be limited to, the following powers: *(i)* to create an interest loan by-down program either in conjunction with its existing home improvement programs or by other similar initiatives determined to be appropriate by the agency and the executive office of communities and development of the commonwealth; *(ii)* to develop, in conjunction with the banking and insurance industries of the commonwealth, a low cost financing mechanism for lead paint removal; *(iii)* to guarantee repayment to lenders writing loans for the purposes of lead paint removal or covering upon such terms and conditions as determined by the board of directors of the agency; *(iv)* to establish reasonable underwriting standards for the repayment of such lead paint removal or covering loans and to establish the procedures necessary to effect the purposes of said program; and provided, further, that all loans made pursuant to the authority herein contained shall be deemed to be legal investments for banks and insurance companies pursuant to section two of chapter one hundred and sixty-seven F of the General Laws or any other provision of law;

(c) Fifty percent of the said revenue for the purposes of the school improvement fund as contained in Item 7061-4000 of section two of chapter one hundred and fifty of the acts of nineteen hundred and ninety.

SECTION 26. The provisions of sections ten to thirteen, inclusive, of this act shall be applicable to tax years commencing on or after January first, nineteen hundred and ninety-three or the effective date of the certificate issued by the commissioner of insurance to The Savings Bank Life Insurance Company of Massachusetts in accordance with the provisions of section six of chapter one hundred and seventy-eight A of the General Laws, inserted by section twenty-three of this act, whichever occurs first.

SECTION 27. The trustees of the General Insurance Guaranty Fund, established by section nine of chapter twenty-six of the General Laws, shall, in addition to the directors of the policyholders protective board established by section nine of chapter one hundred and seventy-eight A of the General Laws, inserted by section twenty-three of this act, also serve as directors of said policyholders protective board, for a period of two years from the date of conversion as provided in section one of said chapter one hundred and seventy-eight A; provided, however, that notwithstanding the provisions of section nine of said chapter one hundred and seventy-eight A, the president of said General Insurance Guaranty Fund shall serve as the chairperson of the board for the period of two years from the said date of conversion.

SECTION 28. Upon issuing the certificate to the Savings Bank Life Insurance Company of Massachusetts in accordance with the provisions of section six of chapter one hundred and seventy-eight A of the General Laws, inserted by section twenty-three of this act, the commissioner of insurance shall, within thirty days thereafter, notify the clerk of the senate and the clerk of the house of representatives, in writing, that said certificate has been issued.

SECTION 29. Any action of the commissioner of insurance or the policyholders protective board, established by section nine of chapter one hundred and seventy-eight A of the General Laws with respect to any adjustments, additions and subtractions which effect a change in the total amount of the surplus, as defined in section one of said chapter one hundred and seventy-eight A on the date of conversion from the total amount contained in the annual financial statement for calendar year nineteen hundred and ninety filed pursuant to section twenty-nine of said chapter one hundred and seventy-eight, may be judicially reviewed, upon petition of the commissioner, said policyholders protective board, or a savings and insurance bank, by the superior court of Suffolk county in accordance with the provisions of section fourteen of chapter thirty A. In any such review, the court shall consider any actions of the commissioner or the said policyholders protective board only as they are justified insofar as they effectuate a conversion that is fair, equitable and non-prejudicial to individual policyholders and to provide for the

establishment of the company on a safe and sound basis so as to insure its ability to offer safe, low cost insurance.

Approved December 31, 1990.

Chapter 500. AN ACT PROVIDING FOR A CERTAIN METHOD OF ASSESSING BETTERMENT COSTS IN THE TOWN OF TOPSFIELD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section forty-two H of chapter forty of the General Laws or any other general or special law to the contrary, under the Topsfield "Water Supply Betterment By-Law" voted under ARTICLE THIRTY EIGHTH of the May sixth, nineteen hundred and eighty-seven town meeting and as amended, in addition to the methods of assessing costs provided under said section forty-two H of said chapter forty, said By-law shall provide an additional option as follows: Costs may be apportioned equally among the owners of property receiving benefit from the betterment, provided that a majority vote of the eligible voters present when a vote is taken on the method of assessing costs vote in favor of this method.

Said additional option shall be applicable to said vote on the method of assessment to be taken concerning the betterment zone voted under ARTICLE THIRTY NINTH of the May six, nineteen hundred and eighty-seven town meeting. Said vote to be taken within thirty days from the effective date of this special law. Such determination by said vote shall become effective in lieu of any previous vote, and the board of water commissioners shall certify the actual expenditures and determine the actual assessment to be apportioned within forty-five days from the date when said vote is taken on said additional option, or take any other action relative thereto.

Approved December 31, 1990.

Chapter 501. AN ACT ESTABLISHING THE POSITION OF FULL-TIME VETERAN SERVICE OFFICER IN THE TOWN OF NATICK.

Be it enacted, etc., as follows:

SECTION 1. The position of veteran service officer is hereby established in the town of Natick. Said position shall be full-time and included in the official pay plan used by said town.

SECTION 2. This act shall be submitted to the voters of the town of Natick at

the annual town meeting in the year nineteen hundred and ninety-one 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 ninety entitled 'An Act establishing the position of full-time veteran service officer in the town of Natick', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall therefore take full effect, but not otherwise.

Approved December 31, 1990.

Chapter 502. AN ACT RELATIVE TO ADJUSTMENTS TO PATIENT CARE COSTS.

Be it enacted, etc., as follows:

SECTION 1. Section 89 of chapter 6 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following definition:-

"Modified non-capital hospital expenses", non-capital hospital expenses less expenses attributable to outpatient dialysis as reported on schedule II column seven lines eighty-seven and eighty-eight of the hospital's nineteen hundred and eighty-five RSC-403 form.

SECTION 2. Chapter 6A of the General Laws is hereby amended by inserting after section 98A, as appearing in the 1988 Official Edition, the following section:-

Section 98B. Any hospital not receiving a low-base cost adjustment pursuant to the calculation provided for by sections eighty-nine through ninety-eight, inclusive, shall be entitled to an adjustment to said hospital's patient care costs for hospital fiscal years beginning nineteen hundred and ninety-one if said hospital would have qualified for a low-base cost adjustment using modified non-capital hospital expenses in place of non-capital hospital expenses.

The adjustment to any qualifying hospital's patient care costs for hospital fiscal year nineteen hundred and ninety-one shall be an amount such that the net revenues provided are equal to the product of: (a) the lesser of the cost per adjusted admission recovery or the revenue restoration factor provided for by sections ninety-five and ninety-six, except that wherever the words "projected through fiscal year nineteen hundred and eighty-eight by Data Resources, Inc." appear in section ninety-four to section ninety-six, inclusive, the words "projected through fiscal year nineteen hundred and ninety by Data Resources, Inc." shall be substituted; and (b) forty-three thousand seven hundred and forty-nine one hundred thousandths; and (c) seven thousand two hundred and seventy-three ten thousandths.

SECTION 3. Notwithstanding any general or special law to the contrary, the

rate setting commission is hereby authorized and directed to develop regulations providing for incorporation into any qualifying hospitals patient care costs for hospital fiscal year nineteen hundred and ninety-one, the adjustment calculated in accordance with the provisions of section one and two of this act.

Approved December 31, 1990.

Chapter 503. AN ACT ALLOWING VETERANS TO PARTICIPATE IN CERTAIN HOLIDAY EXERCISES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 30 of the General Laws is hereby amended by inserting after section 9G, as appearing in the 1988 Official Edition, the following section:-

Section 9H. Any employee of the commonwealth, who is a veteran as defined in clause Forty-third of section seven of chapter four or is a member of a department of war veterans listed in section seventeen of chapter eight, and who desires to participate in a Veterans Day or Memorial Day exercise, parade or service, shall be granted a reasonable and sufficient period of time off from his duties to attend and participate in such services or exercises.

This section shall not apply to employees whose services are essential and critical to public health or public safety, including but not limited to those employees whose regular and major duties require them to have the care, custody, instruction or supervision of inmates in correctional facilities and institutions or of persons who are mentally ill or mentally defective or defective delinquents, firefighters, police officers, guards and other persons who are determined to be essential and critical to the effective delivery of public services to the commonwealth. Any time off taken by an employee of the commonwealth under this section shall be without pay; provided, however, that any such employee may elect to apply accrued vacation or personal leave time to such time off.

SECTION 2. Chapter 40 of the General Laws is hereby amended by inserting after section 21C, as so appearing, the following section:-

Section 21C 1/2. An employee of a city or town which accepts the provisions of this section who is a veteran as defined in clause Forty-third of section seven of chapter four or is a member of a department of war veterans listed in section seventeen of chapter eight, and who desires to participate in a Veterans Day or Memorial Day exercise, parade or service, may be allowed and granted a reasonable and sufficient period of time off from his duties to attend and participate in such services or exercises. This section shall not apply to employees whose duties and services are critical and essential to the public safety as determined by ordinance or by-law, and the city or town may determine whether such time shall

be with or without pay.

SECTION 3. Chapter 149 of the General Laws is hereby amended by inserting after section 52A, as so appearing, the following section:-

Section 52A 1/2. Any employee who is a veteran as defined in clause Forty-third of section seven of chapter four or is a member of a department of war veterans listed in section seventeen of chapter eight and who desires to participate in a Veterans Day or Memorial Day exercise, parade or service shall be allowed and granted a leave of absence, with or without pay at the discretion of an employer, of sufficient time to participate in such services in their community of residence.

This section shall not apply to employees whose services are essential and critical to the public health or safety and determined to be essential to the safety and security of each such employer or property thereof.

Approved December 31, 1990.

Chapter 504. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE TOWN OF FOXBOROUGH TO THE FOXBOROUGH HOUSING AUTHORITY.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to sell and convey by deed, approved as to form by the attorney general, a certain parcel of land and the buildings thereon, located in the town of Foxborough, to the Foxborough housing authority, subject to the requirements of sections two, three, and four and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the department of mental health.

Said parcel is bounded and described as follows:

Beginning at a granite marker post situated at the intersection of the northerly line of Chestnut Street and the westerly line of a railroad right-of-way, now or formerly of the New York, New Haven and Hartford Railroad;

thence S89 16'31"W, two hundred ninety-one and 47/100 (291.47) feet along said northerly line of Chestnut Street to a beginning of a curve;

thence northwesterly, more or less, an arc length of fifty-five and 11/100 (55.11) feet, along a curve to the right with a radius of thirty (30.00) feet to a point on the easterly line of the east access road to Foxborough State Hospital;

thence N14 31'12"E, one hundred eleven and 71/100 (111.71) feet, northeasterly by land now or formerly of the commonwealth of Massachusetts;

thence N20 31'12"E, one hundred forty (140.00) feet, northeasterly by land of said commonwealth;

thence N85 31'11"E, one hundred fifty (150.00) feet, easterly to a point on the westerly line of a railroad right-of-way, now or formerly of the New York, New Haven and Hartford Railroad;

thence S18 18'36"E, three hundred (300.00) feet, along said westerly line of a railroad right-of-way to the point of beginning.

Said parcel contains approximately 1.57 acres as shown on a plan of land prepared by Bay Colony Surveying, Inc., Foxborough, on file with the division of capital planning and operations.

SECTION 2. No deed conveying by or on behalf of the commonwealth property described in section one shall be valid unless such deed provides that said property shall be used for the construction, establishment, maintenance, and operation of state-assisted housing, as defined in chapter one hundred and twenty-one B of the General Laws.

SECTION 3. The Foxborough housing authority shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the conveyance of this property described in section one.

SECTION 4. In the event that the above mentioned parcel described in section one is not used for the purposes described in section two within five years of the effective date of this act, or if the Foxborough housing authority ceases to use the parcel for such purpose at any time, the parcel shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

Approved December 31, 1990.

Chapter 505. AN ACT FURTHER REGULATING THE USE, LABELING, DISPLAY AND SALE OF KOSHER FOOD AND PRODUCTS.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by striking out section 156 and inserting in place thereof the following:-

Section 156. (a) No person shall label, stamp, sell, advertise or expose for sale or permit such labeling, stamping, selling, advertising or exposing for sale any can, jar, or other package containing fruit or food of any kind, or unpackaged fruit or food of any kind, whether raw or prepared, including but not limited to any meat, meat product, poultry, poultry product, fish, bread, wine, or any food containing meat or poultry ingredients or prepared with meat or poultry substance or meat or poultry fat; and

(1) knowingly falsely represent the same to be kosher, kosher for Passover,

pareve, or as having been prepared in accordance with orthodox Jewish religious standards either by direct statements, orally or in writing, or by display of the word "Kosher", "Kosher for Passover" or "Pareve" in any language or by the display, advertising, use on a label or on any package of any sign or mark in simulation of such word or words, which might reasonably be calculated to cause a reasonable person to believe that a representation is being made that the food sold is kosher, kosher for Passover or pareve, or prepared in accordance with orthodox Jewish religious standards; or

(2) in any language, knowingly display, advertise, use on a label or use on a package the word "Kosher" in conjunction with the words "style" or "type" or any similar expression which might reasonably be calculated to deceive a reasonable person to believe that a representation is being made that the food sold is kosher, kosher for Passover or pareve, or prepared in accordance with orthodox Jewish religious standards; or

(3) in any language, display, advertise, use on a label or use on any package the words "Jewish" or "Hebrew" in conjunction with the words "style" or "type" or any similar expression, or any Hebrew letter or word, insignia, six-pointed star or any other mark or word or words with the intention of deceiving a reasonable person to believe that a representation is being made that the food sold is kosher, kosher for Passover or pareve or prepared in accordance with orthodox Jewish religious standards.

It shall not be violation of clauses (2) and (3) of this subsection if such person makes a good faith effort to display a notice on or within close proximity to such food items or products or in a prominent location within the premises, which is reasonably calculated to inform a reasonable person that such food items or products are non-kosher, not kosher for Passover, not pareve, or not prepared in accordance with orthodox Jewish religious standards.

(b) No person shall sell or expose for sale both kosher and non-kosher food of any kind, and at the same time display a sign on his door or window or anywhere in front of his place of business bearing the word "Kosher", "Kosher for Passover" or "Pareve" in any language or any sign or mark in simulation of such word or words or any Hebrew letter or word, insignia, six-pointed star or any other mark or other words which might lead a reasonable person to believe that all food sold in such place is kosher, kosher for Passover, pareve or prepared in accordance with orthodox Jewish religious standards, unless such person also displays in his window or door a separate sign or lettering upon the same sign which makes a representation that kosher food is being sold, stating "Non-Kosher Food Also Sold Here" in block letters in a size which will call such fact to the reader's attention or in a size that the attorney general may specify by regulation. No person shall display a sign anywhere within his place of business which represents or denotes a section of such place of business as a special section for kosher for Passover items,

and no person shall sell or expose for sale both kosher for Passover and non-Kosher for Passover freshly baked food or food products and display a sign on his door, window or anywhere in front or within his place of business that kosher for Passover food or food products are being sold, unless such person also displays a separate sign or lettering upon the same sign stating in block letters "Non-Kosher for Passover Items Also Sold Here" in a size which will call such fact to the reader's attention or in a size that the attorney general may specify by regulation.

(c) No person shall advertise for sale in the same advertisement both kosher and non-kosher food items of any kind, if such advertisement bears the word or words "Kosher", "Kosher for Passover" or "Pareve" in any language or any sign or mark in simulation of such word or words or any Hebrew letter or word, insignia, six-pointed star or other mark or other words which might lead a reasonable person to believe that all the food sold in such place is kosher, kosher for Passover, pareve or prepared in accordance with orthodox Jewish religious standards, unless such advertisement also includes the statement "We Sell Both Kosher and Non-Kosher Food" in a size which will call such fact to the reader's attention or a size that the attorney general may specify by regulation. No person shall advertise for sale in the same advertisement both kosher for Passover and non-kosher for Passover items of any kind, if a reasonable person might reasonably believe that only kosher for Passover food is being sold on the premises, unless such advertisement also includes the statement "We Sell Both Kosher for Passover and Non-Kosher for Passover Food" in a size which will call such fact to the reader's attention or a size that the attorney general may specify by regulation.

(d) No person shall willfully remove, deface, obliterate, cover, alter or destroy or cause to be removed the original slaughterhouse identification tag or any other mark, stamp, tag, brand, label, or any other means of identification affixed to foods or food products to indicate that such foods or food products are kosher, kosher for Passover, pareve or have been prepared in accordance with orthodox Jewish religious standards and represent the same food item to be kosher, kosher for Passover, pareve, or as having been prepared in accordance with orthodox Jewish religious standards either by direct statements, orally or in writing, or by display of the word "Kosher", "Kosher for Passover" or "Pareve" in any language or by the display, advertising, use on a label or on any package, of any sign or mark in simulation of such word or words, or by the display, advertising, use on a label or on any package of the words "Jewish", "Hebrew" or "Kosher" either alone or in conjunction with the words "style" or "type" or any similar expression or any Hebrew letter or word, insignia, six-pointed star or any other mark or other words which might reasonably be calculated to deceive or lead a reasonable person to believe that a representation is being made that the food sold is kosher, kosher for Passover, pareve, or prepared in accordance with orthodox Jewish religious standards.

No person shall knowingly sell, dispose of or have in his possession, for the purpose of sale to any person as kosher, kosher for Passover, pareve, or as having been prepared in accordance with orthodox Jewish religious standards any food or food product which does not have affixed thereto the original slaughterhouse identification tag, or any other mark, stamp, tag, brand, label or other means of identification employed to indicate that such food or food products are kosher, kosher for Passover, pareve or have been prepared in accordance with orthodox Jewish religious standards, if such a means of identification was originally affixed to the food or food product.

No person shall knowingly sell, dispose of or have in his possession, for the purpose of sale to any person as kosher, kosher for Passover, pareve or as having been prepared in accordance with orthodox Jewish religious standards, any food or food products to which such slaughterhouse identification tag or any other mark, stamp, tag, brand, label or other means of identification has or have been fraudulently affixed.

Nothing in this subsection (d), except the third paragraph hereof, shall prevent any person from having in his possession solely for the purpose of human consumption any food item or food product or from selling, disposing of or having in his possession, for the purpose of sale to any person as kosher, kosher for Passover, or as having been prepared in accordance with orthodox Jewish religious standards any chopped meat, or individual cuts of meat or poultry parts if such chopped or cuts of meat or such poultry parts are labeled with the same information as found on the original slaughterhouse identification tag or any other mark, stamp, tag, brand, label or other means of identification attached to the original piece of meat or poultry before such chopping or sectioning occurred.

(e) Any person who sells fresh meat or poultry advertised or represented to be kosher, kosher for Passover or as having been prepared in accordance with orthodox Jewish religious standards shall retain, on the premises, or in a location within the commonwealth which is readily available, for inspection, during regular business hours, upon request by the attorney general, for one year, a true and legible copy of all invoices and records of cash or charge transactions from the packer or producer of such meat or poultry and all bills of lading and receiving and shipping papers and shall provide these documents, and other evidence of the source of such meat or poultry being housed or sold by that person to the attorney general, upon request.

(f) No person, firm, association or corporation shall sell, offer or expose for sale any food or food product which it has manufactured, distilled, produced, processed or packed if such food or food product is represented as or branded kosher, kosher for Passover, pareve or as having been prepared in accordance with orthodox Jewish religious standards unless such person, firm, association or corporation has provides, the name and address of and a letter from the certifying

authority which certifies that such products are kosher, kosher for Passover, pareve or as having been prepared in accordance with orthodox Jewish religious standards, and no person shall misrepresent the identity of such certifying authority in any such letter.

As used in this section, the term "certifying authority" shall include, but not be limited to the certifying organization, rabbi or individual.

(g) The attorney general shall enforce the provisions of this section. Pursuant to chapter thirty A, the attorney general may promulgate regulations to enforce the provisions of this section. The attorney general may enter at any time during business hours upon premises where food represented to be kosher, kosher for Passover, pareve or as having been prepared in accordance with orthodox Jewish religious standards is sold or exposed for sale and inspect such food, premises or documentation of purchases to determine compliance with this section. The attorney general shall assess civil penalties or fines as a result of any violation of this section.

(h) Any and each violation of this section, section one hundred and fifty-four and section one hundred and fifty-five shall be punishable by a civil penalty or fine of not less than five hundred dollars and not more than two thousand dollars; provided, however, that not more than one civil penalty or fine shall be assessed for violations of this section associated with a single item at a single location. For the purposes of this section, the term "item" shall mean a specific and distinct product, good or commodity. One item is differentiated from another by having a different universal product code for items so coded, and for items not so coded, the item has any distinguishing characteristics compared to another item.

(i) Any violation of subsections (a), (d) or any misrepresentation of the identity of a certifying authority shall be an unfair or deceptive act or practice in the conduct of trade or commerce, and any person aggrieved thereby may seek relief under the provisions of section nine of chapter ninety-three A.

(j) It shall be a complete defense to a prosecution under this section that the defendant relied in good faith upon the representation of a slaughterhouse, manufacturer, processor, packer or distributor or any organization which certifies or represents any food or food product at issue to be kosher, kosher for Passover, pareve or as having been prepared in accordance with orthodox Jewish religious standards.

Approved December 31, 1990.

Chapter 506. **AN ACT PROVIDING FOR THE DEPOSIT OF UNCLAIMED MONEY WITH THE STATE TREASURER AND RECEIVER-GENERAL.**

Be it enacted, etc., as follows:

SECTION 1. Section twenty-five of chapter one hundred and sixty-seven D of the General Laws is hereby repealed.

SECTION 2. Chapter 194 of the General Laws is hereby amended by striking out section 10, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 10. When an estate has been fully administered by a public administrator, or by the executor or administrator with the will annexed of a person who died leaving no known heirs, he shall deposit any balance in his hands with the state treasurer as abandoned property to be held by him subject to the provisions of chapter two hundred A.

SECTION 3. Sections fourteen and fifteen of said chapter one hundred and ninety-four are hereby repealed.

SECTION 4. Chapter 206 of the General Laws is hereby amended by striking out section 25, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 25. If money which a decree of a probate court has ordered to be paid over remains for six months unclaimed, said money shall be presumed abandoned and the executor, administrator, guardian, conservator or trustee who was ordered to pay the same shall remit said money to the state treasurer as abandoned property to be held by him subject to the provisions of chapter two hundred A. Such remittance shall be made in the name of the judge of probate on a form prescribed by the state treasurer.

Any money which a decree of a probate court orders to be paid over to a minor, who due to his minority may not receive the money until reaching the age of majority, shall not be remitted to the state treasurer pursuant to this section unless and until the money remains unclaimed for six months after the date on which the minor reaches the age of majority. Said money may be deposited in the name of the first judge of probate for the benefit of such minor pursuant to section twenty-seven.

SECTION 5. Section 26 of said chapter 206, as so appearing, is hereby amended by striking out, in line 6, the words "deposited or invested" and inserting in place thereof the following word:- remitted.

SECTION 6. Any money presumed abandoned by the probate court, pursuant to the provisions of section twenty-five of chapter two hundred and six of the General Laws, which has been deposited or which is deposited prior to the effective date of this act in a savings bank or other like institution, or in savings accounts in a trust company, or on paid-up shares and accounts of and in co-operative banks or invested in bank stock or other stocks, or in share or deposit accounts of credit unions located in the commonwealth or in share accounts of a federal savings and loan association or a savings and loan association located in the commonwealth, shall be remitted to the state treasurer as abandoned property within ninety days

of the effective date of this act to be held by him subject to the provisions of chapter two hundred A of the General Laws. Such remittance shall be made in the name of the judge of probate on a form prescribed by the state treasurer.

Notwithstanding the provisions of this section, any money which a decree of probate court has ordered to be paid over to a minor, who due to his minority may not receive the money until reaching the age of majority, shall not be remitted to the state treasurer pursuant to this section unless and until the money remains unclaimed for six months after the date on which the minor reaches the age of majority.

SECTION 7. All money deposited with a bank by order or decree of the probate and family court or other court or judge thereof, under the provisions of section twenty-five of chapter one hundred and sixty-seven D of the General Laws, prior to the effective date of the act, shall be remitted to the treasurer as abandoned property within ninety days of the effective date of this act to be held subject to the provisions of chapter two hundred A of the General Laws.

SECTION 8. Notwithstanding the provisions of paragraph (e) of section ten of chapter two hundred A of the General Laws any money remitted to the state treasurer's office pursuant to this act shall accrue interest at the rate of not less than five-twelfths of one percent per month. Such interest shall begin to accrue on the date property is delivered to the state treasurer and shall cease on the date on which payment is made to the owner.

SECTION 9. Within twelve months of the effective date of this act, each probate court of the commonwealth shall provide the office of the state auditor with an accounting of all custodial passbooks in its possession, the location of those bank accounts, and the interest that each account is accruing.

SECTION 10. The office of the state auditor shall make an annual report of all custodial passbooks in its possession to the house and senate committees on ways and means and the joint committee on the judiciary.

Approved December 31, 1990.

Chapter 507. AN ACT FURTHER REGULATING THE MINIMUM SIZE OF LOBSTERS.

Be it enacted, etc., as follows:

Section 44 of chapter 130 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:-

Until January first, nineteen hundred and eighty-eight, the minimum size shall be three and three-sixteenths inches. Thereafter, except as otherwise provided in

this section, the minimum size shall be as follows: Beginning on January first, nineteen hundred and eighty-eight, three and seven-thirty-seconds inches; beginning on January first, nineteen hundred and eighty-nine, three and eight-thirty-seconds inches. Beginning January first, nineteen hundred and ninety and continuing until January first, nineteen hundred and ninety-two, there shall be no further minimum size increases. Beginning January first, nineteen hundred and ninety-two, the director may, by regulation approved by the marine fisheries advisory commission, increase the minimum size if he determines that such increase would not cause the minimum size to exceed the minimum size in effect in Connecticut, Maine, New Hampshire or Rhode Island.

Approved December 31, 1990.

Chapter 508. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF HOLLAND.

Be it enacted, etc., as follows:

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

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 ground for recall. The town clerk shall thereupon deliver to said voters making the affidavit copies of petitions 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, addressed to the selectmen and contain the names of 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. Such recall petition shall be returned and filed with the town clerk within thirty days after the filing of the affidavit, and shall have been signed by at least fifteen 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 selectmen within

5 working days, and the selectmen shall within five working days give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however that if any other town election is to occur within one hundred days after the date of the certificate the selectmen shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if his term of office expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself. The nomination of all 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 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 to the right of each proposition there shall be a square in which the voter, by making a 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 provision of law relating to election. 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 fifty percent or more 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 thirty days after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which his recall was submitted to the voters of the town.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings where pending against him shall be

appointed to any town office within two years after such recall or such resignation.

Approved December 31, 1990.

Chapter 509. AN ACT TO IMPROVE THE MASSACHUSETTS SOLID WASTE POLICY ACT.

Be it enacted, etc., as follows:

SECTION 1. The fourth paragraph of section 150A of chapter 111 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 copy of the application for site assignment shall be filed with the board of health of any municipality within one-half mile of the proposed site. Any municipality within such one-half mile shall be afforded all the procedural rights of an abutter for the purpose of administrative review by the department or public hearing by the board of health where the proposed site is located.

SECTION 2. Said section 150A of said chapter 111, as so appearing, is hereby amended by striking out the tenth paragraph and inserting in place thereof the following paragraph:-

No facility shall be established, constructed, expanded, maintained, operated, or devoted to any past closure as defined by regulation, unless detailed operating plans, specifications, a public health report, if any, and necessary environmental reports have been submitted to the department and the department has granted a permit for the facility, and notice of such permit is recorded in the registry of deeds, or if the land affected thereby is registered land in the registry section of the land court for the district wherein the land lies. Within one hundred and twenty days after the department is satisfied that said operating plans, specifications, and reports are complete, the department shall make a decision granting or refusing to grant such permit. Said permit may limit or prohibit the disposal of particular types of solid waste at a facility in order to extend the useful life of the facility or reduce its environmental impact.

SECTION 3. Section 150A 1/2 of said chapter 111 is hereby amended by adding the following clause:-

(17) the potential adverse impacts on communities within one-half mile of the proposed site including the potential adverse impacts on the considerations stated within this section for which site suitability standards and criteria are established.

SECTION 4. With respect to any site assignment appeal pending before the department of environmental protection as of August thirtieth, nineteen hundred and ninety, the department of environmental protection shall impose on the assignment such conditions with respect to the extent, character and nature of the

facility or expansion thereof as will, to the maximum extent feasible, ensure that the facility or the expansion thereof will not present a threat to the public health, safety or the environment of the host municipality or of any municipality within a one-half mile radius of the proposed site. In determining whether the facility or the expansion thereof will present a threat to public health, safety or the environment of the host community or of any municipality within a one-half mile radius of the proposed site, the department of environmental protection shall utilize the considerations set forth in clauses (1) to (17), inclusive, of section one hundred and fifty A 1/2 of chapter one hundred and eleven of the General Laws.

Emergency Letter: January 2, 1991 @ 4:58 P.M. Approved December 31, 1990.

Chapter 510. **AN ACT AUTHORIZING THE SUPERINTENDENT OF PUBLIC WORKS IN THE TOWN OF FAIRHAVEN TO HOLD OTHER APPOINTIVE OFFICES.**

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 722 of the acts of 1968, as amended by section 1 of chapter 453 of the acts of 1975, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- During his tenure he shall hold no elective office nor shall he be engaged in any other business or occupation.

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

Approved January 2, 1991.

Chapter 511. **AN ACT REGULATING THE POSSESSION OF FIREARMS.**

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

Be it enacted, etc., as follows:

SECTION 1. Section 121 of chapter 140 of the General Laws, as amended by chapter 443 of the acts of 1989, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Sections one hundred and twenty-two to one hundred and twenty-nine D, inclusive, and sections one hundred and thirty-one, one hundred and thirty-one

A, one hundred and thirty-one B and one hundred and thirty-one E shall not apply to:

(A) any firearm, rifle or shotgun including any firearm, rifle or shotgun with matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before eighteen hundred and ninety-eight;

(B) any replica, or any firearm, rifle or shotgun described in clause (A) if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

SECTION 2. Section 10 of chapter 269 of the General Laws is hereby amended by striking out subsection (a), as appearing in the 1988 Official Edition, and inserting in place thereof the following subsection:-

(a) Whoever, except as provided or exempted by statute, knowingly has in his possession; or knowingly has under his control in a vehicle; a firearm, loaded or unloaded, as defined in section one hundred and twenty-one of chapter one hundred and forty without either:

(1) being present in or on his residence or place of business; or

(2) having in effect a license to carry firearms issued under section one hundred and thirty-one of chapter one hundred and forty; or

(3) having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or

(4) having complied with the provisions of sections one hundred and twenty-nine C and one hundred and thirty-one G of chapter one hundred and forty; or

(5) having complied as to possession of an air rifle or BB gun with the requirements imposed by section twelve B; and whoever knowingly has in his possession; or knowingly has under control in a vehicle; a rifle or shotgun, loaded or unloaded, without either:

(1) being present in or on his residence or place of business; or

(2) having in effect a license to carry firearms issued under section one hundred and thirty-one of chapter one hundred and forty; or

(3) having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or

(4) having in effect a firearms identification card issued under section one hundred and twenty-nine B of chapter one hundred and forty; or

(5) having complied with the requirements imposed by section one hundred and twenty-nine C of chapter one hundred and forty upon ownership or possession of rifles and shotguns; or

(6) having complied as to possession of an air rifle or BB gun with the requirements imposed by section twelve B; shall be punished by imprisonment in

the state prison for not less than two and one-half years nor more than five years, or for not less than one year nor more than two and one-half years in a jail or house of correction. The sentence imposed on such person shall not be reduced to less than one year, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served one year of such sentence; provided, however, that the commissioner of correction may on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file.

No person having in effect a license to carry firearms for any purpose, issued under section one hundred and thirty-one or section one hundred and thirty-one F of chapter one hundred and forty shall be deemed to be in violation of this section.

The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person seventeen years of age or older, charged with a violation of this subsection, or to any child between ages fourteen and seventeen so charged, if the court is of the opinion that the interests of the public require that he should be tried as an adult for such offense instead of being dealt with as a child.

The provisions of this subsection shall not affect the licensing requirements of section one hundred and twenty-nine C of chapter one hundred and forty which require every person not otherwise duly licensed or exempted to have been issued a firearms identification card in order to possess a firearm, rifle or shotgun in his residence or place of business.

SECTION 3. Said section 10 of said chapter 269 is hereby further amended by striking out subsection (h), as so appearing, and inserting in place thereof the following subsection:-

(h) Whoever owns, possesses or transfers possession of a firearm, rifle, shotgun, or ammunition without complying with the requirements relating to the firearm identification card provided for in section one hundred and twenty-nine C of chapter one hundred and forty shall be punished by imprisonment in a jail or house of correction for not more than one year or by a fine of not more than five hundred dollars. A second violation of this subsection shall be punished by imprisonment in a jail or house of correction for not more than two years or by a fine of not more than one thousand dollars or both. A violation of this subsection shall not be considered a lesser included offense to a violation of subsection (a), nor shall any one prosecute as a violation of this subsection the mere possession

of a firearm, rifle, or shotgun by an unlicensed person not being present in or on his residence or place of business, nor shall the court allow an attempt to so prosecute.

Approved January 2, 1991.

Chapter 512. **AN ACT EXCLUDING FROM GROSS INCOME AMOUNTS RECEIVED UNDER FEDERAL LAW BY CERTAIN PERSONS OF JAPANESE ANCESTRY AND ALEUT RESIDENTS OF THE PRIBILOF AND ALEUTIAN ISLANDS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately exclude from gross income amounts received under federal law by certain persons of Japanese ancestry and Aleut residents of the Pribilof and Aleutian islands, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, amounts received by an eligible individual under the provisions of the Civil Liberties Act of 1988 and the Aleutian and Pribilof Islands Restitution Act shall be exempt from taxation under chapter sixty-two of the General Laws for taxable years commencing on or after January first, nineteen hundred and ninety.

Approved January 2, 1991.

Chapter 513. **House 6292 was not signed by the Governor and is not a law.**

Chapter 514. **AN ACT PROVIDING PLANNING ASSISTANCE TO THE CITY OF REVERE.**

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 150 of the acts of 1990 is hereby amended by inserting after item 3743-2036 the following item:-

3743-2041 For a grant for planning activities in the city of Revere in connection with the recovery from the fire of December, nineteen hundred and ninety, said funds to be allocated by

the mayor of said city, as he deems necessary, to the city of Revere community development agency, provided, that such appropriation shall expire on June thirtieth, nineteen hundred and ninety-two $100,000

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

Approved January 2, 1991.

Chapter 515. AN ACT PROVIDING FOR PRESCRIPTION WRITING BY CERTIFIED NURSE-MIDWIVES.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (g) of section 7 of chapter 94C of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

The commissioner shall promulgate regulations which provide for the registration of certified nurse-midwives, as provided in section eighty C of chapter one hundred and twelve, to issue written prescriptions for patients pursuant to guidelines mutually developed and agreed upon by the certified nurse-midwife and the supervising physician in accordance with regulations approved by the board of registration in medicine and the board of registration in nursing. Prior to promulgating such regulations, the commissioner shall consult with the board of registration in nursing, the board of registration in medicine and the board of registration in pharmacy with regard to those schedules of controlled substances for which certified nurse-midwives may be registered.

SECTION 2. Said chapter 94C is hereby further amended by striking out section 9, as appearing in the 1988 Official Edition, and inserting in place thereof the following section:-

Section 9. (a) A physician, dentist, podiatrist, nurse practitioner as limited by paragraph (g) of section seven of this chapter and section eighty E of chapter one hundred and twelve and physician assistant as limited by said paragraph (g) of said section seven and section nine E of said chapter one hundred and twelve and a certified nurse-midwife as provided in section eighty C of said chapter one hundred and twelve, or a veterinarian when registered pursuant to the provisions of said section seven and when acting conformably with the provisions of applicable federal law and any provisions of this chapter which is consistent with federal law, in good faith and in the course of professional practice for the alleviation of pain and suffering or for the treatment or alleviation of disease, may possess such controlled substances as he may reasonably require for the purpose of patient treatment and may administer controlled substances, or he may cause the same to

be administered under his direction by a nurse.

(b) Notwithstanding the provisions of section seventeen, a physician, dentist, podiatrist, certified nurse-midwife or veterinarian who is registered pursuant to the provisions of said section seven, when acting in good faith and in the legitimate practice of medicine, dentistry, podiatry, nurse-midwifery, veterinary medicine or a nurse, when authorized by a physician, dentist, podiatrist, nurse practitioner, physician assistant, certified nurse-midwife or veterinarian in the course of said nurse's professional practice, may dispense by delivering to the ultimate user a controlled substance in a single dose or in such quantity as in the opinion of the physician, dentist, podiatrist, nurse practitioner, physician assistant, certified nurse-midwife, or veterinarian, is essential for the proper treatment of the patient; provided, however, that such amount or quantity of such controlled substance shall not exceed the amount needed for the immediate treatment of the patient and that all such further controlled substances required by the person as part of his treatment shall be dispensed by prescription to the ultimate user in accordance with the provisions of this chapter.

For the purpose of this subsection the words "immediate treatment" shall mean the quantity of controlled substance which is necessary for the proper treatment of the patient until it is possible for him to have a prescription filled by a pharmacy.

(c) A nurse who has obtained from a physician, dentist, podiatrist, certified nurse-midwife or veterinarian, a controlled substance for dispensing to the ultimate user, pursuant to the provisions of subsection (b) or for administration to a patient pursuant to the provisions of subsection (a) during the absence of such physician, dentist, podiatrist, certified nurse-midwife or veterinarian shall return to such physician, dentist, podiatrist, certified nurse-midwife or veterinarian any unused portion of such substance which is no longer required by the patient.

(d) Every physician, dentist, podiatrist, certified nurse-midwife or veterinarian shall, in the course of his professional practice, keep and maintain records open to inspection by the commissioner during reasonable business hours, which shall contain the names and quantities of any controlled substance in Schedule I, II, or III received by the practitioner; the name and address of the patient for whom the controlled substance is administered or dispensed; the name, dosage and strength per dosage unit of such controlled substance and the date of administration or dispensing.

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

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

SECTION 3. Section 80B of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word "practitioner", in lines 7 and 29, in each instance, the words:- , certified nurse-midwife.

SECTION 4. Said chapter 112 is hereby further amended by inserting after section 80F the following section:-

Section 80G. A nurse authorized to practice as a certified nurse-midwife may order tests and therapeutics pursuant to guidelines mutually developed and agreed upon by the certified nurse-midwife and the supervising physician in accordance with regulations promulgated jointly by the board and the board of registration in medicine after consultation with the board of registration in pharmacy and issue written prescriptions subject to the provisions of paragraph (g) of section seven of chapter ninety-four C. Any prescription for medication made by a certified nurse-midwife shall include the name of the supervising physician.

Approved January 2, 1991.

Chapter 516. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

SECTION 1. Any person who holds an elected office in the town of Fairhaven, with more than six months remaining in the term of such office on the date of filing of the affidavit, referred to in section two, may be recalled from office by the registered voters in said town, in the manner herein provided.

SECTION 2. Twenty-five or more voters of the town of Fairhaven may file with the town clerk of said town an affidavit containing the name of the officer whose recall is sought and a statement of the grounds upon which the petition is based. The town clerk shall deliver to the said voters petition blanks demanding said recall, printed forms of which he shall keep available. Said blanks may be completed by writing or typewriting; they shall be addressed to the board of selectmen; they shall contain the names of the persons who filed the affidavit 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 and signed by the town clerk. A copy of the petition shall

be kept on file in the office of the town clerk in a record book maintained for that purpose. The recall petitions shall be returned and filed in the office of the town clerk within fourteen days following the date the petitions were issued, signed by at least ten percent of the total number of registered voters duly recorded on the registration list of the town clerk as of the preceding town election.

The town clerk shall, within twenty-five hours following such filing, submit said petitions to the registrars of voters who shall, within seven days certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same to the board of selectmen. Upon its receipt of the certified petition, the board of selectmen shall within forty-eight hours give written notice of said petition and certificate to the person whose recall is sought. If said officer does not resign his office within five days following delivery of the said 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 registrars' certificate of the sufficiency of the petition. If, however, another 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 said other town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

SECTION 4. An officer whose recall is sought may not be a candidate to succeed himself at the recall election. The nomination of 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 laws 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 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 the officer 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 6. Ballots used at a recall election shall contain 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 mark a vote. After the propositions shall appear the word "Candidates" followed by the names of candidates arranged alphabetically, by surname. 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 is in the negative, the ballots for the candidates need not be counted, except as provided in section three above.

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.

Approved January 2, 1991.

Chapter 517. AN ACT RELATIVE TO RECALL PETITIONS IN THE TOWN OF HUBBARDSTON.

Be it enacted, etc., as follows:

Chapter 494 of the acts of 1981 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

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

Approved January 2, 1991.

Chapter 518. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE A CERTAIN PARCEL OF LAND IN THE TOWN OF WENDELL.

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 parcel of land located in the town of Wendell, subject to the requirements of sections two through five, inclusive, and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the department of environmental management.

Said parcel of land is as follows: A certain parcel of land in conformity with the Wendell zoning by-laws adjacent to a parcel of land owned now or formerly by Dennis Harris and described in a deed recorded at Page 224 of Book 2012 in the Franklin county registry of deeds.

Said parcel is now or formerly being a portion of the Commonwealth's property known as the Wendell State Forest, identified as tract no. 1 of a plan of the Frank Kent place, Wendell, Massachusetts surveyed for Mary Emma Thompson, dated July 1952, scale 1 inch = 50 feet, referred to book 808, page 238.

Section 2. In consideration of such conveyance, the recipient shall convey to the commonwealth in fee simple, by title free and clear of all liens and encumbrances, land of equal or greater value, which shall be capable of providing the commonwealth with a wildlife and public access trail corridor to Wendell State Forest.

Section 3. No deed conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such deed provides that said property shall be used only for single family residential use in conformity with the zoning by-laws of the town of Wendell.

Section 4. In the event that the property described in section one is not used for the purposes described in section three or if the aforementioned purpose ceases or is altered at any time, said parcel shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

Section 5. The recipient of said conveyance shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the conveyance of such property.

Approved January 2, 1991.

Chapter 519. AN ACT RELATIVE TO THE HOUSATONIC RAILROAD COMPANY.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 798 of the acts of 1985 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The affairs of the corporation shall be managed by a board of directors in accordance with the provisions of chapter one hundred and sixty of the General

Laws; provided, however, that the corporation shall be exempt from the provisions of section forty-seven of said chapter one hundred and sixty.

SECTION 2. Section 7 of said chapter 798 is hereby amended by striking out, in line 5, the word "five" and inserting in place thereof the word:- ten.

Approved January 2, 1991.

Chapter 520. AN ACT RELATIVE TO CERTAIN PUBLIC DEED RESTRICTIONS TO RETAIN AFFORDABLE HOUSING.

Be it enacted, etc., as follows:

SECTION 1. The fourteenth paragraph of section 13A of chapter 22 of the General Laws is hereby amended by striking out the definition of "Adaptable", inserted by section 7 of chapter 722 of the acts of 1989, and inserting in place thereof the following definition:-

"Adaptable", can readily be made accessible to, functional for, and safe for use by physically handicapped persons without structural change 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. 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.

SECTION 2. Section 26 of chapter 184 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:-

All restrictions on the use of land or construction thereon which run with the land subject thereto and are imposed by covenant, agreement, or otherwise, whether or not stated in the form of a condition, in any deed, will or other instrument executed by or on behalf of the owner of the land or in any order of taking shall be subject to this section and sections twenty-seven to thirty, inclusive, except (a) restrictions in leases, mortgages and other security instruments, (b) restrictions in orders of taking by the commonwealth or a political subdivision or public instrumentality thereof made before January first, nineteen hundred and seventy and (c) conservation, preservation, agricultural preservation, and affordable housing restrictions, as defined in section thirty-one which have the benefit of section thirty-two, and other restrictions held by any governmental body, if the instrument imposing such conservation, preservation, agricultural preservation, affordable housing or other restriction is duly recorded and indexed in the grantor

index in the registry of deeds or registered in the registry district of the land court for the county or district wherein the land lies so as to affect its title, and describes the land by metes and bounds or by reference to a recorded or registered plan showing its boundaries. "Governmental body", as referred to in this section and sections thirty-two and thirty-three, means the United States or the commonwealth, acting through any of its departments, divisions, commissions, boards or agencies, or any political subdivision or public instrumentality thereof or any public authority or any quasi-public entity or any instrumentality created pursuant to chapter forty F, whether acting for its own account, or as agent or designee for or assignees of any private individual or private entity which has been required to place such restriction in its chain of title as a condition to receiving financial or other assistance from the United States or the commonwealth, acting through any of its departments, divisions, commissions, boards or agencies, or any political subdivision or public instrumentality thereof or any public authority or any quasi-public entity or any instrumentality created pursuant to said chapter forty F.

SECTION 3. Section 31 of said chapter 184, as so appearing, is hereby amended by adding the following paragraph:-

An affordable housing restriction means a right, either in perpetuity or for a specified number of years, whether or not stated in the form of a restriction, easement, covenant or condition in any deed, mortgage, will, agreement, or other instrument executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to occupancy by persons, or families of low or moderate income in either rental housing or other housing or (b) restricting the resale price of all or part of the property in order to assure its affordability by future low and moderate income purchasers or (c) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or assuring creation or retention of rental and other housing for occupancy by low and moderate income persons and families. Without in any way limiting the scope of the foregoing definition, any restriction, easement, covenant or condition placed in any deed, mortgage, will, agreement or other instrument pursuant to the requirements of the Rental Housing Development Action Loan program or the Housing Innovations Fund program established pursuant to section three of chapter two hundred and twenty-six of the acts of nineteen hundred and eighty-seven or pursuant to the requirements of any program established by the Massachusetts housing partnership fund board established pursuant to chapter four hundred and five of the acts of nineteen hundred and eighty-five, including without limitation the Homeownership Opportunity Program, or pursuant to the requirements of sections twenty-five to twenty-seven, inclusive, of chapter twenty-three B, or pursuant to the requirements of any regulations or guidelines promulgated pursuant to any of the foregoing, shall be deemed to be an affordable housing restriction within the meaning of this paragraph.

SECTION 4. Said chapter 184 is hereby further amended by striking out section 32, as amended by section 10 of chapter 275 of the acts of 1989, 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 said section thirty-one, held by any 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, and no affordable housing restriction as defined in said section thirty-one, held by any governmental body or by a charitable corporation or trust whose purposes include creating or retaining or assisting in the creation or retention of affordable rental or other housing for occupancy by persons or families of low or moderate income 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, or on account of the governmental body the charitable corporation or trust having received the right to enforce the restriction by assignment, 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, the Massachusetts historical commission if a preservation restriction, or the secretary of the executive office of communities and development if an affordable housing 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 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, the Massachusetts historical commission if a preservation restriction, or the secretary of the executive office of communities and development if an affordable housing restriction.

Such conservation, preservation, agricultural preservation, watershed preservation and affordable housing restrictions are interests in land and may be acquired by any governmental body or such charitable corporation or trust 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 the metropolitan district commission, the commissioner of food and agriculture, or the secretary of the executive office of communities and development, only with like approval of the release.

No restriction that has been purchased with state funds or which has been granted in consideration of a loan or grant made 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, loan, or grant 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 or the chairman, clerk or secretary of the Massachusetts historical commission, or the commissioner of food and agriculture, or the secretary of the executive office of communities and development or the city council, or selectmen of the town, as applicable 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, agricultural preservation or affordable housing and any national, state, regional and local program in furtherance thereof, and also any public state, regional or local comprehensive land use or development plan affecting the land, and any known proposal by a governmental 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 the same fair market value as if the land were not under restriction.

SECTION 5. The first paragraph of section 33 of said chapter 184 is hereby amended by striking out the first sentence, as amended by section 11 of said chapter 275, and inserting in place thereof the following sentence:- Any city or town may file with the register of deeds for the county or district in which it is situated a map or set of maps of the city or town, to be known as the public restriction tract index, on which may be indexed conservation, preservation, agricultural preservation, watershed preservation and affordable housing restrictions and restrictions held by any governmental body.

SECTION 6. Said section 33 of said chapter 184 is hereby further amended by striking out the second paragraph, as appearing in the 1988 Official Edition, and inserting in place thereof the following paragraph:-

Whenever any instrument of acquisition of a restriction or order or other appropriate evidence entitled to be indexed in a public restriction tract index is at the option of the holder of the right to enforce it submitted for such indexing, the register shall make, or require the holder of the right to enforce the restriction or order or interest to make, appropriate additions to the tract index.

SECTION 7. The third paragraph of said section 33 of said chapter 184, as amended by section 12 of chapter 275 of the acts of 1989, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- If any governmental body, other than a city or town in which the land affected lies, holds a right to enforce a restriction or order or an interest entitled to be indexed in a public restriction tract index for any city or town which has not filed such an index, or if the secretary of environmental affairs or the Massachusetts historical commission or the commissioner of food and agriculture or the secretary of the executive office of communities and development approves a conservation or preservation restriction or agricultural or watershed preservation restriction or affordable housing restriction held by a charitable corporation or trust so entitled, and the city or town does not within one year after written request to the mayor

or selectmen file a sufficient map or set of maps for the purpose, the holding governmental body or approving secretary or commission may do so.

SECTION 8. Clause (iii) of paragraph (a) of section 4 of chapter 527 of the acts of 1983 is hereby amended by inserting after the word "paragraph (b)", in lines 9 and 10, the words:- ; provided, however, that the case of a unit where a local housing authority created pursuant to chapter one hundred and twenty-one B of the General Laws, or a city or town has a right of first refusal to purchase the unit for the purpose of providing affordable housing said right of first refusal shall supercede the right of first refusal of said tenant.

Approved January 2, 1991.

Chapter 521. AN ACT RELATIVE TO CHILD CARE IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 28A of the General Laws is hereby amended by inserting after section 5 the following section:-

Section 5A. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Child Care Affordability Scholarship Assistance Fund, in this section referred to as the fund, which shall be subject to appropriation and shall consist of revenues received from (1) state appropriations; (2) gifts, grants and donations from public or private sources; (3) interest earned from fund reserves; (4) federal reimbursements, grants-in-aid and other receipts which can be used for funding child care services and (5) any other monies credited or transferred to the fund from any other source pursuant to law. Up to eighty per cent of the monies deposited annually in the fund shall be allocated to the office and administered by the day care affordability task force established by section fifty-three of chapter two hundred and six of the acts of nineteen hundred and eighty-six, or any successor body so designated by the director, in order to provide funding for child care services to children of families whose income is not more than one hundred and ten per cent of the median income of families in the commonwealth. The remaining monies of the fund shall be used in accordance with the provisions of this section. The books and records of the fund shall be subject to a biennial audit by the state auditor.

SECTION 2. Section 3 of chapter 40A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing

structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. As used in this paragraph, the term "child care facility" shall mean a day care center or a school age child care program, as those terms are defined in section nine of chapter twenty-eight A.

SECTION 3. Said chapter 40A is hereby further amended by inserting after section 9B the following section:-

Section 9C. As used in this section, the term "child care facility" shall mean a day care center or a school age child care program, as those terms are defined in section nine of chapter twenty-eight A.

When any zoning ordinance or bylaw in any city or town limits the floor area of any structure, such floor area shall be measured exclusive of any portion of such structure in which a child care facility is to be operated as an accessory or incidental use, and the otherwise allowable floor area of such structure shall be increased by an amount equal to the floor area of such child care facility up to a maximum increase of ten per cent. In any case where the otherwise allowable floor area of a structure has been increased pursuant to the provisions of this section, the portion of such structure in which a child care facility is to be operated as an accessory or incidental use shall not be used for any other purpose unless, following the completion of such structure, the board authorized to grant variances under such zoning ordinance or bylaw shall have determined, with the written concurrence of the office for children, that the public interest and convenience do not require the operation of such facility. The procedures governing the granting of variances, including all rights of appeal, shall apply to any such determination.

The owner of a building as to which the allowable floor area has been increased pursuant to this section shall be allowed to charge the operator of the child care facility for the following: the cost of utilities used by the child care facility, a reasonable building operating fee for the costs of maintenance, cleaning and security, and real estate taxes for the portion of the building which is the child care facility, if such facility is operated by a for-profit provider. The owner shall not impose a charge for the cost of alterations necessary to meet the requirements of the office for children regarding the physical facility of a day care center. Any person operating a child care facility in a portion of a structure which is to be used only for such purpose pursuant to the provisions of this section shall use best efforts to assure that at least fifty per cent of the children utilizing such facility are from families whose income is not more than one hundred and ten per cent of the median family income of the commonwealth.

SECTION 4. Paragraph (1) of section 1 of chapter 40D of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting, in line

70, after the word "facility.", the following sentence:- Industrial enterprise shall also include the operation of a day care center or a school age child care program, as those terms are defined in section nine of chapter twenty-eight A.

SECTION 5. Chapter 59 of the General Laws is hereby amended by inserting after section 3E the following section:-

Section 3F. For the purpose of this chapter and any other general or special law classifying real property for the purpose of taxation and in order to assist in the provision of child care, cities and towns shall classify that portion of any such property operated as a child care facility pursuant to section nine C of chapter forty A in the same category as property used or held for human habitation.

SECTION 6. Chapter 231 of the General Laws is hereby amended by inserting after section 85X the following section:-

Section 85Y. Notwithstanding any general or special law to the contrary, the owner of any property containing premises operated by a person other than such owner as a child care facility shall not be subject to any claim, liability or penalty arising from or based upon any injury to person or loss or damage to property sustained or occurring on or about such premises unless such injury, loss or damage is proximately caused by the negligence or misconduct of such owner or its agents, contractors or employees. This section shall not be deemed to limit or otherwise modify the provisions of any lease or other contract between such owner and the operator of such child care facility. As used in this section, the term "child care facility" shall mean a day care center or a school age child care program, as those terms are defined in section nine of chapter twenty-eight A.

SECTION 7. A qualified employer, as used in this section, shall mean an employer who has established, in accordance with the applicable requirements of section one hundred and twenty-nine of the Federal Internal Revenue Code of 1986, or any successor section, as amended and in effect for the taxable year, either a dependent care assistance program or a cafeteria plan whose benefits include a dependent care assistance program. On or before July first, nineteen hundred and ninety-one, the commonwealth and every authority established as a body politic and corporate and constituted as a public instrumentality of the commonwealth, shall meet the requirements of a qualified employer as defined herein. On or after September first, nineteen hundred and ninety-one, no contract for goods and services of any type shall be awarded by the commonwealth or any such authority to an employer having fifty or more employees unless such employer is a qualified employer, or offers child care tuition assistance or on-site or near-site subsidized child care placements except in cases of special emergency certified by the governor to involve the health or safety of the people or their property. The office for children shall by regulation specify minimum standards for child care tuition assistance and on-site or near-site subsidized child care placements as used in this section. The secretary of administration and finance shall prepare a plan to

implement the provisions of this section. Such plan shall be transmitted to the senate and house committees on ways and means no later than May first, nineteen hundred and ninety-one.

SECTION 8. On or before July first, nineteen hundred and ninety-one, the division of capital planning and operations shall compile a list of sites and structures owned or leased by the commonwealth suitable for the operation of a child care facility. Said list shall be filed with the senate and house committees on ways and means.

SECTION 9. Notwithstanding any general or special law to the contrary, the term "any city or town" as used in sections two and three of this act and the term "cities and towns" as used in section five of this act shall include every city and town of the commonwealth.

Approved January 2, 1991.

Chapter 522. **AN ACT PERTAINING TO THE APPOINTMENT OF INSPECTORS OF PLUMBING AND INSPECTORS OF GASFITTING IN CITIES WITH POPULATIONS OF OVER SEVENTY-FIVE THOUSAND.**

Be it enacted, etc., as follows:

Chapter 142 of the General Laws is hereby amended by inserting after section 11 the following section:-

Section 11A. In any city with a population over seventy-five thousand which accepts the provisions of this section, notwithstanding the provisions of section eleven or any other general or special law or ordinance to the contrary, inspectors of plumbing and the inspectors of gasfitting shall be appointed by the mayor, subject to the provisions of chapter thirty-one of the General Laws.

Approved January 2, 1991.

Chapter 523. **AN ACT AUTHORIZING AND DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN LAND IN THE CITY OF MEDFORD.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations, in consultation with the metropolitan district commission, is hereby authorized subject to the provisions of section forty F 1/2 of chapter seven of the

General Laws to execute and deliver in the name on behalf of the commonwealth one or more instruments to lease a portion of Hormel Stadium in the city of Medford to the Wellington-Glenwood Little League Association for Little League baseball and baseball related purposes.

The original lease or leases of such state-owned real property to the Wellington-Glenwood Little League Association shall be for a period not to exceed twenty-five years and shall be for a nominal consideration to be determined by the deputy commissioner and to such other terms and conditions as said deputy commissioner may determine and which are consistent with the provisions of this act. Any additional renewals or extensions of the original lease or leases authorized by this act shall require the approval of the general court.

The deputy commissioner shall take into account when determining what nominal consideration for the lease or leases authorized by this act shall be that the lessee or lessees shall be responsible for the construction of backstops, fences, and dugouts, the costs of all maintenance and repairs, payment of all utilities, and the securing of any insurance associated with the land and facilities of that portion of Hormel Stadium in the city of Medford. The lessee or lessees shall carry, in an amount approved in writing by said deputy commissioner, comprehensive general liability insurance protecting the lessee or lessees and the commonwealth against personal injuries and property damage occurring on or within or associated with any activity related to the use of said portion of said Hormel Stadium, and such fire and extended risk insurance as said deputy commissioner may deem appropriate.

Said deputy commissioner shall provide to the joint committee on state administration and the inspector general of the commonwealth copies of said lease or leases at least twenty business days prior to the execution thereof by said deputy commissioner. The inspector general shall review and comment within fifteen business days of the receipt of such lease or leases. A copy of said review and comment, and any recommendations thereon, by the inspector general shall thereupon be forwarded to said joint committee on state administration. Said lease or leases, when executed by said deputy commissioner, shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with the provisions of this act. Said deputy commissioner from time to time is hereby authorized to execute and deliver, in the name of and on behalf of the commonwealth, a notice of such lease or leases for recording and any and all other agreements and instruments related to the lease or leases authorized hereby which the deputy commissioner may determine appropriate from time to time. Any such notice of lease, leases, lease instrument, or instruments, when executed by said deputy commissioner shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with this act.

No sublease or subleases of said land and facilities, or any portion thereof shall be executed without the prior approval of the general court.

No privately owned, occupied or financed building of any kind may be erected upon said land without the prior written approval of said deputy commissioner, and a copy thereof shall be forwarded to the joint committee on state administration, provided however, any privately owned, occupied or financed building shall revert to the commonwealth upon the expiration of said lease or leases. Plans for any such building shall be submitted to said deputy commissioner for approval prior to any construction thereon. In like manner any alteration, addition, destruction or demolition thereof shall also require the prior written approval of said deputy commissioner. Copies of any and all such plans, together with all written approvals by said deputy commissioner shall be sent by said deputy commissioner to the joint committee on state administration to be kept on file.

The lease or leases authorized by this act shall provide that the commonwealth may repossess the leased premises together with any buildings erected thereon if payment of the rent or any other required sum is not timely paid, or if the lessee or lessees otherwise default, and notwithstanding such default, the lessee or lessees will continue to owe the rent or any other required sums due the commonwealth under the provisions of said lease or leases.

No lease or leases shall allow for the sale or consumption of alcoholic beverage of any kind on the land leased under the provisions of this act.

No lease or leases, other than that provided for by the first paragraph, nor any sale, transfer, conveyance, or any other disposition of said land, may be made without the prior approval of the general court.

SECTION 2. In the event the parcel described in section one is not used for the purposes as described in said section one within five years of the effective date of this act, or if the Wellington-Glenwood Little League Association of Medford ceases to use said parcel for such purposes thereafter, said parcel shall revert to the commonwealth upon terms and conditions as determined by said deputy commissioner.

Approved January 2, 1991.

Chapter 524. **AN ACT RELATIVE TO PROTECTING THE ENVIRONMENT THROUGH THE ESTABLISHMENT AND ADMINISTRATION OF AN UNDERGROUND STORAGE TANK CLEANUP PROGRAM.**

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 21I the following chapter:-

CHAPTER 21J.

UNDERGROUND STORAGE TANK PETROLEUM PRODUCT CLEANUP FUND.

Section 1. As used in this section, the following words shall have the following meanings:-

"Board", the underground storage tank petroleum product cleanup fund administrative review board.

"Bulk facility", a facility including pipeline terminals, refinery terminals, rails and barge terminals, and associated underground and above ground storage tanks, connected or separate, from which petroleum products are withdrawn from bulk and delivered into a cargo tank or a barge used to transport these products, including all licensed distributors of petroleum products.

"Dispensing facility", any facility, qualified to do business in the commonwealth under the provisions of chapter sixty-four A, sixty-four E, and sixty-four F, at which underground storage tanks are used to store gasoline or other fractions of petroleum products and from which gasoline or other fractions or petroleum products are dispensed directly to a motor vehicle as motor fuel; provided, that a facility at which gasoline, or any fractions of petroleum products are stored in an underground storage tank that is a farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes or is owned by the commonwealth or any of its political subdivisions shall not constitute a dispensing facility.

"Department", the department of public safety.

"Fund", the underground storage tank petroleum product cleanup fund, established pursuant to section two S of chapter twenty-nine.

"Owner or Operator", any person in control of, or having the responsibility for, the daily operation of a bulk facility or a site at which an underground storage tank or an underground storage tank system is located. Also, the person who first invoices petroleum products withdrawn from the bulk facility. For the purposes of this section an exchange statement is not considered an invoice.

"Petroleum product", a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing or fuel oil used for heating purposes.

"Reimbursement", shall mean reimbursement to a claimant or payment to a third party on behalf of a claimant.

"Release", any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposal into the environmental, excluding emissions from the exhaust of an engine.

"Underground storage tank", any one or combination of tanks, including underground pipes connected thereto, used to contain an accumulation of

petroleum product and the volume of which, including the volume of underground pipes and connected thereto, is ten percent or more beneath the surface of the ground.

"Underground storage tank system", an underground storage tank and its associated ancillary equipment and containment system.

"Unobligated balance", the amount determined by subtracting from the cash balance of the fund at the end of each month the sum of the total balances remaining on all contracts entered into by a person described in clauses (1) or (5) of paragraph (a) of section five of chapter twenty-one E in order to undertake a response action as defined by section one of said chapter twenty-one E as ordered by the department of environmental protection as a result of a release of a petroleum product from an underground storage tank or underground storage tank system, and by further subtracting from the cash balance of the fund at the end of each month the sum of the total monies allocated to cover the expenses of the board, the department, and the department of environmental protection, pursuant to clauses (b), (c), and (d) of section four and the total amount of applications for reimbursement for any third party claims of any nature pursuant to sub-clause (2) of clause (a) of section four.

Section 2. (A) A fee is hereby imposed on the use of a dispensing facility at the site of delivery of petroleum product. Each owner or operator of a bulk facility on delivery of petroleum product to a dispensing facility shall collect from the person who orders or requests the delivery a fee in an amount of fifty dollars for each delivery. The person delivering the petroleum product shall be responsible to the department for the collection of such fee and in the event it is unable to recover such fee from the person who ordered such petroleum product, such person delivering petroleum product shall nonetheless remit to the department the fee associated with such delivery. In the event of split-load or partial deliveries to dispensing facilities from the same tanker truck, this fee may be prorated among the dispensing facilities receiving such deliveries.

A fee is hereby imposed on the use or maintenance of an underground storage tank used to store petroleum product or any fraction thereof, except waste oil, at a dispensing facility. Each owner of an underground storage tank used to store petroleum products or any fraction thereof, except waste oil, at a dispensing facility shall annually pay to the department, as the holder of the list of registered underground storage tanks storing petroleum and other materials, a fee of two hundred dollars per tank. For the purposes hereof, each tank in an underground storage tank system shall be considered a separate underground storage tank. The department by regulation shall establish procedures for the collection of such delivery fee and such annual fee based on bills prepared and mailed by the department simultaneously to all owners and operators obligated to pay such fee.

(B) The board shall semi-annually review the adequacy of the aforementioned

fees and shall by regulation adjust said fees to meet the financial needs of the fund. Within five days of approving any adjustment to a fee the board shall file said adjustment with the clerk of the house of representatives and the senate while the general court is in session, and said adjustment shall take effect within thirty days of such filing unless the general court has passed a resolve disapproving such a fee adjustment. Any such adjustments to be made for a reporting period shall be published in the Massachusetts register.

(C) In accordance with regulations to be promulgated hereunder, the fees shall be collected, reported and paid to the department as a separate line item entry, from time to time, by owners and operators charged with the collection, reporting and payment of gasoline and special fuels taxes pursuant to the provisions of chapter sixty-four A, sixty-four E, and sixty-four F, and such persons may be subject to audit by the department. The department shall deposit all receipts into the distinct interest bearing account established pursuant to the provisions of section two S of chapter twenty-nine. The department shall submit a monthly report to the board listing revenues generated by the delivery fees and the annual storage tank fees for the previous month and outlays from the fund, including reimbursements, agency appropriations and third party claims issued during the previous month.

(D) The fee imposed under this section may not be collected or required to be paid on or after the first day of the second month following the date on which the unobligated balance in the fund equals or exceeds thirty million dollars. The treasurer shall notify the department in writing of the date on which the unobligated balance equals or exceeds thirty million dollars.

If the unobligated balance in the fund falls below ten million dollars, the fee shall be reinstated effective on the first day of the second month following the publication of notice of reinstatement. The treasurer shall notify the department in writing of the date on which the unobligated balance in the fund falls below ten million dollars. Once reinstated, the fee shall be charged until the unobligated balance in the fund equals or exceeds thirty million dollars.

(E) The fees established in this section shall not apply to a delivery of a petroleum product to distributors of petroleum products destined for export from this state that is delivered by a bulk facility owner or operator to a common or contract carrier or an oceangoing vessel including a ship, barge, or tanker, if the petroleum product is in continuous movement to a destination outside this state, or sales or deliveries to the United States Government, or sales or deliveries to the commonwealth or any of its political subdivisions.

Section 3. No owner or operator who has a responsibility pursuant to any law with respect to environmental cleanup actions, awarding third party damages or preventing the need for environmental cleanup actions shall avoid or delay such responsibility, or be excused from such responsibility, because of reliance on funds provided in this chapter or because of any failure or delay of reimbursement

provided in this chapter. No failure or delay of reimbursement provided for in this chapter shall give any person any cause of action or any defense to any cause of action, except as provided in section eleven.

Section 4. The purpose of the fund shall be to prevent the need for environmental cleanup actions and to expedite environmental cleanup actions by providing partial reimbursements to owners or operators of underground storage tanks or underground storage tank systems or who are described in clauses (1) or (5) of paragraph (a) of section five of chapter twenty-one E for the costs, expenses, and other obligations incurred by said parties as a result of releases of petroleum products from underground storage tanks or underground storage tank systems; and to pay administrative expenses, personnel expenses, and miscellaneous costs as specified in regulation by the department, working in conjunction with the department of environmental protection; provided that the Commonwealth, the Board and the fund established by Section 8 of this chapter shall not incur any liability whatsoever for remediation of hazardous materials or waste or for a third party claims other than to the extent of monies in such fund and to extent of reimbursement and administrative expenses expressly established under this chapter. Monies from the fund subject to appropriation, shall be dispensed only upon the written order of the secretary of administration and finance or his designee for the following purposes and no others:

(a) Reimbursement for the following, provided that the amount of reimbursements actually allotted during any fiscal year shall not exceed the cash balance of the fund as of December thirty-first of the calendar year preceding the beginning of the fiscal year in question less the total of the amounts specified in subsections (b), (c), and (d) of this section:

(1) Reimbursement of costs, expenses, and other obligations incurred by an owner or operator described in clauses (1) or (5) of paragraph (a) of section five of chapter twenty-one E as a result of taking a response action, as that term is defined in chapter twenty-one E, in response to, or otherwise incurring expenses as a result of, a release, as that term is defined in chapter twenty-one E, of petroleum product from an underground storage tank or underground storage tank system.

(2) Reimbursement for any claims for bodily injury, property damage, and damage to natural resources which are assessed against an owner or operator described in clauses (1) or (5) of paragraph (a) of section five of chapter twenty-one E as a result of a release, as that term is defined in chapter twenty-one E, of petroleum product from an underground storage tank or underground storage tank system.

(b) Administrative expenses, personnel expenses, and miscellaneous expenses incurred by the following agencies in the course implementing this chapter, provided, however, that the amount dispensed for each agency for each year shall not exceed the limits provided for herein.

(1) Subject to appropriation, effective for fiscal years beginning on and after July 1, 1992, the limits shall be either the minimum amounts specified below or those greater amounts as set in the manner described below:

(A) The minimum amounts shall be as follows:

(i) For the board, three hundred thousand dollars.

(ii) For the department, seven hundred fifty thousand dollars.

(iii) For the department of environmental protection, six hundred thousand dollars.

(2) Effective through June 30, 1992, subject to appropriation, the following agencies shall receive for each month the percentage specified below of the total amount of fees, penalties, and interest collected pursuant to this chapter during that month:

(i) For the board, one percent.

(ii) For the department, three percent.

(iii) For the department of environmental protection, two percent.

(3) Subject to appropriation, the board may, by a two-thirds vote of those members present and voting, increase any of the amounts specified in clauses (1) or (2), but only to the extent such increase is necessary to allow the board or the departments in question to do the following:

(i) Set standards for the proper construction, maintenance, and testing of underground storage tanks and underground storage tank systems.

(ii) Collect all the fees, penalties, and interest prescribed pursuant to this chapter, account for all the monies thus collected, and take appropriate action against those who do not pay all that they owe or do not comply with all requirements applicable to them for the payment of such monies.

(iii) Adopt and amend from time to time the rules and regulations specified in section eight.

(iv) Implement and enforce the rules and regulations specified in section eight.

(v) Initiate, defend, and otherwise be parties to judicial proceedings pursuant to this chapter.

(vi) Take all other action appropriate to effectuate this chapter.

(c) Grants provided pursuant to section thirty-seven A of chapter one hundred forty-eight, provided that, subject to appropriation, not more than the following amounts shall be dispensed from the fund for such grants:

(1) Effective for fiscal years beginning on and after July 1, 1992, not more than two million dollars per year.

(2) Effective through June 30, 1992, not more than seven percent of the total amount of fees, penalties, and interest collected pursuant to this chapter.

(d) Grants to the department of environmental protection to reimburse said department for the costs it incurs in the course of responding, as that term is defined in chapter twenty-one E, to releases, as that term is defined in chapter twenty-one

E, of petroleum product from an underground storage tank or underground storage tank system for which previous payments under Section two have been made, provided that, subject to appropriation, the amount of such grants shall not exceed the amount of such costs.

Section 5. Reimbursements described in subsection (a) of section four shall be subject to the cap specified in subsection (a) of this section and the deductibles specified in subsection (b) of this section:

(a) For each tank eligible for reimbursement pursuant to this chapter, reimbursement for all costs, expenses, claims, and other obligations eligible for reimbursement pursuant to this chapter shall not exceed, in the aggregate, one million dollars for reimbursements under section 4(a)(1) and one million dollars for expenses under Section 4(a)(2) less the applicable deductible specified in subsection (b) of this section.

(b) For each tank eligible for reimbursement pursuant to this chapter, reimbursement for all costs, expenses, claims, and other obligations otherwise eligible for reimbursement pursuant to this chapter shall be subject to a deductible that shall be calculated as follows:

(1) If the tank owner or operator owns one or more underground storage tank and underground storage tank systems at three or more sites, the deductible shall be the first ten thousand dollars of all costs, expenses, claims, and other obligations otherwise eligible for reimbursement pursuant to this chapter.

(2) If the tank owner or operator owns one or more tanks at two sites, the deductible shall be the first seven thousand five hundred dollars of all costs, expenses, claims, and other obligations otherwise eligible for reimbursement pursuant to this chapter.

(3) If the tank owner or operator owns one or more tanks at only one site, the deductible shall be the first five thousand dollars of all costs, expenses, claims, and other obligations otherwise eligible for reimbursement pursuant to this chapter.

Section 6. No owner or operator shall receive reimbursement pursuant to this chapter unless a claim for such reimbursement has been submitted in writing to, and approved in writing by, the board. The secretary of administration and finance shall make payments from the fund for any claim approved by a majority vote of the board and submitted in writing to said secretary.

Section 7. The cargo manifests or invoices or copies of the cargo manifests or invoices and any other records required under this chapter or regulations of the department shall be maintained for a period of four years after the date on which the document or other record is prepared and be open for inspection by said department at all reasonable times.

Section 8. There is hereby established the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board. The board shall adopt rules and regulations for the administration, collection, reporting, and payment of

the fees payable or collected pursuant to this chapter, and for reviewing, processing, and acting on claims for reimbursement. No claim for reimbursement shall be submitted to or received or acted on by the board until after all the regulations required pursuant to this section have been promulgated and have taken effect. The board shall be comprised of the following members: the secretary of administration and finance, or his designee, who shall serve as the chairman; the commissioner of the department of environmental protection, or his designee; the state fire marshal, or his designee: and six members to be appointed by the governor who are knowledgeable in the remediation and prevention of problems resulting from the operation of underground storage tanks and tank systems, one of whom shall be a representative of the Massachusetts Petroleum Council; one of whom shall be a representative of the Independent Oilmen's Association of New England; one of whom shall be a representative of the Bay State Gasoline Retailers Association; one of whom shall be a representative of an insurance institution or organization; one of whom shall be a representative of a financial institution or organization; and one of whom shall be a representative from a statewide environmental public interest organization. Each member of the board appointed by the governor shall serve a term of three years and no such member shall be eligible to serve for more than two terms. Any person appointed to a vacant seat on the board shall be eligible to be reappointed for two full terms. Seven members shall constitute a quorum, and a quorum must be present to approve any reimbursement pursuant to this chapter. The board shall meet at least quarterly in each calendar year. No appointed member shall have a financial interest in any of the decisions, actions, or reports of the board.

Such rules and regulations shall include, but shall not be limited to, the following:

(1) a means of notifying all eligible parties of the existence and functioning of the Fund;

(2) the record-keeping required of eligible parties for submission to and reimbursement from the fund;

(3) a means of making periodic and partial reimbursement to eligible parties to enable such parties to meet their interim costs, expenses and obligations;

(4) a method of providing reimbursement for costs, expenses and obligations incurred by an eligible party after the effective date of this chapter regardless of the date of discovery activities with respect thereto; provided, however, that no reimbursement shall be paid for costs, expenses and obligations incurred by an eligible party prior to the effective date of this chapter;

(5) a requirement that the board render its decision to an eligible party, with respect to each claim for reimbursement within forty-five days following its receipt of such claim and, if appropriate, forward a request for immediate payment to the secretary of administration and finance on behalf of such eligible party;

(6) a process for reviewing and adjusting the fees established in section two so as to meet the financial requirements of the fund;

(7) prohibitions against the filing and approval of claims for reimbursement that are fraudulent, inflated, or unreasonably high and requirements and procedures for detecting such claims and responding to them appropriately; and

(8) the development of standards and requirements to be met by underground storage tank owners and operators who either possess or do not possess liability insurance, for being eligible to receive a reimbursement from the fund.

The Board shall be authorized to promulgate any and all regulations necessary for the effective operation of this chapter consistent with its purposes and such regulations may, but need not, include procedures for reimbursements hereunder to be less than total and may require claimants to recover no more than 85% of the claim.

Section 9. In order to be eligible for reimbursement from the fund an owner or operator described in section four must comply with the following:-

(a) An owner or operator must have completed, as the case may be, all underground storage tank or underground storage tank system registration requirements as set forth in section 9002 of the Resource Conservation and Recovery Act of nineteen hundred and seventy-six as well as with all federal or state regulatory requirements relating to the registration of underground storage tanks or underground storage tank system;

(b) be in full compliance with all regulatory requirements imposed upon an owner or operator, as the case may be, of an underground storage tank or underground storage tank system, which requirements relate to the maintenance and operation of the underground storage tanks or underground storage tank system and with all regulatory requirements related to the construction and installation of such underground storage tank or underground storage tank system, provided such requirements applied to such owner or operator at the time such underground storage tank or underground storage tank system was constructed or installed;

(c) have incurred a cost, expense, or obligation, whether for cleanup or related matters or for claims of third parties resulting from a release of a petroleum product from an underground storage tank or underground storage tank system; and

(d) in the case of claims for bodily injury, property damage, or damage to natural resources, the owner or operator submitting the claim shall have obtained a final judgement from a court of competent jurisdiction, all rights of appeal being exhausted, waived, or expired, that the bodily injury, property damage, or damage to natural resources was a result of a release of a petroleum product from the underground storage tank or underground storage tank system;

Section 10. If an owner or operator received a reimbursement pursuant to this chapter for a cost, expense, or obligation incurred in remediating a release or a

threat of a release of a petroleum product caused by the negligent action of some other person, the secretary of administration and finance, acting on behalf of the fund, shall be authorized and directed to obtain from that other person recoupment to the fund of the reimbursement paid from the fund.

Section 11. Claims submitted to the board pursuant to this chapter, and procedures for acting on such claims, shall not be adjudicatory proceedings and shall not be subject to those provisions of chapter thirty A, or any other law, governing adjudicatory proceedings. Any owner or operator aggrieved by the denial of a claim or any other action of the board on a claim may bring a civil action in the nature of certiorari pursuant to section four of chapter two hundred forty-nine; provided, however, that the action shall be commenced within thirty days of the date of the determination or other action of the board. No action may be brought pursuant to this section or any other law where the denial of a claim or any other action on a claim was based solely on insufficient available funds.

Section 12. Any owner or operator who possesses a fee collected or payable under this chapter and who fails to remit the fee to the department at the time and in the manner required by this chapter and the rules and regulations of the department shall be required to pay the applicable fee and a penalty of five percent on the amount of the fee due and payable. If any owner or operator fails to file the report or pay the fee before the thirtieth day after the date on which the fee or report is due, the owner or operator shall pay an additional penalty of five percent on the amount of the fee due and payable. Thereafter, for every thirty days or portion thereof that the report or fee remains unfiled or unpaid, the owner and operator shall pay a penalty of an additional five percent on the fee due and payable. The department has the authority to waive the penalty upon a showing of reasonable cause.

Section 13. Any owner or operator who violates any provision of this chapter, or any rule or regulation promulgated hereunder (1) shall be subject to a fine not to exceed twenty-five thousand dollars, or by imprisonment for not more than two years, or both, for each such violation; or (2) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation. Each day each such violation occurs or continues shall be deemed a separated offense. These penalties shall be in addition to any other penalties that may be prescribed by law.

Section 14. The fees, penalties, and interest remitted to the treasurer by the department under this chapter shall be deposited in the treasury to the credit of the fund in accordance with the provisions of section two S of chapter twenty-nine.

SECTION 2. Chapter twenty-nine of the General Laws is hereby amended by inserting the following section:

Section 2S. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Underground Storage Tank Petroleum Product Cleanup Fund. There shall be credited to such fund: any fees,

penalties, and other amounts collected pursuant to chapter twenty-one J; any appropriation, grant, gift, or other contribution explicitly made to such fund; and any interest earned on monies within the fund.

Amounts credited to said fund shall be used, subject to appropriation, for the purposes set forth in chapter twenty-one J.

SECTION 3. Section 29 of Chapter 148 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the third sentence the following sentence:- The provisions of this section shall not apply to any rule or order adopted or issued pursuant to sections thirty-eight B through thirty-eight I.

SECTION 4. Section 32 of said Chapter 148, as so appearing, is hereby amended by inserting at the end of the first sentence of the fourth paragraph the following:- , or, if such information is subject to sections thirty-eight B through thirty-eight I, until such information becomes a public record in accordance with section thirty-eight I.

SECTION 5. Chapter 148 of the General Laws is hereby further amended by inserting after section 37 the following section:-

Section 37A. As used in this section, the term "fuel storage tank" shall mean a tank, either underground or aboveground, used or designed to be used for the storage of gasoline, oil, or other fuel, or other flammable liquids, provided that said tank does not have an acceptable form of leak detection and does not have a spill containment manhole and an overfill prevention device.

The Board created by Section eight of Chapter twenty-one J shall establish and administer a program to provide grants to cities, towns, districts, and other bodies politic, and to agencies of the commonwealth, for the purpose of removing or replacing or both, and for the purpose of testing, fuel storage tanks that they own or operate, subject to the following conditions:

(1) No grant shall be awarded for the removal or replacement of any fuel storage tank installed on or after January first, nineteen hundred and eighty-nine.

(2) Except as provided in clause (3) of this section, no grant shall be awarded for the removal or replacement of any fuel storage tank unless the city, town, district, or other body politic, or agency of the commonwealth, that owns or operates the tank files with the Board, within six months after the initial publication in the Massachusetts Register of regulations implementing this section, a statement that either (a) it has removed or replaced said tank on or after January first, nineteen hundred and eighty-nine or intends to and does do so by no later than six months after the initial publication in the Massachusetts Register of regulations implementing this section, or (b) it intends to continue to use said tanks and agrees to do so in compliance with all applicable regulations including, without limitation, regulations of the board of fire prevention regulations, the department of environmental protection, and the United States Environmental Protection Agency.

(3) If, pursuant to clause (2) of this section, a city, town, district, or other body politic, or agency of the commonwealth, files with the board a statement that it intends to continue to use a fuel storage tank and agrees to do so in compliance with all applicable regulations, no grant shall be awarded for the removal or replacement of said tank until at least five years after the filing of said statement with the board. Anytime after the expiration of this five-year period, any city, town, district, or other body politic, or agency of the commonwealth, may become eligible for a grant pursuant to this section by filing with the board a statement that it intends to remove or replace the tank in question within six months of the filing of said statement.

(4) If a city, town, district, or other body politic, or agency of the commonwealth, files with the board any statement provided for in clause (2) of this section with respect to a fuel storage tank that it owns or operates, a city, town, district, or other body politic, or agency of the commonwealth, that owns or operates said tank shall be reimbursed for the expenses of performing those tests of said tank that are required by regulation or order of any agency of the commonwealth or of the United States.

A grant for the removal or replacement of a fuel storage tank shall be made in annual payments for a period not to exceed ten years. The amount of each annual payment shall be either one-tenth of the cost of removing or replacing the fuel storage tank, or the annual expense of testing the fuel storage tank in compliance with all regulations of the commonwealth and the United States applicable to that fuel storage tank, whichever amount is greater.

A grant for reimbursement for the expenses of performing those tests of a fuel storage tank required by regulation or order of any agency of the commonwealth or of the United States shall be made in annual payments equalling said expenses.

All annual payments made to cities and towns pursuant to this section shall be made as part of annual local aid distribution to cities and towns.

Nothing in this section shall be construed to effect the rights, responsibilities, or liability of any person pursuant to any other law.

No person who has responsibility or liability pursuant to any other law shall avoid or delay such responsibility or liability, or be excused from such responsibility or liability, because of reliance on grants provided for in this section or because of any failure or delay to provide grants or grant payments pursuant to this section.

By no later than July 1, 1991, the board shall promulgate regulations for the proper implementation of this section, including, without limitation, regulations for filing grant applications and for filing the statements provided for in this section.

SECTION 6. Said Chapter 148 is further amended by striking section 38 therein and inserting in its place the following new section:-

Section 38. The board shall make rules and regulations governing the

construction, use, and maintenance of tanks to which section thirty-seven applies; governing the removal and relocation of tanks to which section thirty-eight A applies; and governing the allocation of grants to cities and towns to which section thirty-seven A applies.

SECTION 7. Said Chapter 148 is hereby further amended by striking section 38A and inserting in place thereof the following section:-

Section 38A. No underground tank which has been used for the keeping or storage of flammable or combustible fluids shall be removed or relocated unless a permit for such removal or relocation has first been obtained from the state fire marshal or the official designated by him to grant permits in the city, town or district where such tank is located. If the permit is issued by an official of a city, the fee for such permit shall be established by action of the city council or board of aldermen in the form of a duly adopted ordinance.

If the permit is issued by an official of a town, the fee for such permit shall be established by action of the town meeting or, if the town has no town meeting, by action of the town council, in either case in the form of a duly adopted bylaw. In no event shall any such ordinance or bylaw establish a fee greater than two hundred dollars nor require payment of such fees by the commonwealth or any of its departments, boards, commissions, authorities, or political subdivisions.

SECTION 8. Said Chapter 148 of the General Laws is hereby further amended by inserting after section thirty-eight A the following sections:-

Section 38B. As used in sections thirty-eight C through thirty-eight I, the following terms shall have the following meanings:

"CERCLA", the Comprehensive Environmental Response Compensation and Liability Act of nineteen hundred and eighty, 12 U.S.C. section 9601 et seq., as may be amended from time to time.

"Department", the department of public safety.

"Board", Massachusetts Board of Fire Prevention Regulations.

"Guarantor", any person, other than a person liable pursuant to section five of chapter twenty-one E, who provides evidence of financial responsibility pursuant to this chapter.

"Regulated Substance", (a) any substance defined in section 101(4) of the Comprehensive Environmental Response Compensation and Liability Act of nineteen hundred and eighty, including waste oil but not including any other substance regulated as a hazardous waste under chapter twenty-one C, and (b) petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit and 14.7 pounds per square inch absolute).

"Operator", (1) in the case of an underground storage tank in use on November eighth, nineteen hundred and eighty-four, or brought into use after that date, any person in control of, or having responsibility for, the daily operation of an

underground storage tank used for the storage, use, or dispensing of regulated substances or (2) in the case of any underground storage tank in use before November eighth, nineteen hundred and eighty-four, but not in use at any time on or after that date, any person who owns the land on or in which such tank is or was located.

"Owner", (1) in the case of an underground storage tank in use on November eighth, nineteen hundred and eighty-four, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances or (2) in the case of any underground storage tank in use before November eighth, nineteen hundred and eighty-four, but not in use at any time on or after that date, any person who owned such tank immediately before the discontinuance of such use.

"Person", any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, the United States Government, state, municipality, commission, political subdivision of a state, interstate body, consortium, joint venture, commercial entity.

"RCRA", the Solid Waste Disposal Act, as revised by the Resource Conservation and Recovery Act, as may be further amended from time to time.

"Release", any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into the ground water, surface water or subsurface soil.

"Marshal", the state fire marshal.

"Head of Fire Department" the chief executive officer of the fire department in a city, town or fire district having such an office otherwise the fire commissioner, board of fire commissioners or fire engineers, or commissioner of public safety; and, in towns not having a fire department the chief engineer, if any, otherwise the chairman of the board of selectmen.

"Trade Secret", anything tangible which constitutes, represents, evidences, or records a secret scientific, technical, merchandising, production or management information, design, process, procedure, formula, invention, or improvement.

"Underground storage tank", any one or combination of tanks, including, without limitation, underground pipes connected thereto, used to contain an accumulation of regulated substance and the volume of which, including the volume of underground pipes connected thereto, is ten percent or more beneath the surface of the ground. The term shall not include any of the following or any pipes connected to any of the following: (1) any septic tank; or (2) any pipeline facility, including gathering lines, which is regulated under (a) the Natural Gas Pipeline Safety Act of nineteen hundred and sixty-eight; or (b) the Hazardous Liquid Pipeline Safety Act of nineteen hundred and seventy-nine; or (3) any surface impoundment pit, pond, or lagoon; or (4) any storm water or waste water collection system; or (5) any flow through process tank; or (6) any liquid trap or associated

gathering lines directly related to oil or gas production and gathering operations; or (7) any storage tank situated in an underground area, including without limitation, a basement, cellar, or mineworking driff, shaft or tunnel, if the storage tank is situated upon or above the surface of the floor, and all sides are accessible and visible.

Section 38C. Nothing in sections thirty-seven, thirty-seven A, sections thirty-eight A through thirty-eight I, or any other provision of this chapter shall be construed to limit the authority that the department, the head of a fire department, any other department or agency of the Commonwealth, or a city, town, district, or other body politic has pursuant to any law.

(1) Each owner of an underground tank first put into operation on or after January first, nineteen hundred and ninety-one shall, within thirty days after the tank is first put into operation, notify the department of the existence of such tank, specifying the age, size, type, location, and uses of such tank. The requirements of this subsection (1) shall not apply to any underground storage tank that is (a) a farm or residential tank of 1.100 gallons or less capacity used for storing motor fuel for noncommercial purposes, or (b) a tank used for storing heating oil for consumptive purposes where stored. In prescribing the form of such notice, the department shall take into account the form of the notice prescribed pursuant to section 9002 of RCRA and the effect on small businesses and other owners and operators.

(2) The requirements of this subsection (2) shall not apply to any underground storage tank that is (a) a farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes, or (b) a tank used for storing heating oil for consumptive use on the premises where stored. By no later than January thirty-first, nineteen hundred and ninety-one, each owner of an underground storage tank that was in operation at any time after January first, nineteen hundred and seventy-four and before January first, nineteen hundred and ninety-one, regardless of whether or not such tank was removed from beneath the surface of the ground at any time, shall notify the department of the existence of such tank, specifying, to the extent known to the owner, the size, type, and location of the tank, and the quantity of substances stored in such tank before the tank ceased being in operation if the tank was removed from beneath the surface of the ground, prior to the submittal of such notice to the department, such notice shall also specify, to the extent known to the owner, the date the tank was removed from beneath the surface of the ground, prior to the submittal of such notice to the department. In prescribing the form of such notice, the department shall take into account the form of the notice prescribed pursuant to section 9002 of RCRA and the effect on small businesses and other owners and operators.

(3) The requirements of this subsection (3) shall not apply to any underground storage tank that is (a) a farm or residential tank of 1,100 gallons or less capacity

used for storing motor fuel for noncommercial purposes, or (b) a tank used for storing heating oil for consumptive use on the premises where stored. By no later than December thirty-first, nineteen hundred and ninety-one, each owner of an underground storage tank that was not in operation at any time after January first, nineteen hundred and seventy-four and that was not removed from beneath the surface of the ground on or before January first, nineteen hundred and seventy-four, or the operator of any such tank that has no owner or whose owner cannot be definitely ascertained, shall notify the department of the existence of such tank, specifying, to the extent known to the owner, the size, type, and location of the tank, and the type and quantity of substance stored in such tank before the tank ceased being in operation if the tank was removed from beneath the surface of the ground. If the tank was not removed from beneath the surface of the ground prior to the submittal of such notice to the department such notice shall also specify, to the extent known to the owner or operator, the date the tank was removed from beneath the surface of the ground and age of the tank and all methods used to stabilize the tank after the tank ceased being in operation. In prescribing the form of the notice, the department shall take into account the form of the notice prescribed pursuant to section 9002 of RCRA and the effect on small businesses and other owner and operators.

Section 38D. The department shall enforce the provisions of sections thirty-eight B through thirty-eight I, and may, subject to the provisions in sections thirty-eight B through thirty-eight I, take all action necessary and appropriate to secure to the commonwealth the benefits of subtitle I of RCRA, including without limitation, obtaining federal grants. The board may, from time to time, adopt, amend, or repeal regulations as it deems necessary to accomplish the following purposes: (1) prevent or remedy any condition in or about any underground storage tank which may tend to become a fire hazard or to cause a fire: or (2) which provide adequate safety requirements for the protection of the public in the event of a fire in or about any underground storage tank; or (3) provide for the safe storage, use, handling and manufacturing of regulated substance in or about any underground storage tank; or (4) protect public health, safety, and welfare, and the environment, from any release of a regulated substance from any underground storage tank; or (5) implement, administer, and enforce sections thirty-eight B through thirty-eight I.

Section 38E. The board may, from time to time, adopt, amend, or repeal regulations as it deems necessary to establish the following requirements and standards for underground storage tanks:

(1) requirements for maintaining a leak detection system, an inventory control system together with tank testing, or a comparable system or method designed to identify releases in a manner consistent with protection of human health and the environment;

(2) requirements for maintaining records of any monitoring or leak detection system or inventory control system or tank testing system;

(3) requirements for reporting of any releases and corrective action taken in response to a release from an underground tank;

(4) requirements for taking corrective action in response to a release from an underground storage tank; provided, that such requirements shall be consistent with and not duplicative of the Massachusetts Contingency Plan pursuant to chapter twenty-one E;

(5) requirements for the closure of tanks to prevent future releases of regulated substance into the environment;

(6) requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental release arising from operating an underground storage tank;

(7) standards of performance for new underground storage tanks; and

(8) requirements (a) for notifying the department and the head of the fire department designated according to section 9002- (b) (1) of the existence of any operational or nonoperational underground storage tank: and (b) for providing the information required on the form issued pursuant to section 9002 (b) (2).

Section 38F. For any of the purposes set forth in section thirty-eight D, and for the purposes of developing or assisting in the development of any regulation pursuant to sections thirty-eight B through thirty-eight I, or conducting any study mandated by Congress or by the General Court, any owner or operator of an underground storage tank shall upon request of the marshal, the head of the fire department, and their personnel or authorized agents, furnish information relating to such tanks, their associated equipment and their contents, conduct monitoring or testing, and permit the marshal, the head of the fire department, and their personnel or authorized agents, to have access to, and to copy all records relating to, such tanks. For any of the purposes set forth in section thirty-eight D, and for the purposes of developing or assisting in the development of any regulation pursuant to sections thirty-eight B through thirty-eight I, or conducting any study mandated by Congress or by the General Court, the marshal, the head of the fire department, and their personnel or authorized agents, are authorized (1) to enter at reasonable times any establishment or other place where an underground storage tank is located; and (2) to inspect and obtain samples from any person of any regulated substance contained in such tank; and (3) to conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or ground water. Each such inspection shall be commenced and completed with reasonable promptness.

Section 38G. Whenever it appears that there is a violation of any provision of sections thirty-eight B through thirty-eight I or any regulation or order adopted or

issued pursuant to section thirty-eight B through thirty-eight I, the marshal or head of the fire department may issue to a person causing or contributing, or likely to cause or contribute, to such violation or potential violation an order requiring the production or analysis of samples, or the production of records, or imposing such restraints on or requiring such action by said person, as the marshal or the head of the fire department reasonably deems necessary or desirable to abate to prevent such violation or potential violation. Issuance of an order under this section shall not preclude, and shall not be deemed an election to forego, any other remedy authorized by law.

Section 38H. No person shall violate, or allow or suffer any employee, agent, or contractor to violate, any provision of sections thirty-eight B to thirty-eight I, or of any regulation or order adopted or issued pursuant to sections thirty-eight B through thirty-eight I. Any violation of sections thirty-eight B through thirty-eight I, shall be presumed to constitute irreparable harm to public health, safety and welfare, and to the environment. Such presumption may be rebutted by the introduction of competent evidence. Any person who violates any provisions of sections thirty-eight B through thirty-eight I, or any regulation, rule, order, permit or approval issued or adopted under the provisions of section thirty-eight B through thirty-eight I inclusive, (a) shall be punished by a fine not to exceed twenty-five thousand dollars, or by imprisonment for not more than two years, or both; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation. Each day each such violation occurs or continues shall be deemed a separate offense. This shall be in addition to any other penalty or remedy prescribed by law.

The superior court department of the trial court shall have jurisdiction to assess civil penalties as set forth in this section, and to enjoin violations of, and grant such additional relief as it deems necessary or appropriate to secure compliance with, the provisions of sections thirty-eight B through thirty-eight I, or any regulation or order adopted or issued pursuant to sections thirty-eight B through thirty-eight I, inclusive, upon petition of the attorney general, a district attorney, the department, the marshal, the head of the fire department, or a city or town.

Section 38I. Notwithstanding the provisions of any general or special law to the contrary, any information, record, or particular part thereof, obtained by the department or by the head of the fire department or by their respective personnel or contractors pursuant to the provisions of sections thirty-eight B through thirty-eight I, upon request, shall be confidential and not be considered to be a public record when it is determined by the marshal or by the head of the fire department, as the case may be, that such information, record, or particular part thereof, if made public, would divulge a trade secret. This section shall not prevent disclosure of any information necessary for an enforcement action or to comply with Federal law or regulations. The exclusive remedy for any person aggrieved by a determination

of the marshal or of the head of the fire department, as the case may be, pursuant to this section shall be a civil action in the nature of certiorari pursuant to section four of chapter two hundred and forty-nine; provided, that the action shall be commenced within thirty days of the date of the determination. Notwithstanding the provisions of any general or special law to the contrary, any information, record, or particular part thereof, obtained by the department, or by the head of the fire department or by their respective personnel or contractors pursuant to the provisions of sections thirty-eight B through thirty-eight I shall be a public record unless it is not a public record pursuant to this section or pursuant to any other law.

SECTION 9. The department of environmental protection in conjunction with the Underground Storage Tank Petroleum Product Cleanup Fund Administration Review Board shall perform a study of alternative ways to fund the services performed by said department in response to releases and threats of releases of petroleum products from leaking underground storage tanks pursuant to chapter twenty-one E. The study shall examine currently authorized funding sources and appropriations for the program, ways to improve the program's efficiency, and current and alternative program designs to properly remediate releases and threats of releases from such tanks. The study shall develop recommendations to fund the difference between future revenues from existing sources and projected expenses. The study shall also address any program and statutory modifications needed to ensure that petroleum product releases and threats of release from underground storage tanks are assessed and cleaned up as quickly and efficiently as possible by both public and private responders. Said department and said board shall perform the study in consultation with representatives of petroleum producers, suppliers, and marketers, industrial, small business, and other commercial organizations, financial institutions, municipalities, and environmental organizations. The commissioner of the department of environmental protection shall submit to the house and senate committees on ways and means and the joint committee on natural resources and agriculture by April first, nineteen hundred ninety-one, a copy of the study and any accompanying legislation which would be necessary to implement said study's recommendation.

SECTION 10. All rules, regulations, orders, licenses, permits, certificates, and approvals duly issued, made or adopted with respect to tanks, and which are in force on the effective date of this act, shall continue to be in force and effect and shall be enforceable until they expire or until suspended, revised, rescinded or otherwise modified in accordance with the provisions of this act or of any other law.

SECTION 11. Any suit, action, cause of action, or other procedure lawfully commenced or arising prior to the effective date of this act shall not abate or be rendered unenforceable by reason of the passage of this act.

SECTION 12. The underground storage tank petroleum product cleanup fund

administrative review board, established by section eight of chapter twenty-one J of the General Laws, inserted by section one of this act, is hereby authorized and directed to submit a report on the following subjects, including recommendations and proposed legislation necessary to effectuate them, to the Governor, the Clerk of the Senate, the Clerk of the House of Representatives, the Senate and House Committees on Ways and Means, and the Joint Committee on Natural Resources and Agriculture by no later than October 1, 1991:

(1) ways to prevent and deter the submission and approval of claims for such reimbursements that are fraudulent, inflated, or not at reasonable levels; and

(2) ways to assure and, if necessary, improve the adequacy and reliability of the funding provided for such reimbursements and for the grants provided for in said chapter twenty-one J.

Approved January 2, 1991.

Chapter 525. AN ACT PROMOTING ECONOMIC DIVERSIFICATION FOR DEFENSE-DEPENDENT FIRMS AND INDUSTRIES.

Be it enacted, etc., as follows:

The General Laws are hereby amended by inserting after chapter 23E the following chapter:-

CHAPTER 23F.

THE ECONOMIC DIVERSIFICATION PROGRAM.

Section 1. When used in this chapter, unless the context clearly requires otherwise, the following words and phrases shall have the following meanings:-

"Defense-dependent firm", a firm engaged in defense-related commercial activities which has derived over twenty-five percent of its operating income generated from operations located within the commonwealth through prime contracts with the United States Department of Defense or through subcontracts to such prime contractors, in each of the preceding five years or over the life of the business, whichever period is shorter.

"Defense-dependent industry", an industry dominated by defense-dependent firms.

"Defense-related commercial activities", shall include, but are not limited to, production of aircraft and their component parts, communication and detection equipment, electron tubes, electronic components, electronic computing equipment, fabricated metal products, guided missiles and guided missile parts, optical instruments, ordnance, scientific instruments, semi-conductors, ship and boat building, small arms, space vehicles and parts, turbines and associated research and development.

"Financial assistance", shall include, but is not limited to, funding in the form of debt, equity or grant monies not reasonably available from commercial sources.

"Technical assistance", shall include, but is not limited to, referrals to sources of financing, manufacturing process modernization assistance, on-site assistance, export trade and marketing assistance, evaluation of potential new products and markets and workforce training.

Section 2. There shall be established in the executive branch, under the joint supervision of the secretary of the executive office of economic affairs and the secretary of the executive office of labor, a Massachusetts economic diversification program. The secretary of economic affairs and the secretary of labor shall jointly issue such rules, regulations, and procedures as they deem necessary to carry out the provisions of this chapter.

Section 3. The economic diversification program, through the center for applied technology and the industrial services program, shall be the principal mechanism of the commonwealth for stimulating and encouraging the sustainable diversification of defense-dependent industries and firms into revenue generating non-defense-dependent activities by providing technical assistance to defense-dependent firms and industries seeking to expand into new product areas or markets, by promoting the transfer of and access to new and emerging process technologies and by providing, where appropriate, workforce training through the coordination of existing resources of the executive branch.

Section 4. The economic diversification program may utilize the offices, staff, and resources of the other agencies of the executive branch including, but not limited to, the Bay State Skills Corporation, the Massachusetts office of business development, the department of employment and training, the executive office of communities and development, the Massachusetts community development finance corporation, the Massachusetts government land bank, the Massachusetts industrial finance agency, the Massachusetts business development corporation, the Massachusetts capital resource corporation, the Massachusetts product development corporation, the Massachusetts technology development corporation, the Massachusetts centers of excellence corporation and such voluntary and uncompensated services as may from time to time be necessary for the proper performance of the duties and purposes of the program.

Section 5. Subject to appropriation, the duties of the Massachusetts economic diversification program shall include, but not be limited to:

(a) establishing eligibility criteria for applications for technical assistance, workforce training, and financial aid to facilitate coordination among the various agencies with resources that could be used to stimulate economic diversification;

(b) publicizing the economic diversification program, the services it provides and the importance of economic diversification to the long-term growth and stability of defense-dependent firms and industries;

(c) distributing, receiving, reviewing and evaluating applications for technical assistance, training, and financial aid;

(d) referring, to appropriate executive branch agencies, applications for financial aid and technical assistance, pursuant to section four; and

(e) monitoring and evaluating projects undertaken by the diversification program.

Section 6. The secretary of the executive office of economic affairs and the secretary of the executive office of labor shall jointly appoint, without regard to chapter thirty-one of the General Laws but with the approval of the governor, an advisory committee on economic diversification to implement and monitor the economic diversification program. The duties of the advisory committee shall include, but not be limited to: (1) determining which applications meet the established criteria; (2) evaluating applications for financial and technical assistance; (3) making a written recommendation regarding each application; and (4) transmitting approved applications to the center for applied technology and industrial services program.

Said advisory committee shall be composed of at least seven members, two representing groups actively advocating the need for economic diversification of defense-dependent firms and industries, one labor representative affiliated with a union or unions likely to be affected by diversification activities, two business persons, one academician, and one marketing professional, each of whom shall be knowledgeable about and have favorable reputations for their skill, knowledge, and experience in the areas of the commercial product and market development application of flexible production technologies and workforce training and retraining. Members of this committee shall receive no compensation for their expenses. Said committee shall annually, on or before November first, make a report to the secretary of the executive office of economic affairs and the secretary of the executive office of labor, and may make such special reports as it or said secretaries deem desirable.

Section 7. The secretaries of economic affairs and of labor may accept gifts or grants of money or property from any source which shall be held in trust for the use of the economic diversification program by said secretaries as custodians.

Section 8. The secretaries of economic affairs and of labor shall jointly prepare and submit an annual report pursuant to section thirty-two of chapter thirty.

Approved January 2, 1991.

Chapter 526. AN ACT FURTHER REGULATING ELECTION LAWS.

Be it enacted, etc., as follows:

SECTION 1. Subsection (B) of section 3 of chapter 34A of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by inserting after the word "petition", in line 11, the words:- or any resolution of the county commissioners or of the advisory board on county expenditures under this section.

SECTION 2. Subsection (C) of said section 3 of said chapter 34A, as so appearing, is hereby amended by striking out, in line 43, the words "county commissioners" and inserting in place thereof the words:- state secretary.

SECTION 3. Section 5 of said chapter 34A, as so appearing, is hereby amended by striking out subsection (A) and inserting in place thereof the following subsection:-

(A) At-large candidates for the charter commission shall be registered voters of the county in which they are candidates. District candidates for the charter commission shall be registered voters of the district in which they are candidates.

SECTION 4. The first paragraph of section 10 of chapter 39 of the General Laws, as so appearing, is hereby amended by striking out, in lines 33 and 34, the words ", upon a form approved by the state secretary".

SECTION 5. Section 2 of chapter 41 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words "thirty days before the annual meeting" and inserting in place thereof the words:- sixty days before the annual town election.

SECTION 6. Section 10 of said chapter 41, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

No election shall be held for any office pursuant to this section unless the selectmen file with the town clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election or any preceding primary, caucus, or preliminary election.

SECTION 7. Section 105 of said chapter 41, as amended by chapter 124 of the acts of 1989, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- Whenever a member who shall be a veteran is to be elected, the office shall be identified on the ballot and on nomination papers as "trustee of soldiers' memorials - veteran" and only candidates who are veterans shall be nominated. Whenever a member who shall not be a veteran is to be elected, the office shall be identified on the ballot and on nomination papers as "trustee of soldiers' memorials - non-veteran" and only candidates who are not veterans of any war shall be nominated.

SECTION 8. The first paragraph of section 38 of chapter 43 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 three sentences:- The papers constituting a petition shall be filed in the office of the city clerk, with the

endorsement thereon of the names and addresses of three persons designated as filing the same, but all the papers need not be filed at the same time. The petition shall be considered filed whenever the designated persons notify the board in writing that the filing is complete. Before receiving such notice, the registrars of voters may, but shall not be required to, certify signatures on the papers already filed.

SECTION 9. Said chapter 43 is hereby further amended by striking out section 41, as so appearing, and inserting in place thereof the following section:-

Section 41. The ballots used when voting upon a proposed measure under section thirty-nine or forty, or a measure or part thereof protested against under the following section, shall contain only a fair, concise summary of the measure, as determined by the city solicitor, which shall follow the question, "Do you approve of a measure summarized below?"

SECTION 10. Section 42 of said chapter 43, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

If, within twenty days after the final passage of any measure, except a revenue loan order, by the city council or by the school committee, a petition signed by registered voters of the city, equal in number to at least twelve percent of the total number of registered voters, and addressed to the city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, is filed with the city clerk, the same shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded within twenty days after the date of the certificate of the registrars, the city clerk shall submit the same, by the method herein provided, to a vote of the registered voters of the city, either at the next regular city election not less than thirty days after said twentieth day, or at a special election which the city council may, in its discretion, call for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the registered voters voting on the same at such election vote in favor thereof.

SECTION 11. The first paragraph of section 44A of said chapter 43, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- In such a city, on the fourth Tuesday preceding every regular or special city election, unless the mayor and aldermen fix an earlier day under section one hundred and three P of chapter fifty-four, there shall be held, except as otherwise provided in section forty-four G, a preliminary election for the purpose of nominating candidates therefor, and section sixteen shall not apply.

SECTION 12. Section 7 of chapter 43B of the General Laws, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words "a vacancy shall

result which" and inserting in place thereof the words:- or if a failure to elect or any other vacancy occurs, it.

SECTION 13. Chapter 43C 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. The petition shall be in substantially the following form: To the (city council) (board of selectmen) of (name of city/town) We the undersigned, registered voters of the (city/town of) respectfully petition your honorable body to cause to be submitted to vote of the voters the following question:- "Shall the (city/town of) adopt the optional form of municipal administration summarized as follows, according to the provisions of chapter forty-three C of the General Laws providing for optional plans of municipal administration?" The text of the summary from the applicable section shall follow.

SECTION 14. Section 9 of said chapter 43C, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

At any time after four years following the date of an election at which any of the plans provided in this chapter has been adopted by the voters, a question to revoke or to rescind such acceptance may be submitted to the voters in the same manner as provided in sections four to seven, inclusive. Such question shall be in the following form: "Shall the (city/town of) revoke its adoption of the optional form of municipal administration summarized as follows?" The text of the summary from the applicable section shall follow.

SECTION 15. The second paragraph of section 15 of chapter 51 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters, the selectmen or the appointing authority shall so appoint their successors that as nearly as possible the members of the board shall represent the two leading political parties, as defined in section one of chapter fifty; provided, that a city or town clerk need not be enrolled in a political party; and provided further, that in no case shall an appointment be made as to cause a board to have more than two members, including the city or town clerk, of the same political party.

SECTION 16. Section 33 of said chapter 51, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In cities, and in towns having six hundred or more registered voters, any person shall be registered, as aforesaid, during regular business hours.

SECTION 17. Section 37 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 25 and 26, the words "enclosed in an envelope".

SECTION 18. Section 42E of said chapter 51, as amended by chapter 178 of the acts of 1989, is hereby further amended by striking out the last sentence and

inserting in place thereof the following sentence:- Said assistant registrar shall receive affidavits of registration from registrants who reside in any other city or town of the commonwealth pursuant to the provisions of section forty-two F.

SECTION 19. Section 6 of chapter 53 of the General Laws is hereby amended by striking out the last paragraph, as amended by section 1 of chapter 676 of the acts of 1989, and inserting in place thereof the following two paragraphs:-

The name of a candidate for election to any office who is nominated otherwise than by a political party, generally referred to as an "Unenrolled" candidate, shall not be printed on the ballot at a state election, or on the ballot at any city or town election following a city or town primary, unless a certificate from the registrars of voters of the city or town wherein such person is a registered voter, certifying that he is not enrolled as a member of any political party, is filed with the state secretary or city or town clerk on or before the last day provided in section ten for filing nomination papers. Said registrars shall issue each certificate forthwith upon request of any such candidate who is not a member of a political party or his authorized representative. No such certificate shall be issued to any such candidate who shall have been an enrolled member of any political party during the 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.

Sections six and ten shall not apply to primary candidates nominated under sections twenty-three to seventy I, inclusive, except as expressly provided otherwise.

SECTION 20. Section 8 of said chapter 53, as appearing in the 1988 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- All certificates of nomination and nomination papers shall, in addition to the names of candidates, specify as to each, (1) his residence, with street and number, if any, (2) the office for which he is nominated, and (3) except as otherwise provided in this section and except for elections which are not preceded by primaries or political party caucuses, the political designation, if any, which he represents, expressed in not more than three words.

SECTION 21. The first paragraph of section 10 of said chapter 53, as amended by section 2 of chapter 676 of the acts of 1989, is hereby further amended by striking out, in line 10, the word "tenth" and inserting in place thereof the word:- sixth.

SECTION 22. The first paragraph of section 46 of said chapter 53, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following sentence:- Every nomination paper of a candidate for state office shall be submitted on or before five o'clock post meridian of the twenty-eighth day preceding the day on which it must be filed with the state secretary to the registrars of the city or town in which the signers appear to be voters; provided, however, that before special state primaries, every such

nomination paper shall be so submitted on or before five o'clock post meridian of the seventh day preceding the day on which it must be filed with the state secretary.

SECTION 23. The third paragraph of said section 46 of said chapter 53, as so appearing, is hereby amended by striking out the last sentence.

SECTION 24. Section 48 of said chapter 53, as amended by section 3 of chapter 676 of the acts of 1989, is hereby further amended by striking out the fifth and sixth paragraphs.

SECTION 25. Section 61 of said chapter 53, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

There shall not be printed on the ballot at a city or town primary the name of any person as a candidate for nomination for any office to be filled at a city or town election unless such person has been an enrolled member of the political party whose nomination he seeks throughout the ninety days prior to the last day for submitting primary nomination papers to the registrars of voters prior to said primary, or is a newly registered voter of the city or town enrolled in the political party.

SECTION 26. Said chapter 53 is hereby further amended by striking out section 72A, as so appearing, and inserting in place thereof the following section:-

Section 72A. Caucuses before regular city or town elections shall be held not later than the thirty-eighth day preceding such city or town elections, notwithstanding any contrary provision in any general or special law.

SECTION 27. Said chapter 53 is hereby further amended by inserting before section 122 the following caption:- PROVISIONS APPLYING TO REGIONAL SCHOOL DISTRICT-WIDE ELECTIONS.

SECTION 28. Section 41 of chapter 54 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

For all elections following primaries, such direction shall be filed within the time required by section three for acceptance of a write-in or sticker nomination; and for all other elections, within seventy-two hours next succeeding the last time for filing nomination papers or certificates of nomination.

SECTION 29. Said chapter 54 is hereby further amended by inserting after section 42B the following section:-

Section 42C. Notwithstanding the provisions of any general or special law to the contrary establishing a later time, the state secretary shall not print on the biennial state election ballot any question to the voters for which he receives final written notice after the sixtieth day before said election.

SECTION 30. Section 72 of said chapter 54, as appearing in the 1988 Official Edition, is hereby amended by striking out, in line 3, the words "polling place" and inserting in place thereof the words:- building that contains the polling place for one or more precincts.

SECTION 31. Section 91 of said chapter 54, as so appearing, is hereby amended by adding the following paragraph:-

Sections fifty-nine and fifty-nine A of chapter fifty-one shall apply to applications for absent voting ballots, but the certificate mentioned in section fifty-nine shall be issued by the city or town clerk.

SECTION 32. Section 93 of said chapter 54, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- All ballots cast as provided in subsection (a) of section ninety-two shall be mailed to and received by the city or town clerk, and as provided in subsection (b) of said section ninety-two shall be delivered, before the hour fixed for closing the polls.

SECTION 33. Section 95 of said chapter 54, as so appearing, is hereby amended by adding the following paragraph:-

Federal write-in absentee ballots shall be received and counted as provided in section one hundred and three of the federal Uniformed and Overseas Citizens Absentee Voting Act (42 USC section 1973ff-2). Such ballots shall be counted only at the public meeting of the registrars held under the preceding paragraph, and only if no valid state ballot has been received from the same voter, but shall be counted even if the voter has not applied for a state absent voter ballot or if the voter's application was received after the thirtieth day before the election.

SECTION 34. Section 100 of said chapter 54, as so appearing, is hereby amended by striking out, in lines 14 to 16, inclusive, the words ", or opposite whose name the letter R has not been marked on the list of absent voters,".

SECTION 35. Section 103J of said chapter 54, as so appearing, is hereby amended by striking out, in line 7, the word "personal".

SECTION 36. The third paragraph of section 105A of said chapter 54, as so appearing, is hereby amended by inserting after the word "precinct", in line 25, the words:- or at the tabulation center.

SECTION 37. Section 134 of said chapter 54, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:- Any court of competent jurisdiction, or any body having jurisdiction under any constitution, statute, or charter to judge the elections or returns of its own members, may require the clerk to produce such envelopes or containers and ballots.

SECTION 38. The sixth paragraph of section 135 of said chapter 54, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The registrars shall examine the sealed inner ballot envelopes originally rejected as defective and shall proceed as provided in the third paragraph.

SECTION 39. The second paragraph of section 4 of chapter 55B of the General Laws, as so appearing, is hereby amended by striking out the last sentence and

inserting in place thereof the following sentence:- The commission shall have no jurisdiction with respect to public policy questions, nor city or town candidates and ballot questions.

SECTION 40. Section 5 of said chapter 55B, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following three paragraphs:-

Objections to certificates of nomination and nomination papers for candidates at a presidential primary, state primary, or state election shall be filed with the state secretary within seventy-two hours succeeding five o'clock post meridian of the last day fixed for filing nomination papers.

Candidates challenging the registrars' failure to certify names on their nomination papers shall do so in accordance with the provisions of section six.

Objections relating to the original signers of an initiative or referendum petition shall be filed with the state secretary within five days after the original petition has been filed with the state secretary.

SECTION 41. Said section 5 of said chapter 55B, as so appearing, is hereby further amended by striking out the tenth paragraph and inserting in place thereof the following paragraph:-

The certificate of registration shall be substantially as follows:

The Commonwealth of Massachusetts
Certificate of Voter Registration

I hereby certify that _____ is a registered voter at _____ (street and number), _____ (ward & precinct) in this city or town.

Clerk of Board of Registrars of Voters
or
Election Commissioners of

(City-Town)

SECTION 42. Section 12 of said chapter 55B, as so appearing, is hereby amended by striking out, in line 3, the words "public records division" and inserting in place thereof the word:- office.

SECTION 43. Section 60 of chapter 56 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "or board of registrars of voters" and inserting in place thereof the words:- board of registrars of voters, or any other municipal or district officer or board upon whom a duty is imposed.

Approved January 2, 1991.

Chapter 527. **AN ACT AUTHORIZING THE TOWN OF ESSEX TO RELEASE A CERTAIN CONSERVATION RESTRICTION.**

Be it enacted, etc., as follows:

The town of Essex, acting through its board of selectmen, is hereby authorized, subject to the approval of the secretary of environmental affairs, to release a portion of conservation restriction #1, granted to said town by Augustus G. Means and shown as Lot 2 on plan entitled "Plan of Land Essex, Mass. to be taken by eminent domain for water supply purposes by the town of Essex, dated March 26, 1990, drawn by Survey Associates, Gloucester, MA". Such plan is to be recorded in the Essex south district registry of deeds.

Approved January 2, 1991.

Chapter 528. **AN ACT FURTHER DEFINING THE DUTIES AND RESPONSIBILITIES OF THE MASSACHUSETTS COMMUNITY DEVELOPMENT FINANCE CORPORATION.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 40F of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by striking out the definition of "Costs of a project" and inserting in place thereof the following definition:-

"Costs of a project", any and all costs associated with the design, planning, and implementation of a project undertaken in a target area which can reasonably be recovered in the financing of the project. Such costs may include but are not limited to the costs of planning, design, and other administrative costs, options to buy land, feasibility or other studies, seed money, construction, working capital, and other costs determined by the directors of the corporation to be necessary for the purposes of this chapter; provided, however, that no more than ten percent of the amount invested by the Massachusetts Community Development Finance Corporation towards the project shall be used for administrative costs of the project.

SECTION 2. The definition of "Small business" of said section 1 of said chapter 40F, as so appearing, is hereby amended by striking out, in line 51, the words "seven million five hundred thousand" and inserting in place thereof the following words:- twelve million.

SECTION 2A. Said definition of "Small business" of said section 1 of said chapter 40F, as so appearing, is hereby further amended by striking out, in line 56, the words "fifteen million" and inserting in place thereof the following words:- twenty-four million.

SECTION 3. Section 4 of said chapter 40F, as so appearing, is hereby amended by striking out paragraph (13) and inserting in place thereof the following paragraph:-

(13) The CDFC has not invested or loaned more than twenty percent of all of the lendable or investable resources made available to it under this chapter in any one CDC, including this investment.

SECTION 4. The last paragraph of section 4A of said chapter 40F, as so appearing, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:- (i) to provide financial assistance, loan instruments and guaranties for performance bonds to minority-owned or women-owned contractors notwithstanding the conditions described in section four, except that the CDFC must find (a) that the project plans conform to all applicable environmental, zoning, building, planning or sanitation laws, (b) that there is a reasonable expectation that the project will be successful, and (c) that its participation is necessary to the successful completion of the proposed project because funding for the project is unavailable in the traditional capital markets, or that credit has been offered on terms that would preclude the success of the project,.

SECTION 5. Said chapter 40F is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. The CDFC is hereby specifically authorized to establish or to invest in the capital stock of one or more corporations organized for the purposes of furthering the objectives of this chapter as set forth in section one of chapter eight hundred and sixty-six of the acts of nineteen hundred and seventy-five. Without limitation, any such corporation may:

(1) serve as a financial intermediary between entities undertaking projects and small businesses and public or private sources of capital including, without limitation, direct lenders, guarantors or grant makers. Any corporation so organized may accomplish its purposes by means of (i) investing in the equity capital of, (ii) making direct loans to, or (iii) issuing loan guarantees to entities undertaking projects or to small businesses; and

(2) provide financial and managerial consulting services to entities undertaking projects, small businesses and minority-owned or women-owned contractors.

The CDFC may have a controlling or a minority interest in any such corporation, as the board of directors of the CDFC shall determine in its discretion; provided, however, that at least one member of the board of directors of the CDFC shall sit on the board of directors of any such corporation.

None of the funds received derived from the common stock investment provided for in section four shall be used to support the establishment or operation of any corporations organized by the CDFC pursuant to this section or to finance the purchase of shares of capital stock authorized by this section. Notwithstanding the provisions of section four A, funds received from the common stock investment

provided for in section four A and from any other investments authorized by this chapter may be used for the establishment and operation of any corporation so organized or to finance the purchase of shares of capital stock authorized by this section. Notwithstanding the foregoing, the amounts received by CDFC pursuant to section four A under the stock purchase agreement relating to Class B shares of stock shall be used for purposes relating to the assistance of minority-owned or women-owned contractors by any corporation established or in which the CDFC invests pursuant to this section.

Any corporation established under the provisions of this section or in which the CDFC has invested pursuant to this section shall, prior to making any investment in the capital stock of, or loans or loan guarantees to entities undertaking projects or to small businesses, make the following findings:

(1) That such action is consistent with the objectives of this chapter as set forth in section one of chapter eight hundred and sixty-six of the acts of nineteen hundred and seventy-five and may reasonably be expected to contribute to the redevelopment and economic well-being of target areas or will increase or maintain threatened primary employment or will assist minority or women-owned businesses.

(2) That in cases where a community development corporation is sponsoring a project, the CDC appears able to manage its proposed project responsibilities.

(3) That the funds provided by the CDFC will be used solely in connection with the costs of the project or the operation of the small business.

(4) That provision is made in the contract for adequate reporting of financial data from the small business or project to such corporation. Such provisions may include a requirement for an annual or other periodic audit of the books of the project or the small business.

(5) That its participation is necessary to the successful completion of the proposed project or to the success of the small business because funding for the project or small business is unavailable in the traditional capital markets, or that credit has been offered on terms that would preclude the success of the project or the small business.

(6) That provision has been made that should the CDFC desire to sell or otherwise dispose of stock received pursuant to such a contract, that the small business or entity undertaking a project, or their nominee, shall within one hundred and twenty days have the right of first refusal upon said sale and the right to meet any subsequent bona fide offer by a third party.

In no case shall the CDFC, or the CDFC in combination with such corporation, own more than forty-nine percent of the voting stock in any small business.

Upon the request of the CDFC, the commissioner of banks is hereby specifically authorized and directed to examine the books of any corporation established or invested in by the CDFC pursuant to the provisions of this section in the event that

such examination is a condition of the particular investment, lending, loan guaranty or grant program administered by such corporation.

SECTION 6. Chapter 324 of the acts of 1987 is hereby amended by striking out section 8 and inserting in place thereof the following section:-

Section 8. Section six of this act shall take effect on July first, two thousand.

Approved January 2, 1991.

Chapter 529. AN ACT AUTHORIZING THE COMMISSIONERS OF THE STILES LAKE WATER DISTRICT TO CORRECT CERTAIN TAX BILLS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law or regulation to the contrary, the commissioners of the Stiles Lake Water District are hereby authorized to correct all fiscal nineteen hundred and ninety tax assessments erroneously made on the basis of nineteen hundred and eighty-nine property values and adjust the taxpayers' bills based on their nineteen hundred and eighty-eight property values.

Approved January 2, 1991.

Chapter 530. AN ACT AUTHORIZING THE TRUSTEES OF THE MILTON CEMETERY IN THE TOWN OF MILTON TO BORROW CERTAIN FUNDS FOR CEMETERY DEVELOPMENT PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter one hundred and fourteen of the General Laws, or any other general or special law to the contrary, the trustees of the Milton cemetery may, from time to time, for the purpose of capital expenditures for cemetery development, borrow from the cemetery perpetual care fund heretofore established, up to one-third of the market value of such fund.

SECTION 2. Each such borrowing and the terms of such borrowing, including without limitation, the rate of interest, shall be authorized by a two-thirds vote of the town meeting. In no event shall the term of such borrowing be in excess of ten years. The principal and interest of notes or bonds issued hereunder shall be paid from the proceeds of the sale of burial rights in such manner as the said trustees of said cemetery may determine, with the approval of the board of selectmen, but in no case may any portion of such payment be effected by appropriation from the

tax levy.

SECTION 3. The proceeds of such borrowing shall be expended only for such purposes as defined in section one and as authorized by a two-thirds vote of town meeting.

Approved January 2, 1991.

Chapter 531. AN ACT FURTHER REGULATING CONDEMNATION PROCEEDINGS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, a city or town code enforcement agency shall notify the local welfare housing unit of any condemnation proceedings being conducted that will require said welfare housing unit to relocate a displaced individual. Such notice shall be given at least two weeks in advance of any eviction action commenced by said code enforcement agency resulting from such condemnation proceeding; provided, however, that in the event of an emergency resulting in an imminent threat to human life, said code enforcement agency shall give such notice as soon as practicable.

Approved January 3, 1991

Chapter 1. **RESOLVE INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO HEALTH CARE FINANCE AND DELIVERY REFORM.**

RESOLVED, That the membership of the special commission, established by section two hundred and twenty-three of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-nine, is hereby increased by two persons to be appointed by the governor, one of whom shall be a representative from the Massachusetts Medical Society, and one of whom shall be a representative of organized labor.

Approved March 2, 1990.

Chapter 2. **RESOLVE EXTENDING THE TIME WITHIN WHICH THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE PRACTICE OF NURSING IN THE COMMONWEALTH.**

RESOLVED, That the time within which the special commission, established by chapter four of the resolves of nineteen hundred and eighty-nine, shall file its final report is hereby extended to the last Wednesday in June, nineteen hundred and ninety-one.

Approved July 26, 1990.

Chapter 3. **RESOLVE IN FAVOR OF THE ELM SHANK AND HEEL COMPANY, INC.**

RESOLVED, That for the purpose of discharging a moral obligation, and notwithstanding the provisions of any general or special law to the contrary, the commonwealth is hereby authorized and directed to pay to Arthur J. and Edward W. Champigney, successors in interest to Elm Shank and Heel Company, Inc., a sum not to exceed three hundred and eighty-eight thousand four hundred and fifty dollars, for financial loss suffered due to discontinuance of the Elm Shank and Heel Company, Inc. formerly located in the city of Lynn, as a result of a taking by the commonwealth for the construction of North Shore Community College. The exact amount, within the parameters outlined above, shall be determined based on an evaluation by the division of capital planning and operations in conjunction with the North Shore Community College of the financial issues involved. Said authorized payment shall be made from the land acquisition account established by item 7511-8801 of section two of chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine.

Approved October 17, 1990.

Chapter 4. **RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY OF FINANCIAL SERVICES OFFERED TO CONSUMERS BY DEPOSITORY AND NON-DEPOSITORY INSTITUTIONS.**

RESOLVED, That the special commission, established by section one hundred and eleven of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine, is hereby revived and continued until the first Wednesday of

December, nineteen hundred and ninety-two.

Approved December 21, 1990.

Chapter 5. **RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ESTABLISHMENT OF A DAIRY STABILIZATION FUND.**

RESOLVED, That a special commission be established to investigate and study the dairy industry in Massachusetts. Said commission to consist of three members of the Senate, one of whom shall serve as co-chairman and at least one of whom shall be a member of the Legislative Rural Caucus, three members of the House of Representatives, one of whom shall serve as co-chairman and at least one of whom shall be a member of the Legislative Rural Caucus, the Secretary of the Executive Office of Environmental Affairs or his or her designee, the Secretary of Consumer Affairs or his or her designee, the Commissioner of the Department of Food and Agriculture or his or her designee, the Executive Director of the Legislative Rural Caucus and eight persons to be appointed by the Governor, one of whom shall be a member of the Massachusetts Farm Bureau Federation, one of whom shall be a member of the Association of New England Milk Dealers, two of whom shall be members of the Massachusetts Association of Dairy Farmers, one of whom shall be the coordinator of S.A.N.E. (Save Agriculture in New England), one of whom shall be a representative of the Southern New England Farm Credit Association, one of whom shall be a member of the Retail Grocers Association, one of whom shall be a representative of a related agricultural industry.

Before making recommendations, said commission shall hold at least one public hearing and shall consult with, receive evidence from, and solicit the opinions of Massachusetts dairy producers and dealers, interested state agencies, development and industry interest, public interest groups, and the general public as it may determine appropriate.

Said commission shall report to the General Court the results of its investigation and study together with its recommendations and drafts of legislation necessary to carry said recommendations into effect, by filing the same with the Clerk of the House of Representatives on or before the first Wednesday of April, nineteen hundred and ninety-one.

Approved January 2, 1991.

The Commonwealth of Massachusetts
Office of the Secretary of State
Michael Joseph Connolly, Secretary

Kathryn K. Maillett
Director, Regulations Division

NUMBER OF ACTS AND RESOLVES APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HIS VETO AND ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER AUTHORITY OF THE CONSTITUTION.

The General Court during its second session held in 1990 passed 528 Acts and five Resolves all of which received executive approval.

Chapters 268 and 269, two untitled initiative laws were adopted by the people at the November 6, 1990 state election under Article XLVIII of the Amendments to the Constitution and have been so certified.

Article CXVII of the Amendments to the Constitution "A legislative amendment to the Constitution relative to abolishing the requirement of a state census" was adopted by the people at the state election under Article XLVIII of the Amendments to the Constitution and has been so certified.

Chapter 255, "An act to reorganize certain police forces in the Commonwealth" was adopted under Article LXXXVII of the Amendments to the Constitution, not having been disapproved by the General Court, and has been so certified.

43 Acts were declared to be emergency laws by the Governor under Article XLVIII of the Amendments to the Constitution; being respectively Chapters 2, 11, 20, 36, 63, 68, 71, 90, 103; 131, 151, 172, 195, 196, 207, 210, 217, 228, 249, 267, 287, 291, 299, 302, 324, 332, 338, 341, 353, 376, 378, 387, 395, 402, 403, 420, 434, 439, 462, 487, 489. and 509.

The 1990 session of the General Court was dissolved at midnight on Tuesday, January 1, 1991 the session having lasted 364 days.

January 10, 1991

Michael Joseph Connolly,
Secretary of State.

OFFICE OF THE SECRETARY, BOSTON, January 3, 1991

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 5. — Printing and Distribution of Laws and Public Documents.

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SECT. 42, caption stricken out, 1990, 177 § 2.
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SECT. 2 amended, 1989, 730 § 1; 1990, 177 § 10. (See 1989, 730 § 80.)

SECT. 3 amended, 1990, 177 § 11.

SECT. 6, fourteenth paragraph amended, 1989, 653 § 1.

SECT. 8 amended, 1989, 341 § 3.

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SECT. 9A, first paragraph amended, 1990, 150 § 197.

SECT. 17, caption amended, 1990, 177 § 12; section amended, 1990, 177 § 13; 456 § 7. (See 1990, 456 § 8.)

SECT. 18, first paragraph amended, 1990, 291 § 1; section amended, 1990, 255 § 1. (See 1990, 255 § 14.)

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SECT. 31, definition of "Eligible person" revised, 1990, 150 § 199; definition of "General health supplies, care, social, rehabilitative or educational service and accommodation" stricken out and definition of "General health supplies, care or rehabilitative services and accommodation" added, 1990, 150 § 200; definition of "Hospital" amended, 1990, 150 § 201; definition of "Provider of health care services" revised, 1990, 150 § 202; definition of "State institution" revised, 1990, 150 § 203.

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SECT. 32B added, 1990, 150 § 196; paragraph (b) amended, 1990, 150 § 209; paragraph (p) added, 1990, 150 § 210.

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SECT. 37B added, 1989, 337 § 1. (See 1989, 337 §§ 2, 3.)

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SECT. 91, first paragraph, clause (h) added, 1989, 240 § 116. (See 1989, 240 § 130.)

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SECT. 16 amended, 1990, 150 § 221.

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SECT. 33, sentence added, 1990, 150 § 224.

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SECT. 35, second paragraph, clauses (a), (b), and (c) revised, 1990, 121 § 1. (See 1990, 121 § 113.)

SECT. 35D amended, 1990, 150 § 225; paragraph added, 1990, 150 § 226.

SECT. 35J added, 1990, 121 § 2. (See 1990, 121 § 108.)

SECT. 38, fourth paragraph stricken out and two paragraphs inserted, 1989, 466.

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SECT. 46 amended, 1990, 177 § 19.

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SECT. 57 amended, 1990, 121 § 4. (See 1990, 121 § 113.)

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SECT. 69, subparagraph (A), first paragraph, first sentence revised, 1989, 720 § 2.

SECT. 88, first and second sentences revised, 1989, 720 § 1; first sentence amended, 1990, 477 § 1.

SECT. 89, subparagraph (A), first sentence amended, 1990, § 2.

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SECT. 1, first sentence revised, 1990, 121 § 5; paragraph inserted after first paragraph, 1990, 121 § 6. (See 1990, 121 § 114.)

SECT. 6, subparagraph (3) added, 1989, 400 § 1; subparagraphs (3) and (4) added, 1990, 121 § 7. (See 1990, 121 § 114.)

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Chapter repealed, 1982, 356 § 2.

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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.
SECT. 16, last paragraph revised, 1990, 150 § 233.

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Chapter 19B. — Department of Mental Health.
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SECT. 13 amended, 1989, 722 § 3.

Chapter 19C. — DISABLED PERSONS PROTECTION COMMISSION.

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SECT. 8C, second paragraph amended, 1990, 177 § 27.

SECT. 17B, seventh paragraph amended, 1990, 177 § 28.

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SECT. 30A, first paragraph, last sentence revised, 1989, 275 § 4.

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SECT. 33D revised, 1989, 275 § 5.

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SECT. 33E amended, 1990, 177 § 33.

SECT. 34A amended, 1990, 177 § 34.

SECT. 37 amended, 1990, 121 § 9. (See 1990, 121 § 113.)

SECT. 43, paragraph (6), clause (a) revised, 1990, 150 § 239; clause (b) amended, 1990, 150 § 240; clause (c), first sentence stricken out, 1990, 150 § 241.

SECT. 54, first paragraph amended, 1990, 177 § 35.

Chapter 21A. — Executive Office of Environmental Affairs.

SECT. 7 amended, 1990, 177 § 36.

SECT. 8, first paragraph amended, 1990, 177 § 37; two paragraphs inserted after first paragraph, 1989, 265 § 2; third paragraph revised, 1990, 177 § 38; section amended, 1990, 255 § 2. (See 1990, 255 § 14.)

SECT. 8A, first paragraph amended, 1990, 177 § 39.

SECT. 12 amended, 1990, 177 § 40.

SECT. 13 amended, 1990, 177 § 41.

SECT. 14 amended, 1990, 177 § 42.

SECT. 16, definition of " Department" revised, 1990, 177 § 43.

SECT. 17 amended, 1990, 177 § 44.

SECT. 18 added, 1990, 150 § 243.

Chapter 21B. — MINING REGULATION AND RECLAMATION.

SECT. 2, definition of "Commissioner" revised, 1990, 177 § 45; definition of "Department" revised, 1990, 177 § 46.

Chapter 21C. — Massachusetts Hazardous Waste Management Act.

SECT. 2, definition of "Department" revised, 1990, 177 § 47; definition of "Division" revised, 1990, 177 § 48.

SECT. 4 amended, 1990, 150 § 242.

SECT. 7 amended, 1990, 177 § 49; fifth paragraph amended, 1990, 150 § 245.

SECT. 15, definition of "Covered claims" amended, 1989, 712 § 2.

SECT. 17 amended, 1990, 177 § 50.

SECT. 19 amended, 1989, 712 § 3.

SECT. 22 amended, 1990, 177 § 51.

SECT. 29 amended, 1990, 177 § 52.

Chapter 21D. — Massachusetts Hazardous Waste Facility Citing Act.

SECT. 2, definiton of "Storage" amended, 1990, 177 § 53.

SECT. 3 amended, 1990, 177 § 54.

SECT. 4 amended, 1990, 177 § 55.

SECT. 7, first paragraph amended, 1990, 177 § 56.

SECT. 9 amended, 1990, 177 § 57.

SECT. 12 amended, 1990, 121 § 10. (See 1990, 121 § 113.)

SECT. 17 amended, 1990, 177 § 58.

SECT. 18 amended, 1990, 177 § 59.

Chapter 21E. — MASSACHUSETTS OIL AND HAZARDOUS MATERIAL RELEASE PREVENTION AND RESPONSE ACT.

SECT. 2, definitions of "Commissioner" and "Department" revised, 1990, 177 § 60; definition of "Priority disposal site" revised, 1990, 469 § 1.

SECT. 3A, subsection (f), fifth paragraph revised, 1990, 469 § 2.

Chapter 21F. — Coastal Facilities Improvement.

SECT. 2, definition of "Designated port area" revised, 1990, 177 § 61.

Chapter 21G. — MASSACHUSETTS WATER MANAGEMENT ACT.

SECT. 2, definition of "Department" revised, 1990, 177 § 62.

SECT. 5, paragraph inserted after first paragraph, 1990, 148.

Chapter 21H. — SOLID WASTE FACILITIES.

New chapter added, 1987, 584 § 3.

SECT. 1, paragraph (c) amended, 1990, 177 § 63.

SECT. 2, definition of "Department" revised, 1990, 177 § 64.

SECT. 3 amended, 1990, 121 § 11. (See 1990, 121 § 114.)

Chapter 21I. — MASSACHUSETTS TOXICS USE REDUCTION ACT.

New chapter inserted, 1989, 265 § 3.

SECT. 2, definition of "Commissioner" revised, 1990, 177 § 65; definition of "Department" revised, 1990, 177 § 66.

Chapter 21J. — UNDERGROUND STORAGE TANK PETROLEUM PRODUCT CLEANUP FUND.

New chapter added, 1990, 524 § 1.

Chapter 22. — Department of Public Safety.

SECT. 13A, first paragraph, third and fourth sentences stricken out and one sentence inserted, 1989, 507; paragraph revised, 1990, 260 § 8; 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; revised, 1990, 520 § 1; definition of "Multiple dwelling" inserted, 1989, 722 § 8; paragraph revised, 1990, 260 § 8.

SECTS. 16-19 added, 1990, 434 § 2.

SECT. 16 added, 1990, 475 § 1.

Chapter 22A. — CENTRAL REGISTER FOR MISSING CHILDREN.

SECT. 9 added, 1989, 144.

Chapter 23. — Department of Labor and Industries.

SECT. 9I revised, 1990, 177 § 67.

SECT. 9J amended, 1990, 177 § 68.

SECT. 9K amended, 1990, 177 § 69.

SECT. 9L amended, 1990, 177 § 70.

SECT. 9M amended, 1990, 177 § 71.

SECT. 9N amended, 1990, 177 § 72.

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. 31, paragraph (a) amended, 1990, 177 § 73.

SECT. 35, paragraph (d), eighth sentence revised, 1989, 341 § 8; paragraph (c), second sentence revised, 1989, 287 § 44.

SECT. 44, paragraph (4), first sentence revised, 1990, 177 § 74.

SECT. 45, third paragraph amended, 1990, 177 § 75.

Chapter 23B. — Department of Community Affairs.

SECT. 3 amended, 1989, 151 § 1.

SECT. 5B added, 1989, 722 § 9; section amended, 1990, 260 § 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. 3, third paragraph amended, 1990, 177 § 76.
SECT. 4, clause (h) added, 1989, 607 § 4.
SECT. 5, paragraph added, 1989, 607 § 5.
SECT. 8 amended, 1989, 607 § 6; first sentence revised, 1990, 75 § 4. (See 1990, 75 § 9.)
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 23F. — THE ECONOMIC DIVERSIFICATION PROGRAM.

New chapter added, 1990, 525.

Chapter 24. — Department of Industrial Accidents.

Chapter repealed, 1953, 314 § 14.

Chapter 25. — Department of Public Utilities.

SECT. 2A added, 1990, 150 § 243A.
SECT. 5D inserted, 1989, 280.
SECT. 17A amended, 1990, 177 § 77.
SECT. 12M, second paragraph, sentence inserted after second sentence, 1990, 150 § 247; third and fourth paragraphs added, 1990, 150 § 244.
SECT. 18, first paragraph, second sentence revised, 1989, 653 § 25; amended, 1990, 150 § 248; third sentence amended, 1989, 653 § 26; revised, 1990, 150 § 249.

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. 1 revised, 1990, 499 § 1. (See 1990, 499 § 24.)

SECT. 8C amended, 1990, 499 § 2.

SECT. 8F, second paragraph amended, 1990, 150 § 250.

SECT. 8G, paragraph added, 1990, 138, section amended, 1990, 150 §§ 251, 252, 253.

SECT. 8H, third paragraph revised, 1989, 653 § 27.

SECT. 8I, second paragraph amended, 1990, 150 § 254.

SECT. 9, caption preceding section stricken out, 1990, 499 § 3; section repealed, 1990, 499 § 4. (See 1990, 499 § 24.)

SECT. 10 repealed, 1990, 499 § 4. (See 1990, 499 § 24.)

Chapter 27. — Department of Correction.

Chapter 28. — Metropolitan District Commission.

SECT. 3 amended, 1990, 255 § 3. (See 1990, 255 § 14.)

SECTS. 7-10 added, 1989, 275 § 6.

SECT. 8 amended, 1990, 177 § 78.

Chapter 28A. — Office For Children.

SECT. 4, clause (i), second sentence revised, 1990, 177 § 79.

SECT. 5A added, 1990, 521 § 1.

SECT. 7, paragraph added, 1989, 260.

SECT. 8 amended, 1990, 177 § 80.

SECT. 10, paragraph (c) amended, 1990, 177 § 81.

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; section amended, 1990, 121 § 12. (See 1990, 121 § 113.)

SECTION 2D repealed, 1990, 121 § 13. (See 1990, 121 § 113.)

SECT. 2I amended, 1990, 121 § 14. (See 1990, 121 § 113.)

SECT. 2J revised, 1989, 341 § 9.

SECT. 2K added, 1989, 265 § 4; section amended, 1990, 177 § 82. (See 1989, 265 § 5.)

SECT. 2L added, 1989, 275 § 7.
SECT. 2M added, 1990, 121 § 15. (See 1990, 121 § 113.)
SECT. 2N added, 1990, 121 § 15. (See 1990, 121 § 113.)
SECT. 2O added, 1990, 121 § 16; second sentence amended, 1990, 17; first paragraph amended, 1990, 150 § 345; paragraph added, 1990, 150 § 346. (See 1990, 121 §§ 112, 114.)
SECT. 2P added, 1990, 150 § 347.
SECT. 2P added, 1990, 150 § 255.
SECT. 2Q added, 1990, 150 § 255.
SECT. 2R added, 1990, 150 § 255.
SECT. 2S added, 1990, 524 § 2.
SECT. 5, subsection (I) amended, 1989, 448 § 1. (See 1989, 448 § 4.)
SECT. 5C amended, 1989, 448 § 2; 1990, 121 § 18. (See 1989, 448 § 4; 1990, 121 § 113.)
SECT. 5D, paragraph added, 1989, 653 § 30.
SECT. 5E added, 1989, 287 § 45.
SECT. 5F added, 1990, 150 § 256.
SECT. 6B, subsection (a), second paragraph amended, 1989, 341 § 10.
SECT. 6D, second, third, and fourth paragraphs stricken out and four paragraphs inserted, 1990, 150 § 257.
SECT. 7C amended, 1989, 341 § 11.
SECT. 12B revised, 1989, 653 § 31. (See 1989, 653 § 239.)
SECT. 13, first paragraph amended, 1990, 177 § 83.
SECT. 29A revised, 1989, 653 § 32.
SECT. 29D added, 1989, 653 § 33.
SECT. 29E added, 1989, 653 § 33.
SECT. 34 amended, 1990, 102 § 1. (See 1990, 102 § 45.)
SECT. 34A, sentence added, 1990, 102 § 2. (See 1990, 102 § 45.)
SECT. 38C added, 1989, 655 § 18.
SECT. 48B added, 1989, 375 § 1; section revised, 1990, 177 § 84.
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; sixth paragraph, sentence added, 1990, 150 § 258.
SECT. 49B revised, 1990, 151 § 5.
SECT. 49C added, 1989, 655 § 22.
SECT. 52 revised, 1989, 655 § 23.
SECT. 60A, paragraph added, 1989, 653 § 34; first sentence revised, 1990, 150 § 259.
SECT. 60B added, 1989, 653n § 35.
SECT. 67 added, 1990, 121 § 19. (See 1990, 121 § 113.)
SECT. 68 added, 1990, 121 § 19. (See 1990, 121 § 113.)
SECT. 69 added, 1990, 121 § 19. (See 1990, 121 § 113.)
SECT. 70 added, 1990, 121 § 19. (See 1990, 121 § 113.)
SECT. 71 added, 1990, 121 § 19. (See 1990, 121 § 113.)

Chapter 29A. — Financing the Judicial System.

SECT. 6 amended, 1990, 481 § 48.

Chapter 29B. — STATE REVENUE GROWTH CONTROL.

SECT.1, definition of "Consolidated net surplus" amended, 1990, 121 § 20. (See 1990, 121 § 113.)

Chapter 29C. — WATER POLLUTION ABATEMENT REVOLVING LOAN PROGRAM.

New chapter inserted, 1989, 275 § 8.

SECT. 1, definition of "Department" revised, 1990, 177 § 85.
SECT. 2 amended, 1990, 177 § 86.
SECT. 10, paragraph (d) amended, 1990, 177 § 87.
SECT. 11, paragraph (a) amended, 1990, 177 § 88.

Chapter 30. — General Provisions Relative to State Departments, Commissions, Officers and Employees.

SECT. 1 amended, 1990, 499 § 5. (See 1990, 499 § 24.)
SECT. 9H added, 1990, 503 § 1.
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.
SECT. 39R amended, 1990, 481 § 49.
SECT. 45, paragraph (2) amended, 1990, 177 § 89.

Chapter 30A. — State Administrative Procedure.

SECT. 5, second paragraph, two sentences inserted after first sentence, 1989, 688 § 1.
SECT. 6, paragraph inserted after second paragrph, 1989, 688 § 2.
SECT. 6D added, 1989, 688 § 3.
SECT. 6E added, 1989, 688 § 3.
SECT. 13, paragraph added, 1990, 415 § 1.
SECT. 18 added, 1990, 150 § 260.

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, first paragraph, third sentence revised, 1990, 333 § 1; second paragraph revised, 1989, 269.
SECT. 23, last sentence stricken out, 1990, 333 § 2.
SECT. 26 amended, 1990, 100 § 1; 401 §§ 1, 2. (See 1990, 100 § 6.)
SECT. 31 amended, 1990, 177 § 90.
SECT. 47A amended, 1990, 177 § 90.
SECT. 48, first paragraph amended, 1990, 177 § 91.

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.
SECT. 66, last paragraph amended, 1990, 177 § 92.

Chapter 31A. — MUNICIPAL PERSONNEL SYSTEMS.

Chapter 32. — Retirement Systems and Pensions.

SECT. 1 amended, 1990, 110 § 1; definition of "Employee" amended, 1990, 177 § 93; definition of "Regulation compensation" amended, 1990, 254 § 1.
SECT. 4 amended, 1990, 177 § 94.
SECT. 5, subdivision (1), paragraph (m), first sentence revised, 1990, 254 § 2.
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. 16, subdivision (4), second paragraph, fifth sentence stricken out and two sentences inserted, 1990, 331.
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. 23, subdivision (1), paragraph (d) amended, 1990, 102 § 3. (See 1990, 102 § 45.)
SECT. 65D ½ added, 1989, 608 § 2.
SECT. 90G ¾ added, 1990, 254 § 3. (See 1990, 254 § 5.)
SECT. 90H (inserted by 1980, 46 § 1) stricken out, 1989, 341 § 15.
SECT. 90I added, 1989, 341 § 15.
SECT. 90J added, 1990, 254 § 4.
SECT. 94B added, 1990, 100 § 2. (See 1990, 100 § 6.)
SECT. 100 amended, 1990, 100 § 3. (See 1990, 100 § 6.)

Chapter 32A. — Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

SECT. 2 amended, 1990, 499 § 6. (See 1990, 499 § 24.)
SECT. 4 amended, 1990, 499 § 7. (See 1990, 499 § 24.)
SECT. 8 amended, 1990, 499 § 8. (See 1990, 499 § 24.)
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. 3 amended, 1990, 499 § 9. (See 1990, 499 § 24.)

SECT. 16, third paragraph, second sentence revised, 1989, 653 § 37. (See 1989, 653 § 242.)

Chapter 33. — Militia.

SECT. 88A repealed, 1990, 150 § 261.

Chapter 34. — Counties and County Commissioners.

SECT. 14, first paragraph amended, 1989, 193 § 1; 150 § 262.
SECT. 17 repealed, 1989, 687 § 4. (See 1989, 687 § 25.)

Chapter 34A. — COUNTY CHARTER PROCEDURES.

SECT. 3, subsection (B) amended, 1990, 526 § 1; subsection (C) amended, 1990, 526 § 2.
SECT. 5, subsection (A) revised, 1990, 526 § 3.

Chapter 35. — County Treasurers, State Supervision of County Accounts and County Finances.

SECT. 26 amended, 1990, 177 § 95.
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 stricken out and four paragraphs inserted, 1990, 380; paragraph inserted after first paragraph, 1989, 220.

Chapter 39. — Municipal Government.

SECT. 9 amended, 1989, 341 § 17; first paragraph amended, 1990, 526 § 4.
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, third paragraph amended, 1990, 177 § 96; paragraph added, 1989, 687 § 17.
SECT. 8J added, 1990, 260 § 10. (See 1989, 687 § 25.)
SECT. 13C, added, 1989, 455; first sentence revised, 1990, 177 § 97.
SECT. 15A, paragraph added, 1989, 235.
SECT. 15B amended, 1990, 177 § 98.
SECT. 15C, second paragraph, sentence added, 1989, 360.
SECT. 21, last paragraph revised, 1990, 326 § 1.
SECT. 21C ½ added, 1990, 503 § 2.
SECT. 21D amended, 1989, 267 §§ 1, 2; 649 § 1; fifth paragraph revised, 1990, 470.
SECT. 22A amended, 1990, 326 §§ 2, 3.
SECT. 34, paragraph added, 1989, 493.
SECT. 38 amended, 1990, 177 § 99.
SECT. 39B amended, 1990, 177 § 100.
SECT. 39C amended, 1990, 177 § 101.
SECT. 39J ½ added, 1989, 361; section stricken out, 1990, 177 § 102.
SECT. 39J ½ added, 1989, 492 § 1. (See 1989, 492 § 2.)
SECT. 39K amended, 1989, 341 § 20; section repealed, 1990, 177 § 104.
SECT. 39K added, 1990, 177 § 102.
SECT. 39L added, 1990, 177 § 103.
SECT. 41 amended, 1990, 177 § 105.
SECT. 41A amended, 1990, 177 § 106.
SECT. 42B, first paragraph revised, 1989, 469 § 1.
SECT. 44B amended, 1990, 177 § 107.
SECT. 44C amended, 1990, 177 § 108.
SECT. 56, sentence inserted after first sentence, 1989, 718 § 2.

Chapter 40A. — Zoning Regulations.

SECT. 3, first paragraph revised, 1989, 590; paragraph inserted after second paragraph, 1989, 106 § 1; paragraph inserted after second paragraph, 1990, 521 § 2.
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; fourteenth paragraph amended, 1990, 177 § 109.
SECT. 9C added, 1990, 521 § 3.
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. 18 amended, 1990, 468.
SECT. 21, sentence inserted after fourth sentence, 1989, 593 § 1.
SECT. 24, first paragraph amended, 1990, 177 § 110.

Chapter 40C. — Historic Districts.

Chapter 40D. — Industrial Development of Cities and Towns.

SECT. 1 amended, 1990, 521 § 4.
SECT. 21, paragraph (g) amended, 1990, 177 § 111.
SECT. 22, paragraph (b) amended, 1990, 177 § 112.

Chapter 40E. — Massachusetts Industrial Development Authority.

SECT. 2, definition of "Critical economic area" amended, 1990, 177 § 113.
SECT. 3 amended, 1990, 177 § 114.

Chapter 40F. — The Massachusetts Community Development Finance Corporation.

SECT. 1, definition of "Cost of project" revised, 1990, 528 § 1; definition of "Small business" amended, 1990, 528 §§ 2, 2A.
SECT. 2, third paragraph amended, 1990, 177 § 115.
SECT. 4, paragraph (13) revised, 1990, 528 § 3.
SECT. 4A, last paragraph, clause (1) revised, 1990, 528 § 4.
SECT. 5 revised, 1990, 528 § 5.

Chapter 40G. — Massachusetts Technology Development Corporation.

SECT. 2, second paragraph amended, 1990, 177 § 116; third paragraph amended, 1990, 177 § 117.

Chapter 40H. — Community Economic Development Assistance Corporation.

SECT. 3, subsection (a), second paragraph revised, 1990, 177 § 118; subsection (e) amended, 1990, 117 § 119.

Chapter 40I. — THE BAY STATE SKILLS CORPORATION ACT.

SECT. 1A, paragraph (a) amended, 1990, 117 § 120; paragraph (b) amended, 1989, 653 § 39; 1990, 177 § 121.
SECT. 5, clause (A) amended, 1990, 150 § 262A.
SECT. 7 amended, 1990, 117 § 122.

Chapter 40J. — Massachusetts Technology Park Corporation.

SECT. 3 amended, 1990, 117 § 123.
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. 2 amended, 1990, 526 § 5.

SECT. 10, last paragraph revised, 1990, 526 § 6.

SECT. 19J added, 1990, 473. (See 1990, 473 § 2.)

SECT. 34B added, 1989, 400 § 3.

SECT. 38A, paragraph added, 1989, 400, § 4.

SECT. 40, second sentence stricken out, 1990, 368.

SECT. 69G amended, 1990, 177 § 124.

SECT. 81D, paragraph added, 1990, 78; section revised, 1990, 372.

SECT. 81U amended, 1990, 177 § 125.

SECT. 103 amended, 1989, 341 § 25.

SECT. 105, second, third and fourth sentences revised, 1989, 124; fifth sentence revised, 1990, 526 § 7.

SECT. 111F, first paragraph, sentence added, 1990, 313.

SECT. 111N added, 1989, 312.

Chapter 42. — Boundaries of Cities and Towns.

Chapter 43. — City Charters.

SECT. 23 revised, 1990, 36.

SECT. 29 amended, 1989, 687 § 18. (See 1989, 687 § 25.)

SECT. 38, first paragraph, second sentence revised, 1990, 526 § 8.

SECT. 41 revised, 1990, 526 § 9.

SECT. 42, first paragraph revised, 1990, 526 § 10.

SECT. 44, first paragraph, second sentence revised, 1990, 526 § 11.

SECT. 108 revised, 1989, 257.

Chapter 43A. — Standard Form of Representative Town Meeting Government.

Chapter 43B. — Home Rule Procedures.

SECT. 7 amended, 1990, 526 § 12.

Chapter 43C. — OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.

New chapter inserted, 1987, § 756.

SECT. 5 revised, 1990, 526 § 13.

SECT. 9, first paragraph revised, 1990, 526 § 14.

Chapter 44. — Municipal Finance.

SECT. 4, first sentence revised, 1990, 210 § 1.
SECT. 4A repealed, 1990, 210 § 2.
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; section amended, 1990, 177 § 126.
SECT. 19, first paragraph revised, 1989, 594 § 4; paragraph added, 1990, 175 § 1.
SECT. 21A, paragraph added, 1990, 175 § 2.
SECT. 22B added, 1989, 375 § 2.
SECT. 28C, paragraph (b) amended, 1990, 177 § 127; paragraph (g) amended, 1990, 177 § 128.
SECT. 31C amended, 1989, 341 § 27.
SECT. 53D amended, 1989, 223.
SECT. 53E ½ added, 1990, 275 § 1. (See 1990, 275 § 2.)
SECT. 53F, first paragraph amended, 1989, 454.
SECT. 53F ½ added, 1990, 177 § 129.
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.

SECT. 1, definition of "Political designation" inserted, 1990, 269 § 3; definition of "Political party" revised, 1990, 269 § 4.

Chapter 51. — Voters

SECT. 15, second paragraph, first sentence revised, 1990, 526 § 15.
SECT. 25 revised, 1990, 140.
SECT. 33, second paragraph revised, 1990, 526 § 16.
SECT. 36 amended, 1990, 269 § 5.
SECT. 37 amended, 1990, 526 § 17.
SECT. 42B, second paragraph stricken out, 1989, 567 § 1.
SECT. 42E, first sentence revised, 1989, 178; last sentence revised, 1990, 526 § 18.
SECT. 42F inserted, 1989, 567 § 2.
SECT. 50 revised, 1989, 194.
SECT. 59 amended, 1990, 391.

Chapter 52. — Political Committees.

SECT. 9 revised, 1989, 118.

Chapter 53. — Nominations, Questions to be Submitted to the Voters, Primaries and Caucuses.

SECT. 6, first sentence revised, 1990, 269 § 1; last paragraph revised, 1989, 676 § 1; stricken out and two paragraphs inserted, 1990, 526 § 19.
SECT. 7, first paragraph revised, 1990, 269 § 8.
SECT. 8, first sentence revised, 1990, 526 § 20.
SECT. 10, first paragraph revised, 1989, 676 § 2; amended, 1990, 526 § 21; second and third paragraphs revised, 1989, 601.
SECT. 17, sentence added, 1990, 269 § 10.
SECT. 22A, sentence added, 1990, 269 § 11.
SECT. 32, last sentence stricken out, 1989, 611.
SECT. 38 amended, 1990, 269 § 6.
SECT. 38A amended, 1990, 269 § 7.
SECT. 41, fifth paragraph revised, 1990, 526 § 28.
SECT. 42C added, 1990, 526 § 29.
SECT. 44, sentence added, 1990, 269 § 2.
SECT. 45 amended, 1990, 269 § 9.
SECT. 47, sentence added, 1990, 269 § 12.
SECT. 46, first paragraph amended, 1990, 526 § 22; third paragraph, last sentence stricken out, 1990, 526 § 23.
SECT. 48, last paragraph, last sentence revised, 1989, 676 § 3; fifth and sixth paragraphs stricken out, 1990, 526 § 24.
SECT. 61, paragraph added, 1990, 526 § 25.
SECT. 72A revised, 1990, 526 § 26.
SECT. 122, caption inserted before section, 1990, 526 § 27.

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. 41, third paragraph amended, 1990, 125 § 1; fifth paragraph revised, 1990, 526 § 29.

SECT. 42, second paragraph amended, 1990, 125 § 2; last paragraph, second sentence revised, 1989, 341 § 28; third sentence stricken out, 1990, 177 § 130.

SECT. 72 amended, 1990, 526 § 30.

SECT. 89, subsection (c) revised, 1990, 392 § 1; section amended, 1990, 392 § 2.

SECT. 92, subsection (d), first sentence revised, 1990, 392 § 3.

SECT. 93, first sentence revised, 1990, 526 § 32.

SECT. 95, paragraph added, 1990, 526 § 33.

SECT. 100 amended, 1990, 526 § 34.

SECT. 103J amended, 1990, 526 § 35.

SECT. 105A, third paragraph amended, 1990, 526 § 36.

SECT. 134, second and third sentences stricken out and one sentence inserted, 1990, 526 § 37.

SECT. 135, sixth paragraph, fourth sentence revised, 1990, 526 § 38.

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, second paragraph, clause (e) revised, 1990, 489 § 1; clause (g) stricken out, 1990, 489 § 2; thirteenth paragraph amended, 1990, 121 § 21; paragraph added, 1989, 598. (See 1990, 121 § 113.)

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.

SECT. 4, second paragraph, last sentence revised, 1990, 526 § 39.

SECT. 5, first and second paragraphs stricken out and three paragraphs inserted, 1990, 526 § 40; twelfth paragraph revised, 1990, 526 § 41.

SECT. 12 amended, 1990, 526 § 42.

Chapter 56. — Violations of Elections Laws.

SECT. 60 amended, 1990, 526 § 43.

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; sentence inserted after third sentence, 1990, 490.

SECT. 13, first paragraph amended, 1990, 177 § 131.

SECT. 18A repealed, 1990, 268 § 1.

SECT. 18C repealed, 1990, 121 § 22; revised, 1990, 268 § 2. (See 1990, 121 § 113.)

SECT. 18C added, 1990, 268 § 3.

SECT. 18E repealed, 1990, 121 § 23. (See 1990, 121 § 113.)

SECT. 25A amended, 1989, 341 § 31.

SECT. 25B amended, 1989, 341 § 32; subsection (c) stricken out, 1990, 150 § 263. (See 1990, 150 §§ 373 to 383.)

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. 3F added, 1990, 521 § 5.

SECT. 5, clause Second amended, 1990, 177 § 132; 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. 23C repealed, 1990, 280 § 1.

SECT. 23D, fourth paragraph, first sentence revised, 1990, 297 § 1; paragraph added, 1990, 297 § 2.

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. 2, paragraph added, 1990, 281.

SECT. 2B added, 1989, 729 § 1.

SECT. 3, paragraph added, 1989, 436.

SECT. 3A, third sentence revised, 1990, 280 § 2; 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; section amended, 1990, 336 § 1. (See 1989, 653 § 245.)

SECT. 2 amended, 1989, 341 § 45.

SECT. 2A revised, 1989, 653 § 46; first paragraph, fourth sentence revised, 1990, 150 § 270. (See 1990, 150 §§ 373 to 383.)

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; subparagraph (K) added, 1990, 150 § 348. (See 1989, 287 § 75; 730 § 80; 1990, 150 §§ 373 to 383.)

SECT. 4, subsections (a) and (b) revised, 1990, 121 § 24; subsection (b) revised, 1990, 121 §§ 25, 26. (See 1990, 121 §§ 102, 103, 104.)

SECT. 6, subsection (c) stricken out, 1989, 341 § 47.

SECT. 6D, third paragraph revised, 1989, 240 §.123; section amended, 1990, 150 § 264. (See 1989, 240 § 130; 1990, 150 §§ 373 to 383.)

SECT. 6G added, 1990, 121 § 27. (See 1990, 121 § 107.)

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. 12, paragraph (c) stricken out, 1990, 499 § 10.

SECT. 16, paragraph (i) revised, 1990, 121 § 28. (See 1990, 121 § 111.)

SECT. 21, subsection (a) amended, 1989, 439 § 1; subsection (b), clause (3) revised, 1989, 439 § 2; clause (8) revised, 1989, 439 § 3; clause (10) amended, 1990, 177 § 133; clause (14) added, 1990, 154 § 1; subsection (d) added, 1989, 43 § 4.

SECT. 36B added, 1990, 121 § 29. (See 1990, 121 § 105.)

SECT. 37B added, 1990, 121 § 30. (See 1990, 121 § 105.)

SECT. 80 added, 1990, 121 § 31. (See 1990, 121 § 105.)

Chapter 62D. — SET-OFF DEBT COLLECTION.

SECT. 1, definition of "Claimant agency" revised, 1990, 154 § 2; definition of "Commissioner" inserted, 1990, 154 § 2; definitions of "Debt" and "Debtor" revised, 1990, 154 § 3.

SECT. 13 revised, 1990, 154 § 4.

Chapter 62E. — WAGE REPORTING SYSTEM.

SECT. 1, definition of "Reporting system" added, 1990, 150 § 265. (See 1990, 150 §§ 373 to 383.)

SECT. 2, sentence added, 1989, 419.

SECT. 3 revised, 1990, 150 § 266. (See 1990, 150 §§ 373 to 383.)

SECT. 4, first paragraph amended, 1990, 177 § 134; section revised, 1990, 150 § 266. (See 1990, 150 §§ 373 to 383.)

SECT. 5, first paragraph amended, 1990, 177 § 135; section revised, 1990, 150 § 266. (See 1990, 150 §§ 373 to 383.)

SECT. 6, first paragraph amended, 1990, 177 § 136; section revised, 1990, 150 § 266. (See 1990, 150 §§ 373 to 383.)

SECT. 6A added, 1990, 150 § 266. (See 1990, 150 §§ 373 to 383.)

SECT. 6B added, 1990, 150 § 266. (See 1990, 150 §§ 373 to 383.

SECT. 8 revised, 1990, 150 § 267. (See 1990, 150 §§ 373 to 383.)

SECT. 9, paragraph added, 1990, 150 § 268. (See 1990, 150 §§ 373 to 383.)

SECT. 13 added, 1990, 150 § 269. (See 1990, 150 §§ 373 to 383.)

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. 18 repealed, 1990, 499 § 11. (See 1990, 499 § 24.)

SECT. 22B amended, 1990, 499 § 12. (See 1990, 499 § 24.)

SECT. 22C amended, 1990, 499 § 13. (See 1990, 499 § 24.)

SECT. 30, paragraph 1 amended, 1989, 341 § 50; sentence added, 1990, 207 § 1; paragraph 5, subdivision (a) amended, 1989, 730 § 33.

SECT. 31C amended, 1990, 177 § 137.

SECT. 32D revised, 1989, 287 § 53. (See 1989, 287 § 75.)

SECT. 38D, subsection (b) amended, 1990, 177 § 138.

SECT. 38H, paragraph (a) amended, 1989, 341 § 52.

SECT. 38L added, 1989, 240 § 122; section amended, 1990, 150 § 271. (See 1990, 150 §§ 373 to 383.)

SECT. 39, paragraph added, 1990, 150 § 349. (See 1990, 150 §§ 373 to 383.)

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.)

SECT. 3, last paragraph, sentence inserted before last sentence, 1990, 121 § 32. (See 1990, 121 § 105.)

SECT. 6 repealed, 1990, 121 § 33. (See 1989, 39 §§ 2, 3; 1990, 121 § 114.)

SECT. 8 repealed, 1990, 121 § 34. (See 1989, 39 §§ 2, 3; 1990, 121 § 114.)

SECT. 9 revised, 1989, 39 § 4.

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. 1, paragraph (d), sentence added, 1990, 121 § 35; paragraph (l) revised, 1990, 121 §§ 36, 37. (See 1990, 121 § 112; 121 § 114.)

SECT. 4, paragraph added, 1990, 121 § 38. (See 1990, 121 § 114.)

SECT. 7 amended, 1990, 150 § 351.

SECT. 8A, third and fourth sentences stricken out, 1990, 121 § 39. (See 1990, 121 § 114.)

SECT. 9, second sentence revised, 1989, 341 § 54.

SECT. 13 amended, 1990, 121 § 40. (See 1990, 121 § 114.)

Chapter 64B. — Excise upon Charges for Meals served to the Public.

Chapter 64C. — Cigarette Excise.

SECT. 13, subdivision (c) revised, 1989, 60.

SECT. 28 revised, 1990, 121 § 41; 150 § 353A. (See 1990, 121 § 109; 1990, 150 §§ 373 to 383.)

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. 1 revised, 1990, 121 § 42; definition of "Services" amended, 1990, 150 §§ 354 to 358, inclusive; definition of "Tangible personal property", sentence added, 1990, 150 § 359. (See 1990, 121 § 111; 354 to 363, inclusive.)

SECT. 2 revised, 1990, 121 § 43. (See 1990, 121 § 111.)

SECT. 2A revised, 1990, 121 § 43. (See 1990, 121 § 111.)

SECT. 3, paragraph (b) amended, 1990, 121 §§ 44, 45. (See 1990, 121 § 111.)

SECT. 6, paragraph (e) amended, 1990, 121 § 46; paragraphs (i) and (j) revised, 1990, 121 § 47; 1990, 150 § 360; paragraph (r), first sentence

revised, 1990, 121 § 48; 1990, 150 § 361; paragraph (s), first sentence revised, 1990, 121 § 49; paragraph (mm) added, 1990, 121 § 50; sentence added, 1990, 150 § 362; paragraphs (nn) and (oo) added, 1990, 121 § 51; 1990, 150 § 363; paragraph (pp) added, 1990, 121 § 52; paragraph (qq) added, 1990, 150 § 352. (See 1990, 121 §§ 110, 111, 114.)

SECT. 8 revised, 1990, 121 § 53. (See 1990, 121 § 111.)

SECT. 23 amended, 1990, 121 § 54.

SECT. 25, paragraph inserted after second paragraph, 1989, 653 § 17. (See 1990, 121 § 111.)

SECT. 27 repealed, 1990, 121 § 55. (See 1990, 121 § 111.)

SECT. 33 added, 1990, 121 § 56. (See 1990, 121 § 114.)

Chapter 64I. — Tax on storage, Use or Other Consumption of Certain Tangible Personal Property.

SECT. 1 revised, 1990, 121 § 57. (See 1990, 121 § 111.)

SECT. 2, first sentence revised, 1990, 121 § 58. (See 1990, 121 § 111.)

SECT. 2A added, 1990, 121 § 59. (See 1990, 121 § 111.)

SECT. 3 amended, 1990, 121 § 60. (See 1990, 121 § 111.)

SECT. 4 amended, 1990, 121 § 61. (See 1990, 121 § 111.)

SECT. 6 amended, 1990, 121 § 62. (See 1990, 121 § 111.)

SECT. 7, paragraph (c) amended, 1990, 121 § 63. (See 1990, 121 § 111.)

SECT. 8 revised, 1990, 121 § 64. (See 1990, 121 § 111.)

SECT. 24 amended, 1990, 121 § 65. (See 1990, 121 § 111.)

SECT. 26, paragraph inserted after second paragraph, 1989, 653 § 48. (See 1989, 653 § 245.)

SECT. 28 repealed, 1990, 121 § 66. (See 1990, 121 § 111.)

SECT. 34 added, 1990, 121 § 67. (See 1990, 121 § 111.)

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.

SECT. 1A, sentence inserted after fifth sentence, 1990, 271.
SECTS. 7-7H repealed, 1990, 150 § 273.
SECT. 35, second paragraph amended, 1990, 177 § 139.

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. 1, three sentences inserted after seventh sentence, 1990, 355 § 1.
SECT. 2B added, 1989, 95.
SECT. 7A amended, 1989, 687 § 20. (See 1989, 687 § 25.)
SECT. 16, paragraph (1) amended, 1990, 404 § 1.
SECT. 16B, fourth to seventh paragraphs, inclusive, revised, 1990, 356.
SECT. 37H, two paragraphs added, 1989, 603.
SECT. 38 amended, 1989, 261.
SECT. 38G, fifteenth paragraph revised, 1989, 467.
SECT. 38J amended, 1990, 110 § 2.
SECT. 41, second paragraph amended, 1990, 404 § 2.
SECT. 46G revised, 1990, 110 § 3.
SECT. 63 amended, 1990, 404 § 3.
SECT. 79, paragraph added, 1990, 202.

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.
SECT. 12B amended, 1990, 177 §§ 140, 141.
SECT. 12C, sixth paragraph amended, 1990, 177 § 142.

Chapter 72. — School Registers and Returns.

Chapter 73. — State Colleges and Community Colleges. (Former title, State Teachers Colleges and Community Colleges.)

SECT. 5 repealed, 1990, 150 § 274.

SECT. 8A repealed, 1990, 150 § 275.

Chapter 74. — Vocational Education.

SECT. 2B added, 1990, 284.
SECT. 22E, second sentence revised, 1990, 110 § 4.

Chapter 75. — University of Massachusetts. (Former title, Massachusetts State College.)

SECT. 31 repealed, 1990, 150 § 276.

Chapter 75A. — University of Lowell. (Former title, Lowell Technological Institute of Massachusetts.)

SECT. 16 repealed, 1990, 150 § 277.

Chapter 75B. — Southeastern Massachusetts University. (Former title, South Eastern Massachusetts University.) (Former title Southeastern Massachusetts Technological Institute.)

SECT. 18 repealed, 1990, 150 § 278.

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.

SECT. 19A amended, 1990, 121 § 68. (See 1990, 121 § 111.)
SECT. 34 amended, 1990, 121 §§ 69, 70, 71.

Chapter 79. — Eminent Domain.

SECT. 4, paragraph added, 1989, 528.
SECT. 7A, sentence added, 1990, 142.
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. 1, fifth paragraph amended, 1990, 177 § 143.
SECT. 6 amended, 1990, 177 § 144.
SECT. 7 amended, 1990, 177 § 145.
SECT. 16B, first paragraph revised, 1989, 469 § 2.

Chapter 84. — Repair of Ways and Bridges.

SECT. 21, sentence added, 1990, 394.

Chapter 85. — Regulations and By Laws to Ways and Bridges.

SECT. 7A amended, 1990, 177 § 146.
SECT. 11B, second paragraph, clause (2) revised, 1990, 476 § 1.
SECT. 11D added, 1990, 476 § 2.
SECT. 17 revised, 1989, 341 § 60.
SECT. 17A, sentence added, 1990, 117.

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; definition of "Commissioner" revised, 1990, 177 § 147; definitions of "Automobile transporter" and "Automobile" revised, 1990, 208 § 1; definition of "Specific manufacturing facility" inserted, 1990, 208 § 2; definition of "Low-boy" inserted, 1990, 208 § 3. (See 1989, 653 § 245.)

SECT. 1B, last paragraph revised, 1989, 341 § 61.

SECT. 2, paragraph inserted after second paragraph, 1990, 365 § 1; sixth paragraph, third sentence revised, 1990, 336 § 2; eighth paragraph revised, 1989, 613; paragraph added, 1989, 653 § 56; 1990, 410 § 1. (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; 1990, 177 § 148.

SECT. 7D, paragraph added, 1989, 176.

SECT. 7D½, clause (2) revised, 1989, 221 § 2.

SECT. 7E, sixth paragraph amended, 1989, 37.

SECT. 7V, paragraph (b) amended, 1990, 177 § 149.

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. 13, two sentences inserted after sixth sentence, 1990, 466.

SECT. 19, first paragraph revised, 1990, 208 § 4.

SECT. 19F, first two paragraphs revised, 1990, 208 § 5.

SECT. 19H added, 1990, 208 § 6.

SECT. 20 amended, 1989, 484 § 1; 1989, 484 § 2.

SECT. 20A, paragraph added, 1989, 204 § 1.

SECT. 20A ½, paragraph added, 1989, 204 § 2.

SECT. 22, paragraph (c) revised, 1990, 256 § 1; subsection (e) revised, 1989, 322 § 1.

SECT. 22B revised, 1989, 213 § 1. (See 1989, 213 § 2.)

SECT. 23, first paragraph amended, 1990, 256 §§ 2, 3; two paragraphs added, 1990, 256 § 4.

SECT. 24D, ninth paragraph amended, 1989, 653 § 61.

SECT. 29, second sentence stricken out, 1989, 311 § 3.

SECT. 30, sentence inserted after first sentence, 1990, 256 § 5.

SECT. 32E ½ added, 1990, 440 § 1. (See 1990, 440 § 2.)

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; paragraph added, 1990, 256 § 6. (See 1989, 653 § 245.)

SECT. 34 amended, 1990, 121 § 69; 121 § 70; clause (i) added, 1990, 121 § 71. (See 1990, 121 § 114.)

SECT. 34J amended, 1989, 214.

SECT. 34M amended, 1989, 271.

SECT. 34O, paragraph inserted after second paragraph, 1989, 574.

SECT. 34R added, 1989, 726.

SECT. 49, paragraph (a) amended, 1990, 150 § 279; paragraph (b), last two sentences stricken out and one sentence inserted, 1990, 150 § 280.

Chapter 90A. — The Highway Safety Act.

Chapter 90B. — Motorboats and Other Vessels.

SECT. 8, subsections (a) and (b) revised, 1990, 396; 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.

SECT. 1 amended, 1990, 406.

Chapter 90D. — Motor Vehicle Certificate of Title.

SECT. 2, paragraph (a), clause (11) stricken out, 1989, 653 § 66.
SECT. 20A, paragraph (b) amended, 1990, 150 § 281.
SECT. 20B amended, 1989, 341 § 62.
SECT. 20D, paragraph (a) amended, 1990, 150 § 282.
SECT. 20F added, 1990, 182.

Chapter 90E. — Bikeways.

Chapter 90F. — UNIFORM OPERATION OF COMMERCIAL MOTOR VEHICLES ACT.

New chapter inserted, 1990, 246 § 2.

Chapter 91. — Waterways.

SECT. 1, definition of "Department" amended, 1990, 177 § 150.
SECT. 2, third paragraph amended, 1990, 177 § 151.
SECT. 10 amended, 1990, 177 § 152.
SECT. 19A amended, 1990, 177 § 153.
SECT. 34 amended, 1990, 177 § 154.
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. 34A added, 1990, 150 § 283.
SECT. 60B added, 1990, 255 § 4. (See 1990, 255 § 14.)
SECT. 60C added, 1990, 255 § 4. (See 1990, 255 § 14.)
SECT. 61 amended, 1990, 255 § 5. (See 1990, 255 § 14.)
SECT. 61A amended, 1990, 255 § 6. (See 1990, 255 § 14.)
SECT. 62 amended, 1990, 255 § 7. (See 1990, 255 § 14.)
SECT. 62A amended, 1990, 255 § 8. (See 1990, 255 § 14.)
SECT. 63A amended, 1990, 255 § 9. (See 1990, 255 § 14.)
SECT. 63B amended, 1990, 255 § 10. (See 1990, 255 § 14.)
SECT. 76A amended, 1990, 177 § 155.
SECT. 108 amended, 1990, 177 § 156.
SECT. 113 amended, 1989, 653 § 67; section revised, 1990, 150 § 284.

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.
SECT. 103 added, 1990, 156.

Chapter 93A. — Regulation of Business Practices for Consumers Protection.

SECT. 8 amended, 1990, 363.
SECT. 9, Paragraph (3), sentence inserted after first sentence, 1989, 500 § 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. 10D ½ amended, 1990, 177 § 157.
SECT. 156 revised, 1990, 505.
SECT. 184C amended, 1990, 367 §§ 1, 2.
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. 7, paragraph (g) added, 1990, 515 § 1.
SECT. 8 amended, 1989, 468.
SECT. 9 revised, 1990, 515 § 2.
SECT. 18, paragraph (d) added, 1989, 278.
SECT. 32H amended, 1989, 227 § 1; amended, 1989, 415.
SECT. 32J added, 1989, 227 § 2.
SECT. 32K added, 1990, 198.
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, 236 § 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.
SECT. 20 revised, 1990, 307 1.
SECT. 21 revised, 1990, 307 § 1.
SECT. 31 revised, 1990, 307 § 2.
SECT. 32 revised, 1990, 307 § 2.
SECT. 34 added, 1990, 307 § 3.

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.

SECT. 2-316A revised, 1990, 177 § 158.

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.

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. 2B amended, 1990, 177 § 159.

SECT. 2C amended, 1990, 177 § 160.

SECT. 2D added, 1990, 121 § 72. (See 1990, 121 § 108.)

SECT. 2E added, 1990, 121 §72. (See 1990, 121 § 108.)

SECT. 2F added, 1990, 121 § 72. (See 1990, 121 § 108.)

SECT. 5E amended, 1990, 177 § 161.

SECT. 5F, four paragraphs inserted after third paragraph, 1989, 687 § 21; section amended, 1990, 177 § 162. (See 1989, 687 § 25.)

SECT. 10 repealed, 1989, 610 § 2.

SECT. 11 amended, 1990, 177 § 163.

SECT. 12 amended, 1990, 177 § 164.

SECT. 14 repealed, 1989, 610 § 3.

SECT. 15 amended, 1990, 177 § 165.

SECT. 16 amended, 1990, 177 § 166.

SECT. 17 amended, 1990, 177 § 167; third sentence stricken out, 1990, 150 § 285.

SECT. 23 amended, 1990, 177 § 168.

SECT. 24E added, 1990, 442.

SECT. 25C, fifth paragraph, second sentence stricken out, 1989, 418.

SECT. 27 amended, 1990, 418.

SECT. 31, first paragraph, second sentence stricken out and three sentences inserted, 1990, 438; second paragraph amended, 1990, 177 § 169.

SECT. 31C amended, 1990, 177 § 170.

SECT. 31D amended, 1990, 177 § 171.

SECT. 51F added, 1989, 120 § 2.
SECT. 63B added, 1990, 150 § 286.
SECT. 69L added, 1989, 610 § 4.
SECT. 70, first paragraph, sentence inserted after fifth sentence, 1990, 158.
SECT. 70E, sixth paragraph amended, 1989, 341 § 66; seventh paragraph revised, 1989, 155.
SECT. 72 amended, 1989, 535 § 4; 1990, 418.
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; section amended, 1990, 113 §§ 1, 2.
SECT. 142A amended, 1990, 177 § 172.
SECT. 142B amended, 1990, 177 § 173.
SECT. 142E amended, 1990, 177 § 174.
SECT. 142J amended, 1990, 177 § 175.
SECT. 142K added, 1990, 410 § 2.
SECT. 143 amended, 1990, 177 § 176.
SECT. 147 amended, 1990, 177 § 177.
SECT. 150A, first paragraph, definition of "Department" revised, 1990, 177 § 178; fourth paragraph, two sentences inserted after first sentence, 1990, 509 § 1; tenth paragraph revised, 1990, 509 § 2; sentence added, 1990, 150 § 287; thirteenth paragraph amended, 1990, 177 § 179.
SECT. 150A ½, clause (15) revised, 1989, 341 § 69; section amended, 1990, 177 § 180; clause (17) added, 1990, 509 § 3.
SECT. 150B amended, 1990, 177 § 181.
SECT. 152 amended, 1990, 177 § 182.
SECT. 159 amended, 1990, 177 § 183.
SECT. 160, third paragraph amended, 1990, 177 § 184.
SECT. 160A, third paragraph amended, 1990, 177 § 185.
SECT. 160C-160G added, 1990, 381.
SECT. 175 amended, 1990, 177 § 186.
SECT. 194 amended, 1990, 177 § 187.
SECT. 197, subsection (c), paragraph (4) amended, 1990, 177 § 188.
SECT. 197B amended, 1989, 341 § 68.
SECTS. 207-214 added, 1990, 408 § 1. (See 1990, 480 § 2.)

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.

SECT. 1, definition of "DEQE" stricken out and definition of "DEP" inserted, 1990, 177 § 189; definition of " Toxic or hazardous substance" revised, 1990, 177 § 190.

SECT. 2 amended, 1990, 177 § 191.

SECT. 4, paragraph (a) amended, 1990, 177 § 192.

SECT. 5, paragraph (a) amended, 1990, 177 § 193.

SECT. 8, amended, 1990, 177 § 194.

SECT. 9 amended, 1990, 177 § 195.

SECT. 16 amended, 1990, 177 § 196.

SECT. 17 amended, 1990, 177 § 197.

SECT. 18, amended, 1990, 177 § 198.

Chapter 111G. — EARLY CHILDHOOD INTERVENTION SERVICES.

Chapter 111H. — MASSACHUSETTS LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT ACT.

SECT. 2, paragraph (b) amended, 1990, 177 § 199.

SECT. 6, clause (b) amended, 1990, 177 § 200.

SECT. 9, paragraph (c) amended, 1990, 177 § 201.

SECT. 14, paragraph (a) amended, 1990, 177 § 202; clause (3) amended, 1990, 177 § 204; paragraph (d) amended, 1990, 177 § 203.

SECT. 20, paragraph (a) amended, 1990, 177 § 205; paragraph (b) amended, 1990, 177 § 206; paragraph (c) amended, 1990, 177 § 207.

SECT. 21, paragraph (e) amended, 1990, 177 § 208.

SECT. 22, paragraph (b) amended, 1990, 177 § 209.

SECT. 23, paragraph (g) amended, 1990, 177 § 210.

SECT. 24, paragraph (a) amended, 1990, 177 § 211; paragraph (d) amended, 1990, 177 § 212.

SECT. 26, paragraph (a) amended, 1990, 177 § 213; paragraph (b) amended, 1990, 177 § 214.

SECT. 36, paragraph (a) amended, 1990, 177 § 215.

Chapter 112. — Registration of Certain Professions and Occupations.

SECT. 1A added, 1990, 186.

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. 9I amended, 1990, 150 § 287A.
SECT. 12G amended, 1989, 653 § 81.
SECT. 12CC added, 1990, 370.
SECT. 16, fourth sentence revised, 1989, 94.
SECT. 23E amended, 1990, 249 § 1; paragraph added, 1990, 249 § 2.
SECT. 52G added, 1990, 98.
SECT. 61, paragraph inserted after first paragraph, 1990, 415 § 2.
SECT. 76B added, 1989, 639.
SECT. 80B amended, 1990, 515 § 3.
SECT. 80G added, 1990, 515 § 4.
SECT. 87MM amended, 1989, 147 § 1. (See 1989, 147 § 2.)
SECT. 87GGG, second paragraph stricken out and two paragraphs inserted, 1990, 131 §1.
SECT. 87XXX, second paragraph, first sentence revised, 1990, 155 § 3.
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; first sentence revised, 1990, 477 § 5; section amended, 1990, 477 § 6; third sentence revised, 1990, 477 § 7; two paragraphs added, 1990, 477 § 8.
SECT. 171 amended, 1989, 720 § 8; 1990, 177 § 216. (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. 3A revised, 1990, 288 § 1.
SECT. 6 amended, 1990, 177 217.
SECT. 10A revised, 1990, 288 § 2.
SECT. 25, second sentence revised, 1989, 309.
SECT. 35 amended, 1990, 177 § 218.
SECT. 36 amended, 1990, 177 § 219.
SECT. 42B, first sentence revised, 1989, 236.
SECT. 43E amended, 1990, 177 § 220.
SECT. 43F amended, 1990, 177 § 221.

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; third paragraph revised, 1990, 150 § 288; fifth paragraph stricken out, 1990, 150 § 289.

SECT. 3, first paragraph amended, 1990, 177 § 222.

Chapter 118. — Aid to Families with Dependent Children.
(Former title, Aid to Dependent Children.)

SECT. 3, fourth paragraph amended, 1990, 177 § 223.

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; paragraph added, 1990, 150 § 290.

SECT. 4A added, 1989, 653 § 84.

SECT. 4B added, 1990, 150 § 291.

SECT. 6, second paragraph, first sentence stricken out and two sentences inserted, 1989, 653 § 85; paragraph inserted after second paragraph, 1990, 150 § 292; third paragraph revised, 1990, 150 § 293; last paragraph stricken out, 1990, 150 § 294.

SECT. 6A, paragraph inserted after the first paragraph, 1990, 150 § 295.

SECT. 6C added, 1990, 150 § 296.

SECT. 6D added, 1990, 150 § 296.

SECT. 13A added, 1989, 653 § 86.

SECT. 16, four paragraphs added, 1989, 653 § 87; section revised, 1990, 150 §§ 297, 298.

SECT. 16A added, 1989, 329 § 1; section stricken out, 1990, 177 § 224. (See 1989, 329 § 11.)

SECT. 16A added, 1989, 653 § 88; first two paragraphs stricken out, 1990, 150 § 299.

SECT. 16B added, 1990, 177 § 224; section revised, 1990, 150 § 300.
SECT. 16C added, 1990, 150 § 300.
SECT. 16D added, 1990, 150 § 300.
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.
SECT. 19 amended, 1990, 150 § 301; paragraph (6) amended, 1990, 150 § 302; paragraph (9) amended, 1990, 150 § 303.

Chapter 119. — Protection and Care of Children, and Proceedings against Them.

SECT. 27, first paragraph, third sentence stricken out, 1990, 141.
SECT. 29B revised, 1989, 663.
SECT. 51A, first paragraph amended, 1989, 219; 535 § 5; section amended, 1990, 474 § 1.
SECT. 51B, three paragraphs added, 1989, 396; clause (4), paragraph added, 1989, 560; section amended, 1990, 474 § 2.
SECT. 56 amended, 1989, 341 § 73.
SECT. 58, first paragraph, second sentence revised, 1990, 267 § 1; second paragraph revised, 1990, 267 § 2.
SECT. 61 revised, 1990, 267 § 3.
SECT. 65, third sentence amended, 1990, 267 § 4.
SECT. 72 revised, 1990, 267 § 5. (See 1990, 267 § 10.)

Chapter 119A. — CHILD SUPPORT ENFORCEMENT.

Chapter 120. — Department of Youth Services and Massachusetts Training Schools. (Former title, Youth Service Board and Massachusetts Training Schools.)

SECT. 12 amended, 1990, 298.
SECT. 16 revised, 1990, 267 § 6. (See 1990, 267 § 10.)
SECT. 17 revised, 1990, 267 § 7. (See 1990, 267 § 10.)
SECT. 18, second paragraph, first sentence revised, 1990, 267 § 8. (See 1990, 267 § 10.)
SECT. 19 revised, 1990, 267 § 9. (See 1990, 267 § 10.)

Chapter 121. — Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

SECT. 48, sentence added, 1990, 150 § 361. (See 1990, 150 §§ 373 to 383.)
SECT. 84 amended, 1990, 150 §§ 364, 365.
SECT. 88 amended, 1990, 150 § 366.
SECT. 93 repealed, 1990, 150 § 367.

SECT. 101A added, 1990, 150 § 368.
SECT. 102 revised, 1990, 150 § 369.

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. 18, paragraph (a) amended, 1990, 272.
SECT. 21, twelfth paragraph revised, 1990, 183.
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. 3 repealed, 1990, 150 § 304.
SECT. 4 repealed, 1990, 150 § 304.
SECT. 5 repealed, 1990, 150 § 304.
SECT. 6 repealed, 1990, 150 § 304.
SECT. 7 repealed, 1990, 150 § 304.
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. 127, sentence added, 1990, 230.
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. 3, paragraph added, 1990, 150 § 305.
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. 1 amended, 1990, 177 § 225.
SECT. 4A added, 1989, 653 § 92.
SECT. 21 revised, 1990, 150 § 306.
SECT. 25 amended, 1990, 177 § 226.
SECT. 28 amended, 1990, 177 § 227.
SECT. 44, second paragraph revised, 1990, 507.

SECT. 51A added, 1989, 546.
SECT. 74, fifth paragraph amended, 1990, 177 §228.
SECT. 80, first paragraph, last sentence revised, 1990, 150 § 307; last paragraph, last sentence revised, 1990, 150 § 308.
SECT. 83 revised, 1990, 150 § 309.
SECT. 105 amended, 1990, 177 § 229.

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 "Coastal waters" amended, 1990, 177 § 230; definition of "Nature preserve" inserted, 1989, 652 § 1.
SECT. 2 amended, 1990, 72 § 1; 150 § 310.
SECT. 2A added, 1990, 72 § 2.
SECT. 4 amended, 1990, 177 § 231.
SECT. 5B amended, 1990, 150 § 311.
SECTS. 10A-10D added, 1989, 652 § 2.
SECT. 11, seventh paragraph revised, 1990, 150 § 312.
SECT. 13A added, 1990, 72 § 3.
SECT. 26A repealed, 1990, 408 § 2.
SECT. 40, first paragraph revised, 1989, 287 § 54; amended, 1990, 177 § 232; eleventh paragraph amended, 1990, 177 § 233; thirteenth paragraph amended, 1990, 177 § 234; fourteenth paragraph, sentence added, 1989, 218; sixteenth paragraph amended, 1990, 177 § 235; seventeenth paragraph amended, 1990, 177 § 236; twentieth paragraph amended, 1990, 177 § 237; twenty-fourth paragraph, two sentences added, 1990, 388 § 1; paragraph inserted after twenty-fourth paragraph, 1990, 388 § 2; last paragraph, last two sentences stricken out, 1990, 388 § 3.
SECT. 40A amended, 1990, 177 § 238.
SECT. 45, first paragraph amended, 1990, 177 § 239.
SECT. 46 amended, 1990, 177 § 240.
SECT. 90 amended, 1989, 653 § 93; 1990, 408 § 3.
SECT. 90A added, 1990, 371.

Chapter 131A. — MASSACHUSETTS ENDANGERED SPECIES ACT.

New chapter added, 1990, 408 § 4. (See 1990, 408 § 5.)

Chapter 132. — Forestry.

SECT. 2, second sentence stricken out and two sentences inserted, 1990, 150 § 313.

Chapter 132A. — State Recreation Areas outside of the Metropolitan Parks District. (Former title, State Parks and Reservations outside of the Metropolitan Parks District.)

SECT. 1 revised, 1990, 150 § 314.

SECT. 7A added, 1989, 653 § 94; second paragraph amended, 1990, 150 § 314A.
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. 16 amended, 1990, 177 § 241.
SECT. 18 revised, 1989, 728 § 5.

Chapter 132B. — Massachusetts Pesticide Control Act.

SECT. 3 amended, 1990, 177 § 242.

Chapter 133. — Disposition of Old and Infirm Animals.

Chapter 134. — Lost Goods and Stray Beasts.

Chapter 135. — Unclaimed and Abandoned Property.

Chapter 136. — Observance of a Common Day of Rest and Legal Holidays. (Former title, Observance of the Lord's Day and Legal Holidays.)

SECT. 6, clause (52) added, 1990, 302; 150 § 316.
SECT. 13, first paragraph amended, 1989, 287 § 55; 287 § 57; second paragraph 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. 15B added, 1990, 69 § 1. (See 1990, 69 § 2.)
SECT. 19A amended, 1990, 357.
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. 10, two paragraphs added, 1990, 366.
SECT. 22B added, 1989, 459.
SECT. 32B amended, 1990, 177 § 243.
SECT. 32H amended, 1990, 177 § 244.

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. 100, last sentence revised, 1990, 320 § 1. (See 1990, 320 § 6.
SECT. 114A amended, 1989, 602 § 1.
SECT. 114B, first sentence revised, 1989, 181.
SECT. 121, two sentences inserted after first sentence, 1989, 433; third paragraph revised, 1990, 511 § 1.
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 repealed, 1981, 733 § 1.

Chapter 140D. — CONSUMER CREDIT COST DISCLOSURE.

New chapter added, 1981, 733 § 2.

Chapter 140E. — CONSUMER ACCOUNT DISCLOSURE.

Chapter 141. — Supervision of Electricians.

SECT. 3, clauses (7) and (8) revised, 1989, 127; clause (7) amended, 177 § 245.
SECT. 8, paragraph added, 1989, 605.

Chapter 142. — Supervision of Plumbing.

SECT. 11A added, 1990, 522.
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. 10J amended, 1990, 177 § 246.

SECT. 24 amended, 1990, 67.

SECT. 32, second sentence stricken out, 1989, 520.

Chapter 148. — Fire Prevention.

SECT. 26A ½, 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. 29, sentence inserted after third sentence, 1990, 524 § 3.

SECT. 32, fourth paragraph, first sentence amended, 1990, 524 § 4.

SECT. 34 amended, 1989, 642 § 2.

SECT. 37A revised, 1990, 524 § 5.

SECT. 38 revised, 1990, 524 § 6.

SECT. 38A revised, 1990, 524 § 7.

SECTS. 38B-38I added, 1990, 524 § 8.

Chapter 149. — Labor and Industries.

SECT. 6, first and second paragraphs revised, 1989, 521. (See 1989, 730 § 80.)

SECT. 11A added, 1990, 200.

SECT. 20E added, 1989, 242 § 9.

SECT. 44A amended, 1990, 481 § 50.

SECT. 44B amended, 1990, 481 § 51.

SECT. 44C amended, 1990, 481 § 52.

SECT. 44D amended, 1990, 481 § 53.

SECT. 44E, subsection (4), fifth paragraph, clauses (3), (4), and (5) revised, 1989, 341 § 77; clause (4) amended, 1990, 481 § 54; ninth paragraph, clauses (2), (3), and (4) revised, 1989, 341 § 78.

SECT. 44F, subsection (4), paragraph (a) amended, 1989, 519; section amended, 1990, 481 § 55.

SECT. 44G amended, 1990, 481 § 56.

SECT. 44J, subsection (1), first sentence revised, 1989, 341 § 79; section amended, 1990, 481 § 57.

SECT. 44M amended, 1989, 730 § 34; third paragraph, second sentence revised, 1989, 730 § 35.

SECT. 52A ½ added, 1990, 503 § 3.

SECT. 105D amended, 1989, 318.

SECT. 148, first paragraph, sentence added, 1990, 162 § 1. (See 1990, 162 § 3.)

SECT. 148B added, 1990, 464.

SECT. 150A revised, 1990, 162 § 2. (See 1990, 162 § 3.)

SECT. 183 added, 1989, 242 § 10.

SECT. 184 added, 1990, 19 § 2.

Chapter 150. — Conciliation and Arbitration of Industrial Disputes.

SECT. 6, second sentence revised, 1990, 150 § 317.

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.)

SECT. 1, second sentence revised, 1990, 306 § 1. (See 1990, 306 § 2.)

Chapter 151A. — EMPLOYMENT AND TRAINING. (Former title, Employment Security.)

Title revised, 1990, 177 § 247.

SECT. 1, subsection (e ½) added, 1990, 177 § 248; subsection (g) stricken out, 1990, 177 § 249; subsection (s) revised, 1990, 154 § 5. (See 1990, 154 § 41.)

SECT. 2 amended, 1990, 177 § 250.

SECT. 5 amended, 1990, 177 § 251.

SECT. 8, subsection (b) amended, 1990, 177 § 252.

SECT. 11 amended, 1990, 177 § 253.

SECT. 12, seventh paragraph revised, 1990, 154 § 6; section amended, 1990, 177 § 254.

SECT. 13 amended, 1990, 177 § 255.

SECT. 14, subsection (a), paragraph (2), third sentence revised, 1990, 154 § 7; subsection (i), paragraph (1), subparagraph added, 1989, 19 § 1; paragraph (4) added, 1990, 154 § 8; subsection (n), paragraph (1) revised, 1990, 154 § 9; section amended, 1990, 177 § 256. (See 1989, 19 § 8; 1990, 154 § 41.)

SECT. 14A, subsection (a), paragraph (3), third paragraph revised, 1990, 154 § 10; subsection (f), sentence added, 1990, 154 § 11; section amended, 1990, 177 § 257; 177 § 258.

SECT. 14C amended, 1990, 177 § 259.

SECT. 14F amended, 1990, 177 §§ 260, 261, 262.

SECT. 14G amended, 1990, 177 §§ 263, 264.

SECT. 14H added, 1989, 19 § 2; section repealed, 1989 19 § 3. (See 1989, 19 § 8.)

SECT. 14I added, 1989, 19 § 4; section amended, 1990, 177 § 265. (See 1989, 19 § 8.)

SECT. 15, subsection (a), first paragraph, sentence inserted after third sentence, 1990, 154 § 12; second paragraph revised, 1990, 154 § 13; subsection (b), first paragraph revised, 1990, 154 § 14; subsection (e), paragraph added, 1990, 154 § 15; section amended, 1990, 177 §§ 266, 267, 268.

SECT. 15A, subsection (c) stricken out and subsections (c) and (d) inserted, 1990, 154 § 16; section amended, 1990, 177 § 269.

SECT. 15B added, 1990, 154 § 17.

SECT. 16 amended, 1990, 154 § 18; 1990, 177 § 270.

SECT. 18 amended, 1990, 177 §§ 271, 272, 273.

SECT. 19 amended, 1990, 177 § 274.

SECT. 19A added, 1990, 154 § 19.

SECT. 20 amended, 1990, 177 §§ 275, 276.

SECT. 20A added, 1990, 154 § 20.

SECT. 22 revised, 1990, 177 § 277.

SECT. 23 amended, 1990, 177 § 278.

SECT. 24 amended, 1990 177 § 279.

SECT. 25, paragraph (a), third sentence stricken out, 1990, 154 § 21; section amended, 1990, 177 § 280.

SECT. 29, subsection (d), second paragraph stricken out, 1990, 154 § 22; section amended, 1990, 177 § 281, 282.

SECT. 29D, subsection (b), paragraph (4) revised, 1989, 228; section amended, 1990, 177 §§ 283, 284. (See 1990, 177 § 419.)

SECT. 30, Sentence added, 1990, 154 § 23; section amended, 1990, 177 § 285.

SECT. 30A amended, 1990, 177 § 286; subsection (3), paragraph (e) amended, 1990, 177 § 287.

SECT. 35 amended, 1990, 177 § 288.

SECT. 37 amended, 1990, 177 § 289.

SECT. 38 amended, 1990, 154 §§ 24, 25, 26, 27; subsection (a), paragraph added, 1990, 154 § 28; section amended, 1990, 177 § 290.
SECT. 39 amended, 1990, 177 § 291.
SECT. 40 amended, 1990, 154 § 29. (See 1990, 154 § 41.)
SECT. 41 amended, 1990, 177 § 292.
SECT. 42 revised, 1990, 154 § 30; section amended, 1990, 177 § 293. (See 1990, 154 § 41.)
SECT. 42A amended, 1990, 177 § 294.
SECT. 43 amended, 1990, 177 § 295.
SECT. 44 amended, 1990, 177 § 296.
SECT. 45 amended, 1990, 177 § 297.
SECT. 46 revised, 1990, 154 § 31; section amended, 1990, 75 § 5; 177 § 298. (See 1990, 75 § 9.)
SECT. 47 revised, 1990, 154 § 32; section amended, 1990, 177 § 299; sixth paragraph amended, 1990, 177 § 300.
SECT. 47A added, 1990, 154 § 33.
SECT. 48 amended, 1990, 177 § 301.
SECT. 50A amended, 1990, 177 § 302.
SECT. 51 amended, 1990, 177 § 303.
SECT. 52 amended, 1990, 177 § 304.
SECT. 53 amended, 1990, 177 §§ 305, 306.
SECT. 53A amended, 1990, 177 § 307.
SECT. 54 amended, 1990, 177 § 308.
SECT. 55 amended, 1990, 177 § 309.
SECT. 56 amended, 1990, 177 § 310.
SECT. 57 amended, 1990, 177 § 311.
SECT. 58 amended, 1990, 177 § 312.
SECT. 58A amended, 1990, 177 § 313.
SECT. 61 amended, 1990, 177 § 314.
SECT. 62, first paragraph amended, 1990, 177 § 315.
SECT. 63 amended, 1990, 177 § 316.
SECT. 64 amended, 1990, 177 § 317.
SECT. 65 amended, 1990, 177 § 318.
SECT. 66 amended, 1990, 177 § 319.
SECT. 66A amended, 1990, 177 § 320.
SECT. 67A amended, 1990, 177 § 321.
SECT. 68 amended, 1990, 177 § 322.
SECT. 69, subsection (a), paragraph added, 1990, 154 § 34; sentence added, 1990, 154 § 35; subsection (c) revised, 1990, 154 § 36; section amended, 1990, 177 § 323. (See 1990, 154 § 41.)
SECT. 69A, paragraph added, 1990, 154 § 37; section amended, 1990, 177 § 324.
SECT. 69B added, 1990, 154 § 38. (See 1990, 154 § 41.)
SECT. 69C added, 1990, 154 § 38. (See 1990, 154 § 41.)
SECT. 70 amended, 1990, 177 § 325.
SECT. 71 amended, 1990, 154 § 39; four paragraphs added, 1990, 154 § 40; section amended, 1990, 177 § 326.

SECT. 71A, definition of "Commissioner" inserted, 1990, 177 § 327; definition of "Director" stricken out, 1990, 177 § 328; section amended, 1990, 177 § 329.

SECT. 71B, subsection (a) amended, 1990, 177 § 330; subsection (b) amended, 1990, 177 § 331; subsection (3) amended, 1990, 177 § 332.

SECT. 71C amended, 1990, 177 § 333.

SECT. 71D amended, 1990, 75 § 6; 177 §§ 334, 335.

SECT. 71E amended, 1990, 177 § 336.

SECT. 71F amended, 1990, 177 § 337.

SECT. 71G amended, 1990, 177 § 338.

SECT. 72 amended, 1990, 177 § 339.

SECT. 74 revised, 1990, 177 § 340.

Chapter 151B. — Unlawful Discrimination Because Of Race, Color, Religious Creed, National Origin, Ancestry Or Sex. (Former title, Unlawful Discrimination Against Race, Color, Religious Creed, National Origin or Ancestry.)

SECT. 1, 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; section amended, 1990, 318 319.

SECT. 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; first paragraph, last sentence stricken out and two sentences inserted, 1990, 283 § 1; subsection 7 revised, 1989, 516 § 10; amended, 1989, 722 § 17; last sentence stricken out and two sentences inserted, 1990, 283 § 2; 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; section amended, 1990, 177 § 341.

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; paragraph inserted after third paragraph, 1990, 395.

Chapter 151C. — Fair Education Practices.

Chapter 151D. — Health, Welfare and Retirement Funds.

SECT. 17 amended, 1990, 177 § 342.

Chapter 151E. — Prohibition of Certain Discrimination by Business.

Chapter 152. — Workmen's Compensation.

SECT. 1, subsection (9) amended, 1990, 177 § 343; subsection (10) amended, 1990, 177 § 344; subsection (11) amended, 1990, 177 § 345.
SECT. 5, sentence added, 1989, 529 § 5.
SECT. 25C, subsection (1) amended, 1989, 341 § 82.
SECT. 30I amended, 1990, 177 § 346.
SECT. 31 amended, 1990, 177 § 347.
SECT. 65, two sentences inserted after first sentence, 1989, 653 § 97.
SECT. 65A revised, 1990, 462 § 1.
SECT. 65B amended, 1990, 462 § 2.
SECT. 65C revised, 1990, 462 § 3.
SECT. 65D revised, 1990, 462 § 4.
SECT. 65E repealed, 1990, 462 § 5.
SECT. 65F repealed, 1990, 462 § 5.
SECT. 65G revised, 1990, 462 § 6.
SECT. 65H revised, 1990, 462 § 7.

Chapter 153. — Liability of Employers to Employees for Injuries not resulting in Death

Chapter 154. — Assignment of Wages.

SECT. 8 amended, 1990, 73.

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. 50A added, 1990, 19 § 1.
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.

SECT. 9 amended, 1990, 291 §§ 3, 4. (See 1990, 291 § 9.)
SECT. 19A revised, 1990, 291 §§ 3, 4. (See 1990, 291 § 9.)

Chapter 159A. — Common Carriers of Passengers by Motor Vehicle.

Chapter 159B. — Carriers of Property by Motor Vehicle.

SECT. 6B revised, 1989, 267 § 3.
SECT. 6C repealed, 1989, 267 § 4.

Chapter 160. — Railroads.

SECT. 172A added, 1989, 87.

Chapter 161. — Street Railways.

Chapter 161A. — Massachusetts Bay Transit Authority.

SECT. 5, subsection (e ½) revised, 1990, 150 § 322.
SECT. 6A added, 1990, 150 § 323.
SECT. 19G amended, 1989, 653 § 100.
SECT. 19J added, 1989, 653 § 101. (See 1989, 653 § 244.)
SECT. 19K added, 1990, 150 § 324.
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.

SECT. 4, paragraph (4) amended, 1990, 144.

Chapter 162. — Electric Railroads.

Chapter 163. — Trackless Trolley Companies.

Chapter 164. — Manufacture and Sale of Gas and Electricity.

SECT. 1, definition of "Multiple-use alternative fuel" inserted, 1990, 400 § 1. (See 1990, 400 § 3.)
SECT. 2 amended, 1989, 86.
SECT. 58C, first paragraph revised, 1989, 469 § 3.

SECT. 69H, second paragraph amended, 1989, 730 § 36; 730 § 37; 1990, 177 § 348; fifth sentence revised, 1989, 730 § 38; sixth paragraph, sentence inserted after second sentence, 1990, 150 § 325; two paragraphs added, 1990, 150 § 326. (See 1989, 730 § 80.)

SECT. 69H ½ amended, 1990, 177 § 349.

SECT. 69J ½ added, 1990, 150 § 327.

SECT. 94A amended, 1990, 400 § 2. (See 1990, 400 § 3.)

SECT. 94G ½ amended, 1990, 177 § 350.

SECT. 133 added, 1989, 314.

Chapter 164A. — New England Power Pool.

Chapter 165. — Water and Aqueduct Companies.

SECT. 3 amended, 1990, 177 § 351.

SECT. 4B amended, 1990, 177 § 352.

SECT. 6 amended, 1990, 177 § 177 § 353.

Chapter 166. — Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

SECT. 14A revised, 1990, 291 § 5. (See 1990, 291 § 9.)

SECT. 15E added, 1990, 291 § 6.

SECT. 21G revised, 1989, 441.

Chapter 166A. — Community Antenna Television Systems.

Chapter 167. — Supervision of Banks.

SECT. 2 amended, 1989, 653 § 103; first paragraph revised, 1990, 177 § 354.

SECTS. 2A-2G added, 1990, 102 § 4. (See 1990, 102 § 45.)

SECT. 13, first paragraph amended, 1990, 102 § 5. (See 1990, 102 § 45.)

SECT. 14, fifteenth paragraph, introductory paragraph revised, 1990, 102 § 6;clause (1) revised, 1990, 102 § 7; clauses (k) and (l) stricken out and clauses (k), (l) and (m) inserted, 1990, 102 § 8; paragraph added, 1990, 102 § 9. (See 1990, 102, § 45.)

SECTS. 14A stricken out and sections 14A, 14B, and 14C added, 1990, 102 § 10.

SECT. 38 revised, 1990, 102 § 11. (See 1990, 102 § 45.)

SECT. 39 revised, 1990, 102 § 12. (See 1990, 102 § 45.)

Chapter 167A. — Bank Holding Companies.

SECT. 1, paragraph (a) revised, 1990, 102 § 13; paragraph (d) revised, 1990, 102 § 14. (See 1990, 102 § 45.)

SECT. 2 revised, 1990, 102 § 15. (See 1990, 102 § 45.)

SECT. 4 revised, 1990, 102 § 16. (See 1990, 102 § 45.)

Chapter 167B. — ELECTRONIC BRANCHES AND ELECTRONIC FUND TRANSFERS.

SECT. 3, last paragraph amended, 1990, 102 § 17. (See 1990, 102 § 17.)

Chapter 167C. — BANK LOCATIONS.

SECT. 3, first paragraph stricken out and two paragraphs inserted, 1990, 102 § 18; sixth paragraph revised, 1989, 222. (See 1990, 102 § 45.)

Chapter 167D. — DEPOSITS AND ACCOUNTS.

SECT. 25 repealed, 1990, 506 § 1.

Chapter 167E. — MORTGAGES AND LOANS.

SECT. 2, subsection A, clause 4 stricken out, 1990, 60 § 1; subsection B, paragraph 14 revised, 1990, 60 § 2; 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.

SECT. 1 revised, 1990, 207 § 2.

SECT. 7, clauses (5) and (6) revised, 1990, 207 § 3; clause (7) added, 1990, 207 § 3.

SECT. 11 added, 1990, 207 § 4.

Chapter 168. — Savings Banks.

SECT. 4, clause First revised, 1989, 203; paragraph added, 1989, 719 § 1.

SECT. 13 amended, 1990, 185 § 1.

SECT. 19 revised, 1990, 185 § 2.

SECT. 34, first paragraph, three sentences inserted after third sentence, 1990, 102 § 19. (See 1990, 102 § 45.)

SECT. 34A, first paragraph, three sentences inserted after fourth sentence, 1990, 102 § 20. (See 1990, 102 § 45.)

SECT. 34B, sixth paragraph stricken out and two paragraphs inserted, 1990, 102 § 21. (See 1980, 102 § 45.)

SECT. 34D, sixth paragraph stricken out and two paragraphs inserted, 1990, 102 § 23. (See 1990, 102 § 45.)

SECT. 34E, paragraph (e) revised, 1990, 102 § 23. (See 1990, 102 § 45.)

SECT. 35, last paragraph stricken out and two paragraphs inserted, 1990, 102 § 24. (See 1990, 102 § 45.)

SECT. 39 amended, 1990, 499 § 14. (See 1990, 499 § 24.)

Chapter 169. — Deposits with Others than Banks.

Chapter 170. — Co-operative Banks.

SECT. 2, paragraph added, 1989, 719 § 2.

SECT. 19, first paragraph revised, 1990, 185 § 3.

SECT. 22 amended, 1989, 727.

SECT. 24, last paragraph stricken out and two paragraphs inserted, 1990, 102 § 25. (See 1990, 102 § 45.)

SECT. 25, three sentences inserted after fifth sentence, 1990, 102 § 26. (See 1990, 102 § 45.)

SECT. 26A, three sentences inserted after fourth sentence, 1990, 102 § 27. (See 1990, 102 § 45.)

SECT. 26B, fifth paragraph stricken out and two paragraphs inserted, 1990, 102 § 28. (See 1990, 102 § 45.)

SECT. 26D, fifth paragraph stricken out and two paragraphs inserted, 1990, 102 § 29. (See 1990, 102 § 45.)

SECT. 26E, paragraph (e) revised, 1990, 102 § 30. (See 1990, 102 § 45.)

SECT. 30 amended, 1989, 341 § 83.

SECTS. 33-35 added, 1990, 399 § 1.

Chapter 171. — Credit Unions.

Chapter revised, 1990, 79 § 1.

SECT. 10, sentence inserted after fifth sentence, 1989, 284; fifth sentence revised, 1989, 282 § 2.

SECT. 21, second paragraph, paragraph added, 1989, 481 § 2.

SECT. 21D added, 1989, 481 § 3. (See 1989, 495 § 2.)

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. 31, paragraph inserted after sixth paragraph, 1989, 273.

SECT. 37 amended, 1989, 604 § 2.

SECT. 59, subparagraph (3) revised, 1990, 289.

SECT. 59A, third paragraph revised, 1990, 170.

SECT. 65, fourth paragraph revised, 1990, 465.

Chapter 172. — Trust Companies.

SECT. 12, sentence added, 1989, 242 § 14.

SECT. 13, paragraph inserted after second paragraph, 1989, 242 § 15.

SECT. 18, first paragraph revised, 1990, 185 § 4.

SECT. 24, paragraph added, 1989, 242 § 16. (See 1990, 102 § 45.)

SECT. 36, subsection (A), sixth and seventh paragraphs stricken out and three paragraphs inserted, 1990, 102 31. (See 1990, 102 § 45.)

SECT. 38, last paragraph stricken out and two paragraphs inserted, 1990, 102 § 32.

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. 3 amended, 1990, 499 § 15. (See 1990, 499 § 24.)

SECT. 3A amended, 1990, 499 § 16. (See 1990, 499 § 24.)

SECT. 6, first paragraph, third sentence revised, 1989, 237 § 2; second paragraph, first sentence revised, 1989, 237 § 3.

SECT. 10A added, 1990, 472.

SECT. 11 revised, 1990, 231.

SECT. 24A amended, 1990, 499 § 17. (See 1990, 499 § 24.)

SECT. 47C, paragraph added, 1989, 721 § 1.

SECT. 47G amended, 1990, 177 § 355.

SECT. 47H amended, 1989, 170.

SECT. 47I revised, 1990, 330 § 1.

SECT. 65 amended, 1990, 398 § 1.

SECT. 66B amended, 1990, 398 § 2.

SECT. 66D, first sentence revised, 1990, 413.

SECT. 108, subdivision 4, paragraph (c) revised, 578 § 1.

SECT. 110, subdivision (G), second paragraph revised, 1989, 578 §2.

SECT. 113A, provision (2) revised, 1990, 287 § 1.

SECT. 113B amended, 1989, 479; tenth paragraph, sentence added, 1990,256 § 7; twelfth paragraph revised, 1990, 171 § 1; thirteenth paragraph, sentence added, 1990, 171 § 2.

SECT. 113H, amended, 1989, 258.

SECT. 113L, paragraph (4) revised, 1990, 299.

SECT. 113O, first paragraph, sentence added, 1989, 442.

SECT. 119C, first sentence revised, 1989, 615.

SECT. 120A, second sentence revised, 1990, 499 § 18. (See 1990, 499 § 24.)

SECT. 123, paragraph inserted after first paragraph, 1989, 723.

SECT. 138A amended, 1990, 499 § 19. (See 1990, 499 § 24.)

SECT. 146B amended, 1990, 499 § 20. (See 1990, 499 § 24.)

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.

SECT. 187C, first paragraph, second sentence stricken out and two sentences inserted, 1990, 287 § 2.
SECT. 193T amended, 1990, 499 § 21. (See 1990, 499 § 24.)
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.
SECT. 10A added, 1990, 472.

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; third paragraph amended, 1990, 177 § 356.
SECT. 2, second paragraph amended, 1990, 177 § 357.
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. 2, second paragraph, first sentence amended, 1990, 296.
SECT. 8, paragraph (c), clause (6), two sentences added, 1989, 578 § 3.
SECT. 8B, paragraph added, 1989, 721 § 2.

SECT. 8L revised, 1990, 330 § 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. 4K revised, 1990, 330 § 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.

Chapter repealed, 1990, 499 § 22. (See 1990, 499 § 24.)
SECT. 18, second paragraph clause (h) added, 1989, 471.

Chapter 178A. — SAVINGS BANK LIFE INSURANCE.

New chapter inserted, 1990, 499 § 23. (See 1990, 499 § 24.)

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. 6, first paragraph stricken out and three paragraphs inserted, 1990, 380.
SECT. 6C added, 1989, 177.
SECT. 54, sentence inserted after fourth sentence, 1989, 303.
SECT. 58 revised, 1990, 378 § 1. (See 1990, 378 § 2.)
SECT. 64, sixth paragraph revised, 1990, 102 § 33. (See 1990, 102 § 45.)
SECT. 67 added, 1989, 604 § 3.

Chapter 183A. — Condominiums.

SECT. 2 amended, 1990, 177 § 358.
SECT. 22 amended, 1989, 709 § 22.

Chapter 183B. — REAL ESTATE TIME-SHARES.

New chapter inserted, 1987, 760 § 1. (See 1987, 760 § 2.)

Chapter 184. — General Provisions relative to Real Property.

SECT. 17C revised, 1990, 320 § 2.
SECT. 23D added, 1989, 106 § 2.
SECT. 26, first paragraph revised, 1990, 520 § 2.
SECT. 31, paragraph added, 1989, 275 § 9; 1990, 520 § 3.

SECT. 32 revised, 1989, 275 § 10; 1990, 520 § 4.
SECT. 33, first paragraph amended, 1989, 275 § 11; first sentence revised, 1990, 520 § 5; second paragraph revised, 1990, 520 § 6; third paragraph amended, 1989, 275 § 12; second sentence revised, 1990, 520 § 7.

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; 1990, 492 § 1.
SECT. 2 revised, 1990, 492 § 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. 10 revised, 1990, 506 § 2.
SECT. 14 revised, 1989, 440; section repealed, 1990, 506 § 3.
SECT. 15 repealed, 1990, 506 § 3.

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; paragraph (d) amended, 1990, 150 § 327. (See 1989, 329 § 11.)
SECT. 9A amended, 1989, 329 § 6. (See 1989, 329 § 11.)
SECT. 13 amended, 1989, 329 § 7; first sentence revised, 1990, 177 § 359. (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.

SECT. 13, first sentence revised, 1990, 285.

Chapter 200A. — Abandoned Property.

Chapter 201. — Guardians and Conservators.

SECT. 1 amended, 1990, 149 § 1.

SECT. 6B added, 1990, 149 § 2.
SECT. 14, paragraph (a) amended, 1990, 149 § 3; paragraph (b) amended, 1990, 149 § 4.
SECT. 51 added, 1990, 397.

Chapter 201A. — UNIFORM TRANSFER TO MINORS ACT. (Former title, Uniform Gifts to Minors Act.)

(Title revised, 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 201D. — (UNTITLED)

New chapter inserted, 1990, 332 § 1.

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.

SECT. 25 revised, 1990, 506 § 4.
SECT. 26 amended, 1990, 506 § 5.

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; second sentence revised, 1990, 467; sentence inserted after third sentence, 1989, 559. (See 1989, 287 § 74.)
SECT. 34C amended, 1990, 403 § 1.

Chapter 209. — Husband and Wife.

SECT. 1A added, 1989, 283.

Chapter 209A. — Abuse Prevention.

SECT. 1 revised, 1990, 403 § 2.
SECT. 3 revised, 1990, 403 § 3.
SECT. 4 revised, 1990, 403 § 4.
SECT. 5, sentence inserted after first sentence, 1990, 403 § 5; section amended, 1990, 403 § 6.
SECT. 6 revised, 1990, 403 § 7.
SECT. 7, first and second paragraphs stricken out and seven paragraphs inserted, 1990, 403 § 8.

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.)
SECT. 13, sentence inserted after first sentence, 1990, 403 § 9.
SECT. 15, first paragraph revised, 1990, 403 § 10; last paragraph revised, 1990, 403 § 11.
SECT. 17, first sentence revised, 1990, 437.
SECT. 20, sentence added, 1990, 403 § 12.

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 § 95.

Chapter 211A. — Appeals Court.

SECT. 17 added, 1990, 150 § 328.

Chapter 211B. — Trial Court of the Commonwealth.

SECT. 10 amended, 1989, 341 § 96.
SECT. 17 stricken out, 1989, 341 § 97; section amended, 1990, 481 § 58.
SECT. 18 added, 1989, 279; section stricken out and section 19 added, 1990, 177 § 360.
SECT. 18 added, 1989, 341 § 97.

SECT. 19 added, 1990, 150 § 529.

Chapter 211C. — Commission on Judicial Conduct.

Chapter 211D. — Committee for Public Counsel Services.

SECT. 2A added, 1990, 150 § 330.
SECT. 6, paragraph (b), second sentence revised, 1990 150 § 331.
SECT. 10, sentence added, 1990, 150 § 332.

Chapter 212. — The Superior Court.

Chapter 213. — Provisions Common to the Supreme Judicial and Superior Courts.

Chapter 214. — Equity Jurisdiction. (Former title, Equity Jurisdiction and Procedure in the Supreme Judicial and Superior Courts.)

Chapter 215. — Probate Courts.

SECT. 3, paragraph added, 1990, 332 § 2.

Chapter 216. — Courts of Insolvency.

Chapter 217. — Judges and Registers of Probate and Insolvency.

SECT. 15C amended, 1990, 96.
SECT. 22A added, 1989, 400 § 5.

Chapter 218. — District Courts.

SECT. 1, first and second paragraphs under the caption "Hampshire" stricken out and two paragraphs inserted, 1990, 166.
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.
SECT. 62, first paragraph, clause (9) amended, 1990, 150 § 334; second paragraph amended, 1990, 150 § 335.

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.)

SECT. 85Y added, 1990, 521 § 6.

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; section amended, 1990, 177 § 361.

SECTS. 81-83 added, 1990, 339.

Chapter 234. — Juries.

Chapter 234A. — Office Of Jury Commissioner For The Commonwealth.

Chapter 235. — Judgement and Execution.

SECT. 34A added, 1990, 77 § 1.

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.

SECT. 28, second sentence stricken out and two sentences inserted, 1990, 77 § 2.

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. 2 amended, 1990, 177 § 362.

SECT. 5B, paragraph inserted after first paragraph, 1989, 687 § 22. (See 1989, 687 § 25.)

SECT. 7 amended, 1989, 341 § 99; first sentence revised, 1990, 177 § 363.

Chapter 253. — Mills, Dams and Reservoirs.

SECT. 33 amended, 1990, 177 § 364.

Chapter 254. — Liens on Buildings and Land.

SECT. 5, first sentence revised, 1989, 341 § 100.

SECT. 13 amended, 1990, 177 § 365.

Chapter 255. — Mortgages, Conditional Sales and Pledges of Personal Property, and Liens Thereon.

SECT. 31A, sentence inserted after first sentence, 1990, 109.

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.

SECT. 11 revised, 1990, 320 § 3. (See 1990, 320 § 6.)

Chapter 255C. — Insurance Premium Finance Agencies.

SECT. 2 amended, 1989, 602 § 3.

SECT. 15 revised, 1990, 320 § 4. (See 1990, 320 § 6.)

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.

SECT. 20 revised, 1990, 320 § 5. (See 1990, 320 § 6.)

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.

SECT. 1, definition of "Crime" revised, 1990, 150 § 336; definition of "Claimant" inserted, 1990, 150 § 336; definition of "Victim" revised, 1990, 150 § 337.

SECT. 2, third paragraph, second sentence stricken out, 1990, 150 § 338.

SECT. 3, paragraph (e) revised, 1990, 150 § 339.

SECT. 4, paragraph added, 1990, 150 § 340.

SECT. 5, paragraph added, 1990, 150 § 341.

SECT. 8 amended, 1990, 177 § 366.

Chapter 258B. — Rights of Victims and Witnesses of Crime.

SECT. 3, clause (l) added, 233 § 1.

SECT. 8, first paragraph revised, 1989, 362 § 1; fifth sentence revised, 1990, 150 § 341A.

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. 8 revised, 1990, 282.

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. 13D revised, 1990, 498.

SECT. 13D ½ added, 1990, 300.

SECT. 13I amended, 1989, 464.

SECT. 40 added, 1989, 244.

SECT. 40 added, 1989, 363 § 1; section stricken out, 1990, 177 § 367. (See 1989, 363 § 2.)

SECT. 41 added, 1990, 177 § 367. (See 1990, 177 § 420.)

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. 99 revised, 1990, 61.
SECT. 99A added, 1990, 61.
SECT. 100 revised, 1990, 61.
SECT. 120D, third paragraph, clauses (1) and (2) revised, 1990, 169.
SECT. 127A amended, 1989, 121 § 1; paragraph inserted, 1989, 121 § 2.
SECT. 143 stricken out and sections 143, 143A, 143B, 143C, 143D, and 143E inserted, 1990, 163.

Chapter 267. — Forgery and Crimes against the Currency.

Chapter 268. — Crimes against Public Justice.

SECT. 13B, first paragraph, first sentence revised, 1990, 369.
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; paragraph (n), first sentence revised, 1990, 192.
SECT. 7 amended, 1990, 487 § 1.
SECT. 20 amended, 1989, 262 § 2; 262 § 3.

Chapter 268B. — Financial Disclosure by certain Public Officials and Employees.

SECT. 4, paragraph (k), two sentences added, 1990, 121 § 73; paragraph (k), two sentences added, 1990, 150 § 349A; paragraph revised, 1990, 487 § 2. (See 1990, 121 § 114; 487 § 3.)

Chapter 269. — Crimes Against Public Peace.

SECT. 10, paragraph (j) revised, 1989, 648; subsection (a) revised, 1990, 511 § 2; subsection (h) revised, 1990, 511 § 3.
SECT. 10A, first sentence stricken out, two sentences inserted, 1989, 509.

Chapter 270. — Crimes Against Public Health.

SECT. 16, first paragraph amended, 1990, 301 § 1; paragraph inserted after first paragraph, 1989, 429; amended, 1990, 301 § 2; paragraph added, 1990, 150 § 342.
SECT. 16A amended, 1990, 301 § 3.
SECT. 22, second paragraph, sentence added, 1990, 86.

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; 1990, 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. 28, first sentence revised, 1990, 403 § 13.
SECT. 42 revised, 1989, 664 § 2.
SECT. 67 revised, 1989, 212.
SECT. 87A, second paragraph, first sentence revised, 1990, 150 § 343; last paragraph revised, 1990, 150 § 344.

Chapter 276A. — District Court Pretrial Diversion of Selected Offenders.

SECT. 9, first paragraph amended, 1990, 177 § 368.

Chapter 277. — Indictments and Proceedings before Trial.

SECT. 9, first paragraph, first sentence amended, 1990, 428 § 5.

Chapter 278. — Trials and Proceedings before Judgment.

Chapter 279. — Judgment and Execution.

SECT. 1 amended, 1989, 207; paragraph inserted after second paragraph, 1990, 319 § 18.

Chapter 280. — Fines and Forfeitures.

SECT. 6B, first paragraph revised, 1989, 653 § 107.

Chapter 281. — The General Laws And Their Effect.