3A

ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts

IN THE YEAR

1992

PUBLISHED BY

Michael Joseph Connolly

SECRETARY OF STATE



The General Court, which was chosen November 6, 1990 assembled on Wednesday, the first day of January, 1992 for the second session.

His Excellency William F. Weld and his Honor Argeo Paul Cellucci continued to serve as Governor and Lieutenant Governor respectively for the political year of 1992.

Chapter 1. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF MENDON.

Be it enacted, etc., as follows:

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

SECTION 2. Any thirty qualified voters of the town of Mendon may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voters who filed such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the selectmen and shall contain the names of all persons to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of this petition shall be entered in the record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the clerk within twenty days after filing of the affidavit and shall be signed by thirty percent of the qualified voters of said town. To every signature shall be added the place of residence of the signer, giving street and number. The said recall petition shall be submitted at or before noon on the Thursday 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 the names of the voters of said town.

SECTION 3. If the petition shall be found and certified by said town clerk to be sufficient, he shall submit the same with his certificate to said selectmen within ten days and said selectmen shall within ten days give written notice to the officer of the receipt of said certificate and shall, if the officer sought to be recalled does not resign within five days thereafter, thereupon order an election to be held on a date fixed by them, not less than sixty-five days and not more than ninety days after the date of certificate of the town clerk 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 certification, said selectmen may, in their discretion, postpone the holding of said recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the

publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided by this act.

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

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated: For the recall of (name of officer). Against the recall of (name of officer). Immediately at the right of each proposition, there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the propositions shall appear the word "Candidates", the directions to voters required by section forty-two of chapter fifty-four of the General Laws, beneath this the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected; provided that at least thirty percent of those entitled to vote in the election shall have voted. If a majority of votes on the question is in the negative, the ballot for the candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer within six months after he takes office, nor, in the case of an officer subject to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters. No person who has been removed from office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal or such resignation.

Approved January 27, 1992.

Chapter 2. AN ACT RELATIVE TO THE MATURITIES OF BONDS OR NOTES ISSUED BY 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 5C, inserted by section 2 of chapter 628 of the acts of 1989, the

following section:-

Section 5D. Notwithstanding the provisions of any general or special law to the contrary, the maturities of bonds or notes issued by the district under the provisions of this act or under any other provisions of law shall either be arranged so that for each issue the annual combined payments of principal and interest shall be as nearly equal as practicable in the opinion of the officers authorized to issue said bonds or notes or, shall be arranged in accordance with a schedule providing for a more rapid amortization of principal.

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

Approved February 14, 1992.

Chapter 3. **AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-TWO 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, the sums set forth in section two are hereby appropriated for the several purposes, and subject to the conditions, specified in chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, including fund designations in said chapter, and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in said chapter, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two. The sums so appropriated are in addition to any amounts available for said purposes.

SECTION 2.

Item		
	DISTRICT ATTORNEYS.	
0340-0700		$129,000
	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.	
	Office of Dispute Resolution.	
1100-1103		$75,000
	EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.	
3722-9024		$23,680,998

Item

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Public Welfare.

4403-2100 $22,000,000

Department of Mental Health.

5046-0000 $5,589,216

Department of Mental Retardation.

5948-0000 $12,200,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

8100-0003 $7,507,835

8100-0004 $3,799,441

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

State Racing Commission.

9210-0001 $698,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth and to meet certain requirements of law, the sums set forth herein shall be appropriated from the General Fund, unless specifically designated otherwise, and shall be for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Commissioner.

1100-5500 For the operations of the Chelsea receiver; provided, that the funds appropriated herein shall be used exclusively for the operations of the Chelsea receiver as established in chapter two hundred of the acts of nineteen hundred and ninety-one; and, provided further, that the funds appropriated herein shall not be transferred to any other item of appropriation $426,000

Local Aid Fund 100.0%

Miscellaneous.

1599-3853 For the operations of the city of Chelsea; provided, that the funds appropriated herein shall not be transferred to any other item of appropriation $500,000

Local Aid Fund 100.0%

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

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 no funds shall be expended prior to the official notification from the federal government that sufficient funds have been awarded and that such advances will be 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 $15,900,000

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to transfer funds from item 4400-1000 to the item of appropriation listed below. The funds so transferred shall be for the purposes of, and subject to the conditions of said item listed below, established in section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one.

Item

4406-3000 $3,100,000

SECTION 4. Item 1100-1103 in section 2 of chapter 138 of the acts of 1991, is hereby amended by striking out the words "at least three hundred thousand" and inserting in place thereof the words "at least three hundred and seventy-five thousand".

SECTION 5. Said section 2 of said chapter 138, as so appearing, is hereby amended by striking out, in item 3722-9024, the text of said item and inserting in place thereof the following text:-

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 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 no monies shall be expended from this item for the purpose of reimbursing the debt service reserve and capital reserve included in the budget of the housing authorities; and provided further, a sum of twenty-two million four hundred sixty-nine thousand two hundred forty-six dollars shall be spent on these payments. And, for

a program of rental assistance for families and elderly of low-income; provided, that of the funds appropriated herein, eighty-eight million five hundred nineteen thousand five hundred ninety-five dollars shall be deposited in an individual allocation account for the purposes of said rental assistance program; provided that not more than five percent of the amount expended for said rental assistance program may be used for the administration of said program; provided further, that notwithstanding any provision of law to the contrary, first preference for admission shall be granted to the eligible elderly; provided further, that 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; provided further, that the executive office 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, nine million six hundred fifty-four thousand five hundred forty-five dollars shall be allocated for the purpose of providing housing vouchers, so-called, currently being utilized by eligible households; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, the department shall reduce the average housing voucher monthly payment standard by two hundred dollars by September 1, 1991; provided further, that in the case of any rental assistance provided in conjunction with any federal housing program, tenants shall pay such portion of their income for rent as may be required by said federal program and such assistance shall be administered in

accordance with applicable federal program regulations; provided further, that payments for rental assistance may be provided in advance, including not more than five positions; and provided further, that the department shall not exceed an appropriation of one hundred twenty-one million, two hundred fifty-eight thousand, three hundred and eighty-six dollars set forth herein, nor shall the department enter into commitments which will cause the department to exceed said appropriation.

SECTION 6. Item 4403-2000 in section 2 of said chapter 138 is hereby amended by striking out, in lines 5 and 6, the words "no clothing allowance shall be provided in fiscal year nineteen hundred and ninety-two" and inserting in place thereof the words:- a nonrecurring clothing allowance in the amount of seventy-five dollars be provided to each child eligible under this program in March, nineteen hundred and ninety-two, subject to federal reimbursement; provided further, that such clothing allowance shall be included in the standard of need for the month of March, nineteen hundred and ninety-two; provided further, that the department shall assure that eligibility is redetermined in the month of April for any applicant made eligible for assistance by virtue of said increase in the standard of need; provided further, that the department shall report to the house and senate committees on ways and means by May fifteenth, nineteen hundred and ninety-two the increase in cases made eligible by virtue of said increase in the standard of need, the number of cases redetermined pursuant to the requirements of this item and number of cases made eligible for continuing assistance by virtue of said increase beyond the month for which said nonrecurring clothing allowance was paid;.

SECTION 7. The last sentence of section 269 of said chapter 138 is hereby amended by striking out the words:- "nineteen hundred and ninety-one" and inserting in place thereof the following words:- "nineteen hundred and ninety-two".

SECTION 8. Section 46 of chapter 142 of the acts of 1991 is amended by striking the last sentence of the second paragraph and inserting in place thereof the following sentence:- The council shall file a copy of said study together with any proposed legislation with the Clerks of the House and Senate, by April 1, 1992; and provided further there shall be no implementation of said study without prior approval by the General Court.

SECTION 9. Section 51D of chapter 119 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the word "regional" appearing in lines 1, 3, 7, 14, and 51, and inserting in place thereof, in each instance, the word "area"; and by striking the third sentence of the first paragraph of said section 51D.

SECTION 10. The receiver for the city of Chelsea established by chapter two hundred of the acts of nineteen hundred and ninety-one shall provide to the house

and senate committees on ways and means a budget detailing all planned expenditures of state funds made available to said receiver by this act or any other act, and monthly expenditure reports listing the date, purpose, amount and recipient of all said state funds expended by the receiver in the previous month. Said budget shall be submitted no later than fifteen days after the enactment of this act, and said expenditure reports shall be submitted no later than ten days after the close of each calendar month. The first expenditure report submitted shall list the required information for all fund expended prior to the date of the report.

SECTION 11. Of the balance remaining in item 0321-1520 in said section 2 of said chapter 138, the amount of one million four hundred sixty-six thousand dollars is hereby transferred to item 0330-0400 of said section.

SECTION 12. This act shall take effect upon passage.

Approved February 14, 1992.

Chapter 4. AN ACT RELATIVE TO A CERTAIN COURT OFFICER OF THE SPRINGFIELD DISTRICT COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow certain employees to contribute vacation and personal days on behalf of a certain court officer of the Springfield district court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the Springfield district court is hereby authorized and directed to allow employees in the bargaining units represented by Local 254 S.E.I.U. and Local 6 O.P.E.I.U., and other employees of the Springfield district court, to voluntarily contribute one or more vacation or personal days to provide compensation for the period of employment of court officer Thomas J. Dalmolin while on sick leave from December thirty-first, nineteen hundred and ninety-one until the date of his death on January fifteenth, nineteen hundred and ninety-two. Said Thomas J. Dalmolin was unable to receive any compensation for this period of employment, because he had been compensated for all sick, personal and vacation days which had otherwise accrued for his benefit during his employment by December thirty-first, nineteen hundred and ninety-one.

Approved February 20, 1992.

Chapter 5. **AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN EMPLOYEE OF THE PROBATE AND FAMILY COURT DEPARTMENT 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 employee of the probate and family court department of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the probate and family court department of the trial court of the commonwealth is hereby authorized and directed to establish a sick leave bank for head procedures clerk, Beatrice L. Maguire, of the Bristol division of the probate and family court department. Each employee of the trial court of the commonwealth may voluntarily contribute one or more of his vacation or personal days to said bank for use by said Beatrice L. Maguire.

Approved March 4, 1992.

Chapter 6. **AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE TOWN OF WEYMOUTH.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the acceptance of the provisions of section twenty-two D of chapter thirty-two of the General Laws by the town of Weymouth, the retirement system of the town of Weymouth may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; provided, however, that notwithstanding such acceptance of said section twenty-two D, said retirement system shall not be subject to the provisions of paragraph (*e*) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (*i*) of paragraph (*c*) of

subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the retirement system of the town of Weymouth for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause *(i)*, shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before March fifteenth, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than March thirty-first, nineteen hundred and ninety-two.

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

Approved March 11, 1992.

Chapter 7. AN ACT ESTABLISHING CONGRESSIONAL DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. The General Court hereby finds and declares that on February twentieth, nineteen hundred and ninety-two a federal court decided *Commonwealth of Massachusetts et al. v. Mosbacher et al.* (Civil Action No. 91-11234-WD, D. MA.) In this case, a three judge panel directed the Commonwealth to certify a new congressional district plan for eleven congressional seats by March thirtieth, nineteen hundred and ninety-two.

Commonwealth v. Mosbacher was based on the finding that the United States Bureau of the Census improperly counted federal personnel living overseas in the 1990 federal decennial census for the purpose of apportioning population among the states. Inclusion of these personnel based on so-called "home of record" data caused Massachusetts to lose one congressional district in the original apportionment of the United States House of Representatives.

The court found that the inclusion these overseas personnel, based on such data, violated provisions of the federal Administrative Procedures act as arbitrary and capricious and an abuse of discretion.

SECTION 2. Chapter 57 of the General Laws is hereby amended by striking out section 1, as appearing in the 1990 Official Edition and inserting in place thereof the following section:-

Section 1. For the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of

political parties, until otherwise provided by law, the commonwealth is divided into the following eleven districts, each of which shall elect one representative:

NUMBER ONE - The Counties of Berkshire and Franklin; in the County of Hampden the cities of Holyoke and Westfield, and the towns of Agawam, Blandford, Chester, East Longmeadow, Granville, Hampden, Longmeadow, Montgomery, Russell, Southwick, Tolland, West Springfield, Wilbraham (including Precinct D, VTD 0785, Tract 813602, Blocks 303-306, 310-332, 504, 514, 920, 922, 923 and 935); in the County of Hampshire the towns of Amherst, Belchertown, Chesterfield, Cummington, Easthampton, Goshen, Granby, Hatfield, Huntington, Middlefield, Pelham, Plainfield, Southampton, Ware, Westhampton, Williamsburg and Worthington; in the County of Worcester the city of Gardner and the towns of Ashburnham, Athol, Phillipston, Royalston, Templeton and Winchendon.

NUMBER TWO - In the County of Hampden the cities of Chicopee and Springfield, and the towns of Brimfield, Holland, Ludlow, Monson, Palmer, Wales, Wilbraham (including Precinct A, VTD 0770; Precinct B, VTD 0775; Precinct C, VTD 0780; Precinct D, VTD 0785, Tract 813602, Block Group 2, Blocks 301, 302, 307-309, 502, 505-513, 918, 919 and 933); in the County of Hampshire the city of Northampton, and the towns of Hadley and South Hadley; in the County of Worcester the cities of Fitchburg and Leominster, and the towns of Barre, Brookfield, Charlton, Douglas, Dudley, East Brookfield, Hardwick, Hubbardston, New Braintree, Northbridge, North Brookfield, Oxford, Petersham, Southbridge, Spencer (including Precinct 1, VTD 0610, Tract 7261, Blocks 209, 210, 220, 221, 303, 314 and 322, and Tract 7262; Precinct 2, VTD 0615; Precinct 3, VTD 0620, Tract 7261, Block Group 4, Blocks 118, 119, 128, 129, 134, 139, 140, 508-518, 520, 522-532, and Tract 7262), Sturbridge, Uxbridge, Warren, Webster, West Brookfield and Westminster.

NUMBER THREE - In the County of Middlesex the city of Marlborough, and the towns of Ashland, Holliston, Hopkinton, Hudson, Sherborn, Stow (including VTD 2415, Tract 3231, Blocks 404-423, 431, 432, 434-439, 451-456, 505, 506A, 506B, and 508-529); in the County of Norfolk the towns of Bellingham, Franklin, Medway (including Precinct 1, VTD 0345, Tract 408101, Blocks 809, 810, 812-818, 820, and 903-907); in the County of Worcester the city of Worcester, and the towns of Auburn, Berlin, Blackstone, Bolton, Boylston, Clinton, Grafton, Harvard, Holden, Hopedale, Lancaster, Leicester, Mendon, Milford, Millbury, Millville, Northborough, Oakham, Paxton, Princeton, Rutland, Shrewsbury, Southborough, Spencer (including Precinct 1, VTD 0610, Tract 7261, Blocks 201-203, 204A, 204B, 205-208, 301, 302, 304-313, 316, 318-321; Precinct 3, VTD 0620, Tract 7261, Blocks 101-117, 120-127, 130-133, 135-138, 501-507, 519, 521, 533-535), Sterling, Sutton, Upton, Westborough, and West Boylston.

NUMBER FOUR - In the County of Bristol the cities of Attleboro, Fall River, and New Bedford (including Ward 1, Precinct A, VTD 0365, Precinct B, VTD 0370,

Precinct C, VTD 0375, Precinct D, VTD 0380, Precinct E, VTD 0385, Precinct F, VTD 0390, and Precinct G, VTD 0395; Ward 2, Precinct A, VTD 0400, Tract 6507, Precinct B, VTD 0405, Tract 6507, Block Groups 2 and 3, Blocks 101-104, Precinct C, VTD 0410, Precinct D, VTD 0415, Precinct E, VTD 0420, Precinct F, VTD 0425, Tract 6508, Blocks 102, 104, 106, 107, and 203-209, and Precinct G, VTD 0430; Ward 3, Precinct C, VTD 0445, Tract 650202, Blocks 612 and 613, and Precinct G, VTD 0465, Tract 6509, Blocks 403 and 404), and the towns of Dartmouth (including Ward 0, Precinct 1, VTD 0080, Tract 6531, Blocks 902-906, 908, 909, 925, 930-932, 937 and 938), Mansfield, North Attleborough, Norton, Rehoboth, Seekonk, Somerset, and Swansea; in the County of Middlesex the city of Newton; in the County of Norfolk the towns of Brookline, Dover, Foxborough, Medfield, Medway (including Precinct 1, VTD 0345, Tract 408101, Block Group 1, Blocks 801-808, 811, 819, 901 and 902, and Tract 408102; Precinct 2, VTD 0350, Precinct 3, VTD 0355), Millis, Norfolk, Plainville, Sharon, Walpole, Wellesley and Wrentham.

NUMBER FIVE - In the County of Essex the city of Lawrence and the towns of Andover, Boxford, Methuen and North Andover; in the County of Middlesex the city of Lowell, and the towns of Acton, Ashby, Ayer, Boxborough, Carlisle (including VTD 2395, Tract 3621, Blocks 909, 910, 912, 926, 927, 931, 933, 938, 939, 941-946, 948, 949, 951, 965-969, and Tract 363102), Chelmsford, Concord, Dracut, Dunstable, Framingham, Groton, Littleton, Maynard, Pepperell, Shirley, Stow (including VTD 2415, Tract 3221, Tract 3231 - including Block Groups 1, 2, 3 and 9, Blocks 401-403, 424-430, 433, 440-449, 450A, 450B, 501-504, and 507), Sudbury, Townsend, Tyngsborough, and Westford; in the County of Worcester the town of Lunenburg.

NUMBER SIX - In the County of Essex the cities of Beverly, Gloucester, Haverhill, Lynn, Newburyport, Peabody, and Salem, and the towns of Amesbury, Danvers, Essex, Georgetown, Groveland, Hamilton, Ipswich, Lynnfield, Manchester, Marblehead, Merrimac, Middleton, Nahant, Newbury, Rockport, Rowley, Salisbury, Saugus, Swampscott, Topsfield, Wenham, and West Newbury; in the County of Middlesex the towns of North Reading, Reading, and Wilmington (including Precinct 3, VTD 2255, Tract 331102, Block Group 3, Blocks 210, 211, 213, 215-222, 224-241, 243, 244, Tract 3313, Blocks 206, 209, 212, 214-220; Precinct 4, VTD 2260; Precinct 5, VTD 2265 and Precinct 6, VTD 2270).

NUMBER SEVEN - In the County of Middlesex the cities of Everett, Malden, Medford, Melrose, and Woburn, and the towns of Bedford, Billerica, Burlington, Carlisle (including VTD 2395, Tract 3621, Blocks 901-908, 911, 913-925, 928-930, 932, 934-937, 940, 947, 950, 952-964), Lexington, Lincoln, Natick (including Precinct 1, VTD 1510; Precinct 2, VTD 1515; Precinct 3, VTD 1520; Precinct 4, VTD 1525, Tract 3822, Block Group 4, Blocks 501-505 and Tract 3825 - including Block Group 3, Blocks 204-210, 212-216, 218, and 223; Precinct 5, VTD 1530; Precinct 8, VTD 1545, Tract 3824, Block Groups 2 and 3, Blocks 105-115, 121-123, Tract 3825

- including Block Group 3; Precinct 10, VTD 1555), Stoneham, Tewksbury, Wakefield, Wayland, Wilmington (including Precinct 1, VTD 2245, Precinct 2, VTD 2250, Precinct 3, VTD 2255, Tract 331102, Blocks 223 and 242, and Tract 3313 - including Blocks 201-204, 207, 208, and 221), and Winchester; in the County of Suffolk the cities of Chelsea and Revere, and the town of Winthrop.

NUMBER EIGHT - In the County of Middlesex the cities of Cambridge, Somerville, and Waltham, and the towns of Arlington, Belmont, Natick (including Precinct 4, VTD 1525, Tract 3822, Blocks 506-519, and Tract 3825 - including Blocks 211 and 217; Precinct 6, VTD 1535; Precinct 7, VTD 1540; Precinct 8, VTD 1545, Tract 3824, Blocks 101-104, and 119, and Tract 3825 - including Block Group 2; Precinct 9, VTD 1550), Watertown and Weston; in the County of Suffolk the city of Boston (including Ward 1, Precinct 1, VTD 0005, Precinct 2, VTD 0010, Precinct 3, VTD 0015, Precinct 4, VTD 0020, Precinct 5, VTD 0025, Precinct 6, VTD 0030, Precinct 7, VTD 0035, Precinct 8, VTD 0040, Precinct 9, VTD 0045; Precinct 10, VTD 0050, Precinct 11, VTD 0055, Precinct 12, VTD 0060, Precinct 13, VTD 0065, Precinct 14, VTD 0070; Ward 2, Precinct 1, VTD 0075, Precinct 2, VTD 0080, Precinct 3, VTD 0085, Precinct 4, VTD 0090, Precinct 5, VTD 0095, Precinct 6, VTD 0100, Precinct 7, VTD 0105; Ward 3, Precinct 5, VTD 0130; Ward 4, Precinct 1, VTD 0150, Precinct 2, VTD 0155, Precinct 3, VTD 0160, Precinct 4, VTD 0165, Precinct 5, VTD 0170, Precinct 6, VTD 0175, Precinct 7, VTD 0180, Precinct 8, VTD 0185, Precinct 9, VTD 0190, Precinct 10, VTD 0195; Ward 5, Precinct 1, VTD 0200, Precinct 2, VTD 0205, Precinct 3, VTD 0210, Precinct 4, VTD 0215, Precinct 5, VTD 0220, Precinct 6, VTD 0225, Precinct 7, VTD 0230, Precinct 8, VTD 0235, Precinct 9, VTD 0240, Precinct 10, VTD 0245; Ward 21, Precinct 1, VTD 1120, Precinct 2, VTD 1125, Precinct 3, VTD 1130, Precinct 4, VTD 1135, Precinct 5, VTD 1140, Precinct 6, VTD 1145, Precinct 7, VTD 1150, Precinct 8, VTD 1155, Precinct 9, VTD 1160, Precinct 10, VTD 1165, Precinct 11, VTD 1170, Precinct 12, VTD 1175, Precinct 13, VTD 1180, Precinct 14, VTD 1185, Precinct 15, VTD 1190, Precinct 16, VTD 1195; Ward 22, Precinct 1, VTD 1200, Precinct 2, VTD 1205, Precinct 3, VTD 1210, Precinct 4, VTD 1215, Precinct 5, VTD 1220, Precinct 6, VTD 1225, Precinct 7, VTD 1230, Precinct 8, VTD 1235, Precinct 9, VTD 1240, Precinct 10, VTD 1245, Precinct 11, VTD 1250, Precinct 12, VTD 1255, Precinct 13, VTD 1260; BOSTON WDXPCTX REM.CO. BOSTON HA, VTD 1430).

NUMBER NINE - In the County of Bristol the City of Taunton, and the towns of Berkley, Dighton, Easton (including Ward 0, Precinct 1, VTD 0130; Precinct 2, VTD 0135, Tract 6001, Blocks 212, 304-306, 308, 309, 314, 316, and 317, and Tract 600201, Precinct 3, VTD 0140, Tract 6001, Block 501, Tract 600201, and Tract 600202 - including Blocks 123-126; Precinct 4, VTD 0145, Tract 600201 and Tract 600202 - including Blocks 205, 206, 303, and 305-311; and Precinct 5, VTD 0150), and Raynham; in the County of Norfolk the towns of Canton, Dedham, Needham, Norwood, Stoughton, and Westwood; in the County of Plymouth the towns of

Bridgewater and Lakeville; in the County of Suffolk the city of Boston (including Ward 3, Precinct 1, VTD 0110, Precinct 2, VTD 0115, Precinct 3, VTD 0120, Precinct 4, VTD 0125, Precinct 6, VTD 0135, Precinct 7, VTD 0140, and Precinct 8, VTD 0145; Ward 6, Precinct 1, VTD 0250, Precinct 2, VTD 0255, Precinct 3, VTD 0260, Precinct 4, VTD 0265, Precinct 5, VTD 0270, Precinct 6, VTD 0275, Precinct 7, VTD 0280, Precinct 8, VTD 0285, and Precinct 9, VTD 0290; Ward 7, Precinct 1, VTD 0295, Precinct 2, VTD 0300, Precinct 3, VTD 0305, Precinct 4, VTD 0310, Precinct 5, VTD 0315, Precinct 6, VTD 0320, Precinct 7, VTD 0325, Precinct 8, VTD 0330, Precinct 9, VTD 0335, and Precinct 10, VTD 0340; Ward 8, Precinct 1, VTD 0345, Precinct 2, VTD 0350, Precinct 3, VTD 0355, Precinct 4, VTD 0360, Precinct 5, VTD 0365, Precinct 6, VTD 0370, and Precinct 7, VTD 0375; Ward 9, Precinct 1, VTD 0380, Precinct 2, VTD 0385, Precinct 3, VTD 0390, Precinct 4, VTD 0395, and Precinct 5, VTD 0400; Ward 10, Precinct 1, VTD 0405, Precinct 2, VTD 0410, Precinct 3, VTD 0415, Precinct 4, VTD 0420, Precinct 5, VTD 0425, Precinct 6, VTD 0430, Precinct 7, VTD 0435, Precinct 8, VTD 0440, and Precinct 9, VTD 0445; Ward 11, Precinct 1, VTD 0450, Precinct 2, VTD 0455, Precinct 3, VTD 0460, Precinct 4, VTD 0465, Precinct 5, VTD 0470, Precinct 6, VTD 0475, Precinct 7, VTD 0480, Precinct 8, VTD 0485, Precinct 9, VTD 0490, and Precinct 10, VTD 0495; Ward 12, Precinct 1, VTD 0500, Precinct 2, VTD 0505, Precinct 3, VTD 0510, Precinct 4, VTD 0515, Precinct 5, VTD 0520, Precinct 6, VTD 0525, Precinct 7, VTD 0530, Precinct 8, VTD 0535, and Precinct 9, VTD 0540; Ward 13, Precinct 1, VTD 0545, Precinct 2, VTD 0550, Precinct 3, VTD 0555, Precinct 4, VTD 0560, Precinct 5, VTD 0565, Precinct 6, VTD 0570, Precinct 7, VTD 0575, Precinct 8, VTD 0580, Precinct 9, VTD 0585, and Precinct 10, VTD 0590; Ward 14, Precinct 1, VTD 0595, Precinct 2, VTD 0600, Precinct 3, VTD 0605, Precinct 4, VTD 0610, Precinct 5, VTD 0615, Precinct 6, VTD 0620, Precinct 7, VTD 0625, Precinct 8, VTD 0630, Precinct 9, VTD 0635, Precinct 10, VTD 0640, Precinct 11, VTD 0645, Precinct 12, VTD 0650, Precinct 13, VTD 0655, and Precinct 14, VTD 0660; Ward 15, Precinct 1, VTD 0665, Precinct 2, VTD 0670, Precinct 3, VTD 0675, Precinct 5, VTD 0685, and Precinct 7, VTD 0695; Ward 17, Precinct 1, VTD 0770, Precinct 2, VTD 0775, Precinct 3, VTD 0780 - including Tract 0920, Tract 0922, Blocks 503-507, Tract 0923, and Tract 1005, Precinct 5, VTD 0790, Precinct 6, VTD 0795, Tract 0922, Block 406, Precinct 7, VTD 0800, Precinct 8, VTD 0805, Precinct 10, VTD 0815; Ward 18, Precinct 2, VTD 0845, Precinct 3, VTD 0850, Precinct 4, VTD 0855, Precinct 5, VTD 0860, Precinct 6, VTD 0865, and Precinct 21, VTD 0940; Ward 19, Precinct 1, VTD 0955, Precinct 2, VTD 0960, Precinct 3, VTD 0965, Precinct 4, VTD 0970, Precinct 5, VTD 0975, Precinct 6, VTD 0980, Precinct 7, VTD 0985, Precinct 8, VTD 0990, Precinct 9, VTD 0995, Precinct 10, VTD 1000, Precinct 11, VTD 1005, Precinct 12, VTD 1010, and Precinct 13, VTD 1015; Ward 20, Precinct 1, VTD 1020, Precinct 2, VTD 1025, Precinct 3, VTD 1030, Precinct 4, VTD 1035, Precinct 5, VTD 1040, Precinct 6, VTD 1045, Precinct 7, VTD 1050, Precinct 8, VTD 1055, Precinct 9, VTD 1060, Precinct 10, VTD 1065, Precinct 11,

VTD 1070, Precinct 12, VTD 1075, Precinct 13, VTD 1080, Precinct 14, VTD 1085, Precinct 15, VTD 1090, Precinct 16, VTD 1095, Precinct 17, VTD 1100, Precinct 18, VTD 1105, Precinct 19, VTD 1110, and Precinct 20, VTD 1115.

NUMBER TEN - The County of Barnstable; in the County of Bristol the city of New Bedford (including Ward 2, Precinct A, VTD 0400, Tract 6512, Precinct B, VTD 0405, Tract 6507, Block 108, Precinct F, VTD 0425, Tract 6508, Block Group 3, and Blocks 103 and 201, and Tract 6512; Ward 3, Precinct A, VTD 0435, Precinct B, VTD 0440, Precinct C, VTD 0445, Tract 650202, Blocks 620 and 621, Tract 6508, Tract 6509, and Tract 6512, Precinct D, VTD 0450, Precinct E, VTD 0455, Precinct F, VTD 0460, and Precinct G, VTD 0465, Tract 6509, Block Groups 2 and 3, Blocks 401, 402, 405, 408, and 412-417, and Tract 651001; Ward 4, Precinct A, VTD 0470, Precinct B, VTD 0475, Precinct C, VTD 0480, Precinct D, VTD 0485, Precinct E, VTD 0490, Precinct F, VTD 0495, and Precinct G, VTD 0500; Ward 5, Precinct A, VTD 0505, Precinct B, VTD 0510, Precinct C, VTD 0515, Precinct D, VTD 0520, Precinct E, VTD 0525, Precinct F, VTD 0530, and Precinct G, VTD 0535; Ward 6, Precinct A, VTD 0540, Precinct B, VTD 0545, Precinct C, VTD 0550, Precinct D, VTD 0555, Precinct E, VTD 0560, Precinct F, VTD 0565, and Precinct G, VTD 0570), and the towns of Dartmouth (including Ward 0, Precinct 1, VTD 0080, Tract 6531, Block Group 6, Blocks 907, 910-915, 923, 924, 934-936, 939-942, 947-952, Precinct 2, VTD 0085, Precinct 3, VTD 0090, Precinct 4, VTD 0095, Precinct 5, VTD 0100, Precinct 6, VTD 0105, Precinct 7, VTD 0110, Precinct 8, VTD 0115, Precinct 9, VTD 0120, and Precinct 10, VTD 0125), Fairhaven, and Westport; the County of Dukes; the County of Nantucket; in the County of Norfolk the town of Cohasset; in the County of Plymouth the towns of Duxbury, Hanover, Hanson, Hingham, Hull, Kingston, Marion, Marshfield, Mattapoisett, Norwell, Pembroke, Plymouth, Plympton (including VTD 0640, Tract 5431, Blocks 214-216, and 218-221), Scituate and Wareham.

NUMBER ELEVEN - In the County of Bristol the towns of Acushnet, Easton (including Ward 0, Precinct 2, VTD 0135, Tract 6001, Blocks 201-211, 213-216, 227, 228, 303, 307, 315 and 322, and Tract 600202, Precinct 3, VTD 0140, Tract 6001, Blocks 502-505, Tract 600202 - including Blocks 101-112, 114, 115, 120-122, 127, and 128, Precinct 4, VTD 0145, Tract 600202, Blocks 201-204, 301, 302 and 304), and Freetown; in the County of Norfolk the city of Quincy, and the towns of Avon, Braintree, Holbrook, Milton, Randolph and Weymouth; in the County of Plymouth the city of Brockton and the towns of Abington, Carver, East Bridgewater, Halifax, Middleborough, Plympton (including VTD 0640, Tract 5431, Block Group 1, Blocks 201-213, 217, and 222-232), Rochester, Rockland, West Bridgewater and Whitman; in the County of Suffolk the city of Boston (including Ward 15, Precinct 4, VTD 0680, Precinct 6, VTD 0690, Precinct 8, VTD 0700, and Precinct 9, VTD 0705; Ward 16, Precinct 1, VTD 0710, Precinct 2, VTD 0715, Precinct 3, VTD 0720, Precinct 4, VTD 0725, Precinct 5, VTD 0730, Precinct 6, VTD 0735, Precinct 7, VTD 0740,

Precinct 8, VTD 0745, Precinct 9, VTD 0750, Precinct 10, VTD 0755, Precinct 11, VTD 0760, and Precinct 12, VTD 0765; Ward 17, Precinct 3, VTD 0780, Tract 0922, Block Group 2, Block 508, Precinct 4, VTD 0785, Precinct 6, VTD 0795, Tract 0922, Block Groups 3 and 5, Blocks 401-405, and 407, and Tract 1005, Precinct 9, VTD 0810, Precinct 11, VTD 0820, Precinct 12, VTD 0825, Precinct 13, VTD 0830, and Precinct 14, VTD 0835; Ward 18, Precinct 1, VTD 0840, Precinct 7, VTD 0870, Precinct 8, VTD 0875, Precinct 9, VTD 0880, Precinct 10, VTD 0885, Precinct 11, VTD 0890, Precinct 12, VTD 0895, Precinct 13, VTD 0900, Precinct 14, VTD 0905, Precinct 15, VTD 0910, Precinct 16, VTD 0915, Precinct 17, VTD 0920, Precinct 18, VTD 0925, Precinct 19, VTD 0930, Precinct 20, VTD 0935, Precinct 22, VTD 0945, Precinct 23, VTD 0950.

For the purposes of this section, the following words shall have the following meanings:-

"Voting tabulation districts" or "VTD", areas identified by the state to the United States Bureau of the Census as a voting district.

"Tract", a large statistical area used by the United States Bureau of the Census. A tract is a large group of blocks.

"Block group", a set of census blocks identified by the same first digit.

"Blocks", the smallest census reporting area.

In the event of a discrepancy in congressional district descriptions between references to wards and precincts and "VTD", the "VTD" references shall govern.

SECTION 2A. Any costs incurred by the various cities and towns due to revisions of the new congressional districts contained in section two shall be borne by the commonwealth.

SECTION 3. To meet the strict federal constitutional standard of population equality between congressional districts, it was necessary to split voting precincts in some cities and towns into more than one congressional district. Since this poses significant problems for local election administration, as few precincts as possible were split to meet the strict one person, one vote standard therefore every city or town which contains a voting precinct located in more than one congressional district shall divide that precinct along the congressional district boundary into two precincts, or aggregate a portion of that precinct with a contiguous precinct in the same city or town and in that congressional district. Any such resulting precinct or precincts shall be exempt from the provisions of sections one, two, and six of chapter fifty-four of the General Laws, and shall not be used for elections of members of a representative town meeting. If the polling place for such a new precinct is located in the same building, as for an existing precinct, no additional election officers need be appointed for such new precinct. Each city or town required by this section to create a precinct or aggregate a voting precinct shall, no later than April first, nineteen hundred and ninety-two, complete this re-precincting process by vote of its city council or board of selectmen, and provide written notice

to the state secretary of the number of precincts and aggregate precincts provided for in this section.

SECTION 4. The supreme judicial court shall have jurisdiction of any petition for a writ of mandamus relative to the establishment of congressional districts under section two of this act.

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

Approved March 11, 1992.

Chapter 8. AN ACT RELATIVE TO THE PRIORITY STATUS OF COMMON EXPENSE LIENS IN CONDOMINIUMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately clarify the priority status of common expense liens in condominiums, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The first paragraph of paragraph (c) of section 6 of chapter 183A of the General Laws, as appearing in section 1 of chapter 554 of the acts of 1991, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such lien shall have priority over all other liens, except municipal liens and first mortgages of record.

Approved March 18, 1992.

Chapter 9. AN ACT AUTHORIZING THE TOWN OF NATICK TO BORROW MONEY FOR REMOVAL OF UNDERGROUND FUEL STORAGE TANKS AND RELATED COSTS.

Be it enacted, etc., as follows:

SECTION 1. The town of Natick is hereby authorized to borrow from time to time such sums of money as may be necessary, not to exceed an aggregate amount of three million dollars, for the purpose of removing certain residential underground fuel storage tanks and contaminated soil, providing for the lawful disposition of such soil material that can be used for road paving or other suitable purposes, and installation of replacement water mains, and may issue bonds or notes therefor. Each authorized issue shall constitute a separate loan and each such loan shall be payable within twenty years from its date. Indebtedness incurred

under this act shall not be included in determining the limit of indebtedness of said town under section ten of chapter forty-four of the General Laws except as provided herein but shall otherwise be subject to the provisions of said chapter forty-four.

SECTION 2. The board of selectmen of the town of Natick may levy betterment assessments upon the owners of the residential properties from which underground fuel storage tanks are removed in accordance with the provisions of chapter eighty of the General Laws for the purpose of paying all or any portion of the costs to be financed under the provisions of section one, notwithstanding any limitation in chapter eighty-three or any other provisions of the General Laws limiting the amount of costs of any particular improvements that may be paid by the board of selectmen on the basis of the allocable cost attributed to each such parcel of residential property.

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

Approved March 20, 1992.

Chapter 10. AN ACT RELATIVE TO THE PRACTICE OF NURSING.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (g) of section 7 of chapter 94C of the General Laws, as appearing in section 1 of chapter 445 of the acts of 1991, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The commissioner shall promulgate regulations which provide for the registration of nurse practitioners and for psychiatric nurse mental health clinical specialists, as defined in section eighty B of chapter one hundred and twelve, to issue written prescriptions for patients pursuant to guidelines mutually developed and agreed upon by the nurse and supervising physician under regulations approved by the board of registration in nursing and the board of registration in medicine. 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 nurse practitioners and psychiatric nurse mental health clinical specialists may be registered.

SECTION 2. Said paragraph (g) of said section 7 of said chapter 94C, as so appearing, is hereby further amended by striking out, in line 34, the word "ninety I" and inserting in place thereof the following word:- nine I.

SECTION 3. Paragraph (a) of section 9 of said chapter 94C, as appearing in section 2 of said chapter 445, is hereby amended by inserting after the word

"practitioner", in line 1, the following words:- and psychiatric nurse mental health clinical specialist,.

SECTION 4. Paragraph (b) of said section 9 of said chapter 94C, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Notwithstanding the provisions of section seventeen, a physician, physician assistant, dentist, podiatrist, certified nurse-midwife, nurse practitioner, psychiatric nurse mental health clinical specialist or veterinarian who is registered pursuant to the provisions of section seven, when acting in good faith and in the practice of medicine, dentistry, podiatry, nurse-midwifery or veterinary medicine, or a nurse, when authorized by a physician, dentist, podiatrist, nurse practitioner, physician assistant, certified nurse-midwife, psychiatric nurse mental health clinical specialist or veterinarian in the course of said nurse's professional practice, may dispense by delivering to an ultimate user, a controlled substance in a single dose or in such quantity as is, in the opinion of such physician, dentist, podiatrist, nurse practitioner, physician assistant, certified nurse-midwife, psychiatric nurse mental health clinical specialist or veterinarian, essential for the 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 controlled substances required by the patient as part of such treatment shall be dispensed by prescription to such ultimate user in accordance with the provisions of this chapter.

SECTION 5. Said section 9 of said chapter 94C is hereby further amended by striking out paragraph (c), as so appearing, and inserting in place thereof the following paragraph:-

(c) A nurse who has obtained from a physician, dentist, physician assistant, podiatrist, certified nurse-midwife, nurse practitioner, psychiatric nurse mental health clinical specialist or veterinarian, a controlled substance for dispensing to an ultimate user, pursuant to the provisions of paragraph (b) or for administration to a patient pursuant to the provisions of paragraph (a), during the absence of such physician, physician assistant, dentist, podiatrist, certified nurse-midwife, nurse practitioner, psychiatric nurse mental health clinical specialist or veterinarian shall return to such physician, physician assistant, dentist, podiatrist, certified nurse-midwife, nurse practitioner, psychiatric nurse mental health clinical specialist or veterinarian any unused portion of such substance which is no longer required by the patient.

SECTION 6. Paragraph (d) of said section 9 of said chapter 94C, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "or certified nurse-midwife" and inserting in place thereof the words:- certified nurse-midwife, nurse practitioner or psychiatric nurse mental health clinical specialist.

SECTION 7. Paragraph (e) of said section 9 of said chapter 94C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of paragraph (b), a physician, nurse practitioner, physician assistant, or certified 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 such physician, nurse practitioner, physician assistant or certified nurse-midwife, may lawfully dispense controlled substances pursuant to Schedule VI to recipients of such 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.

SECTION 8. Section 80B of chapter 112 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "practitioner", in lines 39 and 61, each time it appears, the words:- psychiatric nurse mental health clinical specialist,.

SECTION 9. Said chapter 112 is hereby further amended by striking out section 80E, as so appearing, and inserting in place thereof the following section:-

Section 80E. A nurse practitioner or psychiatric nurse mental health clinical specialist may issue written prescriptions and order tests and therapeutics pursuant to guidelines mutually developed and agreed upon by the nurse 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. A prescription made by a nurse practitioner or psychiatric nurse mental health clinical specialist shall include the name of the physician with whom such nurse has developed and signed mutually agreed upon guidelines approved by said board and said board of registration in medicine pursuant to section eighty B.

Approved March 24, 1992.

Chapter 11. AN ACT PLACING THE OFFICE OF CHIEF OF POLICE OF THE CITY OF PITTSFIELD UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and four of the acts of nineteen hundred and eighty-one is hereby repealed.

SECTION 2. The office of chief of police of the city of Pittsfield shall be subject to the provisions of chapter thirty-one of the General Laws.

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

Approved March 27, 1992.

Chapter 12. AN ACT DESIGNATING A CERTAIN INTERSECTION IN THE CITY OF CAMBRIDGE AS THE MAJOR GENERAL JOHN F. CREMENS PARK.

Be it enacted, etc., as follows:

The intersection of the Fresh Pond parkway at Vassal lane in the city of Cambridge shall be designated and known as the Major General John F. Cremens park in honor of Major General John F. Cremens. The metropolitan district commission shall erect a suitable marker thereat bearing such designation in compliance with the standards of said commission.

Approved April 2, 1992.

Chapter 13. AN ACT ESTABLISHING THE POSITION OF TOWN ADMINISTRATOR FOR THE TOWN OF NAHANT.

Be it enacted, etc., as follows:

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

SECTION 2. When used in this act the words "officers" and "officials" shall mean those positions which the board of selectmen have the power of appointment to on the effective date of this act.

SECTION 3. Upon the initial appointment or a vacancy in the office of town administrator the town moderator shall forthwith advertise for applicants to serve on a committee to be known as the town administrator search committee. Said committee shall consist of nine residents of the town of Nahant to be appointed by the town moderator, three of whom shall be selected by the board of selectmen, one of whom shall be selected by the advisory and finance committee, and one of whom shall be selected by the town personnel committee. In its search for a town administrator said committee shall advertise in the International City Management Newsletter or similar professional publications and in at least one newspaper

having state wide circulation and one newspaper having regional circulation as well as one newspaper having national circulation. Said committee shall screen all applicants for the town administrator position and shall submit at least three applicants to the board of selectmen for their consideration. The committees duties shall terminate on the appointment of a town administrator.

SECTION 4. Upon submission of applicants by the search committee, the board of selectmen shall, by majority vote, appoint, as soon as practicable, for a term of at least three years, a town administrator who shall be qualified by education, training and previous full-time experience to perform the duties of the office and at a minimum shall possess a college degree at the bachelor level. The town administrator shall be appointed without regard to political designation, age, race, creed, color, national origin, or gender and need not be a resident of the town or the commonwealth when appointed. The town administrator shall be appointed solely on the basis of executive and administrative qualifications. The administrator shall be a person of proven professional ability, especially fitted by education, training and previous experience in municipal or private administration to perform the duties of the office. Such experience shall include a minimum of five years full-time paid experience. No person holding elective office in the town shall, within three years of holding such office, be eligible for appointment as town administrator. The town may, by by-law, from time to time, establish such additional qualifications or duties as necessary and appropriate. Before entering upon the duties of the office, the administrator shall be sworn to the faithful and impartial performance thereof by town clerk or a notary public, and 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 5. The town administrator 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.

SECTION 6. Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen in accordance with the provisions of this act. Pending the appointment of a town administrator or the filling of any vacancy therefor, 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.

The board of selectmen shall designate a qualified person to serve as acting town administrator and to perform the duties of the office during any period of any vacancy exceeding thirty days, caused by the administrator's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed one hundred and eighty days. This section shall not pertain to the initial vacancy or appointment to the position established by the provisions of this act.

SECTION 7. The town administrator may designate, for a period of thirty days or less, 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 8. The board of selectmen may remove the town administrator in accordance with the provisions of this act. 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 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 9. The town administrator shall appoint all town officials whose appointment on the effective date of this act is the responsibility of the board of selectmen and is not specifically provided for herein. The town administrator shall appoint with approval of the board of selectmen, and may remove with the 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 thirtieth day following the day the notice of appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period vote to accept or reject any such appointment.

SECTION 10. In addition to general powers and duties provided in this act, the town administrator shall have the following powers and duties:-

(*a*) The town administrator shall attend all regular meetings of the board of selectmen 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. 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 responsible for administration of the personnel plan including annual personnel evaluation policies, practices, enforcement of labor contracts, labor relations, collective bargaining and state and federal equal opportunity law compliance functions of the town except functions of the school department, library, or housing authority.

(*d*) The town administrator shall keep full and complete records of the office and annually submit to the board of selectmen, unless requested to do so more frequently, a full written report of the operations of the office of town administrator to be included in the annual town report. The town administrator may also prepare reports to boards and committees and for town meeting.

(*e*) The town administrator shall be the chief budget officer of the town, and shall cause to be prepared and submit to the board of selectmen, an operating and capital improvement budget and a five year financial plan.

(*f*) The town administrator may remove all officers and employees of the town. Town officers and employees not subject to the provision 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.

(*g*) The town administrator shall coordinate the efficient operation of all departments, committees, boards and officers, except the board of selectmen. The administrator shall not exercise any control over the discretionary power vested by statute in any such board, committee, commission or officer.

(*h*) The town administrator shall keep the board of selectmen fully advised as to the needs of the town and shall recommend to the board of selectmen for adoption such measures requiring action by them or by the town meeting as he may deem necessary or expedient.

(*i*) The town administrator shall have the responsibility over the rental and use of all property controlled by the board of selectmen controlled on the effective date of this act, with approval of said board of selectmen except that property under the jurisdiction of the school department, library, or housing authority.

(*j*) The town administrator shall be responsible for the purchase of all supplies and materials and equipment and awarding of contracts for same, except those intended for the school department or for the library, and shall coordinate the award of all such contracts for all departments of the town. The town administrator may make purchases for departments not under his supervision only upon and in accordance with requisitions duly signed by the heads of such departments.

(*k*) 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.

(*l*) 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.

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

(*n*) The town administrator shall oversee the implementation of town meeting votes and shall report annually in writing to the town meeting on the implementation of prior town meeting votes.

(*o*) 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.

(*p*) The town administrator, with the approval of the board of selectmen and in accordance with the provisions of this act, 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.

(*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 11. 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 and shall report his findings and any action to be taken to the board of selectmen. The town administrator shall have access to all town books and papers for information necessary for the proper performance of his duties.

SECTION 12. 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 Nahant 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 13. Upon acceptance of this act by the town of Nahant but prior to the initial appointment of the town administrator the board of selectmen are hereby empowered to perform the duties of the town administrator authorized herein.

SECTION 14. This act shall be effective upon its acceptance by a vote of the town of Nahant at an annual or special town meeting in accordance with the

provisions in section four of chapter four of the General Laws.

If this act is not accepted in the year nineteen hundred and ninety-two it shall again be submitted at an annual or special town meeting in the year nineteen hundred and ninety-three and if accepted shall take full effect, but not otherwise.

Approved April 7, 1992.

Chapter 14. **AN ACT RELATIVE TO THE MEMBERSHIP OF THE FINANCE COMMITTEE AND THE APPOINTMENT OF TREE WARDEN IN THE TOWN OF EASTON.**

Be it enacted, etc., as follows:

SECTION 1. Section 3-5 of article 3 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 striking out subsection (*a*) and inserting in place thereof the following subsection:-

(*a*) *Composition, Term of Office*- There shall be a finance committee consisting of nine members, who shall be elected by the voters for three year terms, such that the term of office of three members shall expire each year.

SECTION 2. Subsection (*d*) of section 8-6 of article 8 of said charter is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The town administrator of the town of Easton shall appoint to the office of tree warden for a three year term of office, and the town shall adopt a by-law providing for such appointment, and setting forth the powers and duties of such office.

Approved April 7, 1992.

Chapter 15. **AN ACT RELATIVE TO THE DISCONTINUANCE OF MOBILE HOME PARKS IN THE TOWN OF WEST BRIDGEWATER.**

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and ninety-three of the acts of nineteen hundred and eighty-six is hereby repealed.

SECTION 2. The general court finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the town of West Bridgewater, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of

mobile home parks located therein and by the threatened discontinuance of the use of certain mobile home parks by the owners thereof; that unless mobile home park rents and evictions of tenants and the discontinuance of mobile home parks are regulated and controlled, such emergency will produce serious threats to the public safety, health and general welfare of the citizens of West Bridgewater and will produce a drastic loss of housing units, will increase homelessness and will cause the loss of many residents' life savings, especially the elderly.

SECTION 3. The town of West Bridgewater may, by the adoption of by-laws, regulate rents for the use or occupancy of mobile home park accommodations in said town, regulate the discontinuance of mobile home parks, establish a rent control board for the purpose of regulating rents, minimum standards for the use or occupancy of mobile home park accommodations and the evictions of tenants therefrom and may, by its by-laws, require registration of owners of the mobile home park accommodations. Such rents, standards and evictions may be regulated by the rent control board so as to remove hardships, or correct inequities for both the owner and the tenants of such mobile home park accommodations. The rent control board shall have all powers necessary or convenient to perform its functions, may make rules and regulations, require registration by owners of mobile home park accommodations, obtain information, under penalty of perjury, relating to the mobile home park accommodations, sue and be sued, compel the attendance of persons and the production of papers and information, issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations. Violations of any by-laws adopted pursuant to this act or any order of said rent control board shall be punishable by a fine of not more than one thousand dollars for any one offense.

SECTION 4. In regulating such rents, the mobile home rent control board established under section three may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for mobile home park accommodations in the town are established at levels which yield to owners a fair net operating income for such units. Fair net operating income shall be that income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the board on the basis of evidence presented before it, deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as said board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

The town in its by-laws, or the mobile home rent control board by regulation, may establish further standards and rules consistent with this act.

SECTION 5. The town may by its by-laws regulate the evictions of tenants and

the mobile home rent control board, established under the provisions of section three, shall issue orders which may be a defense to an action of summary process for possession, and such orders shall be reviewable pursuant to sections three and four.

SECTION 6. (*a*) The town may by its by-laws regulate the discontinuance of the use of part or all of the land owned and licensed as a mobile home park. As used in this act, the term "discontinuance" shall mean any change of use or discontinuance of the use of part or all of the land owned and licensed as a mobile home park requiring a two year notice pursuant to subsection 8 of section thirty-two L of chapter one hundred and forty of the General Laws. The term "discontinuance" shall include, but not be limited to, the licensee's conversion of the mobile home park or part thereof to a condominium or cooperative corporation.

(*b*) It shall be unlawful for any person to discontinue the use of part or all of the land owned and licensed as a mobile home park without having first obtained a discontinuance permit from the board of selectmen subject to the provisions contained in this act.

(*c*) The board of selectmen shall consider an application for a discontinuance permit upon receipt of such application from the licensee or other authorized person. The board of selectmen shall forward such application within fourteen days to the rent control board.

(*d*) The rent control board shall schedule a public hearing within sixty-five days of its receipt of the application. Notice of the time and place of such public hearing and of the subject matter thereof, sufficient for identification, shall be published in a newspaper of general circulation in the town of West Bridgewater once in each of two successive weeks, the first publication to be not less than fourteen days before the date of the public hearing, and shall be posted in a conspicuous place in the town hall for a period of not less than fourteen days before the day of such hearing. The rent control board shall also notify all tenants living in the affected mobile home park accommodations of the time, place and subject matter of the public hearing. No defect in the form of any notice under this section shall invalidate any grant or denial of a discontinuance permit unless such defect is found to be misleading.

(*e*) No vote shall be taken by the board of selectmen to grant or deny a discontinuance permit until a report with recommendations by the rent control board has been submitted to the board of selectmen or twenty-one days shall have elapsed after such hearing without the submission of such report. After receipt of such report or after twenty-one days shall have elapsed after such hearing without the submission of such report, the board of selectmen may vote to grant or deny the discontinuance permit. If the board of selectmen fails to vote on the discontinuance permit within ninety days after such hearing, no action shall be

taken thereon until after a subsequent public hearing is held with notice and report as provided for above.

(*f*) No discontinuance permit may be granted except by a majority vote of the board of selectmen.

(*g*) Notwithstanding any other provision of this section, the mobile home rent control board may, without holding a hearing, recommend the denial of a discontinuance permit if a decision has been made with regard to the discontinuance of a mobile home park within the preceding twelve months, and if the park licensee fails in the new application to allege a substantial change of circumstances since the previous hearing which would merit the hearing of new evidence by said board. In addition, said board may recommend denial of the discontinuance permit without holding a hearing if the application is not in conformance with the requirements of this section or other applicable regulations.

(*h*) In determining whether to recommend that the board of selectmen grant or deny a discontinuance permit, the mobile home rent control board shall consider the aggravation of the shortage of safe, decent and affordable mobile home park accommodations in the town of West Bridgewater which may result from the discontinuance, especially for tenants of low and moderate income and handicapped or elderly persons on fixed incomes. In making such determination, the mobile home rent control board shall make findings of the following factors:

(1) the benefits and detriments to the persons whom this act and this section seek to protect;

(2) the hardships imposed on the tenant residing in the mobile home park accommodations proposed to be discontinued;

(3) circumstances demonstrating hardship and inequity to the licensee seeking a discontinuance permit;

(4) the rate of vacancy of mobile home park accommodations in the town of West Bridgewater at the time the licensee applies for a discontinuance permit and the average rental rates for the available accommodations;

(5) the availability of land zoned and otherwise suitable for the development or expansion of mobile home parks.

The mobile home rent control board in its discretion may also review other relevant factors in making its report and recommendations.

For purposes of this act the "vacancy rate" shall be defined as that percentage of the mobile home park accommodations which are empty of mobile homes and are offered for rental to mobile home tenants. Further, to be considered a "vacancy" the rental offer of the mobile home park accommodation must be without entrance fee; without restrictions as to the age, size or character of the mobile home; and without a requirement that the prospective tenant purchase a mobile home from the park owner.

In its report, the mobile home rent control board shall determine the current

vacancy rate for comparable mobile home park accommodations in the town of West Bridgewater. Any parties involved may submit evidence to said board at the public hearing.

(i) The licensee or applicant seeking a discontinuance permit must make application to the board of selectmen for such permit within thirty days of serving the tenants with the notices required under the provisions of subsection 8 of section thirty-two L of chapter one hundred and forty of the General Laws.

(j) No eviction certificate shall be issued by the mobile home rent control board because of the discontinuance of the use of all or a part of a mobile home park unless a discontinuance permit has been issued by the board of selectmen.

SECTION 7. *(a)* The provisions of chapter thirty A of the General Laws shall be applicable to the mobile home rent control board established under the provisions of section three, as if said board were an agency of the commonwealth, including those provisions giving agencies the powers to issue, vacate, modify and enforce subpoenas and those provisions relating to judicial review of an agency order.

(b) The provisions of chapter thirty A of the General Laws relating to judicial review of an agency order shall be applicable to a decision and order of the board of selectmen granting or denying a discontinuance permit under the provisions of section six herein.

SECTION 8. The Brockton division of the district court department shall have original jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to section fourteen of chapter thirty A of the General Laws.

The superior court department shall have jurisdiction to enforce the provisions of this act and any by-laws adopted thereunder and may restrain violations thereof.

Approved April 10, 1992.

Chapter 16. AN ACT FURTHER REGULATING HOME IMPROVEMENT CONTRACTORS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate home improvement contractors, therefore 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 453 of the acts of 1991 is hereby amended by adding the following section:-

Section 2. This act shall take effect on July first, nineteen hundred and

ninety-two.

SECTION 2. The provisions of this act shall take effect as of March twenty-ninth, nineteen hundred and ninety-two.

Approved April 10, 1992.

Chapter 17. AN ACT RELATIVE TO FINANCIAL CONDITIONS IN THE CITY OF LOWELL.

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 Lowell, acting by and through its City of Lowell Finance Advisory Board, established by section three, is hereby authorized to borrow, at one time or from time to time, such sums, as are approved by the city manager and the city council of said city, and thereafter deemed appropriate by said Board, to maintain and operate said city while it adjusts the level of its expenses and revenues so as to achieve balanced budgets and fiscal stability; provided, however, that said Board shall have authority hereunder to limit such borrowing to an amount or amounts less than the total amount or amounts approved by the city manager and city council. Bonds or notes issued under authority of this act for operating purposes may be issued for a term not in excess of ten years and shall be backed by the full faith of the city of Lowell; such bonds or notes shall be eligible to be issued as qualified bonds pursuant to chapter forty-four A of the General Laws.

SECTION 2. All proceeds of any loan authorized by section one shall be deposited in a separate fund which shall be set up on the books of the city of Lowell and maintained separate and apart from all other funds and accounts of said city. Such fund shall be called the "City of Lowell Finance Advisory Fund", hereinafter referred to as the Fund. The city manager, with the approval of the City of Lowell Finance Advisory Board, as established by section three, may authorize disbursements from the Fund for such operating purposes as the city manager deems appropriate to maintain and continue city operations. If said 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. Said 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 Lowell the City of Lowell Finance Advisory 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 Lowell; and the city manager. Said Board shall initiate and assure the implementation of appropriate initiatives to secure the financial stability of the city of Lowell, and shall continue in existence until June thirtieth, nineteen hundred and ninety-three unless the members, after consideration of the recommendation of the city council should they so choose to offer one, by majority vote shall annually vote to continue the operation of said Board from year to year.

Until such time as the City of Lowell Finance Advisory Board shall cease to exist, no appropriation, loan order or transfer shall take effect until approved by said 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, said Board shall have the following authority:

(*a*) The authority, subject to the express delegation thereof by the city manager and by the city council by majority vote, to amend at any time any appropriation, loan order, transfer or municipal spending authority. The authority 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 authority 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 authority under this clause, said Board may act with respect to municipal spending purposes which are not the subject of separately identified appropriations. The authority of said Board under this clause shall not be subject to the limitations of section thirty-three B of chapter forty-four of the General Laws.

(*b*) If there is no annual budget lawfully established for a fiscal year by the first day of such fiscal year, the authority, subject to the express delegation thereof by the city manager and 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 authority, subject to the express delegation thereof by the city manager, and 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 said 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 authority, the independent authority, subject to the express delegation thereof by the city manager and 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 city manager and city council at least forty-five days before the effective date of such action.

Action by said Board, under authority of this act, shall in all respects constitute valid and lawful action by the city for purposes of chapters forty, forty-one, forty-four and fifty-nine of the General Laws and for all municipal finance and other matters.

In each year during which said Board continues in existence, the city manager shall, at the same time as the annual budget is submitted to the city council, provide to said Board a copy of the proposed annual budget together with a supporting revenue and expenditure statement in such detail as said Board may prescribe. Said 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 Lowell, said Board may also require the filing of a detailed annual work plan by each municipal department which shall be approved by the city manager, setting forth certain actions which may be implemented by each such department through its department head to ensure greater efficiency in the delivery of services by the city of Lowell.

Each work plan shall be in such detail as said 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 year nineteen hundred and ninety-three, and for such other fiscal years for which said 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 prior to submission to said Board.

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

Said Board shall have full authority to waive any reporting or filing requirements contained in this section.

Said Board may prepare such reports of its findings and review and issue such recommendations for further action to the city manager, city council, municipal department heads or agencies of the commonwealth as said Board determines appropriate. Members of said Board who are employees or officers of the commonwealth or the city of Lowell shall serve without compensation. Said Board may establish compensation, subject to the aforementioned limitations, for members of said Board; provided, however, that no such compensation shall become effective unless and until approved by the commissioner of administration and finance; and provided, further, that to the extent that such compensation is to be paid from city funds, the amount of such compensation shall be approved by

a majority vote of the city council. Said 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. School department budgets, expenditures and other financial matters requiring action by the city council shall be submitted to the city manager for review and comment after they have been acted upon by the school committee.

SECTION 5. The city auditor of the city of Lowell 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 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 city manager.

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; or (*ii*) any actions with respect to temporary or permanent indebtedness.

SECTION 6. Notwithstanding any general or special law, city charter provision or local ordinance to the contrary, but subject to the provisions of section twenty-on e C of chapter fifty-nine of the General Laws, the city of Lowell shall establish a special reserve fund for extraordinary or unforeseen expenditures, which fund shall be called 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-three 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-three 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-four 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-five 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 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-six 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-seven 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 city manager with the approval of the city council, and provided further that if the City of Lowell Finance Advisory 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 city manager 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 hereinabove 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.

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. While said Board remains in existence, said 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 7. No official of the city of Lowell, 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, with the exception of court judgments.

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 appropriate to prevent further violations of this section. Any violation of the provisions of this section shall be deemed sufficient cause for removal.

SECTION 8. 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, including the school committee, and commissions which recommend, authorize or approve the expenditure of funds, and 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 9. This act shall take effect upon its passage.

Approved April 14, 1992.

Chapter 18. AN ACT FURTHER REGULATING THE OPERATION OF COMMERCIAL MOTOR VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately further regulate the operation of commercial motor vehicles, therefore 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 90F of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the definition of "Commerce" and inserting in place thereof the following definition:-

"Commerce", (1) any trade, traffic, or transportation within the jurisdiction of

the United States between a place in a state and a place outside of such state, including a place outside the United States; and (2) trade, traffic and transportation in the United States which affects any trade, traffic and transportation described in clause (1).

SECTION 2. Section 6 of said chapter 90F, as so appearing, is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

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 "D" driver license who has passed the vision and written tests required for an automobile Class "D" driver license.

SECTION 3. Paragraph (E) of section 11 of said chapter 90F, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- 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 or submits to a test which discloses an alcohol level of four one-hundredths or more while transporting a hazardous material 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, or submits to two or more tests which disclose an alcohol level of four one-hundredths or more, or any combination of the two or more thereof.

SECTION 4. Section 58 of chapter 140 of the General Laws, as so appearing, is hereby amended by inserting after the word "rebuilding", in line 29, the following words:- and selling.

Approved April 16, 1992.

Chapter 19. **AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO EXTEND THE LEASE OF THE LAND AT DEVEREUX BEACH PLAYGROUND IN EXCHANGE FOR THE CONSTRUCTION OF A BUILDING.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B and chapter one hundred and forty-nine of the General Laws or any other general or special law to the contrary, the town of Marblehead is hereby authorized to extend the lease of the present lessee or contract with any person for, a parcel of land on the northerly

side of Devereux Beach playground in said town, not to exceed nine thousand square feet, bounds and description to be determined by the board of selectmen and recreation and park commission, for a period not exceeding twelve years for consideration which may include the construction or reconstruction of a building by the lessee, for a fair rental, or upon such terms and conditions as the board of selectmen and the park and recreation commission shall determine. Said construction shall not be subject to chapter seven, chapter thirty B, or chapter one hundred and forty-nine of the General Laws. Said building shall become the property of the town at the termination or expiration of the lease.

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

Approved April 17, 1992.

Chapter 20. AN ACT RELATIVE TO THE SCHEDULING OF CERTAIN HIGH SCHOOL GRADUATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide authorization to schedule high school graduation dates more than twelve days prior to the regular closing date of school to accommodate certain religious holidays, therefore 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 four of chapter seventy-one of the General Laws, for the school year commencing in nineteen hundred and ninety-one only, a school committee may schedule a high school graduation more than twelve days prior to the regular closing date of such high school in order to accommodate certain religious holidays.

Approved April 17, 1992.

Chapter 21. AN ACT RELATIVE TO A CERTAIN SUPERIOR COURT 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 superior court 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, rule or regulation to the contrary, the trial court of the commonwealth is hereby authorized and directed to establish a sick leave bank for superior court officer Nancy A. Kelly. Any employee of the trial court department may voluntarily contribute one or more of his personal or vacation days to said bank for use by court officer Nancy A. Kelly.

Approved April 17, 1992.

Chapter 22. AN ACT PROVIDING FOR AN EARLY RETIREMENT INCENTIVE PROGRAM FOR STATE EMPLOYEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a fair and orderly manner in which the number of employees of the commonwealth can be reduced in order that state agencies will be able to keep expenditures within the amounts appropriated, therefore 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 chapter thirty-two of the General Laws or any other general or special law to the contrary, the state board of retirement, established under the provisions of section eighteen of chapter ten of the General Laws, shall establish and implement a retirement incentive for public employees, hereinafter referred to as the retirement incentive program, in accordance with the provisions of this act; provided, that, in order to be deemed eligible by said board for any of the benefit options under the retirement incentive program, an employee (i) shall be an employee of the commonwealth on the effective date of this act or shall have been a member in active service of the state retirement system on January first, nineteen hundred and ninety-two; (ii) shall be classified in Group 1 or Group 2 of said retirement system in accordance with the provisions of paragraph (g) of subdivision (2) of section three of said chapter thirty-two; (iii) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five of said chapter thirty-two or subdivision (1) of section ten of said chapter thirty-two upon the date of retirement requested in his written application for retirement with said board; (iv) shall have filed such written application with said board in accordance with section two of this act.

The total number of Group 1 employees who can receive the benefit of such

early retirement program shall be limited to five thousand six hundred; the total number of Group 2 employees who can receive such benefit shall be limited to one thousand four hundred provided, however, that the total number of employees in either Group 1 or Group 2 paid through federal grant, trust fund, bond account, or capital fund account who can receive such benefit shall be limited to six hundred. The state board of retirement shall stamp the date and time of receipt on each application filed for retirement under this act and process early retirement approvals in order of receipt of such application, from the earliest date to the latest date; provided, however, that said application may be delivered in person or by mail. No employee shall be eligible for more than one of the incentives offered herein; and no employee may become eligible for one incentive by virtue of the application of a different incentive.

Words used in this act shall have the same meaning as in chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly requires otherwise. Any employee of the commonwealth who retires and receives an additional benefit in accordance with the provisions of this act shall be deemed to be retired for superannuation under the provisions of said chapter thirty-two and shall be subject to any and all provisions of said chapter.

Employees of the system of public institutions of higher education, as defined by the provisions of section five of chapter fifteen A of the General Laws, employees of the judiciary, and elected officials shall not be allowed to participate in the retirement incentive program established by this act.

SECTION 2. Notwithstanding so much of the provisions of section five of said chapter thirty-two of the General Laws that require a retirement date within four months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by this act, an eligible employee, except as otherwise provided in this section, shall file his application for retirement under the provisions of this act with the state retirement board after May first, nineteen hundred and ninety-two and no later than June fifteenth, nineteen hundred and ninety-two; provided, however, that the retirement date requested shall be July first, nineteen hundred and ninety-two.

In an effort to encourage the continuity of direct care in health care institutions that are scheduled to be closed and to reward workers who choose to remain in the service of any such institution or an eligible employee in a position that is scheduled to be privatized and has been listed by the secretary of administration in a report filed in accordance with section ten of this act, shall file his application for retirement within the period hereinabove required, but the retirement date requested shall be either July first, nineteen hundred and ninety-two or the closing date of such institution or the effective date of the privatization of such position and in no event later than June thirtieth, nineteen hundred and ninety-three.

A retired employee of the commonwealth whose former position shall be listed

by said secretary in a report filed in accordance with section ten of this act and who retired on or after January first, nineteen hundred and ninety-one, and prior to the effective date of this act upon the closing of such institution or the privatization of such position may file an application to retire for superannuation and be eligible for the additional retirement benefits provided under the provisions of section three of this act; provided, however, that such application shall be filed with the state retirement board after the effective date of this act and no later than June first, nineteen hundred and ninety-two; provided further, that upon the acceptance and approval of such application by the state board of retirement in accordance with the provisions of this section, the retirement allowance of such employee shall be recalculated as of the date on which such employee retired to reflect such additional benefit and such employee shall thereupon receive such increased allowance together with an amount equal to the difference between the allowance that the employee actually received from the date of retirement to the date of recalculation and the amount of the allowance that the employee would have received had such recalculated allowance been paid to such employee from the date of his retirement.

The retirement date requested by an employee under the provisions of this act, except as otherwise expressly provided, shall be approved by the employee's appointing authority, if any; provided, however, that neither the employee's application nor any other provision in such application shall require such approval.

SECTION 3. An employee who is eligible for the retirement incentive program in accordance with the provisions of section one may request in his application for retirement that the state retirement board credit him with an additional retirement benefit in accordance with the provisions of this section; provided, however, that each such employee shall request and receive a combination of years of creditable service and years of age, the sum of which shall not be greater than five years, for the purposes of determining his superannuation retirement allowance pursuant to the provisions of paragraph (a) of subdivision (2) of section five of chapter thirty-two of the General Laws.

Notwithstanding such credit, the total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of said section five of said chapter thirty-two, of any employee who retires and receives the retirement benefit provided by this act shall not exceed four-fifths of the average annual rate of his regular compensation as determined in accordance with said section five of said chapter thirty-two.

SECTION 4. For any married employee who retires and receives an additional benefit under the provisions of this act, an election of a retirement option under the provisions of section twelve of said chapter thirty-two shall not be valid unless (i) it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option

selected, or (ii) a certification by the state board of retirement that such spouse has received notice of such election as hereinafter provided. If any member who is married files an election which is not so signed by his spouse, the state board of retirement shall within fifteen days notify the member's spouse by registered mail of the option election, and the election shall not take effect until thirty days following the date on which such notification is sent, and such election may be changed by the member at any time within thirty days, or at any other time permitted under said chapter thirty-two. Nothing in this section shall be deemed to affect the effective date of any retirement allowance, but in the event of any election having been filed which is not so accompanied, the payment of any allowance so elected shall not be commenced earlier than thirty days after the sending by the state board of retirement of the notice required hereunder.

SECTION 5. The state board of retirement shall provide retirement counseling to employees who choose to consider retiring or who choose to retire under the retirement incentive program established by this act. Such counseling shall include, but not be limited to, the following: (i) a full explanation of the retirement benefits provided by this act; (ii) a comparison of the expected lifetime retirement benefits payable to such employee under the retirement incentive program and under the existing provisions of chapter thirty-two of the General Laws; (iii) the election of a retirement option under the provisions of section twelve of said chapter thirty-two; (iv) the restrictions on employment after retirement; (v) the provision of health care benefits under the provisions of chapter thirty-two A of the General Laws; (vi) the provisions of law relative to the payment of cost of living adjustments to the retirement allowance, in years in which there is such an adjustment; and (vii) the effect of federal and state taxation on retirement income. Each such employee shall sign a statement that he has received such counseling or that he does not want to receive such counseling prior to the approval by the state board of retirement of such employee's application for superannuation benefits and the additional benefit provided by this act.

SECTION 6. No executive branch position vacated as a result of an applicant's participation in the retirement incentive program may be refilled unless the secretary of administration determines that the position is vital to the public health, public safety, or other critical operations of the commonwealth; provided, however, that the total number of positions which may be refilled under the provisions of this section shall not exceed fifteen percent of the total number of positions vacated under the provisions of the retirement incentive program; and, provided further any position funded by a federal grant, trust fund or bond account may be refilled in excess of the fifteen percent of the total number of positions so vacated by transferring a person from a state funded position and not refilling the position of any person so transferred. The provisions of this section shall not apply to positions under the control of the general court.

SECTION 7. The secretary of administration and finance shall list each position made vacant by the retirement of an employee receiving an additional benefit in accordance with the provisions of this act and shall list each position made vacant by the transfer of a person from a state funded position to a federal grant, trust fund or bond account funded position in excess of the fifteen percent rehiring limitation pursuant to section six of this act and shall file such list with the house and senate committees on ways and means and the comptroller of the commonwealth within three weeks of the effective date of this act and may supplement such list as may be deemed necessary through May thirtieth, nineteen hundred and ninety-three; provided, that, for each such position, such list shall include the line item of appropriation from section two, two A or two B of chapter 138 of the acts of nineteen hundred and ninety-one in which such position is funded, the name of the state agency, as defined by the provisions of section one of chapter six A of the General Laws, which is funded by such line item, the classification title of such position, the salary range for such title, and the salary payable to the person who so retired from such position.

SECTION 8. Notwithstanding any general or special law to the contrary, no person shall be hired by a state agency, as defined by the provisions of section one of chapter six A of the General Laws, on a permanent or temporary basis to fill any position made vacant by the retirement of an employee receiving an additional benefit in accordance with the provisions of this act or made vacant by transferring a person to fill a vacated federal grant, trust fund or bond account funded position pursuant to section six of this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacations, salary in lieu of vacation, payments in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation or federal grant, trust fund or bond account to any such person on or after January first, nineteen hundred and ninety-two until June thirtieth, nineteen hundred and ninety-three; provided, however that if the secretary of administration and finance determines that a position is critical and essential to the operations of or services provided by the commonwealth and provided further, that the number of such positions shall not exceed fifteen percent of the total number of positions vacated under the provisions of the retirement incentive program pursuant to section six of this act he may include such position in a schedule which shall include: (i) the classification title of each such position, (ii) the number of such positions listed in such schedule with such title, (iii) the salary range payable to each such position and, (iv) the approximate date during said fiscal period of January first, nineteen hundred and ninety-two until June thirtieth, nineteen hundred and ninety-three that said secretary shall have determined that such position shall be filled; and provided, further, that said secretary shall prepare one or more supplementary schedules in the same form if he shall determine that any such supplementary schedule shall

be necessary. Such schedule shall be filed with the house and senate committees on ways and means and said secretary may, subject to the approval of said schedule by the house committee on ways and means, fill any such positions prior to June thirtieth, nineteen hundred and ninety-three.

The secretary of administration and finance shall not create any position title or similar position title within the same item of appropriation as those contained in the list filed pursuant to sections six and seven of this act, before June thirtieth, nineteen hundred and ninety-three.

The Comptroller of the commonwealth shall authorize the payment of any regular compensation, including paid leave, vacations, salary in lieu of vacation, payments in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to sections six and seven of this act only pursuant to said schedule approved by the house committee on ways and means.

SECTION 9. The commissioner of the public employee retirement administration shall analyze, study, and valuate the costs and actuarial liabilities attributable to the additional benefits payable in accordance with the provisions of section three of the retirement incentive program established by this act; provided that said commissioner shall file the report with the joint committee on public service and the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and ninety-two.

SECTION 9A. The secretary of administration shall prepare a funding schedule which shall reflect the costs and actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of section three of this act and said schedule shall be designed to reduce the commonwealth's additional pension liability attributable to such costs and liabilities to zero on or before June thirtieth, two thousand and eight; provided, that in preparing such schedule, the secretary shall consider the analysis of the commissioner of public employee retirement administration filed in accordance with the provisions of section nine of this act; and provided further, that said secretary shall annually update such schedule until said June thirtieth, two thousand and eight. Said secretary shall file such funding schedule with the joint committee on public service and the house and senate committees on ways and means on or before March first, nineteen hundred and ninety-three, and shall file updates thereto annually on or before March first of each year; provided that, if within forty-five days of each such filing, none of the committees shall have taken action to disapprove such schedule or update thereto, such schedule or update shall be deemed to be approved; provided further, that if such schedule is not so approved, said secretary shall review any comments made by such committees and prepare and submit for approval in like manner another schedule. In each of the fiscal years until the actuarial liability determined under this and the preceding section of this act shall be reduced to zero, it shall be deemed an obligation of the

commonwealth to fund such liability and there shall be appropriated to the pension reserve investment trust fund in each such fiscal year the amount required by the funding schedule and the updates thereto approved under the provisions of this section.

SECTION 10. The secretary of administration shall prepare a list of each position that has been or shall be abolished and vacated on or after January first, nineteen hundred and ninety-one, due to the scheduled closing of any institution within any state agency, as defined by the provisions of section one of chapter six A of the General Laws, or due to plans for the contracting for, or the privatization of, services performed by an employee of the commonwealth in such position; provided, however, that such report shall include the number of positions so vacated or abolished, the title of each such position, the agency within which such positions are funded, and the date upon which such position has been scheduled to be so vacated or abolished; provided, further, that such report shall be filed with the joint committee on public service and the house and senate committees on ways and means on or before April twenty-second, nineteen hundred and ninety-two; and provided, further, that said secretary shall prepare one or more supplementary lists in the same form and submit such supplementary lists in the same form and submit such supplementary lists in the same manner, if he shall determine that such supplementary list or lists shall be necessary.

SECTION 11. Section twenty-two A of chapter four hundred and ninety-nine of the acts of nineteen hundred and ninety-one is hereby repealed.

SECTION 12. The secretary of Administration and Finance shall prepare, after consultation with appropriate bargaining units, secretariats, and department heads, a plan providing for early retirement for employees of the judiciary and public higher education. Said secretary shall report to the general court the results of said plan, together with drafts of legislation necessary to carry out said plan by filing the same with the Clerk of the Senate and the Clerk of the House of Representatives within sixty days after the passage of this act.

Approved April 22, 1992.

Chapter 23. **AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-TWO 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, the sums set forth in section two are hereby appropriated for the several purposes, and subject to the conditions, specified in chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, including fund designations in said chapter one hundred and thirty-eight, and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in said chapter one hundred and thirty-eight, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two. The sums so appropriated are in addition to any amounts available for said purposes.

SECTION 2.

Item		
	JUDICIARY.	
	Juvenile Court.	
0337-0100		$35,000
	DISTRICT ATTORNEYS.	
0340-0500		$29,000
0340-0560		$35,559
	OFFICE OF CAMPAIGN AND POLITICAL FINANCE.	
0920-0300		$33,259
	EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.	
1100-1101		$9,800
1103-5010		$572,478
	Teacher's Retirement Board.	
1108-4010		$50,000
1108-5200		$20,580,458
	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.	
	Vocational Rehabilitation.	
4120-0011		$2,100,000
	Veteran's Services.	
4170-0400		$2,000,000
	Department of Public Welfare.	
4400-1000		$3,100,000
4513-1005		$1,044,643
4513-1012		$1,500,000
	Department of Social Services.	
4800-0020		$1,169,162
4800-0030		$4,381,000
4800-0041		$7,639,524
	Department of Mental Health.	
5051-0100		$2,100,000
5095-0000		$11,010,785

Item		
	Department of Mental Retardation.	
5911-0006		$1,000,000
5911-0025		$11,738,366
5948-0000		$750,000
5983-0100		$28,692,000
	EXECUTIVE OFFICE OF EDUCATION.	
7061-0003		$212,500
	EXECUTIVE OFFICE OF PUBLIC SAFETY.	
	Office of the Secretary.	
8000-0110		$903,000
	Department of Police.	
8100-0002		$2,400,000
8800-0100		$72,686
	Department of Correction.	
8900-0008		$2,908,975
	EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.	
9000-1801		$400,000
	EXECUTIVE OFFICE OF ELDER AFFAIRS.	
9110-0100		$150,000
	EXECUTIVE OFFICE OF CONSUMER AFFAIRS.	
	Community Antenna Television Commission.	
9215-0001		$50,000
	EXECUTIVE OFFICE OF LABOR.	
9421-0100		$12,250

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth and to meet certain requirements of law, the sums set forth herein shall be appropriated from the General Fund, unless specifically designated otherwise, and shall be for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two.

JUDICIARY.

0321-1601 For Massachusetts Legal Assistance Corporation, for the operation of the asylum representation project; provided, that the first paragraph of section nine of chapter two hundred and twenty-one A of the General Laws shall not apply to this program; provided further, that said corporation may contract with any organization for the purpose of providing said representation; and provided

Item

further, that said corporation shall report to the house and senate committees on ways and means on the number of indigent or otherwise disadvantaged residents cases represented by said project and the result of said cases by August fifteen, nineteen hundred and ninety-two $90,697

0330-4100 For a reserve to meet the financial obligations of the trial court, including the costs of personnel; provided, that the chief administrative justice shall submit to the house committee on ways and means a schedule allocating this reserve to trial court items where existing funds are insufficient to meet the financial obligations for fiscal year nineteen hundred and ninety-two and the amounts from this reserve that will supplement the deficiencies; and provided further, that no such amounts may be expended until said schedule is approved by said committee $21,903,723

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

1599-0040 For the expense of repair, design and rehabilitation of the Chevalier Auditorium/Gene Marks Gym in the city of Medford $250,000

1599-3384 For a reserve for the payment of certain court judgements, 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-two or a prior fiscal year and which derive from causes of action initiated in said fiscal year; provided, however, that the comptroller is hereby authorized to charge such payments to this item $4,000,000

1599-3888 For payment owed to the town of Tewksbury for the cost of construction of a sewer line to serve Tewksbury Hospital $69,659

1599-3990 For the purpose of reimbursing Merle S. Bruno for an uncashed Massachusetts income tax refund check $234

1599-3991 For a reserve for payment to Hampshire county for the necessary operations of said county $956,893

1599-4000 For an independent study of emergency medical response procedures and delivery of health care services relative to T.B., HIV Virus, and Hepatitis A and B at the Massachusetts Correctional Institution - Framingham $10,000

1599-5000 For the purpose of assistance related to the flood occurring on May thirtieth, nineteen hundred and ninety-one for the following communities in Southern Berkshire county: Great Barrington, Monterey, Mount Washington, New Marlborough, Sheffield and Sandisfield $500,000

Item

1599-9000 For a reserve to reimburse budgetary accounts for repayment pursuant to sections fourteen and fifteen of chapter four hundred and ninety-nine of the acts of nineteen hundred and ninety-one $10,800,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

2100-0004 The department of environmental management may expend an amount not to exceed four hundred thousand dollars in the aggregate, from receipts collected from rinks operated by the department; provided, that said funds shall be used exclusively for the operation of said rinks $400,000

2100-0005 For the department of environmental management pursuant to the purposes of sections eighty-five and eighty-eight of chapter thirty-three of the acts of nineteen hundred and ninety-one $2,300,000

Harbors and Inland
Water Maintenance Fund 100.0%

2100-0006 For the purposes of fire prevention and control and provided further that such funds may be expended for the compensation of employees $20,000

Local Aid Fund 97.0%
Highway Fund 3.0%

Metropolitan District Commission.

2440-0500 For the maintenance, equipment or capital improvement of the Ponkapoag Golf Course, pursuant to section two U of chapter twenty-nine of the General Laws $300,000

Ponkapoag Recreational Fund 100.0%

2440-9841 For the study and design if necessary, and for the cost of emergency repairs of the Kasobuski Rink in the town of Saugus, including but not limited to any necessary materials and equipment $48,000

2443-2001 The metropolitan district commission shall retain and may expend an amount not to exceed three hundred thousand dollars in the aggregate from revenues collected from admission fees, contributions or donations, and concessions charged at the Franklin Park Zoo for the operation and maintenance of said zoological park, including the costs of personnel $300,000

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

3722-9100 For a reserve for a grant program to be administered by the executive office of communities and development. Said executive office shall provide grants to cities and towns which have experienced

Item

severe public health and safety problems as a result of having a large number of abandoned buildings which must be demolished. In determining which municipalities shall receive a grant said executive office shall establish rules and regulations which take into account the municipality's inventory of abandoned buildings, the municipality's density of population per square mile, the number of fires per municipality during nineteen hundred and ninety-one, and the financial capacity of the municipality to demolish abandoned buildings using available revenues $5,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

4130-0007 For area-based child welfare services $97,000

Commissioner of Veterans' Services.

4170-0410 For the town of Abington, subject to the approval of the commissioner of veterans' services, for reimbursement under the provisions of section six of chapter one hundred and fifteen of the General Laws for veterans benefits paid by said town from January, nineteen hundred and eighty-eight through June, nineteen hundred and ninety; provided, further, that as a condition of said reimbursement said commissioner shall require the town of Abington to present evidence that said sum was paid in compliance with the provisions of section five of chapter one hundred and fifteen of the General Laws $111,827

4402-5190 For the payment of prior year medical claims $50,000,000

4510-1010 For the completion of the renovation of Vision House Inc., so called, located on the grounds of Tewksbury public health hospital $25,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6030-7304 For the expenses incurred by the city of Salem as a result of the closing of the Beverly-Salem bridge as required by the department of public works $5,825

Highway Fund 100.0%

EXECUTIVE OFFICE OF EDUCATION.

Office of the Secretary.

7005-0002 For the state matching requirements for the Center for the Research of Intelligent, Real-time Computing Systems at the University of Massachusetts at Amherst $304,000

7010-0001 For the expenses of the Frederick Sweetsir School; provided, however, that monies appropriated herein shall be subject to the conditions

Item

and approval process contained in section four of chapter four hundred and ninety-three of the acts of nineteen hundred and ninety-one $86,000

7052-0001 For grants to replace or renovate a school building which is structurally unsound or otherwise in a condition seriously jeopardizing the safety of school children or a school building closed as unsafe by the local or state building inspector; provided however, that the funds appropriated herein shall be distributed as follows: not more than one million three hundred and five thousand and ten dollars shall be expended for the Ware Elementary School; not more than eighty thousand five hundred and eighty dollars shall be expended for the Hanson Indian Head School; not more than two million three hundred forty-nine thousand two hundred and eight dollars shall be expended for the Fall River B.M.C. Durfee School; not more than seven hundred sixty-six thousand four hundred and thirty-three dollars shall be expended for the Tewksbury Heath-Brook School; not more than three hundred forty-eight thousand three hundred and sixty-five dollars shall be expended for the Randolph Martin E. Young School; not more than two hundred thirty-two thousand one hundred and eight dollars shall be expended for the Buckland-Shelburne Regional School; not more than one million two hundred nine thousand seven hundred and sixty-eight dollars shall be expended for the Greater Lowell Regional Vocational Technical School $6,291,472

Local Aid Fund 100.0%

7052-8860 For grants and reimbursements to cities, towns, regional school districts and counties under the provisions of chapter six hundred and fourteen of the acts of nineteen hundred and eighty-five, for the removal, encapsulation or containment of asbestos in schools as approved by the division of occupational hygiene and submitted to the department $9,721,662

Higher Education.

7118-0035 For the purpose of providing matching funds to a federal grant for the Massachusetts Maritime Academy to establish a Center for Maritime Training and Simulation in Marine Safety and Marine Environmental Protection in cooperation with the Federal Maritime Administration in furtherance of requirements of the Federal Oil Pollution Act of nineteen hundred and ninety and the Clear Water and Marine Safety Acts $325,000

Item

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Secretary's Office.

8000-0160 For the administration and associated costs of the registration program of home improvement contractors established by chapter four hundred and fifty-three of the acts of nineteen hundred and ninety-one $92,983

8000-3000 For the purpose of funding the Regional Emergency Medical Services Councils and C-MED communications system; provided, that the councils and C-MEDs designated as such in accordance with 105 CMR 170.101 as of January first, nineteen hundred and ninety-two shall remain the designated councils and C-MEDs; provided further, that not less than sixty-eight thousand dollars shall be made available for Region one, not less than eighty-eight thousand dollars shall be made available for Region two, not less than eighty-eight thousand dollars shall be made available for Region three, not less than eighty-eight thousand dollars shall be made available for Region four, and not less than sixty-eight thousand dollars shall be made available for Region five $400,000

Local Aid Fund 100.0%

8100-0010 For the department of police services and operations; provided, that the department may expend monies from this item for the purpose of orientation training of officers of the consolidated forces and for uniforms and equipment required pursuant to sections nineteen and twenty of chapter four hundred and twelve of the acts of nineteen hundred and ninety-one; provided further, that the department may also expend monies for associated personnel and the operation of New Braintree, including not more than eight positions $2,557,000

Highway Fund 85.0%

General Fund 15.0%

8100-0015 For the expense of training, equipment and associated costs for two hundred entry level police officers of the department of the state police; provided, however, that one hundred and forty entry level trainees shall be selected from the existing state police recruitment list established and maintained pursuant to section eleven of chapter twenty-two of the General Laws, as most recently amended; provided further, that sixty entry level trainees shall be selected from the list established and maintained pursuant to section sixty-five of chapter thirty-one of the General Laws; and provided further, that every person who receives an appointment to a posi-

Item

tion on a permanent full-time basis in which he will exercise police powers in the department of the state police, assigned to a prescribed course of study at the state police training facility in New Braintree, required prior to the exercise of police powers by that person pursuant to section ninety-six B of chapter forty-one of the General Laws, and any other person attending that prescribed course of study, shall be charged a fee of one thousand two hundred dollars, payable in installments as may be directed by the secretary of public safety $2,329,845

Highway Fund 85.0%

General Fund 15.0%

8400-0045 For the purposes of funding computer operations, customer service at twenty-three branch offices including the satellite operations for license renewals at Haverhill, Milford and Taunton, as well as, the operation of One-Stop Shopping for commercial vehicles in Marlboro, salaries, workmen's compensation, public safety, municipal support, equipment acquisition and maintenance and to provide for the collection of license, registration, title and sales tax revenues $4,000,000

8800-0032 For grants and reimbursements to state agencies and departments, police agencies, Massachusetts National Guard, public housing authorities, county departments and agencies, mosquito control districts, cities and towns for assistance as a result of the Presidential Declaration of Emergencies, occasioned by the natural disaster of Hurricane Bob, August nineteen, nineteen hundred and ninety-one and the October 30, 1991 "No Name Storm", such assistance shall be twelve and one-half percent of the total assistance determined as eligible by the Federal Emergency Management Agency, as documented in "Damage Survey Reports", according to a schedule of disbursement and prepared by the Massachusetts Emergency Management Agency, and shall include but not be limited to debris removal; protective measures; repairs, construction, reconstruction; and other measures for road and bridges, water control facilities, public buildings and public utilities, and other allowable activities, including administrative, authorized by FEMA; provided that of the sum appropriated herein, not less than four million four hundred sixty thousand five hundred twelve dollars shall be made available for assistance associated with Disaster #0914 - Hurricane Bob; provided that of the sum appropriated herein, not less than one million one hund-

Item

red twenty-four thousand two hundred and sixty-two dollarsshall be made available for Disaster #0920 - October 30, 1991 "No Name Storm"; and provided further, that an amount not to exceed two hundred thousand dollars shall be made available to the executive office of environmental affairs for activities associated with the cleanup of so called "Lobster Clumps" in Massachusetts Bay $6,831,250

Department of Correction.

8910-0021 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; provided, that not more than five hundred forty thousand dollars be expended for the Braintree alternative program in Norfolk county; provided further, that not more than two hundred and eighty thousand dollars be expended for a pretrial controlled release program in Suffolk county; provided further, that not more than fifty-two thousand five hundred dollars be expended in Barnstable county as follows: thirty-five thousand dollars for the "COACH" program; ten thousand dollars for the "Friends of Prisoners" program and seven thousand five hundred dollars for the Massachusetts Society for the Prevention of Cruelty to Children; and provided further, that not more than two hundred fifty-nine thousand seven hundred dollars be expended for the Eastern Massachusetts Correctional Alcohol Center in Bristol county $1,132,200

8910-0031 For a reserve to fund county correctional expansion programs; provided, that not more than four million dollars be expended for the new Hampden house of correction; provided further, that not more than one million five hundred thousand dollars be expended for the new Suffolk house of correction; and provided, further, that not more than two million sixty-one thousand five hundred dollars be expended for the Bristol house of correction at Dartmouth; provided, further, that not more than one million five hundred thousand dollars be expended for the new Norfolk county sheriff's office correctional center in Dedham $9,151,500

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

9000-0100 For the expenses of the Boston Festival; and provided that no funds from this account be expended for any travel by members of the general court $50,000

Item

EXECUTIVE OFFICE OF ELDER AFFAIRS.

9110-0110 For Bay Path Senior Citizens Inc. for relocation expenses and rent for the remainder of fiscal year nineteen hundred and ninety-two $65,000

EXECUTIVE OFFICE OF LABOR.

Labor Relations Commission.

9430-0101 For the purposes of conducting an election, pursuant to the provisions of section one hundred and fourteen of chapter four hundred and twelve of the acts of nineteen hundred and ninety-one, to determine the exclusive bargaining representative for the bargaining unit comprised of the members of those police forces which have been merged into the uniformed members of the state police $10,000

SECTION 2B.

Item

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

1100-1100 The executive office of administration and finance is hereby authorized to charge agencies for the cost of workers' compensation litigation defense previously provided by the attorney general's office $126,000

Intragovernmental Fund	100.0%	

1108-6201 $4,180,000

Intragovernmental Fund	100.0%	

SECTION 2C.

Item

8000-9705 The division of capital planning and operations is hereby authorized and directed to expend up to one million four hundred thousand dollars for the purpose of relocating the functions, equipment and personnel of the state police training academy located in the town of Framingham to the state facility located in the town of New Braintree for the purpose of establishing a new state police training academy $1,400,000

8000-9706 The division of capital planning and operations is hereby authorized and directed to expend up to one million seven hundred thousand dollars for the purpose of relocating the functions, equipment and personnel of the executive office of public safety from the facility at 1010 Commonwealth Avenue in the city of Boston to the facilities of the division of state police in the town of Framingham, including the study, design, construction, demolition, repair or renovation of buildings or facilities of the division of state police, and the costs of furnishings and equipment $1,700,000

SECTION 3. Chapter 6 of the General Laws is hereby amended by striking out section 48, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 48. There shall be a commission to be known as the state racing commission, to consist of a commissioner and two associate commissioners to be appointed by the governor and serve coterminous with him. Not more than two of such members shall be of the same political party. The commissioner shall serve as chairman, and shall devote his full time during business hours to his official duties.

Each member shall hold office until the appointment and qualification of his successor. The governor may remove any member for cause and shall fill any vacancy for the unexpired term. Whenever any action by the commission is required to be in writing, such writing shall be sufficient when signed by the commission chairman. The commission shall make an annual report in January of each year to the general court.

The positions of commissioner and associate commissioners shall be classified in accordance with section forty-five of chapter thirty and the salaries shall be determined in accordance with section forty-six C of said chapter thirty. The members shall also receive their necessary expenses incurred in the discharge of their official duties.

The commission may employ an auditor, state racing commission, who shall be a certified public accountant, who shall devote full time during normal business hours to the duties of the position and who shall be exempt from the provisions of section nine A of said chapter thirty and of chapter thirty-one. The auditor, state racing commission, shall serve at the pleasure of the commission which shall determine his salary in accordance with the provisions of said chapter thirty. The commission may employ a veterinarian, state racing commission, who shall be exempt from the provisions of said chapter thirty-one and of said section nine A of said chapter thirty. The veterinarian, state racing commission, shall serve at the pleasure of the commission which shall determine the salary in accordance with the provisions of said chapter thirty. The commission may appoint the following positions which shall be exempt from the provisions of said section nine A of said chapter thirty and of said chapter thirty-one: a secretary, state racing commission, a fiscal officer III, other assistants, directors of racing operations who shall devote full time to the supervision of commission officials and employees at the tracks, one accountant II, accountants I, chemists III, chemists II, chemists I, clerks IV, clerks III, clerks II, typists I, bookkeepers I, stenographers II, one laboratory supervisor II, laboratory technicians I, one supervisor of licenses and registrations, state racing commission, one racing inspector II, racing inspectors I, administrative assistants II and one special assistant to the commissioner. The commission may employ at least one racing inspector I and one accountant I at each racing performance live

or simulcast to insure the integrity of racing.

SECTION 4. Section 5 of chapter 21C of the General Laws, as so appearing, is hereby amended by adding the following two paragraphs:-

Sections one hundred and forty-three and one hundred and fifty-one of chapter one hundred and eleven shall not apply to any hazardous waste treatment, storage or disposal facility licensed by the department pursuant to this section and section seven and which was lawfully organized, in existence, and licensed as a hazardous waste treatment, storage or disposal facility by any division of the department as of May first, nineteen hundred and eighty.

Boards of health may enforce sections thirty-one, thirty-one C, one hundred and twenty-two, one hundred and twenty-three and one hundred and twenty-five of chapter one hundred and eleven, and such other provisions of law as may apply, with respect to hazardous waste treatment, storage or disposal facilities.

SECTION 5. Section 6 of chapter 21H of the General Laws, as so appearing, is hereby amended by striking out subsections (b) and (c).

SECTION 6. The first paragraph of section 26 of chapter 22C of the General Laws, as appearing in section 22 of chapter 412 of the acts of 1991, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The colonel may promote uniformed members of the state police who are eligible for promotion to the title of noncommissioned officer, lieutenant or captain.

SECTION 6A. Said section 26 of said chapter 22C, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

In ranking members for the purposes of promotion to the title of lieutenant or captain, such factors shall be weighted as follows: written examination, eight; performance evaluation, three; longevity, six; oral interview, three.

SECTION 7. Chapter 29 of the General Laws is hereby amended by inserting after section 2U, inserted by chapter 375 of the acts of 1991, the following section:-

Section 2V. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Dairy Equalization Fund. There shall be credited to such fund all monies payable pursuant to sections ten, eleven and twelve of chapter ninety-four A and any interest earned on monies within the fund. Amounts credited to said fund shall be made available by the state treasurer, without further appropriation, exclusively for the purposes of said chapter ninety-four A, only after receipt of notice certified by the commissioner of the department of food and agriculture that amounts are due pursuant to said chapter ninety-four A. Said commissioner shall file quarterly reports with the house and senate clerk and the house and senate committees on ways and means regarding the distribution of monies from the fund.

SECTION 8. Section 91A of chapter 32 of the General Laws, as appearing in the

1990 Official Edition, is hereby amended by inserting after the word "disability,", the second time it appears in line 2, the words:- except any person sixty-five years of age or older who had twenty-five or more years of service at the time of his retirement and was pensioned or retired for disability other than accidental disability,.

SECTION 9. Section 4 of chapter 51 of the General Laws is hereby amended by striking out the third sentence, as amended by chapter 431 of the acts of 1991, and inserting in place thereof the following sentence:- Said list shall contain the name, residence and age or date of birth of each such person; provided, however, that the names of persons three to sixteen, inclusive, shall not be disclosed to any person other than their respective school committee or boards of trustees of county agricultural schools.

SECTION 10. Section 13 of chapter 64D of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 35, the word "ninety-one" and inserting in place thereof the word:- ninety-two.

SECTION 11. The last sentence of the second paragraph of section 4 of chapter 64I of the General Laws, added by section 21 of chapter 6 of the acts of 1991, is hereby amended by inserting after the word "guide", in line 2, the words:- or other value guides or default values as determined jointly by the commissioner and registrar.

SECTION 12. Said second paragraph of said section 4 of said chapter 64I is hereby further amended by adding the following sentence:- The commissioner may establish rules and regulations for accepting values below these values based on the condition of the vehicle at the time of sale or other factors as may be appropriate.

SECTION 13. Section 31 of chapter 111 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 35, the words "five hundred" and inserting in place thereof the words:- one thousand.

SECTION 14. Section 31B of said chapter 111, as so appearing, is hereby amended by striking out, in line 6, the word "fifty" and inserting in place thereof the words:- one thousand.

SECTION 15. The fourth paragraph of section 31C of said chapter 111, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whoever violates any order, rule or regulation promulgated or adopted under the provisions of this section shall be punished, for the first offense, by a fine of not less than one thousand nor more than five thousand dollars and for a subsequent offense, by a fine of not less than five thousand nor more than ten thousand dollars.

SECTION 16. Section 122 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "one hundred" and inserting in place thereof the words:- one thousand.

SECTION 17. Section 123 of said chapter 111, as so appearing, is hereby amended by striking out, in line 5, the word "twenty" and inserting in place thereof the words:- one thousand.

SECTION 18. Section 150B of said chapter 111, as so appearing, is hereby amended by adding the following three paragraphs:-

This section and section one hundred and fifty A shall not apply to any hazardous waste facility exempt from the licensing requirements of chapter twenty-one C, which was lawfully organized and in existence on May first, nineteen hundred and eighty, or to any hazardous waste facility which was licensed as such by any division of the department as of May first, nineteen hundred and eighty. If any facility has its license revoked and reapplies for a license after May first, nineteen hundred and eighty, the provisions of this section shall apply to said reapplication; provided, however, that the provisions of this section shall not apply to any facility, or the operation of any facility under receivership by a federal or state agency or by a judicially appointed and supervised receiver of any court of competent jurisdiction where the license of the facility has been suspended or revoked and said receivership has been imposed.

This section and section one hundred and fifty A shall not apply to any generator who stores, treats, processes, or disposes of any hazardous waste produced exclusively on-site; provided, however, that this section shall apply to any such generator who disposes of hazardous waste into or on the land. For purposes of this section, "on-site" shall be defined to mean the same or geographically contiguous property in single ownership which may be divided by public or private right-of-way; provided, however, that the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as opposed to going along the right-of-way; as well as noncontiguous properties owned by the same person but not connected by a right-of-way which such person controls and to which the public does not have access.

Notwithstanding any provisions of this section to the contrary, this section shall apply to the increase of capacity to store, treat, or dispose of any particular type of hazardous waste, unless such increase of capacity was approved by the department pursuant to chapter twenty-two C prior to the effective date of this paragraph, or unless an existing site assignment established pursuant to the requirements of this section provides for the conditions under which such increase of capacity shall be permitted.

SECTION 19. Section 1 of chapter 117A of the General Laws, as appearing in section 4 of chapter 255 of the acts of 1991, is hereby amended by inserting after the word "The", in line 7, the following words:- standard of assistance for all applicants and recipients who incur any shelter costs shall be the same, adjusted for household size; provided, however, that the.

SECTION 20. Section 1 of chapter 118E of the General Laws is hereby amended

by striking out the second paragraph, as amended by section 17 of chapter 495 of the acts of 1991, and inserting in place thereof the following paragraph:-

The benefits of said program shall be available to all persons eligible for financial assistance under the provisions of chapter one hundred and eighteen and Title IV of the Social Security Act and to all persons who are eligible for supplemental security income payments on account of age or disability under the provisions of Title XVI of said Social Security Act or for assistance under the provisions of chapter one hundred and eighteen A. Said benefits may also be made available to other persons who would be eligible for financial assistance under any of the foregoing provisions but for income or resources; provided, however, that said persons meet the financial eligibility requirements of Title XIX; provided, further, that said benefits shall be available to otherwise eligible persons seeking admission to and residents of long-term care facilities whose income and resources are insufficient to meet the cost of their medical care as determined by the financial eligibility requirements of said program.

SECTION 21. Section 92 of chapter 159 of the General Laws is hereby amended by striking out, in line 4, as appearing in chapter 90 of the acts of 1991, the words "'Street Railway Special Police'" and inserting in place thereof the words:- "Street Railway Police".

SECTION 22. Chapter 276 of the General Laws is hereby amended by striking out section 35, as amended by section 268 of chapter 138 of the acts of 1991, and inserting in place thereof the following section:-

Section 35. The court or justice may adjourn an examination or trial from time to time, and to the same or a different place in the county. In the meantime, if the defendant is charged with a crime that is not bailable, he shall be committed; otherwise, he may recognize in a sum and with surety or sureties to the satisfaction of the court or justice, or without surety, for his appearance for such examination or trial, or for want of such recognizance he shall be committed. While the defendant remains committed, no adjournment shall exceed ten days at any one time against the objection of the defendant.

SECTION 23. Item 2130-8771 in section 2 of chapter 481 of the acts of 1976 is hereby amended by inserting after the word "dollars", in line 6, the words:- ; provided, however, that, notwithstanding the provisions of any general or special law to the contrary, the division may designate the United States Soil Conservation Service as the agent of the division for making contracts to perform the work of construction, and transfer the state and local financial contribution for the project to the United States Soil Conservation Service.

SECTION 24. Item 8312-8843 in section 3B of chapter 723 of the acts of 1983 is hereby amended by striking out the figure "850,000" and inserting in place thereof the figure:- 828,847.

SECTION 25. Item 8312-8844 in said section 3B of said chapter 723 is hereby

amended by striking out the figure "850,000" and inserting in place thereof the figure:- 844,686.

SECTION 26. Section 11 of chapter 799 of the acts of 1985, as appearing in section 14 of chapter 302 of the acts of 1989, is hereby amended by striking out, in line 5, the words "up to" and inserting in place thereof the words:- not less than.

SECTION 27. Item 6010-7880 in section 2E of chapter 199 of the acts of 1987 is hereby amended by inserting after the word "Hospital", in line 2, the words:- and for certain sewerage improvements in the town of Lakeville.

SECTION 28. Item 8312-7880 in section 2D of said chapter 199 is hereby amended by striking out the figure "500,000" and inserting in place thereof the figure:- 261,048.

SECTION 29. Item 0185-7888 in section 2 of chapter 164 of the acts of 1988 is hereby amended by inserting after the word "eighty-eight", in line 2, the words:- , chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one and other expenses.

SECTION 30. Item 2150-7891 in section 2D of said chapter 164 is hereby amended by inserting after the word "Westford", in line 6, the words:- , including reimbursement to the town of Westford for actual repairs made with the prior approval of the division of dam safety.

SECTION 31. Item 8312-7892 in section 2C of chapter 208 of the acts of 1988 is hereby amended by striking out the figure "3,000,000" and inserting in place thereof the figure:- 150,000.

SECTION 32. Section 2 of chapter 138 of the acts of 1991 is hereby amended by striking out item 0330-4000.

SECTION 33. Said section 2 of said chapter 138 is hereby further amended by striking out items 0699-1800 to 0699-3900, inclusive, and inserting in place thereof the following six items:-

Item

0699-1901 For the payment of interest on certain bonded debt of the commonwealth previously charged to the State Recreation Areas Fund; for the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Parks District Fund; for payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year shall be charged to the Local Aid Fund $54,567,240

Local Aid Fund 100.0%

0699-1902 For the payment of discount on the sale of bonds of the commonwealth previously charged to the State Recreation Areas Fund; for the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Parks District Fund; for

Item

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 Local Aid Fund $3,357,401

Local Aid Fund 100.0%

0699-1903 For certain serial bonds maturing previously charged to the State Recreation Areas Fund; for certain serial bonds maturing previously charged to the Metropolitan Parks District Fund; 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 $19,225,293

Local Aid Fund 100.0%

0699-3901 For the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Water District Fund; for the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Sewerage District Fund; 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 $310,070,646

0699-3902 For the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Water District Fund; for the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Sewerage District Fund; 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 $4,689,135

0699-3903 For certain serial bonds maturing previously charged to the Metropolitan Water District Fund; for certain serial bonds maturing previously charged to the Metropolitan Sewerage District Fund; 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 $97,790,697

SECTION 34. Said section 2 of said chapter 138 is hereby further amended by striking out item 1107-2500 and inserting in place thereof the following item:-

Item

1107-2501 For the operation of the disabled persons protection commission, including not more than nine positions $444,088

SECTION 35. Said section 2 of said chapter 138 is hereby further amended by striking out items 2310-0314 and 2310-0315 and inserting in place thereof the

following two items:-

Item

2310-0316 For the purchase of land containing wildlife habitat and for the costs of the division of fisheries and wildlife directly related to the administration of the wildlands stamp program pursuant to sections two and two A of chapter one hundred and thirty-one of the General Laws $2,000,000

Inland Fisheries and Game Fund 100.0%

2310-0317 For a waterfowl management program established pursuant to section eleven of chapter one hundred and thirty-one of the General Laws $123,000

Inland Fisheries and Game Fund 100.0%

SECTION 36. Item 4403-2000 in said section 2 of said chapter 138 is hereby amended by striking out, in line 17, the words "that no funds from this item shall be expended by the department for independent child care services" and inserting in place thereof the words:- that the department may expend from this item an amount not to exceed four million dollars for independent child care services.

SECTION 37. Item 5911-0006 in said section 2 of said chapter 138 is hereby amended by inserting after the word "retardation", in line 3, the words:- ; provided, further, that not less than eighty-six thousand five hundred dollars be expended for the Life Experience School in Sherborn to provide reimbursement for tuition payments incurred as a result of this item.

SECTION 38. Item 7061-0008 in said section 2 of said chapter 138 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

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.

SECTION 39. Item 7070-0065 in said section 2 of said chapter 138 is hereby amended by striking out, in line 6, the words "nine million" and inserting in place thereof the words:- eight million, one hundred thousand.

SECTION 40. Said item 7070-0065 in said section 2 of said chapter 138 is hereby further amended by inserting after the word "commonwealth", in line 9, the words:- ; provided, further, that an amount not to exceed nine hundred thousand dollars may be retained in an interest bearing trust fund to be established by the Higher Education Coordinating Council and expended for the costs of administrating the no-interest loan program for its duration without further appropriation and any funds remaining in the trust fund at the end of the program shall be returned to the General Fund.

SECTION 41. Item 8000-0110 in said section 2 of said chapter 138 is hereby amended by striking out the wording and inserting in place thereof the following:-

For the administration and operation of the criminal justice information system, including the Massachusetts criminal history systems board; provided, that, the criminal history systems board be directed to reimburse those communities who have paid a LEAPS assessment fee for the fiscal year nineteen hundred and ninety-two

Highway Fund 50.0%

General Fund 50.0%.

SECTION 42. Item 8200-0200 in said section 2 of said chapter 138 is hereby amended by striking out, in lines 4 and 5, the words "each cadet shall be charged one thousand two hundred dollars for said training programs" and inserting in place thereof the words:- that every person who receives an appointment to a position on a permanent full-time basis in which he will exercise police powers in a municipal police department, the metropolitan district commission police, Massachusetts Bay Transportation Authority police, capitol police or the division of law enforcement within the department of fisheries, wildlife and environmental law enforcement, and any employee of the registry of motor vehicles who will exercise police powers, assigned to a prescribed course of study at a regional police training school operated by the Massachusetts criminal justice training council, required prior to the exercise of police powers by that person pursuant to section ninety-six B of chapter forty-one, and any other person attending that prescribed course of study at such police training school, shall be charged a fee of one thousand two hundred dollars, payable in installments as may be directed by the secretary of public safety.

SECTION 43. Said section 2 of said chapter 138 is hereby amended by striking out item 8800-0200 and inserting in place thereof the following item:-

Item

8800-0200 For the administration of a program to evaluate, develop, and implement radiological emergency response plans, and to conduct environmental radiological monitoring concerning nuclear power plants, pursuant to section ninety $322,000

SECTION 44. Item 9110-1630 in said section 2 of said chapter 138 is hereby amended by striking out, in lines 13 and 14, the words "three hundred thousand dollars be expended for the administration of the home care program as defined in item 9110-1633" and inserting in place thereof the words:- one million three hundred thousand dollars of revenues accrued from said sliding fees be expended for the administration of the home care program, of which, not less than one million

dollars shall be expended for the salaries of case managers, consistent with guidelines to be issued by the executive office of elder affairs; provided, further, that home care corporations shall report monthly, to the executive office of elder affairs and the house and senate committees on ways and means, on the receipt and expenditure of revenues accrued from sliding fees.

SECTION 45. Item 9110-1633 in said section 2 of said chapter 138 is hereby amended by striking out, in lines 4 to 6, inclusive, the words "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" and inserting in place thereof the words:- not more than one million three hundred thousand dollars in revenues accrued from said sliding fees be retained at the individual home care corporations, of which, not less than one million dollars shall be expended for the salaries of case managers, consistent with guidelines to be issued by the executive office of elder affairs; and provided, further, that the home care corporations shall report monthly, to the executive office of elder affairs and the house and senate committees on ways and means, on the receipt and expenditure of revenues accrued from sliding fees.

SECTION 46. Section 2A of said chapter 138 is hereby amended by striking out item 4120-4020 and inserting in place thereof the following item:-

Item		
4120-4021	For purposes of a federally funded grant entitled, Disability Determination Service	$1,533,370

SECTION 47. Said section 2A of said chapter 138 is hereby further amended by striking out items 8400-0006 and 8400-0008 and inserting in place thereof the following two items:-

Item		
8400-0009	For the purposes of a federally funded grant entitled, Motor Carrier Safety Assistance Program	$262,183
8400-0011	For the purposes of a federally funded grant entitled, Commercial Driver Licensing Program	$228,039

SECTION 48. Said chapter 138 is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two, 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 not exceed three hundred six million dollars. Said lottery distribution for each city and town shall equal the distribution of such balance to each city and town for fiscal year nineteen hundred and ninety-one. Notwithstanding the provisions of any general or special law to the contrary, any balance of the State Lottery Fund in

excess of three hundred six million dollars for the fiscal year ending June thirtieth, nineteen hundred and ninety-two shall be credited to the Local Aid Fund.

SECTION 49. Said chapter 138 is hereby further amended by striking out section 90 and inserting in place thereof the following section:-

Section 90. All costs, including personnel, incurred by the Massachusetts Emergency Management Agency for the evaluation, development and implementation of radiological emergency response plans and the analysis of work plans concerning the preparedness of the commonwealth to respond to accidents and to enter into agreements with the department of public health to conduct environmental radiological monitoring for 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, inserted by section twenty-four of chapter seven hundred and ninety-six of the acts of nineteen hundred and seventy-nine, includes communities inside the commonwealth, shall be borne by electric power companies which own, in whole or in part, or purchase power from, said nuclear power plants; provided that such costs shall not exceed three hundred and twenty-two thousand dollars plus estimated fringe benefits as calculated by the secretary of administration and finance pursuant to section five D of chapter twenty-nine of the General Laws. The department of public utilities shall apportion said costs among all such companies and shall assess them for the same on a fair and reasonable basis. Said costs shall be paid to the department of public utilities within thirty days after the date of the notice from the department of said costs. The department shall subsequently apportion said costs among all such companies and shall make assessment adjustments for any variation between estimated and actual costs not to exceed three hundred and twenty-two thousand dollars plus estimated fringe benefits on a fair and reasonable basis. For the purpose of this section, electric companies shall mean all persons, firms, associations or 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 50. Section 334 of said chapter 138 is hereby amended by inserting after the word "years", in line 3, the words:- ; and provided, further, that for the purposes of this section, cities and towns may incur debt for such purposes for a period of three years notwithstanding the provisions of clause (18) of section seven of chapter forty-four of the General Laws.

SECTION 51. The lottery commission shall provide to the house and senate committees on ways and means a report which shall state the total amount of projected new revenue estimated to be collected by the lottery commission in fiscal year nineteen hundred and ninety-three. Said report shall list all areas of operations from which said new revenue is expected to occur. Said report shall be submitted

no later than May first, nineteen hundred and ninety-two.

SECTION 52. The chief administrative justice of the trial court or his designee, a representative of the Sheriff's Association, and a representative of the District Attorney's Association, shall conduct a study for the purpose of examining the administration of criminal justice concerning the proper time period for adjournment of a hearing or trial when a defendant is committed. A report of the findings and recommendations of said study shall be filed with the joint committee on criminal justice and the house and senate committees on ways and means, on or before May fifteenth, nineteen hundred and ninety-two.

SECTION 53. Notwithstanding the provisions of any general or special law to the contrary, the department of mental health shall not expend any funds appropriated under items 5046-0000, 5047-0000 and 5051-0100, pursuant to section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, for the payment of any vendor-operated program, service, or function, including the partnership clinics, so-called, which replaces any program, service or function performed during fiscal year nineteen hundred and ninety-two, by employees of the commonwealth whether working for a program or service operated by the commonwealth directly, or assigned to any vendor-operated program to provide services to or perform duties connected with the provision of services to clients of the department of mental health. Said programs, services, or functions shall include, but not be limited to, outpatient services, day treatment programs, emergency services, early intervention programs, crisis shelters, halfway houses, outpatient and residential social and vocational rehabilitation programs, and inpatient services at community mental health centers.

SECTION 54. Excess earnings realized from the investment of amounts held in trust pursuant to section fifty-three A of chapter twenty-nine of the General Laws in respect of bonds issued pursuant to said section fifty-three A in furtherance of the transactions contemplated in section one of chapter four hundred and forty-seven of the acts of nineteen hundred and eighty-four may be used without appropriation for the purpose of meeting obligations applicable to such bonds relative to arbitrage rebate payments, so-called, to the federal government.

SECTION 55. Notwithstanding the provisions of any general or special law to the contrary, the division of law enforcement is hereby authorized to assume the role of a seller department and thereafter maintain an Ad Hoc chargeback department status as required by 815 CMR 6.05, and any amendments thereto, for the purpose of providing special details for law enforcement coverage to other state government agencies upon the request of said agencies.

SECTION 56. Notwithstanding the provisions of any general or special law to the contrary, in the event of a disaster, as defined by regulations promulgated by the department of public welfare, the department of public welfare is hereby authorized to make payments for disaster assistance from item 4403-2100 of section

two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one; provided, however, that for the purposes of this section, disaster assistance shall be defined as payments for advance rent, security deposits, food, clothing, and household supplies; and provided, further, that the department is hereby authorized to pay such disaster assistance retroactive to July first, nineteen hundred and ninety-one.

SECTION 57. Notwithstanding the provisions of chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six, or any other general or special law to the contrary, the Massachusetts Port Authority is hereby authorized and directed to establish a program to provide shuttle bus service between passenger terminals at Logan International Airport and North Station and South Station in the city of Boston. Said authority shall provide, on weekdays, not less than six round trips daily between said airport and North Station and not less than six round trips daily between said airport and South Station, and, on weekends and holidays, not less than three round trips daily between said airport and North Station and not less than three round trips daily between said airport and South Station.

Said authority shall, whenever practicable, schedule said service in coordination with commuter rail service provided by the Massachusetts Bay Transportation Authority in order to maximize ridership potential on said shuttle bus service; provided, however, that said authority shall commence said service as provided in this section within sixty days of the effective date of this section.

SECTION 58. Notwithstanding the provisions of section six of chapter two hundred and eleven B of the General Laws or any other general or special law to the contrary, the term of the chief administrative justice of the trial court whose tenure began on January seventh, nineteen hundred and ninety-two shall be extended until August fifth, nineteen hundred and ninety-four.

SECTION 59. The commissioner of the division of insurance shall conduct a study of the impact of the provision on age rate adjustments described in paragraph (8) of subsection (*a*) of section three of chapter one hundred and seventy-six J of the General Laws on the availability and affordability of health care coverage to eligible small businesses in the commonwealth. The commissioner shall appoint representatives of carriers offering health benefit plans to eligible small businesses, at least one of whom shall represent a carrier licensed under chapter one hundred and seventy-five of the General Laws, to assist in said study. Said study shall commence by June first, nineteen hundred and ninety-three and conclude no later than December thirty-first, nineteen hundred and ninety-three. The commissioner shall report the findings of said study to the joint legislative committee on insurance.

SECTION 60. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance shall conduct a statewide

study of feasibility and the long-range goals of the privatization, consolidation or closure of any state facility, property, and functions and submit it to the house and senate committees on ways and means on or before September first, nineteen hundred and ninety-two. Said study shall include a cost benefit analysis of any such privatization, consolidation or closure of any state facility, property or function. No facility, property or function shall be privatized, consolidated or closed prior to the completion and submission of said study to said committees, and approval of said study by the general court and the governor. This section shall not apply to any facility privatized, consolidated or closed prior to March fifteenth, nineteen hundred and ninety-two.

SECTION 61. A special commission, to consist of one member of the senate, one member of the house of representatives, the commissioner of the department of correction or his designee, the commissioner of capital planning and operations or his designee and the president of the Massachusetts Sheriffs Association or his designee, is hereby established for the purpose of making an investigation and study relative to the feasibility of utilizing modular floating detention facilities as a method of easing high transportation costs and overcrowding in prisons, jails, houses of correction, pre-arraignment holding facilities and pre-release facilities.

Said commission, in the course of its investigation and study shall consider the impact on the Massachusetts economy by constructing said facilities in a local shipyard. It shall also consider the lease or lease purchase options, the benefits of a purpose built facility, the speed of delivery, and other relevant issues pertaining to constructing a state of the art floating correctional facility.

Said commission shall report to the senate and house of representatives the results of its investigation and study, and any recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, and shall file the same with the clerks of the senate and house of representatives on or before the last Wednesday of June, nineteen hundred and ninety-two.

SECTION 62. The division of medicaid and the department of public welfare are hereby authorized and directed to conduct an investigation and study of the number and frequency of medicaid and welfare recipients who have resided in the commonwealth for a period of six months or less at the time application was made for such benefits, together with number and frequency of claims, the study shall also encompass the costs, both individual and aggregate, of benefits paid to such recipients.

Said investigation and study shall include, but not be limited to, a requirement that each request by an individual seeking medicaid or welfare benefits shall include a statement by the applicant of his or her length of residence in the commonwealth at the time application is made. Said investigation and study shall be included in a report filed with the secretary of administration and finance and the house and senate committees on ways and means no later than December

fifteenth, nineteen hundred and ninety-three.

SECTION 63. Notwithstanding the application deadline provisions of item 7066-1010 of chapter four hundred and ninety-three of the acts of nineteen hundred and ninety-one, the town of Ashland may apply for reimbursement of losses, not to exceed twenty-six thousand five hundred dollars, the town of Hudson may apply for a reimbursement of losses, not to exceed fifteen thousand dollars, the town of Sutton may apply for a reimbursement of losses, not to exceed six thousand six hundred and four dollars, the town of Millbury may apply for a reimbursement of losses, not to exceed seven thousand seven hundred and sixty-four dollars, and the city of Lowell may apply for a reimbursement of losses, not to exceed eighteen thousand one hundred thirty-three dollars, incurred under the provisions of section three hundred and four of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one.

SECTION 64. The Massachusetts Water Resources Authority is hereby authorized and directed to undertake a utilization study of the former general dynamics executive office building at the so-called Quincy shipyard. Said study shall include but not be limited to the following: the current cost of existing office, the cost of rehabilitation and renovation of the former general dynamics executive office to a Class B level of space, a timetable or schedule for planning, engineering, construction or rehabilitation of the office space in Quincy.

A detailed list of the criteria and specifications used in the cost analysis shall also be included.

The study shall also include a plan for the use or re-use of the building by said Massachusetts Water Resources Authority or for non-Massachusetts Water Resources Authority related uses.

Said Massachusetts Water Resources Authority shall file its report with the house and senate committees on ways and means by July thirtieth, nineteen hundred and ninety-two.

SECTION 65. The executive office for administration and finance is hereby authorized and directed to establish a workers' compensation litigation unit to provide state agencies with legal and other services required to effectively defend workers' compensation claims on behalf of the commonwealth. The secretary of administration may charge any agency requesting representation by said unit for reimbursement of legal and other services performed on the agency's behalf; provided, however, that the total maximum amount that may be charged to all agencies in the fiscal year ending June thirtieth, nineteen hundred and ninety-two shall not exceed one hundred and twenty-six thousand dollars. The secretary of administration shall submit to the house and senate committees on ways and means a report summarizing each agency's charges, the services performed for each agency, and the expenditure of the unit during the fiscal year within forty-five days of the end of the fiscal year.

SECTION 66. The secretary of education is hereby authorized and directed to enter into negotiations with the New Standards Project, so-called, operated under the auspices of the National Center on Education and the Economy at the University of Pittsburgh, for the purpose of pursuing full participation by the commonwealth in said project. The secretary shall report to the joint committee on education and to the house and senate committees on ways and means no later than the fifteenth of June, nineteen hundred and ninety-two, describing the status of negotiations and the plans for participation, if any, the funding required for said participation, the projected timeline for participation, and the expected benefits for public education in the commonwealth.

SECTION 67. For the purpose of establishing an employment and training program for health care professionals at Cape Cod Community College, and notwithstanding the provisions of chapter six A of the General Laws, chapter six B of the General Laws, or any other general or special law to the contrary, a sole community provider, as defined in section one of said chapter six B, which has made an election to participate under the terms and conditions as described in volume option one of hospital agreement thirty-one, may rescind that election with respect to hospital fiscal year nineteen hundred and ninety-one at any time within three hundred and sixty-five days of the close of its fiscal year nineteen hundred and ninety-one in which event its volume allowance shall be calculated by comparing fiscal year nineteen hundred and eighty-four case mix adjusted discharges with fiscal year nineteen hundred and ninety-one case mix adjusted discharges; provided, that said volume adjustment shall utilize a marginal cost allowance of one hundred percent; provided, however, that any settlement with a nonprofit hospital and medical service corporation shall be calculated based on volume option one of said hospital agreement thirty-one; and provided further, that notwithstanding said adjustment, a sole community provider which rescinds the aforesaid election with respect to hospital fiscal year nineteen hundred and ninety-one pursuant to this section shall continue to be liable for payments to the uncompensated care pool as determined pursuant to section fifteen of chapter one hundred and eighteen F of the General Laws for hospital fiscal year nineteen hundred and ninety-two and for each fiscal year thereafter. A sole community provider which rescinds the aforesaid election shall transfer to the fund known as The Cape Cod Community College Miscellaneous Trust Fund, established in nineteen hundred and seventy-three, the first four hundred thousand dollars retained by the hospital as a result of said rescission, which shall be expended from said fund as follows: eighty thousand dollars per year for five years. Said monies shall be used by Cape Cod Community College to establish and operate an employment and training program for health care professionals in coordination with health care providers and, when feasible, vocational technical high schools in the Cape Cod area and may be expended by said college for costs associated

with said program, including, but not limited to, transportation, tuition assistance, and day care for children of participants receiving funds through the federal aid to families with dependent children program; provided, however, that no monies may be expended for said program from said fund prior to July first, nineteen hundred and ninety-two; provided further, that prior to any expenditures of such monies said program shall receive the approval of the Cape Cod and Islands regional employment board which shall review and approve said program on an annual basis. Any increase in payment levels resulting from said rescission pursuant to this section shall not apply to payments made by the commonwealth under any program of public assistance, including the medicaid program.

SECTION 68. The highways department is hereby authorized and directed to pay the town of Templeton the sum of twenty-three thousand six hundred twenty-nine dollars and eighteen cents, in accordance with the memorandum of agreement between the town and the former department of public works dated January twentieth, nineteen hundred and eighty-four and amended March twenty-fifth, nineteen hundred and eighty-five.

SECTION 69. Notwithstanding the provisions of any general or special law to the contrary, items 8312-8843 and 8312-8844 authorized in section three B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, item 8312-7880 authorized in section two D of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, and item 8312-7892 authorized in section two C of chapter two hundred and eight of the acts of nineteen hundred and eighty-eight are hereby repealed.

SECTION 70. 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 seventy 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-three.

SECTION 71. Notwithstanding the fourth paragraph of said section thirty-two of said chapter forty-four, if, upon the expiration of one hundred and seventy 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-two, the mayor shall not have submitted to the city council the annual budget for the fiscal year ending June thirtieth, nineteen hundred and ninety-three, the city council shall, upon its own initiative, prepare such annual budget by June thirtieth, nineteen hundred and ninety-two, and such budget preparation shall be where applicable subject to the provisions governing the annual budget of the mayor.

SECTION 72. Notwithstanding the provisions of said section thirty-two of said chapter forty-four or any other general or special law to the contrary, commencing

July first, nineteen hundred and ninety-two and ending September thirtieth, nineteen hundred and ninety-two, the mayor may submit to the city council in any city other than the city of Boston, a continuing appropriation budget for said city on a month by month basis for a period not to exceed three months if said city has not approved an operating budget for the fiscal year ending June thirtieth, nineteen hundred and ninety-three, because of circumstances beyond its control.

SECTION 73. There is hereby established a special commission on criminal justice training fees, consisting of the secretary of public safety, or his designee, the personnel administrator, or his designee, the attorney general, or his designee, the chairman of the Massachusetts criminal justice training council, or his designee, a representative of the Massachusetts Police Training Officers Association, a representative of a municipal police training academy, the colonel of the state police or his designee, a representative of the Massachusetts Chiefs of Police, and the secretary of administration and finance or his designee, who shall act as chairman. The chairman may invite other persons to assist the commission in its work. The commission shall propose an equitable system for charging recruits a fee for participating in criminal justice training programs. In preparing its proposal, the commission may consider whether the fee shall be charged to recruits attending programs operated or approved by the criminal justice training council or the state police, whether recruits shall be made eligible for student loans or other assistance, whether said fee can be paid by sponsoring employers, whether a fee shall be charged for required in-service training programs and such other matters as the commission shall determine relevant. The commission's report and proposal shall be filed with the house and senate committees on ways and means on or before May fifteenth, nineteen hundred and ninety-two.

SECTION 74. The secretary of environmental affairs shall prepare legislation establishing an integrated siting process governing hazardous waste facilities requiring licenses under chapter twenty-one C of the General Laws. Said legislation shall encourage and expedite a process to develop safe, environmentally sound hazardous waste facilities and allow for the involvement of local authorities in order to reasonably protect the environment, natural resources, health, safety and convenience of the residents of a host community. Said legislation shall be filed with the clerk of the house of representatives no later than September first, nineteen hundred and ninety-two.

SECTION 75. To meet the expenditures necessary in carrying out the provisions of section two C of this act, the governor is hereby authorized to instruct the state treasurer, to issue and sell bonds of the commonwealth, in an amount not to exceed three million one hundred thousand dollars, in the aggregate, on or before June thirtieth, nineteen hundred and ninety-seven. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Public Safety Improvement Loan Act of 1992, and shall be issued for a minimum term of ten years,

up to a maximum term of twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable no later than June thirtieth, two thousand and seventeen. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 76. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments authorized by section two C of this act and may issue and renew from time to time notes of the commonwealth therefor bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of the notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-seven.

Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. All interest and payments on account of principal of such obligations shall be payable from the General Fund.

SECTION 77. Sections ten, thirty-two, thirty-three, thirty-four, thirty-five, thirty-eight, forty-six, forty-seven, forty-eight, and fifty-five shall take effect as of July first, nineteen hundred and ninety-one. Section sixty-nine shall take effect on June thirtieth, nineteen hundred and ninety-two. The remaining provisions of this act shall take effect upon its passage.

Items disapproved

SECTION 2: 1103-5010; 4120-0011; 4800-0030; SECTION 2A: 1599-3991; 1599-4000; 3722-9100; 4402-5190; 4510-1010; 6030-7304; 7052-0001; 7052-8860; 8000-3000; 9430-0101; SECTIONS 8, 19, 20, 21, 42, 43, 53, 57, 60, 61, 73.

SECTION 2 *Reduce the following items to the following amounts:*

Item	Reduce by	Reduce to
1100-1101	6,449	3,351
1108-5200	599,791	19,980,667
7061-0003	18,500	194,000
8900-0008	8,975	2,900,000
9215-0001	7,800	42,200

SECTION 2A *Reduce the following items to the following amounts:*

Item	Reduce by	Reduce to
8910-0021	260,200	872,000
8910-0031	2,151,500	7,000,000

SECTION 2A *Items disapproved by stiking the wording and reducing the amount as indicated:*

Item	Reduce by	Reduce to	Wording stricken
8100-0015	595,904	1,733,941	; and provided further, that every person who receives an appointment to a position on a permanent full-time basis in which he will exercise police powers in the department of the state police, assigned to a prescribed course of study at the state police training facility in New Braintree, required prior to the exercise of police powers by that person pursuant to section ninety-six B of chapter forty-one of the General Laws, and any other person attending that prescribed course of study, shall be charged a fee of one thousand two hundred dollars, payable in installments as may be directed by the secretary of public safety.

The remainder of this bill was approved by the Governor on April 24, 1992.

Item 8000-3000 of Section 2A and Section 20 of this bill were returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on May 6, 1992 and in concurrence by the Senate on May 6, 1992; the objections of the Governor notwithstanding in the manner prescribed by the Constitution and thereby has the "force of law".

Items 3722-9100 of Section 2A of this bill was returned by the Governor to the House of Representatives, the branch in which it originated with his objections thereto, was passed in the House on May 11, 1992 and in the Senate in concurrence on May 18, 1992; the objections of the Governor notwithstanding in the manner prescribed by the Constitution and thereby has the "force of law".

Chapter 24. AN ACT INCREASING THE AMOUNT OF MONEY THAT MAY BE BORROWED BY THE THORNDIKE FIRE AND WATER DISTRICT IN THE TOWN OF PALMER AND TO EXTEND THE TIME LIMIT WITHIN WHICH SUCH LOANS SHALL BE PAYABLE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 320 of the acts of 1946 is hereby amended by striking out section 4, as amended by section 1 of chapter 438 of the acts of 1949, and inserting in place thereof the following section:-

Section 4. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the district, notwithstanding the provisions of section ten of chapter forty-four of the General Laws, may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, two million dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Thorndike Fire and Water District Loan, Act of 1946. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than forty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

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

Approved April 24, 1992.

Chapter 25. AN ACT RELATIVE TO THE NOMINATION PROCESS FOR REPRESENTATIVES IN CONGRESS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide an orderly procedure for the nomination of candidates for congress in the nineteen hundred and ninety-two election, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the state secretary shall cause to be printed primary ballots listing the names of each party candidate for representative in congress for the nineteen hundred and ninety-two primary election who shall have obtained, in the aggregate, two thousand signatures on his nomination papers. The state secretary

shall also cause to be printed ballots for the nineteen hundred and ninety-two general election containing the names of all unenrolled candidates for representative in congress who shall have obtained in the aggregate, two thousand signatures. In making said aggregation, the state secretary shall count all certified signatures on nomination papers, regardless of the congressional district in which said signatures were obtained, and regardless of the congressional district from which the candidate seeks election.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, local registrars of voters shall not refuse to certify resident signatures on nomination papers of candidates for congress in the nineteen hundred and ninety-two primary or general election solely on the basis that the district designation on said nomination papers is omitted or incorrect.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, candidates for representative in congress in the nineteen hundred and ninety-two primary or general election shall make an irrevocable declaration of the congressional district from which they seek election, or an intention to have their name withdrawn from nomination, in writing, to the state secretary by five o'clock post meridian on or before the seventh day following the enactment of a congressional redistricting plan which reflects accurately the total number of representatives in congress to which the state is entitled by federal law, as determined by the supreme court of the United States in the case of *Commonwealth of Massachusetts v. Mosbacher*, or June fifth, nineteen hundred and ninety-two, whichever is later.

SECTION 4. Except as provided in section three, all election calendar deadlines prescribed by law for the submission, processing and filing of nomination papers, or for the withdrawal of nomination for offices other than representative in congress, shall remain in full force and effect.

Approved April 29, 1992.

Chapter 26. AN ACT RELATIVE TO RESTORING SOLVENCY TO THE UNEMPLOYMENT INSURANCE TRUST FUND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately restore solvency to the Unemployment Insurance 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 12 of chapter 62E of the General Laws, as appearing in the

1990 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of any law to the contrary, data gathered as part of the wage reporting system may be used for purposes of evaluating employment and earnings outcomes of programs within the Massachusetts workforce development system. The department of revenue shall be permitted to share wage reporting data with the department of employment and training and the department of education in the performance of their official duties.

SECTION 2. Section 8 of chapter 118F of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Except as provided in section nine A, the department shall not operate as an insurance company, but shall make health insurance plans available to such residents of the commonwealth through the purchase of health insurance plans, including managed health care plans, from private health insurance companies, a hospital service corporation, a medical service corporation, or health maintenance organizations, and through the brokering of health insurance for employers and consumers of health care services.

SECTION 3. The first paragraph of section 9 of said chapter 118F, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:- (1) residents of the commonwealth, and their dependents, who are not enrolled in any health insurance plans, self-insurance health plans, or medical assistance programs and who are receiving unemployment compensation benefits under the provisions of chapter one hundred and fifty-one A, including extended benefits under the provisions of section thirty A of said chapter one hundred and fifty-one A or extended unemployment compensation benefits under the federal Emergency Unemployment Compensation Act of 1991 or any other federal act.

SECTION 4. Said section 9 of said chapter 118F, as so appearing, is hereby further amended by striking out the fourth paragraph.

SECTION 5. Said chapter 118F is hereby further amended by inserting after section 9 the following two sections:-

Section 9A. The department shall establish and may operate a health insurance program for the benefit of persons who meet both of the following criteria: (1) the person is receiving or is eligible to receive unemployment compensation benefits under the provisions of chapter one hundred and fifty-one A, including extended benefits under the provisions of section thirty A of said chapter one hundred and fifty-one A or extended unemployment compensation benefits, hereinafter referred to as EUC benefits, under the federal Emergency Unemployment Compensation Act of 1991 or any other federal act; and (2) the gross income of the person and the person's spouse, if any, including any income received from unemployment benefits, extended benefits or EUC benefits as provided in clause (1), is less than or equal to four times the non-farm poverty guidelines of the United States

Office of Management and Budget.

The department shall establish a schedule of co-payments or deductibles, which shall be less than or equal to any co-payments or deductibles of the indemnity health insurance plan offered to state employees through the group insurance commission established under the authority of chapter thirty-two A.

The department shall establish procedures for the calculation of the gross income of an applicant or the applicant's spouse, if any, for the purposes of determining eligibility under a health insurance plan established under this section. Such procedures shall provide that in determining the income of the applicant or the applicant's spouse, if any, the department shall examine the gross income of the applicant and the applicant's spouse, if any, in the six months prior to application, and a projection of the gross income of the applicant and the applicant's spouse, if any, including a calculation of the maximum benefits payable to the applicant and the applicant's spouse, if any, from unemployment benefits, extended benefits or EUC benefits, for the six months after application. Such procedures shall also make provisions for the redetermination of eligibility for an enrollee or the enrollee's family.

The department shall establish grievance procedures under which any decision, action or inaction of the department which directly affects an enrollee or the enrollee's family, and is related to the receipt of benefits under this section.

The department shall establish appeal procedures under which an applicant may appeal a denial of benefits in whole or in part or may appeal a determination of income, or under which an enrollee may appeal termination from the program.

For the purposes of this section the term "family members" of the applicant or enrollee shall include the applicant or enrollee, a spouse, and any legal dependents.

The department shall prepare reports on the status of the program established in this section, and submit such reports annually on the first Wednesday in January, April, July, and October to the joint committee on health care and the house and senate committees on ways and means. Such report shall include, but not be limited to, the number of enrollees in the program for the previous quarter, the amount of benefits paid out in the previous quarter, and the end of quarter balance in the medical security trust fund established in section sixteen.

Section 9B. The department shall insure that all service and plans offered under this chapter shall be accessible to persons for whom English is not their primary language.

The department shall assist the department of employment and training in developing appropriate notices under the provisions of subsection (k) of section fourteen G of chapter one hundred and fifty-one A. The department shall establish procedures for assuring that such notices are delivered to persons who may be eligible for benefits under section nine A, which may include direct mailing of

notices to potential beneficiaries, at the discretion of the department.

SECTION 6. Section 1 of chapter 151A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) "Base period", with respect to benefit years beginning on or after January first, nineteen hundred and ninety-three shall mean the first four of the last five completed calendar quarters immediately preceding an individual's benefit year; except that, if as a result of the above provision an individual does not meet the requirement of clause (a) of section twenty-four, the term "base period" shall mean the period of fifty-two consecutive calendar weeks ending with the day immediately preceding the first day of a claimant's benefit year; provided, however, that if a claimant received weekly compensation for temporary total disability under the provisions of chapter one hundred and fifty-two or under a similar law of the United States, not including payments for certain specified injuries under section thirty-six of said chapter one hundred and fifty-two or payments for similar specified injuries under workmen's compensation laws of any other state or under any similar law of the United States, for more than seven weeks within the base period, as heretofore defined, his base period shall be lengthened by the number of such weeks, but not to exceed fifty-two weeks, for which he received such payments; provided, further, that no extended base period shall include wages upon which benefits were established and paid with respect to a prior benefit year claim.

SECTION 7. Section 14 of said chapter 151A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Each employer shall make contributions for each year after nineteen hundred and ninety-one at the applicable rate or rates as set forth in this section on so much of its payroll as is subject to this chapter. For the purposes of this section, the term "wages" shall not include that part of remuneration which, after remuneration equal to the unemployment insurance taxable wage base with respect to employment with such employer has been paid to an individual during any calendar year, is paid to such individual during such year; provided, however, if the amount specified in the definition of "wages" in the federal Unemployment Tax Act is higher with respect to a calendar year than the amount hereinbefore specified, such higher amount shall apply to such calendar year. For the purposes of this section, remuneration shall include any wages earned in another state upon which contributions were required and paid under a similar law.

SECTION 8. Subsection (a) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 34, the word "seven" and inserting in place thereof the word:- fourteen.

SECTION 9. Said subsection (a) of said section 14 of said chapter 151A, as so appearing, is hereby further amended by adding the following paragraph:-

(4) "Unemployment insurance taxable wage base", with respect to calendar years nineteen hundred and ninety-two and nineteen hundred and ninety-three, the term "unemployment insurance taxable wage base" shall mean ten thousand eight hundred dollars. For each subsequent calendar year, the term "unemployment insurance taxable wage base" shall mean thirteen thousand dollars.

SECTION 10. Subsection (e) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) An amount equal to all interest earnings or other revenue received by the fund which is not credited to employers' accounts shall be credited as received to the solvency account.

SECTION 11. Paragraph (5) of said subsection (e) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 131 and 133, the word "fifteen" and inserting in place thereof, in each instance, the word:- twenty-five.

SECTION 12. Paragraph (6) of said subsection (e) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 138 and 140, the word "thirty" and inserting in place thereof, in each instance, the word:- fifty.

SECTION 13. Subsection (h) of said section 14 of said chapter 151A, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

(3) For the purpose of determining the contribution rate schedule provided for in subsection (i), the Unemployment Compensation Fund available for benefits as of any computation date shall include the amount of any federal reimbursable benefits due, but not credited, to the fund.

SECTION 14. Said section 14 of said chapter 151A, as so appearing, is hereby further amended by striking out subsection (i) and inserting in place thereof the following subsection:-

(i) The contribution rate of each employer shall be five and four-tenths percent of that part of its payroll subject to this chapter, except as follows:

(1) With respect to calendar years beginning on or after January first, nineteen hundred and ninety-two, the experience rate of an employer qualifying therefor under subsection (b) shall be 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 the applicable employer account reserve percentage as set forth in the experience rate table:

EXPERIENCE RATE TABLE
UNEMPLOYMENT COMPENSATION FUND RESERVE PERCENTAGE

	AA 3.0% and over	A 2.6% or more but less than 3.0%	B 2.2% or more but less than 2.6%	C 1.7% or more but less than 2.2%	D 1.4% or more but less than 1.7%	E 1.1% or more but less than 1.4%	F 0.8% or more but less than 1.1%	G less than 0.8%
Employer Account Reserve Percentages								
Negative Percentage								
14 or more	6.5	6.9	7.3	7.7	8.1	8.5	8.9	9.3
13.0 but less than 14.0	6.3	6.7	7.1	7.5	7.9	8.3	8.7	9.1
12.0 but less than 13.0	6.1	6.5	6.9	7.3	7.7	8.1	8.5	8.9
11.0 but less than 12.0	5.9	6.3	6.7	7.1	7.5	7.9	8.3	8.7
10.0 but less than 11.0	5.7	6.1	6.5	6.9	7.3	7.7	8.1	8.5
9.0 but less than 10.0	5.5	5.9	6.3	6.7	7.1	7.5	7.9	8.3
8.0 but less than 9.0	5.3	5.7	6.1	6.5	6.9	7.3	7.7	8.1
7.0 but less than 8.0	5.1	5.5	5.9	6.3	6.7	7.1	7.5	7.9
6.0 but less than 7.0	4.9	5.3	5.7	6.1	6.5	6.9	7.3	7.7
5.0 but less than 6.0	4.7	5.1	5.5	5.9	6.3	6.7	7.1	7.5
4.0 but less than 5.0	4.5	4.9	5.3	5.7	6.1	6.5	6.9	7.3
3.0 but less than 4.0	4.3	4.7	5.1	5.5	5.9	6.3	6.7	7.1
2.0 but less than 3.0	4.1	4.5	4.9	5.3	5.7	6.1	6.5	6.9
1.0 but less than 2.0	3.9	4.3	4.7	5.1	5.5	5.9	6.3	6.7
0.0 but less than 1.0	3.7	4.1	4.5	4.9	5.3	5.7	6.1	6.5
Positive Percentage								
0.0 but less than 0.5	3.5	3.9	4.3	4.7	5.1	5.5	5.9	6.3
0.5 but less than 1.0	3.4	3.8	4.2	4.6	5.0	5.4	5.8	6.2
1.0 but less than 1.5	3.3	3.7	4.1	4.5	4.9	5.3	5.7	6.1
1.5 but less than 2.0	3.2	3.6	4.0	4.4	4.8	5.2	5.6	6.0
2.0 but less than 2.5	3.1	3.5	3.9	4.3	4.7	5.1	5.5	5.9
2.5 but less than 3.0	3.0	3.4	3.8	4.2	4.6	5.0	5.4	5.8
3.0 but less than 3.5	2.9	3.3	3.7	4.1	4.5	4.9	5.3	5.7
3.5 but less than 4.0	2.8	3.2	3.6	4.0	4.4	4.8	5.2	5.6
4.0 but less than 4.5	2.7	3.1	3.5	3.9	4.3	4.7	5.1	5.5
4.5 but less than 5.0	2.6	3.0	3.4	3.8	4.2	4.6	5.0	5.4
5.0 but less than 5.5	2.5	2.9	3.3	3.7	4.1	4.5	4.9	5.3
5.5 but less than 6.0	2.4	2.8	3.2	3.6	4.0	4.4	4.8	5.2
6.0 but less than 6.5	2.3	2.7	3.1	3.5	3.9	4.3	4.7	5.1
6.5 but less than 7.0	2.2	2.6	3.0	3.4	3.8	4.2	4.6	5.0
7.0 but less than 7.5	2.1	2.5	2.9	3.3	3.7	4.1	4.5	4.9
7.5 but less than 8.0	2.0	2.4	2.8	3.2	3.6	4.0	4.4	4.8

8.0 but less than 8.5	1.9	2.3	2.7	3.1	3.5	3.9	4.3	4.7
8.5 but less than 9.0	1.8	2.2	2.6	3.0	3.4	3.8	4.2	4.6
9.0 but less than 9.5	1.7	2.1	2.5	2.9	3.3	3.7	4.1	4.5
9.5 but less than 10.0	1.6	2.0	2.4	2.8	3.2	3.6	4.0	4.4
10.0 but less than 10.5	1.5	1.9	2.3	2.7	3.1	3.5	3.9	4.3
10.5 but less than 11.0	1.4	1.8	2.2	2.6	3.0	3.4	3.8	4.2
11.0 but less than 11.5	1.3	1.7	2.1	2.5	2.9	3.3	3.7	4.1
11.5 but less than 12.0	1.2	1.6	2.0	2.4	2.8	3.2	3.6	4.0
12.0 but less than 12.5	1.1	1.5	1.9	2.3	2.7	3.1	3.5	3.9
12.5 but less than 13.0	1.0	1.4	1.8	2.2	2.6	3.0	3.4	3.8
13.0 but less than 13.5	0.9	1.3	1.7	2.1	2.5	2.9	3.3	3.7
13.5 but less than 14.0	0.8	1.2	1.6	2.0	2.4	2.8	3.2	3.6
14.0 but less than 14.5	0.7	1.1	1.5	1.9	2.3	2.7	3.1	3.5

(2) Except as otherwise provided in this paragraph, each employer newly subject to this chapter shall pay contributions 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 10.5 but less than 11.0 positive as set forth in the experience rate table hereinabove until it has been an employer for not less than the twelve consecutive month period specified in paragraph (1) of subsection (b); thereafter, its contribution rate shall be determined in accordance with the preceding provisions of this subsection.

(3) Any newly subject employer classified by the commissioner in a two digit Standard Industrial Classification code fifteen, sixteen or seventeen shall pay contributions at a rate equal to the average rate as of the most recent computation date paid by employers classified in the applicable two digit Standard Industrial Classification code. Said employer shall pay at such average rate until it has been an employer for not less than the twelve consecutive month period specified in paragraph (1) of subsection (b); thereafter, its contribution rate shall be determined in accordance with the preceding provision of this subsection.

(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 15. Section 14G of said chapter 151A, as so appearing, is hereby

amended by adding the following subsection:-

(k) The department shall provide written information to every individual who is eligible for unemployment benefits, including extended benefits under section thirty A or extended unemployment compensation benefits under the federal Emergency Unemployment Compensation Act of 1991 or any other federal act, that such individual may be eligible for health insurance coverage pursuant to this section and the provisions of section nine of chapter one hundred and eighteen F. In addition, the department shall post in their local offices a clear and conspicuous notice advising such individuals of their rights under this section, which notice shall be in English, Spanish, and any other language which the department determines appropriate for the area office in which the notice is posted. In devising such information and notice the department shall seek assistance from the department of medical security.

SECTION 16. Said chapter 151A is hereby further amended by inserting after section 14I the following two sections:-

Section 14J. For the period from January first, nineteen hundred and ninety-two until December thirty-first, nineteen hundred and ninety-three, each employer required to make contributions pursuant to section fourteen shall pay, at the same time as the required contributions are due, an excise on the wages paid its employees in accordance with the following table:

Employer Account Reserve Percentage	Rate
Negative Percentage	
7.0 or more	0.9
3.0 but less than 7.0	0.8
0.0 but less than 3.0	0.7
Positive Percentage	
0.0 but less than 4.0	0.6
4.0 but less than 9.0	0.5
9.0 but less than 13.5	0.4
13.5 or more	0.3

For the purpose of this section, the term "wages" shall include only that part of remuneration on which the employer is required to make contributions pursuant to section fourteen. Such excise shall be paid to the commissioner in accordance with the procedures prescribed by the commissioner. The commissioner shall deposit the receipts or such excise into the Federal Loan Interest Fund established

by section fourteen K. Such receipts shall not be subject to the allowable state tax revenue limitations established by chapter twenty-nine B or chapter sixty-two F. Prior to the depositing of the receipts, the commissioner may deduct all administrative costs incurred as a result of this section, including an amount as determined by the United States Secretary of Labor in accordance with federal cost rules, if applicable.

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

The commissioner, after providing at least thirty days notice to the joint committee on commerce and labor, may adjust the excise rate specified in this section to pay the appropriate amount of interest required to be paid to the Federal Loan Interest Fund.

Section 14K. There is hereby established a separate fund to be known as the Federal Loan Interest Fund which shall be administered by the commissioner, without liability on the part of the commonwealth beyond the amount credited to and earned by the fund. Said fund shall consist of all amounts received under section fourteen J which shall be credited to such fund, except as otherwise provided in said section fourteen J and any other monies authorized by law to be credited to said fund. Money in the fund shall be used only for the payment of interest required to be paid under section 1202(b) of the Social Security Act. The monies in said fund shall be continuously available to the commissioner for the payment of said interest and shall not lapse at any time or be transferred to any other fund or account except as herein provided. On September thirtieth of each calendar year, the commissioner shall transfer from the Federal Loan Interest Fund to the Unemployment Compensation Fund any amounts paid pursuant to section fourteen J prior to the immediately preceding twenty-four month period which have not been expended for the payment of interest. The commissioner shall credit such amounts transferred to the solvency account pursuant to paragraph (1) of subsection (e) of section fourteen as of October first of said calendar year.

SECTION 17. Section fourteen J of said chapter one hundred and fifty-one A, inserted by section sixteen, is hereby repealed.

SECTION 18. Section 24 of said chapter 151A, as appearing in the 1990 Official Edition, is hereby amended by striking out clauses (a) and (b) and inserting in place thereof the following two clauses:-

(a) Have been paid wages in the base period amounting to at least thirty times the weekly benefit rate; provided that (1) for the period beginning on April first, nineteen hundred and ninety-two and ending on December thirty-first, nineteen

hundred and ninety-three, the individual has been paid wages of at least eighteen hundred dollars during said base period, and (2) for the period beginning on January first, nineteen hundred and ninety-four and continuing thereafter until amended, the individual has been paid wages of at least twenty-four hundred dollars during said base period;

(b) Be capable of, available, and actively seeking work in his usual occupation or any other occupation for which he is reasonably fitted; and.

SECTION 19. Subsection (e) of section 25 of said chapter 151A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

For the period of unemployment next ensuing and until the individual has had at least eight weeks of work and in each of said weeks has earned an amount equivalent to or in excess of the individual's weekly benefit amount after the individual has left work (1) voluntarily unless the employee establishes by substantial and credible evidence that he had good cause for leaving attributable to the employing unit or its agent, (2) by discharge shown to the satisfaction of the commissioner by substantial and credible evidence to be attributable to deliberate misconduct in wilful disregard of the employing unit's interest, or to a knowing violation of a reasonable and uniformly enforced rule or policy of the employer, provided that such violation is not shown to be as a result of the employee's incompetence, or (3) because of conviction of a felony or misdemeanor.

SECTION 20. Said subsection (e) of said section 25 of said chapter 151A, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of this subsection, no waiting period shall be allowed and no benefits shall be paid to an individual under this chapter for the period of unemployment next ensuing and until the individual has had at least eight weeks of work and in each of said weeks has earned an amount equivalent to or in excess of the individual's weekly benefit amount after having left work to accompany or join one's spouse or another person at a new locality.

SECTION 21. Subsection (b) of section 29 of said chapter 151A, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- An individual in partial unemployment and otherwise eligible for benefits shall be paid the difference between his aggregate remuneration with respect to each week of partial unemployment and the weekly benefit rate to which he would have been entitled if totally unemployed; provided, however, that earnings up to one-third of his weekly benefit rate shall be disregarded. In no case shall the amount of earnings so disregarded plus the weekly benefit rate equal or exceed the individual's average weekly wage.

SECTION 22. Subsection (c) of said section 29 of said chapter 151A, as so appearing, is hereby amended by adding the following sentence:- No dependency

benefits shall be paid unless the individual submits documentation satisfactory to the commissioner establishing the existence of the claimed dependent.

SECTION 23. Section twenty-nine C of said chapter one hundred and fifty-one A is hereby repealed.

SECTION 24. Section 30 of said chapter 151A, as amended by section 2 of chapter 9 of the acts of 1991, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Notwithstanding the provisions of subsection (a), an individual's rights to receive regular benefits under this chapter for any week in excess of twenty-six times the individual's weekly benefit amount, plus dependency benefits payable under section twenty-nine, shall cease for the remainder of the benefit year if such week of unemployment falls in an extended benefit period as defined in paragraph (a) of subsection (1) of section thirty A, or as defined in the Emergency Unemployment Compensation Act of 1991, or any other federal extended unemployment compensation act, as applicable.

SECTION 25. Paragraph (a) of subsection (3) of section 30A of said chapter 151A, as appearing in the 1990 Official Edition, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:- (3) said individual has had twenty weeks of full time insured employment, or the equivalent in insured wages. For the purposes of this subsection, insured wages are wages paid during the base period of the current benefit year in an amount which exceeds forty times the most recent weekly benefit amount or one and one-half times the wages of the individual's highest quarterly earnings. The commissioner shall prescribe by regulation which one of the foregoing methods of measuring employment and earnings shall be used to effectuate the purposes of this chapter and to provide the greatest coverage to individuals in need of extended benefits.

SECTION 25A. Section 47 of said chapter 151A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following two paragraphs:-

Any person who knowingly makes any false or misleading statement, representation or submission or knowingly assists, abets, solicits or conspires in the making of any false or misleading statement, representation or submission in order to maintain, obtain, or increase benefits under this chapter for himself or any other individual, or who knowingly conceals or fails to disclose a material fact in order to maintain, obtain or increase benefits under this chapter for himself or for any other individual shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in jail for not less than six months nor more than two and one-half years or by a fine of not less than one thousand nor more than ten thousand dollars, or by both such fine and imprisonment. Each false or misleading statement, representation, or submission and each failure to disclose or concealment shall constitute a separate offense.

Any person who provides the department with a false identification or misrepresents his identity in connection with any claim or attempt to make a claim for benefits under this chapter for himself or any other individual 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.

SECTION 26. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the department of employment and training shall deposit any receipts from the excise collected pursuant to section sixty-seven of chapter two hundred and thirty-three of the acts of nineteen hundred and eighty-three and section two of chapter nineteen of the acts of nineteen hundred and eighty-nine into the treasury of the commonwealth. Such receipts shall be credited to the Federal Loan Interest Fund established by section fourteen K of chapter one hundred and fifty-one A of the General Laws.

SECTION 27. Notwithstanding the provisions of section fourteen of chapter one hundred and fifty-one A of the General Laws, with respect to the calendar year beginning on January first, nineteen hundred and ninety-two, the experience rate of an employer qualifying therefor under subsection *(b)* of said section fourteen of said chapter one hundred and fifty-one A shall be the rate which appears in the column designated "F" and on the line with the applicable employer account reserve percentage as set forth in the table in clause (1) of subsection *(i)* of said section fourteen.

SECTION 28. (a) Notwithstanding the provisions of section thirteen of chapter one hundred and fifty-one A of the General Laws, 430 CMR 5.03 or any other general or special law or Massachusetts regulation to the contrary, the department of employment and training shall amend their ordinary procedure for billing employers, as set forth in 430 CMR 5.03, as follows:

(1) In billing employers for the first calendar quarter contributions, the department shall permit employers to defer without interest or penalty up to one-third of contributions ordinarily due and payable to the second calendar quarter; provided, however, that contributions due under section fourteen J of said chapter one hundred and fifty-one A may not be deferred.

(2) In billing employers for the second calendar quarter contributions, the department shall permit employers to defer without interest or penalty up to one-third of contributions ordinarily due and payable, including the amounts of any contributions deferred from the first calendar quarter, to the third calendar quarter; provided, however, that contributions due under said section fourteen J of said chapter one hundred and fifty-one A may not be deferred.

(b) In no case shall employers be permitted to defer any contributions ordinarily due and payable in the first or second calendar quarter beyond the third calendar quarter.

(c) The department shall be required to promulgate rules and regulations on

or before July first, nineteen hundred and ninety-two and to submit drafts of such rules and regulations to the joint committee on commerce and labor and the house and senate committees on ways and means. The department shall finalize rules and regulations on or before August first, nineteen hundred and ninety-two.

(d) With respect to billing for the first calendar quarter of nineteen hundred and ninety-two, the department is hereby authorized to operate under temporary emergency procedures for the purpose of complying with the requirements of this section.

(e) For the purposes of this section, the first calendar quarter shall be the period between January first and March thirty-first; the second calendar quarter shall be the period between April first and June thirtieth; the third calendar quarter shall be the period between July first and September thirtieth; and the fourth calendar quarter shall be the period between October first and December thirty-first.

SECTION 29. (a) The executive office of economic affairs is hereby authorized and directed, subject to appropriation, to establish a temporary loan program for certain businesses disproportionately impacted by increases in the unemployment compensation contributions authorized under chapter one hundred and fifty-one A. Under the program the secretary will be authorized to make loans to qualifying businesses for the period from July first, nineteen hundred and ninety-two through June thirtieth, nineteen hundred and ninety-four.

(b) The secretary of economic affairs shall establish criteria with respect to eligibility and benefits under the program, provided that program criteria shall include the following particulars:

(1) the program shall be limited to businesses with fifty or fewer full time equivalent employees or businesses primarily engaged in the temporary help industry;

(2) the program shall provide that loans be made at the same rate of interest that the commonwealth borrows from the Unemployment Trust Fund in the United States Treasury in order to pay for deficits in the Unemployment Compensation Fund established in section forty-eight of chapter one hundred and fifty-one A;

(3) the program shall provide that loans be made for a period not exceeding three years, although loans may be made for a shorter period of time;

(4) eligibility criteria shall include, but need not be limited to, an evaluation of the cost increases to individual employers resulting from charges in the taxable wage base and in the experience rate table set forth in section fourteen of chapter one hundred and fifty-one A;

(5) the program shall provide that once eligibility criteria are established, employers seeking admission into the program will be accepted on a first-come, first-served basis;

(6) no more than three million dollars in loans shall be made available in the aggregate in any one fiscal year; and

(7) the executive office of economic affairs shall be required to promulgate rules and regulations that establish a hardship provision whereby businesses that can demonstrate a significant job loss effect may be eligible.

(c) The executive office of economic affairs shall be required to promulgate rules and regulations within sixty days of the effective date of this section and to submit drafts of such rules and regulations to the joint committee on commerce and labor and the house and senate committees on ways and means. Said executive office shall finalize rules and regulations within ninety days of the effective date of this section.

(d) For the purposes of this section, the "temporary help industry" is defined as that group of employers who recruit and train their own employees and subsequently assign them for a profit to specific customers for a limited period of time.

SECTION 30. There is hereby established a special commission to consist of three members of the senate, one of whom shall be the senate chairman of the joint committee on commerce and labor, five members of the house of representatives, one of whom shall be the house chairman of the committee on commerce and labor, and nine persons to be appointed by the governor, one of whom shall be the secretary of economic affairs, one of whom shall be the commissioner of the department of employment and training, one of whom shall be a representative of the Associated Industries of Massachusetts, one of whom shall be a representative of the Massachusetts AFL-CIO State Labor Council, one of whom shall be a representative of the National Federation of Independent Business, one of whom shall be a representative of the Retailers Association of Massachusetts, one of whom shall be a representative of the Massachusetts Building Trades Council, one of whom shall be an owner of a temporary service company, and one of whom shall be an economist who is familiar with unemployment issues, for the purpose of making an investigation and study relative to improving the equity and efficiency of the unemployment system. Said investigation shall include but need not be limited to an examination of overall benefit levels, including therein an examination of benefits for seasonal employees, for employees receiving cash separation payments, and for certain low-wage workers.

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 September, nineteen hundred and ninety-two.

SECTION 31. The commissioner of the department of employment and training shall determine the range of employment and training programs which are available to unemployed individuals on a local level. He shall investigate and study flexible and innovative programs which can be implemented statewide and which

reflect the employment opportunities that are available in the local area.

The commissioner shall report the results of his investigation and study, and his recommendations, if any, together with drafts of legislation to carry his recommendations into effect, by filing the same with the clerks of the house of representatives and the senate and the joint committee on commerce and labor on or before October first, nineteen hundred and ninety-two.

SECTION 32. The commissioner of the department of employment and training shall study and evaluate the effect of this act on temporary technical placement or contract firms and make recommendations on ameliorating the impact of this act on such firms. The commissioner shall consider implementation of job credits, requiring contributions based on the total full time equivalent employment rather than individual employees, or any other proposals in conformity with federal law. The commissioner shall report the results of his study, and his recommendations, if any, together with drafts of legislation necessary to carry his recommendations into effect by filing the same with the joint committee on commerce and labor and the house and senate ways and means committees no later than sixty days following the effective date of this section.

SECTION 33. The commissioner of the department of employment and training shall promulgate the regulations required by paragraph *(a)* of subsection (3) of section thirty A of chapter one hundred and fifty-one A of the General Laws, as amended by section twenty-five of this act, within one hundred and eighty days of the effective date of said section twenty-five.

SECTION 33A. During calendar year nineteen hundred and ninety-two, any additional contributions that are required by this act and payable during the first quarter shall be collected by the commissioner when the second quarter payments are due, subject to the provisions of section twenty-eight of this act.

SECTION 34. Sections eight, eleven, twelve and thirteen of this act shall be applicable with respect to computations occurring on or after September thirtieth, nineteen hundred and ninety-one.

SECTION 35. Sections seven, nine and twenty-eight of this act shall take effect as of January first, nineteen hundred and ninety-two.

SECTION 36. Sections eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four and twenty-five of this act shall be applicable only with respect to new and additional claims filed on or after April first, nineteen hundred and ninety-two.

SECTION 37. Section six of this act shall take effect on January first, nineteen hundred and ninety-three and shall be applicable to benefit years beginning on or after January first, nineteen hundred and ninety-three.

SECTION 38. Section seventeen of this act shall take effect on January first, nineteen hundred and ninety-four.

This Bill, was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House

on April 27, 1992 and in concurrence by the Senate on April 27, 1992, the objections of the Governor notwithstanding in the manner prescribed by the Constitution and thereby has the "force of law".

Chapter 27. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO LEASE THE FORMER HOWARD STREET ARMORY TO THE SOUTH END COMMUNITY CENTER OF SPRINGFIELD, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Springfield, acting by and through its mayor, is hereby authorized to execute and deliver in the name and on behalf of said city, a lease of the former Howard Street Armory building located in said city, to the South End Community Center of Springfield, Inc., a nonprofit corporation. The leased premises shall be used by said South End Community Center for the purpose of conducting therein a nonprofit community center and to operate civic programs for the residents of the city of Springfield.

Said lease shall be for a period of ten years and may provide for an extension of said lease for a further term of up to ten years upon expiration of the original term.

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

Approved May 4, 1992.

Chapter 28. AN ACT ESTABLISHING A SICK LEAVE BANK FOR AN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.

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 employee of the department of social 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:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of social services is hereby authorized and directed to establish a sick leave bank for Area Program Manager Leonard J. Baxendale. Any employee of the department of social services may voluntarily contribute one or

more of his sick, personal or vacation days to said bank for use by Leonard J. Baxendale.

This Bill, was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on April 27, 1992 and in concurrence by the Senate on May 5, 1992, the objections of the Governor notwithstanding in the manner prescribed by the Constitution and thereby has the "force of law".

Chapter 29. **AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY KNOWN AS THE TOWN OF METHUEN AS THE HONORABLE FRANK S. GILES MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The Forest street bridge, so-called, located on Forest street over Interstate highway route 93 in the city known as the town of Methuen shall be designated and known as the Honorable Frank S. Giles Memorial bridge, in memory of Frank S. Giles. The department of highways shall erect a suitable marker bearing said designation in compliance with the standards of said department.

Approved May 12, 1992.

Chapter 30. **AN ACT RELATIVE TO THE SALARIES OF ELECTION COMMISSIONERS IN THE CITY OF LOWELL.**

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and ninety-four of the acts of nineteen hundred and forty-five is hereby repealed.

SECTION 2. Section 4 of chapter 154 of the acts of 1920, as most recently amended by section 1 of chapter 131 of the acts of 1923, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Each election commissioner shall receive an annual salary as the city council may by ordinance prescribe.

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

Approved May 12, 1992.

Chapter 31. **AN ACT ESTABLISHING THE CRIME OF STALKING.**

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by adding the following section:-

Section 43. (a) Whoever willfully, maliciously, and repeatedly follows or harasses another person and who makes a threat with the intent to place that person in imminent fear of death or serious bodily injury shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than five years or by a fine of not more than one thousand dollars, or imprisonment in the house of correction for not more than two and one-half years or both.

(b) Whoever commits the crime of stalking in violation of a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to sections eighteen, thirty-four B, or thirty-four C of chapter two hundred and eight; or section thirty-two of chapter two hundred and nine; or sections three, four, or five of chapter two hundred and nine A; or sections fifteen or twenty of chapter two hundred and nine C; or a temporary restraining order or preliminary or permanent injunction issued by the superior court, shall be punished by imprisonment in a jail or the state prison for not less than one year and not more than five years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of one year.

A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; 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 said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this subsection.

(c) Whoever, after having been convicted of the crime of stalking, commits a second or subsequent such crime shall be punished by imprisonment in a jail or the state prison for not less than two years and not more than ten years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of two years.

A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; 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 said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this section.

(d) For the purposes of this section, "harasses" means a knowing and willful pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms or annoys the person. Said conduct must be such as would cause a reasonable person to suffer substantial emotional distress.

Emergency Letter: May 18, 1992 @ 2:30 P.M. Approved May 18, 1992.

Chapter 32. **AN ACT VALIDATING CERTAIN ACTIONS TAKEN AT A SPECIAL TOWN MEETING OF THE TOWN OF SALISBURY ALLOWING SAID TOWN TO AMORTIZE A PORTION OF ITS DEFICIT.**

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 Salisbury at its special town meeting held on January twenty-seventh, nineteen hundred and ninety-two and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the forty-five day notice requirement of the town charter had been adhered to as required by law.

SECTION 2. Chapter 71 of the acts of 1990 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following four sections:-

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 by revenues from the sewer users as an addition to the user fee said deficit in ten equal payments over ten consecutive fiscal years commencing in fiscal year nineteen hundred and ninety-three.

Section 2. Notwithstanding the requirements of section one, 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 accelerate the retirement of said deficit.

Section 3. The treasurer and accountant of the town of Salisbury shall, in any fiscal year when any amount of such deficit remains, jointly certify to the commissioner of revenue no later than June first prior to the end of such fiscal year, that the payment required to retire the deficit has been made; if such certification is not received, the commissioner shall take action necessary to suspend payment of final quarterly payment in the fiscal year of cherry sheet distributions, so-called, until the certification prescribed above has been received and approved by the said commissioner.

Section 4. Notwithstanding the provisions of section twenty-three of chapter fifty-nine of the General Laws or any other law to the contrary, the commissioner of revenue is hereby authorized in his discretion in certifying the tax rate of the town of Salisbury for the fiscal years beginning July first, nineteen hundred and ninety-one and July first, nineteen hundred and ninety-two, to consider revenues from sewer assessments and sewer department operations to be received in subsequent fiscal years in determining whether the town is raising the full amount required by said section twenty-three of said chapter fifty-nine.

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

Approved May 18, 1992.

Chapter 33. **AN ACT DESIGNATING THE TRAFFIC ISLAND AT THE INTERSECTION OF ROUTE 193 AND EXIT ONE OF INTERSTATE 395 IN THE TOWN OF WEBSTER AS THE ANTHONY DAUKSZ MEMORIAL SQUARE.**

Be it enacted, etc., as follows:

The traffic island located at the intersection of state highway route 193 and Exit 1 of Interstate highway route 395 in the town of Webster shall be designated as the Anthony Dauksz Memorial square, in recognition of dedication to the town of Webster and the Webster-Dudley Polish-American Veterans. Suitable markers bearing such designation shall be erected thereat by the department of highways, in compliance with the standards of said department.

Approved May 19, 1992.

Chapter 34. **AN ACT RELATIVE TO THE APPOINTMENT OF A SUPERINTENDENT OF PUBLIC WORKS IN THE TOWN OF SOUTH HADLEY.**

Be it enacted, etc., as follows:

Section 3 of chapter 558 of the acts of 1986 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- The board of selectmen shall appoint for a term not to exceed five years, and may remove, a superintendent of public works who shall be responsible to said board. Upon the expiration of such term said board may reappoint the then superintendent to successive terms.

Approved May 19, 1992.

Chapter 35. **AN ACT DESIGNATING A CERTAIN REST AREA IN THE TOWN OF WAREHAM AS THE REGINALD F. WASHBURN MEMORIAL REST AREA.**

Be it enacted, etc., as follows:

The rest area located on Interstate highway route 195 in the town of Wareham shall be designated and known as the Reginald F. Washburn Memorial Rest Area, in memory of Reginald F. Washburn who served as a state engineer for thirty-two years and who recognized the potential of this area for recreational use and initiated the development of the site. Suitable markers bearing such designation shall be erected thereat by the department of highways in compliance with the standards

of said department.

Approved May 19, 1992.

Chapter 36. AN ACT RELATIVE TO THE PROTECTION OF THE METROPOLITAN WATER SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 59 of the General Laws is hereby amended by inserting after section 5G, as appearing in the 1990 Official Edition, the following section:-

Section 5H. The state treasurer, acting for and on behalf of the commonwealth, shall on July first of each year pay to the municipality in which land regulated under section one hundred and seven A of chapter ninety-two is located, and which is not held by the division or by the Authority, the difference between the current assessment for such year and the assessment of such land, not taking into consideration the effect of said section.

SECTION 2. Chapter 92 of the General Laws is hereby amended by striking out section 104, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 104. As used in this chapter, the following words, unless the context clearly indicates otherwise, shall have the following meanings:-

"Advisory committee", the watershed system advisory committee for the appropriate watershed system.

"Alteration", draining, dumping, dredging, damming, discharging, excavating, filling or grading; the erection, reconstruction or substantial expansion of any buildings or structures; the driving of pilings; the construction or reconstruction or paving of roads and other ways; the construction or reconstruction of utilities; the changing of run-off characteristics; the intercepting or diverting of ground waters, surface waters, reservoirs, tributaries, or aquifers; the installation or substantial expansion of drainage, sewage and water systems.

"Aquifer", a geological formation, group of formations, or part of a formation in the Wachusett watershed that is capable of yielding a significant amount of water to a well or spring, as determined by reference to maps generated by the Massachusetts geographic information service based on the United States Geological Survey water resource atlases or any other source determined to be more accurate pursuant to subsection (m) of section one hundred and seven A. The land directly overlaying an aquifer shall be deemed to be a part of said aquifer.

"Authority", the Massachusetts Water Resources Authority.

"Bonds", any bonds, notes or other evidences of indebtedness.

"Bordering vegetated wetland", a wet meadow, except meadows used for the

grazing of livestock, marsh, swamp, bog, or other area, hydrologically connected to and bordering on a tributary, reservoir, flood plain, or surface water, which supports at least fifty percent wetland species.

"Commission", the metropolitan district commission.

"Division", the division of watershed management.

"Flood plain", the land adjoining a tributary, reservoir or surface water, which is subject to inundation from a flood having a one percent chance of being equalled or exceeded in any given year, commonly known as the one hundred year flood plain, as determined by reference to the most recent edition of the flood hazard boundary maps issued by the Federal Emergency Management Agency or any other source determined to be more accurate pursuant to subsection (m) of section one hundred and seven A.

"Ground water", water below the land surface in a saturated zone, including perched ground water.

"Hazardous material or waste", any material or waste, in whatever form, which because of its quantity, concentration, corrosivity, flammability, reactivity, toxicity, or infectious, chemical, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Hazardous material or waste shall include those materials listed in section two hundred and sixty-one of title forty of the code of federal regulations, or 310 CMR 40.900 Appendix I.

"Pollutant", any substance, man-made or resulting from human activities, that can alter the biological, chemical, physical, or radiological character of water.

"Quabbin watershed advisory committee", the committee established by section one hundred and fourteen.

"Revenues", charges, reimbursements and other receipts derived by the division from operation of the watershed system and from all other activities or properties of the division including, without limiting the generality of the foregoing, proceeds of grants, gifts, investments, earnings and proceeds of insurance or condemnation.

"Surface water", water in the watersheds, including any lake, spring, impoundment, and pond, as determined by reference to the most recent edition of maps generated by the Massachusetts geographic information service based on the United States Geological Survey one to twenty-five thousand scale quadrangle maps or any other map determined to be more accurate pursuant to subsection (m) of section one hundred and seven A. Surface water shall include the land located thereunder and the banks thereto. Surface water shall exclude all reservoirs, tributaries, aquifers, ground waters, and man-made farm ponds used for irrigation, as well as all so-called great ponds of the commonwealth which do not drain into a tributary or a reservoir.

"Tributary", a body of running water, including, a river, stream, brook and

creek, which moves in a definite channel in the ground due to a hydraulic gradient and which flows ultimately into a reservoir in the watersheds or the Ware river above the Ware river intake, as determined by reference to the most recent edition of maps generated by the Massachusetts geographic information service based on the United States Geological Survey one to twenty-five thousand scale quadrangle maps or any other map determined to be more accurate pursuant to subsection (m) of section one hundred and seven A. A tributary shall include the land over which the water therein runs and the banks thereto.

"Watershed system", (i) all real and personal property interests held by or on behalf of the commonwealth immediately prior to the effective date of this act in and for the metropolitan district commission water system which were part of or appurtenant to the Quabbin watershed, Quabbin reservoir, Ware river watershed, Wachusett watershed, Wachusett reservoir, North and South Sudbury watersheds, Sudbury reservoir, Framingham reservoirs 1, 2 and 3, Blue Hills reservoir, Bear Hill reservoir, Spot Pond reservoir, Fells reservoir, Weston reservoir, Norumbega reservoir, Chestnut Hill reservoir, including land, easements, buildings, structures, all equipment, machinery, vehicles, and appliances, improvements, water rights and rights in source of water supply and (ii) all enlargements and additions to the former metropolitan district commission water system acquired or constructed by the division for the purposes of the watershed system, including land, easements, buildings, structures, equipment, machinery, vehicles, and appliances, improvements, reservoirs, dams, water rights and rights in sources of water supply, but excluding the waterworks system of the Authority.

"Watersheds", the natural basin from within which water drains or in natural course would drain into the Quabbin reservoir, the Wachusett reservoir, or the Ware river upstream of the Ware river intake.

SECTION 3. Said chapter 92 is hereby further amended by inserting after section 107, as so appearing, the following section:-

Section 107A. (a) Any alteration, or the generation, storage, disposal, or discharge of pollutants is prohibited within those portions of the watersheds that lie within two hundred feet of the bank of a tributary or surface waters or within four hundred feet of the bank of a reservoir.

(b) (1) The uses and activities set forth in paragraph (2) are prohibited within those portions of the watersheds that lie:

(i) within the area between two hundred and four hundred feet of the bank of a tributary or surface waters;

(ii) within the flood plain of a tributary or waters, including that flood plain;

(iii) within bordering vegetated wetlands that border on tributaries or surface waters, or reservoirs;

(iv) within land that overlays an aquifer with a potential well yield of one hundred gallons per minute or more as determined pursuant to subsection (m); or

(v) within land that overlays an aquifer with a potential well yield of one or more but less than one hundred gallons per minute pursuant to a finding by the division, in consultation with the department of environmental protection, that regulation of said aquifer is necessary for the protection of the quality of the water in the surface waters, aquifers, reservoirs or the tributaries.

(2) The following uses are prohibited within the area regulated by paragraph (1):

(i) the disposal of pollutants from either private or publicly owned sewage treatment facilities;

(ii) the placement of the leaching field of a subsurface waste water disposal system less than four feet above the maximum water table level as measured at the time of annual high water;

(iii) the storage of liquid petroleum products of any kind; provided, however, that an end user of such product, such as a resident in connection with normal residential use or a person responsible for supplying heat to a residence, may store a reasonable volume of such material so long as such storage is in a free standing container inside of a structure, which structure shall include at a minimum a foundation thereof with a poured cement slab floor or a concrete reservoir of sufficient volume to hold one hundred and twenty-five percent of the tank's capacity;

(iv) the treatment, disposal, use, generation, or storage of hazardous material or waste, except a reasonable volume of hazardous material or waste, incidental to normal residential use;

(v) the storage and the disposal of solid waste other than a reasonable volume incidental to normal residential use;

(vi) the outdoor storage of road salt or other deicing chemicals; provided, however, that this section shall not prohibit the outdoor storage of sand, gravel, or materials used in road construction which are not hazardous materials or waste;

(vii) the outdoor storage of fertilizers, herbicides, and pesticides;

(viii) the use or storage of pesticides or herbicides which carry a mobility rating as provided for by the United States environmental protection agency or which have been determined by the commonwealth using environmental protection agency standards to pose a threat or potential threat to ground water;

(ix) the outdoor uncovered storage of manure;

(x) the servicing, washing, or repairing of boats or motor vehicles other than as reasonably incidental to normal residential use;

(xi) the operation of junk and salvage yards;

(xii) the rendering impervious of more than ten percent of any lot or two thousand five hundred square feet, whichever is greater;

(xiii) the excavation of gravel and sand to a depth greater than six feet above the maximum water table, except where incidental to the construction of permitted

structures;

(xiv) the altering of bordering vegetated wetlands;

(xv) any other activity which could degrade the quality of the water in the watersheds as determined by the division after consultation with the department of environmental protection; provided, however, that de-icing may be performed on a roadway under procedures approved by the secretary of environmental affairs.

(c) This section shall not apply to uses, structures or facilities lawfully in existence or for which all applicable municipal, state and federal permits and approvals, other than building permits and permits for septic systems, have been obtained prior to July first, nineteen hundred and ninety-two. This section shall not apply to any reconstruction, extension, or structural change to any structure in lawful existence as of said date; provided, however, that such reconstruction, extension, or structural change (i) does not constitute a substantial change to or enlargement of that lawfully existing structure, and (ii) does not degrade the quality of the water in the watershed.

(d) In addition to and without limiting subsection (a) or subsection (b), the construction of a dwelling on land set forth in subsection (b) which exceeds a density of two bedrooms per acre is prohibited. No use may generate more than two hundred and twenty gallons of sanitary sewage per acre per day. In making such calculations all contiguous real property within the area regulated by said subsection (a) or said subsection (b) owned by the same person shall be used in the aggregate to determine the total acreage for density purposes; provided, however, that said area may be so used for determining area density for only one parcel.

(e) In addition to and without limiting subsection (a), (b) or (d), the construction of any dwelling which exceeds a density of one and one-third bedrooms per acre is prohibited within those portions of the watersheds that overlay aquifers with potential well yields of between one hundred and three hundred gallons per minute as determined pursuant to subsection (m) or land whose regulation has been determined to be necessary for the protection of the quality of the water in the surface waters, aquifers, reservoirs and tributaries pursuant to clause (v) of paragraph (1) of subsection (b). No use may generate more than one hundred and forty-seven gallons of sanitary sewage per acre per day.

(f) In addition to and without limiting subsection (a), (b), (d), or (e), the construction of any dwelling which exceeds a density of one bedroom per acre is prohibited within those portions of the watersheds that overlay aquifers with potential well yields of over three hundred gallons per minute as determined pursuant to subsection (m). No use may generate more than one hundred and ten gallons of sanitary sewage per acre per day.

(g) Nothing in subsection (d), (e) or (f) shall be deemed to limit such

construction if a sewer system exists prior to July first, nineteen hundred and ninety-two to which a direct connection shall be made without expansion of capacity and said connection is used for all sanitary sewage of any dwelling or other structure resulting from said construction.

(h) Nothing in this section shall prevent the construction of one single family dwelling, on any lot existing as such prior to July first, nineteen hundred and ninety-two within the areas regulated by this section. Nothing in this section shall prevent any owner occupied lot existing as such on July first, nineteen hundred and ninety-two from being subdivided into one additional lot. Wherever possible there shall be no alterations within the area regulated by subsection (a).

(i) Subsequent to the issuance of regulations as provided for in this section, any person owning an interest in real property located in a community with land that lies within the watersheds, by written request may submit to the division the determination of a land surveyor registered with the board of registration of professional engineers and of land surveyors as to whether such owner's real property interests are located within areas regulated by this section. The division shall have been deemed to have concurred with said determination unless within sixty days from the submission of said determination the division issues a written notice of denial to the owner. The division shall issue regulations pursuant to section one hundred and eight regarding such submissions and any requirements thereto. All surveys and additional materials or studies required to make a determination, whether or not requested by the division, shall be prepared and delivered at the sole cost of the person desiring the determination.

(j) A tributary or portions thereof may be exempted from the provisions of this section, if after taking into account the rate of flow, slope, soil characteristics, proximity to a reservoir or the Ware river above the Ware river intake, the current level of water quality and the current degree of development, the division, in consultation with the department of environmental protection, determines that such exemption poses no significant risk to the quality of the water.

(k) The division, after consultation with the department of environmental protection, shall issue regulations pursuant to section one hundred and eight for appealing the inclusion of a location in the areas regulated by this section. It shall be the responsibility of the appellant to prove that the location was improperly included. If the appeal is decided in the appellant's favor, a court of competent jurisdiction shall award to appellant reasonable attorney fees, costs and expenses incurred in said action.

(l) The division, in accordance with procedures for notice and a hearing as provided by chapter thirty A, may grant upon appeal or petition with respect to particular uses or structures, and shall grant upon request with respect to crossings of tributaries and bordering vegetated wetlands a variance from the provisions of this section where the division specifically finds that owing to circumstances

relating to the soil conditions, slope, or topography of the land affected by such uses or structures, desirable relief may be granted without substantial detriment to the public good and without impairing the quality of water in the watersheds. The division shall issue regulations pursuant to section one hundred and eight regarding such proceedings. The division may impose reasonable conditions, safeguards and limitations to any variance as it may find desirable in its sole discretion which, based upon such hearing record, are necessary to protect the water in the watersheds. The division shall issue regulations pursuant to section one hundred and eight regarding such proceedings. The division may impose reasonable conditions, safeguards and limitations to any variance as it may find desirable in its sole discretion which, based upon such hearing record are necessary to protect the water in the watersheds. The division shall record and index in the grantor index in the registry of deeds or register in the registry district of the land court for the county or district where the land lies, a notice of said variance, and conditions thereto, which notice shall describe the land by metes and bounds or by reference to a recorded or registered plan showing its boundaries.

(m) The location of tributaries and surface waters shall be determined by reference to maps generated by the Massachusetts geographic information service based on the most recent edition of the United States Geological Survey one to twenty-five thousand scale quadrangle maps. The location of flood plains shall be determined by reference to the most recent edition of the flood hazard boundary maps issued by the director of the Federal Emergency Management Agency. The location and the potential well yield of aquifers shall be determined by reference to maps generated by the Massachusetts geographic information service based on the United States Geological Survey water resource atlases. The division, in consultation with the department of environmental protection, may adopt more accurate maps pursuant to notice and a public hearing as provided in chapter thirty A and shall file such more accurate maps with the clerks of the house of representatives and the senate ninety days prior to such maps taking effect.

(n) The provisions of this section shall not apply to the division in the performance of its responsibilities and duties to protect the quality of the water in the watersheds, or to the Authority in the performance of its responsibilities and duties to maintain, operate and improve the waterworks system. The provisions of this section shall not apply to activities relating to normal maintenance or improvement of land in agricultural use as defined in section forty of chapter one hundred and thirty-one, or regulations promulgated thereunder; provided, however, that such activities do not impair the quality of the water. Nothing in this section shall be construed to limit conversion of land for agricultural use, or preparation of land for agricultural use; provided, however, that such conversion shall be made under a plan approved by the United States Department of Agriculture Soil Conservation Service and the commission in consultation with the

department of food and agriculture. The provisions of this section shall not apply to the maintenance, repair, replacement or reconstruction of public roadways existing as of September first, nineteen hundred and eighty-nine or railroad track and rail bed existing as of September first, nineteen hundred and ninety, including associated drainage systems, that are necessary to preserve or restore the facility's serviceability for the number of travel lanes and uses existing as of September first, nineteen hundred and ninety; provided, however, that in the case of any replacement the design is substantially the functional equivalent of, and is of similar alignments to that which is being replaced; provided, further, that design plans and specifications for said work on roadways, or railroad track and rail beds are provided to the division prior to the work's commencement. The provisions of this section shall not apply to the construction of public highways, railroad track and rail beds and facilities directly related to their operation; and provided, further, that the secretary of environmental affairs has determined that such highway or transportation service construction project requires direct access to or location in the lands set forth in this section to avoid or minimize damages to the environment and that said secretary and the division have determined that said construction does not materially impair the quality of the water in the watershed. The provisions of this section shall not apply to the maintenance, repair or expansion of lawfully located structures or facilities used in the service of the public to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services; provided, however, that such maintenance, repair or expansion activities, structures, or facilities do not materially impair the quality of water in the watersheds as determined by the division after consultation with the department of environmental protection. The provisions of this section shall not apply to the maintaining, repairing or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services in bordering vegetated wetlands; provided, however, that such maintenance and repair activities do not materially impair the quality of water in the watersheds. Nothing herein shall limit the ability of a person, municipality, the United States government or the commonwealth to undertake temporary operations to clean up, prevent or mitigate releases of hazardous materials or wastes. The provisions of this section shall not be construed to limit changes in agricultural crops produced. Nothing in this section shall be construed to limit the use of new or existing agricultural technologies that do not degrade the quality of the water in the watersheds more than the present agricultural technologies that such new or existing agricultural technologies replace.

(o) Upon written request by the division, the department of environmental protection shall have the authority, including the authority to render administrative penalties under section sixteen of chapter twenty-one A, to enforce the provisions

of this section for violations thereof.

(p) The duties and obligations imposed by this chapter shall be in addition to all other duties and obligations imposed by any other general or special law or regulation.

(q) The division shall hold in at least one-half of the communities in the affected watersheds an informational public hearing, giving notice thereof at least thirty days prior thereto by advertisement in newspapers of general circulation in each such community and by written notification to the boards of selectmen, city councils, or town councils, whichever is appropriate, in each such community. The division, at the time of such hearing, shall make available maps showing the areas affected by this section and shall explain the provisions of this section and the impact this section will have on the affected communities and landowners therein.

(r) Nothing in this section shall impede or prevent the construction of a new municipal sewer system or new municipal water system if the division determines that water quality will not be adversely impacted from said construction and provided that such new systems comply with all existing regulations and standards applicable to water pollution abatement projects.

SECTION 4. Section 108 of said chapter 92, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following five sentences:-

The division after consultation with the department of environmental protection, shall make rules and regulations by July first, nineteen hundred and ninety-two and from time to time thereafter for the protection of the watersheds. The regulations shall include provisions that require notice to the department and the division of applications for variances for uses or structures that affect the watersheds. Notice of hearings on the proposed regulations shall be sent to the chief executive officer of all cities and towns within the watersheds and any other cities and towns affected by such regulations. The division shall file copies of the regulations promulgated in accordance with this section with the clerk of the house of representatives and the clerk of the senate and send copies to the chief executive officer of all the cities and towns within the watersheds and any other cities and towns affected by such regulations. The regulations shall not take effect until sixty days have elapsed from the time of said filing.

SECTION 5. The department of environmental protection shall amend its regulations on sewer system extension and connection permits to further protect the watersheds by July first, nineteen hundred and ninety-two. Such regulations shall, at a minimum, provide for enhanced design standards to minimize the potential of pollutants or groundwater infiltration within the watersheds.

SECTION 6. Notwithstanding the provisions of section three of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven in administering the program authorized under said section three, the division of

watershed management within the metropolitan district commission is hereby authorized to expend all funds remaining unexpended under said section three on July first, nineteen hundred and ninety-two for the acquisition of development rights or other interests in land, in areas regulated by sections one to eleven, inclusive, of this act; provided, however, that no more than eight million dollars may be expended, in the aggregate, annually, pursuant to this section and section twelve; and provided, further, that said expenditures shall be consistent with procedures and priorities adopted by said division or said commission relative to factors which may affect land in which such interests may be acquired, such factors to include, but not be limited to, the following; *(i)* threat from development activities that endanger water supply water quality; *(ii)* vulnerability to contributing to water resources degradation, whether by reason of proximity to water supply intake structures, proximity to surface water bodies, or degree of slope as related to soil erosion and flooding, soil conditions, and runoff rates; *(iii)* protection of rare and endangered plant or animal species habitat; *(iv)* protection of habitat for diverse species of fish, wildlife and wild plants; *(v)* immediate proximity to property now owned by the commonwealth for the purpose of said division or said commission; *(vi)* location as part of continuous corridors between public or private conservation lands; and *(vii)* loss of market value by reason of the restrictions contained in this act. In addition, notwithstanding the provisions of section twenty-seven of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven, the department of environmental protection in administering section twenty-seven, shall expend a sum not to exceed four million dollars for the protection of the Salem Beverly water supply. For all purposes of other general and special laws debt service on bonds issued for extending the watershed of the metropolitan district commission's division of watershed management shall be deemed debt service of the division, and such extensions by said division made pursuant to this section shall be considered a capital improvement for the purposes of section one hundred and thirteen of chapter ninety-two of the General Laws.

SECTION 7. Any municipality located in whole or part in the natural basin from within which water drains or would drain into the Quabbin reservoir, the Wachusett reservoir or the Ware river upstream of the Ware river intake, which receives approval from the department of environmental protection for a sewer system extension project shall receive most favored status for any grant application for such sewer project and shall be entitled to not less than twenty-five percent of the points available for such grant applications under chapter five hundred and fifty-seven of the acts of nineteen hundred and seventy-nine, or under any other state grant programs now existing or hereafter created.

SECTION 8. Any sewer extension project of any municipality which is located within the natural basin from within which water drains or in the natural course would drain into the Quabbin reservoir, the Wachusett reservoir or the Ware river

upstream of the Ware river intake, which appears on the priority list pursuant to chapter five hundred and fifty-seven of the acts of nineteen hundred and seventy-nine or extended priority list for collection system projects administered by the department of environmental protection, division of water pollution control or any other comparable list or rating substituted therefor and which receives favorable status for funding in a particular fiscal year shall retain such status for the balance of the fiscal year in which the status was granted or until the municipal legislative body refused to fund such project, whichever date first occurs.

SECTION 9. The cost of the redesign of any sewer system proposal that has been submitted to the department of environmental protection as of the effective date of this act that is required by regulations promulgated pursuant to section five shall be borne by the commonwealth.

SECTION 10. There is hereby established a special commission to monitor and review the implementation of this act. The members of said commission shall consist of: three members of the house of representatives, at least two of whom shall represent communities significantly affected by the restrictions of this act; two members of the senate, at least one of whom shall represent communities significantly affected by the restrictions of this act; the director of the division of watershed management, or his designee; the secretary of environmental affairs, or his designee; the superintendent of the Quabbin watershed, or his designee; and the superintendent of the Wachusett-Sudbury watershed, or his designee.

Said commission may list all land parcels affected by this act and may list all individuals that own property and are affected by this act. Said commission shall also recommend any legislative proposals that would make this act more fair to landowners affected and would make this act more practical and more workable.

Said commission shall also issue a report including proposed legislation. Said report shall contain recommendations for both metropolitan water supply conservation. Said report shall be filed with the clerk of the house of representatives and the clerk of the senate by April thirtieth, nineteen hundred and ninety-two.

SECTION 11. If any party aggrieved by the implementation of this act seeks a remedy in the courts of the commonwealth or in the federal courts and succeeds in having this act or any portion thereof declared unconstitutional, a court of competent jurisdiction may award to said aggrieved party his legal expenses and costs.

SECTION 12. The division of watershed management within the metropolitan district commission is hereby authorized to expend a sum not exceeding one hundred and thirty-five million dollars for the acquisition of development rights or other interests in land, in areas regulated by sections one to eleven, inclusive; provided, however, that no more than eight million dollars may be expended, in the aggregate, annually, pursuant to this section and section six; and provided, further, that said expenditures shall be consistent with procedures and priorities

adopted by said division or said commission relative to factors which may affect land in which such interests may be acquired, such factors to include, but not be limited to, the following:

(i) threat from development activities that endanger water supply water quality; *(ii)* vulnerability to contributing to water resources degradation, whether by reason of proximity to water supply intake structures, proximity to surface water bodies, or degree of slope as related to soil erosion and flooding, soil conditions, and runoff rates; *(iii)* protection of rare and endangered plant or animal species habitat; *(iv)* protection of habitat for diverse species of fish, wildlife and wild plants; *(v)* immediate proximity to property now owned by the commonwealth for the purpose of said division or said commission; *(vi)* location as part of continuous corridors between public or private conservation lands, and; *(vii)* loss of market value by reason of the restrictions contained in this act. For all purposes of other general and special laws, debt service on bonds issued for extending the watershed of the metropolitan district commission's division of watershed management shall be deemed debt service of the division, and such extensions by said division made pursuant to this section shall be considered a capital improvement for the purposes of section one hundred and thirteen of chapter ninety-two of the General Laws.

SECTION 13. To meet the expenditures necessary in carrying out the provisions of section twelve, the state treasurer, upon written request of the governor, shall issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of one hundred and thirty-five million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, The Metropolitan Water Supply Protection Loan, Act of 1992, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twenty-two. All interest and payments on account of the principal of such obligations shall be payable from the General Fund. Bonds and the interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

SECTION 13A. The issuance of any bonds pursuant to the provisions of this act shall be exempt from any executive or administrative order, directive or policy limiting the issuance of bonds by the commonwealth.

SECTION 14. The department of environmental protection shall transmit to the clerk of the house of representatives who shall forward copies thereof to the house and senate committees on ways and means and the joint committee on natural resources and agriculture on or before December first, nineteen hundred and ninety-two, proposed rules and regulations pursuant to section one hundred and

sixty of chapter one hundred and eleven of the General Laws relative to the prevention of pollution and securing the sanitary protection of all waters used as sources of water supply in the commonwealth other than those referred to in sections one to eleven, inclusive, of this act.

SECTION 15. The division of watershed management of the metropolitan district commission shall provide a program for technical assistance to communities impacted by this act. Said technical assistance, without excluding other programs and initiatives, shall be for planning studies, and zoning bylaw studies, health bylaw studies and subdivision bylaw studies.

SECTION 16. Notwithstanding the provisions of section nine C of chapter twenty-nine of the General Laws, the governor shall annually allot a sum not less than eight million dollars for the purposes set forth in section six and sections nine to twelve, inclusive, of this act and section twenty-two of chapter two hundred and seventy-five of the acts of nineteen hundred and eighty-nine.

The executive office of administration and finance and the executive office of environmental affairs shall annually make a joint report to the general court detailing the expenditure of monies authorized to be allocated herein and of monies appropriated by the general court for the purposes of implementing this act including amounts set forth in section twelve by filing the same with the clerk of the house of representatives and the clerk of the senate by July thirty-first of each year detailing such expenditures for the fiscal year ending on the previous June thirtieth.

The executive office of administration and finance and the executive office of environmental affairs shall annually make a report to the general court detailing the expenditure of monies authorized to be allocated herein and of monies appropriated by the general court for the purposes of implementing this act including amounts set forth in section twelve. Said annual report shall be filed with the general court by July thirty-first of each year detailing such expenditures for the fiscal year ending on the previous June thirtieth.

SECTION 17. Notwithstanding any general or special law to the contrary, or any rule or regulation to the contrary any property within the Quabbin reservoir or Ware river or Wachusett watersheds, that is zoned residential or is subject to a valid and current conservation restriction or is taxed under the provisions of chapter sixty-one or sixty-one A of the General Laws shall be exempted from any taking by any agency of the commonwealth or any authority within the commonwealth for the specific purpose of watershed protection, except with the consent of the owner.

In the event any of the conservation restrictions or classifications under said chapters sixty-one and sixty-one A on such property are removed the commonwealth shall have the right to purchase the property under the same terms and

conditions by which the city or town may act under said chapter sixty-one or sixty-one A; provided, however, that the commonwealth shall not exercise this right unless such city or town, or its assignee, fails to exercise its option, under said chapters sixty-one and sixty-one A in which case the commonwealth shall have an additional sixty days in which to act.

SECTION 18. The secretary of environmental affairs, through the Massachusetts environmental policy act and the department of environmental protection shall not issue any certificates or permits relating to the construction of any new regional airports within ten miles of the Quabbin, Ware or Wachusett reservoirs, until such time as all issues pertaining to such an airport are fully discussed with time for public input. At a minimum, all issues relating to the storage and dumping of fuel, construction, and traffic and their effect on the watershed shall be examined.

SECTION 19. The department of environmental protection, the division of watershed management within the metropolitan district commission and the Massachusetts Water Resources Authority shall, within one hundred and eighty days after the effective date of this act, file with the clerks of the house of representatives and the senate a report identifying all properties affected by this act and analyzing the nature and extent of such effect, including without limitation the possibility that the value of such properties and real estate tax revenue therefrom will be reduced, as well as the economic impact which this act would have on the commonwealth and on each city and town affected thereby. Prior to its submission, such report shall be circulated for comment among appropriate public officials of each city and town affected by the provisions of this act, and the owner of each property identified in the report shall be notified of the potential applicability of this act.

Approved May 20, 1992.

Chapter 37. **AN ACT DIRECTING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO INSTALL AND MAINTAIN A PLAQUE TO HONOR THE LASTING CONTRIBUTIONS OF GENERAL MARQUIS DE LAFAYETTE AND THE FRANCO-AMERICAN COMMUNITY.**

Be it enacted, etc., as follows:

The superintendent of state office buildings is hereby authorized and directed, subject to the approval of the art commission established under section nineteen of chapter six as to size and content, to accept, install and maintain a plaque in the state house to honor the lasting contributions of General Marquis de Lafayette and

the Franco-American community. Said plaque shall be paid for by the Massachusetts Lafayette Committee, Inc.

Emergency Letter: May 21, 1992 @ 9:28 A.M. Approved May 20, 1992.

Chapter 38. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF KOREAN WAR VETERANS DAY.

Be it enacted, etc., as follows:

Section 12MM of chapter 6 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 2, the words "July twenty-seventh" and inserting in place thereof the words:- June twenty-fifth.

Approved May 20, 1992.

Chapter 39. AN ACT REGULATING EARLY CARDIAC DEFIBRILLATION.

Be it enacted, etc., as follows:

Section 201 of chapter 111 of the General Laws, as amended by section 68 of chapter 412 of the acts of 1991, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Members of police and fire departments, members of the state police participating in highway patrol, persons appointed permanent or temporary lifeguards by the commonwealth or any of its political subdivisions, and members of emergency reserve units of a volunteer fire department or fire protection district shall be trained to administer first aid, including, but not limited to, cardiopulmonary resuscitation by July first, nineteen hundred and seventy-eight, including those appointed on or after January first, nineteen hundred and seventy-six and may be trained in automatic or semi-automatic cardiac defibrillation. The training shall meet the standards for first aid training prescribed by the department and shall not be less than the standards established by the Committee on Cardiopulmonary Resuscitation and Emergency Cardiac Care of the American Heart Association, and shall be satisfactorily completed by them as soon as practical, but in no event more than one year after the date of their employment. Satisfactory completion of a refresher course approved by the department in cardiopulmonary resuscitation each year and in other first aid every three years shall also be required. The training and equipment for automatic or semi-automatic cardiac defibrillation shall meet standards prescribed by the department.

Approved May 20, 1992.

Chapter 40. **AN ACT AUTHORIZING THE TOWN OF READING TO TRANSFER CERTAIN PARK LAND TO HIGHWAY PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The town of Reading acting by and through its board of selectmen, is hereby authorized to convert the use of a certain parcel of land presently used for park purposes, to roadway, non-park and non-conservation and general municipal purposes.

Said parcel of land being a portion of land situated on the southerly side of Washington street between Ash street and Main street in said town and was conveyed to the town by deed of Susan A. Martin, dated July 3, 1895 and recorded in the southern district registry of deeds in the county of Middlesex in Book 2456, Page 467 and bounded and described as follows:

Beginning at the southeast corner of the intersection of Washington and Ash Streets, thence by the boundary line easterly along Washington Street S83°-58'-20"E, 75.99', thence southerly along Main Street, S14°-54'-40", 18.00', thence N48°-31'-57"W, 20.32', thence N83°-58'-20"W, 54.00', thence northerly along Ash Street N17°-50'-35"W, 6.56' to the point of beginning, containing 553.59 square feet, more or less.

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

Approved May 21, 1992.

Chapter 41. **AN ACT MAKING AN APPROPRIATION IN THE OFFICE FOR CHILDREN FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-TWO.**

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing a certain item in the general appropriation act, the sum set forth in section two is hereby appropriated for the purposes of the item, and subject to the conditions, specified in chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, including fund designations in said chapter one hundred and thirty-eight, and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in said chapter one hundred and thirty-eight, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two. The sum hereby appropriated is in addition to any amounts available for said purpose.

SECTION 2.

Item

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office for Children.

4130-0005 $522,672

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

Approved May 21, 1992.

Chapter 42. AN ACT RELATIVE TO RECREATION AND PARK SELF-SUPPORTING SERVICE REVOLVING FUNDS.

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by striking out section 53D, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 53D. Notwithstanding the provisions of section fifty-three, any city or town which accepts the provisions of this section may establish in the city or town treasury a revolving fund which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited the receipts received in connection with the conduct of self-supporting recreation and park services of said city or town. The principal and interest thereon shall be expended at the direction of the authority, commission, board or official of such city or town with said responsibility without further appropriation, but only with the written approval of the mayor in cities, or city manager in Plan E cities, or the selectmen in towns, or in towns which have adopted the town manager form of government the town manager and only for the purpose of operating self-supporting recreation and park services. The city auditor or town accountant shall submit annually a report of said revolving fund to the mayor, city council, city manager, board of selectmen or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts; provided, however, that funds in said revolving fund shall not be used for the purpose of paying any wages or salaries for full-time, as defined in the guidelines issued by the director of accounts, recreation and park employees; provided, further, that the unreserved fund balance shall not exceed ten thousand dollars at the close of each fiscal year and any such amount in excess of ten thousand dollars shall be paid into the city or town treasury as provided in section fifty-three.

A city or town which has accepted the provisions of this section may, in like manner, revoke its acceptance; provided, however, that any city or town may require by by-law or ordinance, that the provisions of this section may be subject

to annual authorization by a vote of the annual town meeting or city council.

Approved May 21, 1992.

Chapter 43. AN ACT AUTHORIZING THE TOWN OF SHERBORN TO PERMIT THE USE OF CERTAIN TOWN LAND FOR A COMMUNICATION SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The town of Sherborn, acting through its town forest committee, subject to approval of the town meeting by majority vote, is hereby authorized to grant permission to the town communications committee for the erection of a radio tower and antennas and the construction of associated structures to house related communication equipment on land owned by said town and held for public domain purposes under sections nineteen through twenty-three of chapter forty-five of the General Laws. Said parcel is described in a deed from Katherine LeB. Lewis to the town dated March 19, 1940 and recorded in the southern district registry of deeds in the county of Middlesex in Book 6377, Page 222.

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

Approved May 21, 1992.

Chapter 44. AN ACT RELATIVE TO EQUAL EDUCATIONAL OPPORTUNITY GRANTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for certain eligibility requirements for equal educational opportunity grants, therefore 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 330 of chapter 138 of the acts of 1991 is hereby amended by striking out, in lines 3 and 4, the words "the following conditions are met: (1) the city or town is under the supervision of a financial control board, and (2)".

Approved May 22, 1992.

Chapter 45. **AN ACT DESIGNATING A CERTAIN INTERSECTION IN THE TOWN OF AVON AS THE WARREN L. EDWARDS MEMORIAL SQUARE.**

Be it enacted, etc., as follows:

The intersection of Harrison boulevard and state highway route 28 also known as East Main street in the town of Avon shall be designated the Warren L. Edwards Memorial square. The department of highways shall erect a suitable sign bearing said designation in compliance with said department.

Approved May 22, 1992.

Chapter 46. **AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO ACCEPT CERTAIN STATUTES AT A SPECIAL ELECTION.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section six of chapter forty-three C of the General Laws, the city of Pittsfield is hereby authorized to place the following two questions on the ballot at a special election to be held in the year nineteen hundred and ninety-two.

QUESTION 1:

"Shall the city of Pittsfield 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?"

Section twelve of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by-law, for a consolidated department of community development which may include the redevelopment authority, the planning board, the industrial development commission industrial development financing authority or any other municipal office or agency exercising or authorized to exercise any community or economic development activities.

YES _____ NO _____

QUESTION 2:

"Shall the city of Pittsfield 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?"

Section thirteen of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by-law, for a consolidated department of municipal inspections which may include the inspections currently being made

by the building inspector, wire inspector, plumbing inspector, gas fitting inspector, health agent and others as the ordinance or by-law may specify.

YES NO

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

Approved May 28, 1992.

Chapter 47. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE CITY OF WALTHAM RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The city of Waltham retirement system is hereby deemed to have accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and, provided further, that said retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the Waltham Retirement System for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before June first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than June fifteenth, nineteen hundred and ninety-two.

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

Approved May 29, 1992.

Chapter 48. **AN ACT ESTABLISHING A CERTAIN FUNDING SCHEDULE FOR THE TOWN OF WINCHESTER RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of subdivision (6A) of section twenty-two of chapter thirty-two of the General Laws, the town of Winchester is hereby deemed to have accepted the provisions of section twenty-two D of said chapter thirty-two; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and provided, further, that said retirement system shall not be subject to the provisions of paragraph (*e*) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the Winchester retirement system for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before June first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than June fifteenth, nineteen hundred and ninety-two.

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

Approved May 29, 1992.

Chapter 49. **AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE TOWN OF SAUGUS CONTRIBUTORY RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the acceptance of the provisions of section twenty-two D of chapter thirty-two of the General Laws by the town of Saugus, the Saugus contributory retirement system may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; provided, however, that notwithstanding such acceptance of said section twenty-two D, said Saugus contributory retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the Saugus contributory retirement system for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before June first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than June fifteenth, nineteen hundred and ninety-two.

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

Approved May 29, 1992.

Chapter 50. AN ACT RELATIVE TO CONSOLIDATED DEPARTMENTS OF MUNICIPAL FINANCE.

Be it enacted, etc., as follows:

The third paragraph of section 11 of chapter 43C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:- (ii) the director of municipal finance to serve, ex-officio, as the accountant, auditor, comptroller, treasurer, collector or treasurer-collector of the city or town; provided, however, that no director of municipal finance shall serve, ex-officio, as both accountant, auditor or comptroller and treasurer, collector or treasurer-collector.

Approved June 1, 1992.

Chapter 51. **AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF ATTLEBORO AS THE FIREFIGHTER RICHARD A. SIMKINS MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

SECTION 1. The bridge located on Thurber avenue over Conrail in the city of Attleboro, shall be designated and known as the Firefighter Richard A. Simkins Memorial bridge. The department of highways shall erect suitable signs bearing said designation in compliance with the standards of said department.

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

Approved June 1, 1992.

Chapter 52. **AN ACT RELATIVE TO THE BOARD OF PUBLIC WORKS IN THE TOWN OF WAKEFIELD.**

Be it enacted, etc., as follows:

Section 1 of chapter 48 of the acts of 1950 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- No person shall serve on the board who holds another elective office in said town.

Approved June 1, 1992.

Chapter 53. **AN ACT INCREASING THE BORROWING CAPACITY OF THE MONTAGUE CENTER WATER DISTRICT.**

Be it enacted, etc., as follows:

Section 4 of chapter 107 of the acts of 1953, as amended by chapter 579 of the acts of 1981, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- For the purposes of paying the necessary expenses and liabilities incurred under this act, other than the expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, two hundred and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Montague Center Water District Loan, Act of 1953.

Approved June 1, 1992.

Chapter 54. **AN ACT RELATIVE TO TOWN MEETING MEMBERS IN THE TOWN OF FRAMINGHAM.**

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 143 of the acts of 1949, as most recently amended by chapter 207 of the acts of 1976, is hereby further amended by inserting after the word "office", in lines 3 and 13, in each instance, the words:- other than charter commission members, registrar of voters or assistant registrar of voters.

SECTION 2. Section 5 of said chapter 143 is hereby amended by striking out the second sentence, as amended by chapter 277 of the acts of 1991, and inserting in place thereof the following sentence:- A town meeting member who removes from the town or who is elected or appointed to any other town office except as a charter commission member, registrar of voters or assistant registrar of voters shall cease to be a town meeting member.

Approved June 3, 1992.

Chapter 55. **AN ACT AMENDING THE CITY OF WALTHAM CHARTER RELATIVE TO PUBLICATION OF CITY ORDINANCES.**

Be it enacted, etc., as follows:

Section 1 of chapter 135 of the acts of 1986 is hereby amended by striking out subsection 2-10 and inserting in place thereof the following subsection:-

Section 2-10. - Ordinance, Publication. 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 final passage thereof; provided, however, that if any ordinance or proposed ordinance or codification of ordinances or proposed ordinances shall exceed in length eight octavo pages of ordinary book print, then in lieu of the advertising required by this section, the same may be published by the city council in a municipal bulletin or printed pamphlet and, if so published in full at least ten days before final passage thereof, such publication shall be deemed sufficient without the newspaper publication as herein required.

Approved June 3, 1992.

Chapter 56. **AN ACT AUTHORIZING THE GRANTING OF AN EASEMENT ON CERTAIN PARK LAND IN THE TOWN OF WRENTHAM.**

Be it enacted, etc., as follows:

The town of Wrentham, acting through its conservation commission, is hereby authorized to grant an easement to New England Telephone for the installation and maintenance of certain equipment on a certain parcel of park land located in said town. Said land being described in a plan of land entitled, "Easement Plan of Land in Wrentham, Scale 1"=20', October 23, 1991, Paul N. Robinson Associates, Inc. 37 Exchange St., Millis, Mass.", and on file in the office of the town clerk in the town of Wrentham.

Approved June 3, 1992.

Chapter 57. **AN ACT RELATIVE TO THE FINANCES OF THE COUNTY OF DUKES COUNTY.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the county of Dukes County may annually authorize the use of a fund by the airport commission of said county which shall be accounted for separately from all other monies in such county and to which shall be credited monies as provided in this section. Expenditures may be made from such fund, without further appropriation, at the direction of said airport commission; provided, however, that expenditures shall not be made, nor liabilities incurred, from any such fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund; and, provided further, that expenditures shall not be made from such fund for the purpose of paying any wages or salaries for full time employees.

Interest or net income earned on such fund shall be treated as general revenue of the county. The limit of such fund shall not exceed twenty-five percent of the amount raised by taxation, fees or assessments by the county in the most recent fiscal year.

The county commissioners, upon the request of the airport commission may, annually, prior to each fiscal year, vote to establish such fund. The county commissioners shall specify the purposes for which such fund may be expended, the monies to be credited to such fund and a limit on the total amount which may be expended from such fund during the fiscal year.

The airport commission shall, at the end of each fiscal year, file a report with the county commissioner detailing the receipts and expenditures of such fund.

At the end of a fiscal year in which such fund is not reauthorized for the following fiscal year or in which the county commissioners change the purposes for which money in such fund may be spent in the following fiscal year, the balance in such fund at the end of such fiscal year shall revert to the general fund of the county as surplus revenue.

SECTION 2. Notwithstanding the provisions of section one and prior to the establishment of the fund in section one for fiscal year nineteen hundred and ninety-three, the county treasurer shall certify to the county commissioners that the estimated revenue of such proposed fund has not been used as an enterprise revenue within the county's fiscal year nineteen hundred and ninety-three appropriations.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the county of Dukes County may, by majority vote of the county commissioners, incur debt by temporary loans for the construction of certain sewage treatment facilities and water connections in anticipation of reimbursement from the commonwealth, such reimbursement having first been agreed upon by the Massachusetts aeronautical commission, under contract SC2MVYH20 terminating June thirtieth, nineteen hundred and ninety-three, and may issue notes therefor for a period not to exceed two years from their date of issuance. The aggregate amount of such notes shall not exceed an amount reasonably required, which amount shall be approved by the director of the bureau of accounts in the division of local services in the department of revenue and shown on an estimated cash flow statement prepared on a form approved by the director. The director may require the submission of such other information as he deems appropriate.

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

Approved June 3, 1992.

Chapter 58. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF EASTHAMPTON.

Be it enacted, etc., as follows:

SECTION 1. Article 2 of the charter of the town of Easthampton which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 2-2 and inserting in place thereof the following section:-

Section 2-2. The representative town meeting shall consist of no less than one hundred and twenty and no more than one hundred and twenty-six members, with

each precinct represented by an equal number of members.

SECTION 2. Said article 2 of said charter is hereby further amended by striking out section 2-3 and inserting in place thereof the following section:-

Section 2-3. Precincts. The board of selectmen shall divide the town into no less than five and no more than eight convenient voting precincts, so established as to consist of as nearly an equal number of inhabitants as is possible. The boundaries of the precincts shall be established in accordance with applicable state and federal regulations.

SECTION 3. Paragraph (b) of section 2-4 of said article 2 of said charter is hereby amended by inserting after the fourth sentence the following sentence:- Candidates for re-election as town meeting members may nominate themselves by submitting written notice of their candidacy to the town clerk at least thirty days preceding the date of such town election.

SECTION 4. The first sentence of section 2-5 of said article 2 of said charter is hereby amended by striking out the word "eighteen" and inserting in place thereof the following words:- its allotted number of.

SECTION 5. The fourth sentence of said section 2-5 of said article 2 of said charter is hereby amended by striking out the word "six" and inserting in place thereof the following words:- one-third of its allotted number of.

SECTION 6. Section 2-6 of said article 2 of said charter is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Removal from Town or Precinct. A town meeting member who removes from the town or removes from one precinct to another shall forthwith cease to be a town meeting member. A town meeting member who is removed from one precinct in the town to another by a revision of precinct lines may continue to serve as a town meeting member from the precinct from which elected until the next town election at which the remainder of the term, if any, shall be filled by the voters. Any persons so removed from office may be candidates for election as town meeting members from the precinct to which they have removed at the same election.

SECTION 7. Section 2-8 of said article 2 of said charter is hereby amended by striking out the word "Section 3-6" and inserting in place thereof the following word:- Section 3-8,- and by striking out the words "in open session".

SECTION 8. Said article 2 of said charter is hereby further amended by striking out section 2-10 and inserting in place thereof the following section:-

Section 2-10. Participation by Non-Town Meeting Members. (a) Representatives of Town Agencies. A designated representative of each town agency shall attend all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such agencies. If any such person is deterred by illness or other reasonable cause from attending any particular session of the representative town meeting

such person shall designate another person to represent the agency at such session. (b) All representatives of town agencies, all town officers and employees and all residents and taxpayers, subject to such rules governing such participation as may from time to time be adopted, shall have a right to attend the meeting and to speak during the proceedings, but shall have no right to vote.

SECTION 9. Section 2-11 of said article 2 of said charter is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Initiation of Warrant Articles. The board of selectmen shall place upon the warrant of the next town meeting the contents of all petitions addressed to it which request the submission of a particular subject matter to the town meeting and which are filed by: (1) any elected town officer; (2) any multiple member body; (3) any municipal department head; (4) any ten voters; or (5), such other persons or agencies as may be authorized by law or by-law. All such requests for submission of matters shall be in writing on a form provided by the office of the town clerk.

SECTION 10. Said section 2-11 of said article 2 of said charter is hereby further amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) Publication. Within seven days following the date the warrant for any town meeting shall close, the board of selectmen shall cause copies of the official warrant articles to be made available in the office of the town clerk. At least seven days before annual town meetings and at least fourteen days before special town meetings, a constable shall attest and post a copy of the official warrant in a public place at the town hall.

SECTION 11. Paragraph (e) of said section 2-11 of said article 2 of said charter is hereby amended by striking out the words "by by-law",- and by striking out the word "standing".

SECTION 12. Section 2-12 of said article 2 of said charter is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Time of Meetings. The representative town meeting shall meet at least once in each calendar year, during February, March, April or May, on a date fixed by by-law, and shall be primarily concerned with the determination of matters involving the expenditure and commitment of town funds including, but not limited to, the adoption of an annual operating budget for all town agencies and which shall be deemed to be the annual town meeting of the town. In addition to such meeting, the board of selectmen may, in its discretion, for the purpose of acting on the legislative business of the town in an orderly and expeditious manner, call the representative town meeting into session at other times by the issuance of warrants for such purpose.

SECTION 13. Paragraph (c) of said section 2-12 of said article 2 of said charter is hereby amended by striking out the word "Sixty-four" and inserting in place

thereof the following words:- An absolute majority of.

SECTION 14. The second sentence of paragraph (d) of said section 2-12 of said article 2 of said charter is hereby amended by striking out the words "and to the public".

SECTION 15. The second sentence of paragraph (c) of section 2-13 of said article 2 of said charter is hereby amended by striking out the word "fourteen" and inserting in place thereof the following word:- twenty-one,- and by striking out the word "twenty-one" and inserting in place thereof the following word:- twenty-eight.

SECTION 16. Said article 2 of said charter is hereby further amended by adding the following two sections:-

Section 2-14. Standing Committees. Until such time as the town meeting acts, by by-law or other town meeting vote, to change or abolish such committees, the following committees are hereby established: Committee on Rules - There shall be a committee on rules consisting of seven town meeting members, one of whom shall be appointed by the town moderator from each precinct. The terms of office of members of the committee on rules shall be for three years, so arranged that as nearly an equal number of terms as possible shall expire each year. The moderator shall serve, ex-officio, as the chairperson of the committee on rules. The committee on rules shall serve as a resource of the town moderator in conducting the legislative business of the town. The committee shall advise the moderator concerning possible candidates for appointment to any office to be filled by the moderator. The committee on rules shall provide a continuing oversight of the business of the town meeting and shall consider all proposed changes in its conduct. The members of the committee on rules shall, during the time the town meeting is in session, organize by the election of a vice-chairperson and a clerk.

Committee on Government Regulations - There shall be a committee on government regulations consisting of seven town meeting members, one of whom shall be appointed by the moderator from each precinct, for terms of three years, so arranged that as nearly an equal number of terms as possible shall expire each year. Said committee on government regulations shall review and report on all warrant articles that would, if adopted, affect the by-laws of the town. It shall be responsible for the decennial review of the by-laws of the town as provided in paragraph (a) of section 7-6. The members of the committee on government regulations shall, during the time the town meeting is in session, organize by the election of a chairperson, vice-chairperson and clerk. In order to establish the overlapping terms of members of such committees, in each case initial appointments by the town moderator shall be: two for one year, three for two years and two for three years.

Section 2-15. Precinct Organization. The elected town meeting members from each precinct may within ten days following each annual town election, organize by the election of a chairperson, vice-chairperson and a clerk to serve for a term

of one year. Unless such person declines to serve, the person chosen as chairperson shall be that candidate for the office of town meeting member at the most recent election who received the highest number of votes for the office. If two or more members have equally received the highest number of votes the remaining town meeting members shall choose between them.

SECTION 17. Section 3-1 of article 3 of said charter is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) Town Election. The annual election of town officers and for the determination of all questions to be referred to the voters, shall be held on the first Monday in April unless otherwise provided by by-law.

SECTION 18. Section 3-1 of article 3 of said charter is hereby amended by inserting in the third sentence of the second paragraph under Section 3-1 (g) (2), the word "first" preceding the word "issued" as appears in said sentence.

SECTION 19. Paragraph (b) of section 3-2 of said article 3 of said charter is hereby amended by inserting after the fourth sentence the following sentence:- The board of selectmen shall be responsible for the negotiation of all contracts with town employees over wages, hours and other terms and conditions of employment except those under the jurisdiction of the school committee.

SECTION 20. Section 4-2 of article 4 of said charter is hereby amended by striking out paragraph 14.

SECTION 21. Section 4-3 of said article 4 of said charter is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Vacancy. A vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen but pending such appointment the board of selectmen shall designate a town officer or employee or, if no employee is willing or able to serve, a resident of Easthampton, to perform the duties of the town administrator on an acting basis. The appointment of an acting town administrator shall be for a term not to exceed five months; provided, however, that a renewal not to exceed an additional three months may be provided.

SECTION 22. Section 5-3 of said charter is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No later than February first, the town administrator shall submit to the finance committee a proposed budget for the ensuing year, with an accompanying budget message and supporting documents.

SECTION 23. Article 6 of said charter is hereby amended by adding the following section:-

Section 6-4. Appointment Powers. Until such time as a different form of organization is provided in accordance with the procedures made available in this charter, the following organization shall be operative: The board of selectmen shall appoint: a town administrator to serve for an indefinite term, a board of registrars of voters, the zoning board of appeals, the board of health, a town counsel to serve

for an indefinite term, a director of veterans' services who shall also be burial agent, caretaker of veterans' graves, and veterans' agent, an energy coordinator, the council on aging, the historical commission, the conservation commission, the development and industrial commission, the industrial and development financing authority, the arts lottery council, the forest committee, the Memorial and Veterans' day parade committee and the Saint Patrick's day parade committee. Further, said board of selectmen shall appoint such other multiple member bodies as may be established by town meeting vote or by vote of the board of selectmen to study and act on selected matters.

The town administrator shall appoint, subject to review of applications and approval of appointment by the board of selectmen, a chief of police and other officers, according to civil service law and rules, a fire chief and other officers, according to the civil services law and rules, a superintendent of public works, a civil defense director, a tax collector, a treasurer, a town accountant, a personnel officer, a tree warden, a building inspector, a wire inspector, a gas inspector, a master or matron for the town lodging house, a dog officer, a parking clerk, a sealer of weights and measures, a superintendent of gypsy moth and dutch elm control, the Brookside-East Street cemetery commission and all other officers and employees for whom no other method of selection is provided by charter, by-law or administrative code provisions.

SECTION 24. Said article 6 of said charter is hereby amended by adding the following section:-

Section 6-5. Until such time as the town meeting shall act, by by-law, to amend, repeal or to revise them, the following shall have the force of a town by-law: Board of Health. (a) Composition, Appointment, Term of Office. There shall be a board of health consisting of three members appointed by the board of selectmen and to serve for terms of three years each. (b) Powers and Duties. The board of health shall be responsible for the formulation and enforcement of rules and regulations affecting the environment and the public health, and for the enforcement of state laws and the provisions of the Code of Massachusetts Regulations in all matters affecting the public health. The board of health shall have all the powers and duties which are given to boards of health by general laws, and such additional powers, duties and authority as may be provided by charter, by-law, or other town meeting vote. In making initial appointments, the board of selectmen shall appoint one person for a term of one year, one person for a term of two years and one person for a term of three years.

SECTION 25. Paragraph (b) of section 7-9 of article 7 of said charter is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- These rules and the journal shall be a public record.

SECTION 26. Section 8-5 of article 8 of said charter is hereby amended by striking out paragraph (h).

SECTION 27. Said section 8-5 of said article 8 of said charter is hereby further amended by striking out paragraph (j).

SECTION 28. Said section 8-5 of said article 8 of said charter is hereby further amended by striking out paragraph (k).

SECTION 29. Said section 8-5 of said article 8 of said charter is hereby further amended by striking out paragraph (l).

SECTION 30. Article III of the town by-laws is hereby amended by striking out section 2-28 and inserting in place thereof the following section:-

Section 2-28. Composition, Appointment, Term of Office. There shall be a finance committee which shall consist of nine members appointed by the town moderator for terms of three years, so arranged that the terms of three members shall expire each year.

SECTION 31. Section 2-40 of said article III is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- A vacancy occurring in the membership of the finance committee shall be filled by the town moderator in accordance with the provisions of paragraph (e) of section 7-9 of the town charter.

SECTION 32. This act shall take effect upon its passage.

Approved June 3, 1992.

Chapter 59. AN ACT RELATIVE TO THE REPORTING OF HATE CRIMES

Be it enacted, etc., as follows:

Section 32 of chapter 22C of the General Laws, inserted by section 22 of chapter 412 of the acts of 1991, is hereby amended by striking out the definition of "Hate crime" and inserting in place thereof the following definition:-

"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, gender 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.

Approved June 3, 1992.

Chapter 60. AN ACT ESTABLISHING A LANDFILL CAPPING EXPENSE FUND 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 general or special law to the contrary, the town of Dartmouth is hereby authorized to establish a separate fund, known as the Landfill Capping Expense Fund, which shall be kept separate and apart from all other monies of said town by the town treasurer and in which shall be deposited fifty percent of all tipping fees received by said town for the use of town landfills. Such fees may be established from time to time by the board of selectmen of said town. The treasurer may invest such funds in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four of the General Laws. The principal and interest thereon shall be reserved for appropriation by a two-thirds vote of an annual or a special town meeting for the expenses related to the capping of existing town landfills.

SECTION 2. At the completion of the capping of existing landfills any monies remaining in said fund shall be transferred to the general fund of said town of Dartmouth.

Approved June 5, 1992.

Chapter 61. AN ACT DESIGNATING STATE HIGHWAY ROUTE 6A AS A SCENIC ROAD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifteen C of chapter forty of the General Laws, state highway route 6A is hereby designated as a scenic road; provided, however, that it shall be subject to all of the provisions of said section fifteen C of said chapter forty for the purposes of repair, maintenance, reconstruction or paving of said highway. The Old King's Highway Regional Historic District committee of each town within Barnstable county abutting said route 6A and, in such towns within Barnstable county abutting said route 6A not having such committee, the planning board is hereby designated as the governmental body whose prior written consent must be obtained in accordance with the provisions of said section fifteen C for any proposed alterations within the respective towns.

Approved June 10, 1992.

Chapter 62. **AN ACT FURTHER REGULATING THE USE BY MUNICIPALITIES OF CERTAIN SUMS RECEIVED AS PAYMENT FOR DAMAGES.**

Be it enacted, etc., as follows:

Section 53 of chapter 44 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 14 and 16, the word "ten" and inserting in place thereof, in each instance, the word:- twenty.

Approved June 10, 1992.

Chapter 63. **AN ACT AUTHORIZING THE ESTABLISHMENT OF RESIDENTS ONLY PARKING AREAS IN THE CITY OF NORTHAMPTON.**

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Northampton is hereby authorized to enact ordinances which shall establish one or more parking districts within said city in which parking on public ways shall be restricted to residents only. Said residents only parking districts shall be created in areas of high population concentration where the proximity of public, educational, religious or health facilities make the parking of vehicles by parties other than residents common, convenient and consistent. Factors such as the lack of off-street parking, width and grade of a street and concentration of multi-unit buildings shall be considered in determining areas where parking shall be so restricted to residents only.

SECTION 2. Any such ordinance may (1) designate one or more districts in which resident only parking shall be in effect; (2) authorize the issuance of permits, stickers, placards or other means of identification of resident vehicles, including an application process for the same; (3) set fees for said permits and fines for violations of residents only district parking regulations; (4) include provisions for visitor parking, delivery vehicles, service and repair vehicles and other temporary parking categories; (5) describe signage and other methods of identifying residents only parking districts; (6) designate hours and dates when residents only parking will be effective; and (7), address such other administrative or enforcement issues as the city council may deem necessary. Any such ordinance may delegate all the powers enumerated above except that contained in clause (1) to a board, committee or officer of the city of Northampton.

SECTION 3. Any such ordinance shall provide that the city council shall refer any ordinance restricting parking on a public way, or any portion thereof, to the

planning board, the board of public works, the parking commission and the city council committee under whose jurisdiction parking issues have been placed. No such ordinance shall be enacted until each of the above entities has filed a recommendation with the city council or forty-five days have elapsed since the referral by the council.

SECTION 4. No ordinance shall be adopted until a public hearing has been held by the city council or a committee thereof. Notice of such hearing shall be posted in a public place and published in a newspaper of general circulation in the city at least twice in two separate weeks, the first of which shall be not less than fourteen days before the scheduled date of such hearing. Actual notice shall be given by certified mail to all owners of property, as shown on the latest assessors' records, abutting the portion of a public way for which said residents only parking restriction will be effective. If the city council is presented with a petition signed by fifty percent or more of such property owners, a two-thirds majority shall be required to enact the proposed ordinance.

SECTION 5. For the purposes of this act, a motor vehicle qualifying for resident status permitting parking in an area restricted to residents only parking by an ordinance enacted hereunder shall be registered under chapter ninety of the General Laws as principally garaged in the city of Northampton and owned or used by a person residing in said area. Nothing herein shall be construed to authorize the assignment of a specific space to any person or vehicle nor shall any ordinance enacted hereunder supersede any statute related to handicapped parking.

Approved June 12, 1992.

Chapter 64. AN ACT RELATIVE TO THE UNLAWFUL USE OF COMMERCIAL DISPOSAL CONTAINERS.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by adding the following section:-

Section 146. For purposes of this section "solid waste" shall mean garbage, refuse, trash, rubbish, sludge, residue or by-products of processing or treatment of discarded material, and any other solid, semi-solid or liquid discarded material resulting from domestic, commercial, mining, industrial, agricultural, municipal, or other sources or activities, but shall not include solid or dissolved material in domestic sewage.

Whoever willfully and without right deposits solid waste in a commercial disposal container of another without the consent of the owner or other person who has legal custody, care or control thereof shall be punished by a fine of not

less than one hundred dollars, nor more than one thousand dollars.

Approved June 12, 1992.

Chapter 65. AN ACT FURTHER REGULATING PROFESSIONAL LIABILITY INSURANCE FOR HEALTH CARE PROVIDERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further regulate professional liability insurance to health care providers, therefore 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 175D of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "person", in line 26, the following words:- , except as provided in the ninth paragraph of section six of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five,.

SECTION 2. The first paragraph of section 6 of chapter 362 of the acts of 1975 is hereby amended by striking out the definition of "Net direct premiums".

SECTION 3. Said section 6 of said chapter 362 is hereby further amended by striking out the second paragraph, as amended by section 31 of chapter 351 of the acts of 1986, and inserting in place thereof the following paragraph:-

A temporary, nonexclusive, joint underwriting association is hereby established. The purpose of the association shall be to provide medical malpractice insurance on a self-supporting basis. Upon approval of the commissioner, the association may for all purposes consider the business of each category of health care provider as a separate line of business.

SECTION 4. Said section 6 of said chapter 362 is hereby further amended by striking out the third paragraph, as amended by section 32 of said chapter 351, and inserting in place thereof the following paragraph:-

The association shall, pursuant to the provisions of this section and the plan of operation with respect to medical malpractice insurance, have the power to issue or to cause to be issued policies of insurance to applicants, including incidental coverages and subject to limits as specified in the plan of operation but not to exceed two million dollars for each claimant under one policy and six million dollars for all claimants under one policy in any one year, or twenty million dollars for all claimants under one policy in any one year, provided the applicant is a hospital; to underwrite such insurance and to adjust and pay losses with respect thereto, or to appoint service companies to perform these functions; to assume

reinsurance; and to assign reinsurance.

SECTION 5. The fourth paragraph of said section 6 of said chapter 362 is hereby amended by striking out, in lines 11 and 12, the words "preliminary assessment of all members for initial expenses necessary to commence operations,".

SECTION 5A. Said fourth paragraph of said section 6 of said chapter 362 is hereby further amended by striking out, in line 14, the words ", assessment of members to defray losses and expenses".

SECTION 6. The eighth paragraph of said section 6 of said chapter 362, as amended by chapter 680 of the acts of 1989, is hereby further amended by striking out the third and fourth sentences.

SECTION 7. Said section 6 of said chapter 362 is hereby further amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:-

The association shall not be considered an "insurer" pursuant to the provisions of chapter one hundred and seventy-five D of the General Laws.

SECTION 8. Said section 6 of said chapter 362 is hereby further amended by striking out the tenth paragraph, as most recently amended by section 33 of chapter 351 of the acts of 1986, and inserting in place thereof the following paragraph:-

The association shall be governed by a board of eleven directors, two of whom shall be non-health care providers with expertise in insurance appointed by the commissioner. Seven directors shall be appointed by the commissioner as representatives of the health care profession, five of whom shall be physicians registered pursuant to section two of chapter one hundred and twelve of the General Laws and appointed, on a basis which reflects geographical balance, from a list of nominees provided by the Massachusetts Medical Society, one of whom shall be a representative of dentists appointed from a list of nominees provided by the Massachusetts Dental Society, and one of whom shall be a representative of licensed hospitals appointed from a list of nominees provided by the Massachusetts Hospital Association; such lists of nominees shall in each instance be comprised of the names of three persons for each director to be appointed. One director shall be appointed by the commissioner as a representative of insurance producers and one director shall be appointed by the commissioner as a representative of the public. Directors shall each be appointed to a term of three years, and vacancies occurring other than by expiration of a term among the directors so appointed shall be filled for the unexpired portion of such term in the same manner as the original appointment.

SECTION 9. The eleventh paragraph of said section 6 of said chapter 362 is hereby amended by striking out, in line 2, the words ", or any affected insurer,".

SECTION 10. Said section 6 of said chapter 362 is hereby further amended by adding the following paragraph:-

There shall be no liability on the part of, and no cause of action of any nature

shall arise against, any insurer that is authorized to write and is engaged in writing insurance within the commonwealth for any obligations incurred, any deficit sustained, or any action taken before, on, or after the effective date of this act by the joint underwriting association established herein or by its successor organization.

SECTION 11. Section 13 of said chapter 362, as most recently amended by section 37 of chapter 351 of the acts of 1986, is hereby further amended by striking out, in line 4, the word "ninety-two" and inserting in place thereof the following word:- ninety-four.

SECTION 12. The eleven directors to be appointed pursuant to the tenth paragraph of section six of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five, as amended by section eight of this act, shall be appointed within forty-five days of the effective date of this act, and the terms of all those persons serving on the board of directors of said association upon the effective date of this act shall expire upon the appointment of such eleven directors.

Approved June 12, 1992.

Chapter 66. AN ACT RELATIVE TO LIABILITY FOR CERTAIN VIOLATIONS OF THE STATE BUILDING CODE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the civil liability for violations of state building codes, therefore 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 51 of chapter 143 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the first sentence the following two sentences:- Any person who obtains a permit pursuant to the state building code to erect, construct, or demolish a building or structure shall be liable to any worker or other person for all injuries and damages that result from a failure to provide a safe workplace, or caused by a violation of the state building code or other codes, by-laws, rules and regulations applicable to the construction site. Nothing in the foregoing sentence shall be construed to extend liability to the employer of a worker under the provisions of chapter one hundred and fifty-two.

SECTION 2. This act shall be applicable to causes of action arising on or after November first, nineteen hundred and eighty-eight.

Approved June 12, 1992.

Chapter 67. **AN ACT ESTABLISHING A CERTAIN FUNDING SCHEDULE FOR THE CITY OF EVERETT RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. The city of Everett retirement system is hereby deemed to have accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and provided further, that said retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the Everett retirement system for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before June first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than June fifteenth, nineteen hundred and ninety-two.

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

Approved June 16, 1992.

Chapter 68. **AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE TOWN OF NATICK CONTRIBUTORY RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the acceptance of the provisions of section twenty-two D of chapter thirty-two of the General Laws by the town of Natick

contributory retirement system, said Natick contributory retirement system may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; provided, however, that notwithstanding such acceptance of said section twenty-two D, said Natick contributory retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the Natick contributory retirement system for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before June first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than June fifteenth, nineteen hundred and ninety-two.

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

Approved June 16, 1992.

Chapter 69. **AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-TWO TO PROVIDE FOR SUPPLEMENTING CERTAIN 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, the sums set forth in section two are hereby appropriated for the several purposes, and subject to the conditions, specified in chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, including fund designations in said chapter one hundred and thirty-eight, and subject to the

provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in said chapter one hundred and thirty-eight, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two. The sums so appropriated are in addition to any amounts available for said purposes.

SECTION 2.

JUDICIARY.

Supreme Judicial Court.

Item		
0321-0100		$34,651
0321-1510		$7,785,211
	DISTRICT ATTORNEYS.	
0340-0200		$75,298
0340-0240		$30,000
	ATTORNEY GENERAL.	
0810-0000		$100,000
	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.	
	Office of Employee Relations.	
1108-3200		$2,835,000
	Public Employee Retirement Administration.	
1108-6200		$3,000,000
	Reserves.	
1599-3384		$1,341,762
	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.	
	Commissioner of Veterans' Services.	
4170-0400		$175,500
	Soldiers' Home in Chelsea.	
4180-0100		$250,000
	Soldier's Home in Holyoke.	
4190-0100		$231,626
	Department of Public Welfare	
4402-5000		$260,000,000
4402-5002		$17,000,000
4403-2013		$3,000,000
4405-2000		$11,000,000
	Department of Public Health.	
4590-0900		$4,565,585
	Department of Social Services.	
4800-0041		$4,302,000
	EXECUTIVE OFFICE OF PUBLIC SAFETY.	
	Military Division.	
8700-0001		$83,000

Emergency Management Agency.

8800-0001 $130,000

Department of Correction.

8900-0001 $4,625,797

EXECUTIVE OFFICE OF ELDER AFFAIRS.

9110-0100 $80,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Division of Banks.

9221-1000 $520,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth and to meet certain requirements of law, the sums set forth herein shall be appropriated from the General Fund, unless specifically designated otherwise, and shall be for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Reserves.

Item

0527-0000 For legal costs incurred $89,000

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 $1,093,995

Reserves.

1599-2200 For an emergency reserve to fund grants to counties which would otherwise be unable to continue operations of jails and courthouses; provided, that no grant shall be awarded from this item to any county unless and until the commissioner of revenue has made a determination that said county's inability to continue operation of its jail and courthouse is directly attributable to lack of sufficient state appropriation to make adequate payments pursuant to section four of chapter twenty-nine A of the General

Laws; and provided further, that no grant shall be made from this item without the prior approval of the secretary for administration and finance $4,425,000

General Fund 25.0%
Local Aid Fund 75.0%

1599-3852 For a reserve to meet the unanticipated expenses associated with extinguishing the fire at the Worcester State Hospital on July twenty-second, nineteen hundred and ninety-one; provided that these funds shall be distributed to the following fourteen communities for actual firefighting expenses incurred responding to said fire: Auburn, Grafton, Holden, Leicester, Millbury, Northborough, Paxton, Shrewsbury, Southborough, Sterling, Upton, Westborough, West Boylston and Worcester $61,281

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

2200-0101 For payment by the department to the town of Brookfield for the state's agreed-to share of the cost of a flow barrier constructed at Lake Quacumquasit in Brookfield $32,245

Metropolitan District Commission.

2440-1000 For the cost of repairs, renovations including, but not limited to, any necessary equipment for the Connell Recreation Complex $80,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Commission for the Blind.

4110-1024 For the payment of prior-year medical claims $3,200,000

Division of Youth Services.

4240-1000 For the costs of increases in night shift staffing, so-called, at the secure facilities of the department; provided, that the department is hereby authorized to charge salary costs for state employees compensated from item 4238-1000 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one to this item; provided further, that no funds from this item shall be expended for costs not directly attributable to increases in night shift staffing at the secure facilities of the department $460,000

4406-5010 For the payment of prior fiscal year expenses for a program of medical services to general relief recipients; provided, that all expenditures made from this item shall be subject to the provisions of item 4406-5000 of section two of chapter one hundred and seventy-six of the acts of nineteen hundred and ninety-one, as amended by section six of chapter two hundred and fifty-five of the acts of nineteen hundred and ninety-one $3,557,799

4800-0019 For the payment of prior fiscal year expenses for permanency services

to children in the care of the department, including the provision of adoption and guardianship subsidies; provided, that expenditures made from this item shall be subject to the provisions of item 4800-0020 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one. $59,020

4800-0029 For the payment of prior fiscal year expenses for the provision of the foster care services to children in the care of the department; provided, that expenditures made from this item shall be subject to the provisions of item 4800-0030 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one $356,000

Department of Social Services.

4800-0039 For the payment of prior fiscal year expenses for the provision of group care services to children in the care of the department; provided, that all expenditures made from this item shall be subject to the provisions of item 4800-0041 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one $4,670,293

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

6030-7401 For expenses and losses incurred by Mason and Parker Manufacturing Company, in order to allow for repairs to the Route 12 Bridge (Whitney Bridge), Winchendon, by the Massachusetts Highway Department $18,027

EXECUTIVE OFFICE OF EDUCATION.

Department of Education.

7061-0009 For the reimbursement to cities, towns, and regional school districts of the tuition in the public schools of any school age child placed elsewhere other than in his own home town by, or under the control of, the department of public welfare or the department of social services under the provisions of sections seven and nine of chapter seventy-six of the General Laws; provided that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein $6,720,000

Local Aid Fund 100.0%

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Office of the Secretary.

9000-1492 For the purposes of the Tall Ships/Christopher Columbus Quincentenary events, provided, that the secretary is hereby authorized to enter into interagency service agreements $1,500,000

Department of Employment and Training.

9081-0350 For the purposes of a summer youth job program, including the costs of administering the program, provided that this appropriation shall expire on June thirtieth, nineteen hundred and ninety-three; provided that the city of Lynn be included in any expenditure of funds $3,050,000

SECTION 3. Section 9 of chapter 15A of the General Laws, as appearing in section 7 of chapter 142 of the acts of 1991, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) develop a rational and equitable statewide tuition plan for the state colleges and the community colleges in the commonwealth, which plan shall take into account by type of institution, the per student maintenance costs and total mandated costs per student. The total mandated costs per student shall include the state appropriation, retained revenue, fringe benefits and ongoing maintenance. Said tuition plans shall include direct and indirect elements of the per student maintenance costs, including but not limited to, faculty and administrators that support an institution's 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 regard to personnel and utility costs. Said tuition plan shall further take into account the need to maximize student access to higher education regardless of a student's financial circumstances. The council shall issue regulations governing the implementation of such tuition plans by the state colleges and the community colleges. In the case of the university, the council shall review the recommendations of the board of trustees relative to tuition rates at said university and its campuses. Said tuition rates shall be subject to the approval of the council. The council shall establish final tuition rates for the subsequent academic years 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 five. The council shall establish guidelines to be followed by each public institution of higher education relative to student charges and whether said charges should be classified as tuition or as fees. Said guidelines shall be based upon a study of tuition and fees which shall be conducted by the secretary and the council, and which shall be authorized by statute; provided, that fees as defined by said guidelines, shall not exceed twenty-five percent of total student charges for the state colleges and the community colleges.

SECTION 4. Section 150B of chapter 111 of the General Laws is hereby amended by striking out the last paragraph, as amended by section 18 of chapter 23 of the acts of 1992, and inserting in place thereof the following paragraph:-

Notwithstanding any provisions of this section to the contrary, this section shall

apply to the increase of capacity to store, treat, or dispose of any particular type of hazardous waste, unless such increase of capacity was approved by the department pursuant to chapter twenty-one C prior to the effective date of this paragraph, or unless an existing site assignment established pursuant to the requirements of this section provides for the conditions under which such increase of capacity shall be permitted.

SECTION 5. The second paragraph of section 29B of chapter 119 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- No such order may be issued unless the court has determined that, as appropriate, the department or its agent has made reasonable efforts prior to the placement of the child in foster care to prevent or to eliminate the removal of the child from his home; and, as appropriate, the department or its agent has made reasonable efforts after the placement of the child in foster care to make it possible for the child to return to his home. The court may, in its discretion, make its determinations concerning said reasonable efforts in written form, but, in the absence of a written determination to the contrary, it shall be presumed that the court did find that said reasonable efforts did occur.

SECTION 6. Said chapter 119 is hereby further amended by striking out section 29C, as so appearing, and inserting in place thereof the following section:-

Section 29C. Whenever a court of competent jurisdiction commits, grants custody or transfers responsibility of a child to the department or its agent, the court shall certify that the continuation of the child in his home is contrary to his best interests, and shall determine whether the department or its agent, as appropriate, has made reasonable efforts, prior to the placement of the child with the department, to prevent or eliminate the need for removal from his home; or shall determine whether the department or its agent, as appropriate, has made reasonable efforts to make it possible for the child to return to his parent or guardian. The court may, in its discretion, make its determinations concerning said reasonable efforts in written form, but, in the absence of a written determination to the contrary, it shall be presumed that the court did find that said reasonable efforts did occur.

SECTION 7. Item 2120-8777 in section 4 of chapter 481 of the acts of 1976, as amended by section 1 of chapter 287 of the acts of 1982, is hereby further amended by adding the following paragraph:-

To fulfill its obligations hereunder, the department of environmental management is hereby authorized to enter into an agreement with the town of Mashpee to transfer to said town an amount not to exceed six hundred and twenty thousand dollars from the funds appropriated herein to perform structural improvements on Great Oak Road.

SECTION 8. Section 3B of chapter 723 of the acts of 1983 is hereby amended

by striking out item 8000-8841, as amended by section 72 of chapter 219 of the acts of 1991, and inserting in place thereof the following item:-

Item		
8000-8841	For a study, and the preparation of plans, if necessary, and the construction of a facility to house the Eastern Massachusetts Medical Examiner and a facility for the State Crime Laboratory, including the cost of furnishings and equipment	$9,000,000

SECTION 9. Item 4402-5002 in section 2 of chapter 138 of the acts of 1991 is hereby amended by striking out, in line 1, the word "forty-three" and inserting in place thereof the word:- sixty.

SECTION 10. Item 4403-2013 in said section 2 of said chapter 138 is hereby amended by striking out, in line 1, the word "sixty-seven" and inserting in place thereof the word:- seventy.

SECTION 11. Item 4513-1012 in said section 2 of said chapter 138 is hereby amended by striking out the wording and inserting in place thereof the following:-

The commissioner of the department of public health may expend an amount not to exceed eleven million nine hundred thousand dollars from revenues received from the infant formula price enhancement system, hereby authorized, for the purpose of increasing the caseload of WIC programs.

SECTION 12. Item 4590-0900 in said section 2 of said chapter 138 is hereby amended by striking out, in lines 2 and 3, the words "fifty-one million two hundred ninety-five thousand one hundred and ninety-six" and inserting in place thereof the words:- fifty-five million eight hundred sixty thousand seven hundred eighty-one.

SECTION 13. Section 46 of chapter 142 of the acts of 1991 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The secretary and the council shall file a copy of said study, together with proposed legislation, with the clerks of the house of representatives and the senate, by October first, nineteen hundred and ninety-two. There shall be no implementation of said study's recommendations without prior statutory authorization.

SECTION 14. Section 2A of chapter 23 of the acts of 1992 is hereby amended by striking out item 7010-0001 and inserting in place thereof the following item:-

Item		
7010-0001	For the expenses of the Frederick Sweetsir School	$86,000

SECTION 15. Item 8100-0015 in said section 2A of said chapter 23 is hereby amended by adding after the words "public safety" the words:- ; provided, further, that funds appropriated herein may also be used for the cost of conducting an entrance examination for the department of state police pursuant to section one hundred and ten of chapter four hundred and twelve of the acts of nineteen hundred and ninety-one; and provided, further, that the commissioner of public

safety may enter into an interagency service agreement with the department of pers onnel administration for the purpose of administering said examination.

SECTION 16. Section 52 of said chapter 23 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A report of the findings and recommendations of said study shall be filed with the joint committee on criminal justice and the house and senate committees on ways and means, on or before July twenty-fourth, nineteen hundred and ninety-two.

SECTION 17. For the purpose of discharging a moral obligation of the commonwealth, there shall be allowed and paid out of the state treasury, subject to appropriation, to Ashmere Manor Nursing Home, Inc. the sum of one hundred and twenty-three thousand nine hundred and eighty-three dollars and thirty-five cents for medicaid reimbursements that were withheld in nineteen hundred and eighty.

SECTION 18. The division of capital planning and operations, is hereby authorized and directed to expend a sum not to exceed eighty-six million dollars for studies and the preparation of plans, if necessary, and for certain repairs, renovations and upgrading of the state house exterior building structure, building support systems, public and office spaces, and to improve the site and landscape, including the cost of furnishings and equipment; to be in addition to the amounts appropriated in item 1102-8842 of section two of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, item 1102-9883 of section two of chapter five hundred and sixty-four of the acts of nineteen hundred and eighty-seven, and item 1102-7890 of section two D of chapter one hundred and sixty-four of the acts of nineteen hundred and eighty-eight.

SECTION 19. To meet the expenditures necessary in carrying out the provisions of section eighteen of this act, 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 eighty-six million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, State House Renovation and Improvement Act of 1992, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and seventeen. All interest and payments on account of such obligations shall be payable from the General Fund.

Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 20. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose

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

Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

SECTION 21. The committee for public counsel services shall submit a report to the house and senate committees on ways and means by the first Wednesday in September, nineteen hundred and ninety-two. Said report shall detail rules and regulations to ensure fair and equal access to each qualified attorney so desiring public counsel appointments, and prevent any single attorney from having a disproportionate share of appointments. Said report shall also contain information on the average number of cases assigned per attorney, and the average dollar amount compensated by classified category. The committee for pubic counsel services shall also develop a policy for attorneys transferring cases prior to closure in accordance to court procedure.

SECTION 22. This act shall take effect upon its passage.

Approved June 16, 1992.

Chapter 70. AN ACT PROVIDING FOR A COST-OF-LIVING ADJUSTMENT FOR STATE AND MUNICIPAL RETIREES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a cost-of-living adjustment for state and municipal retirees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

In accordance with the provisions of section one hundred and two of chapter thirty-two of the General Laws, the retirement allowance, pension, or annuity of every former employee of the commonwealth or any county, city, town, district, housing or redevelopment authority, the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the Blue Hills Regional Vocational School System, the Greater Lawrence Sanitary District, the Minuteman Regional Vocational

Technical School District or of the spouse or other beneficiary of any former employee who is receiving a retirement allowance, pension or annuity shall, beginning January first, nineteen hundred and ninety-two, be increased by five percent; provided, however, that the fiscal year nineteen hundred and ninety-two costs of reimbursing local retirement systems for such cost-of-living adjustment shall be made from the commonwealth's share of the deposits in the Pension Reserve Investment Trust Fund, as authorized by the second paragraph of paragraph (a) of subdivision (8)(i) of section twenty-two of chapter thirty-two of the General Laws; and provided, further, that no individual retiree shall receive an increase greater than four hundred and fifty dollars annually.

This bill, was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House on June 8, 1992 and in concurrence by the Senate on June 16, 1992, the objections of the Governor notwithstanding in the manner prescribed by the Constitution and thereby has the "force of law".

Chapter 71. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE CITY OF MELROSE FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of chief of police in the city of Melrose 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 chief of police in the city of Melrose on the effective date of this act.

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

Approved June 19, 1992.

Chapter 72. AN ACT FURTHER REGULATING THE CANCELLATION OF GROUP CONTRACTS.

Be it enacted, etc., as follows:

Section 7 of chapter 176G of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out clause (7) and inserting in place thereof the following clause:-

(7) that a member's coverage may not be cancelled, nor its renewal refused, except in the following circumstances:-

(i) failure by the member or other responsible party to make payments required under the contract;

(ii) for misrepresentation or fraud on the part of the member;

(iii) commission of acts of physical or verbal abuse by the member which pose a threat to providers or other members of the health maintenance organization and which are unrelated to the physical or mental condition of the member; provided, however, that the commissioner prescribes or approves the procedures for the implementation of the provisions of this clause;

(iv) relocation of the member outside the service area of the health maintenance organization;

(v) nonrenewal of the group contract through which the member receives coverage.

Approved June 19, 1992.

Chapter 73. AN ACT RELATIVE TO THE TERMS OF CERTAIN NOTES TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the issuance of notes to finance certain payments to the Massachusetts Bay Transportation Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section twelve of chapter one hundred and sixty-one A of the General Laws, authorizing temporary borrowings by the commonwealth to finance certain payments required to be made to the Massachusetts Bay Transportation Authority, shall be issued for terms not exceeding two and one-half years in the calendar year nineteen hundred and ninety-two, as recommended by the governor, in a message to the general court, dated March eighteenth, nineteen hundred and ninety-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved June 19, 1992.

Chapter 74. AN ACT RELATIVE TO BOXING IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 147 of the General Laws is hereby amended by striking out section 49, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 49. Sections thirty-two to forty-seven, inclusive, shall take effect in a city if accepted by a majority vote of the city council, with the approval of the mayor where such approval is required by the charter of the city and in a town if accepted by a majority vote of the board of selectmen.

Approved June 19, 1992.

Chapter 75. AN ACT RELATIVE TO THE MERGER OF SAVINGS BANKS AND COOPERATIVE BANKS WITH CREDIT UNIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 168 of the General Laws is hereby amended by inserting after section 34E the following section:-

Section 34F. Any one or more of such corporations and any one or more credit unions, as defined in section one of chapter one hundred and seventy-one, may merge or consolidate into a single savings bank upon such terms as shall have been approved by a vote of at least two-thirds of the board of trustees of each corporation and the board of directors of each credit union, and shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the corporators of each corporation and the shareholders of each credit union in the manner prescribed herein. A request for such approval by the commissioner 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, a copy of the terms of any agreement reached by the respective boards of trustees or directors, and certified copies of the votes of such boards. If the commissioner, after such notice and hearing as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such merger or consolidation is in the interests of the depositors and shareholders of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. 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 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 the bank's delineated 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.

Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the corporators of each corporation present, qualified to vote and voting at a meeting specially called to consider the subject and approved by a vote of at least two-thirds of the shareholders of each credit union present, qualified to vote and voting at a meeting specially called for that purpose. Notice for such meetings shall be given in accordance with the relevant provisions of section nine A of this chapter and section eleven of chapter one hundred and seventy-one. A certificate under the hands of the presidents and clerks, or other duly authorized officers, of all merging or consolidating corporations and credit unions setting forth that each institution, respectively, has complied with the requirements of this section, shall be submitted to the commissioner who, if he approves such merger or consolidation, shall endorse such approval upon such certificate and thereupon, such merger or consolidation shall become effective. The commissioner shall not endorse his approval thereon until he has received notice from the Mutual Savings Central Fund, Inc., and from the insurer for each such credit union that arrangements satisfactory to each such insurer have been made for such merger or consolidation. Upon the merger or consolidation of any such institutions, the provisions of subparagraphs 1 to 6, inclusive, of section thirty-four A shall apply.

The offices and depots of any credit union merged or consolidated under this section may be maintained as branch offices or depots of the corporation with the written permission of, and under such conditions, if any, as approved by the commissioner.

SECTION 2. Chapter 170 of the General Laws is hereby amended by inserting after section 26E the following section:-

Section 26F. Any one or more of such corporations and any one or more credit unions, as defined in section one of chapter one hundred and seventy-one, may merge or consolidate into a single cooperative bank upon such terms as shall have been approved by a vote of at least two-thirds of the board of directors of each corporation and the board of directors of each credit union, and shall have been approved in writing by the commissioner. The terms of any such merger or consolidation shall be approved by the shareholders of each corporation and the shareholders of each credit union in the manner prescribed herein. A request for such approval by the commissioner 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, a copy of the terms of any agreement reached by the respective boards of directors, and

certified copies of the votes of such boards. If the commissioner, after such notice and hearing as he may require, is satisfied that a merger or consolidation can be effected on terms approved by him and he finds that such merger or consolidation is in the interests of the depositors and shareholders of the institutions concerned, such merger or consolidation may be approved by him subject to his direction. In making such determinations, 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 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 the bank's delineated 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.

Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the shareholders of each corporation, present, qualified to vote, and voting at a meeting specially called to consider the subject and by a vote of at least two-thirds of the shareholders of each credit union, present, qualified to vote, and voting at a meeting specially called for that purpose. Notice for such meetings shall be given in accordance with the relevant provisions of section seven of this chapter and section eleven of chapter one hundred and seventy-one. A certificate under the hands of the presidents and clerks, or other duly authorized officers of all merging or consolidating corporations and credit unions setting forth that each institution, respectively, has complied with the requirements of this section, shall be submitted to the commissioner who, if he shall approve such merger or consolidation, shall endorse his approval upon such certificate and thereupon, such merger or consolidation shall become effective. The commissioner shall not endorse his approval thereon until he has received notice from the Cooperative Central Bank and the insurer for each such credit union that arrangements satisfactory to each insurer have been made for such merger or consolidation. Upon the merger or consolidation of any such institutions, the provisions of subparagraphs 1 to 6, inclusive, of section twenty-six A shall apply.

The offices and depots of any credit union merged or consolidated under this section may be maintained as branch offices or depots of the corporation with the written permission of, and under such conditions, if any, as approved by the commissioner.

SECTION 3. Chapter 171 of the General Laws is hereby amended by inserting after section 78 the following two sections:-

Section 78A. Any one or more credit unions may merge or consolidate with one

or more savings banks, as defined in section one of chapter one hundred and sixty-eight, into a single savings bank pursuant to the provisions of section thirty-four F of said chapter one hundred and sixty-eight.

Section 78B. Any one or more credit unions may merge or consolidate with one or more cooperative banks, as defined in section one of chapter one hundred and seventy, into a single cooperative bank pursuant to the provisions of section twenty-six F of said chapter one hundred and seventy.

Approved June 19, 1992.

Chapter 76. **AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE WORCESTER COUNTY RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the acceptance of the provisions of section twenty-two D of chapter thirty-two of the General Laws by the county commissioners of Worcester county, the Worcester county retirement system may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; provided, however, that notwithstanding such acceptance of said section twenty-two D, said Worcester county retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the Worcester county retirement system for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before March fifteenth, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than March thirty-first, nineteen hundred and ninety-two.

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

Approved June 19, 1992.

Chapter 77. **AN ACT PROVIDING FOR THE APPOINTMENT OF THE TREASURER OF THE TOWN OF DALTON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the treasurer of the town of Dalton shall be appointed by the board of selectmen of said town and the person so appointed shall have all the powers and duties by law vested in the office of treasurer.

SECTION 2. This act shall take effect as of August seventh, nineteen hundred and ninety-two.

Approved June 22, 1992.

Chapter 78. **AN ACT DIRECTING THE STATE-BOSTON RETIREMENT BOARD TO RETIRE FRANCIS X. FOLEY A POLICE OFFICER OF THE CITY OF BOSTON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary and in order to promote the public good, the State-Boston Retirement Board is hereby authorized and directed to retire Francis X. Foley, a police officer of the city of Boston, who, as a result of injuries sustained while in the performance of his duties on October twenty-eight, nineteen hundred and ninety-one, is totally and permanently incapacitated from further service as a police officer. Said Francis X. Foley of the FE01 bomb technicians was seriously wounded and his partner killed when a suspected explosive device they were called to examine suddenly detonated near them. The annual amount of pension payable to Francis X. Foley shall be fixed in an amount equal to the regular rate of compensation which would have been paid had he continued in service as a police officer of said city at the grade held by him at the time of his retirement. Such retirement shall become effective as of the date following the last day on which he received regular compensation. Upon such retirement the State-Boston Retirement Board shall forthwith pay to him the amount credited to him as accumulated total deductions in the annuity savings of the State-Boston Retirement System.

SECTION 2. Said Francis X. Foley shall be entitled to receive such indemnifi-

cation for all hospital, medical and related expenses that have been or may be, incurred after the date of his retirement as a result of the injuries sustained by him while in the performance of his duties, according to the provisions of chapter forty-one of the General Laws.

SECTION 3. Upon the death of said Francis X. Foley, if Claire V. Foley his wife survives him, the State-Boston Retirement Board shall pay to her so long as she remains unmarried, an annuity in the amount of three-fourths of the amount of the pension payable to him, per month at the time of his death. If, said Claire V. Foley remarries, said city shall pay, in lieu of the aforesaid annuity to her, an annuity of five hundred and twenty dollars per month to her.

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

Approved June 23, 1992.

Chapter 79. AN ACT RELATIVE TO CERTAIN SCHOOL BONDS TO BE ISSUED BY THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

SECTION 1. Any bonds issued by the city of Haverhill for the city school projects for which an exemption from the provisions of proposition two and one-half, so-called, was approved by the voters on November seventh, nineteen hundred and eighty-nine may be secured in part by state school construction grant payments held in trust under this act. Upon certification to the state treasurer by the city treasurer that the bonds, or any portion thereof, have been issued and that a trust agreement has been entered into in accordance with section two, the state treasurer shall annually pay directly to the trustee the proceeds of any applicable construction grant approved pursuant to chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight. The trustee shall hold those proceeds in trust and apply them solely to pay the principal of and interest on the bonds issued by the city.

SECTION 2. In order to secure any such bonds the city treasurer, with the approval of the mayor, may appoint a corporate trustee, which may be any trust company or bank having the powers of a trust company within the commonwealth, and may execute a trust agreement in such form as they determine to be necessary or appropriate. Any funds held in trust under this act 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 to pay project costs, debt service on bonds issued by the city for the projects or trustee's fees and other related expenses. At least five days prior to each date on which a payment of principal or interest is due on bonds issued for the projects,

the city treasurer shall deposit with the trustee the remaining amount necessary to make the payment, after taking account of all other moneys held by the trustee that are available for such purpose.

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

Approved June 23, 1992.

Chapter 80. AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN PROBATION OFFICER OF THE TRIAL COURT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or 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 John T. Lunardini. Each employee in the bargaining unit represented by Local 254 S.E.I.U. may voluntarily contribute one or more of his personal, vacation or sick days to said bank for use by said probation officer John T. Lunardini.

The foregoing was laid before the Governor on the eleventh day of June, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by him with objections thereto within that time.
Emergency Letter: July 24, 1992 @ 3:20 P.M.

Chapter 81. AN ACT ESTABLISHING SICK LEAVE BANKS FOR CERTAIN EMPLOYEES OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish sick leave banks for certain employees of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of 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 court officer Stephen T. Brown of the Lynn district court of the trial court of the commonwealth. Each employee of said trial court may voluntarily contribute one or more of his personal, sick or vacation days to said bank for use by court officer Stephen T. Brown.

SECTION 2. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of mental health is hereby authorized

and directed to establish a leave bank for Robert Mataresse of the department of mental health. Any employee of the department of mental health may voluntarily contribute one or more sick, vacation or personal days to said bank for use by Robert Mataresse.

The foregoing was laid before the Governor on the eleventh day of June, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by him with objections thereto within that time.

Chapter 82. AN ACT RELATIVE TO THE TAX RATE OF THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the commissioner of revenue is hereby authorized to approve the use of an amortization amount by the city of Lawrence in fixing its tax rate for the fiscal year ending on June thirtieth, nineteen hundred and ninety-two as an estimated receipt in addition to the estimated receipts approved under the provisions of section twenty-three of chapter fifty-nine of the General Laws, and to certify the city's tax rate for that fiscal year based upon the use of such amortization amount.

SECTION 2. Notwithstanding any general or special law to the contrary, the city of Lawrence shall be required to raise in its tax rate, beginning in the fiscal year ending June thirtieth, nineteen hundred and ninety-three, the amortization amount provided for in section one, in accordance with a schedule authorized by the Lawrence Fiscal Oversight Board and approved by the commissioner of revenue.

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

Approved June 26, 1992.

Chapter 83. AN ACT RELATIVE TO CIVIL SERVICE PLACEMENT FOR STEPHEN J. RIDGE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, Stephen J. Ridge of the city of Boston, for the purposes of the civil service eligibility list for the position of police officer in said city of Boston, shall be considered a son of a police officer as set forth in section twenty-six of chapter thirty-one of the General Laws provided that he passes the required written and physical examinations for entrance to police service.

Approved June 26, 1992.

Chapter 84. AN ACT INCREASING THE TERM OF LOANS OF THE ASHFIELD WATER DISTRICT.

Be it enacted, etc., as follows:

Section 4 of chapter 267 of the acts of 1980 is hereby amended by striking out, in line 9, the word "thirty" and inserting in place thereof the word:- forty.

Approved June 29, 1992.

Chapter 85. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE CITY OF LOWELL RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell and the Lowell retirement system are hereby deemed to have accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and provided, further, that said retirement system shall not be subject to the provisions of paragraph *(e)* of subdivision (4) of said section twenty-two D.

SECTION 2. In order to revise the total annual payments to the Lowell retirement system for the fiscal year commencing July first, nineteen hundred and ninety-one, the actuary of the public employee retirement administration shall use the most recent actuarial funding schedule available from said system; provided, however, that an updated schedule may be submitted to the actuary by June first, nineteen hundred and ninety-two, or within ten days after the passage of this act, whichever is later.

SECTION 3. Notwithstanding the provisions of clause *(i)* of paragraph *(c)* of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the Lowell retirement system for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause *(i)*, shall be revised in accordance with the amount required in an actuarial funding schedule

which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before June first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than June fifteenth, nineteen hundred and ninety-two.

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

Approved June 29, 1992.

Chapter 86. AN ACT AUTHORIZING THE CITY OF NEWTON TO ACCEPT AND ACT UPON LATE APPLICATIONS FOR CLASSIFICATION AS RECREATIONAL LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter sixty-one B of the General Laws or any other general or special law to the contrary, the board of assessors of the city of Newton is authorized to receive and act upon the applications of the Woodland Golf Club for classification as recreational land for tax year nineteen hundred and ninety-one and nineteen hundred and ninety-two provided such applications are filed with the board of assessors no later than thirty days from the effective date of this act.

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

Approved June 29, 1992.

Chapter 87. AN ACT RELATIVE TO CHILDREN BORN OR DIAGNOSED WITH MENTAL RETARDATION.

Be it enacted, etc., as follows:

Section 67E of chapter 111 of the General Laws is hereby amended by adding the following paragraph:-

Within ten days after the date of birth of any child with mental retardation, or within ten days after any child has been diagnosed as having mental retardation, the hospital wherein such birth or diagnosis has occurred shall report, with the approval of the parents, such mental retardation to the department of mental retardation for the purpose of having said department inform such parents of existing information and support services. The contents of such report shall be solely for the use as described herein and shall not be open to public inspection

or constitute a public record.

Approved June 29, 1992.

Chapter 88. AN ACT RELATIVE TO THE OPERATION OF CERTAIN ESTABLISHMENTS ON SUNDAYS AND HOLIDAYS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow for the operation of certain establishments on July fourth, nineteen hundred and ninety-two, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 136 of the General Laws, is hereby amended by striking out clause (52), inserted by chapter 302 of the acts of 1990, and inserting in place thereof the following clause:-

(53) The operation of commercial auto schools, otherwise known as driver education.

SECTION 2. The provisions of sections five to eleven, inclusive, of chapter one hundred and thirty-six of the General Laws, except as provided in section fourteen of said chapter one hundred and thirty-six, shall not apply to July fourth, nineteen hundred and ninety-two. A retail establishment which operates on said July fourth, nineteen hundred and ninety-two shall pay to employees working on said day, time and one-half, or such larger sum as may be determined by contract; provided, however, that such work shall be voluntary and refusal to work for a retail establishment on such legal holiday shall not be grounds for discrimination, dismissal, discharge, reduction in hours, or any other penalty. The provisions of this paragraph shall be enforced by the department of labor and industries. The provisions of section one hundred and eighty A of chapter one hundred and forty-nine of the General Laws shall apply to any violation of this section.

Approved June 29, 1992.

Chapter 89. AN ACT RELATIVE TO REDUCTION IN RANK FOR CERTAIN PUBLIC EMPLOYEES IN THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-three of chapter

thirty-one of the General Laws or the first sentence of section thirty-nine of said chapter thirty-one or any other general or special law or rule to the contrary, if a permanent employee of the fire force of the city of Malden 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 such 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 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 any permanent employee from service on such force.

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

Approved June 30, 1992.

Chapter 90. AN ACT AUTHORIZING THE APPOINTMENT OF A TREASURER/TAX COLLECTOR IN THE TOWN OF BUCKLAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Buckland is hereby authorized to appoint a town treasurer for a term of up to three years.

SECTION 2. The town of Buckland is hereby authorized to appoint a tax collector for a term of up to three years, effective on town election day May third, nineteen hundred and ninety-three, unless the position of tax collector is vacated at an earlier date.

SECTION 3. The town of Buckland is hereby authorized to combine the positions of town treasurer and tax collector into one position to be appointed by the board of selectmen for a term of up to three years effective on town election day May third, nineteen hundred and ninety-three, unless both positions are vacated at an earlier date.

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

Approved June 30, 1992.

Chapter 91. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE CITY OF SPRINGFIELD RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield is hereby deemed to have accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and provided, further, that said retirement system shall not be subject to the provisions of paragraph (*e*) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (*i*) of paragraph (*c*) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the Springfield Retirement System for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause (*i*), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before June first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than June fifteenth, nineteen hundred and ninety-two.

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

Approved June 30, 1992.

Chapter 92. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE CITY OF FALL RIVER RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the acceptance of the provisions of section twenty-two D of chapter thirty-two of the General Laws by the city of Fall River retirement system, said Fall River retirement system may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other

assumed liabilities; provided further however, that notwithstanding such acceptance of said section twenty-two D, said Fall River retirement system shall not be subject to the provisions of paragraph *(e)* of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause *(i)* of paragraph *(c)* of subdivision (7) of said section twenty-two of chapter thirty-two of the General Laws or of any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety as the required payments into the pension fund of the city of Fall River retirement system for the fiscal year commencing July first, nineteen hundred and ninety-one, in accordance with said clause *(i)*, shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided however, that any such schedule shall be submitted to said actuary on or before June thirtieth, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than July fifteenth, nineteen hundred and ninety-two.

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

Approved June 30, 1992.

Chapter 93. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-THREE PRIOR TO FINAL ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID FISCAL YEAR.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the amount of three hundred seventy-seven million forty-eight thousand dollars is hereby made available in the fiscal year ending June thirtieth, nineteen hundred and ninety-three, to meet necessary expenditures prior to the enactment into law of the general appropriations act for the nineteen hundred and ninety-three 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 and ninety-three fiscal year and all actions taken under this section shall apply against said general appropriations act.

Approved June 30, 1992.

Chapter 94. **AN ACT CONVEYING CERTAIN TOWN OWNED LAND IN THE TOWN OF MEDFIELD TO THE MEDFIELD COMMUNITY DEVELOPMENT CORPORATION.**

Be it enacted, etc., as follows:

SECTION 1. The town of Medfield is hereby authorized and directed to transfer by deed, in a form approved by the attorney general, to the Medfield Community Development Corporation certain land in said town for the purpose of providing affordable housing.

Said land is shown on a plan filed in the assessor's office in said town and entitled Assessors Map #42 and is more particularly described as follows:

a) Lot 141 - As described in the Registry of Deeds, Book 2037, Page 435

b) As described in the Land Court Certificate #52219, Book 262, Page 12.

SECTION 2. In consideration of the conveyance provided in section one, the Medfield Community Development Corporation shall pay the town of Medfield the amount of one dollar.

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

Approved June 30, 1992.

Chapter 95. **AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE CITY OF MEDFORD.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the acceptance of the provisions of section twenty-two D of chapter thirty-two of the General Laws by the city of Medford, the retirement system of the city of Medford may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities.

SECTION 2. Notwithstanding the provisions of clause (*i*) of paragraph (*c*) of

subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the retirement system of the city of Medford for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause (*i*), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before December first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than December fifteenth, nineteen hundred and ninety-two.

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

Approved June 30, 1992.

Chapter 96. **AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

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 Fairhaven is hereby authorized to issue a license for the sale of alcoholic beverages, to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight to the Fairhaven Chowder House, Inc. Said license shall be subject to all of the provisions of said chapter one hundred and thirty-eight except said section seventeen; provided, however, that the licensing authority shall not approve the transfer of said license to any other person, organization, corporation or location; and provided, further, that the granting of this license shall reduce by one any increase in licenses granted due to census reapportionment under said section seventeen.

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

Approved July 1, 1992.

Chapter 97. AN ACT RELATIVE TO THE MARTHA'S VINEYARD COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 2 of chapter 831 of the acts of 1977 is hereby amended by inserting after the word "county", in line 10, the second time it appears, the words:- , or a designee.

SECTION 2. Section 4 of said chapter 831 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The commission may upon majority vote of its members accept gifts of land, buildings, interests in land, or any funds or monies from any source including grants, bequests, gifts, or contributions made by any individual, association, or corporation or by any municipal, county, state, or federal government. Monies so received shall be disbursed by the clerk-treasurer of the commission and the charge upon all towns may be reduced correspondingly upon a majority vote of all members if such monies were not included in the calculations of the towns net share of expenses for the fiscal year.

SECTION 3. The first paragraph of section 14 of said chapter 831 is hereby amended by striking out clauses *(c)* and *(d)* and inserting in place thereof the following three clauses:-

(c) the proposed development is consistent with municipal development ordinances and by-laws, or, if it is inconsistent, the inconsistency is necessary to enable a substantial segment of the population of a larger community of which the municipality is a part to secure adequate opportunities for housing, education or recreation;

(d) if the proposed development is located in whole or in part within a designated district of critical planning concern, it is consistent with the regulations approved or adopted by the commission pursuant to section ten; and

(e) a proposed development which does not qualify as a development of regional impact under the standards and criteria approved pursuant to section seven may nevertheless be referred to the commission as a development of regional impact by a municipal agency in the town where the development is located, by the board of selectmen in any other municipality in the county of Dukes County or by the county commissioners. Within thirty days of the receipt of such a referral, the commission shall publish notice of a public hearing in a newspaper of general circulation on Martha's Vineyard to consider accepting a referral under this clause. The commission shall cause such notice to be published not less than seven days prior to the date of hearing in a newspaper of general circulation on Martha's Vineyard, and shall mail written notice of said hearing to the owner of the premises, as appearing on the records of the assessors of the town in which the

proposed development of regional impact is located and to the board of selectmen of said town, no less than seven days prior to the public hearing. Public hearings under this clause shall be held and concluded within forty days of receipt of a referral unless the proponent of the proposed development of regional impact agrees in writing to extend such period. Unless the commission votes to accept a referral under this clause as a development of regional impact within fifty days after receipt of a referral, or in case of an extension of the public hearing period, within ten days after the end of the extended period, the referral shall be deemed denied. At the public hearing the commission shall receive evidence as to whether the proposed development will have impacts within other municipalities on the values protected under section one or the interests referred to in clauses *(a)* to *(h)*, inclusive, of section fifteen. If the commission votes to accept a referral of a development as a development of regional impact under this clause, the commission shall forthwith notify the town clerk, the board of selectmen and the municipal agencies of the municipality which are considering development permits for the proposed development which has been accepted as a development of regional impact by mailing to them a copy of the commission's vote. The commission shall also mail a copy of said vote forthwith to the applicant for any municipal development permits for the development of regional impact. Thereafter, the municipal land regulatory agencies and the commission shall treat the commission's vote as a referral pursuant to section thirteen and the commission shall review all applications for the development in accordance with this section and sections fifteen and sixteen.

Emergency Letter: July 3, 1992 @ 9:10 A.M. Approved July 2, 1992.

Chapter 98. AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Barnstable is hereby authorized to convey a certain parcel of conservation land described in a deed of William P. Swift to said town, dated February 4, 1969, and recorded with the Barnstable registry of deeds in Book 1430, Page 679 together with a payment of three hundred and seventy-five thousand dollars in exchange for a parcel of land to be conveyed to said town by Recoll Management Corporation, consisting of land in said town of Barnstable, owned now or formerly, all or in part by Albert R. Schofield, Jr., trustee of Hathaways Pond Nominee Trust under a declaration of trust dated November 14, 1986, and recorded with the Barnstable county registry of deeds in Book 5408, Page 164, consisting of

thirty-seven and one-half acres, more or less.
Emergency Letter: July 3, 1992 @ 9:10 A.M. Approved July 2, 1992.

Chapter 99. **AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL AND SPECIAL TOWN MEETINGS HELD ON MAY FIFTH, NINETEEN HUNDRED AND NINETY-TWO AND CONTINUED ON MAY SIXTH, NINETEEN HUNDRED AND NINETY-TWO IN THE TOWN OF TOPSFIELD.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general and special law to the contrary, all acts and proceedings of the town of Topsfield at the annual and special town meetings held on May fifth, nineteen hundred and ninety-two and continued on May sixth, nineteen hundred and ninety-two, and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrant had been properly posted and published.

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

Approved July 3, 1992.

Chapter 100. **AN ACT RELATIVE TO THE RETIREMENT SYSTEM OF THE CITY OF CHELSEA.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the acceptance of the provisions of section twenty-two D of chapter thirty-two of the General Laws by the retirement system of the city of Chelsea, said Chelsea retirement system may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities.

SECTION 2. Notwithstanding the provisions of clause *(i)* of paragraph *(c)* of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the

pension fund of the retirement system of the city of Chelsea for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause (j), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before December first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than December fifteenth, nineteen hundred and ninety-two.

SECTION 3. Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, and upon the acceptance of this act by the receiver of the city of Chelsea the provisions of this act providing for a retirement program for municipal employees of the city of Chelsea shall apply to an employee who is a Group 1, Group 2, or Group 4 employee as defined in section three of said chapter thirty-two, who is a member of the retirement system of the city of Chelsea and who (i) shall be an employee of the city of Chelsea on the effective date of this section, (ii) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five or subdivision (1) of section ten of said chapter thirty-two upon the effective retirement date specified in his written application to said board and (iii) shall have filed a written application after July first, nineteen hundred and ninety-two, but no later than July thirty-first, nineteen hundred and ninety-two to retire for superannuation as of the date which shall be specified in such application; provided, however, that said date for retirement shall be no earlier than July first, nineteen hundred and ninety-two and no later than forty-five days after the acceptance of this act by the receiver. Said program shall be administered by said retirement system of said city of Chelsea, which shall also promulgate regulations in consultation with the receiver to implement the provisions of said program.

An employee who is eligible for said retirement program in accordance with the provisions of this act may request in his application for retirement that said city of Chelsea retirement board credit him with additional retirement benefits in accordance with the provisions of this act; provided, however, that each such employee shall request and receive up to a combination of years of creditable service and years of age, the sum of which shall not be greater than five years, for the purpose of determining his superannuation retirement allowance pursuant to the provisions of paragraph *(a)* of subdivision (2) of section five of chapter thirty-two of the General Laws.

For the purpose of this act words shall have the same meanings as in chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an

additional benefit in accordance with the provisions of this act shall be deemed to be retired for superannuation under the provision of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two.

The total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of section five of said chapter thirty-two, of any employee who retires and receives an additional benefit under the retirement incentive program for employees of said city of Chelsea in accordance with the provisions of this act shall not exceed four-fifths of the average annual rate of his regular compensation received during any period or periods of three consecutive years of creditable service for which the rate of compensation was the highest or on the average annual rate of his regular compensation received during the period or periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater.

The commissioner of the public employee retirement administration shall analyze, study, and valuate the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the provisions of this act; provided, that said commissioner shall file a report in writing of his findings to the Chelsea retirement board on or before December thirty-first, nineteen hundred and ninety-three, and shall send a copy thereof to the receiver; provided, further, that said report shall be filed with the joint committee on public service on or before December thirty-first, nineteen hundred and ninety-three.

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

Approved July 3, 1992.

Chapter 101. AN ACT FURTHER REGULATING THE CONDUCT OF HORSE AND DOG RACING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately enhance the quality of all forms of horse and dog racing in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 128 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following six paragraphs:-

(j) Promote, develop and encourage through the Massachusetts Standardbred Breeding Program, the breeding of standardbred horses in the commonwealth by offering cash prizes to breeders of such horses in the following manner: a

representative organization of standardbred breeders and owners approved by the state racing commission, shall, from time to time in consultation with the chairman of the racing commission and the program manager for the equine division of the department of food and agriculture, set the percentages for purses and stallion awards to be awarded to the breeder of a Massachusetts standardbred horse; provided, however, that a maximum of fifteen percent of such sums shall be awarded to the owner, or lessee of the stallion who owned or leased such stallion at the time the stallion sired a Massachusetts standardbred horse.

The standardbred horses and stallions eligible to participate in the purses and stallion awards provided herein shall be limited to those of racing ages two and three and which have been sired by a Massachusetts registered stallion on file with the department of food and agriculture; provided, however, that the stallion stood the entire breeding season of February first through July fifteenth in the commonwealth in the year any such eligible foal was conceived.

The representative organization of standardbred breeders and owners approved by the state racing commission is further authorized to pay cash purses and stallion awards for stakes races limited to Massachusetts bred standardbred race horses and qualified Massachusetts stallions from the Massachusetts standardbred breeding program at licensed pari-mutuel race meetings authorized by the state racing commission. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. All races for the standardbred breeding program shall be held at a licensed pari-mutuel facility. Purse monies and stallion awards paid by the representative organization approved by the state racing commission may be paid in such amounts as the representative organization shall determine and may be either the sole cash purse and stallion award for such races or may be supplemental to the cash purses and stallion awards established by the licensee of the pari-mutuel facility.

Prior to the first day of October of each year, each breeder standing a standardbred stallion in the commonwealth at either private or public service shall file with the department of food and agriculture: (a) a list of all standardbred mares bred to such stallion in that year; and (b) a verified statement representing that said stallion stood the entire breeding season in the commonwealth.

The representative organization is hereby further authorized to expend up to eight percent of the amount received each fiscal year for said program for advertising, marketing, promotion and administration of the standardbred breeding program in the commonwealth.

The state auditor shall annually audit the books of the qualified organization to ensure compliance with this section.

SECTION 2. Section 5 of chapter 128A of the General Laws, as so appearing, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs:-

No wagers on any race shall be received by a licensee unless they are made within the grounds of the licensee of the track on the day such race is held or simulcast or within thirty-six hours preceding such race or simulcast by patrons who purchase their betting tickets at the windows or booths provided therefore, or as otherwise authorized pursuant to the provisions of chapter one hundred and twenty-eight C. All wagers shall be made in money and no credit shall be extended to any person making such wagers.

No other place or method of betting, poolmaking, wagering or gambling shall be used or permitted by the licensee, nor shall this chapter be deemed to authorize or legalize the pari-mutuel or certificate system of wagering on any races except horse and dog races at the track where such pari-mutuel or certificate system of wagering is conducted; provided, however, that this prohibition shall not apply to wagering authorized pursuant to the provisions of chapter one hundred and twenty-eight C.

SECTION 3. Section 7 of said chapter 128A, as so appearing, is hereby amended by striking out, in line 1, the word "one" and inserting in place thereof the following word:- two.

SECTION 4. Section 9B of said chapter 128A, as so appearing, is hereby amended by striking out the eighth and ninth paragraphs and inserting in place thereof the following paragraph:-

Notwithstanding the provisions of this section, the commission may adopt emergency rules or regulations to protect the health or safety of the public, participants, or animals; provided, however, that no emergency rule or regulation shall attempt to regulate the dates, manner of wagering, or economic terms or conditions of horse and dog racing within the commonwealth; and provided, further, that such emergency rules and regulations shall expire within ninety days.

SECTION 5. The General Laws are hereby further amended by inserting after chapter 128A, the following chapter:-

CHAPTER 128C.
SIMULCAST WAGERING OF HORSE AND DOG RACING.

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

"Commission", the Massachusetts state racing commission.

"Dark days", those days during a racing season on which live racing is not conducted.

"Dark season", that period of consecutive days between racing seasons during which a racing meeting licensee may not conduct live racing performances.

"Full schedule of live racing performances", the conduct of no fewer than seven live races at not less than four separate racing performances each full week during a racing season.

"Guest track", a racing meeting licensee or an out-of-state pari-mutuel wagering facility which accepts any simulcast wager on a live race conducted at another track which is presented by simulcast at its facility.

"Host track", a racing meeting licensee or an out-of-state track which conducts a live race which is the subject of inter-track simulcasting and simulcast wagering.

"Inter-track simulcasting", the simulcast of a live race conducted at one track to another track, whether either of said tracks is inside or outside the commonwealth, to permit the recipient of the simulcast to accept simulcast wagers on the race.

"Racing card", a full program of up to ten races at a racing meeting licensee or a pari-mutuel licensee or other licensed wagering facility located outside the commonwealth on a specified day.

"Racing meeting licensee", a person licensed by the commission, under chapter one hundred and twenty-eight A or any special law, to conduct live horse or dog racing meetings; provided, however, that for the purposes of this chapter the words racing meeting licensee shall not include licensees holding racing meetings in connection with a state or county fair.

"Racing performance", the conduct of at least seven live races during one day.

"Racing season", that period of consecutive days including dark days during which a racing meeting licensee conducts a full schedule of live racing performances pursuant to his operating license.

"Same class", with respect to greyhound racing, greyhound races; with respect to thoroughbred racing, thoroughbred races; with respect to harness racing, harness races.

"Simulcast", the broadcast, transmission, receipt or exhibition, by any medium or manner, of a live race, including but not limited to, a system, network, or programmer which transmits, or receives, television or radio signals by wire, satellite, or otherwise.

"Simulcast wager", a wager taken at a guest track on a race conducted live at another track, whether inside or outside the commonwealth.

"Takeout", that amount of money wagered which is not returned as prize money to the wagerers and which does not include the breaks as defined in section five of chapter one hundred and twenty-eight A of the General Laws.

Section 2. A racing meeting licensee shall have the right to simulcast live races, for wagering purposes or otherwise, within the commonwealth and to and from pari-mutuel licensees or other licensed wagering facilities located outside the commonwealth. Such right shall only be exercised on any calendar day on which it conducts a racing performance, a dark day or during a dark season; provided, however, that any violation of the provisions of this chapter shall be cause for the commission to invoke its power to suspend or revoke its operating license pursuant to section eleven of chapter one hundred and twenty-eight A. Where two racing

meeting licensees in Norfolk county use the same track during a calendar year, each of said licensees shall have the same rights to simulcast during any period of time between racing meetings. A racing meeting licensee shall make simulcasts of live races conducted by such racing meeting licensee available to all otherwise eligible racing meeting licensees, including greyhound racing meeting licensees who have successfully made application to the commission to simulcast, on the same terms, to include economic terms, and conditions. Such right to simulcast is subject to the following exceptions and conditions:

Each racing meeting licensee shall participate in the thoroughbred and standardbred horse and greyhound dog racing sweepstakes lottery as provided in section seven. In addition, each racing meeting licensee shall cooperate with the state lottery commission in establishing said lottery.

Each racing meeting licensee shall comply with the following applicable provisions.

All licensees licensed to conduct running horse racing meetings in Suffolk county, and, all licensees licensed to conduct running horse racing meetings or harness horse racing meetings in Norfolk county, not including running horse or harness horse racing meetings held in connection with a state or county fair, may simulcast live running horse or live harness horse races which are conducted at a host track, only.

All licensees licensed to conduct greyhound dog racing meetings, not including greyhound dog racing meetings held in connection with a state or county fair, may simulcast up to fifty racing cards and up to fifteen special events of national significance with purses of one hundred thousand dollars or more, during a racing season, only; provided, however, that each of these racing cards or special events shall be subject to application to and approval of the commission; provided, further, that where two or more greyhound dog racing meeting licensees in Bristol county use the same track during a calendar year, the total number of simulcasting days permitted at that facility shall be limited to said fifty racing cards and fifteen special events; provided, further, that the greyhound racing meeting licensee in Bristol county shall not be permitted to simulcast any thoroughbred or harness horse racing cards from a host track, whether within or without the commonwealth, in any calendar year, during the running horse racing meeting held in Norfolk county; provided, further, that the greyhound racing meeting licensee in Suffolk county shall not be permitted to simulcast any thoroughbred or harness horse racing cards from a host track, whether within or without the commonwealth, in any calendar year during the running horse racing meeting held in Suffolk county.

Whenever a racing meeting licensee within the commonwealth is conducting a full schedule of live racing performances of horses of either class, any other racing meeting licensee, whether during his racing season or his dark season, shall, if the licensee chooses to simulcast, simulcast the live racing performance from within

the commonwealth and shall not simulcast any other race of the same class as the live racing performance until the end of the live racing performances within the commonwealth for that day, unless, there is a special event of the same class as the live racing performance, in which case, the special event shall be available to all otherwise eligible racing meeting licensees, including greyhound racing meeting licensees who have successfully made application to the commission to receive said special events, on the same terms, to include economic terms, and conditions that the out-of-state track makes the simulcast available to any other guest track.

All racing meeting licensees, whether acting as a host or guest track for simulcasting purposes shall file with the commission, clerk of the senate and clerk of the house of representatives a copy of all contracts, agreements, or conditions pursuant to which simulcast events are broadcast, transmitted or received which shall include provisions for takeout, commissions and charges.

No racing meeting licensee, whether acting as a guest track or a host track shall simulcast live races unless said licensee conducts a full schedule of live racing performances during a racing season, and if it appears that a racing meeting licensee is or will become unable to conduct a full schedule of live racing performances, the commission shall suspend such right to simulcast until said licensee conducts or resumes a full schedule of live racing performances; provided, further, that no racing meeting licensee shall simulcast live races in the nineteen hundred and ninety-three, nineteen hundred and ninety-four, and nineteen hundred and ninety-five racing seasons unless each said racing meeting licensee, in each of those racing seasons, is licensed to conduct no fewer than a total of one hundred and fifty racing performances; provided, however, that where two racing meeting licensees in Norfolk county use the same track during the calendar year, each thoroughbred horse racing meeting licensee, in each of those racing seasons, shall be licensed to conduct no fewer than a total of fifty racing performances and each harness horse racing meeting licensee, in each of those racing seasons, shall be licensed to conduct no fewer than a total of one hundred racing performances.

All simulcasts shall comply with the provisions of the Interstate Horseracing Act of 1978, 15 U.S.C. s.´3001 et seq. or other applicable federal law; provided, however, that all simulcasts from states whose racing associations do not require approval in compliance with the Interstate Horseracing Act of 1978, 15 U.S.C. s.´3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to any racing meeting licensee within the commonwealth; provided, further, that if said association agrees to approve such simulcast for one racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

Each racing meeting licensee shall pay a fee for those days, whether a dark day,

a day during a dark season, or any day between periods of racing pursuant to an operating license, when no live races are conducted but simulcast races are shown and simulcast wagers are accepted. Such fee shall be determined by the commission in accordance with the license fees charged pursuant to the provisions of chapter one hundred and twenty-eight A. No other daily fee shall be assessed.

Notwithstanding any general or special law to the contrary, any host track that simulcasts a race to any out-of-state wagering facility that is within one hundred miles of said host track shall pay to the representative breeders association of the same class as is simulcast, a sum equal to one-quarter of one percent of the total amount wagered at the receiving wagering facility.

Section 3. All wagers on simulcast races accepted by a racing meeting licensee within the commonwealth or by a pari-mutuel licensee in another jurisdiction when such licensee is operating as a guest track shall be included in the pari-mutuel pool of the racing meeting licensee which conducts the live race, unless the commission approves a different procedure.

The commission shall promulgate rules as are necessary to facilitate the commingling of pari-mutuel pools, to ensure the proper calculations and distributions of payments and takeouts on such wagers and to regulate the distribution of net proceeds as provided in this chapter.

Section 4. Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from such simulcast wagers the total sum of the breaks, as defined in section five of chapter one hundred and twenty-eight A, into the trust fund known as the Running Horse Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners.

Each such racing meeting licensee acting as a guest track shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less such breaks and less an amount not to exceed nineteen percent of the total amount so deposited by patrons wagering on the speed or ability of any one running horse, also known as a straight wager, and, each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than one horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such breaks, and less an amount not to exceed twenty-six percent of the total amount so deposited; provided, however, that a sum equal to one-quarter of one percent of the total amount deposited on said exotic wagering pool shall be payable to the division of fairs of the commonwealth.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to three-eighths of one percent; a sum equal to one-eighth of one percent to the Running Horse

Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to one-half of one percent to the breeders association of the most recent live racing performance at the guest track for the purposes of promoting the respective breeding in the commonwealth pursuant to law; a sum equal to five percent to be paid from the nineteen percent withheld and a sum of six percent to be paid from the twenty-six percent withheld to the horse owners at the host track for purses in accordance with the rules and established customs of conducting running horse racing meetings; said percentage to be paid from the nineteen percent and the twenty-six percent withheld, as provided in this section.

The sum of four and one-quarter percent of the straight wagering pool and seven percent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track; eight and three-quarters percent of the straight wagering pool and eleven and three-quarters percent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than three and one-half percent shall be paid to the horse owners, of the most recent live racing performance at the guest track, for purses, said percentages to be paid from the nineteen percent and twenty-six percent withheld as provided in this section.

Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live running horse race from a host track from outside the commonwealth shall pay daily from such simulcast wagers the total sum of the such breaks into the trust fund known as the Running Horse Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners.

Each such licensee shall return to the winning patrons all sums so deposited less the such breaks and less either an amount not to exceed nineteen percent of the straight wagering pool and twenty-six percent of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction exercising regulatory authority over such host track; provided, however, that from the total of such percentages withheld, the sum of three-eighths of one percent shall be paid daily to the commission on behalf of the commonwealth; the sum of one-eighth of one percent shall be paid daily to the Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; the sum of one-half of one percent shall be paid daily to the breeders association of the most recent live racing performance at the guest track for the purposes of promoting the respective breeding of such animals in the commonwealth pursuant to law; and the remaining percentages shall be retained by the racing meeting licensee as his commission; provided, however, that not less than three and one-half percent shall be paid to the horse owners of the most recent live racing performance at the guest track, for purses, and the remaining portion shall be applied to the expenses as the racing meeting licensee is required to pay pursuant to contracts negotiated with the host track.

Section 5. Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live harness horse race from a host track within the commonwealth shall pay daily from such simulcast wagers the total sum of the breaks, as defined in section five of chapter one hundred and twenty-eight A, and a sum equal to one-half of one percent of the exotic wagering pool into the trust fund known as the Harness Horse Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners.

Each such racing meeting licensee acting as a guest track shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the such breaks and less an amount not to exceed nineteen percent of the total amount so deposited by patrons wagering on the speed or ability of any one harness horse, also known as a straight wager, and each such licensee shall return to the winning patrons wagering on the speed or ability of a combination of more than one horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such breaks and less an amount not to exceed twenty-six percent of the total amount so deposited.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to three-eighths of one percent; a sum equal to one-quarter of one percent to the breeders association of the most recent live performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to five percent shall be paid to the horse owners for purses at the host track in accordance with the rules and established customs of conducting harness horse racing meetings; a sum equal to five and seven-eighths percent shall be paid to the racing meeting licensee at the host track; a sum equal to seven and one-half percent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than three and one-half percent shall be paid to the horse owners of the most recent live racing performance at the guest track, for purses, said percentages to be paid from the nineteen percent withheld from the straight wager as provided in this section.

The licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to three-eighths of one percent; a sum equal to one-half of one percent to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to three-quarters of one percent to the breeders association of the most recent live racing performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to six percent to be paid to the horse owners at the host track for purses in accordance with the rules and established customs of conducting harness horse

racing meetings; a sum equal to six and seven-eighths percent shall be paid to the racing meeting licensee at the host track; a sum equal to eleven percent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than three and one-half percent shall be paid to the horse owners, of the most recent live racing performance at the guest track, for purses, said percentages to be paid from the twenty-six percent withheld from the exotic wager pool as provided in this section.

Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live harness horse race from a host track from outside the commonwealth shall pay daily from such simulcast wagers the total sum of such breaks into the trust fund known as the Harness Horse Capital Improvement Trust Fund under the direction and supervision of the state racing commissioners.

Each such licensee shall return to the winning patrons all sums so deposited less such breaks and less either an amount not to exceed nineteen percent of the straight wagering pool and twenty-six percent of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction exercising regulatory authority over such host track; provided, however, that from the total of such percentages withheld the sum of three-eighths of one percent shall be paid daily to the commission on behalf of the commonwealth; the sum of one-half of one percent of the exotic wagering pool shall be paid to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; the sum of one-half of one percent of the exotic wagering pool shall be paid daily to the Harness Horse Capital Improvement Trust Fund under the direction and supervision of the state racing commissioners; the sums of one-quarter of one percent of the straight wagering pool and three-quarters of one percent of the exotic wagering pool shall be paid daily to the breeders association of the most recent live racing performance at the guest track for the purposes of promoting the respective breeding of such animals in the commonwealth pursuant to law; and the remaining percentages shall be retained by the racing meeting licensee as his commission; provided, however, that not less than three and one-half percent shall be paid to the horse owners, of the most recent live racing performance at the guest track, for purses, and the remaining portion shall be applied to the expenses as the racing meeting licensee is required to pay pursuant to contracts negotiated with the host track.

Section 6. Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track within the commonwealth shall return to the winning patrons wagering on such simulcast race all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks, as defined in section five of chapter one hundred and twenty-eight A, and less an amount not to exceed nineteen percent

of the total amount so deposited; provided, however, that a sum equal to two and one-half percent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to one-quarter of one percent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to one-quarter of one percent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to two and one-half percent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs of conducting greyhound racing meetings; a sum equal to four and one-quarter percent shall be paid to the racing meeting licensee at the host track; a sum equal to nine and one-quarter percent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than three and one-half percent shall be paid to the dog owners for purses, said percentages to be paid from the nineteen percent withheld as provided in this section.

Each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside the commonwealth shall return to the winning patrons all sums so deposited less such breaks and less either an amount not to exceed nineteen percent of the total amount so deposited or an amount which would be paid under the laws of the jurisdiction exercising regulatory authority over such host track; provided, however, that a sum equal to two and one-half percent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to one-quarter of one percent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to one-quarter of one percent of the total amount wagered shall be paid to the Greyhound Capital Improvement Trust Fund under the direction and supervision of the state racing commissioners; and the remaining percentages shall be retained by the racing meeting licensee as his commission; provided, however, that not less than three and one-half percent shall be paid to the dog owners for purses, and the remaining portion shall be applied to the expenses as the racing meeting licensee is required to pay pursuant to contracts negotiated with the host track. All such contracts shall be subject to the approval of the recognized greyhound owners association of the most recent live racing performance at the guest track.

In no case shall a person or association licensed to conduct a dog racing meeting serve as a guest or host track for the purpose of simulcasting a race unless the licensee has received the prior approval of the greyhound owners association at the licensees facility and such approval is on file with the commission.

Section 7. The state lottery commission is hereby authorized and directed to

conduct a thoroughbred and standardbred horse and greyhound dog racing sweepstakes lottery game for the benefit of the Thoroughbred and Standardbred Horse and Greyhound Dog Sweepstakes Lottery Fund. The state lottery commission, with the participation and cooperation of all racing meeting licensees, shall determine the development and implementation of said sweepstakes in accordance with the following provisions:

(a) the state lottery commission shall determine, the price, or prices for participation in such sweepstakes, the numbers and sizes of the prizes awarded to the winners, the manner of payment of prizes to the winners, the type or types of locations at which tickets or shares may be sold, and, all other matters authorized by law, subject to the following provisions: that the selection of winning numbers shall be determined by the order of finish of the participating horses or dogs in the featured sweepstakes racing event at the participating licensed racing facility; that the numbers which are assigned to the participating horses or dogs are randomly assigned; that the sweepstakes racing event shall occur monthly at such licensed racing facility on a date which shall be the last scheduled racing day for the month; that the sweepstakes races shall be distributed equally among the participating racing meeting licensees; and that the racing commission shall establish criteria to insure quality in the field of horses or dogs that shall participate in the sweepstakes race; provided, however, that the field of horses or dogs shall, whenever possible, be drawn from those horses or dogs that have won or placed in at least two races at the racing facility which conducts the sweepstakes race, within six weeks prior to the sweepstakes race.

(b) The state lottery commission shall establish a separate fund to be known as the Thoroughbred and Standardbred Horse and Greyhound Dog Sweepstakes Lottery Fund. This fund shall consist of all revenues received from the sale of sweepstakes lottery tickets or shares and all other sums of money credited or transferred to it from any other fund or source pursuant to law. As of July first and January first of each year, the comptroller shall determine the net balance in the Thoroughbred and Standardbred Horse and Greyhound Dog Sweepstakes Lottery Fund derived from revenues from said sweepstakes lottery or lotteries for the preceding six months after deductions are made for: (1) the amounts paid or incurred for prizes to holders of the winning sweepstakes lottery tickets or shares during the preceding six month period; (2) the administrative and operational expenses of the state lottery commission for the sweepstakes lottery or lotteries for the preceding six month period, subject to appropriation, as certified by the commissioner of administration, which amount the treasurer shall, as of July first and January first, transfer to the General Fund; and (3) purses and other distributions as provided in subsection (c).

Such net balance of any sweepstakes lottery revenues for such preceding six month period not already deducted in clauses (1), (2) and (3) if any, shall be

transferred to a general scholarship program chosen by and administered by the higher education coordinating council for the purpose of providing financial assistance in the areas of science, music and athletic programs to students domiciled in the commonwealth and enrolled in and pursuing a full time program of higher education in any approved public college or public university.

The state lottery commission shall make a complete monthly report to the governor, the attorney general, and the joint committee on government regulations, which report shall include a statement of the total revenues generated by the lottery for the said Thoroughbred and Standardbred Horse and Greyhound Dog Sweepstakes Lottery Fund, prize disbursements, and other expenses for the preceding month. The state lottery commission shall also make a complete annual report to the governor, the attorney general, and the joint committee on government regulations, which report shall include a statement of the total revenues generated by the lottery for the said Thoroughbred and Standardbred Horse and Greyhound Dog Sweepstakes Lottery Fund, prize disbursements, and other expenses for the preceding year, including such recommendations as it may deem necessary or advisable.

(c) After each monthly sweepstakes race, the state lottery commission shall distribute to the participating racing meeting licensee as purses and otherwise as provided, as follows: if the participating racing meeting licensee is a standardbred or thoroughbred horse track, an amount of five percent of the months total amount of revenue generated from the sale of sweepstakes lottery tickets or shares and all other sums of money credited or transferred to the fund from any other fund or source pursuant to law, or, if the participating racing meeting licensee is a greyhound track, an amount of two and one-half percent of the months total amount of revenue generated from the sale of sweepstakes lottery tickets or shares and all other sums of money credited or transferred to the fund from any other fund or source pursuant to law, and, an amount of two and one-half percent to be paid to the Greyhound Humane Disposition and Adoption Trust Fund, established under subsection (d); and the state lottery commission shall distribute an amount of one-quarter of one percent to the Cooperative Extension Program at the University of Massachusetts at Amherst.

The participating racing meeting licensee shall add the monthly purse amount distributed by the state lottery commission to the purse amount for the sweepstakes race and distribute this total amount in accordance with chapter one hundred and fourteen of the acts of nineteen hundred and ninety-one and chapter four hundred and twenty-eight of the acts of nineteen hundred and ninety.

(d) A trust fund known as the Greyhound Humane Disposition and Adoption Trust Fund shall be established in accordance with section four of chapter one hundred and twenty-eight and the commissioner of the department of food and agriculture shall be the trustee of said trust.

The trustee shall invite the Bristol county agricultural school, established under chapter seventy-four and the Essex county agricultural school, established under chapter seventy-four to establish and implement programs for the humane disposition and cremation of greyhounds bred for racing who never qualify for pari-mutuel races, or, of racing greyhounds who have reached the end of their racing career, or, for preparing and placing greyhounds for adoption, which preparation shall include proper implementation of neutering and spaying of all greyhounds prior to adoption. The trustee shall pay to a participating school, an amount not to exceed five hundred thousand dollars, two hundred and fifty thousand dollars twice yearly, which amount shall only be used to reimburse such schools for all or part of the costs incurred by such schools while establishing and implementing said programs. Any remaining amounts in the trust fund, after each such school has given the trustee written acceptance or refusal of such participation and appropriation, shall only be used by the trustee for costs associated with the establishment and implementation of like programs associated with the adoption or the humane disposition of greyhounds throughout the commonwealth.

The trustee shall require, from the participating schools and certified agencies, vouchers, canceled checks or other documents as the trustee may deem necessary to verify that expenditures from the trust were appropriated in accordance with the provisions of this section. The trustee shall also make a full and complete annual report to the joint committee on government regulations, which report shall include a statement of total amount paid to the Greyhound Humane Disposition and Adoption Trust Fund and all appropriations from such fund.

(e) No person licensed by the racing commission shall put to death, within the commonwealth, a racing greyhound, except in a humane manner. For purposes of this section, the words, in a humane manner, shall mean, by means of euthanasia by lethal injection, or by such other standard of humane killing as may be established by the American Veterinary Medicine Association.

The racing commission shall adopt regulations requiring that kennels and other appropriate licensees provide the racing commission with information and other data regarding the disposition of racing and retired greyhounds. For purposes of this section and such regulations, the word, disposition, shall mean, euthanasia, transfer to another jurisdiction, or donation for adoption or medical or research purposes. The racing commission shall maintain accurate records and statistics regarding the disposition of all greyhounds who have participated in dog racing, including schooling races, in the commonwealth.

(f) No greyhound licensed by the department of food and agriculture as a Massachusetts-bred greyhound shall be put to death, within the commonwealth, except in a humane manner. For purposes of this paragraph, the words, humane manner, shall mean, by means of euthanasia by lethal injection or by such other standard of humane killing as may be established by the American Veterinary

Medicine Association.

The department of food and agriculture shall adopt regulations requiring owners of Massachusetts-bred greyhounds, or their agents, to provide them with information and other data regarding the disposition of such greyhounds within the commonwealth. For purposes of such regulations, the word, disposition, shall mean, euthanasia, transfer to another jurisdiction, or donation for adoption or medical research purposes. The department of food and agriculture shall maintain accurate records and statistics regarding the disposition of all Massachusetts-bred greyhounds.

The department of food and agriculture is authorized to certify entities of any kind which provide humane disposition and cremation, or adoption services, including proper implementation of neutering and spaying of all greyhounds prior to adoption, for greyhounds bred for racing who never qualify for pari-mutuel races or for racing greyhounds who have reached the end of their racing career.

SECTION 6. Clause (a) of the first paragraph of section 13 of chapter 494 of the acts of 1978, as most recently amended by section 2 of chapter 114 of the acts of 1991, is hereby further amended by inserting after the word "only", in line 6, the following words:- ; provided, further, that the seventy-five days which may be awarded in Norfolk county shall be for live racing which commences no earlier than seven p.m. eastern standard time on each such day; provided, further, that if the best interest of the licensee and the commonwealth would be served by racing conducted at earlier hours, then the commission, no sooner than fourteen days after application and after public hearing, may authorize such earlier hours for the conduct of live racing.

SECTION 7. Section 9 of chapter 277 of the acts of 1986, as amended by section 5 of chapter 428 of the acts of 1990, is hereby further amended by striking out the second to fifth paragraphs, inclusive, and inserting in place thereof the following five paragraphs:-

Each person licensed to conduct a dog racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall pay to the state racing commission on the day following each day of such dog racing meeting, a sum equal to five percent of the total amount deposited on the preceding day by the patrons so wagering at such meeting, said percentage to be paid from the nineteen percent withheld, as provided in this section, from the total amount wagered.

A sum equal to one-tenth of one percent of the total amount deposited by the patrons wagering on the speed or ability of dogs at pari-mutuel dog tracks, not to exceed three hundred thousand dollars per annum, less the so-called breaks, and taken from the five percent paid daily to the commission under this paragraph, shall, subject to appropriation, be allocated to the Massachusetts greyhound breeding program established under the provisions of section two.

Each licensee conducting a dog racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall allocate a sum equal to five percent of the total amount deposited daily by the patrons wagering at such meeting. Said percentage shall be used for the payment of purses to the dog owners in accordance with the rules and established customs of conducting dog racing meetings and shall be paid from the nineteen percent withheld as provided in this section from the total amount wagered. On and after the effective date of this act, the payment of all purses shall be computed in accordance with the provisions of this section.

Each such licensee may retain as its commission on the total of all sums so deposited, a sum not exceeding the balance of the nineteen percent withheld as provided in this section from the total amount wagered after deducting therefrom the amount hereinbefore required to be paid to said commission, after deducting therefrom the amount required to be paid for purses at dog racing meetings, and after deducting therefrom the amounts required to be paid into the Greyhound Capital Improvements Trust Fund and into the Greyhound Promotional Trust Fund.

Notwithstanding any of the foregoing provisions of this section, once a licensee conducting a dog racing meeting has reached the level of the total amount wagered during calendar year nineteen hundred and eighty-five, such licensee shall retain daily as its commission, a sum not exceeding the balance of the nineteen percent withheld, as provided in this section, from the total amount wagered daily in the current year, deducting therefrom four and one-half percent to be paid to the commission, after deducting therefrom the amount hereinbefore required to be paid as purses, after deducting therefrom the amounts required to be paid into the Greyhound Capital Improvements Trust Fund and into the Greyhound Promotional Trust Fund.

SECTION 8. The first paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out, in line 11, the words ", subject to appropriation,".

SECTION 9. Section 5 of said chapter 114 is hereby amended by striking out the first to eighth paragraphs, inclusive, and inserting in place thereof the following eight paragraphs:-

Notwithstanding the provisions of section five of chapter one hundred and twenty-eight A of the General Laws, during the calendar years nineteen hundred and ninety-two through nineteen hundred and ninety-five, each licensee conducting a running horse or a harness horse racing meeting shall return to the winning patrons wagering on the speed or ability of any one harness horse or any one running horse in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and method under which such pari-mutuel or certificate system has been operated, less the so-called breaks, as defined in section five of chapter one hundred and twenty-eight A of the General

Laws, and less an amount not to exceed nineteen percent of the total amount so deposited by patrons wagering on the speed or ability of any one harness horse or of any one running horse, and less the so-called breaks; and each licensee conducting a running horse or a harness horse racing meeting shall return to the winning patrons wagering on the speed or ability of a combination of more than one horse in a single pool, exotic wagering, so-called, all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and method under which such pari-mutuel or certificate system has been operated, less the so-called breaks and less an amount not to exceed twenty-six percent of the total amount so deposited; provided, however, that a sum equal to one-half of one percent of the total amount deposited on said exotic wagering pool at a running horse racing meeting shall be sent on a daily basis to Tufts University School of Veterinary Medicine for equine research scholarships and loans.

Each person licensed to conduct a running horse racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall pay to the state racing commission on the day following each day of such running horse racing meeting, a sum equal to three-quarters of one percent of the total amount deposited on the preceding day by the patrons so wagering at such meeting, said percentage to be paid from the nineteen percent and twenty-six percent withheld, as provided in this section, from the total amount wagered. A sum equal to one percent of the total amount deposited by the patrons, less the so-called breaks, and taken from the nineteen percent withheld, and from the twenty-six percent withheld from so-called exotic wagers, shall be paid on a daily basis to the Massachusetts Thoroughbred Breeders Association, Inc. for the purposes of the provisions of subsection (g) of section two of chapter one hundred and twenty-eight of the General Laws.

Each licensee conducting a running horse racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall allocate a sum equal to eight and one-half percent, provided however, that in the case of a so-called exotic wager, the allocation shall be nine and one-half percent, of the total amount deposited daily by the patrons wagering at such meeting. Said percentage shall be used for the payment of purses to the horse owners in accordance with the rules and established customs of conducting running horse racing meetings and said eight and one-half percent shall be paid from the nineteen percent withheld and said nine and one-half percent shall be paid from the twenty-six percent withheld as provided in this section from the total amount wagered.

Each such licensee may retain as its commission on the total of all sums so deposited, a sum not exceeding the balance of the nineteen or twenty-six percent withheld as provided in this section from the total amount wagered after deducting therefrom the amount hereinbefore required to be paid to said commission, after

deducting therefrom the applicable amount required to be paid from purses at running horse racing meetings, and after deducting therefrom the amounts required to be paid into the Running Horse Capital Improvements Trust Fund, the Running Horse Promotional Trust Fund, the Massachusetts Thoroughbred Breeding Association, Inc., the Tufts University School of Veterinary Medicine and the Massachusetts council on compulsive gambling.

Each person licensed to conduct a harness horse racing meeting, including a licensee holding a harness horse racing meeting in connection with a state or county fair, shall pay to the state racing commission on the day following each day of such horse racing meeting, a sum equal to three-quarters of one percent of the total amount deposited on the preceding day by the patrons so wagering at such meeting, said percentage to be paid from the nineteen percent withheld as provided in this section from the total amount wagered and from the twenty-six percent withheld as provided in this section from the total amount wagered on exotic races, excluding races conducted in connection with a state or county fair. A sum equal to one-half of one percent of the total amount deposited on said straight wagers and one and one-half percent of said exotic wagering pool at a harness horse racing meeting shall be paid into the Massachusetts Standardbred Breeding Program established pursuant to the provisions of subsection (j) of section two of chapter one hundred and twenty-eight of the General Laws.

Each licensee conducting a harness racing meeting, including a licensee holding a racing meeting in connection with a state or county fair, shall allocate a sum equal to eight percent of the total amount deposited daily by the patrons wagering at such meeting, and a sum equal to ten percent of the total amount deposited daily by patrons wagering on the speed or ability of a combination of more than one harness horse in a single pool, exotic wagering, so-called, said percentages to be used for the payment of purses to the horse owners in accordance with the rules and established customs of conducting harness horse racing meetings. Said eight percent is to be paid from the nineteen percent withheld, as provided in this section from the total amount wagered. Said ten percent is to be paid from the twenty-six percent withheld, as provided in this section, from the total amount wagered on exotic races.

Each such licensee may retain as its commission on the total of all sums so deposited, a sum not exceeding the balance of the nineteen or twenty-six percent withheld as provided in this section from the total amount wagered after deducting therefrom the amount hereinbefore required to be paid to the racing commission, after deducting therefrom the applicable amount required to be paid for purses at harness racing meetings, and after deducting therefrom, as applicable, the amounts required to be paid into the Harness Horse Capital Improvements Trust Fund, the Harness Horse Promotional Trust Fund, and the Massachusetts Standardbred Breeding Program.

Notwithstanding the foregoing, upon the legalization of off-track pari-mutuel wagering at locations in Massachusetts other than licensed racetracks, "OTB" so-called, within the commonwealth, the amount withheld from exotic wagers shall be twenty-three percent.

SECTION 10. Section six of chapter one hundred and fourteen of the acts of nineteen hundred and ninety-one is hereby repealed.

SECTION 11. Notwithstanding the provisions of paragraph (j) of section two of chapter one hundred and twenty-eight of the General Laws, for the period between January first, nineteen hundred and ninety-two to December thirty-first, nineteen hundred and ninety-five, the only standardbred horses and stallion awards set forth therein shall be those bred during the period between February first, nineteen hundred and eighty-three and July fifteenth, nineteen hundred and ninety-one or the foal of a standardbred horse which was foaled by a stallion which stood the entire breeding season between February first and July fifteenth in the commonwealth in the year any such eligible foal was conceived.

Beginning with the nineteen hundred and ninety-two standardbred breeding season, each standardbred stallion must be properly registered with the department of food and agriculture. For the nineteen hundred and ninety-two breeding season only, the deadline for registering a standardbred stallion eligible for stallion awards and whose foals are eligible for cash purses pursuant to this section and section two of chapter one hundred and twenty-eight shall be July first, nineteen hundred and ninety-two and each calendar year thereafter, the deadline shall be January thirty-first.

SECTION 12. The Marshfield Agricultural and Horticultural Society shall be licensed to conduct racing meetings August nineteenth, nineteen hundred and ninety-two through August twenty-ninth, nineteen hundred and ninety-two, excluding Sunday, August twenty-third, nineteen hundred and ninety-two, a total of ten racing days; provided, however, these racing days shall only be granted with the approval of the state racing commission and the New England Horsemen's Benevolent and Protective Association; provided, further, that the directors of the Marshfield Agricultural and Horticultural Society shall award no less than fifty thousand dollars to the Marshfield public schools to be used for early childhood education and twenty-five thousand dollars to the Plymouth county extension service to be used for 4-H programs.

SECTION 13. The provisions of section five of this act shall expire on December thirty-first, nineteen hundred and ninety-five.

Approved July 6, 1992.

Chapter 102. AN ACT ESTABLISHING THE QUINCY 2000 CORPORATION.

Be it enacted, etc., as follows:

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

"Corporation", Quincy 2000 Corporation, established in section three.

"Financial institution", any banking corporation or institution, trust company, savings bank, cooperative bank, savings or loan association, insurance company or related corporation partnership, foundation or other institution engaged primarily in lending or investing funds.

"Incorporators", James A. Sheets, Charles Phelan, George White, Sean Maguire and Thomas Broderick.

SECTION 2. It is hereby declared that unused, underused or underdeveloped areas exist in parts of the city of Quincy, specifically, and including but not limited to, the Downtown Business District, the Wollaston Business District and the North Quincy Business District; that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals, and welfare of the residents of said city; that each such area constitutes an economic liability, substantially impairs or arrests the sound growth of said city, and retards the economic well-being of the commonwealth; that each such area decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with an economic development plan for the elimination of such substandard conditions and prevention of their recurrence is necessary to retain existing commercial enterprises, attract new commercial development and promote the sound economic growth of said city; that the existence of such unused, underused, or underdeveloped areas makes persons unwilling to do business in said city; that the menace of such unused, underused or underdeveloped 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; preventing recurrence of such conditions in the area, improvement of sites for commercial 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 said city, or any other public body in connection therewith are public uses and purposes for which public money may be expended; and that the acquisition, planning, clearance, development, rehabilitation, or rebuilding of such unused, underused and underdeveloped areas for commercial purposes are public and benefits for which private property may be regulated by wholesome and reasonable order, law and directions and for which public funds

may be expended for the good and welfare of said city and the commonwealth.

It is hereby further found and declared that there exists in said city of Quincy a condition of 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 said city and adversely affects the welfare and prosperity of the people; underemployment has been caused in substantial part by commercial companies moving from said city, that many existing commercial facilities within said city are obsolete and inefficient; that such facilities are underutilized or vacated, thereby creating additional underemployment; that such obsolescence and abandonment of existing facilities are causing serious injury to the economy of said city; that the commercial sector of the economy provides one of the best opportunities for jobs at higher wages for the inhabitants of said city; that new commercial sites are required to attract and house new commercial development, and to retain existing commercial operations in need of expansion space; that the unaided efforts of private industry have not provided and cannot provide the necessary commercial sites within the urban environment due to the 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 commercial development projects.

SECTION 3. The shareholders of the corporation are hereby constituted a body corporate under the name of the Quincy 2000 Corporation. Said corporation shall be subject to the and have the powers and privileges conferred by the provisions of chapter one hundred and fifty-five, sections eighteen, twenty-seven, thirty-one, thirty-three, and thirty-four of chapter one hundred and fifty-six B and section four of chapter one hundred and eighty of the General Laws except insofar as said provisions are inconsistent with or otherwise restricted or limited by the provisions of this act.

SECTION 4. The principal office of the corporation shall be located in the city of Quincy.

SECTION 5. The purposes of the corporation shall be, to correct the conditions found to exist in the city of Quincy set forth in section two, promote the common good and general welfare of said city, improve the living standards of the citizens thereof by fostering the improvement of their employment opportunities, solicit, encourage and induce business organizations and educational institutions to locate in said city, with an emphasis consistent theme of expanding the tax base of the city.

Said corporation shall assist and promote the development and expansion of business activity and business organizations in said city, focusing on and including but not limited to the Downtown Business District, the Wollaston Business District and the North Quincy Business District.

In furtherance of said purposes and in addition to the powers conferred on said corporation under the provisions of section three, said corporation shall, subject to the restrictions and limitations hereinafter contained, have the following powers:

(a) to accept, acquire other than by eminent domain, receive and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree, or otherwise, for any of its objects and purposes, any property, both real and personal, from any source, including grants, loans or advances for or in aid of the purposes of said corporation from any federal agency or agency of the commonwealth or any political subdivision thereof;

(b) to sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of, any such property, both real and personal that the objectives and purposes of said corporation may require, subject to such limitations as may be prescribed by law;

(c) 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 said corporation for monies borrowed or in payment for property acquired or for any of the other purposes of said corporation, and to secure the payment of any 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 of privileges of said corporation, whether now owned or hereafter to be acquired;

(d) to make loans to any person, firm, corporation, joint stock company, association or trust located or doing business in said city of Quincy for the purpose of promoting and developing business activities;

(e) to acquire improved and unimproved real estate for the purposes of constructing retail, commercial and residential or other business establishments thereon, or for the purpose of disposing of such real estate to others for the construction of retail, commercial or other business establishments as the objects and purposes of said corporation may require; nothing contained herein shall be construed to grant to said corporation the power of eminent domain;

(f) to acquire, construct, reconstruct, alter, maintain, sell, convey, transfer, mortgage, pledge or otherwise dispose of retail, commercial, industrial, residential or business establishments as the objects and purposes of said corporation may require;

(g) to acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and while the owner or holder thereof, to exercise all the rights, powers, and privileges of ownership;

(h) to cooperate with and avail itself of the facilities and programs including, but not limited to those of the Small Business Development Corporation, the department of commerce and development of the commonwealth, the United

States Department of Commerce, the New England Regional Commission, and any similar governmental agencies; provided, however, that at no time shall said corporation apply for governmental funds in competition with any department, agency, or instrumentality of said city of Quincy without the express written consent of the mayor of said city;

(i) to receive stocks, bonds, donations, gifts and otherwise raise money for the above outlined purposes;

(j) to elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of said corporation;

(k) to employ consultants;

(l) to promote said city of Quincy as a regional retail, commercial, industrial, professional and financial center; and

(m) to implement design review standards in the Quincy historic district commission area.

Said corporation shall not participate in or intervene in any political campaign on behalf of any candidate for public office or publish or distribute any statements with respect thereto. Notwithstanding any other provision herein contained, neither the members, directors, officers, stockholders, nor shall said corporation participate in any of the "prohibited transactions" as defined in section 503 of the Internal Revenue Code, as the same may, from time to time, be amended, nor shall said corporation accumulate income or engage in any activities if the accumulation of income or the activities so engaged in are or would be within the prohibitions of section 504 of the Internal Revenue Code as the same may be, from time to time, amended, nor shall said corporation be operated at any time for the primary and sole purpose of carrying on a trade or business for profit.

SECTION 6. The authorized capital stock of the corporation shall consist of one thousand shares of non dividend paying common capital stock without a par value. The shareholders may at any time by majority vote issue any part or all of said stock upon such terms as they shall determine or by majority vote the shareholders may delegate to the directors the power of by majority vote to issue any part or all of said stock upon such terms as they shall determine. None of the earnings or profits of said corporation shall accrue to or be paid to the stockholders of common capital stock as dividends or profits in any form.

SECTION 7. Notwithstanding any rule at common law or any authorization, limitation or any such other provision of any general or special law, or any provision in their respective charters, agreements of associations, articles of organization, or trust indentures, all domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section one of chapter one hundred and sixty-four of the General Laws, railroad corporations as defined in section one of chapter one hundred and sixty of the General Laws, financial

institutions, trustees and the city of Quincy are hereby authorized to acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any stocks, bonds, securities, or other evidence of indebtedness of said corporation and to make contributions to said corporation, all without the approval of any regulatory authority of the commonwealth.

Any contribution made under this section to said corporation shall be in addition to any contributions authorized by section twelve C of chapter one hundred and seventy of the General Laws, and by other provisions of general or special law.

SECTION 8. In order to carry out the purposes and powers of the corporation, the city of Quincy may raise and appropriate, or may borrow in aid of said corporation, such sums as may be necessary to make a loan or grant to said corporation.

SECTION 9. The shareholders of the corporation shall have the powers of said corporation to elect directors as provided in section ten and to exercise such other powers of said corporation as may be conferred on the shareholders by the by-laws.

SECTION 10. The board of directors of the corporation shall be elected an nually and shall have the powers of said corporation: (a) to set a fiscal year for the operation of said corporation; and (b) to make, amend, or repeal the by-laws in whole or in part.

SECTION 11. The business and affairs of the corporation shall be managed and conducted by a board of directors.

The board will consist of nine voting members one of whom shall be the mayor of the city of Quincy, one of whom shall be the city council president of said city of Quincy and one of whom shall be the Quincy planning director. The remaining six shall be elected annually from among the shareholders of said corporation.

There shall be elected by and from the board of directors a president, treasurer and secretary/clerk.

The board of directors shall be empowered to retain an executive director and such other support staff as may be necessary.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

SECTION 12. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. Said corporation shall not receive money on deposit.

SECTION 13. The corporation shall make reports of its condition not less than annually to the state secretary, which report shall be published in a newspaper of general circulation in the city of Quincy within sixty days of the close of said

corporation's fiscal year. The state secretary shall make copies of such reports available to the commissioner of insurance and to the commissioner of banks, and said corporation shall also furnish such other information as may, from time to time, be required by the state secretary.

SECTION 14. The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed or delivered to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting the incorporators shall organize by the choice, by ballot, of a temporary clerk, by the adoption of by-laws, by the election by ballot of directors and by action upon such matters within the powers of said corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings until the clerk has been chosen and sworn. One-half plus one of the incorporators shall be a quorum for the transaction of business.

Whenever the certificate required by section thirteen of chapter one hundred and fifty-five of the General Laws has been filed in the office of the state secretary, said secretary shall issue and deliver to the incorporators a certified copy of this act under the seal of the commonwealth, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may, from time to time, be issued.

SECTION 15. The corporation shall not be subject to any of the provisions of chapter sixty-three of the General Laws, nor to any taxes based upon or measured by income which shall be enacted by the commonwealth. The securities, evidences of indebtedness, and shares of stock issued by said corporation, and income therefrom shall at all times be free from taxation by the commonwealth.

Any stockholder, or holder of any securities, evidences of indebtedness, or shares of the capital stock of said corporation who realizes a loss from the sale, redemption, or other disposition of any securities, evidences of indebtedness or shares of the capital stock of said corporation, including any such loss realized on a partial or complete liquidation of said corporation, and who is not entitled to deduct such loss in computing any of such stockholder's or holder's taxes to the commonwealth, shall be entitled to credit against any taxes subsequently becoming due to the commonwealth from such stockholders or other holders, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations as referred to in section two of chapter sixty-three of the General Laws.

SECTION 16. The provisions of chapter one hundred and ten A of the General

Laws shall not apply to the shares of capital stock, bonds, debentures, notes, evidences of indebtedness, or any other securities of the corporation.

SECTION 17. This charter may be amended by the votes of the shareholders, and such amendments shall require approval by the affirmative vote of two-thirds of the shareholders entitled to vote; provided, however, that no amendment of this charter which is inconsistent with the general purposes expressed herein or which eliminates or curtails the right of the state secretary to examine the corporation or the obligation of said corporation to make reports as provided in section thirteen shall be made without amendment of this act; and provided, further, that no amendment of this charter which affects a stockholder's voting right shall be made without the consent of each stockholder affected by such an amendment.

Within thirty days after any meeting at which amendments of this charter have been adopted, articles of amendment sworn to by the president, treasurer, and a majority of the directors setting forth such amendment and the adoption thereof, shall be submitted to the state secretary, who shall examine them, and if he finds that they conform to the requirements of this act, he shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall be filed in the office of the state secretary and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Prior to or within sixty days after the effective date of any legislative amendment to this charter, the approval of such amendment shall be voted on by the stockholders of said corporation at a meeting duly called for the purpose. If such amendment is not approved by the affirmative vote of two-thirds of the stockholders entitled to vote, any stockholder who has voted against the approval of such amendment if entitled to vote, or, if not entitled to vote, has registered his disapproval in writing with said corporation at, or before said meeting, may, within thirty days after said meeting, make a written demand upon said corporation for payment for his stock.

SECTION 18. The corporation may, upon the affirmative vote of two-thirds of its members petition for its dissolution by order of the supreme judicial or superior court, in the manner provided in section fifty of chapter one hundred and fifty-five of the General Laws. Upon any dissolution of said corporation the stockholders, if any, shall be paid on a pro rata basis that percentage of the assets of said corporation in excess of the obligations of said corporation which the amounts paid into said corporation for all stock bears to sum of (1) such amounts paid into said corporation for all the stock and (2) the amounts of all donations made to said corporation; provided, however, that in no event shall a stockholder be paid upon such dissolution more than the amount paid into said corporation for his stock.

SECTION 19. If the corporation shall fail to commence operations within three years from the effective date of this act, then this act shall be null and void.

SECTION 20. The provisions of this act are severable, and if any of its

provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

SECTION 21. This act shall take effect upon its passage.

Approved July 7, 1992.

Chapter 103. AN ACT AUTHORIZING THE TOWN OF ORLEANS TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The conservation commission of the town of Orleans acting by and through its board of selectmen, is hereby authorized to convey a certain parcel of conservation land in said town to Gertrude Cutler or her nominee. Said parcel is shown as Parcel 1B and 1C on a plan of land entitled "Sketch Plan of Land in Orleans, Mass. Showing Land Swap For Gertrude Cutler and the town of Orleans" dated March 14, 1991 and Revised March 27, 1991 a copy of which is on file in the office of said board of selectmen and recorded at Barnstable registry of deeds in book 482 at page 40.

SECTION 2. In consideration of the conveyance authorized in section one Gertrude Cutler shall convey to the town of Orleans a certain parcel of land to said town. Said parcel shall be under the care, custody and control of the conservation commission of said town to be used for open space, conservation and recreational purposes. Said parcel is shown as Parcel 4 on the plan of land described in section one of this act.

Approved July 7, 1992.

Chapter 104. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-THREE 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 eighteen million nine hundred seventy thousand dollars is hereby made available in the fiscal year ending June thirtieth, nineteen hundred and ninety-three, to meet necessary expenditures prior to the enactment into law of the general appropriations act for the nineteen hundred and

ninety-three fiscal year, to be in addition to appropriations previously made for such purposes, 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-three 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 7, 1992.

Chapter 105. AN ACT ESTABLISHING CONGRESSIONAL DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. The General Court hereby finds and declares that on June twenty-sixth, nineteen hundred and ninety-two the United States Supreme Court decided Franklin, Secretary of Commerce, et al. v. Massachusetts et al. No. 91-1502, and held that the Commonwealth was entitled to ten congressional seats.

SECTION 2. Chapter 57 of the General Laws is hereby amended by striking out section 1, as amended by section 2 of chapter 7 of the acts of 1992, and inserting in place thereof the following section:-

Section 1. For the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of political parties, until otherwise provided by law, the commonwealth is divided into the following ten districts, each of which shall elect one representative:

NUMBER ONE. - All the cities and towns in the counties of Berkshire and Franklin; in the county of Hampden, the cities of Holyoke and Westfield, and the towns of Blandford, Chester, Granville, Montgomery, Russell, Southwick, Tolland and West Springfield; in the county of Hampshire, the towns of Amherst, Belchertown, Chesterfield, Cummington, Easthampton, Goshen, Granby, Hatfield, Huntington, Middlefield, Pelham, Plainfield, Southampton, Westhampton, Williamsburg and Worthington; in the county of Middlesex the towns of Ashby and Townsend; and in the county of Worcester, the cities of Fitchburg, Gardner and Leominster, the towns of Ashburnham, Athol, Barre, Hardwick, Hubbardston, New Braintree, North Brookfield, Oakham, Petersham, Phillipston, Royalston, Templeton, West Brookfield, Westminster and Winchendon, and part of the town of Lunenburg including blocks 102-111, 113-129 and block groups 2, 4 and 5 of tract 7121 in VTD

0405 (Precinct 1), and VTDs 0410 and 0415 (Precincts 2 and 3).

NUMBER TWO. - In the county of Hampden, the cities of Agawam, Chicopee and Springfield, and the towns of Brimfield, East Longmeadow, Hampden, Holland, Longmeadow, Ludlow, Monson, Palmer, Wales and Wilbraham; in the county of Hampshire, the city of Northampton and the towns of Hadley, South Hadley and Ware; in the county of Norfolk, the town of Bellingham; and in the county of Worcester, the towns of Blackstone, Brookfield, Charlton, Douglas, Dudley, East Brookfield, Hopedale, Leicester, Mendon, Milford, Millbury, Millville, Oxford, Southbridge, Spencer, Sturbridge, Sutton, Uxbridge, Warren and Webster, and part of the town of Auburn including tract 7363, block 107 and block groups 2-6 and 9 of tract 7365 in VTD 0045 (Precinct 1), VTD 0050 (Precinct 2), block 902 of tract 7365 in VTD 0055 (Precinct 3), blocks 303-310 and block group 9 of tract 7362 in VTD 0060 (Precinct 4), and VTD 0065 (Precinct 5).

NUMBER THREE. - In the county of Bristol, the city of Attleboro, part of the city of Fall River including VTDs 0185-0230 (Wards 1-3), VTD 0235, (Ward 4, Precinct A), tract 6409, blocks 207-208 of tract 6410, and block 132 of tract 6411 in VTD 0240 (Ward 4, Precinct B), blocks 105 and 109 of tract 6410 in VTD 0245 (Ward 4, Precinct C), and VTDs 0265-0270 (Ward 6, Precincts A-B), the towns of Dartmouth, North Attleboro, Seekonk, Somerset, Swansea and Westport, and part of the town of Mansfield including VTDs 0345-0350 (Precincts 1-2), blocks 203, 212-213, 214B, 215, 305-307 and 319, and block group 4 of tract 6101 in VTD 0355 (Precinct 3), and blocks 104-105, 109 and 115, and block groups 2 and 4-5 of tract 6101 in VTD 0360 (Precinct 4); in the county of Middlesex, the towns of Holliston and Hopkinton; in the county of Norfolk, the towns of Franklin, Medway, Plainville and Wrentham, and part of the town of Foxboro including tract 4101 and blocks 217-223, 226-232 and 234 of tract 4104 in VTD 0255 (Precinct I), blocks 211, 213-215, 220, 225-226 and 231-232 of tract 4101, blocks 102 and 104-106 of tract 4102, and block 216 of tract 4104 in VTD 0265 (Precinct 3), blocks 203, 205-206, 208, 210, 212, 216-219, 221-224, 227-230 and 233-236, and block groups 4-5 of tract 4101 and tract 4102 in VTD 0270 (Precinct 4), and VTD 0275 (Precinct 5); and in the county of Worcester, the city of Worcester, the towns of Berlin, Boylston, Clinton, Grafton, Holden, Northborough, Northbridge, Paxton, Princeton, Rutland, Shrewsbury, Sterling, Upton, Westborough and West Boylston, part of the town of Auburn including block 106 and block group 7 of tract 7365 in VTD 0045 (Precinct 1), tracts 7363 and 7364, block group 1 and blocks 901, 903 and 905 of tract 7365 in VTD 0055 (Precinct 3), and block groups 1 and 2 and block 301 of tract 7362 and tract 7363 in VTD 0060 (Precinct 4), and part of the town of Lancaster including blocks 145-158 and 160, block group 2, and blocks 963 and 964 of tract 7131 in VTD 0325 (Precinct 1) and block groups 2-4, and blocks 956-961 and 965-975 of tract 7131, and tract 7162 in VTD 0330 (Precinct 2).

NUMBER FOUR. - In the county of Bristol, the city of New Bedford, part of the

city of Fall River including blocks 205-206 of tract 6410 and block 131 of tract 6411 in VTD 0240 (Ward 4, Precinct B), tract 6409, blocks 101-104, 106-108 and 110-115, and block groups 2 and 3 of tract 6410, and tracts 6411, 6412, 6419 and 6420 in VTD 0245 (Ward 4, Precinct C), VTDs 0250-0260 (Ward 5), VTD 0275 (Ward 6, Precinct C), and VTDs 0280-0330 (Wards 7-9), the towns of Acushnet, Berkley, Dighton, Fairhaven, Freetown, Norton, Raynham and Rehoboth, part of the town of Easton including blocks 101-129 and 131-136 of tract 6001 in VTD 0130 (Precinct 1), tracts 6001 and 6002.02 in VTD 0135 (Precinct 2), tract 6001, blocks 101-112, 114-115, 120-122 and 127-128 of tract 6002.02 in VTD 0140 (Precinct 3), blocks 201-204, 301-306 and 310-311 of tract 6002.02 in VTD 0145 (Precinct 4), and part of the town of Mansfield including blocks 204-211, 216-218, 301-304, 311-312, 315, 318 and 320 of tract 6101 and tract 6102 in VTD 0355 (Precinct 3), and blocks 101-103, 106-108, 110-114 and 116 of tract 6101 and tract 6102 in VTD 0360 (Precinct 4); in the county of Middlesex, the city of Newton and the town of Sherborn; in the county of Norfolk, the towns of Brookline, Dover, Millis, Norfolk, Sharon and Wellesley, and part of the town of Foxborough including block group 1 and blocks 224-225 and 233 of tract 4104 in VTD 0255 (Precinct 1), VTD 0260 (Precinct 2), block 209 of tract 4101, blocks 101 and 107 of tract 4102, and block group 1, blocks 201-207, 208A, 208B, 209-215, and block group 9 of tract 4104 in VTD 0265 (Precinct 3), and blocks 201-202, 204 and 207 of tract 4101 in VTD 0270 (Precinct 4); and in the county of Plymouth, the towns of Bridgewater, Carver, East Bridgewater, Halifax, Hanson, Lakeville, Marion, Mattapoisett, Middleborough, Pembroke, Plympton, Rochester, Wareham and West Bridgewater, and part of the town of Rockland including block group 3 and block 513 of tract 5021.01 in VTD 0520 (Precinct 2), VTDs 0525 and 0530 (Precincts 3 and 4), and blocks 116, 118-120, 123, 310 and 315-317 of tract 5021.01 in VTD 0535 (Precinct 5).

NUMBER FIVE. - In the county of Essex, the city of Lawrence and the towns of Andover and Methuen; in the county of Middlesex, the cities of Lowell and Marlborough, the towns of Acton, Ashland, Ayer, Billerica, Boxborough, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Groton, Hudson, Littleton, Maynard, Pepperell, Shirley, Stow, Sudbury, Tewksbury, Tyngsborough, Wayland and Westford, and part of the town of Lincoln including block 901A of tract 3601, and blocks 101-106 and 109-113 of tract 3602 in VTD 0935 (Precinct 1); and in the county of Worcester, the towns of Bolton, Harvard and Southborough, part of the town of Lancaster including blocks 101-108, 110-114, 117-144 and 159, block group 5, and blocks 901-954, 962 and 976-979 of tract 7131 in VTD 0325 (Precinct 1), and block group 1 and block 955 of tract 7131 in VTD 0330 (Precinct 2), and part of the town of Lunenburg including blocks 101 and 112, and block groups 8 and 9 of tract 7121 in VTD 0405 (Precinct 1).

NUMBER SIX. - In the county of Essex, the cities of Beverly, Gloucester, Haverhill, Lynn, Newburyport, Peabody and Salem, and the towns of Amesbury,

Boxford, Danvers, Essex, Georgetown, Groveland, Hamilton, Ipswich, Lynnfield, Manchester-by-the-Sea, Marblehead, Merrimac, Middleton, Nahant, Newbury, North Andover, Rockport, Rowley, Salisbury, Saugus, Swampscott, Topsfield, Wenham and West Newbury; and in the county of Middlesex, the towns of Bedford, Burlington, North Reading and Wilmington, and part of the town of Reading including VTD 1750 (Precinct 1), and blocks 111, 114, 116 and 123, block group 2, and blocks 309-312, 315-317, 319-320 and 396 of tract 3343 in VTD 1785 (Precinct 8).

NUMBER SEVEN. - In the county of Middlesex, the cities of Everett, Malden, Medford, Melrose, Waltham and Woburn, the towns of Arlington, Framingham, Lexington, Natick, Stoneham, Wakefield, Weston and Winchester, part of the town of Lincoln including blocks 901B and 901C of tract 3601, and blocks 107-108 and 114-128, and block groups 2 and 4 of tract 3602 in VTD 0935 (Precinct 1), and VTD 0940 (Precinct 2), and part of the town of Reading including VTDs 1755-1780 (Precincts 2-7), and blocks 109, 112, 115, 313-314, 318 and 395 of tract 3343 in VTD 1785 (Precinct 8); and in the county of Suffolk, the city of Revere and the town of Winthrop.

NUMBER EIGHT. - In the county of Middlesex, the cities of Cambridge and Somerville, and the towns of Belmont and Watertown; and in the county of Suffolk, the city of Chelsea, and part of the city of Boston including VTDs 0005-0070 and 1430 (Ward 1/Harbor Islands), VTDs 0075-0105 (Ward 2), VTDs 0150-0195, (Ward 4), VTDs 0200-0215 (Ward 5, Precincts 1-4), block group 3 and blocks 401-403 and 407 of tract 0201 in VTD 0220 (Ward 5, Precinct 5), VTDs 0225-0245 (Ward 5, Precincts 6-10), VTDs 0380-0445 (Wards 9 and 10), VTDs 0450-0470, (Ward 11, Precincts 1-5), VTDs 0500-0540 (Ward 12), VTDs 0595-0660 (Ward 14), VTDs 0665-0685 and 0695-0705 (Ward 15, Precincts 1-5 and 7-9), VTDs 0770-0780 and 0790-0820 (Ward 17, Precincts 1-3 and 5-11), VTDs 0840-0865, 0910 and 0940 (Ward 18, Precincts 1-6, 15 and 21), and VTDs 1120-1260 (Wards 21 and 22).

NUMBER NINE. - In the county of Bristol, the city of Taunton and part of the town of Easton including block 130 and block groups 3 and 4 of tract 6001 in VTD 0130 (Precinct 1), tract 6002.01 in VTD 0135 (Precinct 2), tract 6002.01 and blocks 123-126 of tract 6002.02 in VTD 0140 (Precinct 3), tract 6002.01 and blocks 205-206 and 307-309 of tract 6002.02 in VTD 0145 (Precinct 4), and VTD 0150 (Precinct 5); in the county of Norfolk, the towns of Braintree, Canton, Dedham, Medfield, Milton, Needham, Norwood, Randolph, Stoughton, Walpole and Westwood; in the county of Plymouth, part of the city of Brockton including VTDs 0060-0075 (Ward 1), VTDs 0085-0095 (Ward 2, Precincts B-D), VTD 0100-0135 (Wards 3 and 4), block 306 of tract 5109 and blocks 106-107 of tract 5113.01 in VTD 0140 (Ward 5, Precinct A), and VTD 0150 (Ward 5, Precinct C); and in the county of Suffolk, part of the city of Boston including VTDs 0110-0145 (Ward 3), block groups 1 and 2, blocks 404-406, 408-409 and 412 of tract 0201, and tract 0202 in VTD 0220 (Ward 5, Precinct

5), VTDs 0250-0375 (Wards 6-8), VTDs 0475-0495 (Ward 11, Precincts 6-10), VTDs 0545-0590 (Ward 13), VTD 0690 (Ward 15, Precinct 6), VTDs 0710-0765 (Ward 16), VTDs 0785 and 0825-0835 (Ward 17, Precincts 4 and 12-14), VTDs 0870-0905, 0915-0935 and 0945-0950 (Ward 18, Precincts 7-14, 16-20 and 22-23), and VTDs 0955-1115 (Wards 19 and 20).

NUMBER TEN. - All of the towns in the counties of Barnstable, Dukes County and Nantucket; in the county of Norfolk, the city of Quincy and the towns of Avon, Cohasset, Holbrook and Weymouth; and in the county of Plymouth, part of the city of Brockton including VTD 0080 (Ward 2, Precinct A), tracts 5102 and 5104, block groups 1 and 2, block 305, and block group 4 of tract 5109, tracts 5110 and 5112, and blocks 101-105 and 110 of tract 5113.01 in VTD 0140 (Ward 5, Precinct A), VTDs 0145 and 0155 (Ward 5, Precincts B and D), and VTDs 0160-0195 (Wards 6 and 7), the towns of Abington, Duxbury, Hanover, Hingham, Hull, Kingston, Marshfield, Norwell, Plymouth, Scituate and Whitman, and part of the town of Rockland including VTD 0515 (Precinct 1), block group 4 and blocks 501-512 of tract 5021.01 in VTD 0520 (Precinct 2), blocks 101-103, 108-111, 114-115, 117, 121-122 and 301-309 of tract 5021.01 in VTD 0535 (Precinct 5), and VTD 0540 (Precinct 6).

For the purposes of this section, the following words shall have the following meanings:

"Voting tabulation districts" or "VTD", areas identified by the state to the United States Bureau of the Census as a voting district,

"Tract", a large statistical area used by the United States Bureau of the Census. A tract is a large group of blocks,

"Block group", a set of census blocks identified by the same first digit,

"Blocks", the smallest census reporting area.

In the event of a discrepancy in congressional district descriptions between references to wards and precincts and "VTD", the "VTD" references shall govern.

SECTION 3. Any costs incurred by the various cities and towns due to revisions of the new congressional districts contained in section two shall be borne by the commonwealth.

SECTION 4. To meet the strict federal constitutional standard of population equality between congressional districts, it was necessary to split voting precincts in some cities and towns into more than one congressional district. Since this poses significant problems for local election administration, as few precincts as possible were split to meet the strict one person, one vote standard therefore every city or town which contains a voting precinct located in more than one congressional district shall divide that precinct along the congressional district boundary into two precincts, or aggregate a portion of that precinct with a contiguous precinct in the same city or town and in that congressional district. Any such resulting precinct or precincts shall be exempt from the provisions of sections one, two, and six of chapter fifty-four of the General Laws, and shall not be used for elections of

members of a representative town meeting. If the polling place for such a new precinct is located in the same building, as for an existing precinct, no additional election officers need be appointed for such new precinct. Each city or town required by this section to create a precinct or aggregate a voting precinct shall, no later than August fifteenth, nineteen hundred and ninety-two, complete this re-precincting process by vote of its city council or board of selectmen, and provide written notice to the state secretary of the number of precincts and aggregate precincts provided for in this section.

SECTION 5. The supreme judicial court shall have jurisdiction of any petition for a writ of mandamus relative to the establishment of congressional districts under section two of this act.

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

Emergency Letter: July 9, 1992 @ 2:59 P.M. Approved July 9, 1992.

Chapter 106. AN ACT RELATIVE TO CRIMINAL OFFENDER RECORD INFORMATION IN FOSTER CARE PLACEMENTS.

Be it enacted, etc., as follows:

Chapter 28A of the General Laws is hereby amended by inserting after section 10 the following section:-

Section 10A. Notwithstanding any general or special law, rule or regulation to the contrary, no child shall be placed in a foster home prior to the approval of the home by the office or by any individual or agency licensed pursuant to section ten by the office, except an emergency placement in a foster home limited to relatives or long-term friends of the child's family. Said approval shall include a criminal offender record information check on all persons eighteen years of age or older residing at the home. In the event of any emergency placement, a criminal offender record information check shall be completed on all persons eighteen years of age or older residing at said home within ten working days of placement.

If the result of any of said checks shows that any occupant of said home has a criminal record involving violence, abuse, or exploitation against any person, which bears adversely upon the person's ability to assume and carry out the responsibilities of a foster parent or poses a serious threat of harm to a child, the home shall not be approved by the office, no child shall be placed in said home, and any emergency placement shall be removed forthwith.

Approved July 9, 1992.

Chapter 107. AN ACT RELATIVE TO LIFE INSURANCE BENEFICIARIES.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 24B, inserted by section 24 of chapter 495 of the acts of 1991, the following section:-

Section 24C. A life insurance contract may be entered into in which a person paying the consideration for such insurance has no insurable interest in the life of the individual insured, where a charitable, benevolent, educational or religious institution or its agency or any other organization which qualifies under Section 501 (c) (3) of the Internal Revenue Code is designated irrevocably as the owner and beneficiary thereof.

In making such contract the person paying the premium shall make and sign the application therefor as owner, and shall designate irrevocably a charitable, benevolent, educational or religious institution or an agency thereof as the beneficiary of such contract. The application shall also be signed by the individual whose life is to be insured.

Nothing in this section shall prohibit any combination of the applicant, premium payer, owner and beneficiary from being the same person.

Such contract shall be valid and binding among the parties thereto, notwithstanding the absence otherwise of an insurable interest in the life of the individual insured.

Approved July 9, 1992.

Chapter 108. AN ACT RELATIVE TO REDUCTION IN RANK FOR CERTAIN PUBLIC EMPLOYEES IN THE CITY OF LYNN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-three of chapter thirty-one of the General Laws or the first sentence of section thirty-nine of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, if a permanent employee of the fire force of the city of Lynn serving in any position in a title above the lowest title on said 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 on said force and shall not affect the seniority of an employee in service for any other purpose including, but not limited to, the separation of a permanent employee from service on said force.

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

Approved July 9, 1992.

Chapter 109. AN ACT RELATIVE TO PERSONS APPROVED TO ASSIST FAMILY DAY CARE PROVIDERS.

Be it enacted, etc., as follows:

Paragraph (a) of section 10 of chapter 28A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "maintain", in line 4, the following words:- or to assist in the establishment and maintenance of.

Approved July 9, 1992.

Chapter 110. AN ACT RELATIVE TO THE POSSESSION OF ALCOHOL BY MINORS.

Be it enacted, etc., as follows:

Section 34C of chapter 138 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whoever, being under twenty-one years of age and not accompanied by a parent or legal guardian, knowingly possesses, transports or carries on his person, any alcohol or alcoholic beverages, shall be punished by a fine of not more than fifty dollars for the first offense and not more than one hundred and fifty dollars for a second or subsequent offense; provided, however, that this section shall not apply to a person between the ages of eighteen and twenty-one who knowingly possesses, transports or carries on his person, alcohol or alcoholic beverages in the course of his employment.

Approved July 10, 1992.

Chapter 111. **AN ACT DESIGNATING A CERTAIN PORTION OF STATE HIGHWAY ROUTE 114 FROM THE INTERSTATE 495 INTERCHANGE IN THE CITY OF LAWRENCE, THROUGH THE TOWNS OF NORTH ANDOVER AND MIDDLETON TO THE DANVERS TOWN LINE AS THE VIETNAM VETERANS MEMORIAL HIGHWAY.**

Be it enacted, etc., as follows:

That portion of state highway Route 114, from the interstate 495 interchange in the city of Lawrence, through the towns of North Andover and Middleton to the Danvers town line shall be designated and known as the Vietnam Veterans Memorial highway, in memory and honor of the gallant men and women who served in the Vietnam War.

The department of highways shall erect and maintain suitable markers thereon bearing said designation in compliance with the standards of said department.

Approved July 10, 1992.

Chapter 112. **AN ACT RELATIVE TO THEFT OF GAS AND ELECTRICITY.**

Be it enacted, etc., as follows:

SECTION 1. Section 126 of chapter 164 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following paragraph:-

The existence of any of the conditions with reference to meters or attachments described in this section shall be prima facie evidence that a firm, corporation or other business entity, commercial or industrial, to whom such gas is, at the time, being furnished by or through such meters or attachments has, with intent to defraud, created or caused to be created with reference to such meters or attachments, the condition so existing; provided, however, that nothing in this paragraph shall be construed to limit the introduction of any other competent evidence bearing upon the question of whether or not the defendant was responsible for the acts alleged to have been committed; provided, further, that the prima facie evidence referred to in this paragraph shall not apply to a residential customer; provided, further, that the prima facie evidence referred to in this paragraph shall not apply to any firm, corporation or other business entity, commercial or industrial, so furnished with gas for less than thirty-one days or until there has been at least one meter reading, whichever first occurs.

SECTION 2. Section 127 of said chapter 164, as so appearing, is hereby

amended by adding the following paragraph:-

The existence of any of the conditions with reference to meters or attachments described in this section shall be prima facie evidence that a firm, corporation or other business entity, commercial or industrial, to whom such electricity is, at the time, being furnished by or through such meters or attachments has, with intent to defraud, created or caused to be created with reference to such meters or attachments, the condition so existing; provided, however, that nothing in this paragraph shall be construed to limit the introduction of any other competent evidence bearing upon the question of whether or not the defendant was responsible for the acts alleged to have been committed; provided, further, that the prima facie evidence referred to in this paragraph shall not apply to a residential customer; provided, further, that the prima facie evidence referred to in this paragraph shall not apply to any firm, corporation or other business entity, commercial or industrial, so furnished with electricity for less than thirty-one days or until there has been at least one meter reading, whichever first occurs.

Approved July 10, 1992.

Chapter 113. **AN ACT EXEMPTING THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE EXECUTIVE DIRECTOR OF THE COUNCIL ON AGING IN THE CITY KNOWN AS THE TOWN OF METHUEN FROM THE PROVISIONS OF CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The position of administrative assistant to the executive director of the council on aging in the city known as the town of Methuen shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of administrative assistant to the executive director of the council on aging in the city known as the town of Methuen on the effective date of this act.

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

Approved July 10, 1992.

Chapter 114. AN ACT RELATIVE TO AN EMERGENCY EXEMPTION FOR THE DELIVERY OF ALCOHOLIC BEVERAGES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter one hundred and thirty-six and sections eighteen and thirty-three of chapter one hundred and thirty-eight of the General Laws, the holder of a license under the provisions of said section eighteen may deliver alcoholic beverages and wine and malt beverages in the city of Boston on Sunday, July twelfth, nineteen hundred and ninety-two.

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

Approved July 11, 1992.

Chapter 115. AN ACT RELATIVE TO THE REPORTING OF CHILD ABUSE AND NEGLECT.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 51A of chapter 119 of the General Laws, as amended by chapter 280 of the acts of 1991, is hereby further amended by adding the following sentence:- Any person who knowingly files a report of child abuse that is frivolous shall be punished by a fine of not more than one thousand dollars.

SECTION 2. Clause (6) of section 51B of said chapter 119, as appearing in the 1990 Official Edition, is hereby amended by adding the following two sentences:- If the department determines during the initial screening period of an investigation that said report under section fifty-one A is frivolous, or other absolute determination that abuse or neglect has not taken place, then said report shall be declared as "allegation invalid". If such reports are declared "allegation invalid", the name of the child, or identifying characteristics relating to the child, or the names of his parents or guardian or any other person relevant to the report, shall not be placed in the central registry, nor under any other computerized program utilized in the department.

SECTION 3. The first paragraph of section 51F of said chapter 119, as so appearing, is hereby amended by adding the following two sentences:- If the department determines during the initial screening period of an investigation that said report under section fifty-one A is frivolous, or other absolute determination that abuse or neglect has not taken place, then said report shall be declared as "allegation invalid". If such reports are declared "allegation invalid", the name of the child, or identifying characteristics relating to the child, or the names of his

parents or guardian or any other person relevant to the report, shall not be placed in the central registry, nor under any other computerized program utilized in the department.

Approved July 13, 1992.

Chapter 116. AN ACT RELATIVE TO THE ISSUANCE OF A REAL ESTATE BROKERS LICENSE TO WILLIAM G. RILEY.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the board of registration of real estate brokers and salesmen is hereby authorized and directed to reissue a real estate brokers license to William G. Riley of the city of Lowell, without examination, upon payment of the annual fee.

The foregoing was laid before the Governor on the thirtieth day of June, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by him with his objections thereto within that time.

Chapter 117. AN ACT PROVIDING CIVIL SERVICE STATUS FOR CERTAIN EMPLOYEES OF THE MUNICIPAL LIGHTING PLANT OF THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, the following provisional employees of the municipal lighting plant of the city of Taunton shall be granted permanent civil service status in their positions after a performance review by the appointing authority: Richard Bolduc, instrument technician, Mark Blackwell, Jr., assistant storekeeper, Joseph McKenna, assistant storekeeper, and William Lyons, instrument technician.

The foregoing was laid before the Governor on the first day of July, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by him with his objections thereto within that time.

Chapter 118. AN ACT RELATIVE TO RESTORING SOLVENCY TO THE UNEMPLOYMENT INSURANCE TRUST FUND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately begin to restore solvency to the Unemployment Insurance 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 three of chapter six hundred and sixty-three of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 2. Section 4 of said chapter 663 is hereby amended by striking out the second sentence, as amended by section 378 of chapter 138 of the acts of 1991.

SECTION 3. The second paragraph of section 30 of chapter 26 of the acts of 1992 is hereby amended by striking out, in line 5, the word "September" and inserting in place thereof the following word:- December.

SECTION 3A. Said chapter 26 is hereby further amended by striking out section 27 and inserting in place thereof the following section:-

Section 27. Notwithstanding the provisions of section fourteen of chapter one hundred and fifty-one A of the General Laws, the experience rate of an employer qualifying therefor under subsection (b) of said section fourteen of said chapter one hundred and fifty-one A shall be the rate which appears in the column designated "D" for calendar year nineteen hundred and ninety-three, and the rate which appears in the column designated "F" for calendar years nineteen hundred and ninety-four, and nineteen hundred and ninety-five, and nineteen hundred and ninety-six.

SECTION 4. Subsection (r) of section 1 of chapter 151A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:-

(3) as termination, severance or dismissal pay, or as payment in lieu of dismissal notice, whether or not notice is required, or as payment for vacation allowance during a period of regular employment; provided, that for the purposes of this chapter, "remuneration" shall not include any payments made pursuant to subsections (b) and (c) of section one hundred and eighty-three, and subsection (b) of section one hundred and eighty-four of chapter one hundred and forty-nine, nor shall it include payment for unused vacation or sick leave nor shall this clause affect the application of subsection (d) of section twenty-nine.

SECTION 5. Said chapter 151A is hereby further amended by striking out section 12, as so appearing, and inserting in place thereof the following section:-

Section 12. The commissioner, upon his own motion, or upon application of

an employing unit, after investigation, shall determine if an employing unit is an employer within the meaning of section eight, eight A, eight B, or eight C, and if the services performed by any individual for such employer constitute employment within the meaning of this chapter, and shall notify the employing unit of such determination.

Such employing unit may, within ten days after the mailing of notice of such determination, request that the commissioner grant a hearing for the purpose of reconsidering the facts submitted and to consider any additional information. The conduct of such evidentiary hearing shall be in accordance with the procedures prescribed by and pursuant to subsection (b) of section thirty-nine. If the determination arises from a claim filed for benefits, the claimant shall be deemed a party to such hearing. After such hearing, the commissioner shall affirm, modify or revoke this determination and notice of the commissioner's finding shall be mailed to the parties.

An application for review of such finding may be taken to the board of review within thirty days after the mailing of the notice of such finding to the parties. After such notice to the commissioner and to the parties as said board deems necessary, it shall review the action of the commissioner, reconsider the facts submitted and consider any additional evidence presented by the parties and shall affirm such action unless it shall appear that it was made without proper cause, in which case the decision shall be modified or revoked. Nothing in this section shall prevent the commissioner after a decision by the board of review from submitting newly discovered evidence to said board, whereupon it shall order a hearing upon the subject matter after giving due notice to all interested parties.

A determination by the commissioner that the employing unit is an employer or that the services performed by any individual for such employer constitute employment within the meaning of this chapter, where no hearing has been held, a finding after a hearing, or a decision of the board of review shall be conclusive for all purposes of this chapter, and, together with the record thereof, shall be admissible in any subsequent proceedings, involving liability for contributions or eligibility for or the amount of benefits.

The commissioner or any party aggrieved by the decision of the board of review may, within thirty days after notice of such decision has been mailed by said board, bring a complaint in the municipal court of the city of Boston or in the district court in the judicial district wherein said party has its principal place of business or lives or is or was last employed and have the same remedy as provided for in section forty-two and the practices and procedure established for in said section forty-two shall govern.

If, upon a hearing in the municipal or district court, it appears that the complaint is frivolous, immaterial, or intended for delay, the court may award against the appellant double costs.

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 6. Subsection (a) of section 14 of said chapter 151A is hereby amended by striking out paragraph (4), added by section 9 of chapter 26 of the acts of 1992, and inserting in place thereof the following paragraph:-

(4) "Unemployment insurance taxable wage base", with respect to calendar years beginning on or after January first, nineteen hundred and ninety-two, the term "unemployment insurance taxable wage base" shall mean ten thousand and eight hundred dollars.

SECTION 7. Paragraph (1) of subsection (i) of said section 14 of said chapter 151A, as appearing in section 14 of said chapter 26, is hereby amended by adding the following paragraph:-

Notwithstanding the foregoing provisions of this paragraph, the experience rate of an employer qualifying therefor under subsection (b) shall be the rate which appears in the column designated "B-" for calendar year nineteen hundred and ninety-two, for the applicable employer account reserve percentage, as set forth in the following table:

EXPERIENCE RATE TABLE

Employer Account Reserve Percentage Negative Percentage	B-
14 or more	7.4
13.0 but less than 14.0	7.3
12.0 but less than 13.0	7.1
11.0 but less than 12.0	6.9
10.0 but less than 11.0	6.7
9.0 but less than 10.0	6.5
8.0 but less than 9.0	6.3
7.0 but less than 8.0	6.1

6.0 but less than 7.0	5.9
5.0 but less than 6.0	5.7
4.0 but less than 5.0	5.5
3.0 but less than 4.0	5.3
2.0 but less than 3.0	5.1
1.0 but less than 2.0	4.9
0.0 but less than 1.0	4.7
Positive Percentage	
0.0 but less than 0.5	4.7
0.5 but less than 1.0	4.6
1.0 but less than 1.5	4.5
1.5 but less than 2.0	4.4
2.0 but less than 2.5	4.3
2.5 but less than 3.0	4.2
3.0 but less than 3.5	4.1
3.5 but less than 4.0	4.0
4.0 but less than 4.5	3.9
4.5 but less than 5.0	3.8
5.0 but less than 5.5	3.7
5.5 but less than 6.0	3.5
6.0 but less than 6.5	3.4
6.5 but less than 7.0	3.3
7.0 but less than 7.5	3.2
7.5 but less than 8.0	3.1
8.0 but less than 8.5	3.0
8.5 but less than 9.0	2.9
9.0 but less than 9.5	2.8
9.5 but less than 10.0	2.7
10.0 but less than 10.5	2.6
10.5 but less than 11.0	2.5
11.0 but less than 11.5	2.4
11.5 but less than 12.0	2.3
12.0 but less than 12.5	2.2
12.5 but less than 13.0	2.1
13.0 but less than 13.5	2.0
13.5 but less than 14.0	1.9
14.0 but less than 14.5	1.8
14.5 or more	1.7

SECTION 8. Subsection (i) of section 29D of said chapter 151A, as appearing in the 1990 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The weekly worksharing

benefit amount payable to an affected individual shall be the product of the regular weekly benefit amount, as defined in section twenty-nine, plus the allowance set forth in subsection (c) of section twenty-nine, multiplied by the percentage reduction in the individual's normal weekly hours of work, rounded to the next lower full dollar amount.

SECTION 8A. Said section 29D of said chapter 151A, as so appearing, is hereby further amended by striking out, in line 157, the words "the first paragraph" and inserting in place thereof the following words:- subsection (a).

SECTION 9. Section 30 of said chapter 151A, as most recently amended by section 24 of chapter 26 of the acts of 1992, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain further industrial or vocational training to realize appropriate employment, the total benefits which such individual may receive shall be extended by up to eighteen times the individual's benefit rate, if such individual is attending an industrial or vocational retraining course approved by the commissioner; provided, that such additional benefits shall be paid to the individual only when attending such course and only if such individual has exhausted all rights to regular and extended benefits under this chapter and has no rights to benefits or compensation under this chapter or any other state unemployment compensation law or under any federal law; provided, further, that such extension shall be available only to individuals who have applied to the commissioner for training no later than the fifteenth week of a new or continued claim; provided that the claimant shall begin training in the first available program which is a reasonable distance from the claimant's residence, as determined by the commissioner; provided, further, that the commissioner, in his discretion, may extend the period once for not more than two weeks for any applicant whose initial application is denied; and provided, further, that any benefits paid to an individual under the provisions of this paragraph which would not be chargeable to the account of any particular employer under the provisions of section fourteen shall be charged to the solvency account. 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. An individual eligible to receive emergency unemployment compensation, so-called, under any federal law, shall not be eligible to receive additional benefits under this section for each week the individual receives such compensation.

The department shall provide each claimant with written information regarding eligibility for benefits under this section, and notify claimants that any application for benefits under this section must be submitted no later than the fifteenth week of a new or continued claim.

SECTION 10. Section 1 of chapter 151A of the General Laws, as amended by section 6 of chapter 26 of the acts of 1992, is hereby further amended by adding the following four subsections:-

(z) "Seasonal employer", an employer that, because of climatic conditions or the nature of the product or service, customarily operates all or a functionally distinct occupation within its business only during a regularly recurring period or periods of less than sixteen weeks for all seasonal periods during a calendar year and only includes an employer who voluntarily submits a written application to the commissioner. Such application shall be submitted at least sixty days prior to the beginning of the season.

(aa) "Seasonal employment", services performed for wages for a seasonal employer during the seasonal period in the employer's seasonal operations, after the effective date of a seasonal determination with respect to the seasonal employer.

(bb) "Seasonal employee", an individual who:

(1) has been employed by a seasonal employer in seasonal employment during a regularly recurring period or periods of less than sixteen weeks in a calendar year for all seasonal periods, as determined by the commissioner, and

(2) has been hired for a specific temporary seasonal period as determined by the commissioner; and

(3) has been notified in writing at the time hired, or immediately following the seasonal determination by the department, whichever is later:

(A) that the individual is performing services in seasonal employment for a seasonal employer; and

(B) that the individual's employment is limited to the beginning and ending dates of the employer's seasonal period as determined by the department.

(cc) "Seasonal determination", a determination made by the commissioner, as to the seasonal nature of the employer, the normal seasonal period or periods of the employer, and the seasonal operations of the employer covered by such determination.

SECTION 10A. Said chapter 151A is hereby further amended by adding after section 24 the following section:-

Section 24A. (a) No waiting period shall be allowed and no benefits shall be paid to an individual on the basis of service performed in seasonal employment as defined by subsection (aa) of section one unless the claim is filed within the operating period of the seasonal employment. If the claim is filed outside the operating period of the seasonal employment, benefits may be paid on the basis of nonseasonal wages only.

(b) An employer shall provide the commissioner with such information necessary to make a seasonal determination defined by subsection (cc) of section one. Until the commissioner makes a seasonal determination, no employer or

employee may be considered seasonal.

(c) Any employer notified of a seasonal determination may file an appeal regarding a seasonal determination and obtain review of the determination. Such appeal and review shall be in accordance with sections thirty-nine through forty-two, inclusive.

(d) Whenever an employer is determined to be a seasonal employer, the following provisions apply:

(1) The seasonal determination becomes effective the first day of the calendar quarter commencing after the date of the seasonal determination.

(2) The seasonal determination does not affect any benefit rights of seasonal workers with respect to employment before the effective date of the seasonal determination.

(e) If a seasonal employer, after the date of its seasonal determination, operates its business or its seasonal operation during a period or periods of sixteen weeks or more in a calendar year, the employer shall be redetermined by the commissioner to have lost its seasonal status with respect to that business or operation effective at the end of the then current calendar quarter. The redetermination shall be reported in writing to the employer. An employer notified of a redetermination may file an appeal of the redetermination and obtain review of the redetermination in accordance with sections thirty-nine through forty-two, inclusive.

(f) Seasonal employers shall keep account of wages paid to seasonal workers within the seasonal period as determined by the commissioner, and shall report these wages on a special seasonal quarterly report form as prescribed by the commissioner.

SECTION 11. Section 4 of chapter 140D of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 18, the words "or health" and inserting in place thereof the following words:- health, or involuntary unemployment.

SECTION 12. Section 47 of chapter 175 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Twentieth, To insure debtors, guarantors or purchasers against loss of employment resulting from involuntary unemployment.

SECTION 13. Said chapter 175 is hereby further amended by inserting after section 117C the following section:-

Section 117D. (a) A licensed property and casualty insurance company may, notwithstanding any law or regulation to the contrary, issue a general or blanket policy of insurance to a bank, association, financial or other institution, vendor, or to a parent holding company, or to the trustee, trustees or agent designated by one or more banks, associations, financial or other institutions, or vendors under which debtors, guarantors or purchasers are insured against loss of employment resulting from involuntary unemployment, in an amount with respect to each obligation not

to exceed the total of the scheduled payments on the obligation; provided, further, that where the coverage is for less than the full amount of said obligation, the periodic benefit payment shall cover either the full amount of each periodic payment on said obligation or the maximum periodic benefit set forth in said policy until the maximum aggregate benefit of said policy is reached.

(b) The following method of determination of premium rates with respect to credit involuntary unemployment insurance contained in clause (c) is required only for such insurance written in connection with consumer credit transactions which are subject to section twelve G of chapter two hundred and fifty-five, section ten of chapter two hundred and fifty-five B, section fourteen A of chapter two hundred and fifty-five C, or subsection C of section twenty-six of chapter two hundred and fifty-five D, for which an identifiable charge is paid by insured persons.

(c) The following are the procedures for determining the maximum premium rates permitted to be charged any account:

(A) The premium rates charged for credit involuntary unemployment insurance policies shall be reasonable in relation to the benefits provided as indicated by a minimum annual loss ratio of sixty percent. All credit involuntary unemployment insurance premium rates and applicable policies in connection therewith shall be filed for approval with the commissioner of insurance. The commissioner shall approve such rates and policies if such rates are reasonable in relation to benefits provided.

(B) Each insurer writing said involuntary unemployment insurance shall file with the commissioner of insurance annually supporting rate documentation as specified by the commissioner.

(C) After submission of such experience, the commissioner of insurance may review said insurance claims experience and loss ratio data from said credit insurance supplement forms and determine whether the rates in effect comply with the standards set forth in paragraph (A). If the commissioner determines the rates generating such loss ratios do not comply with the standards set forth in said paragraph (A), the commissioner may require any insurer to file rates that will meet such standards or submit reasons acceptable to the commissioner why it should not be required to do so.

SECTION 14. Section 177 of said chapter 175, as so appearing, is hereby amended by inserting after the word "ten", in line 19, the following words:- or of involuntary unemployment insurance issued pursuant to clause (a) of section one hundred and seventeen D.

SECTION 15. Said section 177 of said chapter 175, as so appearing, is hereby further amended by inserting after the word "seventeen C", in line 22, the following words:- or pursuant to section one hundred and seventeen D.

SECTION 16. Section 184 of said chapter 175, as so appearing, is hereby

amended by inserting after the word "ten", in line 35, the following words:- or of involuntary unemployment insurance issued pursuant to clause (a) of section one hundred and seventeen D.

SECTION 17. Said section 184 of said chapter 175, as so appearing, is hereby further amended by inserting after the word "seventeen C", in line 38, the following words:- or pursuant to section one hundred and seventeen D.

SECTION 18. Section 12G of chapter 255 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Except as otherwise provided in section ten of chapter two hundred and fifty-five B, section fourteen A of chapter two hundred and fifty-five C and subsection C of section twenty-six of chapter two hundred and fifty-five D, in the event the charge or any portion thereof for life insurance under a policy issued pursuant to clause (c) of the first paragraph of section one hundred and thirty-three of chapter one hundred and seventy-five or for accident and health insurance under a policy issued pursuant to clause (j) of the first sentence of subdivision (A) of section one hundred and ten of chapter one hundred and seventy-five, or for involuntary unemployment insurance under a policy issued pursuant to clause (a) of section one hundred and seventeen D of chapter one hundred and seventy-five which unless otherwise authorized shall be the only types of insurance authorized in connection with a loan for personal, family or household purposes, is paid by the borrower or borrowers to the creditor, it shall not be deemed to constitute a charge in violation of sections ninety A, one hundred, one hundred and fourteen A, and one hundred and fourteen B of chapter one hundred and forty.

SECTION 19. Said section 12G of said chapter 255, as so appearing, is hereby further amended by inserting after the word "insurance", in line 30, the following words:- or said involuntary unemployment insurance.

SECTION 20. Said section 12G of said chapter 255, as so appearing, is hereby further amended by inserting, in line 34, after the words "section one hundred and seventeen C" the following words:- or section one hundred and seventeen D.

SECTION 21. Said section 12G of said chapter 255, as so appearing, is hereby further amended by adding the following sentence:- No group involuntary unemployment insurance policy shall have a waiting period in excess of thirty-one days.

SECTION 22. Said section 12G of said chapter 255, as so appearing, is hereby further amended by inserting after the word "insurance", in line 54, the following words:- or involuntary unemployment insurance.

SECTION 23. Said section 12G of said chapter 255, as so appearing, is hereby further amended by inserting after the word "insurance", in line 85, the following words:- or involuntary unemployment insurance.

SECTION 24. Said section 12G of said chapter 255, as so appearing, is hereby

further amended by striking out, in lines 85 and 86, the words "the following language" and inserting in place thereof the following words:- all or part of the following language, corresponding to the types of insurance offered,.

SECTION 25. Said section 12G of said chapter 255, as so appearing, is hereby further amended by inserting after the word "INSURANCE", in lines 89 and 90, the following words:- AND CREDIT INVOLUNTARY UNEMPLOYMENT INSURANCE.

SECTION 26. Said section 12G of said chapter 255, as so appearing, is hereby further amended by inserting after the seventh paragraph the following paragraph:-

Said involuntary unemployment insurance shall not be offered in connection with a consumer credit transaction subject to this section until the credit decision has been made and communicated to the credit applicant; provided, however, nothing in this sentence shall prohibit making pamphlets available to credit applicants, responding to questions by credit applicants concerning said insurance, or providing credit applications which contain a written offer of insurance to credit applicants.

SECTION 27. The eighth paragraph of said section 12G of said chapter 255, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- This section shall not apply to said life insurance or accident and health insurance in connection with a loan for personal, family or household purposes secured by a first lien on real property; provided, however, this section shall apply to said involuntary unemployment insurance in connection with a loan for personal, family or household purposes secured by a first lien on real property.

SECTION 28. The second paragraph of section 10 of chapter 255B of the General Laws, as so appearing, is hereby amended by inserting after the word "five", in line 22, the following words:- or for involuntary unemployment insurance under a policy issued pursuant to clause (a) of section one hundred and seventeen D of chapter one hundred and seventy-five.

SECTION 29. Said section 10 of said chapter 255B, as so appearing, is hereby further amended by inserting after the word "insurance", in lines 37 and 38, the following words:- or said involuntary unemployment insurance.

SECTION 30. Said section 10 of said chapter 255B, as so appearing, is hereby further amended by inserting after the word "seventeen C", in line 42, the following words:- or section one hundred and seventeen D.

SECTION 31. The fourth paragraph of said section 10 of said chapter 255B, as so appearing, is hereby further amended by adding the following sentence:- No group involuntary unemployment insurance policy shall have a waiting period in excess of thirty-one days.

SECTION 32. Said section 10 of said chapter 255B, as so appearing, is hereby further amended by inserting after the word "insurance", in line 62, the following words:- or involuntary unemployment insurance.

SECTION 33. Said section 10 of said chapter 255B, as so appearing, is hereby further amended by inserting after the word "insurance", in line 94, the following words:- or involuntary unemployment insurance.

SECTION 34. Said section 10 of said chapter 255B, as so appearing, is hereby further amended by striking out, in line 95, the words "the following language" and inserting in place thereof the following words:- all or part of the following language, corresponding to the types of insurance offered,.

SECTION 35. Said section 10 of said chapter 255B, as so appearing, is hereby further amended by inserting after the word "INSURANCE", in line 99, the following words:- AND CREDIT INVOLUNTARY UNEMPLOYMENT INSURANCE.

SECTION 36. Said section 10 of said chapter 255B, as so appearing, is hereby further amended by inserting after the eighth paragraph the following paragraph:-

Said involuntary unemployment insurance shall not be offered in connection with a consumer credit transaction subject to this section until the credit decision has been made and communicated to the credit applicant; provided, however, nothing in this sentence shall prohibit making pamphlets available to credit applicants, responding to questions by credit applicants concerning said insurance, or providing credit applications which contain a written offer of insurance to credit applicants.

SECTION 37. Section 14A of chapter 255C of the General Laws, as so appearing, is hereby amended by inserting after the word "seventy-five", in line 4, the following words:- or for accident and health insurance under a policy issued pursuant to clause (j) of the first sentence of subdivision (A) of section one hundred and ten of chapter one hundred and seventy-five or for involuntary unemployment insurance under a policy issued pursuant to clause (a) of section one hundred and seventeen D of chapter one hundred and seventy-five.

SECTION 38. Said section 14A of said chapter 255C, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:-

The agent, broker or his assignee may make a charge for said accident and health insurance or said involuntary unemployment insurance based on a rate which shall not exceed the premium charged by the insurer pursuant to said insurer's schedule or schedules of premium rates currently on file with the commissioner of insurance for said insurance on obligations to said agent, broker or assignee pursuant to the provisions of said section one hundred and seventeen C or section one hundred and seventeen D of said chapter one hundred and seventy-five. Said charge may be collected either as a single premium on scheduled insured balances or periodically on outstanding balance basis, using a monthly term rate that is actuarially consistent with the applicable single premium rate filed with said commissioner, which monthly rate shall be applied each month to the sum of the remaining insured monthly benefits. For interest bearing agreements, other than pre-computed agreements, a uniform monthly rate filed with said

commissioner may be applied to the remaining monthly agreement balances of all insured agreements, exclusive of unearned finance charges, which uniform monthly rate shall produce, for the aggregate of all said insured agreements, an aggregate premium that is actuarially consistent with the aggregate premium that would result from using said applicable single premium rates filed with said commissioner applied to the total of the monthly benefits on all said insured loans. All group accident and health insurance policies shall have a waiting period of thirty days and shall have benefits which are not retroactive. No group involuntary unemployment insurance policy shall have a waiting period in excess of thirty-one days.

SECTION 39. Said section 14A of said chapter 255C, as so appearing, is hereby further amended by striking out, in line 22, the word "insurance" and inserting in place thereof the following words:- life insurance or accident and health insurance or involuntary unemployment insurance.

SECTION 40. Said section 14A of said chapter 255C, as so appearing, is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

Every disclosure statement under the provisions of chapter one hundred and forty D involving said life insurance or accident and health insurance or involuntary unemployment insurance issued pursuant to this section shall contain all or part of the following language, corresponding to the types of insurance offered, printed in ten point boldface type:

YOU CANNOT BE DENIED CREDIT SIMPLY BECAUSE YOU CHOOSE NOT TO BUY CREDIT INSURANCE. CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE AND CREDIT INVOLUNTARY UNEMPLOYMENT INSURANCE ARE NOT REQUIRED TO OBTAIN CREDIT. INSURANCE WILL NOT BE PROVIDED UNLESS YOU SIGN AND AGREE TO PAY THE ADDITIONAL CHARGE.

SECTION 41. Said section 14A of said chapter 255C, as so appearing, is hereby further amended by inserting after the sixth paragraph the following two paragraphs:-

Said involuntary unemployment insurance shall not be offered in connection with a consumer credit transaction subject to this section until the credit decision has been made and communicated to the credit applicant; provided, however, nothing in this sentence shall prohibit making pamphlets available to credit applicants, responding to questions by credit applicants concerning said insurance, or providing credit applications which contain a written offer of insurance to credit applicants.

Each insurer writing said involuntary unemployment insurance shall file with the commissioner all relevant marketing materials that will be distributed to consumers at the time that the application for credit is taken. Said materials will be

subject to the review and approval of the commissioner.

SECTION 42. Section 26 of chapter 255D of the General Laws, as so appearing, is hereby amended by inserting after the word "seventy-five", in line 33, the following words:- or for involuntary unemployment insurance under a policy issued pursuant to clause (a) of section one hundred and seventeen D of chapter one hundred and seventy-five.

SECTION 43. Said section 26 of said chapter 255D, as so appearing, is hereby further amended by inserting after the word "insurance", in lines 50 and 51, the following words:- or said involuntary unemployment insurance.

SECTION 44. Said section 26 of said chapter 255D, as so appearing, is hereby further amended by inserting after the word "seventeen C", in line 55, the following words:- or section one hundred and seventeen D.

SECTION 45. Said section 26 of said chapter 255D, as so appearing, is hereby further amended by adding the following sentence:- No group involuntary unemployment insurance policy shall have a waiting period in excess of thirty-one days.

SECTION 46. Said section 26 of said chapter 255D, as so appearing, is hereby further amended by inserting after the word "insurance", in lines 78 and 79, the following words:- or involuntary unemployment insurance.

SECTION 47. Said section 26 of said chapter 255D, as so appearing, is hereby further amended by inserting after the word "insurance", in line 111, the following words:- or involuntary unemployment insurance.

SECTION 48. Said section 26 of said chapter 255D, as so appearing, is hereby further amended by striking out the words "the following language", in lines 111 and 112, and inserting in place thereof the following words:- all or part of the following language, corresponding to the types of insurance offered,.

SECTION 49. Said section 26 of said chapter 255D, as so appearing, is hereby further amended by inserting after the word "INSURANCE", in lines 115 and 116, the following words:- AND CREDIT INVOLUNTARY UNEMPLOYMENT INSURANCE.

SECTION 50. Said section 26 of said chapter 255D, as so appearing, is hereby further amended by inserting after the seventh paragraph the following paragraph:-

Said involuntary unemployment insurance shall not be offered in connection with a consumer credit transaction subject to this section until the credit decision has been made and communicated to the credit applicant; provided, however, nothing in this sentence shall prohibit making pamphlets available to credit applicants, responding to questions by credit applicants concerning said insurance, or providing credit applications which contain a written offer of insurance to credit applicants.

SECTION 51. The general court hereby finds that it is an essential governmental function to assure that the balance in the commonwealth's account in the federal

unemployment trust fund is maintained at a level which is sufficient to pay all benefits and that the financing and repayment of any principal amount which may have been or may be advanced to the commonwealth from the federal account of the unemployment trust fund and the financing and funding of the commonwealth's account in the unemployment trust fund to the extent necessary to avoid excessive federal interest and penalty charges by the issuance of revenue bonds or bond anticipation notes by the Massachusetts Industrial Finance Agency as a purpose thereof pursuant to this section is in the public interest, will substantially result in savings of federal interest and penalty costs, will achieve a public purpose of reducing overall costs of providing employment benefits and will thereby foster and promote economic growth, provide employment opportunities for the residents of the commonwealth and assist companies by reducing their overall costs of doing business in the commonwealth.

The following words as used in this section shall have the following meanings unless the context clearly requires otherwise:

"Agency", the Massachusetts Industrial Finance Agency (MIFA) established pursuant to the provisions of section thirty-one of chapter twenty-three A of the General Laws.

"Secretary", the secretary of the executive office of economic affairs.

"Special Revenues", any contributions, receipts or other payments or amounts received or to be received from each employer on account of the surcharge on contributions pursuant to the provisions of this section, and all amounts held in the special contribution unemployment compensation advance fund, including any federal grants or advances available therefor, and interest or other income earned on the investment of moneys in said fund.

(a) The agency may issue revenue bonds in one or more series and in principal amounts necessary or estimated to be necessary as an advance to the unemployment compensation fund or to repay advances made to the commonwealth from the federal unemployment account for the fiscal years ending nineteen hundred and ninety-two through nineteen hundred and ninety-eight, inclusive, and such additional amount of bonds required to fund any debt service and reserve account in accordance with the proceedings authorizing such bonds and the costs of issuance, capitalized interest, if any, and the initial costs and expenses of the administration account, provided that in computing the total amount of bonds which may at any one time be outstanding, the principal amount of any refunding bonds issued to refund bonds shall be excluded. The bonds shall be issued by the agency upon a request filed with the agency by the secretary of economic affairs stating the amount required for the above purposes and the date or dates upon which such funds are needed in order to avoid any federal interest or penalty charges, and such other matters as the secretary and the agency shall determine as appropriate under such request, consistent with carrying out the purposes of this

section. Such request can be filed with the agency only after the secretary sends a letter to the governor finding that employers in the commonwealth will benefit from the issuance of revenue bonds and documenting such savings. Such revenue bonds shall mature at such time or times not exceeding ten years from their date of issue. The principal of and interest on any bonds and bond anticipation notes issued pursuant to this section shall be secured by a pledge of the special contribution unemployment compensation advance fund created pursuant to the provisions of paragraph *(b)* and any special revenues, including the amounts of payments received from the surcharge on contributions established by statute, all as set forth in the proceedings authorizing such bonds or notes pursuant to this section. The bonds shall not be deemed a debt or liability of the commonwealth or a pledge of the faith and credit of the commonwealth or any political subdivision, but shall be payable solely from the pledged revenues.

(b) There is hereby established and created a fund to be known as the special contribution unemployment compensation advance fund. Such fund shall be administered by the agency as a trust fund in accordance with the provisions of this section. The agency may enter into such contracts as may be necessary or useful to the organization, establishment, operation and administration of the fund under all applicable laws of the commonwealth and of the United States and may contract with any person to provide such services to the fund as, in the discretion of the agency, are necessary for the proper operation and administration of said fund. All costs of organizing, establishing and operating the fund, including the costs of personnel and contractual services, shall be a charge upon and paid by the agency from said fund. In addition, all costs of establishing the necessary procedures for billing, payment and collection of the surcharge on the contributions established by statute upon request and with the approval of the secretary shall be a charge upon and paid by the agency from said fund. All costs related to the organization, establishment and operation of the fund and all costs related to the establishment of billing, payment and collection procedures respecting moneys received from employers in payment of the surcharge on contributions required as established by statute, to the extent not payable from said fund, may be paid from other moneys of the commonwealth pursuant to chapter one hundred and fifty-one A of the General Laws when made available thereunder for such purpose. There is hereby established and created within the fund an advance account, a debt service and reserve account and an administration account, which accounts shall be held separate and apart from each other. Additional accounts and subaccounts may be established in the proceedings under which the revenue bonds and bond anticipation notes are authorized.

There shall be deposited in the advance account: (1) the proceeds of revenue bonds issued by the agency for the purpose of deposit therein and use in accordance with this section; (2) federal grants and awards or other federal

assistance received by the commonwealth for deposit therein or for the purposes thereof, if any; and (3) interest or other income earned on the investment of moneys in the advance account pending transfer or use pursuant to this section.

(c) To the extent the proceeds of revenue bonds are available therefor and on request of the secretary pursuant to paragraph *(b)* hereof, the agency shall apply same to repay, not later than September thirtieth, nineteen hundred and ninety-two, and thereafter in accordance with the proceedings authorizing any revenue bonds issued pursuant to this section, the outstanding balance of all or any part of the advances made to the commonwealth from the federal unemployment account under title XII of the Social Security Act, 42 USC Sections 1321 to 1324, inclusive, and may apply same to repay any interest due thereon, and to provide advances to the unemployment compensation fund.

Within the debt service and reserve account there are established the following subaccounts: (1) a reserve subaccount into which shall be deposited the proceeds of revenue bonds issued by the agency for the purpose of deposit therein and use in accordance with this section; and (2) a debt service subaccount into which shall be deposited, in accordance with the proceedings authorizing such bonds, the proceeds of the initial issuance of revenue bonds, capitalized interest to the extent required and payments received from or on behalf of any employer in payment of the surcharge on contributions established in accordance with this section and any other special revenues attributable to the debt service requirement. Moneys in each subaccount created herein may be applied by the agency for debt service on revenue bonds. The agency shall apply amounts in the reserve subaccount to the payment of debt service on bonds whenever amounts on deposit in the debt service subaccount are insufficient therefor. The net proceeds of any refunding bonds shall be deposited in a special subaccount within the debt service and reserve account and shall be applied solely to the retirement or redemption of the bonds to be refunded.

There shall be deposited in the administration account: (1) the proceeds of revenue bonds issued by the agency for the purpose of deposit therein and use in accordance with this section; and (2) any additional moneys received from employers in payment of the surcharge on contributions required pursuant to this section or other special revenues to offset the costs and expenses of administering and operating the fund. Amounts in the administration account may be applied to offset the costs and expenses of establishing, administering and operating the fund.

The fund shall be maintained separate and apart from all other moneys, funds and accounts of the agency. Investment earnings credited to the assets of such fund and to any account and subaccount thereof shall become part of the assets of such fund, account and subaccount. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in such fund, account and subaccount for the fiscal year next succeeding.

(d) Upon the issuance of revenue bonds by the agency and to the extent there are sufficient proceeds available therefor, any advances to the unemployment compensation fund that the secretary deems necessary for the payment of benefits pursuant to the provisions of chapter one hundred and fifty-one A of the General Laws or for the repayment of advances made to the commonwealth from the federal unemployment account may be obtained from the advance account of the special contribution unemployment compensation advance fund. The agency shall, on request filed in writing by the secretary, withdraw from the advance account of the special contribution unemployment compensation advance fund and deposit in the unemployment compensation fund amounts determined by the secretary to be required for the payment of benefits pursuant to said chapter one hundred fifty-one A or for the repayment of advances made to the commonwealth from the federal unemployment account. The secretary shall determine the amount of interest, amortization, reserve and associated costs required for each advance made from the advance account computed in accordance with the requirements of the unemployment compensation fund and the proceedings under which the revenue bonds or bond anticipation notes are authorized and such amounts shall constitute the basis for the surcharge on contributions required pursuant to the provisions of section fourteen of said chapter one hundred and fifty-one A, as established by statute. For purposes of this paragraph the words, "associated costs", shall mean all costs related to the efficient establishment, operation and administration of the special contribution unemployment compensation advance fund and the proceedings under which the bonds and any bond anticipation notes are issued pursuant to this section and the costs of establishing the billing, payment and collection procedures referred to in paragraph *(b)*.

The moneys in the advance account may also be used to pay any costs related to the issuance of revenue bonds by the agency pursuant to this section and to pay any debt service thereon for which amounts on deposit in the debt service and reserve account are insufficient.

Bonds issued pursuant to paragraph *(a)* shall be special obligations of the agency and shall not be payable from nor charged upon any funds other than the special contribution unemployment compensation advance fund and special revenues pledged to the payment thereof, nor shall the agency be subject to any liability thereon other than from such sources. As part of the contract of the agency with the owners of such revenue bonds, the commonwealth hereby provides that all amounts necessary for the punctual payment of the debt service requirements with respect to such revenue bonds shall be deemed appropriated by the commonwealth, but only from the special contribution unemployment compensation advance fund and any special revenues.

Whether or not any revenue bonds or bond anticipation notes issued by the agency pursuant to this section are of such form and character as to be negotiable

instruments under the terms of chapter one hundred and six of the General Laws, such bonds and bond anticipation notes are hereby made negotiable instruments within the meaning of and for all purposes of said chapter one hundred and six, subject only to the provisions of such bonds and bond anticipation notes.

The commonwealth covenants with the purchasers and all subsequent owners and transferees of revenue bonds and bond anticipation notes issued by the agency pursuant to this section in consideration of the acceptance of and payment for such bonds or bond anticipation notes, that such bonds or bond anticipation notes shall be free at all times from taxes levied by any municipality or political subdivision or special district of the commonwealth having taxing powers, and the principal and interest of any bonds and bond anticipation notes issued by the agency under the provisions for this section, their transfer and the income therefrom, including any profit on the sale or transfer thereof, shall at all times be exempt from any taxation by the commonwealth or under its authority, except for estate or succession taxes. The agency is authorized to include this covenant of the commonwealth in any agreement with the owner of any such bonds or bond anticipation notes and in any credit facility or reimbursement agreement with respect thereto.

The commonwealth further covenants with the purchasers and all subsequent owners and transferees of bonds and bond anticipation notes issued by the agency pursuant to this section in consideration of the acceptance of the payment for the bonds and bond anticipation notes, until such bonds and bond anticipation notes, together with the interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any action or proceeding on behalf of such owners, are duly met and discharged or unless expressly permitted or otherwise authorized by the term of each contract and agreement made or entered into by or on behalf of the agency with or for the benefit of such owners, that the commonwealth will cause the secretary to impose, charge, raise, levy, collect and apply the pledged surcharge on contributions and other revenues, receipts, funds or moneys pledged for the payment of debt service requirements in each year in which bonds or bond anticipation notes are outstanding and further, that the commonwealth (1) will not limit or alter the duties imposed on the commonwealth, the agency and other officers of the commonwealth by the proceedings authorizing the issuance of bonds or bond anticipation notes with respect to application of pledged special contributions or other revenues, receipts, funds or moneys pledged for the payment of debt service requirements; (2) will not create or cause to be created any lien or charge on such pledged amounts, including the special revenues, other than a lien or pledge created thereon pursuant to this section; provided, however, that nothing in this paragraph shall prevent the agency from issuing evidences of indebtedness (A) which are secured by a pledge or lien which is and shall on the face thereof be expressly subordinate and junior

in all respects to every lien and pledge created by or pursuant to this section; or (B) which are secured by a pledge of or lien on moneys or funds derived on or after such date as every pledge or lien thereon created by or pursuant to this section shall be discharged and satisfied; (3) will not in any way impair the rights, exemptions or remedies of such owners; and (4) will not limit, modify, rescind, repeal or otherwise alter the rights or obligations of the appropriate officers of the commonwealth to impose, maintain, charge or collect the surcharge on contributions and other revenues or receipts constituting the special revenues as may be necessary to produce sufficient revenues to fulfill the terms of the proceedings authorizing the issuance of the bonds, including pledged revenue coverage requirements, and provided, further, that nothing herein shall preclude the commonwealth from exercising its power, through a change in law, to limit, modify, rescind, repeal or otherwise alter the character of such pledged surcharge on contributions or special revenues or to substitute like or different sources of contributions, assessments, taxes, fees, charges or other receipts as pledged revenues if, and when adequate provisions shall be made by law for the protection of the holders of outstanding bonds or bond anticipation notes pursuant to the proceedings under which such bonds or notes are issued including changing or altering the method of establishing the surcharge on contributions as authorized by statute. The agency is authorized to include this covenant of the commonwealth, as a contract of the commonwealth, in any agreement with the owner of any such bonds or bond anticipation notes and in any credit facility or reimbursement agreement with respect thereto.

SECTION 51A. The department of employment and training shall utilize the state benefits financing model established by the United States Department of Labor.

SECTION 52. There shall be established a pilot program for standard industrial classification number 7996 to examine and implement changes regarding benefits for seasonal employees, and for certain low-wage workers.

SECTION 53. In addition to the information required to be provided in section fourteen F of chapter one hundred and fifty-one A of the General Laws, the commissioner of the department of employment and training shall include in each quarterly report a five year projection, using applicable schedules, for the private contributory system which indicates for each calendar year estimated contributions, benefit payments, trust fund balance, total estimated interest owed to the federal government as of September thirtieth of the calendar year, interest to be collected by employers through the surcharge imposed under section fourteen J of said chapter one hundred and fifty-one A on an accrued basis, and the aggregate dollar amount of FUTA employer credit reduction that will be applicable in the calendar year. Such quarterly reports shall include the economic assumptions on which the projections are based including the total covered payroll, taxable payroll,

covered employment, the effective tax rate on taxable wages for the applicable schedule which shall include the solvency assessment, the taxable wage proportion, the total unemployment rate, and the total insured unemployment rate. The quarterly reports shall be audited by a private, independent organization by December thirty-first of each year.

SECTION 54. The report of the commissioner of the department of employment and training provided each October fifteenth shall include a recommendation regarding the amount of contributions necessary for the succeeding calendar year to achieve a positive trust fund balance, at reasonable increments, by December thirty-first, nineteen hundred and ninety-five and ninety-six and shall include a statement, if applicable, that the total contributions for the succeeding calendar year may exceed one and seventy-five hundredths percent of total wages in such year and any recommendations to prevent the same.

SECTION 55. Sections four and nine of this act shall only be applicable to those claims filed on or after September sixth, nineteen hundred and ninety-two. Section five of this act shall be applicable with respect to determinations issued on or after the effective date of this act. Sections ten and ten A shall be applicable only with respect to new claims field on or after January first, nineteen hundred and ninety-three. Sections eight and eight A of this act shall be applicable with respect to new claims for worksharing benefits filed on or after the effective date of this act. Sections one and two of this act shall take effect as of June thirtieth, nineteen hundred and ninety-two.

Approved July 14, 1992.

Chapter 119. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the acceptance of the provisions of section twenty-two D of chapter thirty-two of the General Laws by the city of New Bedford, the retirement system of said city of New Bedford may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities.

SECTION 2. Notwithstanding the provisions of clause *(i)* of paragraph *(c)* of

subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the retirement system of the city of New Bedford for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause *(i)*, shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided however, that any such schedule shall be submitted to said actuary on or before December first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than December fifteenth, nineteen hundred and ninety-two.

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

Approved July 14, 1992.

Chapter 120. **AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE TOWN OF BRAINTREE CONTRIBUTORY RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. The town of Braintree and the Braintree contributory retirement system are hereby deemed to have accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for said system or for such other assumed liabilities; and, provided further, that said retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or of any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the town of Braintree contributory retirement system for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with

said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before July fifteenth, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than July thirtieth, nineteen hundred and ninety-two, or within thirty days after the effective date of this act, whichever is later.

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

Approved July 14, 1992.

Chapter 121. AN ACT AUTHORIZING THE TOWN OF CUMMINGTON TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

The town treasurer of the town of Cummington is hereby authorized to pay from available funds to Richard Ames, the sum of seventeen thousand five hundred dollars, and to Patrick Ames, the sum of two thousand six hundred and fifty dollars, for work performed, including labor and materials, on the recreation building located at Pettingill Memorial Ballfield in said town, notwithstanding the failure of said town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contracts.

Approved July 14, 1992.

Chapter 122. AN ACT RELATIVE TO THE BOARD OF PUBLIC WORKS OF THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

SECTION 1. The charter amendment adopted by the town of Fairhaven effective February first, nineteen hundred and seventy-one with respect to the number and terms of office of the members of the board of public works of said town is hereby ratified, validated and confirmed.

SECTION 2. Chapter 722 of the acts of 1968 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. There shall be established in the town of Fairhaven, a board of public works, hereinafter called the board, consisting of five members at large. Upon the expiration of the term of any member, his successor shall be elected at an annual

town election to serve for a term of three years. In all cases the members of the board shall serve until their successors are qualified. The members of the board shall, after each annual town election, elect from among its members a chairperson and a clerk for the ensuing year. In the case of a vacancy, the board of selectmen shall, within thirty days, fill such vacancy until the next annual town election, when a member shall be elected to fill an unexpired term resulting from such vacancy. No person shall serve on the board who holds an elected or appointed office in said town other than town meeting member and no employee of the town shall serve on the board.

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

Approved July 14, 1992.

Chapter 123. AN ACT AUTHORIZING THE TOWN OF WILMINGTON TO BORROW MONEY TO PAY A CERTAIN JUDGMENT.

Be it enacted, etc., as follows:

SECTION 1. The town of Wilmington is hereby authorized for the purpose of paying a judgment rendered in the case of Avco Manufacturing Corporation v. Board of Assessors of Wilmington and costs incidental and related thereto to appropriate and expend an amount not to exceed one million five hundred thousand dollars.

SECTION 2. For the purpose authorized in section one, the town treasurer of the town of Wilmington may borrow upon the credit of said town such sums as may be necessary not exceeding, in the aggregate, one million five hundred thousand dollars and may issue bonds or notes of said town which shall bear on their face the words "Town of Wilmington Loan, Act of 1992".

Each authorized issue of bonds or notes shall constitute a separate loan and each such loan shall be payable over a term not exceeding ten years. Bonds or notes issued hereunder shall be subject to the provisions of chapter forty-four of the General Laws, including the limitation provided in section ten.

SECTION 3. All acts and proceedings taken by the town of Wilmington at its annual town meeting held on April eighteenth and April twenty-fifth, nineteen hundred and ninety-two appropriating funds and authorizing the borrowing of one million five hundred thousand dollars for the payment of a judgment in the case of Avco Manufacturing Corporation v. Board of Assessors of Wilmington, and costs incidental and related thereto, are hereby validated, ratified and confirmed in all respects, to the same extent as if this act had been in full force and effect at the time of said meeting.

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

Approved July 14, 1992.

Chapter 124. **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. Chapter five hundred and one of the acts of 1991 is hereby repealed.

SECTION 2. 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 2A on a plan entitled "Plan of Land for Anthony R. Faria, East Falmouth, Barnstable County, Mass.," dated 12-12-90.

SECTION 3. In consideration of the release authorized by section two, Anthony R. Faria shall convey to the town of Falmouth all of his right, title and interest in a certain parcel of land in said town shown as Parcel 2B on said plan and shall record a building restriction on Parcel 2A.

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

Approved July 14, 1992.

Chapter 125. **AN ACT AUTHORIZING THE TOWN OF AMHERST TO CONVEY CERTAIN PARCELS OF CONSERVATION LAND.**

Be it enacted, etc., as follows:

The town of Amherst acting by and through its town manager is hereby authorized to transfer the care, custody and control of parcels 4 and 5 as shown on a plan of land entitled "Plan of Land in Amherst (Hampshire County) MA surveyed for Amherst Public Schools", dated August 28, 1991, C.T. Male Associates, P.C. Engineers, from the conservation commission to the Amherst school department of said town and said school department upon said transfer, shall transfer the care, custody and control of parcels 1 and 2 as shown on the aforesaid plan to the conservation commission of said town.

Approved July 15, 1992.

Chapter 126. **AN ACT PROVIDING FOR A FIVE MEMBER BOARD OF SELECTMEN IN THE TOWN OF SWAMPSCOTT.**

Be it enacted, etc., as follows:

SECTION 1. There shall be a board of selectmen in the town of Swampscott to consist of five members elected by the voters for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year.

SECTION 2. There shall be a special election held in April, nineteen hundred and ninety-three for the purpose of filling the positions created under the provisions of this act. Candidates for such election shall be nominated and the election conducted in the same manner as for regular town elections. Each of the two candidates receiving the highest number of votes shall be elected for a term of office of three years. Each of the two candidates receiving the third and fourth highest number of votes shall be elected for a term of office of two years. The candidate receiving the fifth highest number of votes shall be elected for a term of office of one year.

A member elected to the board at the annual town election commencing in nineteen hundred and ninety-four and thereafter shall be elected for a term of office of three years.

SECTION 3. The state secretary shall cause the following question to be placed on the official ballot to be used in the town of Swampscott at the biennial state election to be held in the year nineteen hundred and ninety-two. "Shall an act passed by the general court in the year nineteen hundred and ninety-two, entitled 'An Act providing for a five member board of selectmen in the town of Swampscott', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, then this act shall take effect but not otherwise.

Approved July 16, 1992.

Chapter 127. AN ACT RELATIVE TO THE DEVELOPMENT OF THE WOODSOM FARM IN THE TOWN OF AMESBURY.

Be it enacted, etc., as follows:

SECTION 1. For purposes of this act, the following words shall, unless the context requires otherwise, have the following meanings:-

"Golf course", a golf course and related facilities to be opened to the public on a fee basis.

"Recreational facilities", facilities for active and passive recreational uses including but not limited to fields, tennis courts, basketball courts, playgrounds, hiking and jogging trails, open space and parking areas related hereto.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the town of Amesbury is hereby authorized to enter into a lease for a term not to exceed forty years of a part or all of the land located in said town and

known as the Woodsom Farm; provided, however, that said lease shall be subject to the provisions of section sixteen of chapter thirty B of the General Laws. Said lease may provide that the lessee shall be responsible for the design, development, construction and operation of a golf course and recreational facilities on said land.

SECTION 3. The design and construction of the golf course and recreational facilities shall be exempt from the provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven, 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. No funds of the town of Amesbury shall be expended for the design and construction of the golf course and recreational facilities.

Approved July 16, 1992.

Chapter 128. AN ACT FURTHER DEFINING A FARMER.

Be it enacted, etc., as follows:

Section 1 of chapter 90 of the General Laws is hereby amended by striking out the definition of "Farmer", as appearing in the 1990 Official Edition, and inserting in place thereof the following definition:-

"Farmer", a person substantially engaged in the occupation of farming which shall include, but not be limited to, farming in all its branches, the cultivation and tillage of soil, dairying, the production, cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock, including horses, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals and any practices, including any forestry or lumbering operations performed by a farmer engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations including, but not limited to, preparations for market, delivery to storage or to market or to carriers for transportation to market.

Approved July 17, 1992.

Chapter 129. AN ACT AUTHORIZING THE TOWN OF YARMOUTH TO APPROPRIATE A CERTAIN OVERLAY DEFICIT OVER A PERIOD OF YEARS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Yarmouth is hereby authorized to carry its overlay deficit, as it existed as of June thirtieth, nineteen hundred and ninety-two, and to raise in its tax rate said overly deficit on the following ratio: one-fifth of said deficit in fiscal year nineteen hundred and ninety-three, one-fifth of said deficit in fiscal year nineteen hundred and ninety-four, one-fifth of said deficit in fiscal year nineteen hundred and ninety-five, one-fifth of said deficit in fiscal year nineteen hundred and ninety-six and the remaining one-fifth of said deficit in fiscal year nineteen hundred and ninety-seven or such other amount with the prior written approval of the director of accounts.

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

Approved July 17, 1992.

Chapter 130. AN ACT FURTHER REGULATING ELECTIONS IN THE CITY OF NEWBURYPORT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section two of chapter fifty-four of the General Laws, the city of Newburyport is hereby authorized to establish two precincts in Ward One in said city.

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

Approved July 17, 1992.

Chapter 131. AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN EMPLOYEE OF THE BOSTON MUNICIPAL 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 employee of the Boston municipal court department of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the Boston municipal court department of the trial court of the commonwealth is hereby authorized and directed to establish a sick leave bank for

probation officer Daniel Griffin of the Boston municipal court department. Each employee of the trial court of the commonwealth may voluntarily contribute one or more of his sick, personal or vacation days to said sick leave bank for use by said Daniel Griffin.

The foregoing was laid before the Governor on the seventh day of July, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by him with his objections thereto within that time.

Chapter 132. AN ACT ESTABLISHING MAMMOGRAPHY STANDARDS AND PROVIDING FOR THE LICENSING OF MAMMOGRAPHY FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Section 5L of chapter 111 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 27, 34, 50, 53 and 58, the word "commission" and inserting in place thereof, in each instance, the following word:- department.

SECTION 2. The first paragraph of section 5N of said chapter 111, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following three sentences:- The department shall promulgate rules and regulations that will ensure optimum exposure ranges for safe and effective diagnostic radiographic examinations. Such rules and regulations shall be no less stringent than the most current standards and guidelines developed by the National Council on Radiation Protection and Measurements, the American College of Radiology, the Conference of Radiation Control Program Directors and other pertinent national and international organizations. Such rules and regulations shall not limit the intentional exposure of patients to radiation for the purpose of lawful therapy or research conducted by licensed health professionals.

SECTION 3. Said section 5N of said chapter 111, as so appearing, is hereby further amended by striking out, in lines 46 and 47, the words "five N to five P" and inserting in place thereof the following words:- five N to five Q.

SECTION 4. Section 5 O of said chapter 111, as so appearing, is hereby amended by striking out, in lines 2 and 3, 7, 12 and 13, 39 and 40 and 47, the words "five N to five P" and inserting in place thereof, in each instance, the following words:- five N to five Q.

SECTION 5. Said section 5 O of said chapter 111, as so appearing, is hereby further amended by striking out, in line 22, the words "section five N or section five P" and inserting in place thereof the following words:- section five N, five P or five Q.

SECTION 6. Said chapter 111 is hereby further amended by inserting after section 5P the following section:-

Section 5Q. (a) The department shall promulgate rules and regulations for the licensing of mammography facilities. Said rules and regulations shall establish mandatory requirements for facilities that offer diagnostic mammography services within the commonwealth, and shall be no less stringent than the most current standards of the American College of Radiology. Such rules and regulations shall require that a physician be designated by the facility to be responsible for the overall quality assurance of said facility. Such rules and regulations shall also include, but not be limited to, the following provisions: optimum exposure ranges; equipment standards and requirements; mandated quality assurance programs; phantom image quality requirements; operator training and experience requirements; annual evaluation and calibration of the mammography unit by a qualified radiation physicist; registration of the mammography facility and specific inspection procedures by department inspectors; reporting and recordkeeping requirements, as well as others so determined to be appropriate. The department may accept, in lieu of the above, certification by the American College of Radiology or other recognized organization as deemed status for licensing; provided, however, that the standards of said organization shall be no less stringent than the most current standards of the American College of Radiology. For purposes of this section, a mammography facility shall be defined as any facility, whether stationary or mobile, that offers diagnostic mammography services to any person in the commonwealth, including but not limited to, any facility owned or operated by any health care provider as defined in section one, a health maintenance organization licensed pursuant to chapter one hundred and seventy-six G or any other entity that offers such services as defined by rules and regulations of the department.

(b) All mammograms shall be read and interpreted by a physician practicing in accordance with the requirements of section five L of chapter one hundred and twelve.

(c) The radiologic technologist performing the mammography procedure shall be responsible for ensuring that the resulting radiographs meet the technical and diagnostic requirements of the physician reading the mammogram.

(d) The department may establish a separate registration fee for diagnostic radiographic machines used for mammography under section five N; provided, however, that registration fees established pursuant to this section shall be sufficient in the aggregate to support the net state cost, subject to appropriation, for meeting the purposes of this section, after consideration of any amounts available from the federal government for said purposes.

(e) The department shall require the use of radiographic systems specifically designed for, and exclusively used for, mammography.

(f) The department may issue temporary licenses as an interim measure until

all requirements for full licensure are met, and may revoke said license if the facility is found to be in noncompliance with the department's rules and regulations.

(g) The department shall establish appropriate procedures for application and licensing for facilities seeking a license to operate as a mammography facility.

(h) The department shall inspect mammography facilities annually, and shall notify the board of registration in medicine of any physician practicing in violation of the requirements of section five L of chapter one hundred and twelve regarding the reading and interpretation of mammography.

(i) The department shall issue a certificate of inspection after each inspection, which the facility shall post near the mammography unit in full public view.

(j) The department may suspend or revoke a license to conduct mammography should a facility not meet any of the requirements set forth in this section.

SECTION 7. Chapter 112 of the General Laws is hereby amended by inserting after section 5K the following section:-

Section 5L. The board shall by regulation establish qualifications, standards and criteria no less stringent than the most current standards of the American College of Radiology, which shall apply to all physicians who read and interpret mammography.

SECTION 8. The regulations required by section five L of chapter one hundred and twelve of the General Laws, inserted by section seven of this act shall be promulgated no later than six months after the effective date of this act.

Approved July 20, 1992.

Chapter 133. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-THREE FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, and 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-three, in this act referred to as the year nineteen hundred and ninety-three, or for such period as may be designated. No department, commission, agency or institution which is authorized by section two to retain and expend specified amounts of certain revenue for particular purposes may expend any amount of such retained revenue for the compensation of employees unless said section two specifically provides otherwise; and provided, that no such fund may be expended by any such department, commission, agency or institution prior to actual receipt of any such funds unless section two specifically provides otherwise.

SECTION 1A. In accordance with Articles LXIII and CVII of the Articles of Amendment to the constitution and section six D of chapter twenty-nine of the General Laws, it is hereby declared that the amounts of revenue set forth in this section by source for the respective funds of the commonwealth for the fiscal year ending June thirtieth, nineteen hundred and ninety-three are necessary and sufficient to provide the means to defray the appropriations and expenditures from such funds for such fiscal year as set forth and authorized in sections two, two A and two B. The comptroller is hereby authorized and directed to keep a distinct account of actual receipts from each such source by each such fund, to furnish the executive office of administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth herein, and to include a full statement comparing such actual and projected receipts in the annual report for such fiscal year pursuant to section thirteen of chapter seven A of the General Laws; provided, such quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

FY 1993 Revenue by Source and Budgetary Fund
(In Millions)

Source	All Funds	General Fund	Highway Fund	Local Aid Fund	Other Funds
Alcoholic Beverages	61.0	61.0			
Commercial Banks	35.0	35.0			
Savings Institutions	43.0	43.0			
Cigarette	140.0	140.0			
Corporations	630.0	504.0		126.0	
Deeds	34.0	34.0			
Estate/Inheritance	275.0	275.0			
Income	5,320.0	2,912.9		2,128.0	279.1
Insurance	284.0	284.0			
Motor Fuels	545.0	73.6	470.7		0.7
Utilities	59.0	59.0			
Room Occupancy	58.0	37.7			20.3
Sales & Use: Regular	1,540.0	924.0		616.0	
Sales & Use: Meals	315.0	189.0		126.0	
Sales & Use: Motor Vehicle	305.0	183.0		122.0	
Misc. Dept.	2.0	2.0			
Racing	25.9	25.9			
Beano	4.8	4.8			
Raffles/Bazaar	1.4	1.4			
Division of Insurance	6.9	6.9			
Total Taxes	9,685.0	5,796.2	470.7	3,118.0	300.1
Federal Reimbursements	2,654.2	2,648.6	3.0		2.6
Departmental Revenue	985.5	519.7	387.5	1.6	76.6
Retained/Restricted Revenue	556.3	210.0	5.1	329.0	12.1
Transfers	558.6	350.9	16.1	191.6	0.1
Total for Budget	14,439.6	9,525.5	882.4	3,640.2	391.5

SECTION 1B. The comptroller is hereby authorized and directed to keep a distinct account of actual receipts of nontax revenues by each department, board, commission or institution, to furnish the executive office of administration and finance

and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth herein, and to include a full statement comparing such actual and projected receipts in the annual report for such fiscal year pursuant to section thirteen of chapter seven A of the General Laws; provided, such quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

Non-Tax Revenue Executive Office Summary

Secretariat	FY 1993 Unrestricted Non-Tax	FY 1993 Restricted Non-Tax	FY 1993 Total Non-Tax
Judiciary	72,226,767	2,981,627	75,208,394
District Attorneys	9,178		9,178
Executive	2,500		2,500
Secretary of State	26,126,224		26,126,224
Treasurer	501,721,367	335,000,000	836,721,367
State Auditor	27,357		27,357
Attorney General	5,800,379		5,800,379
State Ethics Commission	24,915		24,915
Inspector General	565		565
Administration and Finance	323,895,485	7,984,607	331,890,092
Environmental Affairs	80,735,850	10,376,425	91,112,275
Communities and Development	16,020,000	300,000	16,320,000
Health and Human Services	2,599,346,714	188,023,064	2,787,369,778
Transportation and Construction	25,682,391	28,349	25,710,740
Board of Library Commissioners	1,500		1,500
Education	65,627,955	184,000	65,811,955
Public Safety	394,675,795	10,642,634	405,318,429
Economic Affairs	391,650		391,650
Elder Affairs	4,044,000		4,044,000
Consumer Affairs	65,103,626	750,000	65,853,626
Labor	16,424,894		16,424,894
Legislature	483,618		483,618
Total, Non-Tax	4,198,336,195	556,279,884	4,754,616,079

	FY1993 Unrestricted Non-Tax	FY1993 Restricted Non-Tax	Total Non-Tax
Judiciary			
Supreme Judicial Court	19,154,863	8,330	19,163,196
Appeals Court	278,498	2,196	280,694
Trial Court	52,793,406	2,971,101	55,764,507
Total, Judiciary	72,226,767	2,981,627	75,208,394
District Attorneys			
District Attorneys	9,178		9,178
Total, District Attorneys	9,178		9,178
Executive			
Governor's Office	2,500		2,500
Total, Executive	2,500		2,500
Secretary of the Commonwealth			
Secretary's Office	26,126,224		26,126,224
Total, Secretary	26,126,224		26,126,224
Treasurer and Receiver General			
Office of the Treasurer	241,525,669	6,000,000	247,525,669
Lottery Commission	260,195,698	329,000,000	589,195,698
Total, Treasurer	501,721,367	335,000,000	836,721,367
State Auditor			
State Auditor's Office	27,357		27,357
Total, State Auditor	27,357		27,357
Attorney General			
Attorney General's Office	5,800,379		5,800,379
Total, Attorney General	5,800,379		5,800,379

	FY1993 Unrestricted Non-Tax	FY1993 Restricted Non-Tax	Total Non-Tax
State Ethics Commission			
Ethics Commission	24,915		24,915
Total, Ethics Commission	24,915		24,915
Inspector General			
Inspector General	565		565
Total, Inspector General	565		565
Administration and Finance			
Div. Cap. Planning & Operations	605,446	3,529,436	4,134,882
Dept of Employment Admin.	3,697	600,000	603,397
Administration and Finance	136,529,806		136,529,806
Management Information Systems	600		600
Office of Employee Relations	450,000		450,000
Bureau of State Buildings	367,500		367,500
Department of Revenue	74,438,653		74,438,653
Group Insurance Commission	108,617,430	2,977,171	111,594,601
Procurement/General Services	56,000	878,000	934,000
Appellate Tax Board	2,826,353		2,826,353
Office of the Comptroller	2,000		2,000
Total, Administration and Finance	323,895,485	7,984,607	331,880,092
Environmental Affairs			
Environ. Quality Engineering	32,521,484	8,506,425	41,027,909
Fisheries and Wildlife	15,044,850	1,100,000	16,144,850
Food & Agriculture	4,481,240		4,481,240
Environmental Management	28,184,276	600,000	28,784,276
Environmental Affairs	504,000	170,000	674,000
Total, Environmental Affairs	80,735,850	10,376,425	91,112,275
Communities and Development			
Exec. Office of Comm. & Develp.	16,020,000	300,000	16,320,000
Total, Communities & Development	16,020,000	300,000	16,320,000

	FY1993 Unrestricted Non-Tax	FY1993 Restricted Non-Tax	Total Non-Tax
Human Services			
Rate Setting Commission	11,062,000		11,062,000
Commission for the Blind	38,741,434		38,741,434
Executive Office	25,111,000		25,111,000
Veterans' Services	300		300
Youth Services	40,000		40,000
Public Welfare	2,139,578,399	120,000,000	2,259,578,399
Public Health	1,270,741	68,003,064	69,273,805
Social Services	109,716,850		109,716,850
Mental Health	48,390,918		48,390,918
Mental Retardation	216,026,436		216,026,436
Commission for the Deaf	1,200	20,000	21,200
Soldiers' Home	9,407,436		9,407,436
Total, Human Services	2,599,346,714	188,023,064	2,787,369,778
Transportation and Construction			
Mass. Aeronautics Commission	300,000		300,000
Department of Public Works	5,956,579		5,956,579
Executive Office	19,425,812	28,349	19,454,161
Total, Trans. and Construction	25,682,391	28,349	25,710,740
Libraries			
Board of Library Commissioners	1,500		1,500
Total, Libraries	1,500		1,500
Education			
Higher Education	60,716,955		60,716,955
Elementary, Secondary & Occ.	4,911,000	184,000	5,095,000
Total, Education	65,627,955	184,000	65,811,955

	FY1993 Unrestricted Non-Tax	FY1993 Restricted Non-Tax	Total Non-Tax
Public Safety			
Executive Office	3,148,047	5,000,000	8,148,047
Merit Rating Board	115,200		115,200
Police	770,400	1,050,000	1,820,400
Dept. of Public Safety	7,552,720		7,552,720
Registry of Motor Vehicles	377,242,834	4,057,634	381,300,468
Military Division	128,000	75,000	203,000
Board of Bldg. Regulations	2,842,000		2,842,000
MA Emer. Management Agency	453,794	250,000	703,794
Criminal History Systems Board	120,000	180,000	300,000
Governor's Highway Safety Bureau	140,000		140,000
Criminal Justice Training Council	252,750		252,750
Fire Fighting Academy	1,910,000		,910,000
Total, Public Safety	394,675,795	10,642,634	405,318,429
Economic Affairs			
Energy & Other	386,650		386,650
Executive Office Economic Affairs	5,000		5,000
Total, Economic Affairs	391,650		391,650
Elder Affairs			
Executive Office of Elder Affairs	4,044,000		4,044,000
Total, Elder Affairs	4,044,000		4,044,000
Consumer Affairs			
Alcoholic Beverage Commission	2,514,435		2,514,435
Insurance	15,241,207		15,241,207
Division of Banks	15,715,175		15,715,175
Division of Registration	18,101,442		18,101,442

	FY1993 Unrestricted Non-Tax	FY1993 Restricted Non-Tax	Total Non-Tax
Department of Public Utilities	9,423,367	750,000	10,173,367
State Racing Commission	2,509,000		2,509,000
Television Commission	1,503,000		1,503,000
Executive Office	96,000		96,000
Total, Consumer Affairs	65,103,626	750,000	65,853,626
Labor and Industries			
Dept. of Industrial Accidents	15,189,149		15,189,149
Dept. of Labor & Industries	1,235,742		1,235,742
Total, Labor and Industries	16,424,894		16,424,894
Legislature			
Joint Legislature	483,525		483,525
Senate	93		93
Total, Legislature	483,618		483,618
Total Non-Tax	4,198,336,195	556,279,884	4,754,616,079

SECTION 2.

JUDICIARY.

Item

Notwithstanding the provisions of section one to the items 0320-0001 to 0339-2100 are charged as follows:

General Fund	25.0%
Local Aid Fund	75.0%

Supreme Judicial Court.

0320-0001 For	the salaries, traveling allowances, and expenses of the chief justice and the six associate justices	$669,408
0320-0002 For	the expenses of the commissions of the supreme judicial court, including the commission on the future of the courts, the commission on racial and ethnic bias, and the commission on juvenile justice	$275,000
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, including not more	

Item		
	than sixty-four positions	$3,529,090
0320-0010 For	the salaries and expenses of the Suffolk county clerk, including not more than sixteen positions	$579,499
0321-0001 For	the expenses of the commission on judicial conduct, including not more than four positions	$207,084
0321-0100 For	the service of the board of bar examiners, including not more than ten positions	$610,900
	Committee for Public Counsel Services.	
0321-1500 For	the committee for public counsel services as authorized by chapter two hundred and eleven D of the General Laws, including expenses for an audit and oversight unit, including not more than two hundred and forty positions	$11,710,411
0321-1510 For	the compensation of private counsel assigned under the provisions of subsection (b) of section six of chapter two hundred and eleven D of the General Laws, pursuant to section twelve of said chapter two hundred and eleven D of the General Laws	$36,353,330
0321-1520 For	all fees and costs, as defined in section twenty-seven A of chapter two hundred and sixty-one of the General Laws, ordered by a justice of the appeals court or a justice of a department of the trial court of the commonwealth on behalf of indigent persons, as defined in said section twenty-seven A of said chapter two hundred and sixty-one	$2,405,466
0321-1530	Notwithstanding the provisions of chapter two hundred and eleven D, 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 current and prior fiscal years, up to a maximum of five thousand dollars	$5,000
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 seventy thousand three hundred and fourteen dollars shall be obligated for a disability representation project; provided further, that not less than four hundred eighty-nine thousand seven hundred and fifty-nine dollars shall be obligated for a medicare advocacy project; provided further, that not less than two hundred fifty-five thousand nine hundred and seventeen 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	$1,818,990
0321-2000 For	the 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	$250,000
0321-2100 For	a correctional legal services committee	$336,719
0321-2205 For	expenses of the social law library located in Suffolk county; provided, that not less than one hundred ninety-two thousand dollars be made available for computerized legal research	$880,800
	APPEALS COURT.	
0322-0100 For	the salaries and expenses of the appeals court, including the salaries, traveling allowances and expenses of the chief justice and the thirteen associate justices, including not more than eighty-six positions	$3,898,000

Item		
	TRIAL COURT.	
0330-0100 For	the salaries of the justices of the trial court; provided, that 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; and provided further, 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	$24,945,750
0330-0300 For	the salaries and expenses of the administrative staff; provided, that not less than fifty thousand dollars be made available for a comprehensive assessment of the security needs of the trial court; provided further, that the chief administrative justice is authorized to contract with any individual or entity he deems most appropriate to perform said assessment; and provided further, that not less than sixty-two thousand dollars be made available for the salary and expenses of a director of security, including not more than eighty-five positions	$3,470,967
0330-0400 For	non-employee services performed by private individuals and contracted services performed by agencies and consultants, for the individual court divisions of the trial court, to be expended as determined by the chief administrative justice	$9,607,856
0330-0600 For	dental and optical health plan trust agreements	$1,275,306
0330-1000 For	payments of expenses of juries	$3,068,052
0330-2000 For	salaries and expenses of certain law libraries, including not more than thirty-four positions	$3,000,000
0330-2010 For	expenses related to computerized legal research	$175,364
0330-2020 For	centralized law book purchases	$455,318
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	$24,800,000
0330-2205 For	expenses to maintain and operate courthouse facilities owned by the commonwealth, including not more than two hundred and fifty-five positions	$9,000,000

Item		
0330-2300 For	payments of witness fees	$600,073
0330-2410 For	the salaries and expenses of the judicial training institute; provided, that not less than one hundred ninety-one thousand five hundred dollars be expended for security training of court personnel, including not more than five positions	$480,541
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	$800,531
0330-2700 For	printing expenses	$1,625,485
0330-2800 For	repairs of equipment	$2,839,540
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	$650,000
0330-3200 For	the payment of salaries and expenses of court officers; provided, that any court officer scheduled to work nineteen hundred and fifty hours, or more, in fiscal year nineteen hundred and ninety-two shall be considered a full-time court officer for fiscal year nineteen hundred and ninety-three; 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 three hundred and eighty positions	$12,684,060
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	$598,620
0330-3700 For	salaries and expenses of the court interpreter program, including not more than eleven positions	$200,000
0330-4200 For	a reserve for salaries and expenses of personnel, including senior justices, for the various divisions of the trial court, to be allocated by the chief administrative justice; provided, that the chief administrative justice shall notify the house and senate committees on ways and means of all assignments and allocations	$1,800,000
	Superior Court Department.	
0331-0100 For	the administrative office of the superior court department, including not more than one hundred and twenty positions	$3,846,246
0331-0300 For	medical malpractice tribunals established in accordance with the provisions of section sixty B of chapter two hundred and thirty-one of the General Laws	$71,223
0331-0600 For	the expenses of superior court probation services, including not more than two hundred and ten positions	$6,887,528
0331-2100 For	the Barnstable superior court, including not more than nine positions	$231,400
0331-2200 For	the Berkshire superior court, including not more than seven positions	$166,924
0331-2300 For	the Bristol superior court, including not more than thirty-three positions	$785,651
0331-2400 For	the Dukes superior court, including not more than two positions	$86,911

Item		
0331-2500 For	the Essex superior court, including not more than thirty-five positions	$1,055,986
0331-2600 For	the Franklin superior court, including not more than six positions	$178,027
0331-2700 For	the Hampden superior court, including not more than thirty-seven positions	$1,002,617
0331-2800 For	the Hampshire superior court, including not more than eight positions	$273,814
0331-2900 For	the Middlesex superior court, including not more than ninety positions	$2,615,529
0331-3000 For	the Nantucket superior court, including not more than two positions	$86,223
0331-3100 For	the Norfolk superior court, including not more than thirty-eight positions	$970,549
0331-3200 For	the Plymouth superior court, including not more than thirty-six positions	$905,938
0331-3300 For	the Suffolk superior civil court, including not more than one hundred positions	$2,974,811
0331-3400 For	the Suffolk superior criminal court; provided, that that no less than sixty-five thousand dollars shall be expended on the clerk's duties as clerk of the appellate division for the superior court for the commonwealth; provided further, that no less than forty-six thousand dollars shall be expended for the purpose of holding the unified session for sexually dangerous persons, pursuant to section nine of chapter one hundred and twenty-three A of the General Laws; provided further, that not less than two hundred thousand dollars shall be expended for a pilot program in the county of Suffolk for the purpose of assigning persons on probation to perform community work service, including the development of a record keeping and reporting system; and provided however, that the administration of said pilot program shall be subject to the approval of the chief administrative justice of the trial court, including not more than fifty-five positions	$1,994,937
0331-3500 For	the Worcester superior court, including not more than forty-five positions	$1,168,423
	District Court Department.	
0332-0100 For	the administrative office of the district court department, including not more than thirty-five positions	$1,240,914
0332-1100 For	the first district court of Barnstable, including not more than fifty-two positions	$1,485,378
0332-1200 For	the second district court of Barnstable (Orleans), including not more than twenty-five positions	$737,569
0332-1300 For	the district court of northern Berkshire (Adams, North Adams, Williamstown), including not more than fifteen positions	$528,354
0332-1400 For	the district court of central Berkshire (Pittsfield), including not more than twenty-eight positions	$846,308
0332-1500 For	the district court of southern Berkshire (Great Barrington, Lee), including not more than eleven positions	$268,540
0332-1600 For	the first district court of Bristol (Taunton), including not more than thirty-three positions	$955,796
0332-1700 For	the second district court of Bristol (Fall River), including not more than fifty-six positions	$1,492,230
0332-1800 For	the third district court of Bristol (New Bedford), including not more than fifty-nine positions	$1,629,489
0332-1900 For	the fourth district court of Bristol (Attleboro), including not more than twenty-six positions	$716,301
0332-2000 For	the district court of Edgartown, including not more than nine positions	$258,767
0332-2100 For	the first district court of Essex (Salem), including not more than fifty positions	$1,377,164
0332-2300 For	the third district court of Essex (Ipswich), including not more than six positions	$195,921
0332-2400 For	the central district court of northern Essex (Haverhill), including not more than thirty-seven positions	$1,092,571

Item		
0332-2500 For	the district court of eastern Essex (Gloucester), including not more than twenty-three positions	$636,228
0332-2600 For	the district court of Lawrence, including not more than sixty-five positions	$1,937,666
0332-2700 For	the district court of southern Essex (Lynn), including not more than fifty-six positions	$1,616,347
0332-2800 For	the district court of Newburyport, including not more than thirty positions	$821,844
0332-2900 For	the district court of Peabody, including not more than twenty-nine positions	$911,874
0332-3000 For	the district court of Greenfield, including not more than twenty-four positions	$628,610
0332-3100 For	the district court of Orange, including not more than twelve positions	$320,499
0332-3200 For	the district court of Chicopee, including not more than twenty-four positions	$570,150
0332-3300 For	the district court of Holyoke, including not more than twenty-six positions	$710,620
0332-3400 For	the district court of eastern Hampden (Palmer), including not more than seventeen positions	$533,305
0332-3500 For	the district court of Springfield, including not more than ninety-five positions	$2,925,364
0332-3600 For	the district court of western Hampden (Westfield), including not more than twenty-one positions	$567,031
0332-3700 For	the district court of Hampshire (Northampton); provided, that of the amount appropriated herein, forty thousand dollars shall be expended for an alternative probation program "Honor Court", so called, including not more than forty-four positions	$1,314,332
0332-3800 For	the district court of eastern Hampshire (Ware), including not more than ten positions	$343,061
0332-3900 For	the district court of Lowell, including not more than eighty-nine positions	$2,544,281
0332-4000 For	the district court of Somerville, including not more than sixty positions	$1,682,269
0332-4100 For	the district court of Newton, including not more than twenty-eight positions	$845,354
0332-4200 For	the district court of Marlborough, including not more than twenty-six positions	$880,809
0332-4300 For	the district court of Natick, including not more than twenty positions	$622,413
0332-4400 For	the district court of eastern Middlesex (Malden), including not more than sixty positions	$1,739,543
0332-4500 For	the second district court of eastern Middlesex (Waltham), including not more than forty positions	$1,125,294
0332-4600 For	the third district court of eastern Middlesex (Cambridge), including not more than ninety-five positions	$2,761,595
0332-4700 For	the fourth district court of eastern Middlesex (Woburn), including not more than fifty-nine positions	$1,665,482
0332-4800 For	the first district court of northern Middlesex (Ayer), including not more than thirty-four positions	$1,034,912
0332-4900 For	the first district court of southern Middlesex (Framingham), including not more than sixty positions	$1,666,102
0332-5000 For	the district court of central Middlesex (Concord), including not more than forty positions	$1,112,370
0332-5100 For	the district court of Nantucket, including not more than eight positions	$120,357
0332-5200 For	the district court of northern Norfolk (Dedham), including not more than fifty-two positions	$1,517,418
0332-5300 For	the district court of eastern Norfolk (Quincy), including not more than one hundred and ten positions	$3,127,377
0332-5400 For	the district court of western Norfolk (Wrentham), including not more than thirty-seven positions	$1,020,228
0332-5500 For	the district court of southern Norfolk (Stoughton), including not more than forty-two positions	$1,205,333
0332-5600 For	the municipal court of Brookline, including not more than twenty-four positions	$686,222
0332-5700 For	the district court of Brockton, including not more than eighty-six positions	$2,352,776

Item		
0332-5800 For	the second district court of Plymouth (Hingham), including not more than forty-four positions	$1,238,413
0332-5900 For	the third district court of Plymouth (Plymouth), including not more than forty-five positions	$1,291,376
0332-6000 For	the fourth district court of Plymouth (Wareham), including not more than thirty-six positions	$1,087,650
0332-6100 For	the district court of Brighton, including not more than thirty-five positions	$1,007,646
0332-6200 For	the district court of Charlestown, including not more than twenty positions	$700,372
0332-6300 For	the district court of Chelsea, including not more than forty-eight positions	$1,466,649
0332-6400 For	the district court of Dorchester, including not more than one hundred and ten positions	$3,457,062
0332-6500 For	the district court of East Boston, including not more than forty-seven positions	$1,296,466
0332-6600 For	the district court of Roxbury, including not more than one hundred and eighteen positions	$3,291,531
0332-6700 For	the district court of South Boston, including not more than twenty-four positions	$727,349
0332-6800 For	the district court of West Roxbury, including not more than forty-seven positions	$1,503,834
0332-6900 For	the central district court of Worcester, including not more than ninety-five positions	$2,522,142
0332-7000 For	the district court of Fitchburg, including not more than twenty-nine positions	$821,690
0332-7100 For	the district court of Leominster, including not more than fourteen positions	$448,098
0332-7200 For	the district court of Winchendon, including not more than three positions	$136,054
0332-7300 For	the first district court of northern Worcester (Gardner), including not more than twenty-five positions	$688,110
0332-7400 For	the first district court of eastern Worcester (Westborough), including not more than thirty-one positions	$841,695
0332-7500 For	the second district court of eastern Worcester (Clinton), including not more than sixteen positions	$435,119
0332-7600 For	the first district court of southern Worcester (Dudley), including not more than twenty-seven positions	$799,538
0332-7700 For	the second district court of southern Worcester (Uxbridge), including not more than eighteen positions	$434,357
0332-7800 For	the third district court of southern Worcester (Milford), including not more than twenty-three positions	$753,780
0332-7900 For	the district court of western Worcester (Spencer), including not more than fourteen positions	$440,490
	Probate and Family Court Department.	
0333-0002 For	the administrative office of the probate and family court department, including not more than twelve positions	$347,183
0333-0100 For	the Barnstable probate court, including not more than twenty-four positions	$607,769
0333-0200 For	the Berkshire probate court, including not more than fifteen positions	$461,398
0333-0300 For	the Bristol probate court, including not more than forty-six positions	$1,347,542
0333-0400 For	the Dukes probate court, including not more than three positions	$134,997
0333-0500 For	the Essex probate court, including not more than fifty-six positions	$1,610,615
0333-0600 For	the Franklin probate court, including not more than eleven positions	$328,825
0333-0700 For	the Hampden probate court, including not more than fifty-nine positions	$1,540,423
0333-0800 For	the Hampshire probate court, including not more than nineteen positions	$470,286
0333-0900 For	the Middlesex probate court, including not more than one hundred and fifteen positions	$2,904,710
0333-0911 For	the Middlesex probate court family services clinic, including not more than six positions	$170,008
0333-1000 For	the Nantucket probate court, including not more than two positions	$104,588

Item			
0333-1100 For	the Norfolk probate court, including not more than sixty-five positions		$1,903,370
0333-1111 For	the Norfolk probate court family services clinic, including not more than five positions		$108,218
0333-1200 For	the Plymouth probate court, including not more than fifty-three positions		$1,389,787
0333-1300 For	the Suffolk probate court, including not more than ninety-five positions		$2,365,661
0333-1400 For	the Worcester probate court, including not more than fifty-five positions		$1,582,602
	Land Court Department.		
0334-0001 For	the salaries and expenses of the office of the land court, including not more than seventy-five positions		$2,032,350
	Boston Municipal Court Department.		
0335-0001 For	the salaries and expenses of the Boston municipal court, including not more than one hundred and eighty positions		$4,989,575
	Housing Court Department.		
0336-0002 For	the administrative office of the housing court department, including not more than three positions		$74,130
0336-0100 For	the Boston housing court, including not more than twenty-eight positions		$641,823
0336-0200 For	the Hampden housing court, including not more than thirteen positions		$373,552
0336-0300 For	the Worcester housing court, including not more than eleven positions		$329,745
0336-0400 For	the Southeastern housing court, including not more than eleven positions		$285,992
0336-0500 For	the Northeastern housing court, including not more than eleven positions		$329,745
	Juvenile Court Department.		
0337-0002 For	the administrative office of the juvenile court department, including not more than seventeen positions		$539,886
0337-0100 For	the Boston juvenile court, including not more than one hundred positions		$3,107,246
0337-0200 For	the Bristol juvenile court, including not more than forty-eight positions		$1,627,708
0337-0300 For	the Springfield juvenile court, including not more than thirty-two positions		$1,271,621
0337-0400 For	the Worcester juvenile court, including not more than twenty-six positions		$973,519
	Office of the Commissioner of Probation.		
0339-1001 For	the office of the commissioner of probation, including not more than one hundred positions		$2,667,490
	Office of Jury Commissioner.		
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 jury expenses, including not more than twenty-five positions		$1,593,094
	DISTRICT ATTORNEYS.		
0340-0100 For	the administration of the Suffolk district attorney's office, including not more than two hundred and fifteen positions		$7,439,153
	General Fund	25.0%	

Item			
	Local Aid Fund	75.0%	
0340-0130 For	the victim and witness assistance program of the Suffolk district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than twenty-two positions		$540,103
	Victim and Witness Assistance Fund	100.0%	
0340-0135 For	the child abuse litigation unit of the Suffolk district attorney's office, including not more than eight positions		$204,637
	Victim and Witness Assistance Fund	100.0%	
0340-0140 For	overtime of state police officers assigned to the Suffolk district attorney's office, to be in addition to any other funds available for this purpose		$101,256
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0195 For	the domestic violence prosecution program of the Suffolk district attorney's office, including not more than six positions		$150,000
0340-0200 For	the administration of the Northern district attorney's office, including not more than one hundred and sixty positions		$5,433,318
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0230 For	the victim and witness assistance program of the Northern district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than twenty-three positions		$595,885
	Victim and Witness Assistance Fund	100.0%	
0340-0235 For	the child abuse litigation unit of the Northern district attorney's office, including not more than nine positions		$213,614
	Victim and Witness Assistance Fund	100.0%	
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		$296,400
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0295 For	the domestic violence prosecution program of the Northern district attorney's office, including not more than six positions		$150,000
0340-0300 For	the administration of the Eastern district attorney's office, including not more than one hundred positions		$3,374,692

	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0330 For	the victim and witness assistance program of the Eastern district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than twenty positions		$468,978
	Victim and Witness Assistance Fund	100.0%	
0340-0335 For	the child abuse litigation unit of the Eastern district attorney's office, including not more than four positions		$115,978
	Victim and Witness Assistance Fund	100.0%	
0340-0337 The	office of the Eastern district attorney is hereby authorized to expend revenues collected up to a maximum of twenty-five thousand dollars, from royalty income from book publication contracts entered into during current or prior fiscal years and from donations from charitable foundations, for the child abuse prosecution program		$25,000
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		$282,734
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0395 For	the domestic violence prosecution program of the Eastern district attorney's office, including not more than six positions		$150,000
0340-0400 For	the administration of the Middle district attorney's office, including not more than ninety-seven positions		$3,904,467
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0430 For	the victim and witness assistance program of the Middle district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than eleven positions		$341,386
	Victim and Witness Assistance Fund	100.0%	
0340-0435 For	the child abuse litigation unit of the Middle district attorney's office, including not more than five positions		$163,290
	Victim and Witness Assistance Fund	100.0%	
0340-0450 For	overtime of state police officers assigned to the Middle district attorney's office, to be in addition to any other funds available for this purpose		$298,660
	General Fund	25.0%	
	Local Aid Fund	75.0%	

Item			
0340-0495 For	the domestic violence prosecution program of the Middle district attorney's office, including not more than six positions		$150,000
0340-0500 For	the administration of the Hampden district attorney's office, including not more than eighty-one positions		$2,583,045
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0530 For	the victim and witness assistance program of the Hampden district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than twenty-one positions		$405,501
	Victim and Witness Assistance Fund	100.0%	
0340-0535 For	the child abuse litigation unit of the Hampden district attorney's office, including not more than ten positions		$145,115
	Victim and Witness Assistance Fund	100.0%	
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		$103,296
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0595 For	the domestic violence prosecution program of the Hampden district attorney's office, including not more than six positions		$150,000
0340-0600 For	the administration of the Northwestern district attorney's office, including not more than fifty positions		$1,660,341
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0630 For	the victim and witness assistance program of the Northwestern district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than fifteen positions		$326,655
	Victim and Witness Assistance Fund	100.0%	
0340-0635 For	the child abuse litigation unit of the Northwestern district attorney's office, including not more than three positions		$50,524
	Victim and Witness Assistance Fund	100.0%	
0340-0670 For	overtime of state police officers assigned to the Northwestern district attorney's office, to be in addition to any other funds available for this purpose		$115,363
	General Fund	25.0%	
	Local Aid Fund	75.0%	

Item			
0340-0695 For	the domestic violence prosecution program of the Northwestern district attorney's office, including not more than six positions		$150,000
0340-0700 For	the administration of the Norfolk district attorney's office, including not more than seventy-nine positions		$3,249,167
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0730 For	the victim and witness assistance program of the Norfolk district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than sixteen positions		$410,740
	Victim Witness Assistance Fund	100.0%	
0340-0735 For	the child abuse litigation unit of the Norfolk district attorney's office, including not more than three positions		$72,675
	Victim and Witness Assistance Fund	100.0%	
0340-0780 For	overtime of state police officers assigned to the Norfolk district attorney's office, to be in addition to any other funds available for this purpose		$219,339
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0795 For	the domestic violence prosecution program of the Norfolk district attorney's office, including not more than six positions		$150,000
0340-0800 For	the administration of the Plymouth district attorney's office, including not more than seventy-seven positions		$2,406,639
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0830 For	the victim and witness assistance program of the Plymouth district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than twelve positions		$378,271
	Victim and Witness Assistance Fund	100.0%	
0340-0835 For	the child abuse litigation unit of the Plymouth district attorney's office, including not more than six positions		$118,950
	Victim and Witness Assistance Fund	100.0%	

Item			
0340-0890 For	overtime of state police officers assigned to the Plymouth district attorney's office, to be in addition to any other funds available for this purpose		$217,633
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0895 For	the domestic violence prosecution program of the Plymouth district attorney's office, including not more than six positions		$150,000
0340-0900 For	the administration of the Bristol district attorney's office, including not more than seventy-five positions		$2,775,686
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0930 For	the victim and witness assistance program of the Bristol district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than eighteen positions		$434,104
	Victim and Witness Assistance Fund	100.0%	
0340-0935 For	the child abuse litigation unit of the Bristol district attorney's office, including not more than seven positions		$122,226
	Victim and Witness Assistance Fund	100.0%	
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		$174,998
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-0995 For	the domestic violence prosecution program of the Bristol district attorney's office, including not more than six positions		$150,000
0340-1000 For	the administration of the Cape and Islands district attorney's office, including not more than thirty positions		$1,180,206
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-1030 For	the victim and witness assistance program of the Cape and Islands district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than twelve positions		$291,006
	Victim and Witness Assistance Fund	100.0%	
0340-1035 For	the child abuse litigation unit of the Cape and Islands district attorney's office, including not more than three positions		$43,861
	Victim and Witness Assistance Fund	100.0%	

Item			
0340-1040 For	overtime of state police officers assigned to the Cape and Islands district attorney's office, to be in addition to any other funds available for this purpose		$180,520
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-1095 For	the domestic violence prosecution program of the Cape and Islands district attorney's office, including not more than six positions		$150,000
0340-1100 For	the administration of the Berkshire district attorney's office, including not more than twenty-five positions		$975,779
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-1130 For	the victim and witness assistance program of the Berkshire district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than ten positions		$268,070
	Victim and Witness Assistance Fund	100.0%	
0340-1135 For	the child abuse litigation unit of the Berkshire district attorney's office, including not more than three positions		$35,927
	Victim and Witness Assistance Fund	100.0%	
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		$70,719
	General Fund	25.0%	
	Local Aid Fund	75.0%	
0340-1195 For	the domestic violence prosecution program of the Berkshire district attorney's office, including not more than six positions		$150,000
0340-2100 For	a reserve for the implementation and related expenses of the prosecution management information system (PROMIS) and upgrades; 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-two; and provided further, that expenses may be charged directly to this item, including not more than three positions		$971,921

Item			
	EXECUTIVE.		
0411-1000 For	the salaries and expenses of the governor and lieutenant governor and officers and employees in the governor's office and lieutenant governor's office, for the salaries and personal services of the governor's council pursuant to sections three, four, and seven of chapter six of the General Laws, and for the salaries and expenses of the administrative office pursuant to sections six and six A of chapter six of the General Laws		$4,000,000
	SECRETARY OF THE COMMONWEALTH.		
0511-0000 For	the office of the secretary, including the expenses of the corporations division and maintenance of the computerized corporate library; provided, that the positions of director of administrative services, assistant supervisor of public records and the director and assistant director of the bilingual information center shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that said positions shall be compensated from this item of appropriation; and provided further, that the secretary shall file quarterly reports detailing the source and amount of revenue generated by each division within the secretary's office with the house and senate committees on ways and means		$5,583,333
0511-0200 For	the administration of the Archives Division		$452,512
0511-0230 For	the expenses of the Record Center		$155,266
0511-0250 For	the maintenance and operation of the Archives Facilities		$562,152
0511-0260 For	the administration of the Commonwealth Museum		$220,077
0517-0000 For	the expense of printing various documents, including a public register listing all notices of contractual opportunities offered by any public agency or authority of the commonwealth; provided further, that the secretary shall file quarterly reports detailing revenue generated from the sale of said publications with the house and senate committees on ways and means		$1,244,024
0521-0000 For	preparing, printing and distributing ballots and other miscellaneous expenses for primary and other elections; provided, that the position of counsel II compensated from this item of appropriation shall not be subject to the provisions of chapter thirty-one of the General Laws		$3,030,007
	Local Aid Fund	20.0%	
	General Fund	80.0%	
0524-0000 For	the expenses of compiling and publishing information to voters		$666,600
	Local Aid Fund	100.0%	
	MASSACHUSETTS HISTORICAL COMMISSION.		
0526-0100 For	the administration of the commission, provided however that the commission shall provide no less than twenty thousand dollars for certain renovations to the historic building in the town of Milford known as Memorial Hall		$570,692

Item			
	BALLOT LAW COMMISSION.		
0527-0100 For	the compensation and expenses of the commissioners		$19,757
	RECORDS CONSERVATION BOARD.		
0528-0100 For	the expenses of the board		$29,421
	TREASURER AND RECEIVER-GENERAL.		
0610-0000 For	the office of the treasurer and receiver-general; provided, that not more than four million two hundred and twenty-four thousand dollars of the amount appropriated herein shall be expended for the payment of bank fees; and provided further, that the treasurer shall provide computer services required by the teachers' retirement board, including not more than one hundred and thirty positions		$11,374,684
0610-1500 For	school choice tuition payments as required by section twelve B of chapter seventy-six of the General Laws, as amended by section twenty-three of chapter six of the acts of nineteen hundred and ninety-one and subject to the limitations contained in section six of this act; provided, that notwithstanding the provisions of chapter twenty-nine of the General Laws to the contrary, the state treasurer is hereby authorized to expend in anticipation of revenue such amounts as are necessary to meet such payments; and provided further, that the state treasurer shall deduct the amount expended from this account from item 7061-0008, in accordance with section six of this act.		
0611-1000 For	bonus payments to war veterans		$35,894
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; and provided further, that no funds appropriated under this item shall be expended for acute hospital services		$2,454,843
	Victim and Witness Assistance Fund	21.79%	
	General Fund	78.21%	
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 said distribution to said public entities shall equal one million, two hundred forty-nine thousand, nine hundred and forty-seven dollars		$477,565,226
	Local Aid Fund	100.0%	

Item

0611-5510 For reimbursements to cities and towns in lieu of taxes on state-owned lands pursuant to sections thirteen to seventeen, inclusive, of chapter fifty-eight of the General Laws $6,500,000

Local Aid Fund 100.0%

0611-5800 For distribution to each city and town within which racing meetings are conducted; provided, that each city or town's distribution shall be proportionate to its share of the amount certified by the state racing commission, pursuant to section eighteen D of chapter fifty-eight of the General Laws, at the end of the calendar year nineteen hundred and ninety-two; and provided further, that no city or town shall receive more than the amount so certified for that city or town $1,467,500

Local Aid Fund 100.0%

State Board of Retirement.

0612-0100 For the administration of the state board of retirement; 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, including not more than thirty-five positions $1,736,183

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 teachers' retirement systems, reimbursement of local retirement systems for cost-of-living adjustments pursuant to section one hundred and two of 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, 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 further, that all payments for the purposes herein described shall be made only pursuant to distribution of monies from said fund; provided further, 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-two to the house and senate committees on ways and means detailing all retirement benefits paid to the members of the state employees' and teachers' 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-two; 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-two; 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 deposits to the commonwealth's pension liability fund $778,000,000

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

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 and ninety-three; 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%

0612-2000 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, 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; 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; for pensions of retired judges or their widows; for retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission; for retirement

allowances of certain veterans and police officers formerly in the service of the metropolitan district commission; for retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district; for retirement allowances of certain veterans formerly in the service of the metropolitan water system; and for annuities for widows of certain former members of the uniformed branch of the state police $23,500,000

Highway Fund 17.8%

General Fund 82.2%

Commission on Firemen's Relief.

0620-0000 For the expenses of administration and for relief disbursed by the commissioner $9,808

Emergency Finance Board.

0630-0000 For the administration of the emergency finance 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, including not more than five positions $66,500

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, including not more than four hundred and thirty-five positions $67,767,987

0640-0096 For the purpose of the commonwealth's fiscal year nineteen hundred and ninety-three 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 $116,360

Massachusetts Cultural Council.

0640-0300 For the services and operations of the council; provided, that notwithstanding the provisions of any general or special law to the contrary, the council may expend the amounts herein appropriated for the purposes of the council as provided in sections fifty-two to fifty-eight, inclusive, of chapter ten of the General Laws in such amounts and at such times as the council may determine pursuant to section fifty-four of chapter ten of the General Laws; provided further, that notwithstanding any general or special law to the contrary, the Arts Lottery Fund shall reimburse the General Fund for the amount of this appropriation; provided further, that for the purposes of said reimbursement the comptroller is authorized to transfer twenty-five percent of the amount of this appropriation from the Arts Lottery Fund to the General Fund quarterly; and provided further, that any funds expended from this account for the benefit of school children shall be expended for the benefit of all Massachusetts school children and on the same terms and conditions, including not more than eighteen positions $6,123,420

Debt Service.

0699-0090 For debt service associated with the Dedicated Income Tax Bonds, Fiscal Recovery Loan Act of 1990 $272,534,956

Commonwealth Fiscal Recovery Fund 100.0%

0699-0100 For payments related to bonds issued pursuant to chapter one hundred and fifty-one of the acts of nineteen hundred and ninety due under agreements entered into pursuant to section thirty-eight C of chapter twenty-nine of the General Laws $6,600,000

0699-1901 For the payment of interest on certain bonded debt of the commonwealth previously charged to the State Recreation Areas Fund; for the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Parks District Fund; for payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year shall be charged to the Local Aid Fund $52,176,338

Local Aid Fund 100.0%

0699-1902 For the payment of discount on the sale of bonds of the commonwealth previously charged to the State Recreation Areas Fund; for the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Parks District Fund; for payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Local Aid Fund $6,027,454

Local Aid Fund 100.0%

0699-1903 For certain serial bonds maturing previously charged to the State Recreation Areas Fund; for certain serial bonds maturing previously charged to the Metropolitan Parks District Fund; for certain serial bonds maturing;

Item			
	provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Local Aid Fund		$17,393,119
	Local Aid Fund	100.0%	
0699-3901 For	the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Water District Fund; for the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Sewerage District Fund; 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 theGeneral Fund debt service reserve		$334,564,460
0699-3902 For	the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Water District Fund; for the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Sewerage District Fund; 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		$4,808,130
0699-3903 For	certain serial bonds maturing previously charged to the Metropolitan Water District Fund; for certain serial bonds maturing previously charged to the Metropolitan Sewerage District Fund; 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		$274,586,078
0699-3910 For	the payment of interest, discount and principal on certain bonded debt of the commonwealth associated with the Watershed Management Fund for the acquisition of development rights and other interests in land, including fee simple acquisitions of watershed lands of the Quabbin and Wachusett reservoirs and the Ware river watershed above the Ware river intake pipe		$400,000
	Watershed Management Fund	100.0%	
0699-6800 For	the payment of interest on certain bonded debt of the commonwealth; provided, that not more than eleven million dollars of the amount appropriated herein may be expended for the payment of interest, principal, redemption price, funding of reserves and other costs relating to special obligation bonds issued pursuant to the provisions of section two O of chapter twenty-nine of the General Laws; provided further, that said expenditures shall be charged to the infrastructure subfund; and provided further, that any deficit existing in this item at the close of this fiscal year shall be charged to the Highway Fund debt service reserve		$129,195,667
	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		$1,036,582
	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		$89,623,803
	Highway Fund	100.0%	
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		$20,006
	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		$3,177
	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		$561,922
	Inter City Bus 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
0699-9200 For	certain debt service contract assistance to the Massachusetts Land Bank in accordance with the provisions of section eight B of chapter one hundred and thirty of the acts of nineteen hundred and eighty-seven		$6,000,000
	AUDITOR.		
0710-0000 For	the office of the auditor		$9,503,677
0710-0100 For	the administration and expenses of the bureau of local mandates		$723,346
	Local Aid Fund	100.0%	
	ATTORNEY GENERAL.		
0810-0000 For	the office of the attorney general, including not more than three hundred and thirty-five positions		$13,091,433
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		$386,190
0810-0014 For	the expenses of public utilities proceedings of the office of the attorney general pursuant to section eleven E of chapter twelve of the General Laws, including not more than twenty positions		$1,500,000
0810-0021 For	the expenses of administering the medicaid fraud control unit; provided, that the federal reimbursement for any expenditure for this item shall not be less than seventy-five percent of such expenditure, including not more than twenty-nine positions		$1,380,132

Item		
0810-0031 For	the expenses of administering the local consumer aid fund, established by section eleven G of chapter twelve of the General Laws, including not more than three positions	$605,901
0810-0035 For	the administration and expenses of the antitrust division, including not more than eight positions	$346,385
	Anti-Trust Enforcement Fund 100.0%	
0810-0201 For	expenses incurred in administrative or judicial proceedings as authorized by section eleven F of chapter twelve of the General Laws, including not more than fifteen positions	$1,200,000
0810-0338 For	the administration and expenses of a program to investigate and prosecute automobile insurance fraud; provided, that the costs of this program shall be assessed pursuant to section three of chapter three hundred and ninety-one of the acts of nineteen hundred and ninety-one; and provided further, that said assessments shall be credited to theGeneral Fund, including not more than four positions	$100,000
0810-0399 For	workers' compensation insurance fraud prosecution; provided, that the costs of this program shall be assessed pursuant to section three of chapter three hundred and ninety-nine of the acts of nineteen hundred and ninety-one; and provided further, that said assessments shall be credited to theGeneral Fund, including not more than four positions	$100,000
0810-1031 For	the victim and witness assistance program of the office of the attorney general, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including not more than six positions	$129,566
	Victim and Witness Assistance Fund 100.0%	
	Disabled Persons Protection Commission.	
0810-2500 For	the disabled persons protection commission, including the costs of protective services pursuant to chapter six hundred and fifty-five of the acts of nineteen hundred and eighty-six, including not more than forty-two positions	$1,142,916
	Commission on Uniform State Laws.	
0830-0100 For	the administration and expenses of the commission on uniform state laws	$27,900
	Victim and Witness Assistance Board.	
0840-0100 For	the administration and expenses of the victim and witness assistance board, including not more than six positions	$250,000
	Victim and Witness Assistance Fund 100.0%	
	STATE ETHICS COMMISSION.	
0900-0100 For	the administration and expenses of the state ethics commission, including not more than twenty-five positions	$949,949
0900-0101 For	ethics commission's expenses associated with elections	$50,000

INSPECTOR GENERAL.

0910-0200 For the administration and expenses of the office of the inspector general, including not more than thirty-eight positions $1,300,000

OFFICE OF CAMPAIGN AND POLITICAL FINANCE.

0920-0300 For the administration and expenses of the office of campaign and political finance, including not more than fourteen positions $495,000

0920-0301 For expenses of the office of campaign and political finance associated with elections $50,000

OFFICE OF THE COMPTROLLER.

1000-0001 For the administration of the office, for the purpose of compliance with the Single Audit Act of nineteen hundred and eighty-four, Public Law 89-502, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June thirtieth, nineteen hundred and ninety-two, 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 amount of any such federal funds and grant receipts so credited and expended from this account shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and nontax 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 ten positions $5,100,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Commissioner.

1100-1100 For the office of the commissioner, including not more than twenty-one positions $1,119,641

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, including not more than eight positions $184,662

Office of Dispute Resolution.

1100-1103 For the office of dispute resolution; provided, that the office shall generate at least four hundred thousand dollars

from the collection of charges to other state agencies, cities, towns, and other political subdivisions of the commonwealth or to corporations and individuals for the costs of mediation services and related services, including not more than three positions $400,000

Massachusetts Corporation for Educational Telecommunications.

1100-1400 For a payment to the Massachusetts corporation for educational telecommunications to be expended in accordance with a plan that has been filed with the legislature $4,500,000

1100-5500 For the operations of the Chelsea receiver; provided, that the funds appropriated herein shall be used exclusively for the operations of the Chelsea receiver as established in chapter two hundred of the acts of nineteen hundred and ninety-one; and provided further, that the funds appropriated herein shall not be transferred to any other item of appropriation $351,700

Local Aid Fund 100%

Fiscal Affairs Division.

1101-2100 For the administration of the fiscal affairs 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 forty-six positions $2,168,092

Office of Management Information Systems.

1101-2380 For the administration of the office of management information systems; provided, that said office of management information systems is hereby authorized and directed to schedule expenditures for any software development project or system purchased for which the total budgeted cost will exceed five hundred thousand dollars; 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 2B of this act, including not more than two hundred and thirty positions $9,275,212

1101-4000 The commissioner of administration is hereby authorized to expend five hundred thousand dollars generated from reimbursements received pursuant to this item for the purpose of conducting audits and surveys to identify and realize savings in the acquisition and maintenance of communication lines, equipment, and services used by the commonwealth; provided, that all state departments and agencies shall participate or assist in such audits and surveys as directed by the commissioner; provided further, that for the purpose of conducting such audits and surveys, the commissioner may enter into agreements with one or more private persons, companies, associations, or corporations; provided further, that no such agreement shall be entered into unless proposals for the same have been invited by public notice; provided further, that any such agreement shall put forth the manner in which the compensation for such services shall be paid, including

payment of a portion of, and only upon receipt of reimbursements from providers of communication services and equipment as a result of savings identified pursuant to this item; provided further, that the commissioner shall file quarterly status reports with the house and senate committees on ways and means; and provided further, that the state comptroller shall establish accounts and procedures as he deems appropriate and necessary to assist in accomplishing the purposes of this item, including not more than one position $500,000

Division of Capital Planning and Operations.

1102-3210 For the administration of the division of capital planning and operations, including not more than one hundred and sixty-four positions $5,949,961

1102-3214 The division of capital planning and operations is hereby authorized to expend revenues collected up to a maximum of three million dollars from rentals, commissions, fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building, including 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 pursuant to the provisions of section seven of this act $3,000,000

State Transportation Building Management Fund 100.0%

Bureau of State Office Buildings.

1102-3301 For the administration of the bureau of state office 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 made available for the restoration and preservation of the historic flags displayed in the state house hall of flags; provided further, that not less than ninety thousand dollars be made available for the Massachusetts art commission; and 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 one hundred and five positions $10,495,200

1102-3302 For the purposes of utility costs for the properties managed by the bureau of state office buildings $7,213,137

1102-5231 The division of capital planning and operations is hereby authorized to expend revenues collected up to a maximum of five hundred twenty-nine thousand four hundred and thirty-six dollars accrued from rents charged to agencies occupying the Springfield state office building, including all necessary expenses for the maintenance and operation of said building, pursuant to the provisions of section eight of this act $529,436

Springfield State Office Building Management Fund 100.0%

Item		
	Department of Procurement and General Services.	
1104-1000 For	the administration of the department of procurement and general services; 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 ninety-two, including not more than ninety-six positions	$3,391,613
1104-1091 The	department of procurement and general services is hereby authorized to expend revenues collected up to a maximum of seventy-eight 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 not more than two positions	$78,000
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, the department of procurement and general services is hereby authorized to expend revenues collected up to a maximum of two hundred and fifty thousand dollars from the sale of federal surplus property, for the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of federal surplus property, including not more than eight positions	$250,000
1104-6607 The	department of procurement and general services is hereby authorized to expend revenues collected up to a maximum of five hundred and twenty-five thousand dollars from the disposal of surplus motor vehicles, from vehicle accident and damage claims, and from manufacturer warranties, rebates and settlements, for the purchase of motor vehicles, including not more than four positions	$525,000
	Office on Disability.	
1107-2400 For	the office on disability; provided, that not less than fifty thousand dollars of the amount appropriated herein shall be expended for arts programs for people with disabilities including, but not limited to festivals, training, advocacy and employment training through the arts; and provided further, that forty thousand dollars shall be expended for the disabled youth partners program, including not more than twelve positions	$604,210
	Department of Personnel Administration.	
1108-1000 For	the administration of the department of personnel administration, 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; and 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 twenty-one positions	$831,898
	General Fund 50.0%	
	Local Aid Fund 50.0%	

Item

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, 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 sixty-seven positions $2,244,548

General Fund 50.0%

Local Aid Fund 50.0%

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 fifteen positions $613,948

Civil Service Commission.

1108-1011 For the administration of the civil service commission, including not more than eleven positions $285,218

1108-1214 The department of personnel administration is hereby authorized to expend revenues collected up to a maximum of six hundred thousand dollars from the fees charged for civil service examination applications for the administration of the civil service examination program by the department, including not more than five positions $600,000

Office of Affirmative Action.

1108-2500 For the office of affirmative action, including not more than twelve positions $304,937

Office of Employee Relations.

1108-3000 For the administration of the office of employee relations; provided, that during the negotiation of any collective bargaining agreement the commissioner of administration shall file with the 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; and 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 $496,986

Item

1108-3200 For the purposes of the commonwealth's contributions for the fiscal year nineteen hundred and ninety-three 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 health and welfare trust funds on a monthly basis, or on such other basis as the applicable collective bargaining agreement provides $13,854,014

Teachers' Retirement Board.

1108-4010 For the administration of the teachers' retirement board, including not more than forty-five positions $1,140,144

Group Insurance Commission.

1108-5100 For administration of the group insurance commission; provided, that said commission shall generate three hundred twenty-five 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, including not more than fifty-two positions $1,791,000

1108-5200 For the commonwealth's share of the group insurance premium and plan costs, to be administered by the group insurance commission incurred in fiscal year nineteen hundred and ninety-three; provided, that not more than four hundred thousand dollars shall be obligated for the evaluation and audit of said premium and plan costs; provided further, that not more than three hundred thousand dollars shall be obligated for the evaluation and negotiation of premium rates which may include rates for health benefit plans, mail order prescription drug plans and long-term disability plans; 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 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 prior to July 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 commonwealth's share of the group insurance premium as provided in section eight of said chapter thirty-two A and for the purposes of section fourteen of said chapter thirty-two A shall be ninety percent of the total monthly premiums and rates as established by the commission; provided further, that employees of the Massachusetts bay transportation authority and of regional transit authorities shall pay at least ten percent of the total monthly premium and

	rates as established by the commissioner effective July first, nineteen hundred and ninety-two; provided further, that no funds shall be expended from the group insurance trust fund, as established in section nine A of chapter thirty-two A of the General Laws, for prior year expenses; provided further, that no funds from this item shall be expended for claims incurred in previous fiscal years; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; 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 for the purpose of accommodating the delayed receipt of revenues to be retained in item 1108-5300, an amount not to exceed two million dollars may be transferred from item 1108-5200 to item 1108-5300, provided that all excess revenues, if any, 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-three	$422,128,898
1108-5220 For	the mail order prescription drug benefit plan of the group insurance commission	$11,551,000
1108-5230 For	prior year payments of health insurance premiums for costs incurred through the state indemnity health insurance plan; provided, that the commission shall submit a payment schedule to the house and senate committees on ways and means, as necessary, for approval; provided further, that no funds may be expended from this item prior to the approval of said schedule; and provided further, that expenditures from this item shall be made only for the purposes expressly stated herein	$57,306,956
1108-5300 The	group insurance commission is hereby authorized to expend revenues collected up to a maximum of two million nine hundred seventy-seven thousand one hundred and seventy-one dollars, from charges to cities, towns or districts for the group insurance premium for certain retired employees and their dependents and the audit of said premium; provided, that notwithstanding any other provisions of this section, any remaining balance at the end of fiscal year nineteen hundred and ninety-two 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-three; 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	$2,977,171
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	$18,256,630
	Public Employee Retirement Administration.	
1108-6100 For	the administration of the public employee retirement administration, including 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 thirty-one positions	$2,227,309

Item		
1108-6150 For	the workers' compensation administration program of the public employee retirement administration, including not more than seventeen positions	$572,420
1108-6160 For	the workers' compensation investigatory unit of the public employee retirement administration, including not more than ten positions	$499,545
	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	$468,958
	George Fingold Library.	
1120-4005 For	the administration of the George Fingold library; provided, that not less than two hundred thousand dollars be obligated for the purchase of books, periodicals, and microfilms to maintain a current government research library collection; and provided further, that said library shall maintain regular hours of operation from nine a.m. to five p.m., including not more than thirty positions	$1,084,218
	Massachusetts Commission Against Discrimination.	
1150-5100 For	the Massachusetts commission against discrimination; 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 thirty positions	$1,105,824
	Department of Revenue.	
1201-0100 For	the administration of the department of revenue, including audits of certain foreign corporations; provided, 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; provided further, that the department shall maintain a regional office in the city of Pittsfield for the purpose of tax collection, taxpayer assistance, small business seminars, and auditing of Berkshire county and other firms; and provided further, that the department shall be prohibited from contracting for private debt collection services, including not more than two thousand and ten positions	$104,574,684

	Highway Fund	10.0%
	General Fund	90.0%

1201-0160 For the administration of the child support enforcement division of the department of revenue; provided, that the department may enter into contracts with private collection agencies for the purpose of obtaining collections from absent parents; provided further, that the department may allocate these funds to the division of state police, the district courts, the probate and family court department, the district attorneys, and other state agencies for the performance of certain child support enforcement activities, and that these agencies are hereby authorized to expend such amounts for the purposes of this item; provided further, that all such allocations shall be reported to the house and senate committees on ways and means upon the allocation of said funds; provided further, that not less than four hundred thousand dollars be made available for costs, including the cost of personnel, associated with the enhancement and/or development of the child support computer network; provided further, that no monies appropriated for the child support computer network may be expended without the written receipt and approval from the federal government of the department's advanced planning document (APD); provided further, that federal receipts associated with said network are deposited in a revolving account to be drawn down at an enhanced rate of reimbursement and to be expended for the network; provided further, that the department shall file quarterly status reports on the progress of said network with the house and senate committees on ways and means; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means, detailing the balance, year-to-date and projected receipts, and year-to-date and projected expenditures, by subsidiary, of the child support trust fund pursuant to section nine of chapter one hundred and nineteen A of the General Laws; and provided further, that the department shall file a performance report with the house and senate committees on ways and means on or before November fifteenth, nineteen hundred and ninety-two detailing current staffing levels, by function, and performance indicators, including but not limited to AFDC and non-AFDC caseloads, collection levels, court cases filed, paternities established, court orders established, average employee workload, resulting federal reimbursements, projections of the aforementioned indicators for the remainder of the fiscal year, and any deviations of current performance from previous projections, including not more than seven hundred and sixty-five positions $22,330,163

1231-0100 For the administration of the division of local services, including 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, and 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, 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 the department shall provide the legislature with access to the municipal data bank, including not more than one hundred and fifteen positions $5,028,527

Local Aid Fund 100.0%

1233-2000 For reimbursing cities and towns for abatements granted pursuant to clauses seventeen, twenty-two A, twenty-two B, twenty-two C, twenty-two E, and thirty-seven of section five of chapter fifty-nine of the General Laws $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; and provided further, 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%

Appellate Tax Board.

1310-1000 For the appellate tax board; provided, that the board schedule hearings in Barnstable, Lawrence, Pittsfield, Worcester and Springfield, including not more than thirty-two positions $1,298,024

Miscellaneous.

1599-0002 For contributions toward the maintenance of the old provincial state house $1,500

1599-0013 For a reserve for the cities and towns' unemployment health insurance contributions due under section fourteen G of chapter one hundred and fifty-one A of the General Laws; provided, 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 $3,800,000

Local Aid Fund 100.0%

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 $6,057,532

1599-0036 For the expenses of the Massachusetts convention authority $7,000,000

Massachusetts Tourism Fund 100.0%

2000-0100 For the office of the secretary, including the expenses of: 1) the water resources commission; 2) coastal zone management; 3) the review of environmental impact reports pursuant to chapter thirty of the General Laws; 4) a geographic information system for environmental data in Massachusetts; and 5) mosquito-borne disease vector control; provided, that the secretary of the executive office of environmental affairs is hereby authorized to enter into interagency agreements with any state agency within the executive office of environmental affairs whereby the secretary may render data processing service to said agency; and provided further, that the comptroller is hereby authorized to allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged, including not more than forty-five positions $1,896,040

General Fund 85.0%

Local Aid Fund 15.0%

2001-1001 The secretary of environmental affairs may expend an amount not to exceed one hundred and seventy thousand dollars accrued from 1) the rendering of data processing services to state agencies, authorities and units of government within the commonwealth; 2) the distribution of digital cartographic and other data; and 3) the review of environmental notification forms pursuant to the Massachusetts Environmental Policy Act, for staff and for printing of the MEPA monitor $170,000

2010-0100 For the operation of the Springfield recycling facility, projects in the management of solid waste and for environmental protection, and grants to cities and towns to develop local and regional recycling programs; provided, that the grants shall be awarded by the secretary of environmental affairs in consultation with the advisory committee appointed by said secretary consisting of three statewide environmental groups; provided further, that said grant awards shall be filed with the house and senate committees on ways and means $2,370,000

Clean Environment Fund 100.0%

2020-0100 For the purposes of the office of toxics use reduction assistance and technology, in accordance with the provisions of chapter twenty-one I of the General Laws; provided, that a field team of technical assistance advisors be located in donated space at the University of Massachusetts at Amherst, including not more than thirty positions $1,479,205

Toxics Use Reduction Fund 100.0%

2050-0100 For the administration of the hazardous waste site safety council, in accordance with the provisions of chapter twenty-one D of the General Laws; provided, that eighty-eight thousand five hundred dollars shall be for technical assistance grants to the town of Orange; provided further, that eighteen thousand five hundred seventy-one dollars be allocated to the towns of Athol, Erving, New Salem, Royalston, Warwick and Wendell; provided, however, that the awarding of any technical assistance grant shall meet with the prior approval

Item			
	of the secretary of the executive office of environmental affairs, including not more than three positions		$268,571
2060-0100 For	the purpose of implementing a management plan adopted pursuant to section twelve of chapter one hundred eleven H of the General Laws and for carrying out the powers and duties conferred to the program by said chapter one hundred eleven H; provided, that amounts appropriated herein are reimbursed by the Low Level Radioactive Waste Management Fund on or before June thirtieth, nineteen hundred ninety-three, including not more than six positions		$500,000
	DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.		
2100-0005 For	the department of environmental management pursuant to the purposes of sections eighty-five and eighty-eight of chapter thirty-three of the acts of nineteen hundred and ninety-one		$1,700,000
	Harbors and Inland Water Maintenance Fund	100.0%	
2100-1000 For	the administration of the department; provided, that no facilities or activities currently managed by department personnel shall be privatized or contracted out during the fiscal year, including not more than twenty-nine positions		$2,340,349
	Local Aid Fund	100.0%	
2100-2000 For	the resource conservation and protection program to protect and manage the department's lands and other natural resources, including the clean lakes program, so-called; provided, that funds appropriated herein shall used to fund forest and parks conservation services and the bureau of forestry development; provided, that the department shall maintain only two regional planners; provided further, that a sum not to exceed one hundred thousand dollars be expended for the administration of the Martha's Vineyard Commission, including not more than two hundred thirty-five positions		$7,496,663
	Local Aid Fund	82.0%	
	Highway Fund	10.0%	
	Inland Harbors and Waterways Fund	8.0%	
2100-3000 For	the recreation program; provided, that funds appropriated herein shall be used to operate all department parks, heritage state parks, reservations, campgrounds, beaches, rinks, and pools; provided further, that no facilities or activities currently operated by department personnel shall be privatized or contracted out during fiscal year nineteen hundred ninety-three; and provided further, that twenty-five thousand dollars be expended for materials and supplies at the Lowell heritage state park and that not less than three interpretive personnel be available during peak attendance months, including not more than three hundred twenty employees		$14,644,039
	Local Aid Fund	90.0%	
	Highway Fund	10.0%	

DEPARTMENT OF ENVIRONMENTAL PROTECTION.

2200-0000 For	the administration of the department, including not more than twenty positions	$1,104,940
2200-0100 For	the environmental compliance operations of the department, including the following divisions: 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 provisions of section three B of chapter seven of the General Laws, as amended by section four of chapter six of the acts of nineteen hundred and ninety-one shall not apply to fees established pursuant to section eighteen of chapter twenty-one A of the General Laws; provided further, that the one million six hundred thousand dollars appropriated herein from the clean environment fund shall be used for the operations of the division of solid waste; and provided further, that the funds appropriated herein shall be deemed sufficient to meet General Fund maintenance pursuant to the provisions of subsection (m) of said section eighteen of said chapter twenty-one A, including not more than four hundred eighty positions	$14,749,329
	General Fund 89.15%	
	Clean Environment Fund 10.85%	
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
2200-0103 The	department of environmental protection may expend an amount not to exceed seven million five hundred six thousand four hundred and twenty-five dollars for the 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	$7,506,425
	Environmental Permitting and Compliance Fund 100.0%	
2210-0100 For	the implementation and administration of chapter twenty-one I of the General Laws, including not more than ten positions	$763,856
	Toxic Use Reduction Fund 100.0%	
2220-1000 For	the bureau of municipal facilities operations of the department pursuant to the provisions of chapter two hundred seventy-five of the acts of nineteen hundred eighty-nine, including not more than ten positions	$420,000

Item		
	Local Aid Fund 100.0%	
2260-8870 For	the expenses of a hazardous waste cleanup program, pursuant to chapter twenty-one E of the General Laws; including not more than two hundred forty positions	$11,751,510
	Environmental Challenge Fund 30.0%	
	Clean Environment Fund 25.5%	
	General Fund 44.5%	
2260-9000 For	the administration of an underground storage tank petroleum product cleanup fund, in accordance with the provisions of chapter twenty-one J of the General Laws; provided, that funds appropriated herein may be used to fund personnel of the office of incident response	$600,000
	Underground Storage Tank Petroleum Product Cleanup Fund 100.0%	
	DEPARTMENT OF FISHERIES, WILDLIFE, AND ENVIRONMENTAL LAW ENFORCEMENT.	
2300-0100 For	the office of the commissioner, including not more than twelve positions	$407,132
2300-0101 For	the riverways program to protect, restore, and promote public access to rivers; provided, that the positions shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than four positions	$168,674
	Public Access Fund 100.0%	
	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, 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 at Amherst for the purposes of wildlife and fisheries research; provided further, that expenditures for such programs shall be contingent upon prior approval of proper federal authorities for reimbursement of at least seventy-five percent of the amount expended; provided further, that not more than two hundred thousand dollars may be expended for a program of acid rain monitoring; and provided further, that not more than fifty-seven thousand five hundred dollars shall be expended for a program of investigating fish kills, including not more than one hundred sixty positions	$6,234,261
	Inland Fisheries and Game Fund 100.0%	
2310-0316 For	the purchase of land containing wildlife habitat and for the costs of the division of fisheries and wildlife directly related to the administration of the wildlands stamp program pursuant to sections two and two A	

	of chapter one hundred and thirty-one of the General Laws		$2,000,000
	Inland Fisheries and Game Fund	100.0%	
2310-0317 For	a waterfowl management program established pursuant to section eleven of chapter one hundred and thirty-one of the General Laws		$123,000
	Inland Fisheries and Game Fund	100.0%	
2310-0500 For	the expenses of a state funded program in natural heritage and environmental assessment, including not more than five positions		$199,320
	Inland Fisheries and Game Fund	50.0%	
	Natural Heritage and Endangered Species Fund	50.0%	
2315-0100 For	the administration of a program of non-game management and research, including not more than five positions		$399,054
	Natural Heritage and Endangered Species Fund	100.0%	
2320-0100 For	the maintenance, operation, and improvement of public access land and water areas, as authorized by section seventeen A of chapter twenty-one of the General Laws; provided, that such positions shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than four positions		$500,000
	Public Access Fund	100.0%	
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 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 coastal and inland waters of the commonwealth		$300,000
	Public Access Fund	100.0%	
2330-0100 For	the administration of the division of marine fisheries, including expenses of the cat cove marine research 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 Newburyport shellfish purification plant and shellfish classification program; provided, that three hundred thousand dollars be expended on a recreational fisheries program to be reimbursed by federal funds; and provided further, that the Newburyport shellfish purification plant shall generate not less than one hundred fifteen thousand dollars, including not more than eighty-five positions		$2,919,483
	Marine Fisheries Fund	100.0%	
2330-0311 The	division of marine fisheries of the department of fisheries, wildlife, and environmental law enforcement may expend an amount not exceeding seven hundred thousand dollars from revenues 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 cost of equipment maintenance, staff, and the maintenance and updating of data $800,000

Marine Fisheries Fund 100.0%

2350-0100 For the administration of the division of environmental law enforcement; provided, that each county in the commonwealth shall be assigned at least one full time environmental officer, including not more than one hundred thirty positions $6,066,392

Environmental Law Enforcement Fund 50.0%

Inland Fisheries and Game Fund 15.0%

General Fund 35.0%

2350-0101 For the hunter safety training, including not more than four positions $211,081

Inland Fisheries and Game Fund 100.0%

METROPOLITAN DISTRICT COMMISSION.

2410-1000 For the administration of the commission; provided, that the bureau of metropolitan services of the department of state police shall enter into an inter-agency agreement with the commission pursuant to police coverage on commission properties and parkways; provided further, the bureau shall reimburse the commission for costs incurred by the commission including, but not limited to, the maintenance and repairs to the bureau's vehicles, the operation of buildings in which the bureau resides, and other related costs; provided further, that notwithstanding the provisions of section three B of chapter seven of the General Laws as amended by section four of chapter six of the acts of nineteen hundred and ninety-one, the commissioner of the department is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents, leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of the commission; and provided further, that a quarterly report be submitted to the house and senate committees on ways and means regarding fee adjustments; provided further, 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, including not more than fifty-six positions $2,325,000

Local Aid Fund 75.0%

Highway Fund 25.0%

2410-1001 The office of the commissioner of the Metropolitan District Commission is hereby authorized to charge, retain, and expend for the operation and maintenance of the commission's telecommunications system, one

hundred fifty thousand dollars from revenues received from the Massachusetts water resources authority, the Massachusetts convention center, and quasi-public and private entities through a system of user fees and other charges established by the commissioner; provided further, that nothing in this section shall impair or diminish the rights of all current users of the system pursuant to agreements which have been entered into with the commission; and provided further, that this item may be reimbursed by political subdivisions of the commonwealth and private entities for direct and indirect costs expended by the commission to maintain its telecommunications system $150,000

2420-1400 For the watershed management program to operate and maintain the reservoirs, watershed lands, and related infrastructure of the commission; provided, that expenses incurred in other commission programs to assist the watershed management program may be charged to this program; and provided further, that the inhabitants of the of towns of Clinton and Lancaster liable to taxation in said towns and residing within the territory comprised within the territorial limits of said towns shall constitute a sewer district and are hereby made a body corporate by the name of Clinton-Lancaster Wastewater District, hereinafter called the district, for the purpose of supplying themselves with wastewater treatment services, for domestic and other uses, and for the operation of the wastewater treatment plant located in the town of Clinton. The district shall have the rights and powers necessary or convenient to carry out and effectuate this act, including, but without limiting the generality of the foregoing, the rights and powers: (a) to adopt by-laws for the regulation of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in connection with the performance of its functions and duties to fix, enforce and collect penalties for the violation thereof; (b) to acquire by purchase, lease, lease-purchase, sale and lease-back, gift or devise, any property, real or personal, tangible or intangible, or any interest therein; (c) to enter onto any land to make surveys, borings and examinations thereon, provided that said district shall make reimbursements for any injury or actual damage resulting to such lands and premises caused by any act of its authorized agents or employees and shall so far as possible restore the land to the same condition as prior to making of such surveys, borings and examinations; (d) to acquire by eminent domain any interest in real property within the district in accordance with the provisions of chapter seventy-nine and chapter eighty A of the General Laws or any alternative method provided by law; provided, however, that the district shall not exercise the power of eminent domain without the prior approval of the board of selectmen of the town in which the property is located; (e) to order the removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places, or in or upon private lands, which it deems to interfere with the laying out, construction or operation of any water and sewer project and the proper authorities shall grant new locations for any such structure so removed or relocated, and the owner thereof shall be reimbursed by the district for the reasonable cost of such removal or relocation.

If any such owner shall fail to comply with any order of the district relating to any such structure in public ways and places within a reasonable time, to be fixed in the order, the district may discontinue and remove such

tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the district by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof, except for the reimbursement of cost provided for above. This section shall not apply to any facility on property of the commonwealth under the control of the department of public works or the metropolitan district commission or installed under licenses or permits granted by said department or commission, except with its approval; (f) to contract for and purchase sewage disposal and treatment services from and provided said services to, any person, private or public corporation or municipality, or other government entity; (g) to construct, improve, extend, enlarge, maintain and repair the sewer works system, and with respect to such work the district shall be deemed to be a public agency for purposes of sections forty-four A to forty-four H, inclusive, of chapter one hundred and forty-nine of the General Laws and a district of the towns of Lancaster and Clinton for purposes of sections thirty B to thirty P, inclusive, of chapter seven of the General Laws and a public agency of the city for purposes of sections thirty-nine A to forty M, inclusive, of said chapter seven and section twenty-eight of chapter forty-three of the General Laws. The district shall be an authority of a political subdivision of the commonwealth for purposes of sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws, provided that no work, project or activity of the district the total cost of which is less than two million dollars shall be subject to the provisions of said sections sixty-one to sixty-two H, inclusive, of said chapter thirty; (h) to fix and collect rates, fees, charges and other revenues, and to pledge or assign any money, fees, charges, or other revenues of the district and any proceeds derived by the district from the sale of property, insurance or condemnation awards; (i) to borrow money and incur indebtedness and issue its bonds; (j) to make contracts of every name and nature and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes; (k) to exercise the powers and privileges of, and to be subject to limitations upon, towns, and cities provided by the provisions of sections thirty-eight to forty-two I, inclusive, of chapter forty and sections one to twenty-four, inclusive, and twenty-seven to twenty-nine, inclusive, of chapter eighty-three of the General Laws, insofar as such provisions may be applicable and are consistent with the provisions of this act; provided that any requirement in said sections or chapters for a vote by the city council or other government body of the city or for ratification of such vote by the voters of the city, shall be satisfied by a vote or resolution duly adopted by the district in accordance herewith, and provided that the powers of the district to make rules and regulations and establish penalties regarding the use of sewers shall not be limited by section ten of said chapter eighty-three; (l) to sue and be sued and to prosecute and defend actions relating to its properties and affairs; provided property of the district other than revenues pledged to the payment of bonds shall not be subject to attachment nor levied upon by execution or otherwise; (m) to do all things necessary, convenient or desirable for carrying out the purposes of this act or the powers expressly granted or necessarily implied in this act.

All permits now held by or for the benefit of the Clinton wastewater treatment plant are transferred to the district

as of June thirtieth, nineteen hundred and ninety-two. Notwithstanding the provisions of any general or special law to the contrary, the ownership, possession and control of the wastewater treatment plant and the personal property at and associated with such plant, located in the town of Clinton, which had been conveyed to the said Authority pursuant to chapter three hundred and seven of the acts of nineteen hundred and eighty-seven, is conveyed to and vested in the said district as of June thirtieth, nineteen hundred and ninety-two. All books, maps, papers, plans, records and documents of whatever description pertaining to the design, construction, operation and affairs of the plant which are in the possession of the Authority or the MDC shall be transferred and delivered to the district for its use, ownership, possession and control. Notwithstanding the provisions of any general or special law to the contrary, the real property associated with said wastewater treatment plant which is under the jurisdiction of the MDC and which has been deemed to be "system real property" as defined in section two of chapter three hundred seventy-two of the acts of nineteen hundred and eighty-four is conveyed to the said district as of April first, nineteen hundred and ninety-two. Notwithstanding the provisions of sections forty E through forty J of chapter seven of the General Laws to the contrary, the division of capital planning and operations is hereby authorized and directed to take such actions as are necessary to effectuate the intent of this act, including the delivery of an executed deed for nominal consideration, and any related documents. Notwithstanding the provisions of any general or special law to the contrary, the certain parcels of land located in the Town of Clinton and further described in chapter six hundred and twenty-five of the acts of nineteen hundred and eighty-seven is conveyed from the said Authority to the said district as of June thirtieth, nineteen hundred and ninety-two. The Authority is hereby authorized and directed to take such actions as are necessary to effectuate the intent of this bill, including the delivery to the district of an executed deed. Sections three, four, five, six and eight of chapter three hundred seven of the acts of nineteen hundred and eighty-seven are hereby repealed. Effective on June thirtieth, nineteen hundred and ninety-two, the Authority is relieved of all of its obligations in connection with the said wastewater treatment plant and related realty and personalty, including without limitation, the obligation to operate and maintain such wastewater treatment plant. Said Authority shall not be liable for any claims, damages, penalties or liabilities arising out of or based upon matters occurring subsequent to June thirtieth, nineteen hundred and ninety-two, in connection with said wastewater treatment plant or related realty or personalty. Chapter eight hundred and thirty-one of the acts of nineteen hundred and sixty-seven, establishing the Lancaster Sewer District, is hereby repealed effective June thirtieth, nineteen hundred and ninety-two. The provisions of this item regarding the Clinton-Lancaster Wastewater District and the Lancaster Sewer District shall survive the expiration of the fiscal year and the implementation of said provisions shall be a condition precedent to the expenditure of the amounts appropriated herein, including not more than one hundred sixty-five positions $6,700,000

Watershed Management Fund 100.0%

2440-0010 For the integrated metropolitan services of the commission; provided that fifteen thousand dollars be allocated

Item			
	for the continued scientific monitoring of the aquatic weed control and herbicide application in the area known as Ware's Cove on the Charles River; program; provided, that notwithstanding the provisions of any general or special law to the contrary, all officers and positions shall be subject to classification under sections forty-five to fifty, inclusive, of chapter thirty of the General Laws, including not more than three hundred twenty-five positions		$24,394,205
	Local Aid Fund	40.0%	
	Highway Fund	60.0%	
2440-0021 For	the purpose of a mounted patrol at Lynn Beach, King's Beach, and Nahant Beach; provided that the sum appropriated herein shall be expended only for this purpose and the leasing of any necessary equipment, prior appropriation continued		$55,000
2440-0045 For	payment to the city of Boston for maintenance and operation of the James Michael Curley recreation center		$286,232
	Local Aid Fund	100.0%	
2440-4000 For	the maintenance, equipment or capital improvement of Ponkapoag Golf Course, prior appropriation continued		$450,000
	Ponkapoag Recreational Fund	100.0%	
2443-2000 For	assistance to the commonwealth zoological corporation program to subsidize the operation and administration of the metropolitan zoos, pursuant to chapter ninety-two A of the General Laws		$2,395,495
	Local Aid Fund	100.0%	
2444-9001 For	the construction, reconstruction, and improvement of boulevards, parkways, bridges, and related appurtenances		$1,126,807
	Highway Fund	100.0%	
2444-9004 For	certain payments for the maintenance and use of the trailside museum and the chickatawbut hill center		$300,000
	Local Aid Fund	100.0%	
2444-9005 For	the operation of street lighting on the metropolitan district commission parkways		$2,100,000
	Highway Fund	100.0%	
2460-1000 For	the maintenance of construction division; provided, that notwithstanding any general or special law to the contrary, all officers and positions shall be subject to classification under sections forty-five to fifty, inclusive, of chapter thirty of the General Laws		$2,724,728
	Highway Fund	80.0%	
	Local Aid Fund	20.0%	

2511-0100 For	the office of the commissioner, including the expenses of the board of agriculture, including not more than eight positions	$485,869
2511-0200 For	the agriculture preservation restriction program of the department, pursuant to section eleven A of chapter one hundred and thirty-two A of the General Laws	$2,000,000
2511-3000 For	the administration of the division of Regulatory Services, including the pesticide bureau, the bureau of plant pest control and farm products, the bureau of dairying and milk marketing, the "rights of way" program, integrated pest management programs, a program of laboratory services at the University of Massachusetts at Amherst, and inspection services of the division, including not more than sixty-five positions	$1,550,205
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	$350,000
2511-4000 For	the administration of the division of agricultural development, and for the expenses of the bureau of markets and the bureau of land use; provided, that not less than two hundred twenty-five thousand dollars be expended for the farmer's market coupon program; provided further, that not less than one hundred and fifty thousand dollars be expended in a grant to the city of Boston for technical assistance to the Haymarket Association, including the promotion of Massachusetts agriculture, including not more than thirty positions	$825,159
2515-1000 For	the administration of the division of animal health and for the inspection of poultry products, and for the administration of the bureau of equine activities, including not more than twenty-six positions	$745,438
2518-1000 For	the administration of the division of fairs; 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 one hundred ten thousand dollars shall be used for certain prizes; and provided further, that funds shall be used for rehabilitation purposes, including not more than two positions	$149,475
2520-0100 For	the administration of the state reclamation board, including not more than one position	$41,875
	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		$777,313
	Mosquito and Greenhead Fly Control Fund 100.0%	
2520-0900 Suffolk County		$166,859
	Mosquito and Greenhead Fly Control Fund 100.0%	

Item			
2520-1000 Central Massachusetts			$563,430
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1100 Berkshire County			$66,992
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1200 Norfolk County			$423,412
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1300 Bristol County			$448,140
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1400 Plymouth County			$564,449
	Mosquito and Greenhead Fly Control Fund	100.0%	
2520-1500 Essex County			$264,290
	Mosquito and Greenhead Fly Control Fund	100.0%	

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

3000-0100 For	the office of the secretary, including not more than sixty-five positions		$2,465,245
3100-0200 For	the municipal assistance program to provide management incentive grants; provided, that such incentive grants may be utilized for the purchase of hardware and equipment, technical assistance and training for municipal governments to provide cost effective and efficient delivery of local services, including regionalization of services; provided, that of the amount appropriated herein, not more than seven hundred and eighty-five thousand dollars shall be expended for administrative expenses; provided further, that funds appropriated herein may be provided in advance; provided further, that said administrative expenses shall include four hundred thousand dollars to qualify for grant funding under Title I of the federal housing and community development act, the so-called small cities match, including not more than seventeen positions		$2,650,000
	General Fund	29.6%	
	Local Aid Fund	70.4%	
3145-1000 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 no funds shall be expended prior to the official notification from the federal government that sufficient funds have been awarded and that such advances will be 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 other amendments or successor acts thereto		$13,000,000

Item		
3722-8878 For	the rental housing development action loan program; provided, that notwithstanding any general or special law to the contrary, no new commitments, contracts, or renegotiations of existing contracts resulting in an increased cost shall be entered into during fiscal year nineteen hundred and ninety-three or any subsequent fiscal year; provided further, that the secretary is hereby authorized and directed to review all amounts disbursed through this program in the four fiscal years previous to the effective date of this act and to recover all excess funds disbursed; and provided further, that the secretary shall file a report with the house and senate committees on ways and means, detailing the recovery of said overpayments and recommending alternative uses for said amounts	$3,009,248
3722-8880 For	the homeownership opportunity program; provided, that all sums appropriated herein shall be used to write down interest rates on soft second mortgage loans for low and moderate income first time home buyers; provided further, that the total payment obligations of homeownership opportunity program contracts do not exceed fifteen million dollars	$1,000,000
3722-9002 For	certain financial assistance for housing projects for veterans	$1,176,747
3722-9005 For	payments to housing authorities and nonprofit 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 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; 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	$22,040,181
3722-9024 For	a program of rental assistance for families and elderly of low-income; provided, that notwithstanding any general or special law to the contrary, said rental assistance shall be paid only to those households that held chapter seven hundred and seven certificates, so-called, as of June thirtieth, nineteen hundred and ninety-two pursuant to the chapter seven hundred and seven program, so-called, and to those households that held state housing vouchers, so-called, as of June thirtieth, nineteen hundred and ninety-two pursuant to a program of housing assistance consistent with the program requirements established by the federal government for the program authorized by Public Law 98-181, Section 207; provided, however, that said programs shall be in effect only until October thirty-first, nineteen hundred and ninety-two; provided further, that on and after November first, nineteen hundred and ninety-two there shall be no further payments made under said chapter seven hundred and seven program, so-called, or under said 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, which state program is known as the state housing voucher program, so-called; provided further, that the scale of maximum rents heretofore approved for the chapter seven hundred and seven program, so-called, by the executive office of communities and development may be employed at its	

discretion in administration of said chapter seven hundred and seven program; provided further, that on and after November first, nineteen hundred and ninety-two rental assistance hereunder shall not be paid to any household which did not hold, or was not lawfully entitled to hold, a chapter seven hundred and seven certificate, so-called, or a state housing voucher, so-called, on October thirty-first, nineteen hundred and ninety-two; provided further, that notwithstanding any general or special law to the contrary, rental assistance hereunder shall only be paid to those households that hold chapter seven hundred and seven certificates, so-called, or state housing vouchers, so-called, on October thirty-first, nineteen hundred and ninety-two, pursuant to a program which shall be established by the executive office of communities and development; provided, however, that the income of said households shall in no event exceed two hundred percent of the federally established poverty level; provided further, that the executive office of communities and development is hereby authorized and directed to conduct an annual verification of household income levels based upon state and federal tax returns, and that said executive office is hereby further authorized and directed to consult with the department of revenue, the department of public welfare, or any other state or federal agency it deems necessary to conduct such income verification, and that notwithstanding any general or special law to the contrary, said state agencies are hereby authorized and directed to consult and cooperate with said executive office and to furnish any and all information in the possession of said agencies including, but not limited to, tax returns and applications for public assistance or financial aid; provided further, that on and after November first, nineteen hundred and ninety-two said rental assistance program shall be in the form of vouchers which shall be in varying dollar amounts set by the secretary based on considerations, including but not limited to, family size and composition, ranges of family income, and geographic location; provided further, that notwithstanding any general or special law to the contrary, the use of rent surveys shall not be required for the purpose of determining the dollar amounts of rental assistance vouchers on or after November first, nineteen hundred and ninety-two for chapter seven hundred and seven certificates, so-called, for the remaining period of their existence through October thirty-first, nineteen hundred and ninety-two; provided further, that fifteen dollars per chapter seven hundred and seven certificate, so-called, per month and fifteen dollars per state housing voucher, so-called, per month shall be expended for administration of the chapter seven hundred and seven program, so-called, and the state housing voucher program, so-called, for the period July, first nineteen hundred and ninety-two through October thirty-first, nineteen hundred and ninety-two; provided further, that an allowance not to exceed fifteen dollars per voucher per month shall be determined and promulgated by the executive office of communities and development for administration of the rental assistance voucher program on and after November first, nineteen hundred and ninety-two; provided further, that notwithstanding any provision of law to the contrary, there shall be no maximum percentage applicable to amount of income paid for rent by each household holding a rental assistance voucher; provided further, that payments for rental assistance may be provided in advance; provided further, that the secretary of communities and development shall conduct or contract for a new rent survey for the

purpose of aiding in the determination of ceiling rent levels for the rental assistance voucher program; provided further, that maximum allowable rent levels in effect on June thirtieth, nineteen hundred and ninety-two for the chapter seven hundred and seven certificate program, so-called, shall remain in effect for the rental assistance voucher program until such time that the secretary may establish new ceiling rent levels based on said new rent survey; provided further, that said new ceiling rent levels must be in effect by no later than February first, nineteen hundred and ninety-three; provided further, that the executive office of communities and development shall establish rental assistance voucher dollar amounts so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that the executive office of communities and development shall not enter into commitments which will cause it to exceed the appropriation of seventy-nine million five hundred thousand dollars set forth herein; provided further, that the dollar amount of a rental assistance voucher for an eligible household shall not exceed the household's rent; provided further, that the word "rent" as used in this item shall mean payments to the landlord or other owner of the dwelling unit pursuant to the lease or other agreement for the tenant's occupancy of the dwelling unit, but shall not include payments made by the tenant separately for the cost of heat, cooking fuel, and electricity; provided further, that 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 outstanding rental assistance vouchers, and the number and types of units leased $80,000,000

3722-9027 For payments for contracts with sponsors of rental housing projects, financed through the Massachusetts housing finance agency established pursuant to chapter seven hundred and eight of the acts of nineteen hundred and sixty-six, 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 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-one million four hundred six thousand five hundred and fifty-five dollars; provided further, that any existing contracts not subject to renegotiation during fiscal year nineteen hundred and ninety-one shall not have their funding reduced during fiscal year nineteen hundred and ninety-three; notwithstanding any general or special law to the contrary, no new commitments, contracts, renegotiations, modifications or revisions of existing contracts shall be entered into during fiscal year nineteen hundred and ninety-three for said fiscal year or any subsequent fiscal years; provided further, that the secretary of communities and development is hereby authorized and directed to review all amounts disbursed through this program in the five fiscal years previous to the effective date of this act and to recover all excess funds disbursed; and provided further, that the secretary shall file a report with the house and senate committees on ways and means, detailing the recovery of said overpayments and

Item			
	recommending alternative uses for said amounts		$31,406,555
3722-9101 For	reimbursement of cities and towns for the commonwealth's statutory share of federally aided urban renewal; provided, that no new contracts shall be entered into in fiscal year nineteen hundred and ninety-three		$97,874
	Local Aid Fund	100.0%	
3722-9102 For	reimbursement of cities and towns for the commonwealth's statutory share of non-federally aided urban renewal; provided, that not less than two hundred fifty thousand dollars shall be obligated for a program of fifty percent matching grants to towns with less than two thousand five hundred inhabitants for repair and renovations of municipal buildings other than those actually being used for educational purposes, to assist with compliance with the Americans with Disabilities Act (P.L. 101-46 amended) and other related fire safety code and building code compliance projects		$683,755
	Local Aid Fund	100.0%	
3722-9108 For	providing funds for cities and towns for the reimbursement of the commonwealth's share of certain urban revitalization and development projects authorized pursuant to section fifty-four of chapter one hundred and twenty-one B of the General Laws; provided, that notwithstanding the provisions of 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; and provided further, that no new contracts shall be entered into in fiscal year nineteen hundred and ninety-three		$568,500
	Local Aid Fund	100.0%	
3722-9201 For	the interest subsidy program; provided, that notwithstanding any other provisions of law to the contrary, no projects shall be approved on or after the effective date of this act which would cause the commonwealth's obligation for the purposes of this item to exceed the amount of this item		$9,825,000
3722-9315 The	executive office of communities and development may expend an amount not to exceed three 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 the local initiative program, 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, for the costs of administering said program, 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		$300,000
3743-2027 For	providing funds for local community economic development; provided, that contracts are to be awarded to community-based organizations; provided further, that a portion of the amount appropriated herein may be expended for the provision of technical assistance to such organizations; and provided further, that expenditures by the administering agency for said program shall not exceed fifty thousand dollars, including		

	not more than three positions	$550,000
3743-2036 For	contracts with community-based organizations to provide housing services and assistance to low income tenants in privately owned housing, and to landlords, to maintain and secure decent and affordable shelter within the private housing stock, including not more than one position	$300,000
3747-0001 For	the office of indian affairs	$51,999
3747-0002 For	the purposes of establishing the urban initiative fund, a loan and grant program for inner-city neighborhoods, for the purposes of education, job training, business development, health care, day care, youth activities, including athletic and recreation programs, violence and crime prevention, and housing; provided however, that such program shall be administered by the community development finance corporation	$5,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

4000-0100 For	the office of the secretary, including the health facilities appeals board, the administration of the office of health policy, and an office of contract management; provided, that the executive office of health and human services shall provide technical and administrative assistance to agencies receiving federal funds, as may be appropriate; and provided further, that the office of contract management shall compile annually, a report containing the total amount of contract obligation and total appropriation amounts obligated by department and service type to be filed with the house and senate committees on ways and means no later than March first, nineteen hundred and ninety-three, including not more than forty position	$2,058,000

RATE SETTING COMMISSION.

4100-0010 For	the administration of the commission; provided that the commission shall not promulgate any increase in medicaid provider rates above existing rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further that up to three hundred thousand dollars shall be expended from this item for the purpose of completing nursing home field audits for rate years nineteen hundred and eighty-nine and nineteen hundred and ninety; provided further, said funds shall not be expended on personnel of the commission; and provided further that the commission shall prepare a summary report on the results of said audits, which shall include but not be limited to, an assessment of outstanding liabilities of the medicaid program to nursing homes, which shall be filed with the house and senate committees on ways and means not later than February fifteenth, nineteen hundred and ninety-three, including not more than one hundred seventy-five positions	$9,196,000

MASSACHUSETTS COMMISSION FOR THE BLIND.

4110-0001 For	the office of the commissioner and the bureau of research; provided, that notwithstanding the provisions of section forty G of the General Laws, the commissioner is hereby authorized and directed to renegotiate the	

Item		
	commission's lease at eighty-eight Kingston Street in the city of Boston, including not more than fifteen positions	$724,097
4110-1000 For	the community services program of the commission, including not more than forty-five positions	$2,368,618
4110-1010 For	aiding the adult blind; provided, that funds may be expended from this item for burial expenses incurred in the prior fiscal year	$8,139,983
4110-1020 For	determining eligibility for a medical assistance program for the blind, including not more than eleven positions	$352,407
4110-2000 For	the turning twenty-two program of the commission, including not more than nine positions	$3,881,396
4110-3010 For	the vocational rehabilitation program for 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	$1,469,263
4110-4000 For	the administration of the bureau and the Ferguson 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 twelve positions	$1,830,000
	MASSACHUSETTS REHABILITATION COMMISSION.	
4120-1000 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 further, that upon the written request of the commissioner of revenue, the commissioner of rehabilitation shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; provided further, that the information on such lists shall include the client's name and social security number and the payee's name and other identification, if different from the clients, including not more than two positions	$318,201
4120-2000 For	the vocational rehabilitation program of the commission operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation be deducted for pensions, group health and life insurance, and any other such indirect cost of the federally reimbursed state employees	$6,784,764
4120-3000 For	the employment assistance program of the commission for individuals with disabilities, including not more than four positions	$6,653,595
4120-4000 For	the independent living assistance program of the commission for individuals with disabilities, including not more than eight positions	$3,590,000
4120-5000 For	the homemaking services program of the commission for individuals with disabilities, including not more than twelve positions	$3,792,730

Item		
4120-6000 For	the head injured services programs of the department, including not more than nine positions	$6,446,451
	MASSACHUSETTS COMMISSION FOR THE DEAF AND HARD OF HEARING.	
4125-0100 For	the administration of and services provided by the commission for the deaf and hard of hearing, including not more than fifty positions	$2,714,552
4125-0101	Notwithstanding the provisions of any general or special law to the contrary, the commission for the deaf and hard of hearing may expend revenues in an amount not to exceed twenty thousand dollars from charges received on behalf of interpreter services; provided, that any receipts in excess of this amount shall not revert to the General Fund but shall be retained in a revolving fund in accordance with section one hundred and ninety-six of chapter six of the General Laws	$20,000
	OFFICE FOR CHILDREN.	
4130-0001 For	the central office administration; provided, that the office shall administer the child care resource and referral system funded from items 4000-0702 and 4130-2087 of section two A of this act and from item 4800-0060 of section two of this act, including not more than thirteen positions	$548,000
4130-0002 For	the administration of the Children's Trust Fund, notwithstanding chapter seven hundred and twenty-nine of the acts of nineteen hundred and eighty-seven; provided further, that upon receipt of revenues, pursuant to chapter four hundred and sixty-one of the acts of nineteen hundred and ninety-one, by the Children's Trust Fund, the comptroller is hereby authorized and directed to transfer from said fund to the General Fund an amount equal to the appropriation established by this item, including not more than three positions	$123,000
4130-0005 For	the field operations licensing program; provided, that no funds from this item may be expended for family support services; provided further, that before issuing a new license to any provider, the office shall inspect said provider's center, facility, or home; provided further, that the office shall notify providers of any change to regulations at least semiannully; provided further, that the office shall develop and distribute to child care providers and to child care resource and referral agencies, public information materials on the availability and quality of child care services; and provided further, that the office generate not less than five hundred and ninety-four thousand dollars from licensing fees and day care lists to be deposited in the General Fund, including not more than one hundred and thirty-five positions	$5,006,600
	COMMISSION 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; and provided further, that of the sum appropriated herein, not less than forty-nine thousand five hundred and sixty-three dollars be expended for the continuation of a program for the education of health professionals regarding the symptoms and effects on veterans of post-traumatic stress disorder, including not more than forty positions	$1,374,222
4170-0012 For	a counseling program for veterans and their families, including the maintenance and operation of outreach	

Item		
	centers; provided, that said centers shall be selected through a procedure of competitive procurement pursuant to applicable regulations; provided further, that said centers shall be distributed regionally to serve veterans throughout the commonwealth; provided further, that said centers shall provided counseling for Vietnam-era veterans and their families who may have been exposed to Agent Orange; and provided further, that said centers shall develop a comprehensive housing affordability strategy for veterans and their families	$600,000
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 Vietnam, minority, disabled and recently discharged veterans	$135,741
4170-0100 For	elder affairs revenue maximization program, which shall maximize revenues by identifying individuals who are eligible for veterans' pensions and are currently receiving home care and home health services; provided, that the office of the commissioner of veterans' services shall enter into an interagency service agreement with the executive office of elder affairs not later than August first, nineteen hundred ninety-two, to determine the methods for recovering said pensions, including not more than three positions	$80,000
4170-0250 For	a program of assistance to veterans who are homeless, including assistance to organizations which provide food, shelter, housing search and limited related services to homeless veterans; provided that not less than one million one hundred sixty-eight thousand nine hundred and ninety-seven dollars shall be obligated for a contract with the New England Shelter for Homeless Veterans located in the city of Boston; provided further, that not less than one hundred twenty-five thousand dollars shall be obligated for a contract with the Central Massachusetts Shelter for Homeless Veterans located in the city of Worcester; provided further, that not less than sixty thousand dollars shall be obligated for a contract with the Southeast Massachusetts Veterans' Housing Program, Inc., located in the city of New Bedford; and provided further, that said shelters shall enter in standard purchase of service contracts pursuant to all applicable regulations	$1,353,997
4170-0300 For	the payment of annuities to certain disabled veterans	$122,500
4170-0400 For	reimbursing cities and towns for money paid for veterans' benefits and for payment to certain veterans in accordance with the following formula: seventy-five percent to be reimbursed by the commonwealth and twenty-five percent to be reimbursed by the cities and towns	$13,821,903
	Local Aid Fund 100.0%	
	SOLDIERS' HOME IN MASSACHUSETTS.	
4180-0100 For	the maintenance of the soldiers' home of Massachusetts located in the city of Chelsea; provided that the home shall generate five million three hundred and sixty-seven thousand five hundred dollars from fees, payments, and reimbursements and six hundred thousand dollars from the sale of license plates to be deposited in the General Fund, including not more than four hundred and fifty positions	$16,726,643
4180-0101 For	the maintenance of a specialized unit for the treatment of Alzheimer's disease patients at the soldiers' home in Chelsea, including not more than eighteen positions	$485,326

SOLDIERS' HOME IN HOLYOKE.

4190-0100 For the maintenance of the soldiers' home in Holyoke; provided however, that the home shall generate three million nine hundred and eighty-nine thousand four hundred and thirty-six dollars from fees, payments and reimbursements, including not more than four hundred and twenty-five positions $10,600,500

4190-0101 For the maintenance of an adult day care program at the soldiers' home in Holyoke, including not more than four positions $142,615

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 benefit 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; provided, that three hundred and fifty thousand dollars shall be expended for a food stamp outreach program; provided further, that all costs for any medical review team, disability review process or any costs associated with verifying disability for the emergency aid to the elderly, disabled and children program shall be paid from this item; and provided further, that the department shall develop an AIDS education plan for clients served by the department, including not more than three thousand three hundred and seventy-five positions $107,964,721

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 thirty-five positions $15,090,173

4400-4000 For a program to provide certain primary and supplemental medical care and assistance for disabled adults and children provided pursuant to 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; provided further, that the department shall notify the house and senate committees on ways and means of all such allocations; and provided further, that no funds shall be expended from this item for expenses incurred in the prior fiscal year $17,373,145

4401-1000 For a program to provide employment and training services for recipients of benefits provided under the program of aid to families with dependent children and the absent parents of said recipients; provided, that certain parents who have not yet reached the age of eighteen years, including those who are ineligible for aid to

families with dependent children, and who would qualify for benefits under the provisions of chapter one hundred and eighteen of the General Laws but for the deeming of the grandparents' income, be allowed to participate in the MassJobs program; provided further, that the department may allocate funds from this line item to other agencies for the purposes of the MassJobs program; provided further, that no funds from this item shall be expended for day care or independent child care; provided further, that expenditures shall not exceed appropriation; and provided further, that no recipient of the MassJobs program may pursue more than one course of study, except that a high school diploma or G.E.D. shall not be considered a course of study, including not more than seventeen positions $14,315,691

4401-2000 For a day care program to be administered by the department of public welfare for recipients of benefits provided under the program of aid to families with dependent children and the absent parents of said recipients; provided, that the day care program shall be available for participants in the MassJobs program and for former participants within up to one year of the termination of their aid to families with dependent children benefits due to employment; provided further, that the department is hereby authorized to provide day care benefits to certain parents enrolled in an approved education or job training program who are under the age of eighteen and who would qualify for benefits under the provisions of chapter one hundred and eighteen of the General Laws but for the deeming of the grandparents' income; provided further, that four million four hundred twenty-six thousand five hundred and sixty dollars shall be expended for direct care provided through contracts purchased from the department of social services; provided further, that thirty-five million two hundred ninety-seven thousand one hundred and ten dollars shall be expended for direct care provided through vouchers; provided further, that no "extended vouchers", so-called, shall be paid for from this item; provided further that the management of the voucher system shall be contracted out; provided further, that three million, six hundred thousand dollars shall be expended for the operating expenses of the voucher management system; provided further, that no funds shall be expended from this item for independent child care; and provided further, that expenditures shall not exceed appropriation $43,323,670

PROGRAM: Medicaid Managed Care

PROGRAM MISSION To establish relationships between eligible recipients and primary care practitioners, health maintenance organizations and capitated mental health and substance abuse providers that improve the availability and continuity of preventive and primary care, ensure medically appropriate, cost-effective referrals for specialty and acute care and which meet federal waiver conditions.

Item	Performance Measures
Program Objectives	
1. Routinely identify recipients required to participate in primary care clinician managed care program.	1a. PCCP enrollment totals by region and category of assistance. 1b. Difference between actual enrollment and universe of eligible enrollees by region and category of assistance.
2. Market incentives that ensure a sufficient number of qualified, geographically-dispersed primary care practitioners participate in the program.	2a. Report prepared listing the number of potential PCC practitioners by provider type and region on July 1, 1992. 2b. Number of practitioners reached monthly through marketing. 2c. Number of new practitioners signing participation agreements each month. 2d. Number of practitioners withdrawing from the program each month.
3. Establish permanent recipient-practitioner relationships within 30 days of initial Medicaid enrollment or redetermination of eligibility.	3a. Average time from initial welfare service office contact to selection of primary care practitioner. 3b. Annual report on the distribution of individual practitioner caseloads, measured in 50 case increments. 3c. Annual report on the distribution of individual practitioner billings, measured in one thousand dollar increments.
4. Monitor specialty referral patterns to improve case management practices of participating practitioners.	4a. Annual report on the number of specialty referrals per thousand recipients by region and major specialty type. 4b. Develop methodology for small area surgical utilization analysis, including PCCP and fee-for-service comparison.
5. Monitor and control, as feasible and medically appropriate, primary care visits to emergency rooms and inpatient admissions through the emergency room.	5a. Number of ER claims identified as non-emergency visits to hospital ER. 5b. Number of inpatient admissions through the emergency room sampled to determine appropriateness and preventability. 5c. Number and dollar value of non-emergency claims denied for payment. 5d. File report on type of non-emergency use of emergency rooms with Legislature by March 15, 1993.

Item	Program Objectives (continued)	Performance Measures (continued)
6.	Enroll eligible recipients in HMO's to ensure managed access to high-quality preventive, primary and acute care services.	6a. Monthly number of enrollees by HMO. 6b. Publish report on HMO service areas by welfare service office, including plan type, rates, capacity and accessibility by September 1992. 6c. Number of voluntary disenrollments each month. 6d. Number of recipients surveyed to determine reasons for disenrollment. 6e. Number of denials for out of plan visits.
7.	Identify the cost and utilization patterns of HMO and PCCP recipients to compare quality and cost-effectiveness of capitation versus fee-for-service.	7a. Comparison methodology adopted by January 30, 1993. 7b. Prepare a study on the incidence of low-birthweight babies in PCCP and HMO populations, controlling for epidemiological factors, compared to historical incidence in fee-for-service populations by September 30, 1993. 7c. Publish calendar year 1992 HMO and PCCP costs and utilization patterns by category of assistance and provider type.
8.	Monitor contractor's establishment of regional networks of mental health and substance abuse practitioners through competitive and/or selective contracts.	8a. Total number and types of providers under contract with vendor. 8b. Number and types of providers in each regional network.
9.	Monitor MH/SA enrollments by region and principal diagnoses.	9a. Total number of recipients by category of assistance served by vendor in each region. 9b. Total number of recipients by category of assistance self-referring to providers in each region.
10.	Measure effectiveness of MH/SA case management at reducing the utilization of institutional MH/SA services where clinically appropriate.	10. Number of cases exceeding one standard deviation for average length of stay.

Item		
4402-4100 For	a medical assistance program for recipients receiving medical care and assistance from primary care clinicians, health maintenance organizations, capitated mental health and substance abuse programs and other managed care plans according to the terms of a managed care waiver of Title XIX requirements approved by the Secretary of Health and Human Services; provided that expenditures from this item shall be made only for services rendered to recipients in the current fiscal year consistent with accounting reconciliation requirements established by this Act; provided further, that individuals who have significant preexisting relationships with a physician or independent nurse practitioner enrolled in the primary care clinicians program shall be allowed to maintain that relationship if said physician or nurse practitioner is located in reasonable geographic proximity to the individual's or family's residence or if no other appropriate primary care clinician is located in reasonable geographic proximity; provided further, that regulations for determining eligibility for personal care attendant services shall not be more restrictive that those regulations in effect on January first, nineteen hundred and ninety-two; and provided further, the department shall make no expenditures from this item for the payment of abortions not necessary to prevent the death of the mother	$765,000,000

PROGRAM: Medicaid Long Term Care

PROGRAM MISSION To provide sub-acute care in nursing facilities, Medicaid-funded ICF-MR's, and chronic disease and rehabilitation hospitals when clinically indicated and in the most cost-effective manner and community-based alternatives to institutionalization.

Program Objectives	Performance Measures
1. Routinely analyze institutional utilization and expenditures.	1a. Publish quarterly the demographics of new admissions and discharges, Medicaid and total patient days by case mix and Medicaid expenditures and patient paid amounts by case mix category. 1b. Aggregate change in case mix. 1c. Number of cases sampled to verify accuracy of case mix change.
2. Coordinate interagency collection and centralization of long term care data.	2a. Number of interagency task force meetings involving Medicaid, Public Health, Elder Affairs and Rate Setting to coordinate data collection. 2b. Publish description of coordinated data set available to the public by April 30, 1992.
3. Minimize administrative days backup in acute hospitals.	3. Number of administrative days by region and hospital.

Item	Program Objectives (continued)	Performance Measures (continued)
	4. Identify community-based provider resources by region.	4. Publish annual listing of Medicaid-eligible, community-based long term care resources by region, services provided, capacity, access points to services and Medicaid restrictions on services by January 30 of each year.
	5. Divert 2000 recipients and 500,000 potential patient days from institutionalized care to community-based care.	5a. Definition of "nursing home diversion" is available with reference to both diverted recipients and patient days by October 30, 1992. 5b. Mechanism established for collecting diversion data from long term care offices, home care corporations and other sources by October 30, 1992. 5c. Number of diversions achieved. 5d. Number of diversion cases sampled for cost comparison of community resources used with institutionalized care savings.
	6. Ensure maximum placement of recipients in Section 2136 home care waiver slots.	6a. Certify waiver placement goal established for each Coordination of Care contract. 6b. Number and percent of contractors complying with goal.

4402-4200 For a medical assistance program for recipients receiving subacute and long term care and assistance from chronic disease and rehabilitation hospitals, nursing facilities, intermediate care facilities for the mentally retarded, certain hospitals and facilities operated by the commonwealth, hospices, home health agencies, and other long term care providers; provided that expenditures from this item shall be made only for services rendered to recipients in the current fiscal year consistent with accounting requirements established by this Act; provided further, that no funds shall be expended by the department for patient centered rates of payment described in section eighty-seven of chapter one hundred and fifty of the acts of nineteen hundred and ninety by chronic disease and rehabilitation hospitals; provided further that no funds shall be expended by the department unless all rates of payment for such hospitals' nineteen hundred and ninety-three fiscal year are established by the rate setting commission pursuant to chapter six A of the General Laws and that such rates shall not be established by contract; provided further, that the department shall not selectively contract for chronic hospital services prior to July first, nineteen hundred and ninety-three; provided further, that expenditures for section 2176 home and community based waiver services shall be made from this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means on such expenditures; provided further, that federal reimbursements from such expenditures shall

be deposited in the General Fund; provided further, that the regulations, criteria and standards for determining admission to and continued stay in a nursing home shall not be more restrictive than those regulations, criteria and standards in effect on January first, nineteen hundred and ninety-two; provided further, that regulations for determining eligibility for personal care attendant services shall not be more restrictive than those regulations in effect on January first, nineteen hundred and ninety-two; provided further, that the department shall continue to provide the Kaleigh Mulligan home care program for disabled children; and provided further, the department shall make no expenditures from this item for the payment of abortions not necessary to prevent the death of the mother $1,050,000,000

PROGRAM: Medicaid Exempt Recipients and Services

PROGRAM MISSION To provide health services and medical care to recipients exempt from managed care participation by reason of age or third party coverage and to provide family planning, dental, transportation, emergency care and other services not covered by managed care programs.

Program Objectives

1. Identify date-of-service expenditures for exempt services.

Performance Measures

1. Quarterly report published on expenditures for exempt services by category of assistance, including percent of expenditures in each category for recipients with third party coverage.

4402-4300 For a medical assistance program for recipients not participating in managed care programs according to the terms of any waiver of Title XIX requirements approved by the Secretary of Health and Human Services; and for the purpose of providing emergency care, family planning and other waiver-exempt services to all medicaid recipients consistent with the provisions of any said waiver; provided further, that regulations for determining eligibility for personal care attendant services shall not be more restrictive than those regulations in effect on January first, nineteen hundred and ninety-two; provided further, the department shall reimburse those school and community-based adolescent health programs, which are licensed by the department of public health and are medicaid providers, for family planning services, including counseling for the prevention of sexually-transmitted diseases, provided to medicaid recipients without required pre-authorization or referral by a primary care clinician and shall pay for other adolescent health services provided by such programs to a recipient participating in the primary care clinician program whenever referred by a recipient's primary care clinician; provided further, that up to one million dollars shall be expended from this item for early screening and treatment necessary to reduce hsopitalizations and to avoid medicaid costs by delaying the onset of fully symptomatic AIDS; and provided further, the department shall make no expenditures from this item for the payment of abortions not necessary to prevent the death of the mother $435,000,000

PROGRAM: FY92 Expenditure Liabilities

PROGRAM MISSION To pay incurred liabilities for services rendered and billed during FY92, and approved fiscal closure claims from previous fiscal years, in order to reconcile statutory accounting with Medicaid billing and payment cycles.

Program Objectives	Performance Measures
1. Identify provider claims for services rendered and billed in FY92 for payment in FY93.	1 Report prepared as dictated by line item language

4402-4400 For the payment of claims incurred in the prior fiscal year; and for the payment of fiscal closure claims incurred in previous fiscal years and for certain other special provider costs incurred in such previous fiscal years, provided that payment for special claims and costs may be made from this item only with the prior written approval of the secretary of administration and finance; provided that expenditures from this item may be made consistent with the accounting reconciliation requirements established by this Act; and provided further that the department shall report to the house and senate committees on ways and means a full accounting of said expenditures from this item by fiscal year, provider type and category of assistance not later than December first, nineteen hundred and ninety-two $650,000,000

PROGRAM: 12 Prior Year Final Rates and Retroactive Settlements

PROGRAM MISSION To pay liabilities incurred as the result of establishing final rates and settlements.

Program Objectives	Performance Measures
1. Manage payment of incurred liabilities upon certification by the Rate Setting Commission of prior year final nursing home rates.	1. Total amount of final rates paid, and refunds to be collected, by fiscal year of liability.
2. Manage payment of incurred liabilities upon certification by the Rate Setting Commission of final hospital settlements under Chapter 23 of the Acts of 1988.	2. Total amount of settlements paid, and refunds to be collected, by fiscal year.
3. Identify total remaining pre-FY92 liabilities.	3. Estimate total remaining outstanding liabilities by provider type by March 30, 1993.

4402-5002 The department of public welfare may expend for purposes of the medical assistance program an amount not to exceed fifty million dollars from the monies received from collections of any prior year expenditures from liens, estate recoveries, retrospective rate adjustments, third party liability recoveries, and from donations, intragovernmental transfers and pharmaceutical manufacturers' rebates or other collections subject to the approval of the department; provided that federal reimbursements claimed against donations may be expended without further appropriation $50,000,000

4402-5200 For the payment of expenses incurred prior to fiscal year nineteen hundred and ninety-two for nursing home retrospective settlements, hospital settlements, rate adjustments and appeals, and for costs incurred in such

years for the purposes of complying with the provisions of Public Law 89-97, Title XIX; provided, that expenditures from this item shall be made only for the purposes expressly stated herein; and provided further that the department shall report to the house and senate committees on ways and means a full accounting of said expenditures by fiscal year, provider type and category of assistance not later then December first, nineteen hundred and ninety-two $50,000,000

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, the department shall, no later than September first, nineteen hundred and ninety-two, seek a federal waiver to allow an additional disregard from earnings up to one-third of the payment standard for recipients of assistance under this line item, and shall implement such waiver if approved; provided further, that a forty dollar per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing, subject to federal reimbursement; provided further, that a nonrecurring children's 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-two, subject to federal reimbursement; provided further, that said children's clothing allowance shall be included in the standard of need for the month of September, nineteen hundred and ninety-two; provided further, that the department shall assure that eligibility is redetermined in the month of October for any applicant made eligible for assistance by virtue of said increase in the standard of need; 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, nor 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 child support payments collected pursuant to Title IV-D of the Social Security Act, not to exceed an amount of seventy 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 suffer a reduction in benefits due to their loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for this loss; provided further, that no funds from this item shall be expended by the department or transportation services for the MassJobs or voucher day care programs; and provided further, that no funds from this item shall be expended by the department for family reunification benefits, or independent child care services $700,356,463

4403-2010 For the informal child care program; provided, that not more than two dollars per child per hour shall be paid for such services, and not more than four million dollars in total shall be expended for independent child care services $4,000,000

4403-2013 The department of public welfare may expend an amount not to exceed seventy 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 $70,000,000

4403-2100 For the emergency assistance program for needy families and individuals; provided, that the department shall prepare and promulgate rules and regulations to prevent abuse in said program; provided further, that said rules and regulations shall include but not be limited to, a year-to-year cross check of recipients to determine if a person has received similar benefits within the past twenty-four months; provided further, that if a person has utilized emergency assistance benefits more than once within twenty-four months, the department is hereby authorized and directed to place said person on a protective payment schedule for the entire period during which said person is receiving said benefits; provided further, that no advance payments shall be paid in fiscal year nineteen hundred and ninety-three; provided further, that no funds shall be expended from this item for department of social services assessments during fiscal year nineteen hundred and ninety-three; and provided further, that no funds shall be expended for costs not directly attributable to rent or mortgage liability, utilities, and shelter; provided further, that the department is hereby authorized and directed to place a lien against the residence owned by any beneficiary of payments from this item for mortgage arrearages; provided further, that said lien shall be in the amount of said mortgage arrearage payments and interest which shall accrue thereon at the rate established by section three of chapter one hundred and seven of the General Laws; provided further; that said lien, and accrued interest, shall be payable to the commonwealth when said lien is executed; and provided further, that funds from this item expended for emergency shelter costs shall be subject to federal reimbursement; provided further, that the department shall establish a pilot program to reduce homelessness for needy families in Barnstable County pursuant to section nine of this act; provided further, that not less than two hundred and fifty thousand dollars shall be expended for the purposes of said pilot program; provided further, that no funds appropriated for said pilot program shall be expended for the administration of said program by the department, local housing authorities, or non-profit organizations; and provided further, the the department shall develop a comprehensive monthly reporting system which shall include, but not be limited to, tracking statewide use in the emergency assistance program by category of assistance, population, and the amounts expended monthly by expended monthly by category of assistance; and provided further, that the department shall submit said reports on a monthly basis to the house and senate committees on ways and means beginning no later than September, nineteen hundred and ninety-two $35,000,000

4405-2000 For the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants 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 $176,874,980

Item		
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 the department may allocate funds to other agencies for the purposes of this program; provided further, that the department shall notify the house and senate committees on ways and means of all such allocations; provided further, that the winter shelters, so-called, be operated year-round; provided further, that not less than nine 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 eighty-three thousand seven hundred and two dollars be obligated for a comprehensive multi-service day treatment program for the homeless in the city of Boston; provided further, that at least as many shelter spaces as were provided for homeless families and individuals during fiscal year nineteen hundred and ninety-two be made available in fiscal year nineteen hundred and ninety-three; provided further, that of the amount appropriated herein an amount not less than three million, four hundred fifteen thousand, four hundred and sixteen dollars shall be expended for the Health Care for the Homeless programs in Boston, Worcester, and Springfield and also the Pip Shelter in Worcester, Daybreak Shelter in Lawrence, and Long Island Shelter in Boston, including not less than four hundred sixty-three thousand and ninety-six dollars for the Boston program operated by the Boston Trustees of Health and Hospitals	$34,468,823
4408-1000 For	a program of cash assistance to certain residents of the commonwealth pursuant to chapter one hundred and seventeen A of the General Laws, entitled emergency aid to the elderly, disabled, and children, found by the department of public welfare to be eligible for such aid, pursuant to regulations promulgated by said department and subject to the limitations of appropriation therefor; provided, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year nineteen hundred and ninety-one; provided, however, that said program may include a program of medical benefits; and provided, however, that said program shall include services provided in public detoxification and outpatient substance abuse treatment centers; provided further, that a thirty-five dollar rent allowance, to the extent determined to be possible within the appropriation by the department, shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that the department may provide benefits to persons age sixty-five or older who have applied for benefits under chapter one hundred and eighteen A of the General Laws, to persons who suffer from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support himself, which have been verified by a competent medical authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission, to otherwise eligible students under age twenty-one who are regularly attending full-time a grade, high school, technical or vocational school not beyond the secondary level and to	

dependent children, who are ineligible for benefits under chapter one hundred and eighteen of the General Laws and parents or other caretakers of dependent children who are ineligible under said chapter one hundred and eighteen; provided further, that no ex-offender, person over age forty-five without a prior work history, or person in a residential treatment facility shall be eligible for benefits under this program unless said person otherwise meets the eligibility criteria described herein and defined by regulations of the department; provided further, that any person incarcerated in a correctional institution shall not be eligible for benefits under said program; provided further, that benefits under this program shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens except with respect to persons sixty-five years of age or older, persons found to be disabled by the department in accordance with this item, persons caring for a disabled person, dependent children and the parents or other caretakers of dependent children; provided further, that the department shall initially authorize benefits to persons with medical impairments where a competent medical authority has verified that the person is disabled in accordance with this act and the department's regulations; provided further; that the purposes of this act, a competent medical authority shall mean a medicaid participating medical provider designated by the department, including a physician or clinical psychologist with a doctoral degree, or a medical internist, resident or fellow, in a clinic, mental health center, hospital, community health center, or health maintenance organization, who is licensed and authorized pursuant to said license to evaluate physical or mental disorders; provided further, that the department may require such medical verification of disability to set forth the individual's diagnosis, prognosis, treatment and functional limitations using generally accepted medical criteria; provided further, that the department shall provide a referral to an appropriate medical authority to complete the evaluation if the individual cannot locate an appropriate medical authority; provided further, that the department may establish a medical review team for reviewing selected cases where a competent medical authority has verified that the individual is disabled in accordance with this act and the department's regulations, and that in performing its review, the medical review team may use a list of physical or mental incapacities designated as disabling by the department, which may take into consideration the person's age, education and job skills and which may include those impairments listed in 20 C.F.R. 404, Subpart P, Appendix I; provided, further, before determining that a person is not disabled, the medical review team shall obtain all relevant information, including but not limited to test results and medical records, from the medical authority who verified the impairment and from other competent medical authorities who have treated the individual and shall offer the individual an opportunity to submit additional medical and vocational evidence; provided further, that the department may terminate benefits if the evidence establishes that the individual does not have a severe impairment as defined in the Social Security Act; provided further, that, if the evidence established that the individual has a severe impairment, but there

is insufficient evidence to establish that the individual is disabled in accordance with this act and the department's regulations, the medical review team shall arrange for examination of the individual by an independent competent medical authority and a vocational assessment and may terminate benefits if the independent competent medical authority and vocational assessment conclude that the individual is not disabled in accordance with this act and the department's regulations; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall promulgate emergency regulations pursuant to chapter thirty A of the General Laws to implement the changes to this program required by this act promptly and within the appropriation; provided, further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted herein at the payment standard in effect for the former general relief program in fiscal year nineteen hundred and ninety-one; provided further, that in promulgating, amending, or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits, and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding the provisions of any general or special law or this line item to the contrary, thirty days before implementing any eligibility or benefit changes or both to the program, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that said report shall contain detailed information concerning the current and proposed operation of the program, including categories of eligibility, number of eligible persons in each category, demographic information regarding said persons, services rendered to said persons, direct service costs, administrative costs, and an explanation of the need for proposed changes in eligibility requirements or benefit level or both; provided, further, that the department is authorized to promulgate emergency regulations pursuant to chapter thirty A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing herein shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that the secretary of health and human services shall report monthly to the house and senate committees on ways and means for the preceding month on the numbers of persons applying for benefits under this program, by category, age, and disability, if any, and the number of persons receiving and denied benefits under this program by category, age, and disability, if any; and provided further, that notwithstanding any general or special law to the contrary, the funds made available herein shall be the only funds available for said program, and the department shall not spend funds for said program in excess of the amount made available herein, and subject to the condition that no funds

	appropriated herein shall be expended for the payment of abortions not necessary to prevent the death of the mother	$108,731,868
	DEPARTMENT OF PUBLIC HEALTH.	
4510-0100 For	the administration of the department pursuant to the provisions of chapters seventeen and one hundred eleven of the General Laws; provided, that the position of assistant commissioner shall not be subject to chapter thirty-one of the General Laws, including not more than sixty-five positions	$4,895,344
4510-0110 For	community and other health center operational grants; provided, that notwithstanding the provisions of any general or special law to the contrary, not less than seventy thousand dollars shall be expended for the South Boston community health center; and provided further, that notwithstanding the provisions of any general or special law to the contrary, not less than one hundred fifty thousand dollars shall be expended for the Massachusetts general hospital neighborhood health center, including not more than four positions	$1,627,000
4510-0600 For	an environmental health program, including control of radiation and nuclear hazards and consumer products protection, including food and drugs and a program of lead poisoning prevention, in accordance with chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-seven, and for the maintenance of poisoning prevention inspections teams to inspect for lead-based paint in day care facilities, and for an inspection and licensing program of x-ray technologists, including the payment of fringe and indirect costs for employees compensated under this program, and 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 the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of one hundred percent of the amounts so expended; and 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 eighty positions	$3,180,562
4510-0615 The	department of public health is hereby authorized to expend revenues in an amount not to exceed seventy-five thousand dollars accrued from assessments paid in accordance with section five K of chapter one hundred and eleven of the General Laws, for services provided to monitor, survey and inspect nuclear power reactors. In addition, the department is hereby authorized to expend revenues not to exceed three hundred and fifty thousand dollars from fees collected from the licensing and inspecting of users of radioactive material within the commonwealth under licenses presently issued by the nuclear regulatory commission; provided, that revenues collected may be used for all program costs including compensation of employees	$425,000
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	

Item		
	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 nineteen positions	$6,026,002
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 twenty-nine thousand dollars	$129,000
4510-0750	For the cost of providing certificates of need, pursuant to section twenty-five C of chapter one hundred and eleven of the General Laws, including not more than three positions	$180,157
4510-0790	For the regional emergency medical services; provided, that the regional emergency medical services councils and the C-MED communications designated as such in accordance with 105 CMR 170.101 as of January first, nineteen hundred ninety-two shall remain the designated councils and C-MEDs; and provided further, that not less than sixty-eight thousand dollars shall be made available for region one, not less than eighty-eight thousand dollars shall be made available for region two, not less than eighty-eight thousand dollars shall be made available for region three, not less than eighty-eight thousand dollars shall be made available for region four, and not less than sixty-eight thousand dollars shall be made available for region five	$400,000
	Local Aid Fund 100.0%	
4512-0103	For the administration of the acquired immune deficiency syndrome program; provided, that not less than six hundred and seventy-nine thousand dollars be obligated to comprehensive family planning providers for AIDS prevention education; provided further, that two hundred and thirty thousand dollars and not more than four positions shall support a program of AIDS-related mental health services in Boston; and provided further, that not less than one hundred and fifty thousand dollars be obligated to services to people affected by HIV/AIDS in Western Massachusetts, including not more than twenty-seven positions	$25,213,317
4512-0110	For a program to provide rental subsidies to persons with AIDS for the purpose of preventing institutionalization in acute hospitals, chronic hospitals and nursing homes; provided, that the department of public health may contract for the administration of said program; provided further, that the costs of said administrative contract shall not be expended from this item; provided further, that said department shall submit a plan detailing the administration of said program to the house and senate committees on ways and means; provided further, that any such subsidies in effect on June thirtieth, nineteen hundred and ninety-one shall remain in effect until said plan is submitted; and provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded and occupied on June thirtieth, nineteen hundred and ninety-one	$120,000
4512-0200	For the administration of the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that five hundred fifty thousand three hundred fifty dollars shall be expended for a contract to furnish drug-free ambulatory recovery counseling and case management treatment; and provided further, that five hundred thousand dollars shall be expended for AIDS education for clients served by said division, including not more	

Item		
	than twenty-five positions	$28,344,303
4512-0225 The	commissioner of the department of public health may expend an amount not to exceed two hundred thirty thousand eight hundred and thirty-two 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	$230,832
4512-0500 For	dental health services; provided, that dental services shall be provided to residents of the state schools for the mentally retarded and statewide community-based dental programs for persons with mental retardation, including not more than five positions	$1,524,726
4513-1000 For	the administration of the division of family health services, including a program of maternal and child health to be in addition to any federal funds received for this program; provided, that not less than two hundred and fifty thousand dollars shall be expended on community-based perinatal outreach and education programs targeted to those communities with severe infant mortality issues; provided further, that not less than nine million three hundred fifty-five thousand six hundred thirty-nine dollars be expended for early intervention services; provided further, that not less than one million dollars shall be expended for rape prevention and victim services; and provided further, that two million six hundred thirteen thousand dollars shall be expended for family planning services provided by agencies certified as comprehensive family planning agencies, including not more than seventy-five positions	$18,541,939
4513-1001 For	the administration of the office of violence prevention, including not more than two positions	$100,000
4513-1002 For	the administration of the office of nutritional services to be in addition to funds received under the federal nutrition program for women, infants, and children; provided, that within thirty days of the effective date of this act the department shall report to the house and senate committees on ways and means the total number of cases which can be supported with funds from this item without incurring a deficiency; provided further, that the 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; and provided further, that not less than six hundred and two thousand dollars shall be obligated for failure to thrive programs, including not more than ten positions	$13,000,000
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, 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 the expenditures made $6,436,680

4513-1012 The commissioner of the department of public health may expend an amount not to exceed thirteen 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 $13,000,000

4516-1000 For the administration of the center for laboratory and communicable disease control services, including the division of communicable venereal diseases, the division of tuberculosis control, the state laboratory institute, and services to analyze samples used in prosecution of controlled substances offenses, including not more than one hundred seventy positions $11,243,926

4518-0100 For the health statistics program and for the operation of a cancer registry and occupational lung disease registry, including not more than forty-five positions $1,591,130

4518-0200 The department of public health is hereby authorized to expend revenues in an amount not to exceed four hundred and fifty thousand dollars accrued from fees collected from the following services; amendment of vital records by the registrar of vital records and statistics, all requests for vital records not issued in person at the offices of the registry and research performed by registry staff at the registry of vital records; provided, that revenues collected may be used for all program costs including compensation of employees $450,000

4530-9000 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 department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by said department; and provided further, that portions of said grants may be used for state agency purchases of designated services identified by said community service plans, including not more than two positions $2,069,168

4540-0900 For the maintenance of, and for certain improvements to, the department's public health hospitals and for certain costs related to the closure of certain hospitals; provided, that Tewksbury Hospital shall not be used to house county, state or other prisoners, including not more than two thousand four hundred positions $36,600,958

4570-1500 For an early breast cancer detection program, mammographies for the uninsured, breast cancer research, and a breast cancer detection public awareness program $3,000,000

4580-1000 For the universal immunization program of the department, established pursuant to section one hundred forty-one of chapter six hundred fifty-three of the acts of nineteen hundred eighty-nine and section forty-five and forty-six of chapter four hundred ninety-five of the acts of nineteen hundred and ninety-one; provided, that the first ten million seven hundred thousand dollars of revenue deposited to the Health Care Access Fund shall be dedicated to the appropriation provided herein $10,700,000

Health Care Access Fund 100.0%

4590-0900 The public health hospitals may expend an amount not to exceed fifty-three million seven hundred sixty-eight thousand two hundred thirty-two dollars from revenues collected subject to the approval of the commissioner

of public health; provided, that such revenues may be expended for the purpose of hospital related costs, including capital expenditures and motor vehicle replacement; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and the house and senate committees on ways and means; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the hospitals may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding any general or special law to the contrary the Lakeville hospital, Rutland Heights hospital, Cushing hospital, Lemuel Shattuck hospital, Massachusetts Hospital School, Tewksbury hospital, and Western Massachusetts hospital shall be eligible to receive both the state and federal 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 the Western Massachusetts hospital shall reimburse the General Fund for a portion of their employee benefit expenses, according to a schedule submitted by the commissioner of public health and approved by the secretary of administration and finance; and provided further, that such reimbursement shall not exceed ten percent of total personnel costs for this hospital $53,768,232

DEPARTMENT OF MEDICAL SECURITY

AGENCY MISSION To administer programs that promote health care access through insurance coverage, the uncompensated care pool and other provisions of Chapter 23 of the Acts of 1988.

STATUTORY REFERENCES

Enabling Statutes

M.G.L. c. 118F § 1-20

COMPONENT PROGRAMS

1. Administration
2. Health Security Plan
3. Labor Shortage Initiative
4. Uncompensated Care Pool Administration
5. Preventive Pediatric Health Care
6. Managed Care Community Health Centers
7. Boston Health Care for the Homeless

PROGRAM 1: Administration

PROGRAM MISSION To provide all budget, fiscal and personnel activities within the department, including the administration of the following major functions: contract management for on-site monitoring and auditing, and programmatic and fiscal reporting; management, transfer of funds, monitoring of bad debt, and credit and collection for the uncompensated care pool; competitive bid procurement; promulgations of regulations and; development and implementation of health care access initiatives.

Item

Program Objectives

1. Oversee departmental program performance to insure quality services and access to departmental programs.

Performance Measures

1. One formal internal agency oversight review conducted with each program director per month.

2. Audit spending and utilization patterns for each program.

2. One formal audit and review of spending and utilization, as available, conducted per quarter.

3. Process and monitor program invoices and contracts, including spending and utilization estimates, in a timely fashion.

3a. Percent of total bills processed within 30 days.
3b. Percent of accuracy of spending trends and utilization estimates.

4600-1000 For the administration program of the department of medical security, including not more than nineteen positions $875,071

PROGRAM 2: Health Security Plan

PROGRAM MISSION To monitor and ensure the provision of temporary health benefits to qualified persons, whose prior year income does not exceed 400% of the federal poverty line receiving unemployment compensation, funded through employer contributions of 0.12% of each employee's wages up to a maximum $16.80 per year.

STATUTORY REFERENCES *Enabling Statute* M.G.L. c. 118F

Program Objectives

1. Reduce average length of health insurance protection required by individuals and families.

Performance Measures

1a. Number of persons receiving health security benefits.
1b. Number of DET employees trained in HSP benefits.

2. Increase access to benefit information for eligible persons.

2a. Number of public appearances, articles, consumer liaison and outreach activities conducted.
2b. Number of brochures distributed monthly.

PROGRAM 3: Labor Shortage Initiative

PROGRAM MISSION To develop and finance programs that address labor shortage problems facing acute care hospitals through initiatives to provide health care worker training, child care opportunities and develop career ladders for health care professionals, funded through an acute care hospital assessment of one-tenth of one percent of gross patient service revenues.

Program Objectives

1. Increase the recruitment and retention of worker's in the health care industry.

Performance Measures

1a. Average training cost per worker by labor shortage program.
1b. Number of workers enrolled in these programs.
1c. Number of worker career advances by type of job as a direct result of labor shortage programs.

Item	Program Objectives (continued)	Performance Measures (continued)
2.	To competitively bid the administration of the labor shortage programs.	2. Report on bid progress by March 1, 1993.
3.	Provide contractual management implementation of a perinatal, education training, and child care programs for displaced hospital employees.	3. Percent of displaced hospital workers served in labor shortage programs.

PROGRAM 4: Uncompensated Care Pool Administration

PROGRAM MISSION To monitor and promote access to acute hospital health care services for eligible uninsured or underinsured individuals by directly reimbursing acute care hospitals for free care funded by a private payor hospital bill surcharge.

STATUTORY REFERENCES *Enabling Statute* M.G.L. c. 118F § 15 *Uncompensated Care Pool* St. 1991, c. 495

	Program Objectives	Performance Measures
1.	Eliminate improper charges to the uncompensated care pool through utilization management activities.	1a. Percent of all acute hospital credit and collection policies reviewed annually. 1b. Increase in third-party payor uncompensated care fee payments collected over fiscal year 1992. 1c. Report Medicaid eligibility and clinical care management initiatives by November, 1992. 1d. Amount and percent of charges eliminated.
2.	Promulgate new regulations describing emergency room services which can appropriately be billed as free care.	2. New departmental regulations established by October, 1992.
3.	Increase effectiveness of financial management system for audit, internal accounting and accounts payable and receivable procedures.	3. Implement automated accounting system to interface with pool liability calculation by October, 1992.
4.	Maximize collection of assessments from hospitals.	4. Total monthly hospital assessment collections.
5.	Contract for audits of free care, including bad debt for fiscal years prior to Hospital FY92, to assure appropriateness of pool charges.	5a. Number of final audits conducted. 5b. Annual cost of audit versus savings achieved from disallowing inappropriate free care charges and bad debt.

Item		
Program Objectives (continued)		**Performance Measures (continued)**
6. Assist professional and nonprofit agencies in pursuing federal technical assistance funds available for community health centers.		6. Number of agencies receiving federal assistance and amount of assistance
7. To track the collection of acute hospital uncompensated care fees from purchasers and third party payors.		7a. Percent and amount of uncompensated care fees uncollected from insurers and other private sector payors. 7b. Insurers and private sector payors in noncompliance of fee payment requirements. 7c. Regulations to enforce uncompensated care fee payments promulgated by September 30, 1992.

4600-1050 For the uncompensated care pool administration program, for the costs of administering the revenues in the uncompensated care pool pursuant to section seventeen A of chapter one hundred and eighteen F of the General Laws; provided, that the department shall assist professional and nonprofit agencies dedicated to the advancement of the scope and nature of services delivered in communities and community health centers, to pursue available federal technical assistance funding; and provided further, that not less than one hundred and eighty-five thousand three hundred and fifty dollars from said revenues be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act (42 USC 254c) $970,196

PROGRAM 5: Preventive Pediatric Health Care

PROGRAM MISSION To implement a statewide pediatric insurance program to provide preventive and primary care services for uninsured dependent and adoptive children from birth to age six.

STATUTORY REFERENCES *Enabling Statute* M.G.L. c. 118F § 17A

Program Objectives	**Performance Measures**
1. Contract for preventive and primary care services for eligible children.	1. One insurance carrier contract executed by July, 1992.
2. Complete an annual evaluation of the Preventive Pediatric Health Care program.	2. Report submitted to the Legislature by January, 1993.
3. Provide a program of pediatric health care to at-risk children.	3 Actual pediatric care enrollment, service utilization and health indices of participating children.

Item

4600-1200 For the preventive pediatric health care program established pursuant to section seventeen A of chapter one hundred and eighteen F of the General Laws, prior appropriation continued.

Health Care Access Fund 100.0%

PROGRAM 6: Managed Care Community Health Centers

PROGRAM MISSION To ensure access of income-eligible persons to primary health care services at independently licensed community health centers.

STATUTORY REFERENCES *Enabling Statute* M.G.L. c. 118F § 15

Program Objectives	**Performance Measures**
1. Integrate CenterCare program with the free care reimbursement system.	1. Complete integration by October 1, 1992.
2. Monitor enrollment, utilization and costs of the Center Care managed care program.	2a. Number of persons enrolled in managed care program at each center. 2b. Summary of demographic characteristics of enrollees, utilization and fiscal reports. 2c. Total monthly expenditures and average cost per enrollee. 2d. Number and percent of community health centers site visited each year by the department.

4600-1210 For the managed care program established pursuant to section seventeen A of chapter one hundred and eighteen F of the General Laws, within community health centers pursuant to regulations promulgated by the department of medical security $4,000,000

Health Care Access Fund 100.0%

PROGRAM 7: Boston Health Care for the Homeless

PROGRAM MISSION To provide medical respite services, including sub-acute, recuperative, substance abuse and mental health counseling care, to homeless persons in the Greater Boston area who meet free care eligibility criteria.

STATUTORY REFERENCES *Enabling Statute* M.G.L. c. 118F § 17A

Program Objectives	**Performance Measures**
1. Provide medical respite care to eligible persons in the Greater Boston area.	1a. Monthly spending, number assisted and service utilization. 1b. Percent of clients placed in housing. 1c. Percent of clients assisted with Supplemental Security Income (SSI) application. 1d. Actual number and occupancy rate of medical respite unit.

Item

4600-1230 For medical respite services provided by the Boston health care for the homeless program established pursuant to section seventeen A of chapter one hundred and eighteen F of the General Laws $540,000

Health Care Access Fund 100.0%

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 and to the secretary of administration and finance the current social worker caseloads by type of caseand 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 and to the secretary of administration and finance the amount expended on basic child care contracts and vouchers, supportive child care contracts and teen parent day care funded through contracts, and shall include the total number of slots by category, occupancy by category, and the cost by category, in addition to client waiting lists at all day care centers with which the state contracts, as well as an estimate of the current unmet need for child care slots, both voucher and contract, by category.

Notwithstanding any provision of general or special law to the contrary, the department of social services shall report quarterly to the house and senate committee on ways and means and the secretary of administration and finance the amount expended on women-at-risk services; said report shall include the number of service units by category, utilization by category, and cost by category.

Notwithstanding any provision of any general or special law to the contrary, the department of social services shall provide spending plans to the house and senate committees on ways and means and the secretary of administration and finance for the federal grant entitled Title IV-B of the Social Security Act.

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; and provided further, that the department shall develop an AIDS education plan for clients served by the department, including not more than two hundred and eighty positions $15,149,015

4800-0016 For the family stabilization program for non-placement families experiencing instability, including, but not limited to, school and community-based young parent programs, parent and home health aides, education and counseling services; provided, that the department shall pursue the establishment of public/private partnership agreements established for family stabilization services funded from sources other than the

commonwealth; provided further, that said item shall be subject to the provisions of section ten of this act, including not more than twenty-four positions $14,648,371

4800-0017 For the family unification and reunification program for non-placement families at some risk of having their children placed and for placement families whose children are expected to return home following placement, including but not limited to shelter services, substance abuse treatment, respite care and family reunification networks; provided, that the department shall pursue the establishment of public/private partnership agreements established for family unification and reunification services funded from sources other than the commonwealth; provided further, that not less than one hundred and twenty thousand dollars shall be expended for a contract for an integrated family services team in region six; provided further, that not less than eighty thousand dollars shall be expended for family support, programming, counseling, education, job skills preparation, and integrated child care for participants in region six; provided further, that not less than two hundred and ninety-eight thousand dollars shall be expended for alternative schools for students aged fourteen to sixteen who are placed before the court on children in need of services petitions (CHINS) in region six; provided further, that one hundred thousand dollars shall be allocated for an independent oversight board which shall be established pursuant to section eleven of this act to monitor the department's family preservation program; and provided further, that said item shall be subject to the provisions of section ten of this act, including not more than forty-eight positions $23,061,891

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; provided further, that the department through said program may contract with community based agencies for the purpose of providing adoption and special needs adoption services; provided further, that the department shall expend not less than one million eight hundred thousand dollars for the purchase of special needs adoption contracts located at community-based agencies; 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 $33,190,999

4800-0025 For a program of foster care review, including not more than forty-eight positions $1,715,523

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; and provided further, that the department shall collect not less than forty-four million dollars pursuant to Title IV-E of the Social Security Act to be deposited in the General Fund; and provided further that said item shall be subject to the provisions of section ten of this act $78,298,370

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; provided further, the department shall collect revenues in an amount not less than eight hundred and fifty thousand dollars, in the aggregate, from a sliding fee scale for service for the provision of group care; provided further, that the department shall collect not less than two million eight hundred and eighty thousand 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; and provided further that said item shall be subject to the provisions of section ten of this act	$90,522,612
4800-0050 For	the expenses and operations of the New Chardon Street Home for Women located in the city of Boston; provided, that the department shall collect not less than thirteen thousand, eight hundred and fifty dollars from a sliding fee scale for service, including not more than eighteen positions	$571,685
4800-0060 For	a program of day care services, including the administration of the department's day care program; 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 no funds shall be expended for "extended vouchers", so-called; 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 MassJobs program; provided further, that two hundred thousand dollars shall be expended for the provision of operating support for community based child care resource and referral programs that provide direct services to parents; provided further, that the department shall collect not less than three million six hundred and forty-seven thousand nine hundred and sixty-two dollars pursuant to Title IV-A of the Social Security Act; provided further, that thirty-two million, four hundred and twenty-four thousand, and thirty dollars shall be expended to provide through contracts supportive, family preservation day care for children in need of protective services; provided further, that three million, eight hundred thousand, four hundred and eighty-six dollars shall be expended for the provision of contracted day care services to teen parents and their children; provided further, that thirty-three million, eight hundred eighteen thousand, nine hundred and eighteen dollars shall be expended for income eligible day care slots provided through contracts only; provided further, that three hundred twenty-eight thousand one hundred and forty-eight dollars shall be expended for income eligible child care vouchers, including not more than six positions	$70,786,330
4800-0150 For	the administration of the department's area offices, including not more than three hundred positions	$15,436,401
4800-1100 For	social workers and their expenses, including not more than two thousand and twenty-four positions	$62,885,745
4800-1200 For	contracts with partnership agencies, so-called, for the provision of protective services; provided, that the funds herein shall be expended on contracts serving minority and mentally retarded or handicapped clients, including those partnership agency contracts serving minority and mentally retarded or handicapped clients funded from item 4800-1300 in fiscal year nineteen hundred and ninety-two	$3,250,481
4800-1400 For	contracts for women-at-risk shelters and services; provided, that the department shall pursue the establishment of public/private partnership agreements funded from sources other than the commonwealth; provided, that not less than one million five hundred thousand dollars be expended for a unified emergency	

Item		
	response system for battered women and at-risk children	$6,904,176
	DEPARTMENT OF MENTAL HEALTH.	
5011-0100 For	the administration and general services of the department, including a consolidated laundry program; provided, that the department shall develop an AIDS education plan for clients served by the department, including not more than three hundred seventy positions	$16,001,816
5046-0000 For	mental health services for adult clients; provided, that of the sum appropriated herein, not less than two hundred thousand dollars be obligated for the provision of technical assistance to non-profit agencies in order to expedite the development of community housing for the mentally ill, including not more than nine hundred positions	$201,614,787
5046-1000 For	a program to provide rental subsidies to certain clients within the department; provided, that no funds shall be expended for subsidies for units in excess of the number of units funded and occupied on June thirtieth, nineteen hundred ninety-one; provided further, that the department shall submit a plan detailing the administration of said program to the house and senate committees on ways and means; and provided further, that any such subsidies in effect on June thirtieth, nineteen hundred and ninety-one shall remain in effect until said plan is submitted	$2,516,940
5046-3000 For	a homelessness prevention component of the adult services program in the metropolitan Boston area	$1,000,000
5047-4000 For	the operation of the Gaebler children's center; provided, that the Gaebler children's center shall not be closed during fiscal year nineteen hundred and ninety-three, including not more than one hundred forty-seven positions	$7,078,734
5047-5000 For	mental health services for children and adolescents, including not more than seventy-three positions	$45,285,201
5047-6000 For	the ventura project of the child and adolescent services program	$4,000,000
5049-0000 For	forensic mental health services, including not more than fifty-two positions	$5,317,704
5051-0100 For	the operation of community mental health centers; provided that prior to the privatization, consolidation or closure of any community mental health center the secretary of administration and finance shall file a cost benefit analysis of any such privatization, consolidation or closure; provided further, that no community mental health center shall be closed, consolidated or privatized unless authorized by legislation enacted by the General Court and signed by the governor, including not more than one thousand six hundred positions	$79,027,069
5095-0000 For	mental health hospital facilities; provided, that prior to the privatization, consolidation or closure of any inpatient unit, paid through this line item, the secretary of administration and finance shall file a cost benefit analysis of any such privatization, consolidation or closure; provided further, that no inpatient unit, paid through this line item, shall be closed, consolidated or privatized unless authorized by legislation enacted by the General Court and signed by the governor; and provided further, that not less than sixty-four thousand dollars be expended for the service of two full-time equivalent Orthodox chaplains, including not more than three thousand two hundred twenty-four positions	$119,871,840

DEPARTMENT OF MENTAL RETARDATION

AGENCY MISSION To ensure that services provided to people with mental retardation are of high quality, individually responsive, and create opportunities for people to become fully integrated into the community by promoting individual development and encouraging family involvement.

STATUTORY REFERENCES *Enabling Statute* M.G.L. c. 19B, *Cooperation with Rehabilitation Commission* M.G.L. c. 6 § 81, *Special Education* M.G.L. c. 71B § 1-3,9,10

COMPONENT PROGRAMS

1. Administration
2. Community Services
3. Facility Services

PROGRAM 1: Administration

PROGRAM MISSION To manage agency operations, implement the facility consolidation plan, and strategically plan the effective and cost efficient delivery of services.

Program Objectives	Performance Measures
1. Review program objectives, performance measures, and input resources at monthly meetings with program directors.	1a. Monthly meetings with program directors to refine performance achievements. 1b. Report on performance achievements.
2. Manage and coordinate the phase-down of Belchertown State School.	2. Phase-down timetable updated by facility.

5911-1000 For the administration program of the department pursuant to the provisions of chapter nineteen B of the General Laws, including not more than ninety-four positions $4,718,373

5911-2000 For the transportation component of the administration program of the department for mentally retarded persons receiving services through the department; provided, that the department provide such service on the basis of priority of needs as determined by the department $24,751,785

PROGRAM 2: Community Services

PROGRAM MISSION To create opportunities for children, adolescents, and adults with mental retardation to become fully integrated participants in the community by promoting individual development and supporting family involvement, and to provide appropriate residential, day, and support services to the individuals each year who turn twenty-two years of age and graduate from special education programs.

Program Objectives	Performance Measures
1. Implement a state plan to appropriately place persons with mental retardation and related conditions in Medicaid-certified nursing facilities.	1a. Number and percent of individuals in nursing homes assessed annually.

Item **Program Objectives (continued)**	**Performance Measures (continued)**
	1b. Number of individuals receiving active treatment or alternative placement.
2. Provide residential services in community settings to adult population.	2a. Number of adults in residential services. 2b. Number of adults in residential services compared to the prior year. 2c. Average cost per adult in residential service.
3. Provide respite services to eligible adult individuals.	3a. Number of total adult population receiving respite services. 3b. Number of adults eligible for and total number on waiting lists for respite services. 3c. Average cost per adult receiving respite services.
4. Provide residential services in community settings to child and adolescent population.	4a. Number of children and adolescents in residential services. 4b. Number of children and adolescents in residential services compared to the prior year. 4c. Average cost per child and adolescent in residential settings.
5. Provide respite services to eligible children and adolescents.	5a. Number of children and adolescents receiving respite services. 5b. Total number of children and adolescents eligible for, and total number on waiting list for, respite services. 5c. Average cost per child and adolescent receiving respite services.
6. Develop individual transition plans to document service needs for eligible individuals who turn twenty-two years of age.	6. Number and percent of turning twenty-two population receiving individual transition plans.
7. Provide residential services to eligible individuals who turn twenty-two years of age.	7a. Number of eligible individuals placed in community residential settings. 7b. Percent of individuals placed compared to total eligible for residential services. 7c. Eligible individuals in residential settings compared to the prior year.

Item

Program Objectives (continued)

8. Provide day and support services to qualified individuals who turn twenty-two years of age.

Performance Measures (continued)

8a. Number of eligible individuals who receive day and support services.
8b. Percent of individuals receiving day and support services.
8c. Eligible individuals in day and support services compared to the prior year.

5920-1000 For the administration and program support component of the community services program for adults, adolescents, and children with mental retardation, including not more than one hundred fifty positions $8,311,045

5920-2000 For the residential and day component of the community services program for adults, adolescents, and children with mental retardation; 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 the amounts herein appropriated shall be distributed equitably among the regions served, based on the percentage of eligible clients in said region; provided further, that of this amount not more than thirty-two million two hundred thousand dollars be expended for the operation of state-operated community programs opened prior to September first, nineteen hundred and ninety-one; provided further, that not more than six million seven hundred thousand dollars shall be expended for turning twenty-two clients funded through line-item 5911-0006 in fiscal year nineteen hundred and ninety-two; and provided further, that expenses previously associated with the Belchertown state school shall be paid from this item, including not more than one thousand eight hundred positions $311,121,742

5920-3000 For the respite services component of the community services program for adults, children, and adolescents $16,653,077

5920-4000 For the residential and support component of the community services program for adolescents and children with mental retardation not provided under the provisions of law pertaining to special education $3,536,077

5920-5000 For the turning twenty-two component of the community services program of the department $3,000,000

PROGRAM 3: Facility Services

PROGRAM MISSION To provide appropriate twenty-four hour a day seven days a week institutionalized care for adults with mental retardation to meet Title XIX standards.

Program Objectives

1. Operate state schools for the mentally retarded.

Performance Measures

1a. Monthly census by facility.
1b. Percent of residential capacity filled by facility.
1c. Number and total expenditures on fee-for-service medical contracts.
1d. Monthly staff per patient ratio by facility.
1e. Average monthly cost per client by facility.

Item	Program Objectives (continued)	Performance Measures (continued)
	2. Complete the phase-down of Belchertown State School.	2a. Number of patients transferred, by type of community setting. 2b. Number and percent of total placements within the "area of meaningful tie". 2c. Facility transferred to the Division of Capital Plannings and Operations by November 1, 1992.
	3. Operate Intermediate Care Facility for the Mentally Retarded (ICFMRs).	3a. Monthly ICFMR census. 3b. Average monthly staff per patient ratio. 3c. Average monthly cost per client. 3d. Average cost per client compared to the average cost per client in state schools. 3e. Average revenue per client compared to the average revenue per client in state schools.

5930-1000 For the facility services program for the mentally retarded; provided, that the department may expend funds as needed, pursuant to schedules filed with the secretary of administration and finance and the house and senate committees on ways and means, for a facility maintenance crew to provide minimum maintenance to buildings at Belchertown state school following its phase-down; provided further, that notwithstanding the provisions of any general or special law to the contrary, the division of capital planning and operations shall continue to provide uninterrupted sewerage service to residents of the town of Belchertown who are currently attached to the sewerage system of the Belchertown state school; provided further, that said division shall not increase the town's current financial obligation to the operation of the sewerage treatment plant before June thirtieth, nineteen hundred and ninety-three; provided further, that the department shall immediately seek all appropriate federal waivers to meet the provisions of this item; provided further, that seventy-two thousand nine hundred dollars shall be expended for a program of selling milk and livestock; and provided further, that not more than twenty-one million two hundred eighteen thousand dollars shall be allotted to the department for each month's expenditures beginning on September first, nineteen hundred ninety-two, including not more than eight thousand four hundred fifty positions $249,755,834

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

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 seven positions $332,355

Highway Fund 100.0%

Item			
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 twenty-eight thousand three hundred and forty-nine dollars from the rents and fees received pursuant to section four of chapter one hundred and sixty-one C of the General Laws		$28,349
6000-2000	For local construction aid; provided, that grant funds appropriated herein shall be for certain projects for the construction, reconstruction, and improvement of town and county ways defined in subdivision (a) of clause (2) of section thirty-four of chapter ninety of the General Laws; provided further, that funds appropriated herein shall be available as grants to cities and towns pursuant to the distribution formula established in subparagraph (c) of section three of chapter thirty-three of the acts of nineteen hundred ninety-one; provided however, that funds appropriated herein shall be in addition to the distribution requirements of clause (c) of section thirteen of chapter sixty-four of the General Laws		$36,898,950
	Infrastructure Fund	100.0%	
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 operating expenses for the Massachusetts Bay Transportation Authority for its fiscal year ending June thirtieth, nineteen hundred and ninety-three shall not exceed one hundred and five percent of operating expenses for its fiscal year ending June thirtieth, nineteen hundred and ninety-two		$294,498,121
	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		$185,865,679
	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; 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-two and ending June thirtieth, nineteen hundred and ninety-three, may enter into contracts with the authorities; provided further, 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-two shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the operating expenses for each regional transit authorities for its fiscal year ending June thirtieth, nineteen hundred and ninety-three shall not exceed one hundred and five percent of its operating expenses for fiscal year ending June thirtieth, nineteen hundred and ninety-two; and provided further, that service expansion due to the brokered transportation program shall not be included in any operating expenses cap $31,524,090

General Fund 80.0%

Highway Fund 20.0%

6005-0017 For the certain payments to cities and towns as authorized by clause (c) of section thirteen of chapter sixty-four A, clause (b) of section thirteen of chapter sixty-four E and clause (b) of section fourteen of chapter sixty-four F of the General Laws; provided, that the amounts herein appropriated are in full satisfaction of the amounts payable pursuant to said clauses for the nineteen hundred and ninety-three fiscal year $43,075,655

Highway Fund 100.0%

6005-0018 For additional contract assistance to be allocated by the Massachusetts Bay Transportation Authority for the net additional expenses of commuter rail service provided to and on behalf of the regional transit authorities and cities and towns outside the Massachusetts Bay Transportation Authority district for fiscal year nineteen hundred and ninety-two, 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-three, in the amounts determined to be appropriate by the executive office for administration and finance, acting on behalf of the commonwealth, on the recommendation of the secretary of the executive office of transportation and construction; provided, that said additional expense of bus service shall be 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 $14,913,338

General Fund 80.0%

Highway Fund 20.0%

Massachusetts Aeronautics Commission.

6006-0003 For the aviation regulation and enhancement program of the commission, including the expenses of the commissioners; provided, that not less than four hundred fifty-six thousand dollars shall be expended on the expenses of airport development projects and related expenses as authorized by section thirteen of

chapter sixty-four A of the General Laws, as amended by section forty of chapter one hundred and twenty-one of the acts of nineteen hundred and ninety, including not more than thirteen positions $676,861

Department of Highways.

6010-0001 For personnel services of the department; for certain administrative and engineering expenses and equipment of the commission, the office of the highways commissioner and the division of administrative services, highway engineering, highway maintenance, highway construction and the district and other highway activity offices, and for materials, supplies, fleet maintenance and equipment, and for maintenance and operation of state highways and bridges; 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; provided further, that the department shall not be subject to the provisions of section thirty-six A of chapter thirty of the General Laws and section twenty-two of chapter seven of the General Laws, but shall submit requests to repair vehicles costing in excess of the limit pursuant to said section twenty-two of said chapter seven to the secretary of transportation and construction for approval; and provided further, that the department shall provide the house and senate committees on ways and means a quarterly report of repairs requiring said secretary's approval, including not more than two thousand positions $77,415,577

Highway Fund 100.0%

6020-2505 For the administration of the outdoor advertising board, including not more than three positions $170,000

Highway Fund 100.0%

6030-7201 For the expenses of snow and ice control on state highways, including the cost of sand, salt, and other control chemicals; provided, that any surplus after April fifteenth, nineteen hundred and ninety-three may be expended for bridge and highway maintenance and repairs $17,000,000

Highway Fund 100.0%

BOARD OF LIBRARY COMMISSIONERS.

7000-9101 For the administration and expenses of the board of library commissioners, including not more than twenty positions $671,631

Local Aid Fund 100.0%

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 seventy-six and eight-tenths cents per resident in the commonwealth; provided further, that notwithstanding the provision of any general or special law to the contrary, no regional public library shall receive any money under this item in any year when the appropriation of the city or town where such regional public library is located to such regional public library is below an amount equal to ninety-five percent of the average of the appropriations for free public library service for the three years immediately preceding; and provided further, that, notwithstanding the provisions of this section, the board of library commissioners may grant waivers, in a number not to exceed one-tenth the number permitted pursuant to the sixth paragraph of section nineteen A of chapter seventy-eight of the Massachusetts General Laws as appearing in the 1990 edition to any library not receiving funds as a library of last recourse for a period of no more than one year $10,526,453

Local Aid Fund 100.0%

7000-9402 For the purposes of a talking book library $124,165

Local Aid Fund 100.0%

7000-9406 For the administration of a talking book program, including the administration and operation of the machine lending agency $838,751

Local Aid Fund 100.0%

7000-9411 For the state reimbursement of a library construction project in West Bridgewater $186,000

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 ninety-five percent of the average of the appropriations for free public library service for the three years immediately preceding; provided further, that, notwithstanding the provisions of this section, the board of library commissioners may grant waivers, in a number not to exceed two and one-half the number permitted pursuant to the sixth paragraph of section nineteen A of chapter seventy-eight of the Massachusetts General Laws as appearing in the 1990 edition, to any library not receiving funds as a library of last recourse for a period of no more than one year; and 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 $5,660,779

Local Aid Fund 100.0%

7000-9506 For telecommunication expenses of automated resource sharing networks and their member libraries $182,962

Local Aid Fund 100.0%

EXECUTIVE OFFICE OF EDUCATION.

7005-0001 For	the office of the secretary of education, including not more than seventeen positions	$913,790
7005-0003 For	the school of excellence program at public or private institutions of higher education; provided, that every effort be made to recruit and serve equal numbers of male and female students; and provided further, that the secretary of education shall establish regulations governing the program	$500,000
7005-0005 For	the expenses of the New England Board of Higher Education and for the expenses of the members of said board	$454,131
7005-1000 For	fiscal year nineteen hundred and ninety-three reimbursements to certain cities and towns or regional school districts for losses incurred under the provisions of section six of this act; provided, however, that the amount of such reimbursement for any city or town or regional school district shall be limited to fifty percent of the loss of so-called chapter 70 funds due to the provisions of said section except in the case of any such city, town or regional school district which incurs a loss equal to or greater than two percent of its total school budget, in which case said limit shall be seventy-five percent; provided further, that to qualify for such reimbursement any community or regional school district shall submit an application for such reimbursement to the secretary of education on or before October first, nineteen hundred and ninety-two together with an educational corrective action plan containing information, recommendations, and suggestions relative to (1) areas needing improvement within the school system of the applicant, (2) methods of improvement to be employed, (3) goals and objectives of said improvement, (4) evaluation and control methods to be used, (5) personnel to be engaged in such improvement, (6) results intended to be accomplished within one year from the date of application, and (7) methods of increasing parental involvement to be employed; provided further, that any community or regional school district that has a previously approved plan need not refile said plan; provided further, that approval of said plan by said secretary shall act as a condition precedent to the distribution of funds from this item to the applicant community or regional school district; and provided further, that after all of the above obligations have been met any remaining balance in this account may be transferred to item 0610-1500 of section two of this act for the purpose of reimbursing said item for payments made on behalf of students residing within a city, town, or regional school district that does not receive any so-called chapter 70 funds during fiscal year nineteen hundred and ninety-three	$4,500,000
	Local Aid Fund 100.0%	

DEPARTMENT OF EDUCATION.

Board of Education and Commissioner's Office.

7010-0005 For	the general administration of the department, including not more than one hundred and sixty positions	$7,411,304
7010-0008 For	the purchase of equipment and services to automate the teacher certification system	$139,738
	Local Aid Fund 100.0%	

Item

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 to actual and specifically documented incremental costs including those costs pursuant to chapter seventy-one B of the General Laws incurred as direct consequence of participation in the program whenever the reimbursements requested by such city, town, or regional school district exceed the level of reimbursement received in fiscal year nineteen hundred and seventy-seven; and provided further, that the division of elementary, secondary, and occupational education shall contract with a qualified minority business enterprise experienced in the administration of public school transportation systems and programs to alleviate racial imbalance $12,031,328

Local Aid Fund 100.0%

7010-0025 For the development, administration and scoring of a statewide assessment test and a statewide basic skills test $1,106,000

Local Aid Fund 100.0%

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 $4,800,000

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 $8,448,000

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 $864,000

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 is authorized to provide special education services to eligible inmates in county houses of correction, including not more than eighty positions $8,310,672

Local Aid Fund 100.0%

7028-0302 For the educational expenses of certain school age children with special needs attending schools under the provisions of section ten of chapter seventy-one B of the General Laws, for the educational expenses of school age children with special needs attending day or residential programs who have no father or mother or guardian living in the commonwealth, and for expenses relating to the provision of special education to certain children transferred from the department of public welfare to the department of education; provided, that said children transferred from the department of public welfare to the department of education were placed by the department of public welfare in a private special education program as of September first, nineteen hundred and seventy-four, have continued to attend such program at the expense of the department of public welfare up to the date of said transfer, and continue to need such special education program; provided further, that notwithstanding the provisions of any general or special law to the contrary, all increases in the rate paid to an institution or school for services provided in prior fiscal years and prior fiscal years' tuition and transportation 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 $4,139,612

Local Aid Fund 100.0%

7030-1000 For grants to cities, towns, regional school districts and educational collaboratives for early childhood education

programs, pursuant to the provisions of section fifty-four of chapter fifteen of the General Laws; provided, that seventy-five percent of said funds shall be allocated to programs serving low income sites, as determined by the board of education; provided further, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that the commissioner of education may expend funds from this item for grants to head start programs at his discretion; and provided further, that of the sum appropriated herein, any monies expended for the purpose of the Head Start program shall be used exclusively to fund new program slots $12,912,938

Local Aid Fund 100.0%

7030-1500 For grants to head start programs $6,000,000

Local Aid Fund 100.0%

7030-2000 For grants to cities, towns, regional school districts and education 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 provision of section fifty-two of chapter fifteen of the General Laws; provided further, 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 $1,967,984

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 held in a separate account and shall be expended without further appropriation by the school committee $1,000,000

Local Aid Fund 100.0%

7035-0002 For the expenses of providing and strengthening basic educational attainment and work-related programs in reading, writing and mathematics at adult learning centers $4,205,465

Local Aid Fund 100.0%

7035-0004 For reimbursements to 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, 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-two 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 $57,600,000

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 $26,939,604

Local Aid Fund 100.0%

7052-0003 For school building assistance grants and reimbursements for projects to eliminate racial imbalance 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-three shall not exceed six million three hundred and forty-nine thousand and two hundred dollars for projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgement of said board to reduce or eliminate racial imbalance; and provided further, that a report shall be filed semiannually by the board of education with the house and senate committees on ways and means regarding funding commitments $5,358,000

Local Aid Fund 100.0%

7052-0004 For school building assistance grants and reimbursements for cities and towns not subject to court ordered or board of education racial imbalance plans 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-three shall not exceed nine million two hundred thirty-two thousand and eight hundred dollars; provided further, that notwithstanding any general or special law to the contrary, the board of education is prohibited from authorizing the expenditure of funds for new school building assistance projects until such time as the existing pool of approved projects on the fiscal year nineteen hundred and ninety-two priority list "so-called" are funded; provided further, that a report shall be filed semiannually by the board of education with the house and senate committees on ways and

means regarding funding commitments; and provided further, that those projects on the fiscal year nineteen hundred and ninety-two priority list which have not been reached in fiscal year nineteen hundred and ninety-three shall be given priority before any new projects when such list is prepared for fiscal year nineteen hundred and ninety-four $3,572,000

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 $136,000,000

Local Aid Fund 100.0%

7052-0006 For grants and reimbursements for cities, towns, regional school districts and counties under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, for (a) educational, engineering and architectural services for regional school districts, (b) surveys made of school building needs and conditions, (c) matching stabilization fund payments, (d) costs of leasing buildings for vocational programs and originally equipping and furnishing said buildings for vocational programs, and (e) for payments associated with admission to a regional school district; provided, however, that not less than two hundred and fifty thousand dollars be expended for the purposes of clauses (a) and (b) of this item $673,000

Local Aid Fund 100.0%

7052-0007 For grants and reimbursements to cities, towns, regional school districts and counties for the purposes of the school building assistance program under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight; provided, that of the amount appropriated herein, the board of education may authorize one time payments of the total reimbursement due to cities and towns for school buildings which are structurally unsound or otherwise in a condition jeopardizing the safety of school children $5,365,732

7053-1909 For 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 100.0%

7053-1925 For the school breakfast program; provided, that of the sum appropriated herein, not less than five hundred thousand dollars shall be expended for the summer food service and school breakfast outreach programs, including reimbursement of municipal expenses $850,000

Item

	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-three shall be equivalent to the amounts listed in section three of this act; provided further, that the Whitman Hanson Regional School District shall receive one hundred and seventy-three thousand six hundred and thirty-seven dollars in expansion incentive aid pursuant to section sixteen D of chapter seventy-one of the General Laws; provided further that said expansion incentive aid shall be distributed to the Whitman Hanson regional school district in addition to the amounts listed in section three of this act; and provided further, notwithstanding any special or general law to the contrary, regional district school committees shall reassess each member municipality based on the number at the end of this item; provided further, that the reassessment shall comply with chapter seventy-one, section sixteen B as appearing in the 1988 Official Edition and as amended by chapter three hundred and fifty-six of the acts of nineteen hundred and ninety		$100,424,805
	Local Aid Fund	100.00%	
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		$898,131,787
	Local Aid Fund	100.0%	
7061-0012 For	the non-educational costs of the residential school program 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 state 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-two; provided further, that not more than one million two hundred and fifty thousand dollars may be used to fund voluntary pilot programs between the department of education and the department of mental retardation to develop community-based support services for children and their families; provided further, that the amount spent for a particular student shall not exceed the amount of tuition funds allocated for the student at the time of transition into pilot program; provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; and provided further, that the commonwealth shall not pay more than fifty percent of the cost of any such residential placement		$27,191,736
	Local Aid Fund	100.0%	

Item		
7061-0050 For	the purpose of educating young middle school dropouts and truants through Boston's Middle School Alternative School Network	$850,000
7061-0100 For	grants to cities, towns, regional school districts, counties maintaining agricultural schools and independent vocational schools; provided, that the amount appropriated herein shall be distributed so as to provide each city, town, regional school district, county maintaining an agricultural school and independent vocational school with an amount equal to one hundred dollars per student according to data in the October first, nineteen hundred and ninety-one individual school report; provided further, that the amounts provided herein shall be expended exclusively for educational purposes; provided further, that no city, town, regional school district, county maintaining an agricultural school or independent vocational school shall qualify for the grants provided herein unless 1) it expends for educational purposes in fiscal year nineteen hundred and ninety-three at least the same amount as it expended for such purposes in fiscal year nineteen hundred and ninety-two, and it refrains from using amounts appropriated herein to supplant amounts previously expended in fiscal year nineteen hundred and ninety-two or budgeted for fiscal nineteen hundred and ninety-three for educational purposes, or 2) it expends for all purposes in fiscal year nineteen hundred and ninety-three less than it expended for all purposes in fiscal year nineteen hundred and ninety-two and it maintains at least the same proportion of expenditures for educational purposes to expenditures for all purposes in fiscal year nineteen hundred and ninety-three as in fiscal year nineteen hundred and ninety-two; provided further, that the department of education in consultation with the division of local services of the department of revenue may waive one or more of the aforesaid restrictions for any city, town, regional school district, county maintaining an agricultural school or independent vocational school for which such restriction would cause fiscal hardship for any reason including but not limited to the effects of the teachers' summer pay deferral pursuant to chapter three hundred and thirty-six of the acts of nineteen hundred and ninety-one; and provided further, that each city, town, regional school district, county maintaining an agricultural school and independent vocational school shall file with the Commissioner of Education and to the Secretary of Administration and Finance for review a spending plan detailing the purposes for which it plans to expend the grants provided herein, including but not limited to any new initiatives, class size reductions, management changes, or any other improvements in the educational program	$84,836,800
	Local Aid Fund 100.0%	
7061-1000 For	equal education opportunity grants to cities, towns, regional school districts and independent vocational schools computed in accordance with chapter seventy A of the General Laws; provided, that grant amounts shall equal the amounts determined under said chapter seventy A on the basis of direct service expenditures in fiscal year nineteen hundred and ninety-one, increased to that fraction of the amount determined for such year for each city, town, regional school district and independent vocational school in accordance with section three of said chapter seventy A which the amount appropriated herein is sufficient to support; provided further, that any payment made under this appropriation shall be deposited with the treasurer of	

each 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 $205,522,604

Local Aid Fund 100.0%

HIGHER EDUCATION COORDINATING COUNCIL

AGENCY MISSION To develop, cultivate and support a comprehensive system higher of education.

STATUTORY REFERENCES *Enabling Statute* M.G.L. c. 15A § 4

COMPONENT PROGRAMS

1. Higher Education Coordinating Council Administration
2. Financial Assistance
3. Library Support
4. Support of Veterinary programs at Tufts School of Veterinary Medicine
5. County Cooperative Extension
6. University
7. State Colleges
8. Toxics Use Reduction Institute
9. Community Colleges

PROGRAM 1: Higher Education Coordinating Council Administration

PROGRAM MISSION To provide administrative, budgetary, legal, policy, technical and academic program support to the council and the public higher education institutions in the commonwealth.

Program Objectives	Performance Measures
1. Oversee institutional reporting of appropriated and non-appropriated funds on the MMARS system by July 1, 1992.	1. Number and percent of institutions reporting expenditures of appropriated and non-appropriated funds on MMARS by July 1, 1992.
2. Oversee institutional reporting of personnel information for employees compensated from any budgetary, federal, or non-appropriated funds through the PARIS system by September 1, 1992.	2. Number and percent of institutions reporting personnel information on the PARIS system by September 1, 1992.

7066-0000 For the office of the chancellor of higher education and the higher education coordinating council, including but not limited to, a division of fiscal affairs, a division of labor relations and affirmative action, a division of research, policy and planning, a division of student affairs, a business office, an office of general counsel,

Item		
	and for the operation of the higher education computer network; provided, that not less than one million nine hundred forty thousand, two hundred and ninety-nine dollars be expended for the operation of the higher education computer network; provided further, that notwithstanding any provision of 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 of higher education utilizing the data processing system; and provided further, that the data processing system shall maintain a schedule of fees for services provided to agencies, institutions and other educational organizations within the commonwealth	$3,368,949
7066-0002 The	higher education computer network is hereby authorized to expend up to one hundred and eighty-four thousand dollars in fees and charges collected for data processing services rendered to agencies, institutions and other educational organizations of the commonwealth	$184,000
7066-0005 For	the commonwealth's share of the cost of the compact for education	$58,400

PROGRAM 2: Financial Assistance

PROGRAM MISSION To provide financial assistance, to residents of the commonwealth currently enrolled in public and private institutions of higher education in the commonwealth, through the Massachusetts State Scholarship program, the No-Interest Loan program, the McNair program, the Massachusetts Plan and the Matching Student Aid program.

Program Objectives	Performance Measures
1. Award financial assistance to students through the General Scholarship program,the Massachusetts public institutions scholarship program, the Gilbert Grant program, Herter Scholarships, Public Service Scholarships and Engineering Collaborative Scholarships.	1. Number and percent of students applying who receive aid.
2. Provide no interest loans to students who are either ineligible for state and or federal financial assistance or currently carrying the maximum allowed in federal assistance.	2. Number and percent of students applying who receive aid.
3. Furnish financial assistance and supportive services to disadvantaged students at public and private institutions in Massachusetts under the McNair program.	3a. Number and percent of students receiving assistance at public institutions. 3b. Number and percent of students receiving assistance at private institutions.
4. Supply state matching funds for students eligible for the Supplemental Education Opportunity Grants, College Work Study and Perkins loans.	4a. Percent of matching funds provided for students eligible for Supplemental Education Opportunity Grants program.

Item	Program Objectives (continued)	Performance Measures (continued)
		4b. Number of students receiving Supplemental Education Opportunity grants. 4c. Percent of matching funds provided to students participating in College Work Study programs. 4d. Number of students participating in College Work Study programs. 4e. Percent of matching funds provided for students eligible for Perkins Loans. 4f. Number of students receiving Perkins Loans.
	5. Supply state funds for public institutions participating in the Massachusetts Educational Financing authority loan program.	5a. Number of institutions participating. 5b. Number of students served.
	6. Provide low cost loans through Massachusetts institutions, including loans to families who would not otherwise qualify for a loan because of a high debt-to-income ratio.	6a. Number of institutions participating. 6b. Number of students served. 6c. Number of students served by credit support loans.

7070-0031 For the McNair component of the financial assistance program to increase access to public and independent institutions of higher education for students who meet certain income eligibility standards developed by the chancellor of higher education and for students with serious physical impairments, known as the Ronald E. McNair education opportunity program, including not more than twenty-five positions $3,951,135

7070-0032 For a matching student aid component of the financial assistance program which provides matching funds to the supplemental educational grant program, the college work study program and the perkins loan program, as determined by the higher education coordinating council; provided, that not more than nine hundred thousand dollars shall be expended for the participation fund established pursuant to section fourteen A of chapter fifteen C of the General Laws $2,469,105

7070-0065 For the scholarship component of the financial assistance program, for grants to Massachusetts students enrolled in and pursuing a program of higher education in any approved public or independent college, university, school of nursing, or any other approved institution furnishing a program of higher education; provided, that the Massachusetts state scholarship office is hereby authorized to expend not less than ten million dollars for a program of needs based financial assistance for Massachusetts residents enrolled in and pursuing a program of higher education in any of the public institutions of higher education of the commonwealth pursuant to this act; provided that of the sum appropriated herein, not less than five million dollars shall be obligated for the purposes of the Massachusetts Plan, pursuant to section five C of chapter fifteen C of the

General Laws, as amended by section twelve of this act; provided further, that the Massachusetts state scholarship office is authorized and directed to expend no less than three million dollars to provide for the matching of scholarship grants to needy Massachusetts resident students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing; and provided further, that such assistance be distributed to students demonstrating the greatest need as determined by an eligibility index used by the state scholarship office; provided further, that the Massachusetts state scholarship office is authorized to expend no more than seventy-five thousand dollars for a collaborative engineering program; provided further, that students awarded full or partial scholarships under the Christian A. Herter Memorial Scholarship Program as established by section sixteen of chapter fifteen A of the General Laws, as most recently amended by chapter one hundred and forty-two of the acts of nineteen hundred and ninety-one, who have matriculated in a program of higher education outside the commonwealth may continue to receive the scholarship aid guaranteed by said program; provided further, that the scholarship office is authorized to expend monies for the public service awards, as established in said section sixteen; provided further, that the chancellor of higher education, in coordination with the Massachusetts state scholarship office shall establish such regulations governing the eligibility and the awarding of financial assistance as he shall deem necessary; and provided further, an amount not to exceed two and one-half percent of this appropriation may be used for the costs of administering the scholarship program; including not more than thirteen positions $53,000,000

7070-0067 For the no interest loan component of the financial assistance program, the Massachusetts state scholarship office is hereby authorized and directed to expend no less than nine million dollars for the purpose of providing financial assistance, which shall be subject to repayment, pursuant to section twenty-nine of this act, to Massachusetts students enrolled in and pursuing a program of higher education in any approved public or independent college, university, school of nursing, or any other approved institution furnishing a program of higher education within the commonwealth; provided, however, that the Massachusetts State Scholarship office is authorized to expend not more than ten percent of the amount appropriated herein for the administration and associated costs of said program $9,000,000

PROGRAM 3: Library Support

PROGRAM MISSION To provide educational materials to support the education and research programs at state universities, state colleges and community colleges.

Program Objectives

1. Achieve and maintain appropriate level of library accreditation.

Performance Measures

1a. Number and percent of university libraries accredited by the association of research libraries.

1b. Number and percent of college libraries appropriately accredited.

Item

7077-0010 For a program of library support for the purchase of scientific, technological and other educational reference material for the libraries of the system of public higher education institutions $10,000,000

PROGRAM 4: Support of Veterinary Programs at Tufts School of Veterinary Medicine

PROGRAM MISSION To provide state assistance to the Tufts Veterinary Medicine program.

Program Objectives	Peformance Measures
1. Complete animal evaluations through Small Animal Hospital Teaching Program.	1. Number of evaluations.
2. Treat wild animals through the Wildlife Health and Management Program.	2. Number of wild animals treated.
3. Provide supportive veterinary services to state agencies of the commonwealth.	3. Number of state agencies receiving services.

7707-0023 For the Tufts school of veterinary medicine program; provided that 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 $3,981,312

PROGRAM 5: County Cooperative Extension

PROGRAM MISSION To provide state support necessary to meet federal matching requirements for county cooperative programs in the areas of agriculture development and 4H programs, urban youth and families at risk programs, and nutrition programs.

Program Objectives	Performance Measures
1. Offer 4H and agriculture development programs in Massachusetts on the county level.	1a. Number of programs offered. 1b. Number of participants served.
2. Offer nutrition programs to residents on the county level.	2a. Number of programs offered. 2b. Number of participants served.
3. Offer Youth and Families at Risk Counseling and supportive services programs.	3a. Number of programs offered. 3b. Number of participants served.

7100-0102 For a program in county cooperative extension work to be conducted by the University of Massachusetts at Amherst for the Berkshire, Bristol, Franklin, Hampden, Hampshire, Suffolk, Essex, Dukes/Nantucket, Middlesex, Worcester, Plymouth and Norfolk County cooperative extension services; including not more than thirty-two positions $879,169

Item

PROGRAM 6: University

PROGRAM MISSION To provide public service, research and education programs including continuing educations services, in the liberal arts and sciences and in the professions, and in those professional areas normally requiring either education beyond four years of undergraduate training or a basic or advanced degree beyond the bachelor's level.

Program Objectives	**Performance Measures**
	To be completed by each component
1. To provide post secondary educational opportunities to qualified candidates through the doctorate degree level.	1a. To be reported annually by campus. 1b. Average SAT score of incoming freshmen. 1c. Percent scoring above 50th percentile. 1d. Freshman recruits in the top 10%, 25%, 35%, and 50th percentile of high school class. 1e. Acceptance rate of incoming students. 1f. Number of full time equivalent students enrolled. 1g. Number of faculty with Ph.D. 1h. Student/faculty ratio. 1i. Instructional spending per student. 1j. Total spending per student. 1k. Graduation rate of students. 1l. Freshman retention rate. 1m. Total amount of institutional aid awarded. 1n. Average amount of institutional aid per student.

7100-0200 For the operation of the state university governed by the higher education coordinating council, including the office of the president of the University of Massachusetts and the William Joiner Center at the University of Massachusetts at Boston; provided, that notwithstanding any provision of law to the contrary, the board of trustees shall allocate such appropriation in accordance with an allocation plan approved by the house committee on ways and means, which allocation plan shall be approved within forty-five days of this act; provided further, that said trustees shall establish no less than five accounts and report expenditures on the Massachusetts Management Accounting and Reporting System (MMARS) by campus; provided further, that said board may, on July one, nineteen hundred and ninety-two, allocate from this appropriation an amount equal to up to eighty percent of the fiscal year nineteen hundred and ninety-three appropriation for this purpose to cover the ordinary maintenance of the existing system of universities of higher education, pending legislative approval of said allocation plan; provided, that of the sum appropriated herein, not more than two hundred fifty-eight thousand seven hundred and sixty-five dollars be allocated for the operation of the office of the president; provided further; that notwithstanding any general or special law to the contrary the board of trustees shall not reallocate planned campus funding for the operation of the office of the president;

provided further, that of the sum appropriated herein, not less than four hundred nineteen thousand three hundred and seventy-five dollars be allocated for the purposes of the William Joiner Center; 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 seven hundred ninety-five thousand six hundred and nineteen 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 thirty-six thousand eight hundred and sixteen 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 more than twenty-two million two thousand eight hundred thirty-five dollars shall be expended to support the operation of the University of Massachusetts Medical Center; provided further, that of the sum appropriated herein, not less than two hundred fifty thousand 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 thirty thousand seven hundred and seventy-four 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 two hundred and ninety-nine thousand two hundred and eighty-four 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 four hundred and seventy-four thousand one hundred and thirty dollars be obligated for the expense of the Gerontology Institute at the University of Massachusetts at Boston, including one hundred and forty-four thousand four hundred and twenty-six 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 six hundred and thirty-seven thousand and ten 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-five thousand dollars be obligated for Rural Massachusetts at Amherst; provided further that of the sum appropriated herein, not less than one hundred fifty thousand dollars be obligated for a college preparation program at the University of Massachusetts at Lowell; provided further that of the sum appropriated herein not less than four hundred and twenty-nine thousand dollars be obligated for the Massachusetts Institute for Social and Economic Research at Amherst to manage United States census data and provide state population estimates and projections; and provided further, that of the sum appropriated herein, not less than three hundred and twelve thousand dollars shall be obligated for the state matching requirements for the Center for Research of Intelligent, Real-time Computing Systems at the University of

Massachusetts at Amherst; provided further, that not less than one hundred thousand dollars be obligated for each school in the commonwealth to receive an historical atlas 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 six thousand six hundred and thirty positions $215,279,930

PROGRAM 7: State Colleges

PROGRAM MISSION To provide educational programs, research, extension and continuing education services in the liberal, fine and applied arts and sciences and other disciplines through the master's level with a major focus on teaching, in fields and professions which meet state and regional needs.

Program Objectives

1. Provide post secondary education opportunities to qualified candidates through the masters degree level.

Performance Measures

To be completed by each component

1a. To be reported annually by campus.
1b. Average SAT score of incoming freshmen.
1c. Percent scoring above 50th percentile.
1d. Freshman recruits in the top 10%, 25%, 35%, and 50th percentile of high school class.
1e. Acceptance rate of incoming students.
1f. Number of full time equivalent students enrolled.
1g. Number of faculty with Ph.D.
1h. Student/faculty ratio.
1i. Instructional spending per student.
1j. Total spending per student.
1k. Graduation rate of students.
1l. Freshman retention rate.
1m. Total amount of institutional aid awarded.
1n. Average amount of institutional aid per student.

7109-0100 For the Bridgewater State College component of the state college program, including not more than four hundred and seventy-eight positions $17,968,514

7110-0100 For the Fitchburg State College component of the state college program including not more than four hundred eighty-four positions $15,055,220

7112-0100 For the Framingham State College component of the state college program, including not more than three hundred and sixty positions $11,764,509

7113-0100 For the North Adams State College component of the state college program, including not more than two hundred and twenty-four positions $8,067,253

7114-0100 For the operations of Salem State College component of the state college program, including not more than five

Item		
	hundred and forty-three positions	$18,524,313
7115-0100 For	the Westfield State College component of the state college program, including not more than three hundred and forty-eight positions	$11,776,117
7116-0100 For	the Worcester State College component of the state college program, including not more than three hundred and sixteen positions	$11,994,898
7117-0100 For	the Massachusetts College of Art component of the state college program, including not more than two hundred and thirty-six positions	$7,754,472
7118-0100 For	the Massachusetts Maritime Academy component of the state college program, including not more than one hundred and sixty-eight positions	$6,951,468
7120-0223 For	the health and welfare reserve component for the state colleges of Massachusetts; provided that the higher education coordinating council shall submit an allocation schedule of funds to the house and senate committees on ways and means within forty-five days of the passage of this act	$984,672

PROGRAM 8: Toxics Use Reduction Institute

PROGRAM MISSION To maintain at the University of Massachusetts at Lowell a research and training facility to provide educational and training programs in toxics use reduction for professionals, students, and the public and to conduct research and technical meetings in conjunction with other public and private institutions.

STATUTORY REFERENCES *Enabling Statute* M.G.L. c. 211 § 6

Program Objectives	Performance Measures
1. Conduct toxics use reduction planner courses; organize conferences and seminars on environmentally appropriate production.	1a. Percent of graduates of class who pass the state certification exam. 1b. Two professional conferences on environmentally appropriate production. 1c. Eight specialized training classes provided to the Department of Environmental Protection staff. 1d. One general public toxic use reduction conference.
2. Sponsor and conduct research on alternative policies, practices, materials, and manufacturing processes and maintain research facilities to assist firms in the reduction of toxic chemical use.	2a. Twelve new university based research projects on alternatives policies, practices, materials or industrial processes identified, assessed and designed. 2b. One Surface Cleaning Lab established and equipped at UMASS Lowell by January 1, 1993.

Item

Program Options (continued)

3. Report on a plan for state-wide university and industry-based research centers consortium to conduct research in toxics use reduction.

4. Provide research, consultation, and educational support to the state divisions implementing the Toxics Use Reduction Act Program.

Performance Measures (continued)

3. Six new industry and university collaborative research programs developed by June 30, 1993.

4a. Four news letters published to provide direct information and outreach to over 1,000 firms and organizations.

4b. One Report on "Further Chemical Restriction Policies" completed and submitted to the General Court on January 1, 1993.

7220-0004 For the operation of the Toxics Use Reduction Institute at the University of Massachusetts at Lowell, in accordance with the provisions of chapter twenty-one I of the General Laws, as established by chapter two hundred and sixty-five of the acts of nineteen hundred and eighty-nine; provided, however, that of the appropriation herein, not less than two hundred thousand dollars shall be obligated for the purposes of establishing and maintaining programs that will train business, industry, higher education, medical laboratory, and high school laboratory personnel to reduce toxic waste at the source by utilizing the Microscale chemistry technology $1,466,137

Toxic Use Reduction Fund 100.0%

PROGRAM 9: Community Colleges

PROGRAM MISSION To offer degree and non-degree programs through the associate degree level, and to provide developmental education, credit and noncredit educational, career and occupational programs.

Program Objectives

1. Provide post secondary education opportunities to qualified candidates through the associate degree level.

Performance Measures

To be completed by each component

1a. To be reported annually by campus.
1b. Average SAT score of incoming freshmen.
1c. Percent scoring above 50th percentile.
1d. Freshman recruits in the top 10%, 25%, 35%, and 50th percentile of high school class.
1e. Acceptance rate of incoming students.
1f. Number of full time equivalent students enrolled.
1g. Number of faculty with Ph.D.
1h. Student/faculty ratio.
1i. Instructional spending per student.
1j. Total spending per student.
1k. Graduation rate of students.

Item		
Program Objectives (continued)	**Performance Measures (continued)** 1l. Freshman retention rate. 1m.Total amount of institutional aid. 1n. Average amount of institutional aid per student.	
7502-0100 For	the Berkshire Community College component of the community college program, including not more than one hundred and fifty-seven positions	$5,835,853
7503-0100 For	the Bristol Community College component of the community college program, including not more than two hundred and seventeen positions	$7,290,712
7504-0100 For	the Cape Cod Community College component of the community college program, including not more than one hundred and sixty-seven positions	$5,824,022
7505-0100 For	the Greenfield Community College component of the community college program, including not more one hundred forty-four positions	$4,790,250
7506-0100 For	the Holyoke Community College component of the community college program, including not more than two hundred and sixty-four positions	$8,948,543
7507-0100 For	the Mass Bay Community College component of the community college program, including not more than one hundred and seventy-five positions	$6,510,493
7508-0100 For	the Massasoit Community College component of the community college program, including not more than three hundred and ten positions	$11,410,435
7509-0100 For	the Mount Wachusett Community College component of the community college program, including not more than one hundred and forty-nine positions	$5,536,432
7510-0100 For	the Northern Essex Community College component of the community college program; provided however, that of the sum appropriated herein, not less than five hundred thousand dollars be obligated for the LEEP project, including not more than two hundred and fifty-seven positions	$9,622,739
7511-0100 For	the North Shore Community College component of the community college program, including not more than three hundred and twenty-four positions	$11,054,382
7512-0100 For	the Quinsigamond Community College component of the community college program, including not more than two hundred and seventeen positions	$7,177,339
7514-0100 For	the Springfield Community College component of the community college program, including not more than three hundred and seventy-two positions	$12,569,563
7515-0100 For	the Roxbury Community College component of the community college program, including not more than one hundred and fifty-two positions	$6,792,080
7516-0100 For	the Middlesex Community College component of the community college program, including not more than two hundred and ninety-five positions	$9,935,507
7518-0100 For	the Bunker Hill Community College of the community college program, including not more than two hundred and fifty-three positions	$9,088,694

7520-0423 For the health and welfare reserve component for the community colleges of Massachusetts; provided that the higher education coordinating council shall submit an allocation schedule of funds to the house and senate committees on ways and means within forty-five days of the passage of this act $1,021,800

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0100 For the office of the secretary; provided that three hundred thousand dollars shall be expended for the operation of the emergency telecommunications board of which an equivalent amount shall be collected pursuant to section eighteen F of chapter six A of the General Laws, as inserted by chapter two hundred and ninety-one of the acts of nineteen hundred and ninety, including not more than twenty-two positions $926,251

Highway Fund 85.0%

General Fund 15.0%

8000-0101 The office of the secretary is hereby authorized to expend revenues collected up to a maximum of thirty thousand dollars from fees collected for services performed through the auto etching program $30,000

8000-0102 For a reserve for the community policing grants to be administered by the executive office of public safety. Said executive office shall provide grants to cities and towns which have experienced severe health and safety problems as a result of having increased gang activity and street violence $5,000,000

Highway Fund 85.0%

General Fund 15.0%

8000-0105 For the office of chief medical examiner and payment for services to medical examiners as authorized by section one hundred and eighty-four of chapter six of the General Laws, including not more than fifty-eight positions $3,188,584

8000-0110 For the administration and operation of the criminal justice information system, including not more than forty-one positions $3,362,547

Highway Fund 50.0%

General Fund 50.0%

8000-0111 The criminal history systems board is hereby authorized to expend revenues collected up to a maximum of one hundred eighty thousand dollars from record check fees for the purpose of implementing the provisions of chapter three hundred nineteen of the acts of nineteen hundred and ninety, as amended, including the costs of personnel $180,000

8000-0160 For the operation of the state board of building regulations and standards, for the purpose of implementing and enforcing the provisions of sections ninety-three to one hundred, inclusive, of chapter one hundred and forty-three of the General Laws, including not more than eight positions $298,154

Item			
8000-0161 For	a program to license home improvement contractors pursuant to chapter four hundred and fifty-three of the acts of nineteen hundred and ninety-one, including not more than four positions		$125,000
8000-0500 For	the operation of the architectural access board, including not more than eight positions		$185,118
	Department of State Police.		
8100-0000 For	the administration and operation of the department of state police; provided, however, that the department shall include the division of field services, the division of investigation and intelligence, the division of special police services and the division of support services pursuant to section four of chapter four hundred and twelve of the acts of nineteen hundred and ninety-one; and provided further that not less than forty officers shall be provided to the MDC for the purpose of patrolling the watershed property of the commission, including not more than two hundred thousand three hundred positions		$104,781,499
	Highway Fund	88.2%	
	Local Aid Fund	9.5%	
	General Fund	2.3%	
8100-0100 For	the administration and operation of the crime laboratory, including not more than twenty-six positions		$1,278,297
8100-0150 For	the operation of an automated fingerprint identification system		$1,029,792
8100-0200 For	the administration and operation of a motor carrier safety assistance program, including not more than sixteen positions		$450,000
	Highway Fund	100.0%	
8100-0201 The	department of state police is hereby authorized to expend revenues collected up to a maximum of one million fifty thousand dollars from reimbursements received from the motor carrier safety assistance program, including the costs of personnel		$1,050,000
8100-0300 For	the administration and operation of a drug enforcement administration task force		$73,720
8100-0400 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%	
	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-one positions		$2,138,946
	Department of Public Safety.		
8311-1000 For	the administration of the department, including not more than thirty-three positions		$774,900
	Bureau of Special Investigations.		
8312-1000 For	the administration of the bureau of special investigations, including not more than ninety-nine positions		$4,166,643
8314-1000 For	the administration of the division of fire prevention of the department of public safety; 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; 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; and provided further, that the expenses of the fire safety commission be paid from this item, including not more than sixteen positions $352,654

Petroleum Product Cleanup Board.

8314-1100 For the underground storage tank program of the department of public safety, for the expenses associated with the implementation of chapter twenty-one J, including not more than ten positions $750,000

Underground Storage Tank Petroleum Product Cleanup Fund 100.0%

8314-1200 For the purpose of reimbursing parties who have cleaned up spills of petroleum products pursuant to chapter twenty-one J of the General Laws $9,000,000

Underground Storage Tank Petroleum Product Cleanup Fund 100.0%

8314-1300 For the expenses of the underground storage tank petroleum product cleanup fund administrative review board pursuant to chapter twenty-one J of the General Laws $300,000

Underground Storage Tank Petroleum Product Cleanup Fund 100.0%

8314-1400 For a program of grants administered pursuant to section two of chapter twenty-one J of the General Laws and section thirty-seven A of chapter one hundred and forty-eight of the General Laws, for the purposes of removing and replacing underground storage tanks $2,000,000

Underground Storage Tank Petroleum Product Cleanup Fund 100.0%

Division of Inspection.

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 further, 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 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, including not more than ninety-six positions $3,771,206

Massachusetts Firefighting 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 two million 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 positions $2,060,000

Registry of Motor Vehicles.

8400-0001 For the administration and operation of the registry of motor vehicles, including the title division; 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 further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the office of management information systems and pursuant to schedules by said office; provided further, that forty percent of the 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 and eighty-three of chapter six of the General Laws, including not more than seven hundred and thirty-six positions $34,027,995

Highway Fund 100.0%

8400-0002 The registry of motor vehicles is hereby authorized to expend revenues collected up to a maximum of four hundred seventy-four thousand nine hundred and twenty-eight dollars from fees charged for salvage title certificates and inspections for the purpose of implementing the salvage title program, including the costs of personnel $474,928

8400-0008 The registry of motor vehicles is hereby authorized to expend (1) revenues collected up to a maximum of one million two hundred eighty-two thousand seven hundred and six dollars from fees charged for class one and two commercial drivers' licenses, and (2) reimbursements received from federal commercial drivers' licenses grants for the purpose of administering the federal commercial drivers' licensing program $1,282,706

8400-0024 Notwithstanding the provisions of section two of chapter two hundred and eighty of the General Laws, the registry

of motor vehicles is hereby authorized to expend revenue collected up to a maximum of two million three hundred thousand dollars pursuant to chapter ninety C of the General Laws from assessments for civil motor vehicle infractions, including the costs of personnel; provided, that the amount of this expenditure shall be subtracted from the amount that otherwise would be credited to the Highway Fund pursuant to said section two of chapter two hundred and eighty, and shall not affect or alter the amounts of payments to cities and towns pursuant to said section two of chapter two hundred and eighty $2,300,000

Merit Rating Board.

8400-0100 For the safe driver insurance plan 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

Committee on Criminal Justice.

8600-0001 For the administration of the committee on criminal justice, including not more than twelve positions $346,831

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 ninety-six positions $3,281,163

Military-State Quartermaster.

8700-1140 The state quartermaster is hereby authorized to expend revenues collected up to a maximum of seventy-five 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 $75,000

8800-0001 For the service of the Massachusetts emergency management agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities; provided further, that not more 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 of Massachusetts 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 thirty-three positions $524,931

8800-0100 For matters pertaining to nuclear safety emergency preparedness; provided, that the director of the Massachusetts

	emergency management agency 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 in accordance with the provisions of section thirteen of this act; provided further, that the department of public utilities shall develop an equitable method of apportioning said assessments among said licensees; and 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, including not more than eleven positions		$453,794
	General Fund	96.9%	
	Local Aid Fund	3.1%	
8800-0200 The	Massachusetts emergency management agency is hereby authorized to expend an amount not to exceed three hundred and thirty-two thousand dollars for a nuclear safety emergency preparedness program pursuant to section fourteen of this act, including the costs of personnel		$332,000
	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		$162,416
	Highway Fund	100.0%	
8850-0015 For	the expense of the motorcycle safety program		$171,379
	Motorcycle Safety Fund	100.0%	
	Department of Correction.		
8900-0001 For	the administration of the commonwealth's correctional facilities; provided, that, notwithstanding any general or special law to the contrary, no collective bargaining agreement entered into by the commissioner of administration or his designee in fiscal year nineteen hundred and ninety-three shall contain an increase in roll-call pay for corrections officers, including not more than five thousand two hundred and ten positions		$206,188,988
8900-0002 For	the administration of the department; provided, that the department shall develop an AIDS education plan for persons in the custody or under supervision of the department; provided further, 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 usage, by facility, to the house and senate committees on ways and means, including not more		

Item		
	than one hundred and ten positions	$4,672,302
8900-0003 For	the local relief component of the correctional care and custody program to mitigate the inordinate fiscal demand placed on local life, health and safety departments in those cities and towns hosting a state correctional facility; provided however that each such city and town shall receive a percentage of the total funds as appropriated herein which shall be equal to the percentage of the total state inmate population incarcerated within a state correctional facility located within such city or town, provided further, that all inmates incarcerated at MCI-Shirley shall be deemed to be incarcerated within a correctional facility located in the town of Shirley; and provided further, that for the purpose of mitigation calculation all distribution percentage shall be calculated according to the department of correction's inmate population record for July first of the prior calendar year	$997,000
8900-0004 For	the health services program; provided, that the commissioner of correction shall file quarterly reports detailing expenditure patterns of this item with the house and senate committees on ways and means, including not more than thirteen positions	$35,237,479
8900-0007 For	the expenses of the comprehensive offenders employment resources system; provided, that increased emphasis be placed on the provision of services to female offenders	$664,831
8900-0009 For	the education services program, including not more than ninety positions	$3,738,534
8900-0010 For	a prison industries and farm 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; provided further, that the commissioner of correction shall submit quarterly financial reports detailing revenues generated and expended, to the house and senate committees on ways and means, including not more than one hundred and ten positions	$1,600,000
8900-0011 The	prison industries and farm program is hereby authorized to expend revenues collected from the sale of its products, up to a maximum of five million dollars for the support of the program, including costs of materials, supplies, equipment, maintenance of facilities and compensation of employees	$5,000,000
8900-0015 For	a program of correctional residential services, provided, that not less than five hundred thousand dollars be expended for a contracted low-security residential program for incarcerated expectant mothers; provided further, that not less than two hundred thousand dollars be obligated for assistance to incarcerated mothers	$3,012,835
8900-0016 For	the federal prison component of the residential services program	$775,000
	County Corrections.	
8910-0000 For	a reserve to fund county correctional programs, including all programs heretofore funded from items 8900-0008, 8910-0010, 8910-0020, 8910-0021, 8910-0030, 8910-0031, 8910-0040 and 8910-0050 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one; provided, that not less than four million two hundred and sixty-six thousand three hundred and ninety-one dollars be made available to Barnstable county; provided further, that not less than two million five hundred and fifteen	

thousand six hundred and fifty-nine dollars be made available to Berkshire county; provided further, that not less than thirteen million one hundred and seventy-six thousand and eighteen dollars be made available to Bristol county; provided further, that not less than two hundred seventy-five thousand eight hundred and four dollars be made available to Dukes county; provided further, that not less than fourteen million five hundred forty-four thousand and fifteen dollars be made available to Essex county; provided further, that not less than one million ninety-eight thousand nine hundred and ninety-nine dollars be made available to Franklin county; provided further, that not less than eighteen million two hundred eighty-two thousand one hundred and nineteen dollars be made available to Hampden county; provided further, that not less than four million nine hundred forty thousand two hundred and fifty-three dollars be made available to Hampshire county; provided further, that not less than nineteen million six hundred nineteen thousand six hundred and ninety-five dollars be made available to Middlesex county; provided further, that not less than two hundred thousand dollars be made available to Nantucket county; provided further, that not less than seven million nine hundred seventy-eight thousand seven hundred and forty-four dollars be made available to Norfolk county; provided further, that not less than nine million one hundred forty-eight thousand five hundred and forty dollars be made available to Plymouth county; provided further, that not less than thirty-two million three hundred sixty-one thousand three hundred and twenty-seven dollars be made available to Suffolk county; provided further, that not less than fourteen million seven hundred sixty-four thousand six hundred and ninety-six dollars be made available to Worcester county; provided further, that the balance of this appropriation be distributed among the counties in accordance with schedules prepared by the deputy commissioner of revenue for local services, upon notification to the house and senate committees on ways and means; 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 all funds deposited in said accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties, including, but not limited to, maintenance and operation of jails and houses of correction; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county, including, but not limited to, the cost of employee benefits; provided further, that each county shall expend during the fiscal year for the operation of the sheriff's departments, in addition to the amount distributed to it from this item, not less than one hundred and two and one-half percent of the amount expended in fiscal year nineteen hundred and ninety two for such purposes from own-source revenues including, but not limited to, amounts levied pursuant to sections thirty

Item			
	and thirty-one of chapter thirty-five of the General Laws and amounts provided pursuant to sections eleven to thirteen, inclusive, of chapter sixty-four D of the General Laws; provided further, for purposes of this calculation, the amount expended in fiscal year nineteen hundred and ninety-two shall not include personnel-related expenses other than salaries; provided further, that in fiscal year nineteen hundred and ninety-three, 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 the department of correction, the county government finance review board, the Massachusetts' Sheriff's Association, and the division of capital planning and operations shall submit to the secretary of administration and finance and to the house and senate committees on ways and means, no later than the last Wednesday of January nineteen hundred and ninety-three, a joint comprehensive plan dealing with the county and state prison overcrowding problem which shall include the overall number of beds, estimated growth in the number of inmates, alternatives to incarceration, and the most economical use of all available funding sources; provided further, that each county shall submit to the house and senate committees on ways and means, on or before January first, nineteen hundred and ninety-three, spending plans for all funds distributed to it from the commonwealth; provided further, that any county that does not have a budget for fiscal year nineteen hundred and ninety-three approved by the county government finance review board as of July first, nineteen hundred and ninety-two, may expend funds for the operation of county government in fiscal year nineteen hundred and ninety-three in accordance with its most recently approved budget, until such time as the county's budget is approved by county government finance review board; 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 thirty-first, nineteen hundred and eighty-nine or which borrowed in fiscal nineteen hundred and eighty-nine under the provisions of section thirty-six A of chapter thirty-five of the General Laws, 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, as may be applicable; and provided further, that any unexpended balance of this item of appropriation on June thirtieth, nineteen hundred and ninety-three, shall be returned to the Local Aid Fund		$179,137,545
	Local Aid Fund	100.0%	
	Parole Board.		
8950-0001 For	the operation the parole board, including not more than two hundred forty-five positions		$10,616,035

Victim and Witness Program.

8950-0002 For the victim and witness assistance program of the parole board, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws; provided, that the victim service unit positions be classified by the department of personnel administration under the state classification system, including not more than five positions $159,934

Victim and Witness Assistance Fund 100.0%

Department of Youth Services.

8970-0001 For the administration of the department; provided, that the department shall develop an AIDS education plan for youths in custody or under supervision of the department, including not more than fifty-three positions $2,579,729

8970-0004 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 $33,635,067

8970-0006 For supervision, counseling, and other services by the department incidental to certain residential or non-residential care programs, including not more than one hundred and sixty-two positions $5,615,944

8970-0010 For the operation of the secure facilities administered and operated by the department, including not more than three hundred and twenty-five positions $11,004,368

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

9000-0100 For the office of the secretary, including not more than ten positions $455,396

9000-1492 For the expenses of the Christopher Columbus quincentenary celebration; provided, however that the City of Boston shall open Long Island for public viewing of the Tall Ships parade. The City may submit, for the purposes of reimbursement, to the Secretary of Administration and Finance for the costs and expenses incurred for opening the island $3,000,000

Massachusetts Office for Business Development.

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 twenty-five thousand dollars shall be obligated for the support of programs operated by a farm workers' organization serving low income people and the Hispanic population of western Massachusetts; provided further, that no less sixteen thousand dollars shall be obligated for a corporate child care program, including not more than twenty-one positions $1,539,186

Small Business Development Center.

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

Item			
	center; provided further, that the funds expended from this account shall not exceed twenty-five percent of the gross operation cost of said center; and provided further, that quarterly reports of expenditures shall be filed with the house and senate committees on ways and means		$721,238
	Office for Travel and Tourism.		
9000-1900 For	the expenses of the office of travel and tourism; provided, that not less than one hundred thousand dollars be expended for promoting the Bay State Games; provided further, that no less than one million dollars be expended for international tourism promotion and marketing, including not more than twenty-five positions		$8,100,000
	Massachusetts Tourism Fund	100.0%	
9000-1920 For	financial assistance for local tourist councils pursuant to section fourteen of chapter twenty-three A of the General Laws; provided, that the office of travel and tourism shall employ the same formula used during fiscal year nineteen hundred and ninety-two for the distribution of funds appropriated herein; provided further, that in addition to any grant received under said distribution of funds, an amount not less than one hundred thousand dollars shall be directly distributed to the Revolutions and Textiles of the Merrimack Valley Convention and Visitors Bureau, Inc.		$3,000,000
	Massachusetts Tourism Fund	100.0%	
	Massachusetts Film Bureau.		
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		$400,000
	Office for International Trade and Investment.		
9000-2100 For	expenses of the Massachusetts international trade council		$1,000,000
	Massachusetts Tourism Fund	60.0%	
	General Fund	40.0%	
	State Office for Minority and Women Business Assistance.		
9000-2200 For	the expenses of the state office of minority and women business assistance, including not more than twelve positions		$468,436
9000-9900 For	a grant to the Cape Cod Economic Development Council of Barnstable County		$50,000
9081-7006 For	the expenses of the MassJobs Southeast Projects		$177,279
	Bay State Skills Corporation.		
9081-7011 For	the expenses of the Bay State Skills Corporation and the Industry Responsive Training Program; and		

employment, training and counseling of Displaced Homemakers; and training of teachers; and workforce development and business assistance; provided that a report of all revenues, expenditures, assets and liabilities of said corporation shall 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 as a quasi-public corporation $1,225,000

Division of Energy Resources.

9095-0003 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; and provided further, that not more than two hundred thousand dollars shall be obligated for the state energy study component of the program, including not more than twenty-five positions $822,522

9095-0004 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 $184,650

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 secretary of elder affairs shall, with the cooperation of the legislature, seek private funding of not more than thirty-seven thousand dollars for the elder advocacy organization known as the silver haired legislature, including not more than thirty-six positions $1,849,607

9110-1603 For the managed care in housing program, for individuals at risk of institutionalization due to financial impairments, but which are not of sufficient severity to meet the clinical admissions criteria for medicaid nursing home eligibility; provided, that said individuals shall be subject to the same rules and regulations as those clients served under item 9110-1630 of this act $8,276,000

9110-1630 For the home care program including home health and respite services, a protective services program and other programs which serve the elderly; provided, that said 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 shall be retained by the individual home care corporations without reallocation by the executive office of elder affairs, and be expended for the purposes of the home care program, consistent with guidelines to be issued by the executive office of elder affairs; provided further, that no new programs shall be established without the prior written notification of the house and senate committees on ways and means; provided further, that the 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

Item		
	the estimated monthly caseload to be supported by the appropriation in this item and item 9110-1603; 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 aide, 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 thirty-eight to forty-three 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 of administration and finance, no later than two months following the month reported; 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 42 CFR 440.170(f) and case management in 1915(g) of Title XIX, and to request federal matching funds for such services furnished to persons eligible for medical assistance under the provisions of chapter one hundred and eighteen E of the General Laws which are not presently reimbursable under any federal waiver program; provided further, that no funds appropriated herein shall be expended from this item for the expenses of home care corporations' administration or case management services; provided further, that each home care corporation's percentage share of state allocation under this item shall remain the same as its percentage share in fiscal year nineteen hundred and ninety-two; and provided further, that not less than forty thousand dollars be expended for Bay Path Senior Citizens Services for annual rental payment for office space	$72,042,305
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 item 9110-1630 and item 9110-1603 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 each home care corporation's percentage share of state allocation under this item shall remain the same as its percentage share in fiscal year nineteen hundred and ninety-two	$30,977,000
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	$138,000

Item		
9110-1660 For	a program of congregate and shared housing services for the elderly; provided, that the department of elder affairs shall submit to the house and senate committees on ways and means a quarterly update, no later than the last day of the following quarter, of all new and existing coordinator positions filled and salaries paid for said positions	$1,190,000
9110-1900 For	programs providing local services to the elderly including volunteer programs for the elderly; provided, 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 allowed under earnings limitation sections of the Social Security Act and the stipend for part-time corpsmen shall not exceed one hundred and thirty dollars per month; provided further, that not less than two million five hundred thousand dollars shall be obligated for the administration of a meals program for elderly persons; provided further, that one million one hundred forty-seven thousand two hundred dollars shall be expended for the school lunch program authorized pursuant to section one L of chapter fifteen of the General Laws as amended by section three hundred nineteen and three hundred twenty of chapter one hundred thirty-eight of the acts of nineteen hundred and ninety-two; and provided further, that the department of elder affairs shall maximize federal reimbursement for meals served herein	$4,554,104
	General Fund 74.81%	
	Local Aid Fund 25.19%	
9110-9002 For	grants to the councils on aging; provided, that the executive office of elder affairs shall establish an incentive grant program for those councils that implement long term care volunteer programs	$2,046,873
	Local Aid Fund 100.0%	
	EXECUTIVE OFFICE OF CONSUMER AFFAIRS.	
	Office of the Secretary.	
9200-0100 For	the office of the secretary; provided, that the secretary shall expend no less than ninety-six thousand dollars for the expenses of the automobile insurance education program, including not more than ten positions	$654,002
	State Racing Commission.	
9210-0001 For	the administration of the commission, including not more than fifty-six positions	$2,773,141
	Alcoholic Beverages Control Commission.	
9212-0001 For	the administration of the commission, including not more than thirty positions	$887,542

Item		
	Community Antenna Television Commission.	
9215-0001 For	the administration of the commission, including not more than six positions	$238,760
	Division of Standards.	
9218-0100 For	the administration of the division, including not more than thirteen positions	$486,581
	Division of Banks.	
9221-1000 For	the office of the commissioner, including not more than two hundred and twenty-five positions	$7,818,960
	Division of Insurance.	
9222-0100 For	the administration of the division, including expenses of the board of appeal, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section one of chapter five of the General Laws, including not more than one hundred and twelve positions	$5,133,320
	General Fund 65.0%	
	Highway Fund 35.0%	
9222-0199 For	the expenses and the administration of the motor vehicle liability policies and bonds, including not more than eleven positions	$407,842
	Highway Fund 100.0%	
	Division of Registration.	
9230-0001 For	the professional licensing and inspection program of the division of registration; 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 positions	$3,707,400
9230-0150 For	the expenses of the board of registration and discipline in medicine and the committee on acupuncture, including not more than thirty-four positions	$1,646,601
	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-three shall be made at a rate sufficient to produce not more than three million two hundred thirty thousand eight hundred and fifty-six dollars, including not more than seventy-seven positions	$3,230,856

Transportation Division.

9272-0001 For	the administration of the division, including not more than twenty-three positions	$786,737
	Highway Fund 100.0%	
9275-0500 For	the expenses of the energy facilities siting council; provided, that the expenditures from this item to the maximum amount of five hundred sixty-eight thousand three hundred sixty-nine 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 amounts incurred on account of fringe benefits of state personnel compensated from this item shall be assessed upon utility companies in accordance with the provisions of chapter one hundred and sixty-four of the General Laws and that amounts so assessed shall be credited to the General Fund; and provided further, that the position of executive secretary of the council shall be exempt from the provisions and requirements of job classification under chapter thirty of the General Laws, including not more than fifteen positions	$568,369
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 the costs of personnel	$750,000

EXECUTIVE OFFICE OF LABOR

SECRETARIAT MISSION To preserve and protect the health, safety, legal and economic interests of the Massachusetts workforce.

STATUTORY REFERENCES

Enabling Statute

M.G.L. c. 6A §§ 17B-17E

COMPONENT AGENCIES

Office of the Secretary
Department of Labor and Industries
Board of Conciliation and Arbitration
Joint Labor Management Committee
Labor Relations Commission
Department of Industrial Accidents

OFFICE OF THE SECRETARY

AGENCY MISSION To guide and support the departments and programs within the secretariat through policy formulation, general admininistration and budget planning.

STATUTORY REFERENCES

Enabling Statute

M.G.L. c. 6A § 2

COMPONENT PROGRAMS

1. Administration
2. Industrial Services

PROGRAM 1: Administration

PROGRAM MISSION To guide and support the departments and programs within the secretariat through policy formulation, general administration and budget planning.

Item	Program Objectives	Performance Measures
	1. Conduct quarterly reviews of program performance and the use of resources.	1. Reviews conducted.
	2. Report secretariat performance on objectives and each performance measure to the secretary of administration and finance and the Legislature within a month of the end of each quarter.	2. Reports submitted.

9400-0100 For the administration program of the office of the secretary, including not more than eight positions $400,000

PROGRAM 2: Industrial Services

PROGRAM MISSION Provide consulting services and financial support to manufacturing businesses in an effort to retain jobs and increase employee involvement and productivity.

Program Objectives	Performance Measures
1. Administer economic stabilization trust funds to prevent business failures and workforce reductions.	1a. Number of businesses assisted. 1b. Number of business failures prevented. 1c. Number of jobs retained or created. 1d. Number of loan defaults.
2. Provide consulting services to ailing manufacturing companies to preserve jobs and increase productivity.	2a. Number of businesses assisted. 2b. Number of business failures prevented. 2c. Number of jobs retained or created.
3. Provide information and technical assistance to firms and business groups to encourage employee involvement and ownership.	3a. Number of business forums conducted. 3b. Number of companies initiating employee involvement and ownership measures.

9400-1100 For the employee involvement and ownership in the workplace component of the industrial services program $72,000

9400-1700 For the economic stabilization trust component of the industrial services program as provided by chapter twenty-three D of the General Laws, and for a 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 and of the economic stabilization trust be filed quarterly with the secretary of administration and finance and the house and senate committees on ways and means $150,000

DEPARTMENT OF LABOR AND INDUSTRIES

AGENCY MISSION To administer programs that protect the health and welfare of the Massachusetts workforce.

STATUTORY REFERENCES

Enabling Statute
M.G.L. c. 23 §§ 1-6

COMPONENT PROGRAMS

1. Administration and Legal Services
2. Industrial Safety
3. Occupational Hygiene
4. Wage Enforcement
5. Apprentice Training

PROGRAM 1: Administration and Legal Services

PROGRAM MISSION To manage the department's resources and programs in order to resolve legal issues and problems concerning the state's workforce.

Program Objectives	Performance Measures
1. Enforce state labor laws and regulations through timely prosecution of alleged violations.	1a. Number of cases prosecuted. 1b. Average time taken to process case. 1c. Percent of cases prosecuted successfully.
2. Hold bid protest hearings to determine violations in public bidding requirements.	2a. Number of bid protests filed. 2b. Number of hearings held. 2c. Average time elapsed between protest filing date and date of hearing. 2d. Average time elapsed between date of hearing and date of decision.
3. Respond to constituent inquiries concerning labor laws by issuing advisory opinions in a timely fashion.	3a. Number of inquiries received. 3b. Number of opinions issued. 3c. Average time elapsed between date of initial inquiry and date opinion is issued.

9410-0100 For the administration and legal services program of the department; provided, that the department shall administer the licensing and certification of deleaders; provided further, that the department shall conduct a program of recruitment and training for women in construction, including not more than eighteen positions $754,021

PROGRAM 2: Industrial Safety

PROGRAM MISSION To administer and enforce the state's laws and standards concerning safety in the workplace to limit occupational hazards, accidents and injuries.

Item	Program Objectives	Performance Measures
	1. Conduct industrial and construction site investigations to determine compliance with safety laws and regulations.	1a. Number of complaints or inquiries received. 1b. Number of site investigations conducted. 1c. Number of industrial accidents reported. 1d. Number of industrial related fatalities reported.
	2. Conduct child labor and employment agency investigations to determine compliance with appropriate laws and regulations.	2a. Number of complaints received. 2b. Number of investigations conducted. 2c. Number of violations of child labor laws identified.
	3. Conduct inspections to determine compliance with laws and regulations pertaining to the presence of lead and asbestos in the workplace.	3a. Number of inspections conducted. 3b. Number of violations of lead paint and asbestos laws identified.
	4. Provide information and assistance to municipalities to secure financial support for programs to inform workers and communities about their rights concerning the handling of toxic substances.	4. Number of municipalities assisted.

9411-0100 For	the administration and operations component of the industrial safety program, including not more than thirty-six positions	$1,439,385
9411-0105 For	the "right to know" component of the industrial safety program to implement certain provisions of chapter four hundred seventy of the acts of nineteen hundred and eighty-three	$50,000

PROGRAM 3: Occupational Hygiene

PROGRAM MISSION To enforce hygiene standards in the workplace to ensure the health and well-being of the state's workforce.

Program Objectives	Performance Measures
1. Conduct industrial site inspections to determine compliance with state health and sanitation laws.	1a. Number of complaints received. 1b. Number of site inspections conducted. 1c. Number of violations of state health laws identified.
2. Conduct training and provide information relating to occupational hygiene.	2. Number of persons trained or instructed.
3. Perform laboratory tests on air and blood samples to determine existence and levels of toxic substances.	3a. Number of samples analyzed. 3b Percent of samples indicating unacceptable levels of toxic substances.

Item

9412-0100 For the occupational hygiene program; provided, that for a program to evaluate the asbestos level in public schools and other public buildings, the division may employ staff which shall not be subject to chapter thirty-one of the General Laws, including not more than twenty-one positions $1,039,871

PROGRAM 4: Wage Enforcement

PROGRAM MISSION To enforce wage-related provisions and laws to ensure the conduct of fair labor practices.

Program Objectives

1. Enforce the minimum wage law, child labor laws, rules restricting the use of lie detectors by employers and rules governing wage levels for public contracts.

Performance Measures

1a. Number of wage-related complaints received.
1b. Number of wage-related law violations investigated.
1c. Number of restraining procedures initiated.

9413-0100 For the wage enforcement program, including not more than thirty positions $1,259,970

PROGRAM 5: Apprentice Training

PROGRAM MISSION Coordinate efforts of labor and management to establish and maintain apprentice training in the skilled trades.

Program Objectives

1. Support efforts by Massachusetts companies to provide apprentice training.

Program Measures

1. Number of businesses that provide apprentice training.

9415-0100 For the apprentice training program; provided, that no position in the apprentice training division shall be subject to chapter thirty-one of the General Laws, including not more than fifteen positions $342,151

BOARD OF CONCILIATION AND ARBITRATION

AGENCY MISSION To mediate and arbitrate labor and management disputes to achieve impasse resolution and encourage constructive and cooperative labor-management relationships.

STATUTORY REFERENCES

Enabling Statute
M.G.L. c. 23C
M.G.L. c. 150E

COMPONENT PROGRAMS

1. Dispute Mediation and Arbitration

PROGRAM 1: Dispute Mediation and Arbitration

PROGRAM MISSION To mediate and arbitrate labor and management disputes to achieve impasse resolution and encourage constructive and cooperative labor-management relationships.

Program Objectives

1. Provide interest mediation and grievance arbitration services to assist public management and unions to reach settlements when direct negotiations have failed.

Performance Measures

1a. Number of public sector strikes settled.
1b. Number of grievance mediation cases settled.
1c. Number of grievance arbitration cases resolved.

Item

9420-0100 For the dispute mediation and arbitration program of the board of conciliation and arbitration, including not more than fifteen positions $624,089

JOINT LABOR MANAGEMENT COMMITTEE

AGENCY MISSION To assist municipalities and their public safety labor organizations to resolve disputes arising from collective bargaining negotiations to ensure that services are not interrupted.

STATUTORY REFERENCES

Enabling Statute

St.1979, c. 154

COMPONENT PROGRAMS

1. Public Safety Dispute Mediation

PROGRAM 1: Public Safety Dispute Mediation

PROGRAM MISSION To assist municipalities and their public safety labor organizations to resolve disputes arising from collective bargaining negotiations to ensure that services are not interrupted.

Program Objectives

1. Conduct field investigations, mediation sessions, and procedural hearings as necessary to help resolve municipal police and firefighter labor-management disputes.

Performance Measures

1a. Number of municipal cases resolved.

1b. Percentage of all field investigations conducted within 30 days.

9421-0100 For the public safety dispute mediation program of the joint labor-management committee, including not more than eight positions $394,812

LABOR RELATIONS COMMISSION

AGENCY MISSION To ensure the prompt, fair and peaceful resolution of labor disputes.

STATUTORY REFERENCES

Enabling Statutes

M.G.L. c. 23 §§ 9O-9R

COMPONENT PROGRAMS

1. Labor Relations

PROGRAM 1: Labor Relations

PROGRAM MISSION To ensure the prompt, fair and peaceful resolution of labor disputes.

Program Objectives

1. Perform quasi-judicial functions to investigate and dispose of or adjudicate labor disputes.

Performance Measures

1a. Number of labor relations cases closed.

1b. Average number of weeks taken to process a case from initial filing.

9430-0100 For the labor relations program of the commission, including not more than twenty-two positions $875,202

DEPARTMENT OF INDUSTRIAL ACCIDENTS

AGENCY MISSION To monitor, prevent and provide compensation for work related accidents, injuries and illnesses through dispute resolution, dissemination of workplace health and safety information and administration of public and private trust funds.

Item

STATUTORY REFERENCES

Enabling Statutes

M.G.L. c. 23E

COMPONENT PROGRAMS

1. Industrial Accidents

PROGRAM 1: Industrial Accidents

PROGRAM MISSION To monitor, prevent and provide compensation for work related accidents, injuries and illnesses through dispute resolution, dissemination of workplace health and safety information and administration of public and private trust funds.

Program Objectives	**Performance Measures**
1. Process all financial transactions pursuant to statutory requirements.	1a. Percentage of all eligible fees, fines and late charges collected. 1b. Percentage of all bills and industry assessments processed on time.
2. Process and adjudicate dispute resolution cases within statutory time frames.	2a. Percentage of all cases processed and adjudicated on time. 2b. Number of cases resolved through arbitration. 2c. Number of cases adjudicated.
3. Provide training and information to employees and employers concerning occupational health and safety standards.	3a. Number of employers trained. 3b. Percentage of employers receiving training that initiate specific measures to reduce workplace accidents and injuries.
4. Ensure that all employers are providing worker's compensation coverage to their employees as required by law.	4a. Number of investigations for compliance conducted. 4b. Number of violations identified. 4c. Amount of penalties assessed.

9440-0200 For the industrial accidents program; 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, including not more than three hundred and thirty-two positions $15,729,744

LEGISLATURE.

Senate.

9511-0000 For	the compensation of senators	$1,605,000
9511-8000 For	expenses of senators, including travel	$168,208
9512-0000 For	the office of the senate clerk, prior appropriation continued	$557,480
9512-0100 For	in-house printing, duplicating and other expenses, prior appropriation continued	$99,072
9513-0000 For	the salary of the chaplain of the senate	$4,000

Item		
9514-0000 For	the office of the senate counsel, prior appropriation continued	$590,000
9515-0000 For	administrative and legislative aides to the senators, prior appropriation continued	$3,936,000
9515-0100 For	the cost of unemployment, medicare and workers' compensation charges assessed against the employees of the senate	$198,000
9516-0000 For	administrative, secretarial and clerical assistance to the senators, prior appropriation continued	$1,000,000
9516-0030 For	a legislative intern and service program for the senate, prior appropriation continued	$100,000
9517-0000 For	the office of the senate committee on ways and means, prior appropriation continued	$1,122,612
9518-0000 For	the office supplies and other expenses of the senators, prior appropriation continued	$620,160
9519-5000 For	the salaries of court officers and pages of the senate, prior appropriation continued	$955,200
9519-6000 For	the office of legislative post audit and oversight bureau of the senate, prior appropriation continued	$245,333
9519-7000 For	legislative committee services for the senate, prior appropriation continued	$1,400,000
9519-8000 For	the expenses of televising sessions of the Senate, prior appropriation continued.	
	House of Representatives.	
9621-0000 For	the compensation of representatives, prior appropriation continued	$5,225,832
9622-8000 For	expenses of representatives, including travel, prior appropriation continued	$771,380
9623-0000 For	the office of the clerk of the house of representatives, prior appropriation continued	$506,208
9624-0000 For	the salary of the chaplain of the house of representatives, prior appropriation continued	$15,359
9625-0000 For	the office of the house counsel, prior appropriation continued	$1,035,016
9626-0000 For	the office of the house committee on rules, prior appropriation continued	$1,010,401
9626-0010 For	repairs and renovations, prior appropriation continued	$186,000
9627-0050 For	the cost of unemployment, medicare and workers' compensation charges assessed against the employees of the house of representatives, prior appropriation continued	$319,132
9628-0000 For	the office of the house committee on ways and means, prior appropriation continued	$1,216,833
9628-0020 For	the performance oversight component of the house ways and means committee, prior appropriation continued	$180,000
9629-0000 For	clerical and other expenses of the members of the house of representatives, prior appropriation continued	$2,568,307
9630-0020 For	administrative and legislative aides to the members of the house of representatives, prior appropriation continued	$3,600,316
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, prior appropriation continued	$56,597
9632-0040 For	office supplies and other expenses of the house of representatives, prior appropriation continued	$638,824
9633-0000 For	the expenses of televising sessions of the house of representatives, prior appropriation continued	$559,207

Item		
9634-2000 For	the expenses related to the House Information Systems, including maintenance of data and telecommunications equipment, prior appropriation continued	$154,349
9634-3000 For	the salaries of court officers and pages of the house of representatives, prior appropriation continued	$864,521
9634-4000 For	the expenses of the office of the house committee on personnel administration, prior appropriation continued	$34,452
9634-5000 For	legislative committee services for the house of representatives, prior appropriation continued	$4,754,325
9634-6000 For	the office of legislative post audit and oversight bureau of the house of representatives, prior appropriation continued	$852,833
	Joint Legislative Expenses.	
9731-0000 For	the office of the sergeant-at-arms, prior appropriation continued	$518,728
9731-0050 For	the cost of unemployment, medicare and worker's compensation charges assessed against the employees of the joint legislative committees	$179,682
9734-1000 For	the salaries of clerks employed in the legislative document room, prior appropriation continued	$376,570
9735-0000 For	the 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	$180,100
9736-0000 For	the rental, maintenance and updating of an electric roll call system, prior appropriation continued	$22,532
9737-0000 For	the legislative service bureau, prior appropriation continued	$455,924
9738-0001 For	the administration of the office of legislative data processing, prior appropriation continued	$705,107
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	$167,167
9742-0000 For	the administration of the legislative engrossing division, prior appropriation continued	$187,069
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	$2,051,858
9744-1000 For	telephone and telegraph service, prior appropriation continued	$2,784,627
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	$26,170
9746-0000 For	the expenses of the joint committees on rules and for clerical and other assistance to the joint committees, prior appropriation continued	$174,242
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	$38,054
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	$209,443
9749-0000 For	the expenses of the special commission on financial services, established by section one hundred and eleven 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, nondepository and other financial institutions, prior appropriation continued	$480,000
9749-0100 For	the expenses of the joint committee on redistricting, prior appropriation continued	$600,000
9749-0200 For	the expenses of the study authorized by section forty-three of chapter one hundred and forty-two of the acts of nineteen hundred and ninety-one; provided, however, that the expenditure of funds appropriated herein shall be contingent on the prior receipt of private donations equal to or greater than said expenditure; and, provided further, that said donations shall be deposited into the General Fund, prior appropriation continued.	

SECTION 2A. The amounts set forth in this section are hereby appropriated from the General Federal Grants Fund. 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-two, 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-three, in addition to any amount appropriated in this section.

DISTRICT ATTORNEYS.

District Attorneys' Offices.

0340-0151 For	the purposes of a federally funded grant entitled, Financial Investigations Suffolk County	$249,000
0340-0318 For	the purposes of a federally funded grant entitled, Priority Drug Prosecution	$63,000

SECRETARY OF THE COMMONWEALTH.

Office of the Secretary of the Commonwealth.

0526-0105 For	the purposes of a federally funded grant entitled, Massachusetts Statewide Historical Survey	$580,000
0526-0115 For	the purposes of a federally funded grant entitled, Massachusetts Historical Commission Federal Preservation Grants	$242,000

TREASURER AND RECEIVER-GENERAL.

Massachusetts Cultural Council.

0640-9717 For	the purposes of a federally funded grant entitled, Promotion of Arts, Basic State Grant	$496,000

Item		
0640-9718 For	the purposes of a federally funded grant entitled, Promotion of Arts, Artists in Education	$75,000
	ATTORNEY GENERAL.	
	Attorney General's Office.	
0810-6646 For	the purposes of a federally funded grant entitled, Crime Victim Compensation	$791,000
0810-6647 For	the purposes of a federally funded grant entitled, Hazardous Waste Enforcement	$10,000
0840-0110 For	the purposes of a federally funded grant entitled, Crime Victims Assistance	$1,494,000
	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.	
	Administering Agency for Developmental Disabilities.	
1100-1703 For	the purposes of a federally funded grant entitled, Administering Agency for Developmental Disabilities	$1,080,000
1100-1710 For	the purposes of a federally funded grant entitled, Mass. Developmental Disabilities Council	$300,000
	Office on Disability.	
1107-2450 For	the purposes of a federally funded grant entitled, Client Assistance Program	$180,000
	Massachusetts Commission Against Discrimination.	
1150-5338 For	the purposes of a federally funded grant entitled, Fair Housing Assistance Program Type I	$105,000
1150-5339 For	the purposes of a federally funded grant entitled, Equal Employment Resolution Contract	$681,000
	EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.	
	Office of the Secretary of Environmental Affairs.	
2000-0141 For	the purposes of a federally funded grant entitled, Coastal Zone Management Development	$1,230,000
2000-0144 For	the purposes of a federally funded grant entitled, Assessment of Sand Inside Plymouth Bay	$25,000
2000-0148 For	the purposes of a federally funded grant entitled, Massachusetts Bay National Estuary Project	$700,000
2000-9731 For	the purposes of a federally funded grant entitled, Buzzards Bay Project Comprehensive Estuarine Management	$300,000
2030-9701 For	the purposes of a federally funded grant entitled, Outdoor Recreation Projects	$3,000,000
	Department of Environmental Management.	
2120-9701 For	the purposes of a federally funded grant entitled, Rural Community Fire Protection	$28,000
2120-9707 For	the purposes of a federally funded grant entitled, Urban and Community Forestry	$440,400
2120-9708 For	the purposes of a federally funded grant entitled, Improved Wood Utilization	$65,000
2120-9715 For	the purposes of a federally funded grant entitled, Resources Development Program	$8,925
2121-9709 For	the purposes of a federally funded grant entitled, Forestry Planning	$305,680
2121-9710 For	the purposes of a federally funded grant entitled, Rural Fire Protection Training and Excess Property	$150,000
2130-9703 For	the purposes of a federally funded grant entitled, Washington Mountain Brook Watershed Project	$459,371

Item		
2140-9705 For	the purposes of a federally funded grant entitled, Waquoit Bay National Estuaries Research Reserve	$20,000
2140-9706 For	the purposes of a federally funded grant entitled, Waquoit Bay Operating Costs	$70,000
2140-9707 For	the purposes of a federally funded grant entitled, Waquoit Bay Characterization Projects	$30,000
2140-9711 For	the purposes of a federally funded grant entitled, SBA Tree Planting Program	$355,000
2140-9750 For	the purposes of a federally funded grant entitled, Insect and Disease Suppression	$375,000
	Department of Environmental Protection.	
2200-9704 For	the purposes of a federally funded grant entitled, Solid Waste Disposal Conservation and Recovery	$1,605,000
2200-9705 For	the purposes of a federally funded grant entitled, Underground Water Source Protection Program	$108,000
2200-9706 For	the purposes of a federally funded grant entitled, Water Quality Management Planning	$849,853
2200-9709 For	the purposes of a federally funded grant entitled, Massachusetts Multi-Site Cooperative Agreement	$900,000
2200-9712 For	the purposes of a federally funded grant entitled, Cooperative Agreement Leaking Underground Storage Tank Program	$900,000
2200-9713 For	the purposes of a federally funded grant entitled, Cooperative Agreement PSC Palmer Superfund Site	$20,000
2200-9715 For	the purposes of a federally funded grant entitled, Core Cooperative Agreement Cercla Implementation Support	$375,000
2200-9716 For	the purposes of a federally funded grant entitled, Development of Donna Road Aquifer as a Public Water Supply	$450,000
2200-9732 For	the purposes of a federally funded grant entitled, Water Quality Certification and Wetlands Assessment	$78,900
2200-9733 For	the purposes of a federally funded grant entitled, Wetlands Public Education and Outreach	$43,000
2200-9740 For	the purposes of a federally funded grant entitled, Municipal Training Program	$38,590
2240-9705 For	the purposes of a federally funded grant entitled, Shallow Injection	$8,385
2240-9707 For	the purposes of a federally funded grant entitled, 1991 Water Pollution Control Program	$1,830,000
2240-9709 For	the purposes of a federally funded grant entitled, Clean Lakes Program	$342,285
2240-9710 For	the purposes of a federally funded grant entitled, State Management Assistance Grant	$1,320,157
2240-9712 For	the purposes of a federally funded grant entitled, Technical Assistance and Training	$40,000
2240-9713 For	the purposes of a federally funded grant entitled, Wastewater Laboratory Training Program	$118,700
2240-9716 For	the purposes of a federally funded grant entitled, Non-point Source Assessment Report and Management Plan	$323,614
2240-9717 For	the purposes of a federally funded grant entitled, Non-point Source Management Plan	$288,834
2240-9718 For	the purposes of a federally funded grant entitled, NPS New Management Plan	$45,000
2240-9719 For	the purposes of a federally funded grant entitled, Lake Water Quality Assessment	$160,000
2240-9721 For	the purposes of a federally funded grant entitled, Water Quality Implementation	$112,000
2250-9701 For	the purposes of a federally funded grant entitled, Safe Drinking Water Act	$564,400
2250-9704 For	the purposes of a federally funded grant entitled, Toxic Use Reduction	$151,764
2250-9710 For	the purposes of a federally funded grant entitled, Statewide Air Pollution Control Program	$4,179,258

DEPARTMENT OF FISHERIES, WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.

2330-9701 For	the purposes of a federally funded grant entitled, Interjurisdictional Fisheries Management	$10,000
2330-9709 For	the purposes of a federally funded grant entitled, Commercial Fisheries Research and Development	$85,000
2330-9712 For	the purposes of a federally funded grant entitled, Commercial Fisheries Statistics	$140,000
2330-9714 For	the purposes of a federally funded grant entitled, Commercial Fisheries Extension	$6,000
2330-9718 For	the purposes of a federally funded grant entitled, Characterization of Striped Bass Landing	$2,000
2330-9719 For	the purposes of a federally funded grant entitled, Fisheries Resource Assessment	$52,000
2330-9721 For	the purposes of a federally funded grant entitled, Anadromous Fish Management	$53,400
2340-9701 For	the purposes of a federally funded grant entitled, Safe Boating Program	$500,000

DEPARTMENT OF FOOD AND AGRICULTURE.

2511-0310 For	the purposes of a federally funded grant entitled, Pesticide Enforcement	$255,400
2511-0320 For	the purposes of a federally funded grant entitled, Certification of Pesticide Applicators	$31,400
2516-9002 For	the purposes of a federally funded grant entitled, Development of Institutional Marketing	$150,000
2516-9003 For	the purposes of a federally funded grant entitled, Farmers' Market Coupon Program	$425,000

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Office of the Secretary of Communities and Development.

3722-9011 For	the purposes of a federally funded grant entitled, Supportive Housing Demonstration Program	$992,288
3722-9013 For	the purposes of a federally funded grant entitled, Section 8 Existing Housing Program; provided, that the executive office of communities and development may provide monthly payments in advance to participating agencies	$71,381,264
3722-9014 For	the purposes of a federally funded grant entitled, Section 8 Federal Housing Voucher Program; provided, that the executive office of communities and development may provide monthly payments in advance to participating agencies	$15,405,155
3722-9019 For	the purposes of a federally funded grant entitled, Section 8 Moderate Rehabilitation; provided, that the executive office of communities and development may provide monthly payments in advance to participating agencies	$17,349,498
3722-9020 For	the purposes of a federally funded grant entitled, Section 8 New Construction Program; provided, that the executive office of communities and development may provide monthly payments in advance to participating agencies	$3,715,890
3722-9028 For	the purposes of a federally funded grant entitled, HOME	$16,000,000
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 further, that consistent with applicable	

Item		
	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	$253,000
3724-9009 For	the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Program; provided, that the executive office of communities and development may provide monthly payments in advance to participating agencies	$5,000,000
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	$6,646,541
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	$61,804,319
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	$9,088,149
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	$856,322
	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.	
4000-0701 For	the purposes of a federally funded grant entitled, the Cooperative Agreement for Primary Care	$89,333
4000-0702 For	the purposes of a federally funded grant entitled, Child Care Development Block Grant; provided, that two million, two hundred and thirteen thousand, two hundred and eighty dollars shall be expended for the purchase of contracted child care for income eligible working families not eligible for transitional child care as defined in Title IV-F of the Social Security Act; provided further, that six million four hundred and nineteen thousand seven hundred and twenty dollars shall be expended for income eligible child care vouchers for income eligible working families not eligible for transitional child care as defined by Title IV-F of the Social Security Act; provided further, that five hundred thousand dollars shall be expended for the provision of operating support for community-based child care resource and referral programs that provide direct services to parents; provided further, that four hundred thousand dollars shall be expended through child care resource and referral agencies and other qualified community-based child care training programs for the provision of child care training; provided further, that one hundred and seventy-five thousand dollars shall be expended for child care services to disabled persons; and provided further, that fifty thousand dollars shall be expended to provide mainstreaming and technical assistance for providers serving children with disabilities or special needs	$9,858,000
4000-0804 For	the purposes of a federally funded grant entitled, Refugee Targeted Assistance Grant	$1,285,006

Item		
4000-0805 For	the purposes of a federally funded grant entitled, Refugee Resettlement Program, Social Services	$3,318,028
4000-0806 For	the purposes of a federally funded grant entitled, Refugee Cash, Medical and Administration	$15,964,772
4000-0807 For	the purposes of a federally funded grant entitled, State Legalization Impact Assistance Grant	$1,611,000
4000-9000 For	the purposes of a federally funded grant entitled, Refugee Resettlement Services	$45,000
4000-9400 For	the purposes of a federally funded grant entitled, Alcohol, Drug Abuse, and Mental Health Services Block Grant	$39,395,721
	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; provided further, that no reimbursement received for such vocational rehabilitation closures shall be expended by the commission without the prior approval of the secretary of health and human services and the secretary of administration and finance	$500,000
4110-3021 For	the purposes of a federally funded grant entitled, Basic Support Grant Section 110	$5,642,199
4110-3023 For	the purposes of a federally funded grant entitled, Independent Living Part A	$46,750
4110-3024 For	the purposes of a federally funded grant entitled, Independent Living Part B	$291,375
4110-3027 For	the purposes of a federally funded grant entitled, Rehabilitation Training Section 4	$30,000
4110-3028 For	the purposes of a federally funded grant entitled, Supported Employment	$129,852
	MASSACHUSETTS REHABILITATION COMMISSION.	
4120-0020 For	the purposes of a federally funded grant entitled, Vocational Rehabilitation	$31,000,000
4120-0025 For	the purposes of a federally funded grant entitled, HUD Fair Housing Urban and Development Initiative	$186,287
4120-0171 For	the purposes of a federally funded grant entitled, Teaching Grant and Traineeships in RSA Training	$120,000
4120-0187 For	the purposes of a federally funded grant entitled, Supported Employment Program	$500,000
4120-0511 For	the purposes of a federally funded grant entitled, Disability Determination Services	$32,000,000
4120-0760 For	the purposes of a federally funded grant entitled, Independent Living	$900,000
4120-0900 For	the purposes of a federally funded grant entitled, New England Regional Head Injured Center	$750,000
	MASSACHUSETTS COMMISSION FOR THE DEAF & HARD OF HEARING.	
4125-0103 For	the purposes of a federally funded grant entitled, Assistive Technology Partnership	$598,543
	OFFICE FOR CHILDREN.	
4130-2087 For	the purposes of a federally funded grant entitled, Dependent Care Planning and Development provided that, one hundred twenty-two thousand, nine hundred and ten dollars shall be expended for operating expenses of child care resource and referral programs that provide direct services to parents, and one hundred eighty-	

Item		
	seven thousand, four hundred and sixty-eight dollars shall be expended to provide through contracts basic day care services for children with disabilities in school-age child care programs not eligible for child care as defined by Title IV-F of the Social Security Act	$310,378
4130-2088 For	the purposes of a federally funded grant entitled, Child Development Assistance	$33,180
4130-9002 For	the purposes of a federal grant for Child Abuse Prevention Activities	$40,660
	VETERANS' SERVICES.	
4170-0014 For	the purposes of a federally funded grant entitled, Job Training Partnership Act	$160,000
	DEPARTMENT OF PUBLIC WELFARE.	
4402-1734 For	the purposes of a federally funded grant entitled, Improving Access to Care for Pregnant Substance Abusers	$300,000
4407-9002 For	the purposes of a federally funded grant entitled, MassJOBS	$18,000,000
4407-9055 For	the purposes of a federally funded grant entitled, Emergency Shelter Grant	$1,000,000
4407-9057 For	the purposes of a federally funded grant entitled, Transitional Housing	$2,500,000
4407-9070 For	the purposes of a federally funded grant entitled, At Risk Day Care; provided, that the department shall enter into an interagency agreement with the department of social services for the purposes of this program; provided further, that such interagency agreement shall require the department to make child care provided herein available to those persons at risk of becoming eligible for the aid to families with dependent children program; provided further, that five million, eight hundred thousand dollars received pursuant to this grant shall be expended for income eligible child care contracts only; and provided further, that four hundred thousand dollars shall be expended for the management of the income eligible voucher system funded by a designated amount in item 4000-0702 of section two A of this act, and by a designated amount in item 4800-0060 of section two of this act	$6,200,000
4407-9072 For	the purposes of a federally funded grant entitled, Parents Fair Share	$900,000
4407-9078 For	the purposes of a federally funded grant entitled, SAFAH Grant	$330,000
4407-9080 For	the purposes of a federally funded grant entitled, Shelter Plus Care	$200,000
	DEPARTMENT OF PUBLIC HEALTH.	
4500-1000 For	the purposes of a federally funded grant entitled, Preventive Health Services Block Grant provided that not less than four hundred and fifty thousand dollars shall be obligated to the emergency medical services regions; and provided further, that not less than one hundred sixty-five thousand dollars be obligated for rape prevention and victim services	$3,500,000
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; provided further, that this process 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 further, that a specific focus will be taken to support programs serving communities/neighborhoods with high rates of poverty	$12,567,000
4502-1012 For	the purposes of a federally funded grant entitled, Cooperative Health Statistics System	$305,000
4510-0109 For	the purposes of a federally funded grant entitled, State Loan Repayment Project	$148,216
4510-0400 For	the purposes of a federally funded grant entitled, Medicare State Certification and Medicaid NH Survey Certification	$3,483,522
4510-9019 For	the purposes of a federally funded grant entitled, Environmental Monitoring Program	$75,000
4510-9040 For	the purposes of a federally funded grant entitled, Diabetes Control Program	$132,260
4510-9043 For	the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Impact Health Assessments	$197,934
4510-9048 For	the purposes of a federally funded grant entitled, Indoor Radon Development Program	$210,000
4512-0102 For	the purposes of a federally funded grant entitled, Application of the Principles of the Control of Syphilis	$922,921
4512-0179 For	the purposes of a federally funded grant entitled, Vaccination Assistance Project	$2,124,287
4512-9409 For	the purposes of a federally funded grant entitled, Community Youth Activity Block Grant	$45,288
4512-9411 For	the purposes of a federally funded grant entitled, Urban Neighborhood Intervention Teams for Youth	$329,690
4512-9415 For	the purposes of a federally funded grant entitled, Boston Drug Treatment Improvement Project	$6,722,483
4512-9416 For	the purposes of a federally funded grant entitled, Treatment Program for Critical Populations	$109,808
4512-9418 For	the purposes of a federally funded grant entitled, Non-Incarcerated Offenders	$476,252
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 secretary of administration and finance and the joint committee on federal financial assistance on all expenditures from this item and the state nutrition program for women, infants, and children, including the numbers of participants in each program	$46,196,409
4513-9011 For	the purposes of a federally funded grant entitled, AIDS Experimental Drug Program	$504,847
4513-9018 For	the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education/Risk Reduction Program	$6,100,616
4513-9021 For	the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps	$3,950,650
4513-9022 For	the purposes of a federally funded grant entitled, Prevention Disability State Based Project	$485,533
4513-9026 For	the purposes of a federally funded grant entitled, Families C.A.N. Care & Nurturance for At-Risk Families	$439,000
4513-9027 For	the purposes of a federally funded grant entitled, Mass. Care: Community AIDS Resource Enhancement	$281,763
4513-9030 For	the purposes of a federally funded grant entitled, Primary Care Systems	$20,000
4513-9033 For	the purposes of a federally funded grant entitled, AIDS Death Index	$51,000
4513-9035 For	the purposes of a federally funded grant entitled, AIDS Surveillance	$1,161,616
4513-9037 For	the purposes of a federally funded grant entitled, AIDS Care	$1,793,707
4515-0113 For	the purposes of a federally funded grant entitled, Health Program for Refugees	$212,900
4515-0115 For	the purposes of a federally funded grant entitled, Tuberculosis Control Project (317)	$661,730

Item		
4516-1015 For	the purposes of a federally funded grant entitled, Lab Training Network	$10,000
4518-1000 For	the purposes of a federally funded grant entitled, Procurement of Information for the National Death Index (NDI)	$35,000
4518-1002 For	the purposes of a federally funded grant entitled, Social Security Administration Massachusetts Death File	$17,760
4518-1003 For	the purposes of a federally funded grant entitled, Massachusetts Birth Records for Social Security Administration	$81,205
4518-9022 For	the purposes of a federally funded grant entitled, Sentinel Event Notification System for Occupational Risks	$175,000
4518-9023 For	the purposes of a federally funded grant entitled, Census of Fatal Occupational Injuries	$23,000
4540-8200 For	the purposes of a federally funded grant entitled, Transitional Housing/Shattuck Shelter	$145,355
	DEPARTMENT OF SOCIAL SERVICES.	
4800-0005 For	the purposes of a federally funded grant entitled, Children's Justice Act	$234,812
4800-0007 For	the purposes of a federally funded grant entitled, Family Violence Prevention and Support Services	$154,614
4800-0009 For	the purposes of a federally funded grant entitled, Title IV-E Independent Living Program	$545,016
4800-0011 For	the purposes of a federally funded grant entitled, Child Abuse and Neglect Emergency Prevention Services	$399,854
4800-0012 For	the purposes of a federally funded grant entitled, Parenting Partner Program for HIV Involved Families	$175,602
4899-0001 For	the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services	$4,474,633
4899-0022 For	the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment Basic Grant	$328,733
4899-0024 For	the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment Medical Grant	$59,450
	DEPARTMENT OF MENTAL HEALTH.	
5012-9108 For	the purposes of a federally funded grant entitled, State Human Resource Development Program	$22,000
5012-9115 For	the purposes of a federally funded grant entitled, Plan to Implement Uniform Integrated Data Collection Systems	$43,000
5012-9117 For	the purposes of a federally funded grant entitled, Investigating Two Vocational Rehabilitation Models	$415,939
5012-9119 For	the purposes of a federally funded grant entitled, Crisis Counseling	$350,000
5012-9121 For	the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness	$1,164,176
5021-9102 For	the purposes of a federally funded grant entitled, Massachusetts CSP State Service Improvement	$50,000
5021-9104 For	the purposes of a federally funded grant entitled, Consumer Support and Minority Family Outreach	$150,000
5021-9116 For	the purposes of a federally funded grant entitled, Children Services (P.L. 89-313, Title I)	$163,700
5047-9102 For	the purposes of a federally funded grant entitled, Child and Adolescent Service System	$48,000
	DEPARTMENT OF MENTAL RETARDATION.	
5947-0002 For	the purposes of a federally funded grant entitled, Temporary Respite Care for Cambodian Families PROGRAMS FUNDED: Program 2 - Community Services	$20,000

Item		
5947-0003 For	the purposes of a federally funded grant entitled, Respite Care and Family Support PROGRAMS FUNDED: Program 2 - Community Services	$150,000
	EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.	
	Office of the Secretary of Transportation and Construction.	
6000-0018 For	the purposes of a federally funded grant entitled, Statewide Assistance Rural Public Transportation	$975,113
6000-0023 For	the purposes of a federally funded grant entitled, UMTA Technical Studies	$1,326,605
6000-0024 For	the purposes of a federally funded grant entitled, Disparity Study	$500,000
6000-0025 For	the purposes of a federally funded grant entitled, Section 6 Grant	$250,000
6000-0049 For	the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation	$862,382
6000-0054 For	the purposes of a federally funded grant entitled, Local Rail Service Assistance Planning	$29,124
6000-0180 For	the purposes of a federally funded grant entitled, Statewide Assistance Rural Public Transportation	$200,000
6000-9949 For	the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation	$85,000
6000-9953 For	the purposes of a federally funded grant entitled, Berkshire County Line Project	$277,059
	Massachusetts Aeronautics Commission.	
6006-0042 For	the purposes of a federally funded grant entitled, Airport System Planning	$1,563,962
	BOARD OF LIBRARY COMMISSIONERS.	
7000-9703 For	the purposes of a federally funded grant entitled, Title III LSCA Interlibrary Cooperation	$448,324
7000-9705 For	the purposes of a federally funded grant entitled, LSCA Program Title I	$2,500,000
7000-9707 For	the purposes of a federally funded grant entitled, Emergency Federal Jobs Bill LSCA Title II	$363,850
7000-9999 For	the purposes of a federally funded grant entitled, Library Services Construction Act, Title VI	$35,000
	EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.	
	Department of Education.	
7010-0013 For	the purposes of a federally funded grant entitled, Racial Imbalance Programs	$550,000
7010-9091 For	the purposes of a federally funded grant entitled, Explorations in Mathematics, an In-Service Program for Urban Teachers	$250,000
7010-9093 For	the purpose of a federally funded grant entitled, Partnerships Advancing Learning of Mathematics and Science (PALMS)	$2,000,000
7010-9706 For	the purposes of a federally funded grant entitled, Common Core Data Project	$13,000
7010-9732 For	the purposes of a federally funded grant entitled, Chapter 2 Education Consolidation and Improvement Act Administration	$1,760,000
7027-9116 For	the purposes of a federally funded grant entitled, Occupational Education Distribution	$18,000,000
7027-9121 For	the purpose of a federally funded grant entitled, Vocational Education Community Based Organizations	$200,000

Item		
7027-9122 For	the purpose of a federally funded grant entitled Vocational Education Consumer and Homemaking	$700,000
7027-9123 For	the purpose of a federally funded grant entitled, Vocational Education Tech Prep.	$1,200,000
7027-9126 For	the purposes of a federally funded grant entitled, Occupational Education Administration	$2,400,000
7028-0601 For	the purposes of a federally funded grant entitled, Education of the Handicapped Administration	$2,800,000
7028-0816 For	the purposes of a federally funded grant entitled, Handicapped in Institutions Distribution	$12,500,000
7028-0891 For	the purposes of a federally funded grant entitled, Into the Mainstream	$180,000
7030-0191 For	the purposes of a federally funded grant entitled, Coordination of Technical Assistance for Bilingual Education Programs by S.E.A.S.	$95,000
7030-9736 For	the purposes of a federally funded grant entitled, Chapter II, Education Consolidation and Improvement Act Distribution	$7,000,000
7030-9780 For	the purposes of a federally funded grant entitled, D.D. Eisenhower Math and Science Education Program Administration	$350,000
7030-9790 For	the purposes of a federally funded grant entitled, D.D. Eisenhower Math and Science Education Program Distribution	$3,000,000
7032-0207 For	the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program Administration	$19,000
7032-0217 For	the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program Distribution	$170,000
7032-0227 For	the purposes of a federally funded grant entitled, Drug Free Schools Administration	$800,000
7032-0228 For	the purposes of a federally funded grant entitled, Massachusetts AIDS Education Program	$350,000
7032-0230 For	the purposes of a federal grant entitled, Drug Free Schools Distribution	$7,200,000
7032-0402 For	the purposes of a federally funded grant entitled, Chapter 1 Administration	$1,400,000
7035-0013 For	the purposes of a federally funded grant entitled, Education of the Handicapped Discretionary	$3,500,000
7035-0116 For	the purposes of a federally funded grant entitled, Chapter I, Education Consolidation and Improvement Act Distribution	$132,000,000
7035-0126 For	the purposes of a federally funded grant entitled, Neglected and Delinquent Children	$500,000
7035-0136 For	the purposes of a federally funded grant entitled, Children in State Adult Correctional Institutions	$136,991
7035-0146 For	the purposes of a federally funded grant entitled, Migrant Education	$4,400,000
7035-0156 For	the purposes of a federal grant entitled Chapter 1 Capital Expenses for Private Schools	$1,400,000
7035-0157 For	the purposes of a federal grant entitled, Chapter 1 Program Improvement	$350,000
7035-0158 For	the purposes of a federally funded grant entitled, Massachusetts Educational Program for Homeless Children	$150,000
7035-0316 For	the purposes of a federally funded grant entitled, Education of the Handicapped Distribution	$50,000,000
7035-0713 For	the purposes of a federally funded grant entitled, Early Childhood Incentive Administration	$400,000
7035-0716 For	the purposes of a federally funded grant entitled, Preschool Incentive Distribution	$6,000,000
7035-0718 For	the purposes of a federally funded grant entitled, Preschool Incentive Discretionary	$1,600,000

Item		
7038-0002 For	the purposes of a federally funded grant entitled, Adult Basic Education Administration	$250,000
7038-0106 For	the purposes of a federally funded grant entitled, Adult Basic Education Distribution	$4,500,000
7038-0109 For	the purposes of a federally funded grant entitled, Adult Education for the Homeless	$450,000
7038-0110 For	the purpose of a federally funded grant entitled, Adult Education for the Homeless Distribution	$500,000
7038-0119 For	the purposes of a federally funded grant entitled, Workplace Literacy Partnership Administration	$400,000
7038-0121 For	the purpose of a federally funded grant entitled, Workplace Literacy Partnerships Distribution	$400,000
7038-0492 For	the purposes of a federally funded grant entitled, Commercial Driver's License Work Place Initiative	$126,000
7038-0493 For	the purposes of a federally funded grant entitled, Commercial Driver's License Work Place Initiative Distribution	$303,000
7038-9003 For	the purpose of a federally funded grant entitled, Massachusetts Plan for Community Service Administration	$285,000
7038-9004 For	the purpose of a federally funded grant entitled, Massachusetts Plan for Community Service Distribution	$8,100,000
7038-9724 For	the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance Administration	$7,000
7038-9746 For	the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance Distribution	$700,000
7053-2101 For	the purpose of a federally funded grant entitled, School Lunch Distribution and Salvage Fund Payments	$1,800,000
7053-2105 For	the purposes of a federally funded grant entitled, Special Food Distribution Cash	$700,000
7053-2111 For	the purposes of a federally funded grant entitled, Special Milk Program	$700,000
7053-2112 For	the purposes of a federally funded grant entitled, School Lunch, Section 11 Special Assistance	$40,000,000
7053-2113 For	the purposes of a federally funded grant entitled, Community School Lunch Program	$15,000,000
7053-2114 For	the purposes of a federally funded grant entitled, School Breakfast Program	$13,000,000
7053-2117 For	the purposes of a federally funded grant entitled, Child Care Food Program	$38,000,000
7053-2118 For	the purposes of a federally funded grant entitled, School Food Service Management and Related Activities	$300,000
7053-2126 For	the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance	$1,550,000
7053-2202 For	the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children	$3,300,000
7062-0008 For	the purposes of a federally funded grant entitled, Nutrition Program Administration	$2,100,000
	Higher Education System.	
7066-1966 For	the purposes of a federally funded grant entitled, Connectivity to NSFNET - Mass Public Higher Education	$70,000
7066-6007 For	the purposes of a federally funded grant entitled, The Dwight D. Eisenhower Mathematics and Science Education Act	$290,000
7110-9741 For	the purposes of a federally funded grant entitled, Literacy Corps	$16,000
7410-3000 For	the purposes of a federally funded grant entitled, Polymer Building Construction	$11,418,092
7518-9748 For	the purposes of a federally funded grant entitled, Student Support Services	$38,091

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	$162,500
	Committee on Criminal Justice.	
8600-0002 For	the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act Planning	$70,181
8600-0003 For	the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act	$1,577,042
8600-0008 For	the purposes of a federally funded grant entitled, Drug Free Schools and Communities Act of 1986	$1,950,000
8600-0009 For	the purposes of a federally funded grant entitled, Edward Byrne State and Local Federal Assistance Grant Program	$9,749,000
8600-0010 For	the purpose of a federally funded grant entitled, Statistical Analysis Center	$105,000
	Emergency Management Agency.	
8800-0003 For	the purposes of a federally funded grant entitled, Emergency Management Assistance Personal and Administrative Expenses	$670,704
8800-0004 For	the purposes of a federally funded grant entitled, Emergency Management Assistance Distribution to Cities and Towns	$907,939
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	$158,595
8800-0007 For	the purposes of a federally funded grant entitled, Radiological Defense Officer	$77,095
8800-0008 For	the purposes of a federally funded grant entitled, Population Protection Planning Program	$252,226
8800-0009 For	the purposes of a federally funded grant entitled, Emergency Management Training State/Local Personnel	$76,000
8800-0010 For	the purposes of a federally funded grant entitled, Earthquake Loss Study	$36,100
8800-0019 For	the purposes of a federally funded grant entitled, Superfund Amendment and Reauthorization Acts of 1986	$98,850
8800-0020 For	the purposes of a federally funded grant entitled, Communication Warning Systems	$4,900
8800-0021 For	the purposes of a federally funded grant entitled, Direction, Control, and Warning Communication System Maintenance and Service	$6,424
	Governor's Highway Safety Bureau.	
8850-0004 For	the purposes of a federally funded grant entitled, State Agency Programs	$2,900,000
8850-0008 For	the purposes of a federally funded grant entitled, Evaluation of Massachusetts Saving Lives	$50,000
	Parole Board.	
8950-2001 For	the purposes of a federally funded grant entitled, Substance Abuse Treatment Initiative	$100,000
8950-9856 For	the purposes of a federally funded grant entitled, Substance Abuse Counseling Program	$150,000

Item		
8950-9860 For	the purposes of a federally funded grant entitled, Intensive Parole for Substance Abusers	$323,876
	EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.	
9000-1621 For	the purposes of a federally funded grant entitled, Job Training Partnership Act	$54,000,000
9081-0100 For	the purposes of a federally funded grant entitled, Department of Employment and Training, Administration	$103,270,000
9089-1000 For	the purposes of a federally funded grant entitled, Trade Expansion Act Program	$2,400,000
	Division of Energy Resources.	
9200-9642 For	the purposes of a federally funded grant entitled, Institutional Conservation Program	$50,518
9200-9720 For	the purposes of a federally funded grant entitled, State Heating Oil and Propane Program	$20,000
9200-9741 For	the purposes of a federally funded grant entitled, Energy Extension Service	$104,200
9200-9742 For	the purposes of a federally funded grant entitled, State Energy Conservation Plan	$239,100
9200-9757 For	the purposes of a federally funded grant entitled, Northeast Regional Biomass Program	$30,000
	EXECUTIVE OFFICE OF ELDER AFFAIRS.	
	Office of the Secretary of Elder Affairs.	
9110-1074 For	the purposes of a federally funded grant entitled, Older Americans Act, Title III-B, III-D, III-G; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	$8,787,000
9110-1173 For	the purposes of a federally funded grant entitled, Older Americans Act Title III-C Nutrition Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	$11,243,665
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	$1,760,352
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	$3,227,280
9110-1191 For	the purposes of a federally funded grant entitled, Elder Care Coalition Demonstration Program	$105,000
9110-1193 For	the purposes of a federally funded grant entitled, Elder Care Volunteer Corp.	$30,000
	EXECUTIVE OFFICE OF LABOR.	
	Department of Labor and Industries.	
9411-2013 For	the purposes of a federally funded grant entitled, Mine Safety and Health Training PROGRAMS FUNDED: Program 2 - Industrial Safety	$61,000
9411-4203 For	the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistical Survey	$148,000

Item

PROGRAMS FUNDED:
Program 2 - Industrial Safety

9411-4207 For the purposes of a federally funded grant entitled, Asbestos Compliance Monitoring Grant $75,000
PROGRAMS FUNDED:
Program 3 - Occupational Hygiene

9411-9701 For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Onsite Consultation Program $733,153
PROGRAMS FUNDED:
Program 2 - Industrial Safety

SECTION 2B. INTRAGOVERNMENTAL CHARGEBACKS.

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 sections two or two A 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 sections two or two A of this act to the Intragovernmental Service Fund, established pursuant to section two Q of chapter twenty-nine of the General Laws; provided further, that no expenditures shall be made from this fund which shall cause the Intragovernmental Service Fund to be in deficit at the close of fiscal year nineteen hundred and ninety-three; provided further, that unless otherwise specified, all appropriations in this section shall be charged to the Intragovernmental Service Fund; and that, any balance remaining at the close of the fiscal year nineteen hundred and ninety-three shall be transferred to the General Fund; provided further, that the secretary for administration and finance shall charge other items of appropriation for the cost of the services provided as specified herein; provided further, that each agency shall modify spending from each of its appropriation accounts to ensure that sufficient funds are available to pay for the costs of this section; provided further, that said secretary shall develop and implement a payment system and regulations for interdepartmental service agreements and interdepartmental chargebacks; provided further, that the chargeback system and said regulations shall require state agencies that purchase legislatively authorized goods or services from approved chargeback departments authorized herein to remit any resulting fiscal obligations within thirty days of receipt of notice of said obligation; provided further, that said secretary shall submit quarterly reports to the house and senate committees on ways and means listing those agencies which do not meet the thirty day payment schedule; provided further, that said reports shall also include, but not be limited to, the identification of the agency receiving said goods or services and the identification of the agency providing said goods or services; provided further, that such reports shall include the name and line-item number of the agency providing and the agency receiving the goods or services, a list of the goods or services provided, and the amounts of any obligations still outstanding; and provided further, that said secretary is authorized to take such action as he may deem necessary to ensure compliance with the payment of obligations under this section.

SECRETARY OF STATE.

0511-0003 For the costs of providing electronic and other publications purchased from the state bookstore and for the commission and notary fees and for direct access to the secretary's computer library pursuant to a schedule

	of fees established by the secretary of state	$24,960
	OFFICE OF THE 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	$525,000
	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.	
	Office of Dispute Resolution.	
1100-1104 For	the costs of mediation services; provided, that all funds received shall be remitted to the General Fund.	
	Executive Office.	
1100-1111 For	the purpose of providing a workers' compensation litigation unit to provide litigation assistance previously provided by the attorney general's office, including not more than ten positions	$320,300
	Office of Management Information Systems.	
1101-2310 For	the cost of computer resources and services provided by the bureau of computer services, in accordance with the policies, procedures and rates approved by the secretary for administration and finance, including the purchase, lease or rental of telecommunications lines, services and equipment, that are centrally billed to the commonwealth; provided, that the said secretary shall charge other items of appropriation for the cost of said resources and services; provided further, that the bureau shall submit quarterly reports to the house and senate committees on ways and means summarizing each agency's charges and payments for the preceding quarter for this item; and provided further, that the secretary for administration and finance is authorized to establish regulations, procedures and a schedule of fees to further implement this section including, but not limited to, the development and distribution of forms and instructions	$16,200,000
	Bureau of State Office Buildings.	
1102-3301 For	the operation and maintenance of state buildings, including reimbursement for overtime expenses, materials and contract services purchased in performing renovations and related services for agencies occupying state buildings or for services rendered to approved entities utilizing state facilities	$160,000
	Department of Procurement and General Services.	
1104-4028 For	the costs of micrographic production services, including not more than eight positions	$370,000
1104-5211 For	the purchase, operation and repair of certain vehicles and for the cost of the operation and maintenance of all vehicles that are leased by other agencies, including not more than four positions	$1,680,000
1104-6600 For	the purchase, delivery, and handling of, and contracting for, supplies, postage, and related equipment and other incidental expenses as provided pursuant to the provisions of section fifty-one of chapter thirty of the	

Item		
	General Laws, including not more than four positions	$1,040,000
1104-6603 For	the provision of printing, photocopying, and related graphic art or design work, including all necessary incidental expenses and liabilities; 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, including not more than eleven positions	$1,155,000
	Department of Personnel Administration.	
1108-1213 For	the costs of goods and services rendered in administering training programs, including the cost of training unit staff; provided, that the department of personnel administration is authorized to collect a seventy-five dollar administrative fee from vendors who submit proposals in response to requests for proposals for the commonwealth of Massachusetts master service agreement for specialized training and consultation services at the time of proposal submission; provided further, that any vendor who fails to deliver the appropriate administrative fee with its submission shall be deemed non-responsive and its proposal shall not be considered for contract award; provided further, that the department shall charge other items of appropriation for the cost of participants enrolled in programs sponsored by the department, or state agencies employing said participants; and provided further, that the department is authorized to collect from participating state agencies a fee sufficient to cover administrative costs of the commonwealth's pride in performance program and to expend such fees for goods and services rendered in the administration of the program	$1,000,000
	Public Employee Retirement Administration.	
1108-6201 For	the cost of workers' compensation paid to public employees; provided, that the secretary for administration and finance shall charge, pursuant to section fifteen of this act, other items of appropriation or state agencies for the cost incurred on behalf of said agencies; provided further, that said secretary may transfer workers' compensation-related fringe benefit assessments from federal grants and trust accounts to this item; provided further, that said secretary shall identify charges by said items of appropriation; provided further, that said secretary shall file quarterly reports with the house and senate committees on ways and means detailing said items, including federal grants and trust accounts, that have not yet paid their charges, and the reasons why, within three weeks of the close of each quarter; and provided further, that no funds shall be expended from this item that would cause said item to be deficient	$70,230,000
	Reserves.	
1599-3100 For	the cost of the commonwealth's employer contributions to the unemployment compensation fund and the medical security trust fund; provided, that the secretary of administration and finance shall authorize the collection, accounting and payment of said contributions; provided further, that in executing these responsibilities the state comptroller is authorized to charge in addition to individual appropriation accounts 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	$19,944,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Executive Office.

2001-1002 For the costs of data processing and related computer and mapping services, the distribution of digital cartographic and other data, the review of environmental notification forms pursuant to the Massachusetts Environmental Policy Act, and for the staff and printing of the MEPA Monitor $350,000

Division of Environmental Law Enforcement.

2350-0102 For the costs of overtime and special details provided by the department of fisheries, wildlife, and environmental law enforcement's division of environmental law enforcement; provided that revenues collected under this account shall not revert to the General Fund but shall be retained for the purposes of item 2350-0100 of section two of this act $70,000

Metropolitan District Commission.

2410-1002 For the costs of operating the commission's telecommunications system; provided, that nothing in this section shall diminish or impair the rights of all current users of the system pursuant to agreements which have been entered into with the commission $100,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Massachusetts Commission for the Blind.

4110-4036 For the Ferguson Industries for the Blind, including the costs of products; provided, that all funds received shall be remitted to the General Fund.

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0102 For the cost of interpreter services provided by staff of the commission, provided that any receipts in excess of the amount of this item shall be retained in a revolving fund in accordance with the provisions of section one hundred and ninety-six of chapter six of the General Laws $50,000

Department of Public Health.

4590-0901 For costs of medical services provided at public health hospitals pursuant to a schedule of services and fees approved by the commissioner of public health, which may be expended for the purposes of hospital related costs, including capital expenditures and motor vehicle replacement $100,000

Department of Mental Retardation.

5948-0012 For residential services pilot program, for the costs of residential services provided for the purposes of 7061-0012, in section two of this act $1,250,000

5982-1001 For the costs of products produced by the department's farm program including the sale of mild and livestock; provided, that revenues collected may also be expended for the support of respective programs including

Item		
	costs of materials, supplies, equipment and maintenance of the facility	$23,100
	EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.	
	Department of Highways.	
6030-7501 For	the costs of the purchase of bulk fuel for certain vehicles under the authority of the department of procurement and general services, and the costs of purchased fuel for other agencies and for certain administrative expenses related to purchasing and distributing the fuel	$1,600,000
	Massachusetts Aeronautics Commission.	
6006-0010 For	the costs of air transportation services provided to state officials, including the costs of personnel, pursuant to a schedule of fees for services	$47,500
	EXECUTIVE OFFICE OF EDUCATION.	
	Department of Education.	
7053-2101 For	the costs of USDA commodity foods pursuant to federal law requirements; provided, that all funds received shall be remitted to the General Fund.	
	Higher Education Computer Network.	
7066-0003 For	the costs of data processing services provided by the higher education computer network pursuant to a schedule of fees for services	$50,000
	EXECUTIVE OFFICE OF PUBLIC SAFETY.	
8100-0002 For	the costs of overtime associated with requested police detail; provided that revenues collected under this account shall not revert to the General Fund but shall be retained without further appropriation for the purposes of item 8100-0000 of section two of this act	$557,000
	Merit Rating Board.	
8400-0200 For	the costs associated with the preparation, data entry, process of hearing notices, production of all reports, and the implementation and operation of any other service associated with civil motor vehicle infractions based upon a pre-approved schedule of fees, and provided further that revenues collected herein may also be expended for the costs of the safe driver insurance plan program	$4,350,000
8700-1140 For	the costs of utilities and maintenance and for the implementation of energy conservation measures with regard to state armories	$75,000
	Department of Corrections.	
8900-0011 For	the costs of products produced by the prison industries and farm program and for the costs of services provided by inmates, including moving, auto repair, culinary, and renovation and construction services, provided that the cost for such renovation and construction services shall not exceed the amount established	

by the department of procurement and general services; provided further, that such revenues may also be expended for materials, supplies, equipment, maintenance of facilities and compensation of employees and for the inmate employment and training program $11,000,000

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred and ninety-three, the lottery distribution to cities and towns of the balance of the State Lottery Fund, as paid by 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 three hundred and twenty-nine million dollars and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund.

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 B and one-half 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.

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
ABINGTON	0	3,251,792	933,624
ACTON	37,368	481,047	604,239
ACUSHNET	30,043	1,491,330	725,930
ADAMS	44,096	221,323	1,027,029
AGAWAM	0	4,283,470	1,697,549
ALFORD	0	0	8,038
AMESBURY	0	3,727,870	934,509
AMHERST	280,503	2,183,026	3,453,217
ANDOVER	0	1,184,598	695,537
ARLINGTON	5,652,310	2,317,868	2,066,731
ASHBURNHAM	0	0	243,314
ASHBY	0	0	159,768
ASHFIELD	0	0	67,485
ASHLAND	366,937	457,349	360,290
ATHOL	5,507	964,030	852,782
ATTLEBORO	0	7,818,902	2,343,622
AUBURN	0	2,198,222	733,416
AVON	504,148	152,415	209,043
AYER	55,642	2,635,951	401,191
BARNSTABLE	0	19,250	670,573
BARRE	0	0	326,531
BECKET	10,797	0	35,440
BEDFORD	609,391	490,485	317,167
BELCHERTOWN	0	1,492,620	643,038
BELLINGHAM	0	3,484,144	967,037
BELMONT	1,041,278	657,059	838,039
BERKLEY	0	588,982	201,238
BERLIN	0	211,348	111,770
BERNARDSTON	0	109,592	108,968

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
BEVERLY	3,086,077	2,749,315	1,762,752
BILLERICA	2,956,313	4,327,062	1,730,437
BLACKSTONE	0	0	560,201
BLANDFORD	0	0	53,242
BOLTON	0	0	72,919
BOSTON	206,638,214	44,963,846	27,232,545
BOURNE	443,645	697,469	454,076
BOXBOROUGH	0	31,465	94,128
BOXFORD	45,818	66,760	166,417
BOYLSTON	0	123,201	158,680
BRAINTREE	4,250,822	1,219,876	1,501,952
BREWSTER	0	0	112,688
BRIDGEWATER	0	2,880,831	1,233,762
BRIMFIELD	0	203,702	145,273
BROCKTON	5,424,063	29,237,295	7,596,742
BROOKFIELD	0	458,859	201,908
BROOKLINE	4,401,448	910,428	1,818,725
BUCKLAND	0	60,077	118,534
BURLINGTON	1,744,603	1,149,103	620,663
CAMBRIDGE	22,595,349	1,473,559	3,756,704
CANTON	1,104,851	627,229	602,533
CARLISLE	18,534	105,601	78,845
CARVER	0	973,828	496,322
CHARLEMONT	0	54,847	64,715
CHARLTON	0	52,898	470,791
CHATHAM	0	0	71,455
CHELMSFORD	3,190,395	1,661,488	1,290,155
CHELSEA	4,274,507	9,036,966	2,311,923
CHESHIRE	0	49,957	233,160
CHESTER	0	57,706	68,608
CHESTERFIELD	0	0	53,043

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
CHICOPEE	1,504,526	12,908,998	4,333,839
CHILMARK	0	0	1,398
CLARKSBURG	16,502	463,231	176,529
CLINTON	220,865	3,209,829	967,530
COHASSET	209,013	361,084	199,483
COLRAIN	0	41,234	88,511
CONCORD	483,163	314,058	419,285
CONWAY	0	90,282	70,135
CUMMINGTON	0	179	30,551
DALTON	0	273,727	422,333
DANVERS	1,408,080	732,167	908,100
DARTMOUTH	0	2,560,980	1,117,033
DEDHAM	1,950,847	1,039,401	1,023,635
DEERFIELD	0	260,495	201,469
DENNIS	0	0	202,603
DIGHTON	0	0	309,770
DOUGLAS	0	569,309	231,791
DOVER	0	0	90,366
DRACUT	0	4,023,516	1,324,116
DUDLEY	0	143,821	639,807
DUNSTABLE	37,846	0	69,190
DUXBURY	0	678,361	374,890
EAST BRIDGEWATER	0	2,347,876	625,928
EAST BROOKFIELD	0	0	136,756
EAST LONGMEADOW	0	1,248,213	596,239
EASTHAM	0	0	50,111
EASTHAMPTON	137,004	3,706,629	1,260,162
EASTON	0	2,705,681	865,313
EDGARTOWN	35,873	24,658	14,520
EGREMONT	0	0	33,339
ERVING	16,548	88,888	20,744

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
ESSEX	42,569	119,013	100,329
EVERETT	5,139,628	1,200,671	1,395,370
FAIRHAVEN	492,569	2,611,111	942,856
FALL RIVER	2,882,862	35,476,423	11,396,681
FALMOUTH	0	563,415	518,991
FITCHBURG	270,312	11,188,559	3,604,785
FLORIDA	0	13,356	15,765
FOXBOROUGH	0	2,128,675	730,425
FRAMINGHAM	5,911,189	1,966,487	2,523,084
FRANKLIN	0	3,426,933	1,050,220
FREETOWN	0	407,093	394,376
GARDNER	151,944	4,600,615	1,601,618
GAY HEAD	0	0	1,219
GEORGETOWN	66,691	1,039,916	293,993
GILL	0	0	81,767
GLOUCESTER	2,419,911	1,046,988	1,132,176
GOSHEN	0	0	27,182
GOSNOLD	2,469	0	167
GRAFTON	0	1,656,475	629,153
GRANBY	0	1,129,475	389,440
GRANVILLE	0	74,678	54,133
GREAT BARRINGTON	0	428,467	375,084
GREENFIELD	0	4,764,816	1,421,799
GROTON	0	144,992	277,779
GROVELAND	0	526,902	307,693
HADLEY	174,084	124,967	136,031
HALIFAX	0	802,693	394,222
HAMILTON	53,967	30,021	278,476
HAMPDEN	0	507,944	289,703
HANCOCK	22,195	17,690	22,134
HANOVER	1,669,092	898,915	482,846

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
HANSON	0	1,639,292	591,758
HARDWICK	4,062	714	190,760
HARVARD	69,324	470,438	923,750
HARWICH	0	110,484	157,933
HATFIELD	0	160,004	154,126
HAVERHILL	3,149,881	9,636,205	3,159,061
HAWLEY	16,264	7,556	11,661
HEATH	0	0	17,216
HINGHAM	420,485	969,285	660,086
HINSDALE	0	32,636	82,716
HOLBROOK	5,987	2,651,849	706,575
HOLDEN	0	1,090,713	694,425
HOLLAND	0	56,295	65,270
HOLLISTON	518,826	1,726,786	547,573
HOLYOKE	763,384	17,006,708	4,402,011
HOPEDALE	0	609,758	217,621
HOPKINTON	151,365	437,641	244,057
HUBBARDSTON	0	0	94,401
HUDSON	0	3,381,625	953,031
HULL	1,747,307	1,267,196	469,472
HUNTINGTON	0	42,115	127,399
IPSWICH	975,780	503,164	467,093
KINGSTON	0	465,596	364,692
LAKEVILLE	0	434,728	322,638
LANCASTER	0	1,023,899	402,564
LANESBOROUGH	0	290,228	210,341
LAWRENCE	239,970	25,113,557	6,275,273
LEE	0	924,360	362,298
LEICESTER	0	2,537,143	786,050
LENOX	90,787	680,332	346,987
LEOMINSTER	14,714	7,184,711	2,221,232

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
LEVERETT	0	5,430	68,159
LEXINGTON	0	1,304,196	724,197
LEYDEN	0	0	23,249
LINCOLN	367,459	0	208,631
LITTLETON	207,535	305,234	242,172
LONGMEADOW	0	1,464,183	647,080
LOWELL	7,978,998	24,064,451	7,189,330
LUDLOW	0	3,032,767	1,307,554
LUNENBURG	0	1,421,859	469,263
LYNN	11,926,220	18,904,918	5,597,804
LYNNFIELD	455,892	493,143	336,948
MALDEN	7,030,168	10,474,021	3,737,694
MANCHESTER	0	167,341	121,218
MANSFIELD	912,368	1,010,515	533,141
MARBLEHEAD	49,583	544,056	490,931
MARION	0	0	86,020
MARLBOROUGH	3,433,241	1,063,702	1,421,943
MARSHFIELD	255,142	2,844,629	949,218
MASHPEE	0	0	49,317
MATTAPOISETT	0	70,193	203,982
MAYNARD	738,519	954,884	482,266
MEDFIELD	937,000	453,552	397,730
MEDFORD	8,094,393	7,057,568	3,446,751
MEDWAY	235,317	1,341,573	396,270
MELROSE	3,402,865	2,950,378	1,510,515
MENDON	0	0	139,418
MERRIMAC	0	739,700	321,055
METHUEN	205,147	6,017,870	2,133,842
MIDDLEBOROUGH	0	4,294,480	1,062,108
MIDDLEFIELD	0	16,956	20,118
MIDDLETON	159,272	30,159	151,923

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
MILFORD	0	5,058,249	1,436,859
MILLBURY	0	2,588,802	808,218
MILLIS	403,862	713,755	324,292
MILLVILLE	0	0	143,702
MILTON	1,566,851	592,215	1,063,296
MONROE	17,526	3,785	4,768
MONSON	0	1,601,633	602,396
MONTAGUE	0	230,936	554,082
MONTEREY	15,777	0	21,623
MONTGOMERY	0	0	36,113
MOUNT WASHINGTON	41,886	1,787	1,029
NAHANT	157,791	79,419	138,362
NANTUCKET	0	0	29,350
NATICK	2,444,348	1,187,919	1,054,820
NEEDHAM	259,216	886,773	727,552
NEW ASHFORD	9,203	5,045	2,693
NEW BEDFORD	901,313	37,718,158	11,304,439
NEW BRAINTREE	0	0	40,978
NEW MARLBOROUGH	0	0	26,263
NEW SALEM	0	0	45,190
NEWBURY	0	235,160	179,058
NEWBURYPORT	1,736,621	1,174,988	737,331
NEWTON	1,732,789	2,150,086	2,371,645
NORFOLK	0	498,606	325,518
NORTH ADAMS	233,872	5,462,033	2,177,540
NORTH ANDOVER	151,695	961,447	729,919
NORTH ATTLEBOROUGH	0	4,051,189	1,228,072
NORTH BROOKFIELD	0	1,114,200	354,730
NORTH READING	1,189,787	564,127	481,121
NORTHAMPTON	727,239	5,375,379	1,949,265
NORTHBOROUGH	76,900	858,566	439,543

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
NORTHBRIDGE	3,865	3,042,656	1,039,924
NORTHFIELD	0	68,830	101,285
NORTON	0	2,908,315	931,185
NORWELL	680,878	604,164	316,660
NORWOOD	3,354,660	989,287	1,191,109
OAK BLUFFS	0	0	25,003
OAKHAM	0	0	55,875
ORANGE	2,661	1,410,553	742,661
ORLEANS	0	0	74,084
OTIS	0	23,238	12,655
OXFORD	0	3,130,887	957,406
PALMER	0	2,151,169	876,260
PAXTON	0	259,017	189,272
PEABODY	3,951,625	4,908,932	2,238,929
PELHAM	0	0	59,315
PEMBROKE	0	1,372,712	729,962
PEPPERELL	0	0	495,045
PERU	0	36,735	41,797
PETERSHAM	0	4,969	44,760
PHILLIPSTON	5,519	0	44,364
PITTSFIELD	1,107,722	12,848,751	3,765,842
PLAINFIELD	0	0	15,847
PLAINVILLE	0	506,847	295,602
PLYMOUTH	0	558,683	1,195,631
PLYMPTON	0	67,793	92,569
PRINCETON	0	164,419	120,687
PROVINCETOWN	27,912	59,405	66,417
QUINCY	14,555,556	6,872,356	4,570,533
RANDOLPH	2,297,597	4,019,549	1,507,589
RAYNHAM	0	1,075,932	537,312
READING	1,931,472	1,110,155	943,649

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
REHOBOTH	0	0	406,259
REVERE	6,712,698	6,324,106	2,476,178
RICHMOND	0	45,714	54,533
ROCHESTER	0	254,522	179,343
ROCKLAND	496,221	4,418,526	1,122,815
ROCKPORT	0	184,757	167,283
ROWE	0	0	960
ROWLEY	143,746	194,989	173,084
ROYALSTON	0	377	55,922
RUSSELL	0	0	90,160
RUTLAND	0	805,380	348,941
SALEM	4,151,021	2,923,955	1,635,310
SALISBURY	0	458,768	278,537
SANDISFIELD	0	3,256	15,126
SANDWICH	111,247	338,256	183,844
SAUGUS	2,245,040	1,263,134	946,943
SAVOY	17,367	146,448	47,344
SCITUATE	1,101,119	966,852	695,739
SEEKONK	0	1,546,617	580,475
SHARON	78,642	1,705,991	581,683
SHEFFIELD	15,023	0	98,729
SHELBURNE	0	120,952	130,057
SHERBORN	26,364	39,248	101,080
SHIRLEY	233,500	1,208,494	395,123
SHREWSBURY	376,077	2,112,272	1,024,322
SHUTESBURY	0	0	48,203
SOMERSET	0	429,869	594,944
SOMERVILLE	20,410,649	10,261,323	5,718,638
SOUTH HADLEY	25,437	2,877,893	1,139,762
SOUTHAMPTON	0	421,974	253,115
SOUTHBOROUGH	0	180,777	187,413

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
SOUTHBRIDGE	0	4,902,784	1,500,986
SOUTHWICK	0	0	523,634
SPENCER	0	0	940,801
SPRINGFIELD	2,302,181	61,004,244	13,482,159
STERLING	0	322,777	277,482
STOCKBRIDGE	0	0	52,537
STONEHAM	2,553,177	645,079	933,153
STOUGHTON	129,781	4,740,372	1,494,962
STOW	8,776	198,946	168,354
STURBRIDGE	0	310,024	264,277
SUDBURY	807,321	369,870	418,367
SUNDERLAND	0	255,067	192,803
SUTTON	0	846,000	336,754
SWAMPSCOTT	443,359	470,679	425,605
SWANSEA	0	2,747,828	945,344
TAUNTON	0	13,175,415	4,298,774
TEMPLETON	0	447,489	539,250
TEWKSBURY	0	4,489,070	1,278,271
TISBURY	0	0	46,469
TOLLAND	12,413	0	2,218
TOPSFIELD	318,725	39,107	181,570
TOWNSEND	0	0	442,814
TRURO	0	0	13,112
TYNGSBOROUGH	0	890,973	291,568
TYRINGHAM	0	0	6,914
UPTON	0	0	233,094
UXBRIDGE	0	1,447,840	589,764
WAKEFIELD	1,809,635	1,739,408	1,072,165
WALES	0	159,188	93,706
WALPOLE	1,112,115	1,367,651	818,861
WALTHAM	6,869,270	2,430,681	2,485,099

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
WARE	19,199	2,253,952	743,067
WAREHAM	0	2,809,923	969,617
WARREN	0	0	305,218
WARWICK	36,354	51,342	29,976
WASHINGTON	29,889	35,107	30,735
WATERTOWN	5,571,114	607,792	1,378,103
WAYLAND	352,813	577,404	327,396
WEBSTER	78,026	3,480,560	1,003,299
WELLESLEY	121,858	640,569	642,823
WELLFLEET	0	0	25,975
WENDELL	32,131	28,355	47,628
WENHAM	175,913	0	125,360
WEST BOYLSTON	85,259	585,583	297,479
WEST BRIDGEWATER	59,411	1,045,577	323,069
WEST BROOKFIELD	0	0	188,861
WEST NEWBURY	0	99,042	122,884
WEST SPRINGFIELD	0	3,757,642	1,473,874
WEST STOCKBRIDGE	0	0	51,476
WEST TISBURY	229,569	19,768	9,010
WESTBOROUGH	182,536	613,672	436,754
WESTFIELD	0	7,512,679	2,655,987
WESTFORD	1,126,887	946,117	550,929
WESTHAMPTON	0	18,050	54,809
WESTMINSTER	0	0	227,867
WESTON	0	104,153	199,773
WESTPORT	0	1,667,977	667,687
WESTWOOD	45,632	529,947	327,259
WEYMOUTH	3,050,391	9,516,774	3,393,288
WHATELY	0	9,753	59,547
WHITMAN	0	2,591,736	988,918
WILBRAHAM	0	825,429	559,956

	0611-5500 Additional Assistance	7061-0008 Chapter 70	Lottery Distribution
WILLIAMSBURG	0	198,190	142,815
WILLIAMSTOWN	0	563,670	490,308
WILMINGTON	1,578,564	945,504	578,543
WINCHENDON	31,919	2,480,889	638,906
WINCHESTER	433,387	944,830	607,257
WINDSOR	35,260	0	22,160
WINTHROP	2,878,558	2,309,266	1,211,633
WOBURN	4,513,710	1,206,069	1,431,980
WORCESTER	14,860,192	46,287,515	12,815,550
WORTHINGTON	0	0	43,738
WRENTHAM	0	721,013	420,760
YARMOUTH	0	0	430,102

	7061-0003 Regional School Aid	7061-0008 Chapter 70
ACTON-BOXBOROUGH	814,347	732,675
ADAMS-CHESHIRE	2,429,365	2,116,460
AMHERST-PELHAM	1,690,473	2,231,489
ASHBURNHAM-WESTMINSTER	2,125,565	1,263,128
ASHFIELD-PLAINFIELD	169,331	112,399
ATHOL-ROYLSTON	2,154,830	2,699,934
BERKSHIRE HILLS	735,940	712,346
BERLIN-BOYLSTON	301,200	264,226
BLACKSTONE-MILLVILLE	2,662,399	2,016,274
BRIDGEWATER-RAYNHAM	1,517,499	1,225,161
BUCKLAND-SHELBURNE	328,689	372,540
CENTRAL BERKSHIRE	2,599,093	1,080,089
CHESTERFIELD-GOSHEN	122,770	89,913

	7061-0003 Regional School Aid	7061-0008 Chapter 70
CONCORD-CARLISLE	430,636	466,567
DENNIS-YARMOUTH	1,246,176	1,472,442
DIGHTON-REHOBOTH	3,474,687	2,769,983
DOVER-SHERBORN	304,322	305,097
DUDLEY-CHARLTON	3,366,264	2,704,708
NAUSET	348,218	561,110
FREETOWN-LAKEVILLE	1,525,120	977,723
FRONTIER	343,642	222,207
GATEWAY	2,069,192	989,403
GROTON-DUNSTABLE	1,343,844	648,854
GILL-MONTAGUE	1,804,477	1,286,657
HAMILTON-WENHAM	749,971	662,299
HAMPDEN-WILBRAHAM	1,085,122	726,746
HAMPSHIRE	672,707	478,676
HAWLEMONT	103,736	41,413
KING PHILIP	1,366,327	1,263,665
LINCOLN-SUDBURY	467,399	679,463
MARTHA'S VINEYARD	179,612	191,229
MASCONOMET	664,923	700,749
MENDON-UPTON	1,372,010	740,604
MOUNT GREYLOCK	746,680	683,007
MOHAWK TRAIL	639,911	390,076
NARRAGANSETT	1,895,795	1,521,388
NASHOBA	492,988	290,254
NEW SALEM-WENDELL	129,665	108,847
NORTHBORO-SOUTHBORO	594,952	324,727
NORTH MIDDLESEX	4,878,873	3,086,205
OTIS-SANDISFIELD	35,865	0
OLD ROCHESTER	458,997	340,813
PENTUCKET	1,123,596	830,357
PIONEER	1,154,200	116,704

	7061-0003 Regional School Aid	7061-0008 Chapter 70
PLYMOUTH-CARVER	1,955,568	1,290,288
QUABBIN	2,455,952	2,253,795
RALPH C. MAHAR	1,016,971	955,555
SILVER LAKE	2,263,814	2,346,712
SOUTHERN BERKSHIRE	338,367	386,494
SOUTHWICK TOLLAND	1,867,805	2,110,905
SPENCER-EAST BROOKFIELD	3,116,407	4,190,501
TANTASQUA	1,242,098	868,222
TRITON	687,131	455,698
WACHUSETT	1,653,989	1,021,065
QUABOAG	1,722,082	1,780,471
WHITMAN-HANSON	2,691,152	1,534,015
ASSABET VALLEY	842,945	1,522,952
BLACKSTONE VALLEY	839,958	1,681,238
BLUE HILLS	581,660	2,141,702
BRISTOL-PLYMOUTH	1,229,150	1,703,890
CAPE COD	300,169	1,171,782
FRANKLIN COUNTY	812,700	646,979
GREATER FALL RIVER	1,028,799	2,389,829
GREATER LAWRENCE	1,785,663	3,743,277
GREATER NEW BEDFORD	2,258,454	4,563,011
GREATER LOWELL	3,065,328	4,865,706
SOUTH MIDDLESEX	546,938	1,456,672
MINUTEMAN	414,535	1,573,199
MONTACHUSETT	1,289,084	2,415,307
NORTHERN BERKSHIRE	658,018	1,035,636
NASHOBA VALLEY	673,441	944,391
NORTHEAST METROPOLITAN	898,298	1,927,573
NORTH SHORE	202,303	737,870
OLD COLONY	682,312	912,340
PATHFINDER	554,696	598,396

	7061-0003 Regional School Aid	7061-0008 Chapter 70
SHAWSHEEN VALLEY	966,861	1,667,186
SOUTHEASTERN	1,353,571	2,964,341
SOUTH SHORE	633,804	736,834
SOUTHERN WORCESTER	1,203,612	1,752,122
TRI COUNTY	803,291	1,052,884
UPPER CAPE COD	148,037	488,304
WHITTIER	1,440,552	2,555,459
BRISTOL COUNTY	650,069	498,916
ESSEX COUNTY	644,027	1,026,536
NORFOLK COUNTY	183,786	366,001

SECTION 4. Notwithstanding the provisions of clause forty-first of section seven of chapter four of the General Laws, or any other general or special law to the contrary, the commissioner of revenue or any other official responsible for a local reimbursement or assistance program reported by said commissioner pursuant to section twenty-five A of chapter fifty-eight of the General Laws shall use the nineteen hundred and ninety city and town population estimates of the United States Bureau of the Census in calculating distributions or assessments under said local reimbursement or assistance programs. Such distribution programs shall include, but not be limited to, the chapter seventy school aid program and regional public libraries. Such assessments shall include but not be limited to air pollution control districts; the metropolitan area planning council; the old colony planning council; and the Massachusetts Bay Transportation Authority, and any other for which said commissioner is required to give notice pursuant to said section twenty-five A.

SECTION 5. The state treasurer shall make advance payments for some or all of 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 of administration and finance, pursuant to guidelines established by said secretary.

SECTION 6. Each public school district which admits children under the provisions of section twelve B of chapter seventy-six of the General Laws, as amended by section twenty-three of chapter six of the acts of nineteen hundred and ninety-one, shall certify to the state treasurer the number of such children attending its public schools, the city or town of residence of each such child, the annual amount of tuition for each such child and the total tuition owed to the district based on full or partial attendance, itemized by the amount attributable to each city or town of residence; provided, however, that notwithstanding the provisions of said section twelve B of said chapter seventy-six for the fiscal year nineteen hundred and ninety-three the amount of tuition payable for an individual student shall be limited to seventy-five percent of the amount otherwise payable under the provisions of said section twelve B of said chapter seventy-six, but in no event shall said amount

exceed five thousand dollars; except for special education students whose tuition shall remain that which is payable under the provisions of said section twelve B of said chapter seventy-six; and provided further, that such certification shall be made on October first, nineteen hundred and ninety-two and April first, nineteen hundred and ninety-three; and provided further, that, notwithstanding the provisions of section three of this act to the contrary, including its notwithstanding clause, or section sixteen of this act, the state treasurer shall deduct said itemized amounts from the distributions to be made to each city or town from item 7061-0008 of section two of this act prior to said distribution; and provided further, that the amounts so deducted shall be credited to item 0610-1500 of section two of this act. Each school district submitting a certification to the state treasurer shall also submit a copy of said certification to the department of education. Said department may review said certification to determine that the amount of the individual tuition charged for each child is in accordance with the provisions of said section twelve B of said chapter seventy-six and this section and shall inform the state treasurer of any errors. The department may also, on a post-audit basis, verify the admission and attendance of the number of children certified by each school district.

Notwithstanding the provisions of this section or any general or special law to the contrary, any school district which admitted children on a private tuition basis prior to June thirtieth, nineteen hundred and ninety-one may continue, on that basis, to admit any child who attended its school system prior to that date, as well as any sibling or step-sibling of such child and any foster child residing in the home of such child; provided, that any school system which admits children under the terms of this provision may also choose, or not choose, to admit children for whom the commonwealth pays the tuition required by section twelve B of chapter seventy-six of the General Laws. This paragraph shall not preclude any school system from admitting children, including those described above, under the provisions of said section twelve B of said chapter seventy-six of the General Laws.

Notwithstanding the provisions of said section twelve B of said chapter seventy-six, or any other general or special law to the contrary, any child accepted to attend a public school in a community other than the one in which he resides may remain in that school system until the point of high school graduation regardless of any changes that may occur in the decision of the municipality to participate in this program, except a change which is based upon a lack of funding of the program as authorized by this section.

There shall be a parent information system established, maintained and developed by the secretary of education to disseminate to parents detailed and comparable information about each school system participating in the school choice program, so called, which shall include, but not be limited to, information on special programs offered by the school, philosophy of the school, number of spaces available, transportation plans, class sizes, teacher/student ratios, and data and information on school performance that indicate its quality. The secretary of education, when disseminating this information shall encourage the parent and the student to make at least one on-site visit to the school of choice as part of the application procedure.

SECTION 7. 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 said fund with the secretary of administration and finance and the house and senate committees on ways and means.

SECTION 8. 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 secretary of administration and finance, 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 commissioner of said division shall file with the secretary of administration and finance 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 9. Notwithstanding any general or special law to the contrary, the department of public welfare is hereby authorized and directed to establish a pilot program to reduce homelessness among families in Barnstable County, subject to appropriation. In order to qualify for participation in said pilot program, a family must either be living in temporary shelter, paid for through the department's emergency assistance program, for no less than thirty days, during which period the family has been unable, despite reasonable efforts as required by the regulations of the department, to obtain suitable, permanent, affordable housing, or be eligible to participate in the department's emergency assistance program. Said pilot program shall be subject to federal reimbursement requirements under Title IV-A of the Social Security Act of 1935. Subject to appropriation, the department shall pay rental assistance, for units provided to participants in said pilot program, of no greater than five hundred dollars per month for two-bedroom units, and no greater than six hundred dollars per month for three-bedroom units.

The department shall contract for regional administration of said pilot program to reduce homelessness with one or more local housing authorities or nonprofit organizations based in Barnstable County. The responsibilities of the regional administrator shall be detailed in a written contract and shall include the following services to be provided to program participants: housing search; lease negotiations; performance of lease obligations and case management. Said regional administrator shall also be responsible for raising a sum of money locally for the purposes of providing a homelessness

prevention program for families in imminent risk of becoming homeless; provided, that for fiscal year nineteen hundred and ninety-three, said regional administrator shall raise for said program a sum of money no less than one hundred thousand dollars. The homelessness prevention program shall include a) rent or mortgage assistance when such assistance would prevent homelessness; b) payments of deposits and last month's rent; c) no greater than one hundred dollars per month for supplemental rental assistance when the rent contribution provided by the department pursuant to this section is insufficient, and d) rental assistance to reduce the rent contribution provided by the department pursuant to this section, subject to the availability of funds. The regional administrator shall be paid an administrative fee not to exceed fifty dollars per month per participating family; provided, that said administrative fee shall be collected by the regional administrator from program participants.

Nothing in this section shall be construed to create any right to participate in said pilot program, and no family which meets the eligibility requirements for said pilot program shall have any such right to participate; provided, that nothing in this section shall be construed to require a family which meets the eligibility criteria for said pilot program to participate therein; provided further, that a family which is otherwise eligible to receive benefits pursuant to the department's emergency assistance program shall not lose eligibility for such benefits solely as a result of its agreement to participate, or its participation in, said pilot program.

SECTION 10. Notwithstanding any general or special law to the contrary, if the commissioner of the department of social services determines in writing that funds made available pursuant to items 4800-0016, 4800-0017, 4800-0030, and 4800-0041 of section two of this act are insufficient to fund the services required for the fiscal year, said commissioner may, after submitting such determination and giving thirty days prior notice to the house and senate committees on ways and means and the secretary of health and human services, and with the approval of the family preservation oversight board established pursuant to this act, reallocate funds allocated to the department pursuant to this section. Upon the expiration of said thirty days, the commissioner may transfer funds among said items as deemed necessary in accordance with said notice.

SECTION 11. An independent family preservation oversight board shall be established to monitor family preservation services as delivered by the department of social services. The board shall examine such issues as quality of care, continuity of care, and accountability to the clients under the department's jurisdiction. The board shall report quarterly to the house and senate committees on ways and means, and the secretary of health and human services concerning said family preservation services and the department's related progress. Said reports shall include, but not be limited to, statistics relative to the number of clients entering into and leaving out-of-home placement situations, as well as the number of clients utilizing family preservation services by service type. The department of social services shall provide the board with any information requested. The oversight board shall consist of two members to be chosen by the governor, one of whom shall be from the academic community, who shall serve as chairman, and one of whom shall be from the general public with first-hand knowledge of the current foster care or group care systems; one representative from the department of social services to be chosen by the commissioner; one representative of the executive office of health and human services to be chosen by the secretary; one representative from family preservation service-type provider groups; and two members to be appointed by the president of the senate, and the speaker of the house of representatives, respectively.

SECTION 12. Chapter 15C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 5B the following section:-

Section 5C. The authority is hereby authorized to develop and establish a comprehensive state-supported supplemental education loan program. Such program shall consist of medium and long-range fixed rate and variable rate loan programs, programs structured to operate as a line of credit, and other programs and options as the authority may determine to be useful and feasible. Such programs shall be at effective rates of interest and other terms, to the extent feasible and to the extent funds are appropriated by the commonwealth therefor, more attractive than prevailing rates and more attractive than other terms available from conventional supplemental education lenders.

The authority's program shall be developed and operated in conjunction with participating institutions of higher education and shall be designed to assist such institutions in attracting and retaining students. Such program shall be designed so as to maximize the amount of funds available for loans by leveraging amounts appropriated by the commonwealth with private sector financing and by operating in conjunction with such private activity tax-exempt bond cap as may be allocated by the commonwealth. Such program shall include, to the maximum extent feasible and subject to the appropriation of funds by the commonwealth, loans available on affordable terms to families or individuals who, because of a high debt-to-income ratio, may otherwise be ineligible for credit-based supplemental education loans.

The authority shall design such comprehensive program, and make the public aware of it, in such manner as to provide assistance to as many qualified students and to as many institutions of higher education as possible. Funds appropriated by the commonwealth to the authority for the purpose of this section shall be applied by the authority solely to the reasonable and necessary development costs of its programs and to the funding of reasonable and necessary reserves and other security arrangements for its programs, all, to the extent feasible, in such manner as to develop over time a self-replenishing permanent source of education loan funding.

SECTION 13. 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, includes communities located within the commonwealth, shall be assessed three hundred and thirty-two thousand dollars plus estimated fringe benefits, as calculated by the secretary of administration and finance pursuant to section five D of chapter twenty-nine of the General Laws, for the evaluation, development, and implementation of radiological emergency response plans and the analysis of work plans concerning the preparedness of the commonwealth to respond to accidents at said plants and for environmental radiological monitoring at said plants. The department of public utilities shall develop an equitable method of apportioning said assessments among said companies. Said assessments shall be deposited into the General Fund. For the 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 of electric company shall not include municipalities or municipal light plants.

SECTION 14. Notwithstanding the provisions of any general or special law to the contrary, the secretary for administration

and finance is hereby authorized and directed to charge agencies as hereinafter provided for workers' compensation costs incurred on behalf of the employees of said agencies. The secretary of administration and finance shall notify agencies within ten days of the effective date of this act as to the change in calculation of workers' compensation chargebacks from fiscal year nineteen hundred and ninety-two to fiscal year nineteen hundred and ninety-three.

The secretary for administration and finance shall notify agencies not later than fourteen days after the effective date of this act as to the amount of their estimated workers' compensation costs for the fiscal year beginning July first, nineteen hundred and ninety-three, and shall require all agencies to encumber funds that are sufficient to meet the estimated annual charges. The estimated workers' compensation costs for each agency shall be not less than the amount of the actual workers' compensation costs incurred by said agency during the fiscal year ending June thirtieth, nineteen hundred and ninety-two and may include additional sums such as are deemed necessary by regulations promulgated according to this section. Said secretary shall revise the estimated workers' compensation costs for each agency on the first day of each quarter of the fiscal year commencing July first, nineteen hundred and ninety-three. 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 and directed to encumber funds that are sufficient to meet the annual charges on behalf of such agency.

The comptroller shall charge each agency's workers' compensation costs to the agency's appropriation account and shall transfer said amount to line-item 1108-6201 for the purposes of workers' compensation paid to public employees for any costs incurred during the fiscal year. The public employee retirement administration may expend an amount so collected for all agencies under this section not to exceed seventy million two hundred thirty thousand dollars, to pay for hospital, physician, benefits, and other costs without further appropriation.

By no later than fourteen days after the effective date of this act, and on the first day of each succeeding quarter during the fiscal year, the public employee retirement administration shall bill agencies for twenty-five percent of said agency's annual estimated workers' compensation costs. Each agency shall be refunded or billed for any differences between the previous quarter's estimated costs and actual costs incurred by said agency.

The secretary for administration and finance is authorized to establish regulations and procedures to implement this section and is required to establish a plan to fund full cost budgeting for workers' compensation including a cash flow plan for the beginning of the fiscal year, if necessary; 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. Said secretary shall file a quarterly report, which shall include the annual estimated charge, and the quarterly actual charge, and explanations for any unpaid charges with the house and senate committees on ways and means.

SECTION 15. 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, as appropriated in item 6005-0017 of section two of this act, shall be distributed in fiscal year nineteen hundred and ninety-three proportionally to the fiscal year nineteen hundred and ninety-one distribution of said Highway Fund reimbursements.

SECTION 16. Notwithstanding the provisions of any general or special law to the contrary, except as provided for in section

six amounts appropriated in line items 0611-5500, 7061-0003 and 7061-0008 in section two of this act shall be held in trust for the purposes of state aid to cities, towns and regional school districts, and shall not be reduced by any amount.

SECTION 17. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall not authorize payment of regular compensation, including paid leave, vacation, salary in lieu of vacations, payments in lieu of maintenance, holiday pay, overtime pay, and salary differentials for any positions beyond those positions provided for in section two of this act. 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 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, excess quota positions and all authorized positions other than seasonal positions as defined in section one of chapter thirty-one of the General Laws and positions for a period of ninety days or less. It is hereby provided further that the comptroller shall not authorize payment of regular compensation, including paid leave, vacation, salary in lieu of vacations, payments in lieu of maintenance, holiday pay, overtime pay, and salary differentials for any position not on a personnel schedule on file with the house and senate committees on ways and means, said schedule having been approved by the house committee on ways and means.

SECTION 18. Notwithstanding the provisions of any general or special law to the contrary, no funds shall be expended for excess quota positions without prior approval of the house committee on ways and means.

SECTION 19. Notwithstanding any general or special law to the contrary, the personnel administrator shall place on file the office and position classification plan and the pay plan of the commonwealth with the house committee on ways and means. The office and position classification plan and the pay plan on file with said committee as of May first, nineteen hundred and ninety-two shall remain in full force and effect and there shall be no changes to said plans without the approval of the division of personnel administration and said committee.

SECTION 20. Notwithstanding the provisions of any general or special law to the contrary, no state departments shall enter into interdepartmental and interagency service agreements without explicit legislative authorization to enter into said agreements; provided, that state departments shall not enter into said agreements without prior approval of the house committee on ways and means; provided further, that sixty days before services under said agreements are scheduled to begin the buyer and seller departments shall submit such intended agreement to the house committee on ways and means for approval. If said committee does not respond to the submission of said intended agreement within thirty days of said submission then said intended agreement shall be deemed to be approved.

SECTION 21. Notwithstanding any general or special law to the contrary, no expenditure shall be made from any revenue retention account established in section two of this act until a personnel schedule, if applicable, and an expenditure subsidiary classification schedule have been established therefor, and received the prior approval by the house committee on ways and means.

SECTION 22. For the fiscal year beginning July first, nineteen hundred and ninety-two, the secretary for administration and finance shall submit to the house and senate committees on ways and means, no less than fifteen days after the end of each fiscal quarter, a report detailing by program objective and performance measures, the program performance in the prior quarter for the following agencies of the executive branch: medicaid; department of medical security; department of mental retardation; higher education coordinating council; and executive office of labor; provided, however, that the mission statements for said agencies are not to be construed as giving rise to enforceable legal rights in any party, but are to serve as internal management tools for gauging the achievement of objectives.

SECTION 23. The commonwealth quality improvement council shall establish a pilot program for incorporating the principles of total quality management into the operations of selected state agencies. Said council shall select at least three state agencies to participate in such pilot program. An analysis of the results of such pilot program shall be included in the annual report of the council to the general court.

SECTION 24. 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, in service or apprenticeship training programs, and all terms and conditions of employment. The secretary of administration and finance 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 25. The 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 commissioner may, in accordance with schedules approved by the secretary 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 26. 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-three for expenditures on behalf of said district and for the cost of the state reclamation board.

SECTION 27. 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 public safety 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 28. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance shall report quarterly to the house and senate committees on ways and means any lease, tenancy-at-will or other rental agreement, or any extensions thereof, made pursuant to section forty G of chapter seven of the General Laws; provided, that said quarterly report shall include, by agency, the amount and location of such rental space, any new or additional space, the duration of the lease or agreement, the cost per square foot of such rental space, any increase or decrease in said cost, and the cost of the preceding lease or agreement.

SECTION 29. Notwithstanding any general or special law to the contrary, there shall be no interchange or transfer between any subsidiary accounts within the same appropriation account, except interchanges or transfers into the "DD" subsidiary account, so-called, or unless such proposed interchange or transfer has received the prior approval of the commissioner of administration and finance and the house committee on ways and means.

SECTION 30. The secretary of administration and finance 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 secretary of administration and finance 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 secretary of administration and finance 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 secretary 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 secretary provided that all amounts so received shall be credited to the General Fund.

SECTION 31. 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 eighty-four thousand six hundred and fifty dollars, plus the cost of fringe benefits as calculated by the secretary of administration and finance 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.

SECTION 32. Notwithstanding the provisions of any general or special law to the contrary, in addition to the provisions of chapter one hundred and sixty-six A of the General Laws, the Community Antenna Television Commission is hereby authorized to make an assessment for fiscal year nineteen hundred and ninety-three, against each licensee under this chapter with operating revenues exceeding one million dollars based upon the operating revenues of each licensee derived from sales within the commonwealth of such community antenna television service as shown in the most recent annual report to the commission of each said licensee. Said assessment shall be determined and certified by the commission as to produce not more than two hundred and fifty thousand dollars in revenue to be allocated among such licensees in the proportion that each licensee's share of such operating revenues bears to the total of all such licensees in the commonwealth during the previous calendar year. The funds produced by such assessment shall be allocated to the administrative, operational, equipment and personnel expenses of said commission.

SECTION 33. Any ordinance or by-law enacted pursuant to section twenty-one D of chapter forty of the General Laws prior to July first, nineteen hundred and ninety-two shall be deemed to have been enacted pursuant to said section twenty-one D as amended by this act.

SECTION 34. Notwithstanding the provisions of any general or special law to the contrary, any justice of the trial court of the commonwealth who was appointed prior to January second, nineteen hundred and seventy-five and thereby not subject to the contributory retirement provisions of section sixty-five D of chapter thirty-two of the General Laws and had attained the age of fifty-five or older as of December thirty-first, nineteen hundred and ninety-one, shall be eligible for a pension for life at an annual rate equal to three-fourths of the annual rate of salary payable to him at the time of such retirement. The provisions of section sixty-five A of chapter thirty-two of the General Laws, and any provisions of law referred to therein, shall be applicable to pensions awarded under the provisions of this section.

Applications for a pension provided for under this section shall be filed not later than October first, nineteen hundred and ninety-two and shall include a requested retirement date of not later than December thirty-first, nineteen hundred and ninety-two; provided, however, that the selection of a retirement date which is earlier than December thirty-first, nineteen

hundred and ninety-two shall be subject to the approval of the administrative justice of the applicable trial court department.

SECTION 35. The office of the chief administrative justice of the trial court shall submit its ongoing study of the personnel needs and personnel allocation system of the trial court, along with any additional studies and plans required pursuant to this section, to the joint committee on the judiciary and the house and senate committees on ways and means no later than January first, nineteen hundred and ninety-three. Said study shall include at least the following: a methodology for determining the true workload of each county, division, or courthouse of the trial court, including measurements of population, crime rate, and caseload; a consistent definition of an active case for purposes of making comparable determinations of the caseloads of different counties, divisions and courthouses; and a plan for the implementation of the study, including a uniform formula for determining the necessary staffing level to handle a specific workload and a system for allocating staff accordingly.

SECTION 36. The supreme judicial court shall appoint a committee of justices of the trial court to serve two purposes: (1) to conduct a study of the structure and governance of the trial court; and (2) to serve as a pilot project in the use of committees of justices to govern the trial court. The committee shall be comprised of justices selected to represent the departments of the trial court and the different geographic regions of the state. The office of the chief administrative justice of the trial court shall provide staff support and assistance to the committee. The committee's study shall address at least the following issues: the advisability of altering the structural organization of the seven departments of the trial court; alternative trial court structures, including but not limited to a completely unified trial court, a two-tiered trial court, a statewide family court, and the merger of the Boston municipal court department with the district court department; and the feasibility of adapting the federal judicial conference model of governance by committees of judges to the Massachusetts trial court. Said committee shall submit a report to the joint committee on the judiciary and the house and senate committees on ways and means no later than February first, nineteen hundred and ninety-three.

SECTION 37. The chief administrative justice of the trial court, in consultation with the supreme judicial court, shall conduct a study and develop a plan for the most effective means of creating an integrated information system for the entire trial court, including, if possible, the creation of a single management information office for the entire trial court including the department of probation. Said study and plan shall be submitted to the house and senate committees on ways and means no later than November first, nineteen hundred and ninety-two. Notwithstanding the provisions of any general or special law to the contrary, neither the office of the chief administrative justice of the trial court nor any department of the trial court shall make any expenditure for the creation or expansion of any computer system prior to the completion of said study and plan, unless the chief administrative justice in consultation with the supreme judicial court determines that such expenditure is critical to the administration of justice. After the completion of such study and plan, all expenditures for the creation or expansion of any computer system by the office of the chief administrative justice and by any department of the trial court shall conform to such plan and shall be subject to approval by the chief administrative justice to ensure such conformity with such plan.

SECTION 38. The supreme judicial court is encouraged to implement a mandatory continuing education program for all court personnel, including justices, using the resources of the judicial institute or other appropriate educational resources.

SECTION 39. Each district attorney shall develop a plan for the expenditure of the funds provided pursuant to section two for a domestic violence prosecution program and shall submit the plan to the attorney general and the house and senate

committees on ways and means for their review no later than October first, nineteen hundred and ninety-two. Each district attorney shall submit a report on the activities and accomplishments of such program in fiscal year nineteen hundred and ninety-three to the attorney general and to such committees no later than August first, nineteen hundred and ninety-three.

SECTION 40. There is hereby established the Asbestos Cost Recovery Fund. Notwithstanding any general or special law to the contrary, all sums awarded or received by the Commonwealth, after the payment of fees and expenses, as a result of settlement, trial, or judgement from Suffolk Superior Court No. 90-3791-A, *Commonwealth of Massachusetts v. Owens Corning Fiberglas, et al,* or received as payments by the commonwealth on account of the bankruptcy of any manufacturer, seller or distributor of asbestos containing materials in building that the Commonwealth owns, operates or has a property interest in shall be segregated and held in such trust. The division of capital planning and operations shall develop a plan for the orderly expenditure of such sums as are received by the Asbestos Cost Recovery Fund for the purposes of operations and maintenance, encapsulation and removal of asbestos. The plan, which shall be subject to revision as necessary, shall contain provisions for emergencies, the short term and long term control of asbestos in buildings that the Commonwealth owns, operates or has a property interest in, and the removal and disposition of asbestos containing materials located in such buildings. Any funds deposited in said fund shall not revert to any time to the General Fund, but shall remain available for the purposes provided herein. Any funds deposited as described above shall be expended by the division of capital planning and operations, subject to appropriation, consistent with the purposes of this section.

SECTION 41. There is hereby established a special commission to investigate and study the implementation of video gaming in the commonwealth. Said commission shall consist of three members of the Senate, one of whom shall serve as co-chairman and one of whom shall be a member of the minority party, four members of the House of Representatives, one of whom shall serve as co-chairman and one of whom shall be a member of the minority party, the Secretary of Administration and Finance or his designee, the Auditor or his designee, and the Secretary of State or his designee.

Before making recommendations, said commission shall hold at least one public hearing and shall consult with, receive evidence from, and solicit the opinions of industry interest, interested state agencies, 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, if any, by filing the same with the Clerk of the House of Representatives on or before the first Monday in November, nineteen hundred and ninety-two.

SECTION 42. The budget submitted by the governor to the general court pursuant to section seven H of chapter twenty-nine of the General Laws shall be accompanied by a narrative description, including supporting financial statements, which shall disclose the estimated revenues, expenses and fund balances of said budget when computed pursuant to generally accepted accounting principles, hereinafter referred to as GAAP. Said description shall include a statement concerning the material differences between the budget and the said GAAP computation of the budget, including, but not limited to, the components of taxes, medicaid, assistance to the Massachusetts bay transportation authority, compensated absences, claims and judgments, and other differences. Said description shall be in addition to such other information, disclosures and recommendations required by said chapter. For purposes of this section, generally accepted accounting principles shall refer

to generally accepted accounting principles for governments as issued by the governmental accounting standards board. The comptroller is hereby authorized and directed to make available the records, resources and full cooperation of his office in preparing said description.

SECTION 43. The state treasurer shall prepare and submit to the house and senate committees on ways and means on or before August twenty-fifth, November twenty-fifth, February twenty-fifth, and May twenty-fifth 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 office of the comptroller, 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 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.

SECTION 44. Notwithstanding the provisions of sections thirteen to seventeen of chapter fifty-eight of the General Laws, for fiscal year nineteen hundred and ninety-three, the amount of reimbursement to cities and towns in lieu of taxes on state-owned land pursuant to said sections shall be determined using valuations calculated by the commissioner of revenue according to the best available information; provided, no such valuations shall be subject to appeal. The amount appropriated in item 0611-5510 shall be in full satisfaction of the requirements of said section seventeen, and any shortfall shall be prorated among the eligible cities and towns. The cherry sheets, so-called, of the commonwealth shall contain a separate category for reimbursements in lieu of taxes on state-owned land, which shall list for each city and town the amount of the payment pursuant to this section.

SECTION 45. Notwithstanding the provisions of section ninety of chapter six of the acts of nineteen hundred and ninety-one, or any other general or special law, or rule or regulation to the contrary, employees who were furloughed under the provisions of said section ninety of said chapter six, who chose the option of continuing to work their furlough days unpaid and receive a number of bonus vacation days in compensation thereof, as specified in subdivision (b) of said section ninety, and who were not allowed to decide anew whether to receive a lump sum payment or to receive their unused bonus vacation days under the provisions of section fourteen of chapter four hundred and ninety-nine of the acts of nineteen hundred and ninety-one, because their bonus vacation days were deemed to have been used as the first days of any vacation taken after July first, nineteen hundred and ninety-one pursuant to the rules and regulations of their branches, offices, departments, agencies or authorities, shall be given the opportunity to make said decision. Such employees shall be entitled to choose

whether to receive a lump sum payment for their uncompensated furlough days, each one and one-quarter bonus vacation days to be converted into one day's compensation, not to exceed their number of furlough days, or whether to receive bonus vacation days under the terms of the section ninety of chapter six, with the exception of any rules and regulations authorized by said section ninety. Each such employee shall elect finally in writing to his immediate manager by July thirty-first, nineteen hundred and ninety-two. All such employees who choose under the provisions of this paragraph to receive a lump sum payment rather than their bonus vacation days, shall be entitled to said payment in a per diem amount equal to their compensation rate as it stood at the time of the furlough, or as it stands as of July first, nineteen hundred and ninety-two, whichever is greater. The secretary of administration and finance is hereby authorized and directed to implement the provisions of this paragraph by August fourteenth, nineteen hundred and ninety-two.

SECTION 46. 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.

SECTION 47. Notwithstanding the provisions of chapter thirty-two of the General Laws, or of any general or special law to the contrary, any person employed by two or more governmental units which have established contributory retirement systems under the provisions of sections one to twenty-eight of said chapter thirty-two, or under corresponding provisions of earlier laws, who, in accordance with the provisions of subdivision (7) of section three of said chapter thirty-two, was required to be a member of each retirement system shall be entitled to receive upon his written request to the retirement board, in one sum, an amount equal to the accumulated regular deductions paid by said member into the annuity savings fund of the retirement system of the governmental unit which said member has contributed the lesser amount, together with regular interest as shall have accrued thereon in accordance with the provisions of sections eleven and twenty-two of said chapter thirty-two. Payment of said amount to said member shall be in the alternative to and exclusive of any other benefit, allowance, pension or other payment to said member from, or on account of service rendered to or of compensation received while a member of, said retirement system.

SECTION 48. Notwithstanding the provisions of chapter thirty-two of the General Laws or of any other general or special law to the contrary, and upon the acceptance of this section by the legislative and executive authority within a city, town or county, the provisions of this section providing for a retirement program for municipal and county employees shall apply to a municipal or county employee who is a Group 1, Group 2, or Group 4 employee as defined in section three of said chapter thirty-two, who is a member of the appropriate municipal or county retirement system and who (i) shall be an employee of the municipality on the effective date of this section, (ii) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five or subdivision (1) of section ten of said chapter thirty-two upon the effective retirement date specified in his written application to said board and (iii) shall have filed a written application after July first, nineteen hundred and ninety-two, but not later than July fifteenth, nineteen hundred and ninety-three to retire for superannuation as of the date which shall be specified in such application; provided, however, that said date for retirement shall be no earlier than September first, nineteen hundred and ninety-two and no later than forty-five days after the acceptance of this act by the city, town or county. For the purposes of this section the legislative authority shall

mean a town meeting in a town, the city council in a city, the county advisory board in a county other than the counties of Suffolk and Nantucket in which cases the county commissioners shall serve as the legislative authority; and the executive authority shall mean the board of selectmen in a town, the mayor in a city, and the county commissioners in a county. Said program shall be administered by the appropriate municipal or county retirement system, which shall also promulgate regulations to implement the provisions of said program.

Notwithstanding the foregoing, no city, town or county may adopt the provisions of this section unless said city, town or county has established a retirement system funding schedule pursuant to the provisions of section twenty-two D of Chapter thirty-two of the General Laws or subdivision six A of section twenty-two of said chapter thirty-two prior to the effective date of this act or adopts the provisions of section twenty-two D of said Chapter thirty-two after the effective date of this act.

Notwithstanding any provisions of said chapter thirty-two to the contrary, the normal yearly amount of the retirement allowance for an eligible employee who is employed by a city, town or county which accepts the applicable provisions of this act and who has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2) of section five of said chapter thirty-two, shall be based on the average annual rate of regular compensation as determined under said paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by up to five years of age or by up to five years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than five; provided however that the executive authority in a city or town may limit the amount of additional credit for service or age or a combination of service or age offered and the number of employees for whom it will approve a retirement calculated under the provisions of this section; provided further that if participation is limited, the retirement of employees with greater creditable service shall be approved before approval is given to employees with lesser creditable service.

For the purpose of this section words shall have the same meanings as in Chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with the provisions of this section shall be deemed to be retired for superannuation under the provision of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two.

The total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of section five of said chapter thirty-two, of any employee who retires and receives additional benefit under the retirement incentive program for municipal and county employees in accordance with the provisions of this section shall not exceed four-fifths of the average annual rate of his regular compensation received during any period of three consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of this regular compensation received during the periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater.

The commissioner of the public employee retirement administrations shall analyze, study, and valuate the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the provisions of this section of the retirement incentive program for municipal and county employees established by this section for each retirement system;

provided, that said commissioner shall file a report in writing of his findings to the board on or before December thirty-first, nineteen hundred and ninety-three, and shall send a copy thereof to the county commissioners, the mayor, or the board of selectmen, as the case may be; provided further, that said reports shall be filed with the joint committee on public service on or before December thirty-first, nineteen hundred and ninety-three.

The applicable retirement board shall prepare a funding schedule which shall reflect the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this section and said schedule shall be designed to reduce the applicable retirement system's additional pension liability attributable to such costs and liabilities to zero on or before June thirteenth, two thousand and eight; provided, that in preparing such schedule, the board shall consider the analysis of the commissioner of public employee retirement administration filed in accordance with the provisions of this section; and provided further, that said board shall triennially update such schedule until said June thirtieth, two thousand and eight. Said board shall file such funding schedule with the joint committee on public service and the house and senate committees on ways and means on or before March first, nineteen hundred and ninety-four, and shall file updates thereto triennially on or before March first of each year. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be deemed an obligation of the applicable city, town or county to fund such liability and there shall be appropriated to the applicable pension reserve fund in each such fiscal year the amount required by the funding schedule and the updates thereto.

SECTION 49. The board of directors created in chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six is hereby authorized to design and implement an early retirement program for its employees; provided, however, that no retirement under said program shall occur earlier than September first, nineteen hundred and ninety-two or later than August thirty-first, nineteen hundred and ninety-three.

SECTION 50. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance is hereby authorized to transfer amounts from items of appropriation, excluding the items of appropriation of the constitutional officers, to a reserve account for the purpose of funding the costs of the early retirement incentive program authorized by chapter twenty-two of the acts of nineteen hundred and ninety-two, said amounts not to exceed in the aggregate for each item of appropriation the projected salary attributable to employees participating in said early retirement incentive program. The comptroller is hereby authorized to establish said reserve account in the intragovernmental services fund. The secretary of administration and finance is further authorized to expend directly from said reserve account without further appropriation, or to transfer to items of appropriation for expenditure therefrom, such amounts as he determines to be necessary to meet certain costs resulting from the implementation of said early retirement incentive program, including, but not limited to, increased pension and group health insurance costs and vacation and sick leave buyout obligations, and the cost of refilling certain vacated positions as authorized by sections six through eight of said chapter twenty-two.

SECTION 51. The secretary of administration and finance is hereby authorized and directed to establish minimum training requirements and a training program on the provisions of state finance law, rules and regulations for all appointed officials, senior managers and fiscal officers of secretariats, departments, agencies, boards, commissions and entities under the control of said secretary. Said training shall include, but not be limited to, the communication of a comprehensive understanding

of: the fiscal management requirements established by chapter twenty-nine of the General Laws; the criminal sanctions and penalties for violations of said chapter and related law; the fiscal management requirements established by the general appropriation act; and related fiscal management rules and regulations promulgated by the executive office of administration and finance, the office of the treasurer and receiver-general, the office of the state auditor and the office of the inspector general. Said training shall emphasize the conduct of sound financial practices and the performance of fiduciary responsibility as governed by said law, rules and regulations.

The training program established by this section shall be undertaken by said officials and employees not later than January first, nineteen hundred and ninety-three. The secretary shall certify to the house and senate committees on ways and means by January fifteenth, nineteen hundred and ninety-three the number and position of all such employees, by agency, who complete at least two hours of such training and shall submit at such time a copy of training materials developed for the purposes of said program. The secretary shall further certify by said date the establishment of permanent training requirements for all newly appointed and hired officials and employees. The secretary may utilize the services of the department of personnel administration and such other personnel and agencies as may be necessary to conduct such training.

SECTION 52. The secretary of administration and finance is hereby authorized and directed to promulgate regulations governing the use of state passenger vehicles and light-duty pickup trucks. Said regulations shall be aimed at proscribing the purchase or lease of such passenger vehicles and light-duty pickups unless documentary evidence available prior to any such purchase or lease indicates that the passenger vehicle or light-duty pickup will likely be driven, by the assigned employee or department, more than fifteen thousand business miles per year, excluding commuting miles, subject to such exceptions deemed by said secretary to be appropriate, given the intended use of the particular vehicle.

Said regulations shall provide for the enforcement of this mileage guideline, including a system for annual reevaluation of the use of all state passenger vehicles and light-duty pickups, and subsequent disposition of any vehicle or pickup whose use unreasonably fails to meet this guideline.

The secretary of administration and finance shall submit an annual report to the house and senate committees on ways and means on 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 report shall include the following:

(a) 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 for administration and finance; provided, however, that said report shall state the number of confidential plates that have been issued;

(b) a complete 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;

(c) a complete listing of new leases entered into by any agency and new purchases made by agencies for which the secretary shall identify the funding source; said list 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) a complete listing of the name, office location, position number and position title of any employee authorized by the secretary to use a passenger vehicle or light-duty pickup to travel from the employee's place of residence to the employee's place of work; 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.

The secretary of administration and finance shall ensure that all employees shall be prohibited from using motor vehicles for personal uses.

SECTION 53. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance is hereby authorized and directed to charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of that agency who are on leave of absence for a period of more than one year. The amounts received in payment for such charges shall be credited to the General Fund.

SECTION 54. The department of revenue and the executive office of elder affairs are hereby directed to conduct a study of incentives for the purchase of long-term care insurance. The study shall include the use of income tax exemptions or deductions to encourage the early purchase of such insurance to create a risk pool to support the long-term care needs of the commonwealth. The department and secretary shall report to the house and senate committees on ways and means by January first, nineteen hundred and ninety-three.

SECTION 55. The department of revenue is hereby authorized and directed to conduct a study to determine the feasibility of and economies to be achieved by combining the commonwealth's income tax reporting and payment system with that of the federal government. The study shall be submitted to the secretary of administration and finance no later than December first, nineteen hundred and ninety-two.

SECTION 56. The office of the comptroller is hereby authorized and directed to undertake and complete a study relative to the advantages and disadvantages of full cost budgeting, cost allocation, and cost recovery, so-called. The study shall examine full cost budgeting as it relates to the following cost items: (a) fringe benefits associated with state employees including, but not limited to, group health and life insurance, workers' compensation, unemployment compensation, health insurance for the unemployed, employees' share of the medicare tax, and retirement benefits; (b) certain central services provided directly by one state agency to another state agency including, but not limited to, state audits, telecommunications, computer operations, motor vehicle fleet, fuel, postage, central supplies and equipment, and central reproduction; and (c) certain other central services provided either directly or indirectly for one state agency by another state agency including, but not limited to, space utilization (including costs of utilities and of debt service related to capital asset acquisition), comptroller operations, treasury operations, auditor operations, attorney general operations, and purchasing agent operations. The study shall review the experience of other states and the requirements of generally accepted accounting principles. The study shall review all relevant business applications of full cost budgeting and undertake a cost-benefit analysis to recommend the proper fiscal mechanism for each cost item. The comptroller is also authorized and directed to establish a task force to assist in the study and shall seek members for such task force from the department of procurement and general

services, the budget bureau, the office of management information systems, the office of human resource administration, the office of the state treasurer and receiver-general, the office of the state auditor, the office of the attorney general, and other agencies that the comptroller shall deem relevant to the study. The task force shall have access to the records and reports of such agencies for the purpose of the study. A final report of the study, together with its findings and proposed statutory amendments, if any, shall be completed and filed with the executive office for administration and finance, the house and senate committees on ways and means, the clerk of the house of representatives, and the clerk of the senate no later than December first, nineteen hundred and ninety-two.

SECTION 56A. The office of the comptroller is hereby authorized and directed to undertake and complete a study relative to the advantages and disadvantages of converting certain full cost budgeting items from an intragovernmental service fund to an internal service fund. The study shall examine the cost-effectiveness of the use of internal service funds, including but not limited to the following issues: off-budget versus appropriation status, revolving account authority, meeting future and current unfunded liabilities, and competition with private sector service providers. The study shall review the experience of other states, the requirements of generally accepted accounting principles, and all relevant business applications of internal service funds. The comptroller is also authorized and directed to establish a task force to assist in the study and shall seek members for such task force from the department of procurement and general services, the budget bureau, the office of management information systems, the office of human resource administration, the office of the state treasurer and receiver-general, the office of the state auditor, the office of the attorney general, and other agencies that the comptroller shall deem relevant to the study. The task force shall have access to the records and reports of such agencies for the purpose of the study. A final report of the study, together with its findings and proposed statutory amendments, if any, shall be completed and filed with the executive office for administration and finance, the house and senate committees on ways and means, the clerk of the house of representatives, and the clerk of the senate no later than December first, nineteen hundred and ninety-two.

SECTION 57. Notwithstanding the provisions of section forty-four A of chapter one hundred and forty-nine of the General Laws, the commissioner of the division of capital planning and operations is hereby authorized, during fiscal year nineteen hundred and ninety-three, to solicit proposals for and award contracts to the lowest bidder demonstrably possessing the skill, ability, and integrity necessary to perform faithfully energy management services at buildings owned by state agencies or building authorities; provided, however, that such awards shall be made pursuant to the provisions of section twenty A of chapter nine, and sections forty-four D and forty-four J of chapter one hundred and forty-nine of the General Laws; and provided further, that any invitation to bid on such energy conservation contracts, as authorized in this section, shall be filed with the 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 performance 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 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. The commissioner may delegate to state agencies and building authorities the authority to enter into such agreements with an estimated construction cost of less than two hundred thousand dollars. Such delegation shall be in writing from the commissioner to the requesting agency or building authority.

Notwithstanding the provisions of sections forty-four A to forty-four H, inclusive, of chapter one hundred and forty-nine of the General Laws, cities, towns, local housing authorities, and counties are hereby authorized, during fiscal year nineteen hundred and ninety-three, 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 fourteen days 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 measures, and energy conservation projects as defined by section three of chapter twenty-five A of the General Laws, as well as building maintenance and financing services designed to decrease the cost of energy and water in operating said buildings.

SECTION 58. The department of environmental protection shall conduct a study to analyze the increasing mandates under the Federal Safe Drinking Water Act and to make recommendations for funding the commonwealth's compliance with the act. The study shall address, but not be limited to, identifying equitable alternatives to the current fees assessed on small water suppliers and making recommendations for legislative and administrative action at the national level.

The commissioner of said department or his designee shall appoint and chair a special task force to provide recommendations for the content of the report. The task force shall consist of a representative from the following organizations: U.S. Environmental Protection Agency, State and regional waterworks associations, municipalities, small water suppliers, industry, environmental and elected officials, plus any other persons as the commissioner may choose. The department shall submit the study and any accompanying legislation that is necessary to implement its recommendations to the house and senate committees on ways and means, and the joint committee on natural resources and agriculture no later than March fifteenth, nineteen hundred and ninety-three.

SECTION 59. On or before September thirtieth, nineteen hundred and ninety-two, the Massachusetts water resources authority shall pay to the commonwealth the amount of eighty million dollars. Said amount shall be in consideration for costs borne by the commonwealth on behalf of the Massachusetts water resources authority and its predecessor agency. Such costs include, but are not limited to, the payment of interest and principal on debt issued and charged to the metropolitan district commission water fund and the metropolitan district commission sewer fund.

SECTION 60. The departments of environmental protection and environmental management shall make available funds for the Walker Pond dredging project in the town of Sturbridge during the fiscal year ending June thirtieth, nineteen hundred and ninety-three.

SECTION 61. Notwithstanding any general or special law to the contrary, the department of environmental protection, hereinafter known as the department, is hereby authorized and directed to expend a sum not to exceed thirty thousand dollars for the creation of a definitive map of the town of Provincetown coastline which shall distinguish the historic high water mark between the Cape Cod National Seashore and Howland Street along the commonwealth tidelands of said town. Such map shall include specifications to comply with regulations, as promulgated by the department, pursuant to chapter ninety-one of the General Laws.

SECTION 62. The secretary of communities and development is hereby authorized and directed to expend funds appropriated in item 3100-0200 of section two to develop and implement a program of competitive municipal management grants designed to promote economy, efficiency and effectiveness in the delivery of local services by cities and towns. Such a program shall include but not be limited to, an emphasis on sound fiscal management, innovative programs, service cost savings, regionalization, privatization, shared services, collaborative purchasing and professional management, including equipment and hardware; provided, that the program guidelines and selection criteria shall allow all thirteen of the commonwealth's designated regional planning agencies the right to directly apply for municipal incentive grants inasmuch as said agencies are, by definition, composed of local governments; provided further, that the secretary shall monitor the expenditure of grant funds by said agencies to ensure the compliance by each agency with its plan of activities and shall withdraw approval of any grant to a regional planning agency found not to be in compliance with its plan of activities; provided further, that said grants may provide funding for feasibility studies, planning, personnel or project start-up costs, capacity building, program operation and information transfer; provided however, that nothing in these provisions shall prohibit an individual city or town from applying or competing for municipal incentive grants; provided further, that funds appropriated in said item may be provided in advance; and provided further, that said secretary is authorized and directed to expend funds appropriated in said item to develop, on or before December thirty-first, nineteen hundred ninety-two, a demonstration program for measuring and reporting relative efficiency and productivity in the provision of core municipal services.

SECTION 63. Notwithstanding the provisions of chapter four hundred and ninety of the acts of nineteen hundred and eighty, the executive office of communities and development may authorize neighborhood housing services corporations to retain and reloan funds received in repayment of loans made pursuant to the neighborhood housing services rehabilitation program.

SECTION 64. 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 65. Notwithstanding the provisions of any general or special law or regulation to the contrary, all housing authorities and nonprofit organizations operating elderly public housing are hereby authorized and directed to offer first preference for elderly public housing units which are vacant as of the effective date of this act, and thereafter, to those elderly persons who held chapter seven hundred and seven rental assistance certificates, so called, and vouchers under any existing state voucher program, on June thirtieth, nineteen hundred and ninety-two. The executive office of communities and development shall be responsible for the faithful compliance by local housing authorities with the provisions of this section, and is hereby authorized to take such actions as it deems necessary, including requiring regular, up-to-date reports by the housing authorities and nonprofit organizations operating such public housing, to insure such compliance in a timely and equitable fashion.

SECTION 66. The secretary of the executive office of health and human services is hereby authorized and directed to conduct a study relative to the establishment of supportive living services for frail elders. Said study shall determine the demand and options available for providing non-institutional health services and assistance with activities of daily living to eligible medicaid recipients in qualified assisted living settings. Said study shall consider appropriate medical necessity criteria for determining recipient eligibility for such services and the licensure and certification standards necessary to qualify providers of such services in order to protect consumers, ensure the quality of care and comply with applicable federal law. Said study shall further identify statutory and regulatory impediments to establishing such services, including the necessity or desirability of obtaining any federal waivers. Said study shall further identify how such services would affect the long term care delivery system, particularly with respect to the impact on freestanding intermediate care nursing facilities and residential care facilities. Said study shall further identify the resources necessary, potential federal reimbursements available, and savings possible from establishing such services, including the resources that may be necessary to mitigate the effects of such services on existing long term care facilities. The secretary shall file said study, and if necessary, legislation recommended to establish such services, with the joint committee on health care and the house and senate committees on ways and means not later than July first, nineteen hundred and ninety-three.

SECTION 67. Notwithstanding any general or special law to the contrary, upon the effective date of a merger or consolidation which shall be not later than October first, nineteen hundred and ninety-three (hereinafter the "effective date") of St. Joseph's Hospital and Saint John's Hospital both of which operate health care facilities in Lowell (hereinafter the "hospitals") (a) the hospitals shall be exempt from the requirements of section fifty-six of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-one and shall not be required to pay any over generation of approved revenue for fiscal years prior to nineteen hundred and ninety-two into the uncompensated care trust fund established pursuant to

section seventeen of chapter one hundred and eighteen F, repay any such excess revenue to any person or suffer any penalty as a result of such over generation, and (b) any alleged non-compliance by the hospitals with the provisions of sections seventy-eight to one hundred and chapter six A of the General Laws, inserted by chapter twenty-three of the acts of nineteen hundred and eighty-eight, shall be waived and forgiven as of the effective date without further consequence.

In order to maximize the benefits of the merger or consolidation, the hospitals must be able to expeditiously develop and implement a strategic plan and determine the mix of future services in light of the needs of the communities served. Notwithstanding any general or special law to the contrary, with regard to any determination of need application filed by the hospitals pursuant to the provisions of sections twenty-five B to twenty-five G, inclusive, of chapter one hundred and eleven with regard to any substantial change in services, as defined in said sections, and any regulations, informational bulletins, policy statements or the like issued by the department of public health or the public health council pursuant thereto, the public health council shall act on the application within three months of the filing of such application; provided that the filing day for such application may be any day within six months of the effective date; and provided further that the public health council shall consider such application solely on its own merits.

Notwithstanding the foregoing, the above exemption for St. Joseph's Hospital and Saint John's Hospital from the provisions of section fifty-six of said chapter four hundred and ninety-five shall not extend to those provisions of said section fifty-six which require the commission to complete all pertinent pending matters and in no event shall any provision of this section be construed in such a way as to impair settlement with either or both hospitals pursuant to the provisions of hospital agreement (HA-31) by a non-profit hospital and medical service corporation.

SECTION 68. Notwithstanding the provisions of any general or special law to the contrary, no authority, agency, division, department or office of the commonwealth nor any person with authority to contractually bind any authority, agency, division, department or office of the commonwealth shall authorize or pay in any contract for services with any vendor a percentage increase in said contract for services that is based upon salary increases for any personnel of said vendor. Current contracts for services with vendors that contain provisions for percentage increases based upon salary increases for personnel shall be renegotiated by the contracting authority, agency, division, department or office. The provisions of this section shall not apply to contracts with the providers participating in the medical assistance program authorized under chapter one hundred and eighteen E of the General Laws.

SECTION 69. 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 70. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the commission for the blind shall prepare a plan for the privatization of the Ferguson Industries for the Blind established under section one hundred and forty-three of chapter six of the General Laws. Said plan shall be submitted to the house and senate clerks on or before January first, nineteen hundred and ninety-three. Said plan shall have an effective date for the privatization of said Ferguson Industries for the Blind no earlier than July first, nineteen hundred and ninety-three.

SECTION 71. There shall be established on the books of the commonwealth a separate fund to be known as the Trust Fund for the Head Injury Treatment Services. Said trust fund shall consist of monies paid to the commonwealth pursuant to the provisions of section twenty-four of chapter ninety of the General Laws, as amended by section two hundred and eighty-seven of chapter one hundred and thirty-eight of the acts of nineteen hundred ninety-one, and any interest or investment earnings on such monies. (2) The state treasurer, ex officio, shall be the custodian of said trust fund, and shall receive, deposit, and invest all monies transmitted to him under the provisions of clause (1), and shall credit interest and earnings on the trust fund to said trust fund. (3) The state treasurer shall make such monies available to the statewide head injury program of the Massachusetts rehabilitation commission as may be appropriated for the purpose of developing and maintaining nonresidential rehabilitation services for head injured persons, provided that an appropriation from said trust fund shall not be used to replace funds historically appropriated from the General Fund to purchase head injury services.

SECTION 72. All employees of the youth service board, the advisory committee on service to youth and the department of youth services, including the several institutions within said division, who immediately prior to the effective date of this act, hold positions related to the exercise of such powers or the performance of such duties that are transferred by this act to the executive office of public safety, and either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, are hereby transferred to the executive office of public safety. Every such transfer shall be effective without impairment of civil service status, seniority, retirement or other rights of the employee, without interruption of service within the meaning of said chapter thirty-one or said section nine A and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such transfer, subject to the provisions of said chapter thirty-one and the rules and regulations adopted thereunder.

All employees of the youth service board, the advisory committee on service to youth and the department of youth services, including the several institutions within said division who, immediately prior to said effective date, hold positions, but do not have such tenure, are hereby transferred to the executive office of public safety. Every such transfer shall be effective without impairment of civil service status, seniority, retirement or other rights of the employee, without interruption of service within the meaning of said section nine A and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such transfer.

SECTION 73. All petitions, hearings and other proceedings brought before, and all prosecutions and legal and other proceedings duly begun by any board, committee, department or office, the powers and duties of which are transferred to the executive office of public safety by this act and which arise from or relate to the exercise of such powers or the performance of such duties, and which are pending immediately prior to the effective date of this section, shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed before or by the appropriate agency within said executive office.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approvals duly granted, by any board, committee, department or office, the powers and duties of which are transferred to the executive office of public safety by this act, which arise from or relate to the exercise of such powers or the performance of such duties, and which are in force

immediately prior to the effective date of this act, shall continue in force and the provisions thereof shall thereafter be enforced, until superseded, revised, rescinded or canceled in accordance with law, by the appropriate agency within said executive office.

SECTION 74. All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities and other property, both personal and real, which, immediately prior to the effective date of this act, are in the custody of any board, committee, department or office, the powers and duties of which are transferred to the executive office of public safety by this act, and which relate to or are maintained for the purpose of the exercise of such powers or the performance of such duties, are hereby transferred to the appropriate agency within said executive office; provided that all such property held in trust shall continue to be held in trust, and be administered in accordance with the terms of such trust, by the appropriate agency within said executive office or, if such agency shall decline such trust, by the trustee appointed by any court of competent jurisdiction upon application by any interested persons for such appointment or for instruction in connection therewith.

SECTION 75. All duly existing contracts, leases and obligations of any board, committee, department or office, the powers and duties of which are transferred to the executive office of public safety by this act, which relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to the effective date of this act, shall thereafter be performed by the appropriate agency within said executive office. No existing right or remedy of any character shall be lost, impaired or affected by the provision of this act.

SECTION 76. All monies heretofore appropriated for any board, committee, department or office the powers and duties of which are transferred to the executive office of public safety by this act, for the purpose of the exercise of such powers or the performance of such duties, and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, the appropriate agency within said executive office for the purposes for which such funds were originally appropriated.

SECTION 77. Wherever the name of any board, committee, department or office, the powers and duties of which are transferred to the executive office of public safety by this act, appears in any general or special law, or in any order, rule, regulation or other document related to the exercise of such powers or the performance of such duties, such name shall mean and shall be construed as referring to the appropriate agency within the executive office.

SECTION 78. Wherever in any special or general law or in any rule or regulation there is provided a right of appeal to any board, committee, department or office the powers and duties of which are transferred to the executive office of public safety by this act, a right of appeal to the appropriate agency within the executive office of public safety shall exist and such appeal shall be made pursuant to the provisions of any applicable law, rule or regulation or amendment thereto or, in the absence of such applicable law, rule or regulation, pursuant to chapter thirty A of the General Laws.

SECTION 79. All powers, duties, and other statutory provisions which prior to the effective date of this act were assigned to, or exercised by, any department, board, committee or office or other administrative unit or were assigned to or exercised by any officer of any such unit shall continue to be exercised and performed by, and to be assigned to, such unit or officer except as such powers, duties or other statutory provisions are modified by this act.

SECTION 80. The department of public welfare is hereby authorized and directed to conduct a study relative to the feasibility and fiscal advantages or disadvantages of establishing and developing a photo identification card system for recipients of benefits under any program administered by said department. Said study shall include, but not be limited to, an analysis of the effect such a system would have on the incidence of fraud within said programs particularly when compared with such photo identification systems in place in other states or cities, the comparative costs of establishing and maintaining completely within said department or contracting out said establishment and maintenance of such system to private vendors or other state departments, the waivers that may be necessary under federal laws and regulations and which recipients such as children who receive Aid to Families with Dependent Children benefits, might be required to participate in such photo identification system. Said department shall submit said report to the house and senate committees on ways and means no later than January thirty-first, nineteen hundred and ninety-three.

SECTION 81. The commissioner of Public Welfare is hereby directed to establish a toll-free hotline for use by any citizen of the commonwealth for the purpose of reporting any suspected incident of welfare abuse or fraud. The commissioner is further directed to establish a procedure for investigation of reported incidents.

SECTION 82. The commissioner of public welfare is hereby directed to devise and evaluate a plan for investing department funds, job training funds, and public and private grants into a welfare reinvestment project which would create permanent employment opportunities for recipients of public assistance. Said plan shall include a cost-benefit analysis identifying all projected costs of the project over a ten year period, a plan of action necessary to obtain federal waivers and to obtain private sector involvement, an investment analysis, a strategic funding plan, a proposed organizational structure and a start-up time table.

The commissioner shall report to the general court the results of said study by filing the same with the clerk of the house of representatives on or before December first, nineteen hundred and ninety-two.

SECTION 83. The department of public welfare is hereby directed to design and implement a voluntary work experience program including but not limited to a community service work program for certain recipients of aid to families with dependent children. The program shall include incentives for and methods of decreasing generational dependency on public assistance. The department shall consider the benefit of incentives such as the provision of a non-countable stipend as reimbursement to volunteers for work-related expenses, provided that part or all of said stipend may be provided by the organization benefitting from the services. The target population to be served by the program shall include but not be limited to long-term present recipients of public assistance who have been on the caseload more than five years.

The department shall submit a report, on the implementation of said plan, to the joint committee on human services and elderly affairs and the house and senate committees on ways and means no later than November first, nineteen hundred and ninety-two.

SECTION 84. The commissioner of the department of public welfare shall conduct a review of welfare reform plans which have been implemented in New Jersey, Wisconsin, New York, and other states. Such review will ascertain the flaws discovered in such programs, the costs associated with implementation and the savings and or projected savings from such reforms. The commissioner shall project the anticipated impact of implementing such plans or variations thereof in Massachusetts. The

commissioner shall submit a summary of such review to the senate and house ways and means committees by January first, nineteen hundred and ninety-three.

SECTION 85. Notwithstanding the provisions of any general or special law to the contrary, benefits that have been terminated by the department of public welfare after timely notice shall not be reinstated until such time as an appeal has been decided in favor of the appellant.

SECTION 86. 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.

SECTION 87. The department of public welfare is hereby authorized and directed to study the feasibility of developing clothing allowance voucher system. Said study shall include, but not be limited to, the pursuit of federal waivers that may be necessary to establish such a system and a determination of businesses that would accept clothing vouchers. A report detailing the findings and recommendations of said study shall be filed with the house and senate ways and means committees on or before January fifteenth, nineteen hundred and ninety-three.

NONRESIDENT UNCOMPENSATED CARE STUDY

SECTION 88. The department of medical security is hereby authorized and directed to study the incidence of and costs incurred by the uncompensated care pool for uncompensated care provided to nonresidents of the commonwealth by Massachusetts acute hospitals. Said study shall establish for each such hospital, to the extent practicable using reasonably available data, the number of nonresident patients determined eligible for free care, and total free care charges and total uncompensated care payments attributable to such patients for the most recent fiscal years for which data is available. Said study shall establish a ranking of acute hospitals by the volume and percent of nonresident uncompensated care provided at such hospitals weighted by the ratio of total uncompensated care to total net patient service revenues at such hospitals. Said study shall further establish the extent of uncompensated care pool contributions made by nonresident insured and self-paying patients at each such hospital relative to nonresident patient demands on said pool at each such hospital. For purposes of this section, a nonresident shall be defined as an individual whose primary residence is not located in the commonwealth, excluding residents of foreign countries, and uncompensated care shall be defined according to the governing hospital finance statute in effect for each fiscal year under study, provided, that said study shall attempt to make comparisons between fiscal years as comparable as possible. Said study shall be forwarded to the committee on health care and the house and senate committees on ways and means not later than March first, nineteen hundred and ninety-three.

SECTION 89. The medical assistance program established pursuant to the provisions of chapter one hundred and eighteen E of the General Laws shall continue to reserve a nursing facility bed while a patient is temporarily absent from the facility for medical and nonmedical reasons as set forth in regulations codified in 106 CMR 456.020 through 106 CMR 456.023 and 106 CMR 456.511 through 106 CMR 456.516 in effect on January first, nineteen hundred and ninety-two. Nursing facility reimbursement for such medical and nonmedical leaves of absence shall not be more restrictive than those regulations in effect on January first, nineteen hundred and ninety-two.

SECTION 90. Notwithstanding the provisions of any general or special law to the contrary, the department of public welfare

may make expenditures from any one of items 4402-4100, 4402-4200, 4402-4300 and 4402-4400 for any expenditure authorized by any one of such items from the effective date of this section until such time that the department completes the modification of accounting and claims processing systems which shall enable the department to reconcile the accounting for claims and payments processed by the medicaid management information system, or MMIS, so-called, with said items of appropriation as entered into the Massachusetts management, accounting and reporting system, or MMARS, so-called; provided that said MMIS modifications shall be implemented not later than January first, nineteen hundred and ninety-three and that said accounting reconciliation system shall be implemented not later than February first, nineteen hundred and ninety-three. Expenditures processed by MMIS in the first half of the fiscal year may be reconciled to said items of appropriation in MMARS in the aggregate prior to March first, nineteen hundred and ninety-three; provided that said accounting reconciliations for expenditures in the second half of the fiscal year shall occur not less than quarterly after said date. Nothing in this section shall be construed to confer any right to payment by medicaid providers nor any right to deny payment to said providers due to the absence of or the implementation of said accounting reconciliation system.

SECTION 91. Notwithstanding any provisions of general or special law to the contrary, the department of public welfare, with the cooperation of the rate setting commission, shall not approve any increase in existing medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality.

SECTION 92. Notwithstanding any provisions of general or special law to the contrary, the department of public welfare shall make no expenditures from items 4402-4100, 4402-4200, 4402-4300, 4402-4400, 4402-5200 which are not federally reimbursable; provided that administrative or other cost containment efforts which may or may not be eligible for federal reimbursement may be expended from said items; provided that the house and senate committees on ways and means are given prior notice of projected spending for each such effort, explanations of any spending increase over the previous fiscal year, and estimates of savings resulting from each such effort. Said department may allocate funds from said items to other agencies for the purposes of the medical care and assistance program after giving prior notice to the house and senate committees on ways and means. No expenditures or commitments made pursuant to said 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 Title XIX of the Social Security Act, shall be incurred in excess of available funds which have been appropriated therefor. The rate setting commission, the department of public health and the executive office of elder affairs are hereby authorized and directed to cooperate with the department in fulfilling its responsibilities related to the medicaid long term care program objectives and performance measures established by section two of this act.

SECTION 93. Notwithstanding any general or special or law to the contrary, federal reimbursements received by the department of public welfare for administration of the medical care and assistance program, including, but not limited to, the medicaid management information system, shall be deemed funds received on account of the commonwealth. Such monies in an amount not to exceed thirty-six million dollars in fiscal year nineteen hundred and ninety-three shall be credited on the books of the commonwealth in a separate fund to be known as the Medicaid Trust Fund which the comptroller shall

establish pursuant to section seven of chapter seven A of the General Laws; provided, that the comptroller may promulgate regulations necessary to carry out the provisions of this section. Said trust fund shall be accounted for on the Massachusetts Management, Accounting, and Reporting System(MMARS). The monies deposited in said fund shall be available to the department according to a spending plan filed with the secretary of health and human services and the house committee on ways and means. Said spending plan shall provide for disbursements and expenditures for the operation, administration and maintenance of the medicaid program. Disbursements and expenditures from said fund shall not be subject to further appropriation.

SECTION 94. Section eighty-seven of chapter one hundred and fifty of the acts of nineteen hundred and ninety shall be ineffective and remain ineffective from year to year until the secretary of human services and congress have provided, under Title XVIII of the Social Security Act, for a prospective payment system of patient-centered rates which are related to resources used by patients in long term and rehabilitation hospitals.

SECTION 95. Notwithstanding the provisions of section three of chapter six B 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, that such recipients shall be exempt from any collection action, pre-admissions deposit or any other form of billing or collection procedures arising from treatment by an acute care hospital provided under the healthy start program; provided further, that the healthy start card will constitute sole verification of application and eligibility for free care for inpatient hospital services.

SECTION 96. Notwithstanding any general or special law to the contrary, the commissioner of capital planning and operations shall permit currently operating providers to continue to occupy the present building at Lakeville hospital for the purpose of providing detoxification services to the public through fiscal year nineteen hundred and ninety-four; provided, however, that the commonwealth shall not be responsible for the provision or maintenance of a heating system or the payment of heating costs for the such providers during their occupancy of said hospital.

SECTION 97. The department of public health, in consultation with the medical assistance program of the department of public welfare is hereby directed to study the cost-effectiveness and safety of a unit dose medication system for long-term care facilities in the commonwealth. In carrying out such study, the department shall consider requiring drug manufacturers, distributors or wholesalers to reclaim and recycle pharmaceuticals that otherwise would be disposed of in a nursing home, 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, consider other revisions in statutes, regulations or practices to eliminate the waste and disposal of drugs dispensed in long-term care facilities. The department shall file the results of its study no later than February twenty-eighth, nineteen hundred and ninety-three with the house and senate committees on ways and means.

SECTION 98. Notwithstanding the provisions of chapter one hundred and twenty-two of the General Laws and sections sixty-three, sixty-three A, sixty-four B through sixty-four M, inclusive, and sixty-nine E of chapter one hundred and eleven of the General Laws, or any other general or special law to the contrary, the commissioner of the department of public health, for the purpose of closing or consolidating public health hospitals, is hereby authorized to plan and direct the admission,

discharge, or other assignment of patients at the several public health hospitals in accordance with the policies established by the department of public health; provided, that any actions taken by said commissioner pursuant to this paragraph shall be in accordance with a plan prepared by said commissioner and filed with the secretary of health and human services, the secretary for administration and finance, the house and senate committees on ways and means, and the joint committees on health care, and human services and elderly affairs; provided further, that said plan shall reflect the commonwealth's primary concern for the care of all said patients after closing or consolidation of any public health hospitals; and provided further, that said plan shall be prepared after consultation with the superintendent and trustees at the various institutions and in consideration of the recommendations of the governor's special commission on consolidation of health and human services institutional facilities.

SECTION 99. Notwithstanding the provisions of any general or special law to the contrary, the department of medical security, the department of public welfare and the rate setting commission are authorized and directed to take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid to hospitals, determined by the department of public welfare to be disproportionate share hospitals in accordance with Title XIX requirements, for free care costs of such hospitals. Said appropriate action may include, but shall not be limited to, the assessment on hospitals for its uncompensated care fee revenue or the collection of amounts from hospitals for its liability to the uncompensated care pool pursuant to chapter one hundred eighteen F of the General Laws. Said appropriate action shall include the establishment or renewal of an interagency agreement between the department of public welfare and the department of medical security which may authorize the department of public welfare to make deposits into and payments from an account established for the purposes of this section within the uncompensated care trust fund established by section seventeen of chapter one hundred and eighteen F of the General Laws, or authorize the department of medical security to transfer uncompensated care fee revenue collected from hospitals pursuant to chapter one hundred and eighteen F of the General Laws, or funds otherwise made available to said trust fund by the legislature, to the department of public welfare for purposes of making disproportionate share adjustment payments to hospitals qualifying for such payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of Title XIX of the federal Social Security Act. The department of public welfare may expend amounts transferred to it from the uncompensated care trust fund by the department of medical security under said interagency agreement without further appropriation. In no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the uncompensated care pool as determined by the department of medical security and the rate setting commission pursuant to section fifteen of chapter one hundred eighteen F of the General Laws and section eleven of chapter six B of the General Laws. Any federal funds obtained as a result of actions taken pursuant to this section shall be deposited in the General Fund. The offices of the state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures to facilitate the expeditious assessment, collection, and expenditure of funds pursuant to this section.

SECTION 100. The department of social services shall notify all persons interviewed during the course of an investigation of an individual or group that allegations made against said individuals or group were not substantiated, if that is the case.

SECTION 101. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the

department of social services is hereby authorized and directed to develop and implement a sliding fee for the provision of all out of home placement services, including foster care, funded by the department. Said fees shall be imposed regardless of whether the placement is voluntary or as a result of an order of a court of competent jurisdiction. Fees charged under said sliding schedule shall be based on the financial circumstances of the parent(s) of the child in placement, including but not limited to, income, assets, and liabilities. The department shall provide affected parents at least thirty days notice of an impending fee copayment charge before implementation of said sliding fee schedule. No such fees shall be charged to individuals and families whose incomes are at or below one hundred and fifty percent of the federal poverty level. The commissioner may authorize a waiver or an adjustment of said sliding fee copayment if the commissioner determines that the imposition of said fee would create a financial hardship due to recent disaster or extraordinary medical or other expenses. Said commissioner shall file a schedule of all fees, including an estimate of new revenues resulting therefrom, with the house and senate committees on ways and means no later than March fifteenth, nineteen hundred and ninety-three.

SECTION 102. The department of social services in conjunction with the department of revenue's, child support collection division, is hereby authorized and directed to study the feasibility of establishing an out-of-home placement sliding fee collection unit. Said study shall include but not be limited to, a cost-benefit analysis of creating a collection unit and projected revenues generated from said unit. A report of said study shall be filed with the house and senate ways and means committees on or before March fifteenth nineteen hundred and ninety-three.

SECTION 103. Notwithstanding any general or special law to the contrary, in fiscal year nineteen hundred and ninety-three, income eligible contracted child care slots for income eligible persons and clients of the department of public welfare who are eligible for child care pursuant to Title IV-A of the Social Security Act, shall be distributed with a priority given to day care agencies that are located in distressed cities and provide child care for linguistic minorities and children in family preservation, supportive child care slots.

SECTION 104. Notwithstanding the provisions of chapter nineteen of the General Laws, or any other general or special law to the contrary, the commissioner of the department of mental health, for the purpose of closing or consolidating mental health facilities, is hereby authorized to plan and direct the admission, discharge, or other assignment of patients at the several mental health facilities in accordance with the policies established by the department of mental health; provided, that any actions taken by said commissioner pursuant to this paragraph shall be in accordance with a plan prepared by said commissioner and filed with the secretary of human services, the secretary of administration and finance, the house and senate committees on ways and means, and the joint committees on health care, and human services and elder affairs; provided, further, that said plan shall reflect the commonwealth's primary concern for the welfare of all patients affected, and shall provide for the care of all said patients after the closing or consolidation of any mental health facilities; provided, further, that said plan shall be prepared after consultation with the superintendent and trustees at the various institutions and in consideration of the recommendations of the governor's special commission on consolidation of health and human services institutional facilities.

SECTION 105. In the fiscal year beginning July first, nineteen hundred and ninety-three a value not less than sixty percent of the revenues credited to the highway fund pursuant to subsection (a) of section thirteen of chapter sixty-four A of the

General Laws shall be committed solely for the purposes contained in paragraphs (2)(a), (2)(b) and (2)(c) of section thirty-four of chapter ninety of the General Laws, exclusive of any expenditures for the central artery/third harbor tunnel project, so called. In the fiscal year beginning July first, nineteen hundred and ninety-four, and for all subsequent fiscal years, the percentage of revenues so credited pursuant to subsection (a) of section thirteen and subject to encumberances as described in the first sentence of this section shall be an amount not less than seventy percent. If in any fiscal year the requirements of the first two sentences of this section are not met, sections thirty-six and thirty-seven of chapter one hundred twenty-one the acts of nineteen hundred and ninety shall become null and void, effective the first day of January in the year immediately following the end of the fiscal year in which the requirements of this section are not met.

SECTION 106. It is hereby found: that repair and construction of state highways and bridges is necessary to protect the safety and convenience of the citizens of the commonwealth; that such a repair and construction program is a vital component for the economic well-being of the commonwealth; that such repair and construction program has been delayed because of issues relative to the bonding capacity of the commonwealth; that such delays threaten to vitiate the current construction season; that such delay is not in the best interest of the citizens of the commonwealth; and that a surplus will exist in the Highway Fund at the end of fiscal year nineteen hundred and ninety-two. Therefore, it is hereby declared: that the General Court intends to appropriate not less than seventy-five million dollars from operating monies in the Highway Fund in the final deficiency appropriation act for fiscal year nineteen hundred and ninety-two for a program of state highway and bridge repair within the executive office of transportation and construction; that such appropriation shall be in addition to state highway and bridge capital authorizations for fiscal years nineteen hundred and ninety-two and nineteen hundred and ninety-three; that such appropriation shall not expire until June thirtieth, nineteen hundred and ninety-three; that such amounts shall be allocated so that the regions of the commonwealth receive no less than the following: fourteen million, sixty-two thousand, five hundred dollars for the counties of Berkshire, Hampden, Hampshire, and Franklin, fourteen million, sixty-two thousand, five hundred dollars for the counties of Norfolk and Worcester, fourteen million, sixty-two thousand, five hundred dollars for the counties of Essex and Middlesex, fourteen million, sixty-two thousand, five hundred dollars for the counties of Barnstable, Bristol, Dukes, Nantucket, and Plymouth, eleven million, nine hundred thirty-two thousand dollars for the county of Suffolk, and six million, eight hundred eighteen thousand dollars for the metropolitan district commission for construction projects on commission roadways and bridges in Suffolk county; and that such monies shall be committed to projects on or before August fifteenth, nineteen hundred and ninety-two.

SECTION 107. Notwithstanding the provisions of section sixty A of chapter twenty-nine A of the General Laws or any other general or special law to the contrary, the secretaries of the executive office for administration and finance and transportation and construction shall direct the department of highways to make available to cities and towns thirty million dollars of unobligated funds authorized for town and country roadway construction and reconstruction pursuant to subparagraph (c) of section three of chapter thirty-three of the acts of nineteen hundred and ninety-one, on or before August fifteenth, nineteen hundred and ninety-two; provided, that as required by said paragraph (c) of section three of chapter thirty-three, these funds shall be reimbursed to the cities and towns within thirty days of receipt of certified bills from said cities and towns; provided, further, that interest shall be awarded to the cities and towns at an amount calculated at twelve percent per annum for

reimbursements not paid within thirty days.

SECTION 108. Notwithstanding the provisions of section one of chapter twenty-nine of the General Laws and of section one of chapter twenty-nine B of the General Laws to the contrary, the consolidated net surplus in the operating funds shall not include any amounts in the Highway Fund.

SECTION 109. Notwithstanding the provisions of any general or special law to the contrary, revenue credited to the Highway Fund shall not be transferred to any other fund of the commonwealth for any purpose.

SECTION 110. The secretary of transportation and construction shall, within one year from the effective date of this act, prepare a comprehensive state transportation plan for the fiscal years from nineteen hundred and ninety-three through nineteen hundred and ninety-seven. Said plan shall be designed to improve the quality of life in the commonwealth by promoting economic development and employment in the commonwealth by meeting cost effectively the diverse transportation needs of all residents of the commonwealth, including urban, suburban, and rural populations and especially elderly, disabled and transit-depended persons, while minimizing the harmful effects of transportation systems on public health and the environment and promoting public safety. Said plan's development process shall consider all transportation options on an integrated basis, including highway, road, transit, rail, air and water transportation, and shall be consistent and fully integrated with transportation planning activities required under the federal Clean Air Act. Said plan shall also include an engineering assessment to anticipate highway, road and bridge needs throughout the commonwealth which prioritizes projects based on need as determined by objective engineering measurements of condition, safety and service. The executive offices of environmental affairs and economic affairs shall be consulted in the development of said plan. Said plan shall be updated every three years.

SECTION 111. The secretary of transportation and construction is hereby authorized to establish a Beverly-Salem Bridge Coordinating committee to oversee the Beverly-Salem Bridge Project as it affects the neighborhoods of the city of Beverly and the city of Salem.

The committee established herein shall consist of the Mayor, or a designee, of the cities of Beverly and Salem; the State Representative, or a designee, of the cities of Beverly and Salem; and the Director of Public Works, or a designee, of the cities of Beverly and Salem.

Said committee shall sit through the entire project period. It shall meet monthly without compensation. Said monthly meetings shall be open to the public.

Said committee shall consider, but not be limited to, the following:

(1) progress reports regarding project permits;

(2) effective and efficient noise and air pollution control measures;

(3) continued easy access into and out of the affected neighborhoods by both pedestrians and vehicles:

(4) questions concerning access to the waterfront for commercial fishermen;

(5) the hours during which work can be performed to complete the project;

(6) appropriate routes for heavy equipment vehicles and other vehicles removing excavated material from the project site and any vehicle related to the project;

(7) traffic alternatives in reaction to problems stemming from the project.

SECTION 112. 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 113. There shall be established within the department of procurement and general services a division of purchased services. The 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 any department, agency, board or commission of the commonwealth which procures or pays for social service programs from providers.

For the purposes of this section, the term "social service program" shall mean any social, special educational, mental health, mental retardation, habilitative, rehabilitative, vocational, employment and training, or elder services program or accommodations, purchased by a governmental unit, including any program provided pursuant to chapter seventy-one B, but excluding any program or service which is reimbursable under Title XIX of the Social Security Act. The term "governmental unit" shall mean the commonwealth and any school district or other political subdivision of the commonwealth.

The division shall be headed by an assistant commissioner, who shall be appointed by and serve at the pleasure of the secretary of administration and finance, and who shall have administrative responsibility for said division. The position shall be classified in accordance with section forty-five of chapter thirty, and the salary therefor shall be determined in accordance with section forty-six C of chapter thirty.

The division shall be comprised of such bureaus as may be necessary to carry out the mission of the division, which may include, but not be limited to: an audit bureau, a bureau of data base management and a bureau of program pricing, which may be comprised of a unit for special education program pricing and a unit for other social service programs. The assistant commissioner shall report annually to the house and senate committee on ways and means on the activities and operations of the division, including any recommendations for legislation. Said report shall also summarize any findings, opinions and recommendations of the social service policy advisory board established pursuant to this section.

There shall be a social service policy advisory board consisting of the secretary of health and human services or his designee, the secretary of elder affairs or his designee, the commissioner of education or his designee, a representative of the Massachusetts association of school committees who shall be selected by that organization, 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 whom shall be a representative of a provider contracting with one or more agencies within the executive office of health and human services, one of whom shall be a representative of a provider contracting with the executive office of elder affairs, one of whom shall be a consumer of services provided by one or more agencies within the executive office of health and human services, one of whom shall be a consumer of services provided by an agency contracting with the executive office of elder affairs, one of whom shall be a representative of the Massachusetts superintendents of schools association or a special education administrator for a city or town of the commonwealth, 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 selected 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 of the division. Except in the case of emergency regulations, at least thirty days before the promulgation of 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.

The division shall have the responsibility for prescribing the methods to be used in determining the prices to be reimbursed to providers of social service programs by governmental units. The methods prescribed by the division in determining prices shall incorporate cost containment standards and shall be fair to both governmental units and providers. All governmental units shall pay the prices developed in accordance with the methods prescribed by the division.

The prices determined by the division of purchased services, or pursuant to its methods, for programs pursuant to chapter seventy-one B shall be set annually by the first Wednesday in February for the next fiscal year. If said division fails to determine said final annual prices on or before the first Wednesday in February, said prices in effect shall continue to be in effect for the next fiscal year. Program prices for programs approved under chapter seventy-one B which are located outside of the commonwealth may be adjusted prospectively to account for rate or price adjustments authorized by the host state's rate setting body. In addition, program prices may be adjusted prospectively to account for unanticipated emergencies beyond the reasonable control of the provider, or to reflect costs attributable to extraordinary changes in volume, or to account for compliance with federal or state statutory or local regulatory requirements as determined by the division and pursuant to standards developed by the division. No such price may be adjusted retroactive to its effective date except to account for the results of administrative reviews, if any, as provided in the regulations of the division. Nothing herein shall preclude the division from setting a price for a new program established for the first time under said chapter seventy-one B, or individual or sole source prices as provided in the regulations of the division after the first Wednesday in February of any fiscal year.

The division shall submit an estimated rate of inflation for social service programs to the secretary of administration and finance annually by December first for consideration in the preparation of the governor's annual budget recommendation.

Any provider or governmental unit aggrieved by the division's action or failure to act with respect to the determination

of a price pursuant to the division's pricing methods, and desiring a review thereof, may file, pursuant to regulations promulgated by the division, an appeal with the division of administrative law appeals in accordance with the section four H of chapter seven. The question on appeal of the 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. Any such challenges shall be brought exclusively in the superior courts of the commonwealth in accordance with the provisions of chapter thirty A.

The division shall establish guidelines and standards, consistent with generally accepted governmental auditing standards, for independent financial and performance audits of providers of social service programs and governmental units purchasing programs. The division shall coordinate or conduct audits of providers as needed to monitor compliance with applicable fiscal policies. The division shall develop and administer a uniform system of financial accounting, allocation, reporting and auditing of providers which conforms to generally accepted governmental auditing standards. The division may conduct quality assurance reviews of provider financial statements and their auditors' reports and work papers. The disclosure of client records by providers to auditors, including independent auditors as defined by Federal Office of Management and Budget Circular A-133, as amended, as necessary to comply with state and federal audit requirements shall not constitute an invasion of privacy, or otherwise be grounds for civil or criminal penalty.

The assistant commissioner may, in accordance with chapter thirty A, and after notice to the social service policy advisory board, promulgate rules and regulations required to develop, implement, administer and monitor the programs and functions of the division. Said regulations shall provide for right of appeal, to the division or appropriate other bodies, for any procuring governmental unit or provider aggrieved by any action or failure to act under color of this section or said regulations.

All proposed regulations of the office for children and the department of education, and any other licensing or certification standards proposed by any department procuring social service programs, shall be forwarded to the division of purchased services with a statement describing the anticipated financial impact of the regulations fourteen days prior to publication of the notice of rule making required under chapter thirty A.

SECTION 114. Notwithstanding any general or special law to the contrary, the commissioner of the department of education is hereby authorized and directed to establish, by regulation, a minimal financial review standard for chapter 766 private schools approved by the department pursuant to 603 CMR 18. The standard shall be based on the average statewide cost of educating a student in such schools and shall apply to the approval of such schools and pricing determinations for rate years nineteen hundred and ninety-four and nineteen hundred and ninety-five. The commissioner may establish a separate standard for day programs administered by said schools. By the third Wednesday of October each year, the commissioner shall make a finding that ranks the average per pupil cost of each approved school with respect to the standard. Any school whose average per pupil cost exceeds the standard by more than ten percent shall be directed by the commissioner to submit a corrective plan to the department and the division of purchased services within 45 days of the issuance of said finding. The corrective plan shall identify measures that will be undertaken by the school to meet the standard in the

subsequent rate year. Any school unable to comply with the standard as a result of declining enrollment shall have department approval withdrawn. Any school unable to comply with the standard as the result of interventions or actions of the department, including but not limited to non-compliance orders, shall have the opportunity to propose measures that would reduce such costs by waiving or modifying the department's requirements, in which case, the department shall evaluate the reasonableness and cost-effectiveness of its actions and interventions and grant cost-effective relief. Determinations of cost-effectiveness shall be based on the value of the educational benefit to an individual student of such actions and interventions relative to the total operating costs of the school and its ranking against the standard. Any school unable to comply with the standard for any other reason shall be evaluated with respect to extraordinary costs associated with educating the particular mix of students at the school, in which case, the commissioner may continue to approve the school upon the issuance of a written finding that such costs are warranted and unavoidable with respect to such students. The commissioner shall promptly notify the division of purchased services of any findings that require corrective action, and the division shall make any adjustments necessary to prices set for each school.

SECTION 115. The secretary of education is directed to establish a pilot program with the aim of increasing the school attendance of minors who receive public assistance or who receive the benefits of public assistance under the provisions of chapter one hundred and seventeen A or chapter one hundred and eighteen of the General Laws.

Said pilot program shall be limited to students who are enrolled but are not regularly attending the primary or secondary level of education. For the purposes of this section, regular attendance shall be defined as having not more than six unexcused absences in a two month period. Priority shall be given to siting said pilot program in areas of high concentration of AFDC recipients, with a preference given to the City of Springfield or the western portion of the commonwealth.

The commissioner of public welfare is hereby directed to cooperate with the secretary of education in the promotion of said pilot program and shall establish eligibility criteria for the operation of said program in the pilot schools. Said criteria shall emphasize the value of an education for students who are from families at an economic disadvantage. In addition, the department of public welfare shall provide that public assistance recipients between the ages of eighteen and twenty-one who are currently enrolled in a high school equivalency program or who are in the process of completing high school participate in at least one classroom discussion with students identified under said pilot program.

The department of public welfare and the secretary of education shall jointly issue a report on the implementation of said pilot program no later than February twenty-eighth, nineteen hundred and ninety-three to the clerks of the house of representatives and the senate, which should be forwarded to the house and senate committees on ways and means.

SECTION 116. 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 chancellor of higher education, and approved by the secretary for administration and finance and the house committee on ways and means.

SECTION 117. Notwithstanding the provisions of any general or special law to the contrary, the commonwealth's financial obligation, in fiscal year nineteen hundred and ninety-three, for tuition waivers granted pursuant to section nineteen of Chapter fifteen A of the General Laws shall not exceed nine million eight hundred seventy-six thousand one hundred and eighty-six dollars; provided, that nothing in this section shall limit the dollar amount of waivers granted pursuant to special legislative authorization, including but not limited to clause (ii) of said section nineteen.

SECTION 118. The Higher Education Coordinating Council is hereby authorized and directed to report annually on the amounts and varieties of tuition waivers granted to students enrolled at any institution within the public system of higher education. Said report shall identify categories of tuition waivers, their authorization, whether statutory or regulatory, bargained for or otherwise, the number of students taking advantage of said waivers, and the total financial worth of said waivers. The report shall also include information regarding how the current waiver guidelines affect tuition collection and retention and the impact on individual institutional waiver policies that may differ from the general waiver guidelines mandated by section nineteen of chapter fifteen A of the General Laws, as most recently amended. Said report shall be filed with the house and senate committees on ways and means no later than October first, nineteen hundred and ninety-two.

SECTION 119. Notwithstanding any general or special law to the contrary, monies received by the board of trustees from application fees and tuition charges imposed pursuant to the tuition plan established by the higher education coordinating council, excluding those fees and charges received on account of summer or evening sessions, shall be deemed funds received on account of the commonwealth. Such monies shall be credited on the books of the commonwealth in a separate fund to be known as the Tuition Retention Fund which the state comptroller shall establish pursuant to section seven of chapter seven A of the General Laws; provided, that the comptroller may promulgate regulations necessary to carry out the provisions of this section. Said fund shall be accounted for on the Massachusetts Management, Accounting, and Reporting System. The University shall have no less than five accounts within the tuition retention fund, including but not limited to the University of Massachusetts at Amherst, the University of Massachusetts at Boston, the University of Massachusetts at Dartmouth, the University of Massachusetts at Lowell and the University of Massachusetts Medical Center at Worcester. The monies deposited in said fund shall be made available to the institution from which the monies originated. The first four percent of the monies collected in each account may be held in a sub-fund to be known as the Infrastructure and Capital Investment Fund. Monies from the sub-fund shall be made available to the institutions from which the institutions originated for the purposes of repair and maintenance of existing facilities, with priority to health and safety issues, and for the purposes of purchasing equipment and computer systems, with priority given to purchases of equipment for the purposes of training programs. The institutions may contract with public entities for the purposes of financing projects and purchases; provided, that all plans for construction and purchase be approved by the higher education coordinating council and plans submitted to the division of capital planning and operations. The remainder of the tuition retention fund may be disbursed at the direction of the institution from which the monies in the account originated in accordance with the annual spending plan prepared by the board of trustees of each public institution of higher education and approved by the council; provided, that any balances in these accounts

at the close of the fiscal year shall be available for expenditure in the subsequent fiscal year, and shall not revert to the General Fund. Each such spending plan shall provide for disbursements and expenditures for the operation, administration, and maintenance of said institution, including a plan for the operation and maintenance of the office of the president; provided that such expenditures may include salaries for personnel up to a maximum established in the council's guidelines; provided further, that said funds, all collections of said funds, and all expenditures of said funds shall be subject to guidelines prepared by the council and subject to audit by the secretary of education.

SECTION 120. Notwithstanding the provisions of any general or special law to the contrary, any tuitions collected by state institutions of higher education, including state colleges and community colleges shall be deposited into the general fund; provided, that University of Massachusetts may, as authorized by the provisions of section XXX of this act, deposit tuitions collected into the tuition retention fund established by said section.

SECTION 121. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending on June thirtieth, nineteen hundred and ninety-three, no institution of public higher education shall be required to pay to the commonwealth the costs of fringe benefits of any employee whose salary is paid exclusively out of the Tuition Retention Fund as established by this act; provided, however, that the provisions of this section shall not change in any way the obligation any institution of public higher education may have to pay the fringe benefit costs of employees whose salary is not paid exclusively out of said Tuition Retention Fund.

SECTION 122. Notwithstanding the provisions of any general or special law to the contrary, there shall be a program, administered by the higher education coordinating council, to provide no interest loans to undergraduate students domiciled in the commonwealth, enrolled in and pursuing a program of higher education in the commonwealth in any approved public or independent college, scientific or technical institution, or any other approved institution furnishing a program of higher education. Such assistance shall consist of full or partial loans to students in need of assistance. Repayment shall commence within six months of graduation or termination of studies; provided, that no repayment schedule shall exceed a term of ten years. The Massachusetts state scholarship office shall establish guidelines to govern said program which shall include, but not be limited to, eligibility requirements for students, eligibility requirements for participating institutions, terms of repayment, deferment options, provisions for default, and a maximum and minimum loan award as determined by an indexing system. Said office shall also provide the estimated costs of operating said program and a schedule of estimated revenue to be generated by application fees and loan repayment. Said office is further authorized and directed to generate revenues from the collection of nominal application fees to defray the additional costs of administering said program. Said office shall annually submit guidelines, cost estimates, and revenue schedules to the clerk of the house of representatives, the house and senate committees on ways and means and the joint committee on education, arts and humanities no later than October first.

SECTION 123. Notwithstanding any general or special law to the contrary, the Massachusetts state scholarship office is hereby authorized and directed to develop, no later than August first nineteen hundred and ninety-two, a needs based scholarship program for Massachusetts residents enrolled in undergraduate programs at public institutions of higher education in the commonwealth; provided, however, that for fiscal year nineteen hundred and ninety-three, the total amount of scholarships offered by said office under this program shall not exceed ten million dollars. Said assistance shall consist of

full or partial scholarships awarded to worthy and qualified students in need of financial assistance. Said office shall establish guidelines to govern said program which shall include but not be limited to, eligibility requirements for students, eligibility requirements for participating institutions and a maximum and minimum grant amount as determined by the indexing system which shall be included in the guidelines established by the office to govern this program. Said guidelines shall be filed with house and senate committees on ways and means and the joint committee on education, arts and humanities no later than August first, nineteen hundred and ninety-two.

SECTION 124. Notwithstanding any general or special law to the contrary, the department of education in coordination with other state agencies shall develop a comprehensive system, subject to appropriation, for the delivery of adult basic education and literacy services that will ensure opportunities leading to universal basic adult literacy and better employment opportunities. Said system shall be designed to strengthen, enhance, and where needed; to create intensive community based literacy programs for AFDC recipients and other unemployed and marginally employed adults who need a foundation of basic skills to qualify for further education, job training and employment. These trainees shall include parents of young children who need strong basic skills to move their families out of poverty and raise the educational aspirations of their children.

Said systems shall also include instruction for immigrants, migrants, and refugees who need English language and literacy skills to function effectively at home and in the workplace. Instruction to the aforesaid populations will emphasize instruction at the lowest grade levels.

Said system shall further include instruction for young persons, aged sixteen through twenty-four, who have dropped out of school without sufficient skills to qualify for employment. Instruction shall be designed with emphasis on linking education with vocational training and supported work.

In order to accomplish the goals developed by the department and to strengthen the capacity of the current adult literacy network, the department of education shall distribute grants, subject to appropriation, to provide comprehensive literacy services, including support services, in the context of adults daily lives in their communities, including, but not limited to, public housing, schools, the work place, correctional institutions, community-based organizations, community colleges, libraries, and in social and cultural organizations.

The department shall endeavor to develop the following objectives: (1) a full continuum of services that take an adult from the lowest level of literacy or English language proficiency through high school completion leading to advanced education and training; (2) a network of self-trained, full-time adult literacy and English as a second language professional instructors, qualified to provide high quality effective services; (3) a strong documentation and evaluation capacity that will enable the state to determine what methods of instruction and what means of service delivery are most effective in educating adults; and (4) and coordinated accountability mechanisms that simplify existing reporting and refunding processes.

The department shall convene a working committee to devise and recommend more adequate and appropriate funding mechanisms. The working committee will include one representative each of the Departments of Education, Public Welfare, Employment and Training, the Education and Human Services Secretaries, the Governor or Lieutenant Governor, two members from the Education and Ways and Means Committees selected by the Senate President and Speaker of the House, and not less than five representatives drawn from a diverse cross section of the adult basic education providers and advocacy

groups. The working committee shall report its findings and recommend appropriate legislation not later than October fifteenth nineteen hundred and ninety-two.

SECTION 125. Notwithstanding the provisions of any general or special law to the contrary, the real and personal property of any person who borrows funds from any department or agency of the commonwealth including the Massachusetts Educational Financing Authority, for the purpose of a student loan shall be subject to a lien in favor of the commonwealth, in accordance with the procedures prescribed by law if said borrower defaults on his obligation to repay said loan. The Higher Education Coordinating Council, the Massachusetts Educational Financing Authority and the Department of Revenue shall develop a plan for the uniform enforcement of this section. Said plan along with any recommendations for legislation necessary for the implementation of said plan shall be filed with the house and senate committees on ways and means no later than October first, nineteen hundred and ninety-two.

SECTION 126. Notwithstanding the provisions of any general or special law to the contrary, the public institutions of higher education shall report by subsidiary all expenditures from non-appropriated funds on the Massachusetts Management Accounting and Reporting System, so-called, beginning July first, nineteen hundred and ninety-two; provided, that the comptroller shall limit the distribution of state appropriated funds to public institutions of higher education not in compliance with this section to one-twelfth of the appropriation provided for in section two of this act. The comptroller shall report to the house and senate committees on ways and means, no later than July twenty-first nineteen hundred and ninety-two, the list of public institutions of higher education who are not in compliance with this section.

SECTION 127. Notwithstanding the provisions of any general or special law to the contrary, the public institutions of higher education are hereby authorized and directed to report all personnel information for those employees compensated from any budgetary, federal, or non-appropriated fund through the Personnel Administrative Reporting and Information System, so-called, no later than September first, nineteen hundred and ninety-two. The comptroller shall report to the house and senate committees on ways and means, no later than September twenty-first, nineteen hundred and ninety-two, the list of public institutions of higher education who are not in compliance with this section.

SECTION 128. The trustees of the University of Massachusetts shall conduct a study of the feasibility, costs and benefits of establishing a program, separate from the program of group insurance provided for commonwealth employees under chapter thirty-two A of the General Laws, of group general or blanket hospital, surgical, medical, dental and other health insurance for all employees of the University or of any campus thereof. Said study shall examine, among other alternatives, the feasibility of establishing a self-insured program for active employees as well as retirees. Said study shall examine the costs and benefits to the university as well as to the program of group insurance provided pursuant to chapter thirty-two A of the General Laws. Copies of such study shall be filed, along with any accompanying legislation, with the governor, the secretary of administration and finance, the budget director, the group insurance commission, and the house and senate committees on ways and means, by the first Wednesday in December of nineteen hundred and ninety-two.

SECTION 129. The secretary for administration and finance is hereby authorized and directed to study the impact of the creation of an alternative optional retirement program for administrators and faculty of the public higher education system in the commonwealth. Said study shall be conducted in consultation with the higher education coordinating council, the

trustees of the university of Massachusetts, the division of public employee retirement administration, and the state retirement board. The study shall consider the creation of an alternative optional retirement program with pension portability and that is contribution defined. The study shall also consider the impact of such program on the higher education system, the impact on the public employee retirement system, particularly on its unfunded liability, and the cost to the commonwealth. Said secretary shall report the findings of its study, along with suggested legislation, if any, to the joint committee on public service and the house and senate committees on ways and means no later than March first, nineteen hundred and ninety-three.

SECTION 130. The higher education coordinating council is hereby authorized and directed to prepare, in consultation with each executive office and all appropriate departments, authorities, and agencies funded in any part by the commonwealth, a report of the anticipated research, consulting, and training agenda of said state offices, departments, authorities, and agencies. Said report shall list and summarize the areas of research, training, and consulting for which said state offices, departments, authorities, and agencies anticipate or intend to solicit bids or proposals during the course of the next five years.

Said report shall be completed within ninety days after the effective date of this act and shall from time to time be amended or revised as appropriate. Said report shall be distributed to each appropriate public institution of higher education. A copy of said report shall be filed with the clerks of the house of representatives and the senate.

SECTION 131. Each executive office of the commonwealth and, as appropriate, all departments, authorities, and agencies funded in any part by the commonwealth shall solicit bids or proposals for research, consulting, training, and other such projects and contracts as follows:

(a) the first solicitation of said bids or proposals shall be made to all appropriate public institutions of higher education, including the board of regents of higher education;

(b) a bid or proposal offered by a public institution of higher education in response to a solicitation shall be rejected only in the event that said bid or proposal does not meet the requirements of the request for said bid or proposal, or in the event that said bid or proposal significantly exceeds the reasonably anticipated expenses of completing all work as requested through said bid or proposal;

(c) in the event that a bid or proposal is rejected pursuant to clause (b), or in the event that no public institution of higher education is able to submit a bid or proposal as requested, a state office, department, authority, or agency may again solicit said bid or proposal, without revision, from other public and private institutions. Any public institution of higher education may offer bids or proposals in response to any solicitation pursuant to this clause.

SECTION 132. The University of Massachusetts is hereby authorized and directed to conduct a study of former foster children in order to provide an understanding of the impact of the foster care system upon the lives of said children. Said study shall include but not be limited to data on the number of foster homes in which a child is placed, the experiences of said child in such foster homes, the impact of such system upon the child's employment and family life and all other information which it deems relevant to a better understanding of the system. The department of social services shall cooperate with the University of Massachusetts to develop a method by which said university is able to communicate with a sufficient number of former foster children to provide an accurate report. The University of Massachusetts shall report to the general

court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives and the senate on or before the last Wednesday in June, nineteen hundred and ninety-three.

SECTION 133. 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 commissioner of the department of public health 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, however, that no payback service or tuition loan repayment shall be required prior to the termination of any internship and residency requirements; provided, further, that interest shall begin to accrue upon completion of any internship requirement. The dean shall provide, on an annual basis, a report outlining the number of students participating in said learning contracts, the area of medicine within which payback will be performed, and the number of students utilizing the repayment option. The report will further outline the effects of payback in the underserved areas of the commonwealth. Said report shall be submitted to the house and senate committees on ways and means by September first, nineteen hundred and ninety-two.

SECTION 134. Notwithstanding any general or special law to the contrary the remote entry processing system of the registry of motor vehicles or any other plan to shift registry of motor vehicles' data processing or fee collection responsibilities to any private entity shall not be implemented until such time as a cost study comparing the costs of the REPS with other means of registering motor vehicles in the commonwealth has been presented to and approved by the house and senate committees on ways and means.

The criteria for such a cost study shall be determined by the chairs of the committees on post audit and oversight, the joint committee on insurance and the joint committee on public safety.

SECTION 135. The registrar of motor vehicles is hereby directed to tabulate and analyze all accident reports submitted to said registrar in a given year, and publish statistical information based thereon as to the number and location of traffic accidents, as well as detailed information relating to the causes of traffic accidents. Together with the commissioner of public works, said registrar shall conduct a periodic review of said accident reporting data, to determine if the accident report forms or any parts thereof are obsolete, for the purposes of gathering reliable statistical information on the causes of accidents. Said registrar and said commissioner shall make changes as they deem necessary as a result of such periodic reviews; provided, however, that the standard accident report form shall be updated to include categories to describe the alignment of the roadway, such as straight-level, curve-level, hill crest-curve, dip-straight, dip-curve or other, and a blank allowing further description of roadway alignment or defects.

SECTION 136. The executive office of public safety is hereby authorized and directed to make an investigation and study

relative to the feasibility, including a needs assessment, of the establishment of a program of assistance to cities, towns, and districts for the improvement, replacement, renovation, and expansion of public safety, police or fire facilities, including but not limited to, compliance with the federal Americans with Disabilities Act (Public Law 101-496, amended). Said executive office shall report its findings, together with any recommendations for legislation, to the clerk of the house of representatives and the clerk of the senate no later than June thirtieth, nineteen hundred and ninety-three.

SECTION 137. Notwithstanding any general or special law, rule or regulation to the contrary, there shall be established the Urban Initiative Fund, a loan and grant program for inner-city neighborhoods, for the purposes of education, job training, business development, health care, day care, youth activities, including athletic and recreation programs, violence and crime prevention, and housing; provided, that grants shall be made to non-profit organizations which are located in the targeted communities and which also serve the target communities; provided further, that grant amounts are not to exceed one hundred thousand dollars; provided, further, that loans shall be made to non-profit organizations, to newly organized and start-up profit-motivated businesses, and to existing business which do not generate more than five hundred thousand dollars in yearly gross receipts; provided, further, that said organizations and businesses must be located in the targeted communities and must be owned and controlled by minority group members; provided, further, that loan amounts are not to exceed two hundred thousand dollars; provided further, that at least one million dollars in grants and loans shall be allocated for the city of Springfield; provided, further, that to the greatest extent possible, funds used as grants or loans should be used to leverage other available funds; provided, further, that notwithstanding the provisions of sections four and four A of chapter forty F of the General Laws to the contrary, the community development finance corporation is hereby authorized and directed to administer said urban initiative fund for the purposes of said program; provided, further, that notwithstanding any general or special law to the contrary, prior to receipt of loans or grants under said program, the corporate officers of any such organization or business or the sole proprietor, as the case may be, shall file a statement of financial interest with the state ethics commission, consistent with the public disclosure requirements of certain individuals pursuant to section five of chapter two hundred sixty-eight B of the General Laws; provided, further, that an urban initiative fund advisory committee shall be established for the purposes of ensuring the orderly and proper disbursement of funds under said program; provided, further, that said committee shall be comprised of nine members, three of whom are minority business owners, three of whom shall be representatives of community-based, non-profit organizations in the human services field, and three of whom shall be representatives of community-based, non-profit organizations in the economic development field; provided, further, that three members shall be appointed by the governor, three members shall be appointed by the senate president, and three members shall be appointed by the speaker of the house of representatives; provided, further, that the governor, the senate president and the house speaker shall appoint one individual from each of the aforementioned groups; provided further, that each committee member shall serve for a period of two years; provided further, that said advisory committee shall approve an administrative budget for the community development finance corporation which shall not exceed eight percent of the urban initiative fund in each operating year; provided, further, that the community development finance corporation shall submit an annual report not later than May first, nineteen hundred and ninety-three, in writing, to the governor and to the clerks of the house of representatives and the senate, who shall forward the same to the president of the senate, the speaker

of the house of representatives, and the chairmen of the house and senate committees on ways and means which shall include financial statements related to the operation of the urban initiative fund, the disbursement of all grants and loans, and a detailed plan for further implementation of the program; provided, further, that all expenditures made pursuant to said program shall be reviewed by the secretary of communities and development.

SECTION 138. There is hereby established a Partnership Council for a Better Education, hereinafter called the council. The council shall consist of the secretary of economic affairs or his designee, who shall serve as chairman, and eight other individuals appointed by the governor, two of whom shall be from the organization Jobs for Massachusetts, one of whom shall be from the technology industry, one of whom shall be a member of a labor organization recommended by the secretary of labor, one of whom shall be a superintendent of a vocational educational school within the commonwealth, one of whom shall be recommended by the commissioner of the department of education, one of whom shall be from the financial industry, one of whom shall be a parent of a child who currently attends a public secondary school.

The term of all appointed members shall be coterminous with that of the governor and the governor shall fill any vacancy for the remainder of the unexpired term in accordance with criteria set forth in this section.

The council shall meet bi-monthly and at such other times as the chairman or the council may determine. The council shall promulgate rules and regulations regarding the establishment, coordination and oversight of educational ventures between public schools and the business community, including, but not limited to, rules and regulations governing utilizing the financial, personnel, equipment and other resources which may be made available by the business community. Such rules and regulations shall establish goals, guidelines and minimum criteria for any joint education ventures, including but not limited to defining minimum dollar amounts on business funding for business participants; minimum of weekly contact between school and business participants; minimum commitment between school and business participants, provided, that such minimum commitment shall in no case be less than one year; and a requirement of biannual reports of any recommendations and findings to the governor, the general court, and the department of education. The secretary of state shall make the report available to the general public.

SECTION 139. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Port Authority and the Massachusetts Turnpike Authority are hereby authorized to enter into agreements with the executive office of economic affairs and the tourist-promotion agencies for the purposes of domestic and international tourism and trade promotions and programs.

SECTION 140. Notwithstanding the provisions of any general or special law to the contrary, expenses incurred by the energy forecasting program within the division of energy resources, to a maximum of two hundred thousand dollars, plus the cost not to exceed twenty percent of the amount assessed, of fringe and indirect benefits as calculated by the secretary of administration and finance pursuant to section six B of chapter twenty-nine of the General Laws, shall be assessed upon utility companies of the commonwealth.

SECTION 141. There is hereby established a special commission for the purpose of studying the appropriateness of the rates charged by the Western Massachusetts Electric Company. The special commission shall consist of thirteen members: the secretary of consumer affairs, the director of the energy office, the attorney general or his designee, two residents of

western Massachusetts appointed by the governor, three members of the senate appointed by the senate president, and five members of the house of representatives appointed by the speaker of the house. The commission shall investigate and study the most recent rate increase by said company and review the history of its rate increases over the last ten years. The commission shall compare such rate increases with those by other public utilities in the commonwealth and in comparable areas around the United States. The department of public utilities is hereby authorized and directed to cooperate fully with this investigation and study. The commission shall file a final report of its finding and recommendations, with accompanying legislation, if any, no later than the fourth Wednesday in March, nineteen hundred and ninety-three.

SECTION 142. Notwithstanding the provisions of any general or special law to the contrary and in order to promote the public good, the State Board of Retirement is hereby authorized and directed to accept an application for the early retirement incentive program, established by chapter twenty-two of the acts of nineteen hundred and ninety-two, as submitted by the beneficiaries of Alfred Quirk, who died on April sixteenth, nineteen hundred and ninety-two. Said applicant will hereby be deemed eligible for retirement benefits under that program, as long as said application is received by the board not later than July thirty-first, nineteen hundred and ninety-two.

SECTION 143. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary the district court department of the trial court of the commonwealth is hereby authorized and directed to establish a sick leave bank for Linda Maillette, an employee of the Pittsfield division of the district court department. Each employee of the trial court of the commonwealth may voluntarily contribute one or more of his sick, vacation or personal days to such bank for use by said Linda Maillette.

SECTION 144. That for the purpose of discharging a moral obligation of the commonwealth the Gus Lombardi, owner of the former Ashmere Manor Nursing Home Inc., there shall be allowed and paid out of the state treasury, subject to appropriation, the sum of one hundred and twenty-three thousand nine hundred and eighty-three dollars for medicaid reimbursements that were withheld in nineteen hundred and eighty.

SECTION 145. A special commission is hereby established for the purpose of making an investigation and study relative to improving procedures governing the assessment of local taxes pursuant to chapter fifty-nine of the General Laws, hereinafter referred to as chapter fifty-nine. Such investigation and study shall include without limitation a complete analysis of the following: whether the schedule for payment of real estate taxes prescribed by chapter fifty-nine should by changed to improve the cash flow to cities and towns and reduce their need to borrow in order to defray operating expenses; whether recent amendments to chapter fifty-nine have created confusion and unduly restricted the ability of taxpayers to exercise their right to seek abatements and to appeal adverse decisions by local assessors to the appellate tax board; whether the procedures imposed by chapter fifty-nine and the administration of the real estate tax assessment system in general have had a deleterious effect on the business climate in Massachusetts; the fairness of the disparity between the fourteen percent interest paid by taxpayers as a penalty for late payment of taxes and the eight percent interest paid by a city or town on the amount of taxes abated and reimbursed to the taxpayer, and the effect of such disparity on the taxpayer's decision to pursue the right of appeal; whether the introduction of quarterly and preliminary tax payments requires clarification of the procedure for seeking abatements and the computation of interest on late payments; whether there are circumstances in which a taxpayer should

maintain the right of appeal to the appellate tax board if taxes are paid late; the fee schedule and resources of the appellate tax board; whether the three-year averaging formula prescribed by section sixty-four of chapter fifty-nine for establishing taxes to be paid pending an abatement requires clarification; and whether procedures imposed by chapter fifty-nine are contributing to the backlog of cases awaiting a hearing and decision by the appellate tax board. Said commission may likewise examine any issues pertaining to the foregoing and arising under other statutes, including without limitation the procedure for collecting delinquent taxes by the taking of land and otherwise pursuant to chapter sixty of the General Laws. Said commission shall consist of three member of the senate appointed by the senate president, one of whom who shall serve as co-chairman; three members of the house of representatives appointed by the speaker of the house, one of whom shall serve as co-chairman; two members active in the business of owning, managing, or leasing investment real estate, who shall be designated by the Greater Boston Real Estate Board; two members representing home owners, who shall be designated by the Massachusetts Association of Realtors; two members serving as municipal treasurers, who shall be designated by the Massachusetts Treasurers Association; and two members serving as municipal assessors, one serving a city and one serving a town, who shall be designated by the Massachusetts Assessors Association. Said commission shall report to the General Court the result 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 and the clerk of the senate on or before October first, nineteen hundred and ninety-two.

SECTION 146. A special commission to consist of two members of the Senate, three members of the House of Representatives and six persons to be appointed by the governor, three of whom shall be representatives of the business community, two of whom shall be employees of the department of environmental protection, and one of whom shall be a representative of a national fire prevention association is hereby established for the purpose of making an investigation and study including, but not limited to, the existence of any health hazards from sprinkler systems and the feasibility and cost effectiveness of requiring backflow protection for such systems.

Said commission shall report to the General Court the results of its investigation and study and its recommendations, if any together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the House of Representatives on or before the first Wednesday in May nineteen hundred and ninety-three.

SECTION 147. There is hereby established a special commission to perform a cost benefit analysis of providing assistance to cities and towns under the Computer Assisted Mass Appraisal and Tax Administration Program administered by the department of revenue. The study shall also include an analysis comparing the costs of providing this service by public or private vendors. The commission shall consist of five members: one member of the senate appointed by the president, one member of the house of representatives appointed by the speaker, one designee of the Massachusetts Assessors Association, one designee of the Massachusetts Municipal Association, and one person appointed by the Commissioner of Revenue to represent the department. The committee shall report its findings to the house and senate committees on ways and means by May first, nineteen hundred and ninety-three.

Effective July first nineteen hundred and ninety-two, except as provided herein, the commissioner shall not install, supply, service, maintain, train, distribute, or assist the Computer Assisted Mass Appraisal and Tax Administration Program for any

city or town with more than fifteen thousand inhabitants; provided, however, that, any community which has installed, or has committed to use, the Computer Appraisal and Tax Administration Program as of July first, nineteen hundred and ninety-two, may participate in the program, at local option.

SECTION 148. Notwithstanding any special or general law to the contrary, the division of capital planning and operations (DCPO), in consultation with the secretary of environmental affairs and the secretary of economic affairs, is hereby authorized and directed to conduct a study of the feasibility of moving the executive office of environmental affairs, the department of environmental management, and the department of environmental protection to the grounds of the former Grafton state hospital. Said study shall include a cost analysis and an economic impact study of moving these administrative offices to grounds of the former Grafton state hospital. DCPO shall file said report and any recommendations with the house and senate clerks not later than December fifteenth, nineteen hundred and ninety-two.

SECTION 149. There is hereby established a special commission on the financial condition of the cities and towns and the state's fiscal relationship with local government, consisting of the following fifteen members: five members of the house of representatives appointed by the speaker, three members of the senate appointed by the senate president, the secretary of administration and finance or his designee, and six members appointed by the governor as follows: one representative of the Massachusetts municipal association, one city councilor, one member of a board of selectmen, one representative of a teachers' union, one representative of a local police officers' union, and one representative of a fire-fighters' union.

Said special commission shall conduct a study and investigation to determine the true financial condition of the cities and towns of the commonwealth, including but not limited to the following issues: the number of employees actually laid off by the cities and towns since fiscal year nineteen hundred and eighty-nine; the amount of any increases or reduction in the compensation of employees of cities and towns since fiscal year nineteen hundred and eighty-nine; the extent to which services by cities and towns have actually been reduced or eliminated since fiscal year nineteen hundred and eighty-nine; and the adequacy of local services to meet local needs.

Said special commission shall also review the state's fiscal relationship with local government. Such review shall address the state's policy of state tax revenue sharing with local government, implementation of chapter two hundred and sixty-eight of the acts of nineteen hundred and ninety, distribution of the municipal share of the motor vehicle excise, state programs for distribution of financial assistance, the use of lottery revenues, the state's local government reimbursement programs, the reimbursement of cities and towns for the loss of property tax revenue attributable to state property and other tax exempt property, its municipal assessment programs, its grant programs for municipal and regional capital construction projects, and any other similar state fiscal policies or programs which affect local government revenues available to provide local services.

The division of local services of the department of revenue shall provide staff support to the special commission. The commission shall file its report, including any recommendations for further legislation, with the house and senate committees on ways and means on or before April fifteenth, nineteen hundred and ninety-three.

SECTION 150. There is hereby established a special commission on the commonwealth's public employee retirement information systems consisting of the following fifteen members: three members of the senate to be appointed by the president of the senate, one of whom shall be the senate chairman of the committee on public service, three members of the house

of representatives to be appointed by the speaker of the house, one of whom shall be the house chairman of the committee on public service, a representative of the office of the treasurer and receiver-general who shall be appointed by the state treasurer, the commissioner of public employee retirement or his designee, the director of the office of management information systems or his designee, the elected member of the state board of retirement, one of the elected members of the teachers' retirement board who shall be appointed by the retirement board, the executive director of the state board of retirement, the executive director of the teachers' retirement board, and two citizens who shall be qualified by training and experience in the development of automated data processing systems who shall be appointed by the governor.

Said special commission shall conduct a study and investigation relative to the development, maintenance, and funding of the commonwealth's public employee retirement information systems, including but not limited to the following issues: the extent to which system development life cycles procedures are in place to monitor the ongoing development and maintenance of the retirement related automated systems that are currently provided by the office of the state treasurer to the state board of retirement and the teachers' retirement board; the current systems' ability to maintain such data as is necessary to conduct required actuarial studies and biennial valuations; the extent to which the system facilitates the electronic collection of retirement data from every person, board, or commission with the power to appoint or employ personnel as employees of the commonwealth or any political subdivision subject to membership in the state employees' or teachers' retirement systems; the administrative procedures that are in place to anticipate the conversion of manual functions to automated systems and the changing data processing needs of the state board of retirement and the teachers' retirement board; the feasibility of establishing a comprehensive commonwealth public retirement data processing and information system for use by all of the commonwealth's contributory retirement systems; and the options for the establishment of a specific funding source for the ongoing maintenance of the commonwealth's public employee retirement information systems. The office of management information systems, in conjunction with the state board of retirement and the teachers' retirement board, shall provide staff support to the special commission. The commission shall file its report with its findings and recommendations, if any, with the state treasurer, the joint committee on public service, and the senate and house committees on ways and means on or before March first, nineteen hundred and ninety-three.

SECTION 151. There is hereby established an special commission consisting of the secretary of the executive office of administration and finance or his designee, the secretary of the executive office of education or his designee, the secretary of the executive office of communities and development or his designee, five members who are representatives of local governments, three members who are representatives of local school committees, three members to be named by the speaker of the house of representatives and two members to be named by the president of the senate. Said commission shall study the feasibility of, assess the potential impact of, and develop recommended means of implementing a system for funding public educational services in grades Kindergarten through twelve under which all costs for said service shall be born by the state in the form of local aid to cities and towns and under which said local aid for educational services shall be the exclusive aid provided to cities and towns by the state. Said Commission shall report its findings, together with recommendations for needed legislation, by filing the same with the clerks of the House of Representatives and Senate no later than December thirty-first, nineteen hundred and ninety-two.

SECTION 152. There is hereby established a special commission on higher education financing to consist of three members of the senate to be appointed by the president of the senate, one of whom shall be the senate chairman of ways and means and one of whom shall be the senate chairman of the committee on education, arts and humanities, and three members of the house of representatives to be appointed by the speaker of the house of representatives, one of whom shall be the house chairman of ways and means and one of whom shall be the house chairman of the committee on education, arts and humanities; and one person, representing the banking community, to be appointed by the speaker of the house of representatives; and one person, representing the banking community, to be appointed by the president of the senate; the director of the Massachusetts Higher Education Assistance Corporation, or his designee; the director of the Massachusetts Educational Financing Authority, or his designee; and the director of the Massachusetts state scholarship office or her designee. The director of the Massachusetts Higher Education Assistance Corporation shall be the chairman of said commission. Said special commission may conduct public hearings throughout the commonwealth, and shall solicit testimony relative to the availability of financial assistance, including grants and loans, for citizens of the commonwealth planning to attend institutions of higher education. Said commission shall also investigate the proportion of grants to loans available in the commonwealth, and the progress of the college opportunity fund. Said commission shall report to the General Court with its findings and recommendations, if any, by December first, nineteen hundred and ninety-two.

SECTION 153. There is hereby established a special commission consisting of the town manager of the town of Southbridge, at least one, but not limited to one, member or the designee of each of the town council of the town of Southbridge, the board of selectmen of the town of Dudley, the board of selectmen of the town of Sturbridge, and the board of selectmen of the the town of Charlton, one member designated by the tri-community chamber of commerce in or representing each of the above named towns, one member of the house of representatives named by the speaker of the house of representatives, one member of the senate named by the president of the senate, and the secretary of the executive office of economic affairs or his designee. It shall be the duty and responsibility of said special commission to prepare for and facilitate the relocation by the United States department of defense of its accounting and auditing divisions to property located with the town of Southbridge. Members of said commission shall serve without compensation and shall choose from among their members a chairman for said commission. Said commission shall report from time to time on its activities by filing a report of same with the clerk of the house of representatives and the clerk of the senate. Said commission shall remain in existence for the period of time needed for completion by the said department of defense of its relocation or until extinguished by act of the general court, whichever shall occur first.

SECTION 154. Notwithstanding any general or special law or any rule or regulation or any executive order to the contrary there is hereby established a special commission to study the economic impact of the absence of a sales tax in the state of New Hampshire on the area of the commonwealth known as the Merrimack Valley.

Said Commission shall hold a series of three hearings, one at Merrimack College in the town of North Andover, a second at the University of Massachusetts at Lowell, and a third at Northern Essex Community College in the city of Haverhill to elicit ideas and establish a plan to address the problems and concerns of the businesses and consumers of the Merrimack Valley as a consequence of the proximity to the border of the state of New Hampshire and the lack of a sales tax therein.

Said commission shall make any recommendations for legislation together with any remedies to enhance and develop the economic stability of the area known as Merrimack Valley to the house and senate ways and means committee by the first Wednesday in May of nineteen hundred and ninety-three.

Members of said commission shall be comprised of, but not limited to, the presidents of the five Merrimack Valley Chambers of Commerce or their designees, the house and senate chairmen of the taxation committee or their designees, the secretary of economic affairs or his designee, the executive director of the Merrimack Valley planning commission or his designee, the executive director of the Lower Merrimack Valley regional employment board or his designee, and the president of the joint labor council of greater-Lawrence and greater-Haverhill or his designee. The state legislative delegation from the Merrimack Valley shall be ex-officio members of said commission.

SECTION 155. There is hereby established a special commission consisting of one member of the house of representatives appointed by the speaker of the house of representatives, one member of the senate appointed by the president of the senate, two representatives of the department of environmental management appointed by the commissioner of the department of environmental management, the director of the office of emergency medical services of the department of public health or his designee, the secretary of the executive office of public safety or his designee, the chief of police of the town of Sutton, a representative of the Central Massachusetts Safety Council, Inc. and a representative of the University of Massachusetts medical center designated by the chancellor thereof who shall be skilled in accident loss prevention. Said commission shall make an investigation and study relative to the development of a comprehensive accident prevention and emergency response plan for Purgatory Chasm state reservation in the town of Sutton, and shall submit a report with recommendations to the commissioner of environmental management, copies of which shall be filed with the clerk of the house of representatives and the clerk of the senate, on or before June thirtieth, nineteen hundred and ninety-three.

SECTION 156. The commissioner of the department of public health shall convene a task force to develop policy and program recommendations to address the special needs of children with AIDS and children with family members with AIDS. Members of said task force shall include, but not be limited to: the commissioner of the department of public health or his designee; two members of the house of representatives; two members of the Senate; the commissioner of the department of education or his designee; the commissioner of the department of social services or his designee; the commissioner of the department of the mental health or her designee; a representative from the office for children; a local public health official; representatives from the child advocacy, child welfare, and AIDS advocacy communities; providers of services to children with AIDS including representatives from the Massachusetts chapter of the American Academy of Pediatrics, the Massachusetts League of Neighborhood Health Centers, the Visiting Nurses Association; and the parents and family members of children with AIDS. Said task force shall submit its policy and program recommendations to the house committee on ways and means, the senate committee on ways and means, the joint committee on health care and the legislative children's caucus by April fifteenth, nineteen hundred and ninety-three.

SECTION 157. In light of the diversity of the agencies that are currently involved in the preservation and restoration of historic sites in the commonwealth, a special commission is hereby established to review and make recommendations to the administration and the legislature regarding the appropriate scope of, and the mechanisms for the involvement of, the various

agencies currently involved in historic preservation and restoration of the historic and cultural resources of the commonwealth. Such special commission should, at a minimum look at possible consolidation of programs and the funding requirements of such a consolidation. The special commission shall be comprised of 15 members: the secretary of environmental affairs or his designee; the secretary of economic affairs or his designee; the secretary of communities and development or his designee; the secretary of state of the commonwealth or his designee; a chairman of the legislature's joint committee on natural resources and agriculture; a chairman of the legislature's joint committee on commerce and labor; three public members to be chosen from the environmental and or the historic preservation communities to be chosen by the governor; and six members of the general court two from the senate to be chosen by the senate president and four from the house of representatives to be chosen by the speaker of the house. The chairman of natural resources and agriculture shall act as chair of the committee.

SECTION 158. Notwithstanding the provisions of any general or special law to the contrary or any rule or regulation of the board of library commissioners, said board is hereby authorized and directed to reimburse the city of Peabody a sum of one hundred forty-four thousand five hundred and thirty dollars under the provisions of chapter four hundred and seventy-eight of the acts of nineteen hundred and eighty-seven.

SECTION 159. Notwithstanding any general or special law, ordinance, by-law or regulation to the contrary, the Braintree hospital is authorized to operate not less than two congregate living health facilities with from eight to twelve beds each, one of which may provide pediatric services and one of which may provide adult services. The commissioner of public health shall approve such facilities to provide a scope, duration and amount of services consistent with the scope of services authorized for congregate living health facilities operated in the state of California under section 1250(i) of the Health and Safety Code of the state of California as of January first, nineteen hundred and ninety-two.

Except as otherwise provided herein, a congregate living health facility shall be deemed to be a residential use for purposes of any general or special laws, rules and regulations, local ordinances or by-laws which relate to building or zoning. A congregate living health facility shall, only for purposes of the state building code, be deemed to be a limited group residence and shall be of at least type 5-A construction; restrict resident living areas to a single story; be fully sprinklered; have a one hour burn rating for the entire building and shall be authorized to serve up to twelve impaired persons.

Notwithstanding any general or special law or regulation to the contrary, congregate living health facilities authorized by this section shall be operated pursuant to Braintree hospital's hospital license. No determination of need by the department of public health shall be required for the construction or operation of the congregate living health facility. The congregate living health facility authorized herein shall be exempt from the provisions of Section twenty-five to twenty-five D of chapter one hundred and eleven of the general laws as appearing in the 1990 Official Edition.

The rates and charges for the congregate living health facility shall not be subject to the provisions of Sections thirty-one to and including forty-four of Chapter six A of the general laws, as appearing in the 1990 Official Edition, nor shall such revenues or expenses be attributed to Braintree Hospital in establishing its rates and charges pursuant to said sections.

The commissioner of public health shall monitor, review and approve this pilot project and shall issue annual reports to the ways and means committees of the house and senate and the secretary for human services, which report shall recommend

whether or not this project shall be further expanded.

SECTION 161. The commonwealth of Massachusetts shall provide matching funds, not to exceed one hundred seventy-five thousand dollars, for the construction of a Korean War Memorial, to be located in the shipyard park of the Charlestown navy yard. Said state matching funds shall supplement the fundraising efforts of the Korean War Memorial Committee of Massachusetts, Inc.

The memorial shall be dedicated on June twenty-fifth, nineteen hundred and ninety-three.

SECTION 162. Notwithstanding the provisions of any general or special law to the contrary, a contract executed or extended as authorized by the provisions of chapter four hundred and thirteen of the acts and resolves of nineteen hundred and eighty-one shall be exempt from any and all of the provisions of chapter thirty B of the General Laws.

SECTION 163. The trustees of the University of Massachusetts shall conduct a study of the feasibility, costs and benefits of establishing a program, separate from the program of group insurance provided for commonwealth employees under chapter thirty-two A of the General Laws, of group general or blanket hospital, surgical, medical, dental and other health insurance for all employees of the University or of any campus thereof. Said study shall examine, among other alternatives, the feasibility of establishing a self-insured program for active employees as well as retirees. Said study shall examine the costs and benefits to the university as well as to the program of group insurance provided pursuant to chapter thirty-two A of the General Laws. Copies of such study shall be filed, along with any accompanying legislation, with the governor, the secretary of administration and finance, the budget director, the group insurance commission, and the house and senate committees on ways and means, by the first Wednesday in December of nineteen hundred and ninety-two.

SECTION 164. The department of environmental protection, hereafter in this section called the department, shall submit a report on the following subjects, including recommendations and proposed regulations or legislation to effectuate them, to the waste site cleanup program advisory committee, established pursuant to section two A of chapter twenty-one E of the General Laws, by no later than January first, nineteen hundred and ninety-three:

(1) coordinating and making consistent with each other the department's regulations promulgated pursuant to chapter twenty-one E of the General Laws and the department's other regulations; and

(2) the extent to which state and local permitting requirements have affected response actions pursuant to said chapter twenty-one E, and the nature of such effects; and

(3) the extent to which response actions pursuant to said chapter twenty-one E should be subject to requirements for obtaining permits from other State agencies, or to regulations or standards promulgated by other State agencies; and

(4) the extent to which response actions pursuant to said chapter twenty-one E should be subject to requirements for obtaining permits or other approvals from cities or towns or other bodies politic, or to ordinances, by-laws, regulations, or standards promulgated by them.

To the maximum extent practicable, the preparation of the report required by this section shall be coordinated and consistent with the process that the department is required to complete, and any report prepared, on or before January first, nineteen hundred and ninety-three pursuant to subsection (j) of section eighteen of chapter twenty-one A of the General Laws. The department may, in its discretion, consolidate the report required by this section and any report prepared pursuant to

said subsection (j) of said section eighteen.

SECTION 165. Notwithstanding the provisions of section 3B of chapter 7 of the General Laws, as amended by section 4 of chapter 6 of the acts of 1991, the secretary of administration shall increase the fee charged pursuant to section 163 of chapter 175 of the General Laws from fifty dollars annually to seventy-five dollars annually.

SECTION 166. The secretary of administration, through the deputy commissioner of capital planning and operations, is hereby authorized and directed to conduct a study and investigation to determine if any equipment, office supplies or other such material or property became or is unused or surplus to the current or forseeable use of any state agency as the result of the closing of any office, building, institution or other facility, the reduction in the number of employees in the agency, or the contracting out of services formerly performed by state employees. The said investigation and study shall include (1) a description of the unused or surplus property, (2) the present location and custody of such property, (3) the amount and value of such property, (4) the potential use of such property by other state agencies, (5) whether or not the purchasing agent has been notified of the existence of such property and whether or not it has been offered or transferred to other state agencies under the provisions of section twenty-five A of chapter seven of the General Laws, (6) whether or not the property has been declared surplus and has been or can be made available to other tax-supported or nonprofit institutions, and (7) whether or not there exists the possibility that such property can be auctioned off and the proceeds dedicated to other and more productive uses by the commonwealth. Said secretary and deputy commissioner shall report to the general court the results of such investigation and study, together with any recommendations for the disposition of such property and drafts of any legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives and clerk of the senate within ninety days of the effective date of this section.

SECTION 167. The secretary of administration, through the deputy commissioner of capital planning and operations, is hereby authorized and directed to conduct a study and investigation concerning the storage facilities used by the commonwealth. The said investigation and study shall include (1) the location and ownership of each such storage facility, (2) the equipment or other material or property which is stored and the agency which controls the equipment, (3) if the facility is privately owned, the amount of rent on an annual basis which is being paid by the commonwealth for the use of such facility, and whether or not consideration was given prior to the lease of any such private facility or should be given now to the use of vacant facilities under the control of a state agency or the division of capital planning and operations which are unused or surplus to the current or foreseeable use of any state agency because of the closing of offices, buildings, institutions or other facilities or the contracting out of services formerly provided by employees of the commonwealth, and (4) whether or not consideration was given or should be given now to consolidating the storage facilities presently in use. Said investigation and study shall include a plan prepared by the said deputy commissioner relative to reducing the costs of storage to the commonwealth by such consolidation or use of state-owned facilities. The said secretary and deputy commissioner shall report to the general court the results of such investigation and study, including such plan and any other recommendations, together with drafts of any legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives and the clerk of the senate within sixty days of the effective date of this season.

SECTION 168. Notwithstanding the provisions of any general or special law to the contrary, regional transportation

authorities established pursuant to chapter one hundred and sixty-one B of the General Laws are hereby authorized and directed to broker, arrange and manage a program of transportation services for individuals served by the following state agencies: the Massachusetts commission for the blind, the Massachusetts rehabilitation commission, the department of social services, the department of public welfare, including the medicaid program, the department of public health, the department of mental health, the department of mental retardation and such other agencies deemed by said authorities to be appropriate and able to benefit from said program; provided that the department of youth services shall not be required to participate. The brokered transportation program established by this section shall be effective for all such agencies not later than January first, nineteen hundred and ninety-three. Said program shall provide for the safe and appropriate transportation of said individuals in the most cost-effective manner, including but not limited to the use of public transportation, contracted transportation, joint purchasing and leasing and the shared use of existing vehicles owned and operated by said agencies. Said authorities shall routinely assess the needs of said individuals and may centralize, as necessary, the scheduling, dispatching and coordination of transportation services to meet said needs. Said authorities may enter into any types of contracts or other arrangements with providers of transportation services deemed necessary to carry out the purposes of this section including, but not limited to, selective contracts, volume purchase contracts, and preferred provider contracts. Said authorities may negotiate reimbursement rates with providers of transportation services under any such contract or other arrangement, provided, that such rates shall not exceed the rates of payment permissible under Title XIX of the Social Security Act; and provided further, that any such negotiated rate shall not be subject to the provisions of chapter six A of the General Laws or any other general or special law to the contrary. Said authorities shall ensure that billing systems developed for the purposes of said program shall be capable of maintaining the documentation necessary to secure federal financial participation for transportation provided to medicaid-eligible individuals.

The secretary of transportation and construction, hereinafter referred to as the secretary, shall establish a working committee consisting of administrators from three such authorities, transportation personnel from three such state agencies and an employee to be designated by the secretary of health and human services. Said committee shall advise the secretary of transportation and construction on the implementation and effective transfer of state agency transportation services and funding to the brokered transportation program.

By January first, nineteen hundred and ninety-three, each such authority shall have forwarded a plan to said secretary that describes the program implementation model for its region, which shall include, but not be limited to, detailed descriptions of the transportation services to be used, proposals for implementing mobility training and facilitated transportation, and projected costs and savings for brokered services provided to the individuals served by said agencies. Each such authority not already brokering transportation services for state agencies shall implement said plan and commence services to said agencies by said date.

Not later than February first, nineteen hundred and ninety-three, the secretary shall identify any region not covered by said program and develop a remedial plan of service coverage. Said secretary shall further report to the secretary of health and human services, any state agency, or regional office, facility or division of any state agency, not participating in said program. The secretary shall take all necessary action to ensure the complete coverage of all regions by said date.

To the extent each said authority has planning funds from the state and federal governments available, said funds shall be used for the planning and implementation of said program. The secretary of administration and finance, in consultation with the secretary of transportation and construction, shall establish a reserve account and shall transfer to said account an amount sufficient to fund the participation of each state agency commencing participation in said program on January first, nineteen hundred and ninety-three; provided that no such transfer shall be required prior to January first, nineteen hundred and ninety-three for agencies not already participating in said program; and provided further, that amounts transferred to said reserve account shall not exceed forty million dollars.

Each authority shall establish a billing and accounting system capable of identifying federally reimbursable transportation services. Said state agencies are hereby authorized and directed to fully assist and cooperate with said authorities in: 1) identifying the transportation needs of individuals served by the agency; 2) making arrangements for the transfer of transportation responsibilities to said authorities; 3) assuring that existing vehicles operated by said agencies on behalf of individuals are made available, where feasible, to said authorities for the purposes of this section, provided that the reasonable costs of maintaining and operating such vehicles are reimbursed as necessary; 4) amending, as necessary, the regulations, policies and procedures of the agency as necessary to meet the purposes of this section; 5) and adjusting, as necessary, rates of payment to providers whose transportation responsibilities have been transferred to said brokered transportation program. The secretary of health and human services shall take all measures necessary to assure the full assistance and cooperation of each such agency in meeting the purposes of this section. Said secretary shall further identify the administrative and operating costs of transportation programs maintained by said agencies for the purpose of maximizing personnel and operating efficiencies.

Nothing in this section shall be construed to extend said brokered transportation program to students served by state agencies pursuant to chapter seventy-one B of the General Laws and to school bus transportation.

SECTION 169. Clause twenty-six of section 7 of chapter 4 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting at the end of said clause the following paragraph:-

(m) contracts for hospital or related health care services between (i) any hospital, clinic or other health care facility operated by a unit of state, county or municipal government and (ii) a health maintenance organization arrangement approved under chapter one hundred and seventy-six I, a nonprofit hospital service corporation or medical service corporation organized pursuant to chapter one hundred and seventy-six A and chapter one hundred and seventy-six B, respectively, a health insurance corporation licensed under chapter one hundred and seventy-five or any legal entity that is self insured and provides health care benefits to its employees.

SECTION 170. Wherever in section 115 of chapter 6, section 204 of chapter 6, section 34 of chapter 6A, section 16 of chapter 6B, section 1E of chapter 15, section 1H of chapter 15, section 2A of chapter 25, section 6 of chapter 29A, section 3 of chapter 32A, section 3 of chapter 40E, section 1A of chapter 75, section 123 of chapter 94 and section 69H of chapter 164 of the General Laws appear the words "Massachusetts State Labor Council, AFL-CIO", "State Labor Council AFL-CIO", "Massachusetts AFL-CIO" or "AFL-CIO" in any form, such words shall be stricken and replaced by the following words: "Massachusetts Trades Building Council".

SECTION 171. Chapter 6 of the General Laws is hereby amended by adding after section 204, under the caption "Office for Refugees and Immigrants", the following four sections:-

Section 205. There is hereby established an office for refugees and immigrants under the exclusive supervision and control of a director who shall be appointed by the secretary of health and human services with the approval of the governor. The purpose of the office is to promote the full participation of refugees and immigrants as self-sufficient individuals and families in the economic, social, and civic life of the commonwealth.

Section 206. The director shall be the state refugee coordinator pursuant to the federal Refugee Act of 1980 (P.L. 96-212, March 17, 1980), as it may be amended or succeeded. The director shall also have primary responsibility for the administration of programs and services pursuant to the federal Immigration Reform and Control Act of 1986 (P.L. 99-603, November 6, 1986), as it may be amended or succeeded.

The position of 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 full time during business hours to the duties of the office. The director shall be authorized, subject to appropriation, to appoint and may remove such assistant directors and such other employees and consultants as may be necessary to perform the functions of the office set forth in section two hundred and seven. The provisions of chapter thirty-one shall not apply to the director, to such assistant directors as the director may appoint, or to such supervisory positions as the director may create.

Section 207. The office shall have the following powers: (a) to plan, coordinate, monitor, and administer programs that provide transitional assistance to refugees and immigrants and that lead to durable self-sufficiency; (b) to encourage in refugees and immigrants an understanding of American government and institutions and the rights and responsibilities of residents and citizens and to encourage those who wish to remain in the United States to become citizens; (c) to coordinate the commonwealth's policies and programs for refugees and immigrants including those administered by other state agencies; (d) to promote the accessibility of public services to refugees and immigrants; (e) to ascertain the needs of local communities with significant populations of refugees and immigrants and to work with local officials and community-based organizations to address those needs; (f) to increase the availability and utilization of qualified interpreter services; (g) to promulgate, pursuant to the provisions of chapter thirty A, rules and regulations; (h) to enter into agreements or contracts with other public or private agencies or units of local, county, or state government for the delivery and/or coordination of services to refugees and immigrants or for other statutorily-authorized purposes; provided, however, that no responsibility of the department of public welfare under chapter 118 or chapter 118E of the General Laws shall be transferred to the office; (i) to administer federal monies received by the commonwealth for services to refugees and immigrants; provided, however, that other state agencies also may receive and administer federal monies for such purposes within their jurisdictions; provided, further, that state funds shall not be used by the office to supplement federal funding if such funding is withdrawn; (j) to seek and receive grants or donations from private sources to carry out any of the office's functions and purposes; (k) to impose reasonable charges for any services rendered or materials furnished; and (l) to perform such other functions that are consistent with the purpose of the office.

Section 208. There is hereby established a council, to be known as the governor's advisory council for refugees and

immigrants, to consist of not less than fifteen members and not more than thirty members, said members to serve without compensation. The members of the council shall be appointed by the governor for a term of one year. The membership of the council shall consist of persons who live in the commonwealth and shall include refugees, immigrants, and other interested individuals. The chairman of the council shall be appointed by the governor and shall serve for a term of one year. The following shall also serve as members of the council, ex-officio: the attorney general of the commonwealth; the secretaries of the executive offices of health and human services, public safety, and communities and development; the commissioners of the departments of education, public welfare, public health, mental health, office for children, and employment and training; and representatives from such other secretariats or agencies as the governor, the secretary of health or human services, the director of the office for refugees and immigrants, or the council may request. These ex-officio members may be represented by designees.

The functions of the council shall include but not be limited to:

(a) advising the governor on policy, planning, and priorities for refugees and immigrants in the commonwealth; (b) assisting the director of the office for refugees and immigrants in coordinating the efforts of all public agencies concerned with services to refugees and immigrants and in promoting the accessibility of all state services; (c) increasing communication, mutual understanding, and willingness to cooperate among community groups and organizations that serve refugees and immigrants; and (d) increasing public understanding of the needs and contributions of refugees and immigrants. The council shall meet at least six times per year.

SECTION 172. Section 2 of chapter 6A of the General Laws, as most recently amended by section 4 of chapter 142 of the acts of 1991, is hereby further amended by inserting after the words "environmental affairs," the following:- health and.

SECTION 173. Chapter 6A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section four the following section:-

Section 4A. Each secretary shall establish one office of licensing and permits that shall be charged with the issuing of all permits and licenses within the executive office; excluding licenses and registrations issued pursuant to chapter one hundred and twelve of the general laws. The secretary for administration and finance shall develop a master application form and procedure to be used by all executive offices in the issuance of licenses and permits.

SECTION 174. The first sentence of section 8 of chapter 6A of the General Laws, as amended by chapter 481 of the acts of 1991, is hereby further amended by inserting after the words "manufactured homes commission;" the following words:- the commission on Indian affairs,.

SECTION 175. Chapter 6A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 8 the following section:-

Section 8A. There shall be in the executive office of communities and development a commission on Indian affairs, consisting of seven members who shall be appointed by the governor. All of the members shall be of American Indian descent and shall represent the major tribes of American Indian population located within the commonwealth. In the year nineteen hundred and ninety-three, three members shall be appointed for a term of three years, two members shall be appointed for a term of two years and two members shall be appointed for a term of one year. Thereafter, all appointments shall be for

a three-year term.

Said commission shall meet at least four times annually, but may meet as often as it deems necessary for the proper conduct of its affairs, and shall elect from its membership a chairman and such other officers as maybe required, each to serve for a term of one year.

Said commission shall investigate problems common to American Indians and persons of American Indian descent who are residents of the commonwealth. It shall assist tribal councils, Indian organizations and individuals in their relationship with agencies of state and local government, assist with social services, education, employment opportunities, health, housing problems, civil rights, legal aid, treaties, taking of a census of American Indian residents, and any other rights or services concerning American Indian residents of the commonwealth.

Said commission may make recommendations to the secretary of communities and development concerning programs and policies that will best serve the interest of the American Indian residents of the commonwealth. It shall make an annual report of its activities to the said secretary, and shall file a copy thereof with the clerks of the senate and house of representatives on or before the last Wednesday in January of each year.

Said commission shall provide for the burial expenses, up to three hundred dollars, for the remains of any person whose previously unknown grave has been disturbed, forcing its relocation, and whose identity has been determined by the state archaeologist to be that of an American Indian.

SECTION 176. Section thirty-eight of chapter seven of the General Laws is hereby repealed.

Public Utilities Assessments

SECTION 177. Section 9A of chapter 6A of the General Laws, as most recently amended by section 95 of chapter 138 of the acts of 1991, is hereby further amended by striking out, in lines 11, 12 and 24, the words "five hundred thousand" and inserting in place thereof, in each instance, the following:- one million.

SECTION 178. Section 11E of chapter 12 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the words:- "provided, however, that such expenditures shall not exceed annually the amount assessed against such electric, gas, telephone and telegraph company under the provisions of section nine of chapter six A" and by inserting in place thereof the following words:- "provided, however, that such expenditures shall not exceed annually one hundred and fifty percent of the amount assessed against such electric, gas, telephone and telegraph company under the provisions of section nine A of chapter six A.".

SECTION 179. Section 16 of chapter 6A of the General Laws, as most recently amended by section 252 of chapter 138 of the acts of 1991, is hereby further amended in the first paragraph by striking out the following words:- "the youth service board; the advisory committee on service to youth; the division of youth service, including the several institutions within said division".

SECTION 180. The first paragraph of section 16 of chapter 6A of the General Laws is hereby amended by inserting after the words "and the Massachusetts commission for deaf and hard of hearing people and its advisory board" the following words:- and the office for refugees and immigrants and governor's advisory council for refugees and immigrants established in section two hundred five and section two hundred eight of chapter six.

SECTION 181. The third sentence of the third paragraph of section 32 of chapter 6A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "year" in line 86 the following:- ; and provided further, in any appeal of any matter arising out of the setting of such prospective rates of reimbursement, the aggrieved party shall not be permitted to introduce into the record of such an appeal evidence of costs for any year other than the base year used to establish the rate.

SECTION 182. Paragraph (2) of section 11 of chapter 6B of the General Laws, as inserted by section 12 of chapter 495 of the acts of 1991, is hereby amended by striking out the second sentence and inserting in place thereof the following three sentences:- The percentage so calculated shall equal the ratio of the uncompensated care liability of purchasers and third party payers for said fiscal year to estimated charges to purchasers and third party payers for patient care services for said fiscal year, exclusive of charges to Titles XVIII and XIX and publicly aided patients and eligible free care charges. For fiscal years nineteen hundred and ninety-two and nineteen hundred and ninety-three, the amount of the uncompensated care liability of purchasers and third party payers shall be established by special law. For fiscal years subsequent to nineteen hundred and ninety-three, the amount of the uncompensated care liability of purchasers and third party payers shall be equal to the amount of the uncompensated care liability of purchasers and third party payers for the previous fiscal year increased at the beginning of the subsequent fiscal year by a percentage equal to the change in the consumer price index, all urban consumers, United State's city average, medical care, for the most current twelve month period published by the federal bureau of labor statistics.

SECTION 183. The first sentence of the fourth paragraph of section 3B of chapter 7 of the General Laws, as most recently amended by section 4 of chapter 6 of the acts of 1991, is hereby further amended by striking out the word "ninety-two" and inserting in place thereof the word:- ninety-four.

SECTION 184. The fifth paragraph of said section 3B of said chapter 7, as so appearing, is hereby amended by striking out the word "ninety-two" and inserting in place thereof the word:- ninety-four.

SECTION 185. Said section 3B of said chapter 7, as so appearing, is hereby further amended by adding the following paragraph:-

The provisions of this section shall not apply to fees set pursuant to section eighteen of chapter twenty-one A or section three B of chapter twenty-one E.

SECTION 186. Chapter 7 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 27 the following new section:-

Section 27A. The state purchasing agent shall coordinate the purchase of travel and travel-related services by authorized officers and employees of the commonwealth to insure cost-effective management of the commonwealth's purchasing power for such services.

The purchasing agent may contract with one or more vendors to coordinate the management of the purchase of said services.

SECTION 187. Section 28 of chapter 7 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in line 11, after the word "commonwealth", by inserting the following:- provided, however, that all authorized travel shall

be administered and coordinated by the state purchasing agent in a cost-effective manner.

SECTION 188. Chapter 7 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 43F the following section:-

Section 43F-1/2. The division of capital planning and operations shall evaluate the potential for increasing the energy efficiency in each building owned by an authority or state agency, or leased by such authority or agency for at least a ten-year period. The division of capital planning and operations shall report on its findings to the legislature by January first, nineteen hundred and ninety-three. Energy efficiency measures, as used in this section shall include, but not be limited to, heating, air-conditioning, lighting, water, and electric systems powered by, coal, electricity, natural gas, oil. Where energy cost savings resulting from the implementation of energy saving improvements would exceed the cost of installing said improvements within one year of installing said improvements, the agencies and authorities shall install such improvements no later than July first, nineteen hundred and ninety-three.

The annual energy cost savings realized by each authority or agency shall be retained in that the authority or agency utility account and applied to additional energy efficiency measures in subsequent years.

Actions taken by the division of capital planning and operations in accordance with provisions of this section shall be coordinated with ongoing energy conservation projects in state-owned or leased buildings. Buildings which have been scheduled for comprehensive energy conservation improvements before the effective date of this act may, upon approval of the commissioner of energy resources, be exempted from the provisions of this section. Utility programs offering energy auditing services shall be used whenever appropriate.

The term "authority" used in this section shall not include authorities of cities or towns, such as local housing projects.

SECTION 189. Section 35 of chapter 10 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the text in lines 20 through 29 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) For the purposes of the Local Aid Fund created by section two D of chapter twenty-nine, the net balance of the State Lottery Fund, as determined by the comptroller on every September thirtieth, December thirty-first, March thirty-first and June thirtieth of each fiscal year.

SECTION 190. Section 35D of chapter 10 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting in the first paragraph after the word "activities", in line 10, the words:- (4) or fines and penalties received on account of litigation or settlement thereof for a violation of chapter one hundred and thirty-one A or the regulations promulgated thereunder.

SECTION 191. Chapter 10 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 35K the following section:-

Section 35L. There shall be established upon the books of the commonwealth a separate fund to be known as the Division

of Insurance Fund, to be expended, subject to appropriation, by said division established in section one of chapter twenty-six. Revenues collected by said division pursuant to section one hundred sixty-three of chapter one hundred seventy-five shall be deposited into said fund, to a maximum amount of two million dollars in fiscal year nineteen hundred and ninety-three. All monies collected pursuant to said section one hundred sixty-three in excess of two million dollars in fiscal year nineteen hundred and ninety-three shall be deposited into the General Fund. All monies deposited in said fund that are unexpended at the end of the fiscal year shall revert to the General Fund.

SECTION 192. Chapter 10 of the General Laws is hereby amended by inserting after section 35L, inserted by section 191, the following section:-

Section 35M. There shall be established upon the books of the commonwealth a separate fund to be known as the Board of Registration in Medicine Trust Fund to be used, without prior appropriation, by said board established in section ten of chapter thirteen. Forty percent of the revenues collected by said board shall be deposited into said trust fund. All monies deposited into said fund shall be expended exclusively by the board; provided, however, that any unexpended balance at the end of the fiscal year shall revert to the General Fund.

SECTION 193. Section 39 of said chapter 10, as so appearing, is hereby amended by striking out the text in lines 25 through 31 and inserting in place thereof the following:-

(b) Three-fifths of all such sums received shall be credited to the General Fund.

(c) Any unappropriated balance remaining in the State Lottery Fund from the sums credited under subsection (a), as determined by the comptroller as of June first and December first of each year, shall be credited to the Local Aid Fund established under the provisions of section two D of chapter twenty-nine.

SECTION 194. Section 52 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be, in the office of the state treasurer, but not subject to its control, a Massachusetts cultural council, hereinafter referred to in this section and sections fifty-three to fifty-eight, inclusive, as the council, consisting of fifteen members to be appointed by the governor from among qualified private citizens of the commonwealth who have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

SECTION 195. Section 53 of said chapter 10, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The council shall promote excellence, access, education, and diversity in the arts, humanities, and interpretive sciences in order to improve the quality of life for all Massachusetts residents and to contribute to the economic vitality of its communities.

SECTION 196. Section 54 of said chapter 10, as so appearing, is hereby amended by striking out, in line 15, the words "arts lottery" and inserting in place thereof the word:- cultural.

SECTION 197. Section 56 of said chapter 10, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The council shall stimulate and encourage the arts, humanities and interpretive sciences within cities and towns by administering the distribution of the Arts Lottery Fund established under the provisions of section fifty-seven to the several cities and towns as hereinafter provided and providing guidance, advise, and

assistance to local or regional cultural councils established under the provisions of section fifty-eight.

SECTION 198. Said section 56 of said chapter 10, as so appearing, is hereby further amended by striking out, in lines 8, 19, and 25 the words "arts lottery" and inserting in place thereof, in each instance, the word:- cultural.

SECTION 199. Said section 56 of said chapter 10, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Funds not so certified shall, at the discretion of the council, be retained for the account of such local or regional cultural council, or expended or distributed by the council for the benefit of such one or more local regional cultural councils as the council may deem appropriate.

SECTION 200. Said section 57 of said chapter 10, as so appearing, is hereby amended by inserting after the word "six", in line 84, the word:- month.

SECTION 201. Section 57 of said chapter 10, as so appearing, is hereby amended by striking out in lines 78 and 79 the words "COMPACT Fund established by section two M of chapter twenty-nine" and inserting in place thereof the following words:- Local Aid Fund established by section two D of chapter twenty-nine.

SECTION 202. Said section 57 of said chapter 10, as so appearing, is hereby further amended by striking out the last two sentences and inserting in place thereof the following sentence:- The council may determine the time and the amount for the distribution of such funds as the council may deem necessary or desirable to carry out the purposes of sections fifty-six to fifty-eight, inclusive; provided, however, that each eligible city or town shall be eligible to receive an annual minimum of one thousand dollars, and provided further, that a portion as determined by the council of the amount allocated under clause (a) above shall be utilized by the council for a program to assist Massachusetts school children to attend commercial or nonprofit cultural programs or events.

SECTION 203. Said chapter 10 is hereby further amended by striking out section 58 and inserting in place thereof the following section:-

Section 58. Any city or town may establish a local cultural council and any consortium of cities and towns, with the approval of the council, may establish a regional cultural council. Local cultural councils shall consist of at least five and not more than twenty-two members to be appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.

Regional cultural councils shall consist of an equal number of members to be appointed from each city or town within the consortium in the manner herein described. The regional cultural council may adopt, at its option, a proportional membership consistent with the population of each municipality; provided, however, that each municipality shall have at least one member; and provided, further, that the adoption of such option shall be by a two-thirds vote of the regional cultural council. Notwithstanding any provisions to the contrary, if the council deems it necessary or desirable in order to carry out the purposes of this section and sections fifty-six and fifty-seven, the council may certify for payment in accordance with the provisions of section fifty-six those applications for fundsreceived from any local or regional cultural councils whose composition is determined by the council as not complying with the provisions of this section, provided that upon notice of such noncompliance, such local or regional cultural council, or its appointing authority, as the case may be, either cures such noncompliance or provides certification satisfactory to the council of how and by when such compliance will be achieved.

Members of the local and regional cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. Members shall not be elected public officials. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional cultural council member who is authorized thereby to make disclosure to such member's city or town clerk or appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional cultural council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional cultural councils shall annually elect a chairman, secretary and treasurer.

Local and regional cultural councils may establish administrative units, but no such cultural council shall utilize more than five percent of the monies received from the State Arts Lottery Fund for administrative purposes, including member expenses.

Subject to rules, regulations, rulings or guidelines of the council, such local or regional cultural councils may decide the distribution of arts lottery funds or other funds that may be allocable to them, may also conduct other activities to promote and encourage the arts, may enter into contracts, subject to approval of town counsel or city solicitor as to form, and may do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of sections fifty-six to fifty-eight, inclusive. Nothing in the provisions of section twenty-seven of chapter ten shall prevent a local or regional cultural council or an arts organization, or their agents or employees, from encouraging the sale of lottery tickets for the arts nor from being licensed as agents to sell lottery tickets for the arts. Notwithstanding the provisions of section fifty-three A of chapter forty-four, local and regional cultural councils may accept grants, contributions, gifts, bequests, devises, and other donations from all sources, including governmental bodies and shall deposit such monies and any other revenues, including revenues derived from local or regional cultural councils activities, in the revolving fund established under the provisions of this section. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local or regional cultural council for the same purposes as arts lottery funds, including administrative expenses, provided, however, that the council may by rule, regulation, ruling or guideline establish further clarification of such purposes as well as procedures to assure that such funds are so used.

Notwithstanding the provisions of section fifty-three of chapter forty-four, any city, town or consortium of cities and towns otherwise pursuant to the provisions of section four A of chapter forty, shall establish in the city or town treasury, or in one of the cities or towns in the consortium a revolving account which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited all receipts from the state arts lottery fund, distributed under the provisions of section fifty-six, and any other receipts or donations to the local or regional cultural council authorized by law. A treasurer of a city, town or regional consortium as custodian may invest such portion of cash as deemed not required until such funds

are to be expended and in such investments as are authorized under the provisions of section fifty-five of chapter forty-four. All such funds, including interest earned thereon, may be expended at the direction of the local or regional cultural council, without further appropriation, and such council may establish a subcommittee of no less than two members and may delegate thereto its authority to approve all payrolls, bills, requests for payment, or accounts prior to submission to the accountant, auditor or official performing similar functions; provided, however, that such subcommittee shall make available to such council at its next meeting, a record of such actions of such subcommittee; and provided further, however, that such funds as shall not have been expended twelve months after receipt shall be segregated and subject to further appropriation by the mayor, city council, city manager, board of selectmen or town manager for the purposes provided in sections fifty-six to fifty-eight inclusive. The city auditor, town accountant, or officer having similar duties, shall submit annually a report of said, revolving fund to the mayor, city council, city manager, board of selectmen, or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts and the council.

SECTION 204. Section 8F of chapter 12 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 36 through 38, the words, "There shall be a filing fee of twenty-five dollars for each report, to be paid to the division at the time of filing" and inserting in place thereof the following sentence:- For each report, a filing fee shall be paid to the division at the time of the filing in the following amount, based on the gross support and revenue received during the fiscal year covered by the report, as follows: (a) thirty-five dollars, if not more than one hundred thousand dollars; (b) seventy dollars, if more than one hundred thousand dollars but not more than two hundred and fifty thousand dollars; (c) one hundred and twenty-five dollars, if more than two hundred and fifty thousand dollars but not more than five hundred thousand dollars; (d) two hundred and fifty dollars, if more than five hundred thousand dollars.

SECTION 205. Said chapter 12, as so appearing, is hereby further amended by inserting after section eight M the following section:-

Section 8N. All fees, attorneys fees, costs, civil penalties and other monies received by the commonwealth pursuant to sections eight through eight M or sections eighteen through thirty-five of chapter sixty-eight shall be credited by the state treasurer to the General Fund.

SECTION 206. The second paragraph of section 4 of chapter 12A of the General Laws, as appearing in the 1990 Official Edition is hereby amended by adding the following sentence:- The inspector general may establish motor vehicle regulations for the officers and employees of the office of the inspector general and the provisions of section thirty-six of chapter thirty shall not apply to officers and employees with the office.

SECTION 207. Section 5 of said chapter 12A, as appearing in the 1990 Official Edition, is hereby amended by striking out in line 3 the words "attorney general" and inserting in place thereof the words "secretary of administration and finance".

SECTION 208. Section 1G of chapter 15 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 117, the word "committees" and inserting in place thereof the words:- house committee on ways and means.

SECTION 209. Section 3 of chapter 15A of the General Laws, as amended by section 7 of chapter 142 of the acts of 1991, is hereby further amended by adding the following:-

(g) to seek, accept, establish and administer grants, gifts, awards, and trusts for public education from foundations, corporations, individuals, and federal agencies, and to develop guidelines as needed for the disbursement of such funds in accordance with applicable law and pursuant to the terms of the grant, gift, award or trust. These powers shall exist concurrently with similar powers exercised by the board of education and the higher education coordinating council.

SECTION 210. Section 19 of chapter 15A of the General Laws, as amended by section 7 of chapter 142 of the acts of 1991, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Such guidelines (i) shall establish institutional waiver allocation formulas and eligibility requirements, including needs criteria, for designated waiver programs, (ii) shall provide full or partial tuition waivers for specific categories of students designated by the council which may include veterans, armed forces personnel, senior citizens, and graduate students, (iii) may provide full or partial waivers for additional categories of students not included in clause (ii), and (iv) may provide full or partial waivers of tuition or fees for undergraduate programs, summer sessions, evening classes, or any specific courses or set of courses.

SECTION 211. Said chapter 15A, as so amended, is hereby further amended by adding after section 36 the following section:-

Section 37. (a) The various public institutions of higher education of the commonwealth, including therein the University of Massachusetts, the state colleges and the community colleges of the commonwealth, are hereby authorized to establish foundations for the individual institutions and corresponding endowment funds. Said endowment funds shall receive revenue from charitable gifts and donations, and may be used for purposes of the endowed institution; provided, that such expenditures shall conform to any restrictions imposed by the charitable donor.

(b) Any foundation created under the authority of this section shall be a corporation within the meaning of clause (c) of section two of chapter one hundred and eighty, and said corporation shall be governed by the provisions of said chapter one hundred and eighty except as hereinafter provided. A foundation created under the authority of this section shall be organized and operated exclusively for the benefit of an institution of public higher education, and shall be certified by the board of trustees of the institution which it supports to be operating in a manner consistent with the goals of the institution. Any foundation which is not so certified or whose certification has been revoked by the board of trustees of the institution which it supports shall not use the name of said institution in the foundation's name and for fund raising, and shall not be considered authorized under the provisions of this section.

(c) Each foundation for the individual institution shall have a governing board to oversee its operation. The president of the institution or his designee, two members of the board of trustees of the institution, and a faculty member elected by the faculty of the institution pursuant to election procedures approved by the board of trustees of the institution shall all be members of the governing board of the foundation. In no event shall institutional trustees, employees and alumni constitute one-half or more of the membership of such foundation's governing board. The governing board of each foundation shall annually file a list of the members and officers of such board with the institution's board of trustees and with the higher education coordinating council.

(d) The board of trustees of a institution which it supports is authorized to permit the use without compensation of facilities

and personnel services of the institution by the foundation; provided, however, that in no event shall any employee of the institution spend more than twenty-five percent of his work hours engaged in services for a foundation.

(e) All gifts from a foundation to an institution shall be approved for acceptance by the board of trustees, in accordance with applicable institutional policies. Any person soliciting funds or any other thing of value on behalf of a foundation from a person, firm, corporation or other entity shall at the time of the solicitation clearly and conspicuously disclose to the potential donor that the donations are to be provided to the foundation and not to an institution or to the higher education coordinating council, and that the donor may request in writing that the donor's identity not be publicly disclosed.

(f) Each foundation shall provide an annual report of its financial accounts in the form, and containing the information, required by regulations promulgated by the higher education coordinating council. The foundation shall provide a copy of such report to the board of trustees of the institution which it supports and to the council. The board of trustees and the council may require any supplemental data relative to the operations of the foundation which the board or council request. The identity of donors who wish to remain anonymous shall be protected, and the anonymity of such donors shall be maintained in all audit reports. The annual financial report, when received by a board of trustees or the council, shall be considered a public record as defined in clause twenty-six of section seven of chapter four.

(g) The state auditor shall have the authority to audit a foundation upon request by the higher education coordinating council or upon his own initiative. Such an audit may include but shall not be limited to an examination of transfers to or expenditures from foundation accounts of public funds; use of employees paid with public funds to staff the foundation; the existence of contracts or agreements between a foundation and an institution; an examination of books and records of the foundation as the auditor deems necessary and appropriate.

(h) A foundation authorized under the provisions of this section shall not be deemed to be an agency, board, bureau, department, division, commission, authority or other subdivision of the commonwealth. Members of the governing board of a foundation who are not already state employees shall not be considered to be state employees or public employees for the purposes of chapter two hundred and sixty-eight A and two hundred and sixty-eight B.

SECTION 212. Chapter 15C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 5B the following section:-

Section 5C. The Authority is hereby authorized to develop and establish a comprehensive state-supported supplemental education loan program. Such program shall consist of medium and long-range fixed rate and variable rate loan programs, programs structured to operate as a line of credit, and other programs and options as the authority may determine to be useful and feasible. Such programs shall be at effective rates of interest and other terms, to the extent feasible and to the extent funds are appropriated by the commonwealth therefor, more attractive than prevailing rates and more attractive than other terms available from conventional supplemental education lenders.

The Authority's program shall be developed and operated in conjunction with participating institutions of higher education and shall be designed to assist such institutions in attracting and retaining students. Such program shall be designed so as to maximize the amount of funds available for loans by leveraging amounts appropriated by the commonwealth with private sector financing and by operating in conjunction with such private activity tax-exempt bond cap as may be allocated by the

commonwealth. Such program shall include, to the maximum extent feasible and subject to the appropriation of funds by the commonwealth, loans available on affordable terms to families or individuals who, because of a high debt-to-income ratio, may otherwise be ineligible for credit-based supplemental education loans.

The Authority shall design such comprehensive program, and make the public aware of it, in such manner as to provide assistance to as many qualified students and to as many institutions of higher education as possible. Funds appropriated by the commonwealth to the authority for the purpose of this section shall be applied by the Authority solely to the reasonable and necessary development costs of its programs and to the funding of reasonable and necessary reserves and other security arrangements for its programs, all, to the extent feasible, in such manner as to develop over time a self-replenishing permanent source of education loan funding.

SECTION 213. Section 2 of chapter 18 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 85 to 87, the words "approved by the house and senate committees on ways and means of the general court", and inserting in place thereof the words:- filed thirty days prior to the effective date of such rules or regulations with the house and senate committees on ways and means and approved by said house ways and means committee.

SECTION 214. Section 1 of chapter 18A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended, in line 4, by striking out the words "human services" and inserting in place thereof the following words:- public safety.

SECTION 215. Section 3 of said chapter 18A, as so appearing, is hereby amended, in line 2, by striking out the words "human services" and inserting in place thereof the following words:- public safety.

SECTION 216. Section 9 of said chapter 18A, as so appearing, is hereby amended by striking out, in lines 11 and 12, 17, and 18, in each instance, the words "human services" and inserting in place thereof, in each instance, the following words:- public safety.

SECTION 217. Section 1 of chapter 19C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the definition for "Disabled person" and inserting in place thereof the following definition:-

"Disabled person", a person between the ages of eighteen and fifty-nine, inclusive, who is mentally retarded, as defined by section one of chapter one hundred and twenty-three, or who is otherwise mentally of physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs; or any person over the age of eighteen who is mentally retarded, otherwise mentally disabled or physically disabled, and who resides in a state school, state hospital or any residential setting operated by a private agency which provides services to disabled persons, or have as their caretaker a state agency, as defined in this section.

SECTION 218. Said section 1 of said chapter 19C, as so appearing, is hereby further amended by striking out the definition:- "General counsel" or "counsel",.

SECTION 219. Said section 1 of said chapter 19C, as so appearing, is hereby further amended by inserting after the words "police officer" in line 28 the following words:- , firefighter, emergency medical technician, correctional officer.

SECTION 231. Section 3 of said chapter 19C, as so appearing, is hereby amended by striking out clauses (c) and (d), and inserting in place thereof the following clauses:-

(c) to provide for the investigation of alleged abuse of disabled persons and, as necessary, for the development of plans

for the provision of protective services, pursuant to section four;

(d) to ensure that protective services are furnished by other state agencies in accordance with section six;.

SECTION 232. Said section 3 of said chapter 19C, as so appearing, is hereby further amended by striking out clause (h).

SECTION 233. Section 4 of said chapter 19C, as so appearing, is hereby amended in clause (b), by striking out, in line 11, the words "a state agency" and inserting in place thereof the following:- either a state agency or other than a state agency.

SECTION 234. Said section 4 of said chapter 19C, as so appearing, is hereby further by striking out, in lines 12 through 19, the words, "commission and the general counsel of the office of the secretary of human services, or his designee, within such office and to the department within the executive office of human services which provides or which has contracted for the provision of services to the disabled person. Said department shall investigate such abuse as provided in section five, subject to the oversight of said office and the commission and subject to the power of the commission to conduct its own investigation" and inserting in place thereof the following:- commission. Said investigator shall investigate such abuse as provided in section five, subject to the oversight of the commission.

SECTION 235. Said section 4 of said chapter 19C, as so appearing, is hereby further amended by striking out clause (c).

SECTION 236. Section 5 of said chapter 19C, as so appearing, is hereby amended by striking out, in lines 2 and 3, the following words:- ", the general counsel, or a department within the executive office of human services".

SECTION 237. Said section 5 of said chapter 19C, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the following words:- ", counsel or department of mental health or department of public health".

SECTION 238. Said section 5 of said chapter 19C, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the following words:- ", to the general counsel and to the department of mental health and the department of public health".

SECTION 239. Said section 5 of said chapter 19C, as so appearing, is hereby further amended, by striking out, in lines 21 and 22, the following words:, ", the general counsel, the department of mental health and the department of public health".

SECTION 240. Clause (3) of said section 5 of said chapter 19C, as so appearing, is hereby further amended by adding the following sentence:- If said findings indicate that there is reasonable cause to believe that abuse of a disabled person by a caretaker has occurred, then said recommendations shall include a plan for the provision of protective services, in accordance with section six.

SECTION 241. Said section 5 of said chapter 19C, as so appearing, is hereby further amended, by striking out, in line 27, the following words:- "the general counsel,".

SECTION 242. Said section 5 of said chapter 19C, as so appearing, is hereby further amended by adding the following clause:-

(5) If, upon receipt of a report of abuse of a disabled person, or upon receipt of a written determination and evaluation prepared and forwarded to the commission pursuant to the provisions of clause (1), there is reasonable cause to believe that any of the following conditions exist, then, notwithstanding any provisions of chapter sixty-six A regarding personal data, the commission shall immediately report such conditions and forward said investigation and evaluation report, together with any other materials or information which the commission has obtained or received and which are relevant to the alleged abuse,

to the district attorney for the county in which the abuse is alleged to have occurred; provided, that no person providing notification or information to a district attorney or providing testimony in court pursuant to this section, shall be liable in any civil or criminal action by reason of such notification, information or testimony, unless said person has recklessly, knowingly or maliciously provided false information:

(a) a disabled person has been sexually abused or raped, or assaulted or battered, as defined in chapter two hundred and sixty-five;

(b) a disabled person has suffered brain injury, loss or substantial impairment of a bodily function or organ, or substantial disfigurement;

(c) a disabled person has suffered serious bodily injury as a result of a pattern of repetitive actions or inactions by a caretaker.

SECTION 243. Section 6 of said chapter 19C, as so appearing, is hereby amended, by striking out, in lines 1 through 7, the following words: ", acting through state agencies within the executive office of human services designated by the commission, for the purpose of furnishing protective services, the general counsel acting through state agencies within the executive office of human services designated by the secretary of human services for the purposes of furnishing protective services, the department of mental health and the department of public health".

SECTION 244. Said section 6 of said chapter 19C, as so appearing, is hereby further amended by striking out, in line 9, the words, "counsel or department".

SECTION 245. Section 7 of said chapter 19C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the commission has reasonable cause after initiation of an investigation to believe that a disabled person is suffering from abuse and lacks the capacity to consent to the provision of protective services, such commission may petition the probate and family court for the county, or the district court for the judicial district, in which the disabled person resides or is located if he has left his residence to avoid abuse, for a finding that the disabled person is incapable of consenting to the provision of protective services.

SECTION 246. Said section 7 of said chapter 19C, as so appearing, is hereby further amended by striking out, in lines 9, 33, 34, 37 and 62, in each instance, the following words:- ", counsel or department".

SECTION 247. Said section 7 of said chapter 19C, as so appearing, is hereby further amended by striking out, in line 38, the word "court" and inserting in place thereof the following:- probate and family court for the county, or the district court for the judicial district, in which the disabled person resides, or is located if he has left his residence to avoid abuse.

SECTION 248. Section 11 of said chapter 19C, as so appearing, is hereby amended by striking out, in line 2, the words, "threaten" and inserting in place thereof the following words:- thereafter take any other retaliatory action against.

SECTION 249. Section 11 of said chapter 19C, as so appearing, is hereby amended by striking out, in lines 5 through 8, the following words:- ", the general counsel or the secretary of human services, the department of mental health or the department of public health or any department within the executive office of human services".

SECTION 250. Said section 11 of said chapter 19C, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Any person who takes such prohibited action against any such employee, client or other person shall be liable to said employee, client or other person, for treble damages, costs and

attorney's fees.

SECTION 251. Section 12 of said chapter 19C, as so appearing, is hereby amended by striking out, in line 10, the following words:- ", in consultation with the secretary of human services".

SECTION 252. Said section 12 of said chapter 19C, as so appearing, is hereby further amended by striking out the third and fourth sentences.

SECTION 253. Said section 12 of said chapter 19C, as so appearing, is hereby further amended by adding the following sentence:- Law enforcement agencies whose investigations are being monitored by the commission shall cooperate with the commission in its monitoring duties, in order that the commission may fulfill its responsibilities under this chapter.

SECTION 254. Said chapter 19C, as so appearing, is hereby further amended by adding the following two sections:-

Section 13. The commission, for the purpose of carrying out its responsibilities under this chapter, shall have access to the following data: criminal offender record information, as defined in section one hundred and sixty-seven of chapter six, and autopsy reports and related records in the possession of the chief medical examiner, in cases involving the deaths of disabled persons.

Section 14. Upon the death of any disabled person whose caretaker was a state agency or an agency of any subdivision of the commonwealth or a private agency contracting with the commonwealth, said caretaker shall immediately verbally notify the commission and local law enforcement officials of such death, and shall forward to the commission and local law enforcement officials a written report of such death within twenty-four hours of its occurrence. Said report shall contain the name of the disabled person, the name of the facility in which that person resided, and the facts and circumstances of the death. The commission shall take all appropriate measures regarding the report, including investigating the death, and shall determine whether the cause of the death is related to abuse. If it determines there are reasonable grounds to believe the death is related to abuse, the commission shall conduct further investigation.

SECTION 255. Section 9B of chapter 30 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following paragraph:-

It shall be deemed that there is just cause to discipline or discharge an employee of the commonwealth, if it is determined by a preponderance of the evidence that such employee abused a person with a disability in the care of the commonwealth, including but not limited to the department of mental health, department of mental retardation, department of public health, department of social services, department of corrections, department of youth services, department of education and Bridgewater state hospital. For the purposes of this section, abuse includes, but is not limited to, the following:

(1) any non-accidental act or omission that results in physical or emotional injury to the disabled person;

(2) non-accidental, unauthorized physical aggression;

(3) verbal harassment; and

(4) sexual harassment.

In any disciplinary proceeding pursuant to this section, chapter thirty-one or chapter one hundred and fifty E, the report of an investigation of abuse shall be admissible into evidence for the truth of the matters asserted therein. The credibility of any witness or the veracity of any witness' statements given at such a disciplinary proceeding may not be challenged solely

on the basis of his disability.

SECTION 256. Section 6F of chapter 21 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first six paragraphs, and inserting in place thereof the following paragraph:-

If the director, his assistant or any environmental police officer, deputy environmental police officer, member of the state or metropolitan district police, local police officer, local town law enforcement official in shellfish beds over which he has jurisdiction, or harbormaster acting pursuant to authority arising under chapter ninety B, determines that a violation of any of the following sections has occurred or is occurring, he may cite the violator pursuant to the civil infraction procedure in chapter ninety G as an alternative to commencing a criminal prosecution: section four A of chapter twenty-one, or the regulations promulgated pursuant to sections four A or seventeen A of chapter twenty-one; sections two, three, four, five, five A, six, seven, subsections (b), (c) and (e) of section eight, subsection (b) of section nine, sections nine A, twelve, twelve A, or thirteen A, of chapter ninety B, or the rules or regulations promulgated pursuant to said sections two, five or five A; sections seventeen A, thirty-three through forty-one A, inclusive, forty-four, forty-seven, fifty-one, sixty-seven through seventy-two, inclusive, seventy-five, eighty through eighty-two, inclusive, ninety-two, ninety-five, one hundred, one hundred A or one hundred C of chapter one hundred and thirty; sections one, five, six, eight, ten, eleven, thirteen, sixteen, nineteen A, twenty-three through twenty-five, inclusive, twenty-six, twenty-six A, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three, thirty-six, thirty-eight, forty-four, forty-seven, forty-nine through fifty-four, inclusive, fifty-seven, fifty-eight, fifty-nine, sixty-five, sixty-six, sixty-seven, sixty-nine, seventy, seventy-one, seventy-two, seventy-five A, seventy-six, seventy-seven, seventy-nine, eighty, eighty A, or eighty-two of chapter one hundred and thirty-one; the regulations promulgated pursuant to section seven of chapter one hundred thirty-two A; or the rules and regulations of the division of fisheries and wildlife regulating activity on land under the management of such division.

SECTION 257. Said section 6F of said chapter 21, as so appearing, is hereby further amended by striking the seventh paragraph and inserting in place thereof the following:-

The director, his assistants, any environmental police officers, deputy environmental police officers, members of the state police, members of the metropolitan district police, local police and shellfish constables in areas of their respective jurisdiction empowered to enforce the aforesaid sections may seize any fish, birds, or mammals unlawfully taken or held which shall be forfeited to the commonwealth and disposed of by the director for the best interests of the commonwealth.

SECTION 258. Said section 6F of said chapter 21, as so appearing, is hereby amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:-

All fines, penalties and forfeitures in actions under this section or established pursuant to section two of chapter 90G of the General Laws shall be paid to the general fund of the city or town in which the violation occurred; provided, that if the complaining officer is receiving compensation from the commonwealth, such fines, penalties and forfeitures shall be paid to the Environmental Law Enforcement Fund established pursuant to section six I of chapter twenty-one. At the beginning of each fiscal year, the division of law enforcement shall pay to each of the following from the Environmental Law Enforcement Fund: (1) the Inland Fisheries and Game Fund an amount equivalent to the sum of all fines, penalties and forfeitures received by the division of law enforcement during the previous fiscal year for violations of chapter one hundred and thirty-one or

regulations promulgated thereunder, if the complaining officer is an environmental police officer; and (2) the department of environmental management an amount equivalent to the sum of all fines, penalties and forfeitures received by the division of law enforcement during the previous fiscal year, if the complaining officer is a chief park ranger or a park ranger, in addition to those fines, penalties and forfeitures imposed pursuant to section sixteen of chapter two hundred and seventy.

SECTION 259. The tenth paragraph of said section 6F of said chapter 21, as so appearing, is hereby further amended by inserting after the first sentence the following sentence:- The director is hereby authorized to charge a reasonable fee for such citation forms in accordance with the provisions of section three B of chapter seven.

SECTION 260. Chapter 21 of the General Laws, is hereby further amended by striking out section 6G.

SECTION 261. Section 6I of chapter 21 of the General Laws, as inserted by section 83 of chapter 33 of the acts of 1991, is hereby amended by striking out, in lines 4 and 5, the words "sections six F and six G of chapter twenty-one and sections three, twenty-two and thirty-six of chapter ninety B" in the first sentence, and inserting in place thereof the words:- six F of chapter twenty-one and sections three, fourteen, twenty-two and thirty-six of chapter ninety B, section two of chapter ninety G.

SECTION 262. Said section 6I of said chapter 21, as so inserted, is hereby further amended by adding at the end thereof the following paragraph:-

At the beginning of each fiscal year the division of law enforcement shall pay to the Inland Fisheries and Game Fund an amount equivalent to the sum of all criminal fines or criminal penalties received by the division of law enforcement during the previous fiscal year for violations of chapter one hundred and thirty-one or the regulations promulgated thereunder, if the complaining officer was an environmental police officer.

SECTION 263. Section 37 of chapter 21 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in lines 50 and 51, by striking out the words "Categorical Grants Fund" and inserting in place thereof the words:- Local Aid Fund.

SECTION 264. Said section 37 of said chapter 21, as so appearing, is hereby further amended, in lines 63 and 64 by striking out the words "Categorical Grants Fund" and inserting in place thereof the words:- Local Aid Fund.

SECTION 265. Section 37A of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the word "division" and inserting in place thereof the words:- department of environmental management, in this section referred to as the department,.

SECTION 266. Said section 37A of said chapter 21, as so appearing, is hereby further amended by striking out, in lines 5, 13, 19, 22, 24, 28, 32, 37 and 41, in each instance, the word "division" and inserting in place thereof in each instance the word:- department.

SECTION 267. Section 43 of said chapter 21, as so appearing, is hereby amended by striking, in line 46, the words "by regulation".

SECTION 268. Said section 43 of said chapter 21, as so appearing, is hereby further amended by striking, in lines 47 and 48, the words "and rules governing the filing of such forms by the various categories of applicants".

SECTION 269. Section 7 of chapter 21A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended

by inserting after the fourth sentence the following:-

The commissioner of each department may adopt reasonable regulations to allow those employees within his department to testify in civil proceedings so as to further the performance of the department's business.

SECTION 270. Chapter 21A of the General Laws, is hereby amended by inserting after section 18 the following eleven sections:-

Section 19. As used in this section, and in sections nineteen A through nineteen J, inclusive, the words "final remedial response plan", "hazardous material", "imminent hazard", "interim remedial response", "oil", "permanent solution", "person", "release", "respond", "response", "response action", "short term measure", "site", "temporary measure", "threat of release", and "vessel" shall, unless the context clearly requires otherwise, be defined and used the same way they are defined and used in chapter twenty-one E, and the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Board", the board of registration of hazardous waste site cleanup professionals, established pursuant to section nineteen A.

"Department", the department of environmental protection.

"Waste site cleanup activity opinion", a professional opinion, excluding legal advice or a legal opinion, that is related to one or more response actions as set forth in this definition. A waste site cleanup opinion shall not be relied on as sufficient to protect public health, safety, welfare, or the environment, unless such opinion is rendered by a hazardous waste site cleanup professional licensed pursuant to sections nineteen through nineteen J, inclusive, who (a) is qualified by appropriate education, training, and experience, and (b) has either (1) (i) in the case of an opinion related to an assessment, managed, supervised or actually performed such assessment, or (ii) periodically observed the performance by others of such assessment; or (2) in the case of an opinion related to a containment or removal action, has either (i) managed, supervised, or actually performed such action, or (ii) periodically review and evaluated the performance by others of such action, to determine whether the completed work has complied with the provisions of chapter twenty-one E and the Massachusetts Contingency Plan promulgated pursuant to said chapter. Such an opinion shall include, without limitation, an opinion as to whether (1) any one or more of the following is adequate to protect public health, safety, welfare, and the environment and to comply with the provisions of said chapter twenty-one E and all other laws, regulations, orders, permits, and approvals applicable to such response action or response actions: an assessment, short term measure, interim remedial response, temporary measure, final remedial response plan, or permanent solution; or (2) a permit is required for a response action pursuant to the provisions of said chapter twenty-one E; or (3) if a permit is required pursuant to the provisions of said chapter twenty-one E, whether or not the permit application has been prepared in compliance with the provisions of said chapter twenty-one E and the Massachusetts Contingency Plan promulgated pursuant to said chapter; or (4) public participation activities required of persons other than the department pursuant to subsection (a) of section fourteen of said chapter twenty-one E have been conducted in compliance with the provisions of said chapter and all applicable regulations; or (5) one or more response actions constitute a temporary or permanent solution pursuant to the provisions of said chapter twenty-one E; or (6) any other opinion that, pursuant to subsection (e) of section three of said chapter twenty-one E, may be rendered only by a hazardous

waste site cleanup professional licensed pursuant to sections nineteen through nineteen J, inclusive. This term shall not include the providing of legal advice or of a legal opinion by an attorney.

"Hazardous waste site cleanup professional", an individual who, by reason of appropriate education, training, and experience, is qualified, as attested by being licensed by the board, to render waste site cleanup activity opinions that can be relied on as sufficient to protect public health, safety, welfare, and the environment.

Section 19A. There is hereby established within the executive office of environmental affairs the board of registration of hazardous waste site cleanup professionals. The board shall consist of eleven members. One member, who shall be the chairman of the board, shall be the commissioner of the department or his designee; provided, that said designee shall be a full-time employee of the department at all times while he is so designated. The governor shall appoint the other ten members of the board, who shall be the following: five shall be hazardous waste site cleanup professionals licensed by the board at all times while they are members of the board effective one year after the date of publication in the Massachusetts Register of the first regulations promulgated pursuant to section nineteen B; provided, however, one such licensed hazardous waste site cleanup professional shall be a full-time employee of a manufacturing firm engaged in the utilization of hazardous materials and one other such licensed hazardous waste site cleanup professional shall be a full-time employee of a firm engaged in the manufacturing and processing of petroleum products; three shall be members of statewide organizations that promote the protection of the environment at the time of appointments and who are knowledgeable with respect to issues involving responding to releases of oil and hazardous materials; one shall be a member of a labor organization who is knowledgeable with respect to issues involving responding to releases of oil and hazardous materials; and one shall be a hydrogeologist who is knowledgeable with respect to issues involving responding to releases of oil and hazardous materials and environmental protection. Until one year after the date of publication in the Massachusetts Register of the first regulations promulgated pursuant to section nineteen B, five environmental professionals who have knowledge and experience, and are presently engaged, in responding to releases of oil and hazardous materials shall serve in place of the five licensed hazardous waste site cleanup professionals; provided, however, that one such environmental professional shall be a full-time employee of a manufacturing firm engaged in the utilization of hazardous materials, and one other such environmental professional shall be a full-time employee of a firm engaged in the manufacturing and processing of petroleum products. The terms of the ten members of the board initially appointed by the governor shall expire one year after the date of publication in the Massachusetts Register of the first regulations promulgated pursuant to section nineteen B. The governor shall thereupon appoint two licensed hazardous waste site cleanup professionals to a one-year term beginning one year after the date of publication in the Massachusetts Register of the first regulations promulgated pursuant to section nineteen B, one licensed hazardous waste site cleanup professional to a two-year term beginning on said date, one licensed hazardous waste site cleanup professional to a three-year term beginning on said date; and one licensed hazardous waste site cleanup professional to a four-year term beginning on said date; one member from a statewide organization that promotes the protection of the environment to a two-year term beginning on said date, a member from a statewide organization that promotes the protection of the environment to a three-year term beginning on said date, and a member from a statewide organization that promotes the protection of the environment to a four-year term beginning on said date, the representative from the labor organization

to a three-year term beginning on said date and the hydrogeologist to a four-year term.

Thereafter, the term of the ten members of the board appointed by the governor shall be four years. Each of the ten members of the board appointed by the governor whose term has expired shall continue to be members of the board until his successor is appointed and qualified, at which time the successor shall complete the unexpired portion of the term. The ten members of the board appointed by the governor shall serve without compensation.

Subject to appropriation, the secretary of the executive office of environmental affairs shall employ such staff and other persons as are required to assist him or the board or both in the performance of their functions or duties pursuant to sections nineteen through nineteen J, inclusive, including, without limitation, administrative law judges who may conduct adjudicatory proceedings held pursuant to sections nineteen through nineteen J, inclusive; provided, that the board shall make all final decisions in such adjudicatory proceedings.

Section 19B. (a) The board shall adopt, and may from time to time amend and repeal, regulations as it deems necessary for the implementation, administration, and enforcement of sections nineteen through nineteen J, inclusive. Said regulations shall be adopted, amended, or repealed pursuant to section two of chapter thirty A and all other provisions of chapter thirty A governing the adoption, amendment, and repeal of regulations. Said regulations shall include, without limitation, requirements for education, training, experience, and references and standards for professional conduct. Said standards shall be sufficiently stringent so that all waste site cleanup activity opinions rendered by all individuals meeting such standards and licensed by the board shall be rendered so that they protect public health, safety, welfare, and the environment.

(b) Without limiting the generality or applicability of the foregoing, by no later than January first, nineteen hundred and ninety-three, the board shall promulgate, in accordance with section two of chapter thirty A, and shall submit to the state secretary for publication in the Massachusetts Register, in accordance with sections five and six of chapter thirty A, regulations establishing standards for education, training, experience, and references that must be met by all individuals in order to thereafter be eligible to be licensed by the board as a hazardous waste site cleanup professional. By no later than January first, nineteen hundred and ninety-three, the board shall submit to the state secretary for publication in the Massachusetts Register, and the state secretary shall publish in the Massachusetts Register, in accordance with sections five and six of chapter thirty A, the notice required by section two of chapter thirty A and a draft of the regulations described in the preceding sentence.

Upon written request from an individual licensed by the board as a hazardous waste site cleanup professional, the board may render an advisory opinion interpreting one or more regulations promulgated by the board establishing standards for professional conduct. An opinion rendered by the board, until and unless amended or revoked, shall be a defense in a criminal action brought under sections nineteen through nineteen J, inclusive, and shall be binding on the board in any subsequent proceedings concerning the individual who requested the opinion and acted in good faith in reliance thereon, unless material facts were omitted or misstated by the individual in the request for an opinion. Such requests shall be confidential; provided, however, that the board may publish such opinions, but the name of the requesting individual and other identifying information shall not be included in such publication unless the requesting individual consents to such inclusion.

Notwithstanding any other general or special law to the contrary, no licensed hazardous waste site cleanup professional

shall be liable to any other person for making any disclosure in good faith if such disclosure is required pursuant to any law or to any regulation or order of the board or of the department or of any agency of the United States, or of the commonwealth, or of any city or town or other body politic, or pursuant to any court order or judicial process.

Section 19C. The board may license individuals to be hazardous waste site cleanup professionals. Each application for an initial license or license renewal shall be accompanied by a fee established by the board that shall be set to cover all costs of processing the application, and each licensee whose license is valid for one year or more shall pay an annual fee that shall be set to cover all costs of administering and enforcing sections nineteen through nineteen J, inclusive, and shall otherwise be set in accordance with the provisions of section three B of chapter seven. The board may deny an application for an initial license or for a license renewal, or suspend or revoke a license, at any time for cause. The board may grant an application for an initial license or for a license renewal, and may allow a license to remain in effect, only if and while the board is persuaded that the applicant for or holder of the license is in compliance, and will be in compliance routinely and on a continuing basis, with all standards and requirements applicable to hazardous waste site cleanup professionals. Each license issued pursuant to sections nineteen through nineteen J, inclusive, shall be issued only to an individual, shall be valid only for the individual to whom it is issued, and may not be transferred. Each license issued pursuant to sections nineteen through nineteen J, inclusive, shall be for a period not to exceed five years, unless a shorter term is specified therein, or unless sooner suspended or revoked. Any individual whose application for an initial license or for a license renewal is denied, or whose license is revoked, may be barred by the board from applying for a license for a period of not more than five years. The term during which reapplication is barred shall be established as part of the determination or decision of the board in the proceedings concerning the denial or revocation.

The board shall cause notice of each license application, approval, denial, suspension, or revocation, or the lifting or termination of each license suspension, and of each public censure and private censure, and of the results of all adjudicatory proceedings thereon, to be given to the department promptly and in whatever ways are necessary in order to enable the department to promptly and properly exercise its powers and perform its duties pursuant to the provisions of this chapter, chapter twenty-one E, and all other applicable laws. The board shall not approve an application for an initial license or for a license renewal until at least thirty days after the department has received said notice, or until the department has notified the board in writing that it has no objection to the approval of the application, whichever occurs first.

Section 19D. Effective on and after one year after publication in the Massachusetts Register of the first regulations promulgated pursuant to section nineteen B, no person shall be, or act as, or advertise as, or hold himself out to be, or represent himself as being, a hazardous waste site cleanup professional unless that person is in possession of a valid license issued by the board.

The provisions of sections nineteen through nineteen J, inclusive, and of chapter twenty-one E, and regulations promulgated pursuant thereto, shall not restrict or prohibit and shall not be construed as restricting or prohibiting any person who is a full-time employee or may become a full-time employee of a person who is or may potentially be an owner or operator as defined in said chapter twenty-one E or of a person who is or may potentially be liable pursuant to the provisions of said chapter twenty-one E from being licensed as a hazardous waste site cleanup professional if so qualified pursuant to standards

established, through regulation, by the board. The provisions of section nineteen through nineteen J, inclusive, and of chapter twenty-one E, and regulations promulgated thereto, shall not restrict or prohibit and shall not be construed as restricting or prohibiting any such full-time employee, if so licensed, from undertaking any activity permitted by regulations for hazardous waste site cleanup professionals at the request of such employee's employer.

Section 19E. Personnel or authorized agents of the board or of the department may at all reasonable times enter any known or suspected site, vessel, or other location, whether public or private, for the purpose of investigating, sampling, inspecting, or copying any records, condition, equipment, practice, or property relating to activities subject to sections nineteen through nineteen J, inclusive. Personnel or authorized agents of the board may and shall seek a warrant authorizing such entry whenever they wish to enter any location and either they do not wish to ask permission for such entry first or permission for such entry has been sought and refused. Any court, judge, or justice authorized to issue warrants in criminal cases may issue such warrants authorizing such entry by personnel or authorized agents of the board upon a showing that such entry is necessary to allow the board to carry out its regular procedures for verifying compliance with sections nineteen through nineteen J, inclusive, and the regulations promulgated by the board pursuant to sections nineteen through nineteen J, inclusive.

Where necessary to ascertain facts relevant to, or not available at, such site, vessel, or other location, any person shall, upon request of any officer, employee, or duly authorized representative of the board or of the department, furnish information relating to activities subject to sections nineteen through nineteen J, inclusive, and shall permit said officers, employees, or authorized representatives to have access to, and to copy, all records relating to said activities.

In the event that the board or the department has reason to believe that any person has made fraudulent representations to the board or the department or has destroyed or concealed evidence relating to any activity subject to sections nineteen through nineteen J, inclusive, the board or the department may seize any records, equipment, property, or other evidence it deems necessary.

Any monetary claims against an employee of the commonwealth based on non-compliance with sections nineteen through nineteen J, inclusive, including any claim based on a failure to use due care in the execution of his duties as a licensed hazardous waste site cleanup professional, shall be limited to actions brought under the provisions of chapter two hundred and fifty-eight.

Section 19F. Whenever it appears that there is a violation of any provision of sections nineteen through nineteen J, inclusive, or of any regulation, license, or order issued or adopted thereunder, the board may issue to a person causing or contributing, or likely to cause or contribute, to such violation an order requiring the production or analysis of samples, requiring the production of records, or imposing such restraints on or requiring such action by said person, as the board deems necessary to abate or prevent such hazard or violation. Issuance of an order pursuant to this section shall not preclude, and shall not be deemed an election to forego, any action to suspend or revoke a license, to recover damages, or to seek injunctive relief, civil or criminal penalties, or any other remedy.

The board shall cause notice of each order, and of the results of all adjudicatory proceedings thereon, to be given to the department as promptly as necessary and in whatever ways are necessary in order to enable the department to promptly and

properly exercise its powers and perform its duties pursuant to the provisions of this chapter, chapter twenty-one E, and all other applicable laws.

Section 19G. (1) The board may assess a civil administrative penalty on a person who fails to comply with any provision of any regulation, order, or license issued or adopted by the board, or with any provision of sections nineteen through nineteen J, inclusive, subject to the following requirements:

(a) In all cases, such noncompliance occurred after the board had given such person written notice of such noncompliance, and after reasonable time, as determined by the board and stated in said notice, has elapsed for coming into compliance; provided, that the board may assess such penalty without providing such written notice if such failure to comply: (i) was part of a pattern of noncompliance and not an isolated instance, or (ii) was willful and not the result of error, or (iii) resulted in significant impact on public health, safety, welfare, or the environment. For the purpose of determining whether noncompliance was part of a pattern of noncompliance and not an isolated instance, the board shall consider, but not be limited to, the following: whether or not the board had previously notified the person of any noncompliance on two occasions during the previous four-year period, or of any noncompliance with the same provision of a law, regulation, order, or license as the current noncompliance during the previous five-year period; and whether or not the current and previous noncompliances, considered together, indicate a potential threat to public health, safety, welfare, or the environment or an interference with the ability of the board to efficiently and effectively administer the board's programs or to enforce any regulation, order, or license the board has issued or adopted or any provision of sections nineteen through nineteen J, inclusive. If a person who has received a notice of noncompliance fails to come into compliance within the time period stated in such notice, the civil administrative penalty may be assessed by the board upon such person from the date of receipt of such notice.

(b) All other provisions of section sixteen shall apply to all administrative and judicial proceedings for the assessment of civil administrative penalties pursuant to this section, except that for each day a violation occurs or continues, the civil administrative penalty for such violation shall not exceed one thousand dollars. This remedy shall be in addition to any other provided by law.

(c) In addition to the requirements set forth in paragraphs (a) and (b), the following additional requirements shall apply to all noncompliance except noncompliance with section nineteen D:

(i) No notice of intent to assess a civil administrative penalty shall be issued until the person to whom the notice is intended to be issued has been given an opportunity to informally discuss the alleged noncompliance with the board. Such informal discussion shall not be an adjudicatory proceeding and shall not be subject to those provisions of chapter thirty A governing adjudicatory proceedings;

(ii) In every proceeding involving assessment of a civil administrative penalty, the person on whom the civil administrative penalty is assessed shall have the right to choose to either pay the full amount of the civil administrative penalty or attend and successfully complete a course of remedial education prescribed by the board if the board assesses the civil administrative penalty. If the person on whom the civil administrative penalty is assessed chooses to, but does not, attend and successfully

complete the course of remedial education prescribed by the board, the person on whom the civil administrative penalty is assessed shall pay the full amount of the civil administrative penalty, plus interest calculated from the date on which he chose to attend the course of remedial education.

(iii) Notwithstanding any provision of subsection (b) to the contrary, the total amount of a civil administrative penalty subject to this subsection (c) shall not exceed, in the aggregate, one thousand dollars.

(2) The board may issue a public censure or a private censure to a licensee at any time for cause.

Section 19H. Any person aggrieved by a determination by the board and who has legal standing to do so, may request an adjudicatory hearing before the board if the determination is made in an adjudicatory proceeding as that term is defined and used in chapter thirty A. Any such determination shall contain a notice of the right to request a hearing and may specify a reasonable time limit, not to exceed twenty-one days, within which said person shall request such hearing. If no such request is timely made, the determination shall be deemed assented to. If a timely request is received, the board shall, within a reasonable time, act upon such request. All adjudicatory proceedings before the board shall be conducted in accordance with all provisions of chapter thirty A governing the conduct of adjudicatory proceedings.

If in making a determination subject to this section, the board finds that an imminent threat to public health or safety or to the environment could result during the pendency of an adjudicatory proceeding, the board may order that the determination become provisionally effective and enforceable immediately upon issuance, and shall remain so notwithstanding and until the conclusion of the adjudicatory proceeding, unless the board orders otherwise during the course of the adjudicatory proceeding.

Any person aggrieved by a final decision of the board in an adjudicatory proceeding held pursuant to this section may obtain judicial review thereof pursuant to the provisions of chapter thirty A.

Section 19I. The superior court department of the trial court shall have jurisdiction to enjoin violations of, or to grant such additional relief as it deems necessary or appropriate to secure compliance with, the provisions of sections nineteen through nineteen J, or of any regulation, license, or order issued or adopted thereunder, upon the petition of the board, the department, or the attorney general.

Any monetary claims against an employee of the commonwealth based on non-compliance with sections nineteen through nineteen J, inclusive, including any claim based on a failure to use due care in the execution of his duties as a licensed waste site cleanup professional, shall be limited to actions brought under the provisions of chapter two hundred and fifty-eight of the General Laws.

Section 19J. Any person who violates section nineteen D, or who knowingly makes any materially false or inaccurate statement in any application, record, report, plan, design, or statement which said person submits to the board or the department, or who knowingly makes any materially false, or inaccurate statement in any record, report, plan, file, log, or register which that person keeps or is required to keep pursuant to any law, regulation, or order for the protection of the environment, or who knowingly and materially falsifies, tampers with, alters, destroys, or disturbs any mechanism, recovery, or control system, or any monitoring device or method which any person maintains or which is required to be maintained pursuant to any law, regulation, or order for the protection of the environment, or who violates any provision of sections

nineteen through nineteen J in a manner that constitutes knowing endangerment of public health or safety or the environment, or who knowingly allows or suffers any of his employees, agents, or contractors to do any of the foregoing, shall be punished by a fine of not more than one thousand dollars or by imprisonment in a house of correction for not more than one year, or both. Each day each such violation occurs or continues shall be considered a separate offense, provided that in no event shall a fine exceed, in the aggregate, ten thousand dollars, and that a term of imprisonment shall not exceed, in the aggregate, two years.

Any monetary claims against an employee of the commonwealth based on non-compliance with sections nineteen through nineteen J, inclusive, including any claim based on a failure to use due care in the execution of his duties as a licensed waste site cleanup professional, shall be limited to actions brought under the provisions of chapter two hundred and fifty-eight of the General Laws.

SECTION 271. Said section 2 of said chapter 21E is hereby further amended by inserting after the definition of "Exposure" the following definition:-

"Fiduciary", a person (a) who is acting in any of the following capacities: an executor or administrator as defined in section one of chapter one hundred ninety-seven, including a voluntary executor or a voluntary administrator; a guardian; a conservator; a trustee under a will or inter vivos instrument creating a trust under which the trustee takes title to, or otherwise controls or manages, property for the purpose of protecting or conserving such property under the ordinary rules applied in the courts of the commonwealth; a court-appointed receiver; a trustee appointed in proceedings under federal bankruptcy laws; an assignee or a trustee acting under an assignment made for the benefit of creditors pursuant to sections forty through forty-two of chapter two hundred and three; or a trustee, pursuant to an indenture agreement or similar financing agreement, for debt securities, certificates of interest of participation in any such debt securities, or any successor thereto, and (b) who holds legal title to, controls, or manages, directly or indirectly, any site or vessel as a fiduciary for purposes of administering an estate or trust of which such site or vessel is a part.

SECTION 272. Said section 2 of said chapter 21E is hereby further amended by striking out, in lines 70 and 71, the words "or otherwise unacceptable".

SECTION 273. Said section 2 of said chapter 21E is hereby further amended by inserting after the definition of "Imminent hazard" the following definition:-

"Indicia of ownership primarily to protect a security interest", only those interests in real or personal property typically acquired and held as security or collateral for payment or performance of an obligation. Such interests shall include, without limitation, a mortgage, deed of trust, lien, security interest, assignment, pledge, or other right or encumbrance against real or personal property, including those security interests which have a contingent interest component, which are furnished by the owner thereof to assure repayment of a financial obligation; and contractual participation rights in such interest; provided, that the contract conferring such rights confers no other interest in the site or vessel.

Such interests shall not include the following:- those to protect any interest in property owned or held for investment purposes; a lease or a consignment which may not be considered a secured transaction under applicable principles of commercial law; interests of a person acting as a trustee of property or of a business; and any interest other than one created

as a bona fide security interest in real or personal property.

SECTION 274. Said section 2 of said chapter 21E is hereby further amended by striking out the definition of "Owner" or "Operator" and inserting in place thereof the following definition:-

"Owner", or "Operator", (a) (1) in the case of a vessel, any person owning, operating or chartering by demise such vessel, (2) in the case of a site, any person owning or operating such site, (3) in the case of an abandoned site, any person who owned, operated, or otherwise controlled activities at such site, vessel, onshore oil facility, offshore oil facility, deepwater port, or pipeline, any person who owned, operated, or otherwise controlled activities at such site immediately prior to such abandonment, except that, in the case of an onshore oil facility or offshore oil facility, this definition shall not include an agency or political subdivision of the federal government or the commonwealth, or any interstate body, that owned an onshore oil facility or offshore oil facility and that, as the owner, transferred possession and right to operate the onshore oil facility or offshore oil facility to another person by lease, assignment, or permit, immediately prior to such abandonment, (4) in the case of an onshore oil facility, other than a pipeline, any person owning or operating the onshore oil facility, except that this definition shall not include an agency or political subdivision of the federal government or the commonwealth, or any interstate body, that owns an onshore oil facility and that, as the owner, transfers possession and right to operate the onshore oil facility to another person by lease, assignment, or permit, (5) in the case of an offshore oil facility, other than a pipeline or a deepwater port licensed under the U.S. Deepwater Port Act of 1974, the lessee or permittee of the area in which the offshore oil facility is located or the holder of a right of use and easement granted under an applicable law of the commonwealth or the U.S. Outer Continental Shelf Lands Act, for the area in which the offshore oil facility is located if such holder is a different person from the lessee or permittee; provided, however, that this definition shall not include an agency or political subdivision of the federal government or the commonwealth, or any interstate body, that owns an offshore oil facility and that, as the owner, transfers possession and right to operate the offshore oil facility to another person by lease, assignment, or permit, (6) in the case of a deepwater port licensed under the U.S. Deepwater Port Act of 1974, the licensee, (7) in the case of a pipeline, any person owning or operating the pipeline, (8) when a fiduciary who is not an owner or operator pursuant to this definition has title or control or management of a site or vessel, the grantor or settlor of the estate or trust in question, to the extent the assets of the estate or trust are insufficient to pay for liability pursuant to this chapter, and (9) when a secured lender who is not an owner or operator pursuant to this definition has ownership or possession of a site or vessel, any person who owned or operated such site or vessel immediately prior to such secured lender obtaining ownership or possession of such site or vessel. The term shall include any estate or trust of which the site or vessel is a part. The term shall not include the commonwealth to the extent the commonwealth holds or held any right, title, or interest in a site or vessel solely for the purpose of implementing or enforcing the commonwealth's rights or responsibilities pursuant to this chapter, unless the commonwealth caused or contributed to the release or threat of release; provided, that nothing in this definition or in this chapter shall be construed to waive any immunity that public employers or public employees may have pursuant to chapter two hundred fifty-eight. The term shall not include a fiduciary or secured lender who meets the requirements set forth in this definition. The term "operator" shall not include a hazardous waste site cleanup professional solely because he is acting in his professional capacity as a hazardous waste site cleanup professional with regard to the site

or vessel.

(b) A fiduciary shall not be deemed an owner or operator if all of the following requirements are met:

(1) No act of the fiduciary causes or contributes to the release or threat of release or causes the release or threat of release to become worse than it otherwise would have been.

(2) After acquiring title to or commencing control or management of the site or vessel, the fiduciary satisfies all of the following conditions:

(A) the fiduciary notifies the department immediately upon obtaining knowledge of a release or threat of release for which notification is required pursuant to, and in compliance with, section seven or regulations promulgated pursuant thereto,

(B) the fiduciary provides reasonable access to the site or vessel to employees, agents, and contractors of the department to conduct response actions, and to other persons intending to conduct necessary response actions,

(C) the fiduciary notifies the department immediately upon obtaining knowledge or reasonable basis for believing that there are not sufficient assets available in the estate or trust to satisfy one or more of the conditions set forth in subclause (D) of clause (2) of this subsection of this definition,

(D) upon obtaining knowledge of a release or threat of release of oil or hazardous material, and to the extent that assets are available in the estate or trust,

(i) the fiduciary undertakes reasonable steps to (a) prevent the exposure of persons to oil or hazardous materials by fencing or otherwise preventing access to the site or vessel, and (b) contain the further release or threat of release of oil or hazardous materials from a structure or container, and

(ii) if there is significant evidence of an imminent hazard to public health, safety, welfare, or the environment from oil or hazardous materials at or from the site or vessel, the fiduciary takes action to control the potential for health damage, human exposure, safety hazards, and environmental harm through appropriate short term measures,

(E) if the fiduciary elects to voluntarily undertake a response action or portion of a response action at the site or vessel, the fiduciary conducts such response action or portion of a response action in compliance with the requirements of this chapter and the Massachusetts Contingency Plan, and

(F) in the case of a fiduciary who is acting pursuant to an assignment made for the benefit of creditors, the fiduciary notifies the department in writing of the assignment immediately upon his acceptance thereof.

A fiduciary who takes any action referred to in clauses (b) (2) (A) through (D) of this definition shall not be deemed an owner or operator solely because said fiduciary took such action.

Nothing in this chapter shall preclude claims against a fiduciary solely in the fiduciary's representative capacity.

Nothing in clause (b) (2) (D) of this definition shall require a fiduciary to utilize any funds other than the assets of the estate or trust to satisfy the conditions set forth in clause (b) (2) (D) of this definition, provided that all of the conditions of clause (b) of this definition are met.

For purposes of this chapter, the assets of the estate or trust shall include: (i) any assets in the estate or trust of which the site or vessel is a part (hereafter "the estate or trust"); (ii) any assets that are, at or subsequent to the time the fiduciary obtained knowledge of a release or threat of release, placed in any other estate or trust by action of or on behalf of a settlor or grantor

of the estate or trust of which the site or vessel is a part when such settlor or grantor is or was an owner or operator of the site or vessel, if such other estate or trust is or was controlled or managed by the fiduciary of the estate or trust of which the site or vessel is a part; and (iii) any assets that are at or subsequent to the time the fiduciary obtained knowledge of a release or threat of release, transferred by the fiduciary out of the estate or trust of which the site or vessel is a part for less than full and fair consideration, as determined by the fiduciary in good faith.

Nothing in this definition shall affect the liability, responsibilities, or rights of a grantor or beneficiary of an estate or trust, or of any person other than a fiduciary acting solely in his representative capacity, pursuant to this chapter or any other law.

(c) A secured lender shall not be deemed an owner or operator if all of the following requirements are met:

(1) No act of the secured lender, or of the secured lender's employee or agent, causes or contributes to the release or threat of release or causes the release or threat of release to become worse than it otherwise would have been.

(2) Before acquiring ownership or possession of the site or vessel, the secured lender does not participate in the management of the site or vessel. For purposes of this definition, participation in the management of the site or vessel shall include substantially divesting from the borrower or any other person possession or control over those aspects of the operations involving the management of oil or hazardous materials, and shall not include doing any combination of one or more of the following:

(A) requiring or conducting assessments of the site or vessel or any portion thereof,

(B) engaging in the regular or periodic monitoring of the business conducted at or on the site or vessel,

(C) making the provision or continuation of financing conditional on covenants, representations, or warranties concerning any combination of one or more of the following: the proper handling, use, storage, transport, or disposal of oil or hazardous materials at or from the site or vessel; the timely and proper response to releases or threats of release of oil or hazardous materials at or from the site or vessel; the maintenance of the site or vessel in compliance with this chapter and other applicable laws or regulations; or the periodic submission of information concerning oil or hazardous materials at or from the site or vessel,

(D) providing periodic advice, information, guidance, or direction concerning the general business and financial aspects of a borrower's operations, excluding advice, guidance, or direction concerning those aspects of the borrower's operations involving the management of oil or hazardous materials described in clause (c) (2) (C) of this definition,

(E) providing general information concerning a borrower's obligations pursuant to this chapter and the Massachusetts Contingency Plan and information on how the borrower may identify and select a waste site cleanup professional licensed pursuant to sections nineteen through nineteen J of chapter twenty-one A, and general information concerning a borrower's obligations pursuant to other federal, state or local laws concerning the transportation, storage, treatment and disposal of hazardous waste or hazardous materials, and

(F) engaging in financial workouts, restructuring, or refinancing of the borrower's obligation, or undertaking activities to protect or preserve the value of the security interest in a site or vessel excluding activities involving those aspects of the borrower's operations involving the management of oil or hazardous materials.

(3) After acquiring ownership or possession of the site or vessel, and upon obtaining knowledge of a release or threat of

release of oil or hazardous material, the secured lender satisfies all of the following conditions:

(A) the secured lender notifies the department immediately upon obtaining knowledge of a release or threat of release for which notification is required pursuant to, and in compliance with, section seven or regulations promulgated pursuant thereto,

(B) the secured lender provides reasonable access to the site or vessel to employees, agents, and contractors of the department to conduct response actions, and to other persons intending to conduct necessary response actions,

(C) the secured lender undertakes reasonable steps to (i) prevent the exposure of persons to oil or hazardous materials by fencing or otherwise preventing access to the site or vessel, and (ii) contain the further release or threat of release of oil or hazardous materials from a structure or container,

(D) if the secured lender elects to voluntarily undertake a response action or portion of a response action at the site or vessel, the secured lender conducts such response action or portion of a response action in compliance with the requirements of this chapter and the Massachusetts Contingency Plan, and

(E) the secured lender acts diligently to sell or otherwise divest itself of ownership or possession of the site or vessel. Whether the secured lender is acting or has acted diligently to sell or otherwise divest itself of ownership or possession of the site or vessel shall be determined as follows:

(i) during the first eighteen months after the secured lender first acquired ownership or possession of the site or vessel, whichever occurs earlier, there shall be a presumption that the secured lender is acting diligently to sell or otherwise divest itself of ownership or possession of the site or vessel; this presumption may be rebutted by a preponderance of the evidence;

(ii) if the secured lender has not divested itself of ownership or possession of the vessel or site after the expiration of the eighteen-month period specified in clause (c) (3) (E) (i) of this definition, then during the next forty-two months, the burden of proof shall be on the secured lender to demonstrate by a preponderance of the evidence that the secured lender is acting diligently to sell or otherwise divest itself of ownership or possession of the site or vessel;

(iii) in determining whether or not the secured lender is acting diligently to sell or otherwise divest itself of ownership or possession of the site or vessel, the following factors shall be considered:

(a) the use or uses to which the site or vessel was put or is being put during the period in question,

(b) market conditions,

(c) the extent of contamination of the site or vessel and the impacts of such contamination on marketability of the site or vessel,

(d) the applicability of, and compliance by such person with, federal and state requirements relevant to sale or divestment of property in which such person holds or formerly held a security interest, and

(e) legal constraints on sale or divestment of ownership or possession;

(iv) if the secured lender has not divested itself of ownership or possession of the site or vessel within five years after the secured lender first acquired ownership or possession, whichever occurred earlier, and can establish by a preponderance of the evidence that it satisfies all of the conditions in clause (c) of this definition, then, subject to the limitation provided below, there shall be no liability under section 5 (a). A secured lender who can establish by a preponderance of the evidence

that it satisfies all of the conditions in clause (c) of this definition and who has not divested itself of ownership or possession of the site or vessel within five years after the secured lender first acquired ownership or possession, and whose property has been the site of a release of oil or hazardous material for which the department has incurred costs for assessment, containment, or removal pursuant to sections three A, four, five A, five B, eight, nine, ten, eleven, twelve, thirteen, or fourteen, shall be liable to the commonwealth only to the extent of the value of the property following the department's assessment, containment, and response actions, less the total amount of costs reasonably paid by said person for carrying out assessment, containment, and response actions in compliance with the Massachusetts Contingency Plan and all other applicable requirements of this chapter.

A secured lender who takes any action referred to in clauses (3) (A) and (B) of this definition shall not be deemed an owner or operator because said secured lender took such action. A secured lender who takes any action referred to in clauses (3) (C) and (D) of this definition shall not be deemed an owner or operator solely because said secured lender took such action.

A secured lender who meets all the requirements set forth in this clause (c) shall be excluded from the definition of owner or operator only with respect to releases and threats of release that first begin to occur before such secured lender acquires ownership or possession of the site or vessel. Notwithstanding any other provision of this definition, a secured lender shall be deemed an owner or operator with respect to any release or threat of release that first begins to occur at or from a site or vessel during the time that such secured lender has ownership or possession of it for any purpose.

Notwithstanding any other provision of this definition, a secured lender shall be deemed an owner or operator of an abandoned site if such secured lender owned, operated, or held ownership or possession of such site pursuant to clause (c) (3) of this definition immediately prior to such abandonment.

SECTION 275. Said section 2 of said chapter 21E is hereby further amended by inserting after the definition of "Response action contractor" or "contractor" the following definition:-

"Secured lender", (1) a person who holds indicia of ownership in a site or vessel primarily to protect that person's security interest in said site or vessel;

(2) two persons when one holds indicia of ownership in a site or vessel primarily to protect the other person's security interest in that site or vessel if the person holding the indicia of ownership is (a) wholly owned by the person holding the security interest, or (b) an affiliate of the person holding the security interest and both are wholly-owned, directly or indirectly, by the same person; and

(3) persons who hold contractual participation rights in a security interest, and any of the following which hold indicia of ownership in a site or vessel primarily to protect that security interest: a wholly owned subsidiary of any such person; an affiliate of any such person if both are wholly-owned, directly or indirectly, by the same person; and any entity formed among such persons, subsidiaries or affiliates.

SECTION 276. Said section 2 of said chapter 21E is hereby further amended by striking out the definition of "Statement of claim" or "statement" and inserting in place thereof the following definition:-

"Statement of claim" or "statement", an instrument signed by the commissioner, describing a particular site or sites or vessel or vessels and naming the person or persons then deemed by the commissioner to be liable under the provisions of this chapter

with respect to each such site or vessel and their residential addresses, to the extent known to the commissioner, and declaring a lien upon the property of such person or persons for the payment of amounts due or to become due from such person or persons to the commonwealth under the provisions of this chapter; provided, however, that neither failure to state any such address nor the designation of an incorrect address shall invalidate such statement; and provided further, that successive statements, naming other persons so deemed to be liable, may be issued; and provided further, that if the property in question is owned or possessed by a fiduciary or a secured lender, who is not liable under this chapter with respect to the site or vessel in question, the mention of the fiduciary or the secured lender in the statement as a person who owns or possesses the site or vessel shall not constitute a finding or evidence that such person is liable under this chapter, and the lien shall only be on the property in question and not upon all property of such fiduciary or secured lender.

SECTION 277. The definition of "Substantial hazard" in said section 2 of said chapter 21E is hereby further amended by striking out the following words:- "or otherwise unacceptable".

SECTION 278. Section 3 of chapter 21E of the General Laws is hereby amended by inserting after subsection (c) the following subsections:-

(d) The department shall adopt and from time to time amend or repeal regulations establishing classes or categories of persons or response actions or sites or vessels, or any combination of the foregoing, so that such persons may carry out such response actions at such sites or vessels only after prior issuance of a permit issued by the department; and establishing classes or categories of persons or response actions or sites or vessels, or any combination of the foregoing, so that such persons may carry out such response actions at such sites or vessels without prior issuance of a permit issued by the department.

The department shall adopt and from time to time amend or repeal regulations establishing one or more classes or categories of permits for carrying out response actions in those cases for which a permit is required.

In adopting, amending, and repealing all regulations pursuant to this subsection, the department shall consider at least the following:-

(1) the existence, source, nature, and extent of a release or threat of release of oil or hazardous materials,

(2) the nature and extent of danger to public health, safety, welfare, and the environment,

(3) the magnitude and complexity of the actions necessary to assess, contain, or remove the oil or hazardous material in question;

(4) the extent to which there are legally enforceable standardized methods and criteria for the class or category of response action in question,

(5) the extent to which the department needs to be persuaded, or is persuaded, or both, that persons who would obtain permits, or who would be allowed to carry out a response action without a permit, have demonstrated that they are able and willing to carry out the response actions in question in compliance with the provisions of this chapter, all regulations adopted pursuant to this chapter, and all other applicable statutes and regulations, and

(6) the extent to which department oversight is necessary to ensure compliance with this chapter.

Persons may carry out any response action without the prior issuance of a permit issued by the department for such response action if such response action is otherwise in compliance with the provisions of this chapter, all regulations promulgated

pursuant to this chapter, and all other applicable statutes and regulations until all of the following have occurred: (a) licenses have been issued to hazardous waste site cleanup professionals pursuant to sections nineteen through nineteen J of chapter twenty-one A, and (b) standards and requirements for the class or category of permit and response action in question have been promulgated by the department and are in effect.

Except as otherwise provided in this chapter, no person shall carry out any response action without the prior issuance of a permit issued by the department for such response action, or in any manner not in conformity with the terms and conditions of such permit.

By no later than July first, nineteen hundred and ninety-three, the department shall promulgate in accordance with section two of chapter thirty A, and shall submit to the state secretary for publication in the Massachusetts Register in accordance with sections five and six of chapter thirty A, regulations, standards, and requirements required by this subsection. By no later than January first, nineteen hundred and ninety-three, the department shall submit to the state secretary for publication in the Massachusetts Register, and the state secretary shall publish in the Massachusetts Register, in accordance with sections five and six of chapter thirty A, the notice required by section two of chapter thirty A and a draft of the regulations, standards, and requirements described in the preceding sentence. After the initial promulgation of regulations, requirements, and standards required by this subsection (d), the department may amend or repeal them, or adopt additional ones, in accordance with all applicable requirements of chapter thirty A.

(e) The department shall adopt and from time to time amend or repeal regulations establishing classes or categories of response actions or sites or vessels, or any combination of the foregoing, so that persons who carry out such response actions at such sites or vessels shall be required to cause to be rendered a waste site cleanup activity opinion, as that term is defined in section nineteen of chapter twenty-one A. Without limiting the generality of the foregoing, said regulations (1) shall set requirements for reasonable documentation to support such opinions, and (2) shall set requirements for the availability of such opinions to the department and to other persons, and (3) may authorize one or more of the opinions described in clauses (1) through (5) of the definition of waste site cleanup activity opinion, as that term is defined in section nineteen of chapter twenty-one A, to be rendered by persons who are not in possession of a valid license issued pursuant to sections nineteen through nineteen J of chapter twenty-one A, and (4) may establish classes or categories of response actions or sites or vessels, or any combination of the foregoing, for which a waste site cleanup activity opinion need not be rendered. The department may impose terms and conditions on the applicability of such regulations.

SECTION 279. Subsection (b) of section 3A of chapter 21E of the General Laws is hereby amended by striking out the first paragraph and inserting in place thereof the following:-

By January fifteenth, nineteen hundred and eighty-seven, the department shall publish a list of all disposal sites confirmed by the department to that date, and a list of locations to be investigated as possible disposal sites. Thereafter, the department shall maintain such list and shall update and publish it on at least a quarterly basis through January fifteenth, nineteen hundred and ninety. Effective after January fifteenth, nineteen hundred and ninety-three, the department shall maintain, and shall publish on at least an annual basis, a list of all sites confirmed by the department to the date of publication, and a list of other sites as provided in this section. Such lists shall state the response action status of each location confirmed as a disposal site

or as a site. The department may hold confidential any information regarding any location if the department determines that public disclosure might interfere with enforcement action by the department or the attorney general. For purposes of implementing this subsection, a "location to be investigated" shall mean a location that, based upon the uses of the property, the conditions reported, or other information the department has, is reasonably likely to be a disposal site.

SECTION 280. The fourth paragraph of subsection (b) of section 3A of said chapter 21E is hereby further amended by striking out clauses

(3) and (4) and inserting in place thereof the following:-

(3) by January fifteen, nineteen hundred and eighty-nine, at least one thousand additional locations beyond those listed in the previous year;

(4) by January fifteen, nineteen hundred and ninety, at least one thousand additional locations; and

(5) by January fifteen, nineteen hundred and ninety-three, and at least once each year thereafter, all additional sites of which the department has knowledge, except that the department shall not be required to list a site where there occurred a release of oil or hazardous material for which sufficient response actions were taken, or for which no response actions were necessary, such that including the site on a list published pursuant to this section is not necessary to carry out the purposes of this section; provided, that the department has in effect regulations setting forth the criteria the department shall use in determining which sites need not be included on said list to carry out the purposes of this chapter, which regulations shall be promulgated as expeditiously as is feasible.

SECTION 281. Said section 3A of said chapter 21E is further amended by striking out subsection (c) and inserting in place thereof the following:-

(c) The department shall continuously carry out a comprehensive program to identify sites in the commonwealth, with particular emphasis on sites that pose a substantial hazard. Such program shall ensure that sufficient sites are discovered to enable the department to meet the requirements of subsection (p). By January first, nineteen hundred and ninety-four, the department shall publish a three-year plan which establishes a schedule of site discovery activities to identify, at a minimum, significant threats to public water supplies. No later than January first, nineteen hundred and ninety-seven, the department shall identify and list, pursuant to subsection (b), sites which pose a significant threat to public water supplies. The absence of a site from any such list shall not constitute a finding that the site does not pose a substantial hazard to health, safety, public welfare or the environment.

SECTION 282. Section 3A of said chapter 21E is hereby further amended by striking out subsection (d) and inserting in place thereof the following:-

(d) In the Massachusetts Contingency Plan, the department shall establish standards, procedures and deadlines, all of which shall be established in such terms that they can be legally enforced pursuant to this chapter or any other applicable law, to ensure that response actions are taken in compliance with this chapter and the Massachusetts Contingency Plan as expeditiously as practicable.

SECTION 283. Said section 3A of said chapter 21E is hereby further amended by striking out subsection (f) and inserting in place thereof the following:-

(f) At each site, unless, pursuant to subsection (g), the department finds that a level of no significant risk already exists or that permanent solutions are feasible and that immediate implementation of such solutions would be more cost-effective than phased implementation of temporary and permanent solutions, one or more temporary solutions shall be implemented to the extent feasible. Such solutions shall eliminate any substantial hazard to health, safety, public welfare, or the environment which is presented by the site or by any oil or hazardous materials at or from the site in the environment, and may include, but not be limited to, containment or removal of oil or hazardous materials, relocation, or the provision of alternative water supplies. Such solutions shall be carried out in accordance with this chapter and in accordance with standards, procedures, and deadlines established pursuant to subsection (d). Permanent solutions as required pursuant to subsection (g) shall be required if the department finds that a level of no significant risk does not yet exist, that permanent solutions are feasible, and that immediate implementation of such solutions would be more cost-effective than phased implementation of temporary and permanent solutions.

To the maximum extent consistent with this chapter, the department shall establish standards, which shall be established in such terms that they can be legally enforced pursuant to this chapter or any other applicable law, for determining what is a temporary solution at one or more types of sites.

SECTION 284. Said section 3A of said chapter 21E is hereby further amended by striking out subsection (g) and inserting in place thereof the following:-

(g) At each site, one or more permanent solutions to the extent feasible shall be implemented as necessary to achieve a level of no significant risk. No site shall be deemed to have had all the necessary and required response actions taken for such site unless and until a level of no significant risk exists or has been achieved in compliance with this chapter.

For each site, either a report shall be submitted demonstrating that a level of no significant risk exists or has already been achieved at the site, or else a plan shall be established that shall include a timetable of definitive and enterprising steps to be taken to identify, develop and implement a permanent feasible solution at the site, and that, for each step included in the plan, shall specify who shall take that step. Where permanent solutions are not yet feasible, the plan shall specify steps to be taken toward making such solutions feasible including, where appropriate, the development of technologies to be applied at the site, and shall ensure that any temporary solutions at the site remain effective until a permanent solution is effectuated. Such plans shall be established and carried out in accordance with this chapter and in accordance with standards, procedures, and deadlines established pursuant to subsection (d).

For purposes of this chapter, a "permanent solution" shall mean a measure or combination of measures that, at a minimum, shall ensure the attainment of "no significant risk." For purposes of this chapter, "no significant risk" shall mean a level of control of each identified substance of concern at a site or in the surrounding environment such that no such substance of concern shall present a significant risk of damage to health, safety, public welfare, or the environment during any foreseeable period of time. In determining whether a permanent solution will achieve a level of no significant risk, the department shall consider existing public health or environmental standards where applicable or suitably analogous, and any current or reasonably foreseeable uses of the site and the surrounding environment that may be affected by the oil or hazardous materials at the site or in the surrounding environment.

If appropriate, permanent solutions may be implemented on portions of a site. Where feasible, a permanent solution shall include a measure or measures designed to reduce to the extent possible the level of oil or hazardous materials in the environment to the level that would exist in the absence of the site of concern.

By no later than January first, nineteen hundred and ninety-four, the department shall promulgate in accordance with section two of chapter thirty A, and shall submit to the state secretary for publication in the Massachusetts Register in accordance with sections five and six of chapter thirty A, standards for determining when there exists a level of no significant risk. By no later than July first, nineteen hundred and ninety-three, the department shall submit to the state secretary for publication in the Massachusetts Register, and the state secretary shall publish in the Massachusetts Register, in accordance with sections five and six of chapter thirty A, the notice required by section two of chapter thirty A and a draft of the standards described in the preceding sentence. After the initial promulgation of standards required by this subsection, the department may amend or repeal them, or adopt additional ones, in accordance with all applicable requirements of chapter thirty A.

SECTION 285. Said section 3A of said chapter 21E is hereby further amended by striking out subsection (i) and inserting in place thereof the following:-

(i) The department shall have in effect the following: (1) in cooperation with federal agencies, universities, other states, private corporations and others, research, development, and demonstration programs to develop and demonstrate the viability of technologies necessary to accomplish the specifications for permanent solutions pursuant to subsection (g). Such programs shall be designed to help ensure that permanent solutions as described in subsection (g) are achievable as quickly as possible.

(2) in cooperation with federal agencies, universities, other states, private corporations and others, training programs designed to help to ensure that the department has access to individuals with the expertise necessary to accomplish the requirements of this section. Such programs shall provide for the further training of current department personnel and for training of potential future department personnel.

SECTION 286. Said section 3A of said chapter 21E is hereby further amended by striking out subsection (j) and inserting in place thereof the following:-

(j) The commonwealth may provide incentives to encourage voluntary cleanup efforts, and may negotiate with persons potentially liable for response actions under subsection (a) of section five to ensure that they undertake needed response actions at disposal sites; provided, however, that the department shall ensure that all of the action deadlines specified in this section are met. Toward that end, the department may establish and implement intermediate deadlines for each disposal site, including but not limited to, deadlines for compliance with orders and termination of settlement discussions to ensure action consistent with deadlines established pursuant to subsection (d). Without limiting the generality of the foregoing:

(1) As part of such incentives or negotiations, the commonwealth may, in its sole discretion, enter into a covenant not to sue concerning some or all of any liability to the commonwealth pursuant to this chapter, including future liability; provided, that each covenant not to sue shall be in the public interest.

(2) A person who has resolved his liability to the commonwealth in an administrative or judicially approved settlement shall not be liable to any other person who has received notice of and an opportunity to join in the settlement, for claims

for contribution, cost recovery, or equitable share of liability regarding matters addressed in the settlement. Such settlement does not discharge any other person unless its terms so provide, but it reduces the potential liability of all other liable persons by the amount of the settlement.

SECTION 287. Said section 3A of said chapter 21E is hereby further amended by striking out subsection (1).

SECTION 288. Said section 3A of said chapter 21E is hereby further amended by striking out subsection (m) and inserting in place thereof the following:-

(m) Subject to the requirements of this chapter and of chapter thirty A, the department shall revise the Massachusetts Contingency Plan to conform to the requirements of this chapter. To the maximum extent consistent with this chapter, said plan shall include simple, standardized methods or criteria for evaluating the degree of hazard present at a site including, but not limited to, whether a site is an imminent or substantial hazard, and the feasibility and effectiveness of response actions intended or considered pursuant to subsections (f) or (g). Such methods and criteria may comport with and complement the methods and criteria of the National Contingency Plan prepared pursuant to federal law, and shall be protective of health, safety, public welfare, and the environment.

SECTION 289. Said section 3A of said chapter 21E is hereby further amended by inserting after subsection (n) the following subsections:-

(o) The department shall audit a sufficient number of response actions not overseen or conducted by the department to ensure that response actions not overseen or conducted by the department are performed in compliance with the provisions of this chapter and the Massachusetts Contingency Plan. In each year the department shall, at a minimum, audit twenty percent of all sites for which annual compliance assurance fees are required to be paid pursuant to section three B. The department may establish additional audit targets for categories of persons or response actions or sites, as defined pursuant to subsection (d) of section three, based on the level of department oversight provided to each category.

(p) The highest priority of the department under this chapter shall be to ensure response actions and temporary and permanent solutions at those sites which pose the greatest risk to public health, safety, welfare, and the environment. To this end, the department shall address the sites of greatest concern according to the following minimum procedure and timetables:

(1) In each year, for at least one hundred sites which are among those posing the greatest risk to public health, safety, welfare, or the environment, the department shall ensure that a combination of the following occur:

(i) a permit has been issued; or (ii) the department has issued an order pursuant to clause (B) of paragraph (1) of subsection (c) of section ten for a person to apply for a permit to carry out response actions, or to carry out response actions, or both; or (iii) the department has taken or arranged for such response actions as it reasonably deems necessary.

(2) In each year, the department shall, through the approval of a permit, the issuance of an order, or the taking or arranging for a response action by the department, identify one hundred sites, which are among those posing the greatest risk to public health, safety, welfare, or the environment, at which the department shall, at a minimum, ensure that within five years of the approval of a permit, the issuance of an order, or the department arranging for or taking response actions, whichever is applicable, temporary solutions are implemented to the extent feasible prior to the implementation of permanent solutions. The department shall ensure that permanent solutions are implemented within five years if the department finds that such

permanent solutions are feasible and would be more cost-effective than phased implementation of temporary and permanent solutions.

Nothing in this section shall be construed to limit the authority and responsibility of the department to ensure that short-term and interim measures, response actions, and temporary and permanent solutions are undertaken in a timely manner at all sites which pose a significant risk to public health, safety, welfare, or the environment.

SECTION 290. Said chapter 21E is hereby further amended by inserting after section three A the following section:-

Section 3B. Notwithstanding any general or special law to the contrary, the department may, by regulation, establish permit application fees payable by all persons filing applications for a permit pursuant to the provisions of this chapter. For the purposes of this chapter, "permit" shall mean any permit, license, certificate, formal determination, registration, plan approval, variance, or other approval issued by or required by the department pursuant to the authority of chapter twenty-one E. For applications filed on or before December thirty-first, nineteen hundred and ninety-four, the fee for the category of permit application that involves the most extensive processing and consideration shall not exceed six thousand dollars per application and shall be the highest application fees for applications filed on or after January first, nineteen hundred and ninety-five; the department shall, by regulation, establish such fees based on the department's reasonable, costs for processing and considering such permit applications including, without limitation, providing technical assistance, and performing and analyzing such environmental monitoring as is necessary to act on such applications. Such fees shall be based on a scale that accounts for the department's reasonable, costs appropriate for different categories of permit applications and permits. Permit application fees shall be payable upon filing the 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 an order issued pursuant to clause (B) of paragraph (1) of subsection (c) of section ten, or as a result of any other enforcement action by the department or another agency of the commonwealth or its subdivisions, to pay double the otherwise applicable fee.

Notwithstanding any general or special law to the contrary, the department may, by regulation, establish annual compliance assurance fees for response actions at sites or vessels, payable by all persons, excluding agencies of the commonwealth, who are carrying out response actions pursuant to the provisions of this chapter, for each year or fraction thereof from the time that notice is first required to be given to the department pursuant to section seven until the time that a permanent solution is being implemented or a level of no significant risk has been achieved in accordance with subsection (g) of section three A; provided, that such fees shall not be required for response actions that are of short duration and that are in response to a sudden release or threat of release of oil or hazardous material. Such fees shall be based on the department's cost for inspection, auditing and enforcement activities necessary to ensure compliance by persons carrying out such response actions.

Such fees shall be based on a scale that accounts for the extent of such enforcement and compliance activity that is appropriate for different categories of permits; provided that the compliance assurance fee for the category of permit that involves the most extensive enforcement and compliance activity shall not exceed ten thousand dollars per response action per site or vessel per year and shall be the highest compliance assurance fee. At least forty-five days before the date such fee is due, the department shall notify each person carrying out such response action of the amount of the fee due and 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 may result in suspension of or, if such failure continues for sixty days or more, may result in revocation of a permit issued pursuant to the provisions of this chapter, and shall be grounds for denial of any permit application filed by such person that is pending before the department, and for suspension or revocation of any or all other permits, licenses, or other approvals that such person has obtained from the department. In the event of untimely payment, interest on the amount due shall be assessed at the rate determined by the secretary of the executive office for administration and finance pursuant to section twenty-nine C of chapter twenty-nine. Such interest shall be in addition to any other remedy or penalty that might be applicable. Notwithstanding the provisions of section five, a person who has paid in full an annual compliance assurance fee pursuant to this section, including interest if and when applicable, shall not be liable to the commonwealth for the costs incurred by the department or by its agents or contractors for overseeing, or for supporting the overseeing of, the response action being performed by such person at or for a site or vessel, including but not limited to the costs of inspections, auditing, or enforcement activities necessary to ensure compliance with requirements for response actions at or for a site or vessel, if such costs were incurred during the period for which the annual compliance assurance fee was required to be paid for those response actions at or for that site or vessel.

The department shall, by regulation, establish a schedule for timely action on the permits pursuant to this chapter. Said schedules may be based on the lengths of time appropriate for different categories of permits, and may make provisions for situations when permits other than those required pursuant to this chapter might be required. Each such schedule shall be as follows:

(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 reasonably limit the amount of time to 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; and

(5) a provision extending the time periods set forth in clauses (2) and (3) when action by another federal, state, or municipal government agency is required before the department may act, when judicial proceedings affect the ability of the department or the applicant to proceed with application, when the department has commenced enforcement proceedings which could affect the application, or when the applicant provides written assent extending any applicable time period.

If the department fails to take timely action on a permit application within a time period set forth in the applicable schedule, one day shall be subtracted from the number of days allowed for the department's next action in the appropriate schedule 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 time period has been extended pursuant to clause (5), and shall continue to process the permit application on a high priority basis. The requirements for schedules set forth in this section shall not apply to adjudicatory hearings conducted by the department.

As a precondition to the department's authority to establish permit application fees and annual compliance assurance fees pursuant to the provisions of this chapter, and prior to the first establishment of such fees, the department shall promulgate all regulations required pursuant to this section.

On or before July first, nineteen hundred and ninety-four, and on or before July first of every third year thereafter, the department shall review all fees and schedules established by the department pursuant to this section, and shall by regulation adjust fees and schedules as necessary, and in compliance with the requirements of this section, 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. To the maximum extent practicable, this review shall be coordinated and combined with the review required pursuant to subsection (j) of section eighteen of chapter twenty-one A.

The department shall submit any regulations promulgated under the provisions of this section establishing permit application fees or annual compliance assurance fees to the joint legislative committee on natural resources and agriculture and to the house and senate committees on ways and means at least sixty days prior to the effective date of said regulations.

All monies received by the department for permit application fees and annual compliance assurance fees pursuant to this chapter, and not refunded to permit applicants, shall be deposited in the Environmental Challenge Fund, established pursuant to section two J of chapter twenty-nine.

The provisions of subsections (e), (f), (g), and (h) of section eighteen of chapter twenty-one A shall apply to activities conducted pursuant to the provisions of this chapter, and fees collected for such activities shall be deposited in the Environmental Permitting and Compliance Assurance Fund, established pursuant to section two P of chapter twenty-nine.

SECTION 291. Section 4 of said chapter 21E is hereby amended by inserting in the third sentence of the first paragraph, after the words "the owner or operator of the site or vessel", the words:- or a fiduciary or secured lender that has title to or possession of a site or vessel.

SECTION 292. The first paragraph of section 4 of said chapter 21E is hereby further amended by striking out the third and fourth sentences and inserting in place thereof the following:- Prior to undertaking any response action, the department shall notify the owner or operator of the site or vessel or a fiduciary or secured lender that has title to or possession of a site or vessel of its intent to take such action. Such notice shall not be required when the department does not know the identity or location of the owner or operator or of a fiduciary or secured lender that has title to or possession of a site or vessel, or when because of an emergency or other circumstances, the giving of such notice would be impractical.

SECTION 293. Said section 4 of said chapter 21E is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraphs:-

Any person who undertakes a necessary and appropriate response action regarding the release or threat of release of oil

or hazardous material shall be entitled to reimbursement from any other person liable for such release or threat of release for the reasonable costs of such response action. If two or more persons are liable pursuant to section five for such release or threat of release, each shall be liable to the others for their equitable share of the costs of such response action. All claims and actions for contribution, reimbursement or equitable share by persons other than the commonwealth pursuant to this paragraph, except those pending in court on the effective date of section four A shall be subject to, and brought in accordance with, the procedures set forth in section four A.

Any person who without charge renders assistance at the request of a duly authorized representative of the department in removing oil or hazardous material released shall not be liable, notwithstanding any other provision of law, for civil damages as a result of any act or omission by him in removing such oil or hazardous material, except for acts or omissions of gross negligence or willful misconduct.

SECTION 294. Said chapter 21E is hereby further amended by inserting after section 4 the following section:-

Section 4A. (a) Any person other than the department who has undertaken, is undertaking, or intends to undertake a necessary and appropriate response action or who is or reasonably believes that he might be liable pursuant to section five may notify any person he reasonably believes is liable pursuant to section five that the response action has been taken or is being taken or of the notifier's intent to take such response action or to seek contribution, reimbursement or equitable share from other persons, and that the notifier requests the person to whom the notice is being sent either to itself perform or participate in the performance of the response action on an equitable basis or to make contribution or reimbursement or pay its equitable share of the costs of such response action or other liability pursuant to the provisions of this chapter. Said notice shall be sent by certified mail, return receipt requested, and shall (i) identify the person giving the notice and the relationship of that person to the site or vessel, (ii) identify and describe the response action that has been, is being, or is intended to be undertaken, including the expected cost and the duration of the response action, and the nature and amount of actual or potential liability pursuant to the provisions of this chapter, (iii) describe with particularity the legal and factual basis for the notifier's claim that the person to whom the notice is being sent is liable pursuant to section five, and (iv) state said person's proposed contribution, reimbursement or equitable share of such liability pursuant to this section and rationale for such proposal. The person to whom the notice is sent shall respond to the notifier in writing by certified mail, return receipt requested, within forty five days of receipt of the notice. The response shall (i) indicate whether or not, and if so to what extent, the responder will pay contribution, reimbursement or equitable share to the notifier or participate in the performance of the response action or in the discharge of liability pursuant to the provisions of this chapter, (ii) state with reasonable particularity the legal and factual basis for the response, and (iii) request any further information or documentation the responder needs to fully evaluate the notifier's claim.

(b) Within sixty days after the notifier has received the response, the notifier and the responder shall confer in good faith in an effort to resolve all disputes that may exist between them with respect to participation in or funding of the response action or other actual or potential liability in question. Upon request by the responder, the notifier shall provide additional information or documentation reasonably requested by the responder concerning the basis of the responder's alleged liability or the response action or both. Within seventy-five days after the notifier has received the response, either the notifier or the

responder may request that any disputes remaining between them concerning any matter described in the notice or response be submitted to mediation, arbitration or such other form of alternative dispute resolution as the parties may agree upon. The costs and equitable distribution of the cost of such dispute resolution service shall be determined as part of the dispute resolution process. In the event that the parties agree to engage in a dispute resolution process, the parties shall complete the dispute resolution process as quickly as feasible, and in any event within ninety days after the agreement for dispute resolution is made.

(c) Only after notice has been given and after the procedures described in this section have been carried out, any person who has given notice pursuant to this section may commence a civil action in the superior court department of the trial court seeking from the notice recipient contribution, reimbursement or an equitable share of the costs of such response action or of such actual or potential liability. Such action shall be brought within the time period set forth in clause (2) of section eleven A. Notwithstanding any other provisions of section four or four A, a person who is joined as a party in any civil action may, but shall not be required to, carry out the procedures described in subsections (a) and (b), above, prior to filing a third-party claim, cross-claim or counterclaim seeking relief pursuant to section four or four A; however such claims must be brought within the time period set forth in section eleven A and are subject to the standards set forth in this section regarding litigation costs and attorneys' fees.

(d) In any civil action in which a claim, third-party claim, counterclaim or cross-claim is filed pursuant to section four or this section, the court shall award contribution, reimbursement or the equitable share of liability for which one or more other parties is found to be responsible, if any. In addition, the court shall award the plaintiff its litigation costs and reasonable attorneys' fees if the plaintiff shows, and the court finds, that the person against whom the civil action is brought is liable and:

(1) failed without reasonable basis to make a timely response to a notification pursuant to this section, or

(2) did not participate in negotiations or dispute resolution in good faith, or

(3) failed without reasonable basis to enter into or carry out an agreement to perform or participate in the performance of the response action on an equitable basis or pay its equitable share of the costs of such response action or of other liability pursuant to the provisions of this chapter, where its liability was reasonably clear. In addition, if a third-party claim, counterclaim or cross-claim is filed pursuant to this section, the court shall award the claimant litigation costs and reasonable attorneys' fees if the person against whom the claim is brought is found liable and failed without reasonable basis to offer to enter into or carry out an agreement to perform or participate in the performance of the response action on an equitable basis or pay its share of the costs of such response action or of other liability pursuant to the provisions of this chapter, where the defendant's liability was reasonably clear.

(e) Where none of the conditions in subsection (d) is found by the court, but the court finds that the defendant is liable for contribution, reimbursement or the equitable share of response costs or of other liability pursuant to the provisions of this chapter, the court shall award the plaintiff only the defendant's equitable share of response costs or of other liability pursuant to the provisions of this chapter.

(f) If the court finds that (1) the plaintiff did not participate in negotiations or dispute resolution in good faith; (2) the plaintiff

had no reasonable basis for asserting that the defendant was liable, or (3) the plaintiff's position with respect to the amount of the defendant's liability pursuant to the provisions of this chapter was unreasonable, it shall award litigation costs and reasonable attorneys' fees to the defendant.

(g) Without limiting the generality of the foregoing, solely for the purpose of determining whether or not a plaintiff in a civil action brought pursuant to this section shall be awarded litigation costs and reasonable attorneys' fees, and not for any other purpose, inability to pay or undue financial hardship shall constitute a reasonable basis for failure to agree, pay or participate as requested; provided, that, within forty-five days after the defendant received notice of this claim, the defendant responded in writing to the plaintiff by asserting and demonstrating such inability to pay or undue financial hardship.

(h) In subsections (e), (f) and (g) of this section the term "defendant" shall include an original defendant, third-party defendant, defendant-in-counterclaim and defendant-in-crossclaim, and the term "plaintiff" shall include an original plaintiff, third-party plaintiff, plaintiff-in-counterclaim and plaintiff-in-crossclaim.

(i) The parties may agree in writing to extend any of the deadlines set forth in this section.

SECTION 295. Subsection (a) of section 5 of said chapter 21E is hereby amended by striking out in clause (i) the words "section four and section eight" and inserting in place thereof the following:- sections three A, four, five A, five B, and eight to fourteen, inclusive.

SECTION 296. Subsection (b) of section 5 of said chapter 21E is hereby amended by inserting after the first paragraph the following paragraph:-

No person who is liable solely pursuant to clause (1) of paragraph (a) and who did not own or operate the site at the time of the release or threat of release in question and did not cause or contribute to such release or threat of release shall be liable to any person who is liable pursuant to clauses (2), (3), (4), or (5) of said paragraph, except that any such person liable solely pursuant to clause (1) of paragraph (a) shall be liable to the commonwealth as set forth in paragraph (d).

SECTION 297. Section 5 of said chapter 21E is hereby amended by striking out subsection (d) and inserting in place thereof the following:-

(d) Any person whose property has been the site of a release of hazardous material for which the department has incurred costs for assessment, containment or removal pursuant to sections three A, four, five A, five B, eight, nine, ten, eleven, twelve, thirteen or fourteen, and who can establish by a preponderance of the evidence that he is otherwise eligible for the defenses set forth in paragraph (c) shall be liable to the commonwealth only to the extent of the value of the property following the department's assessment, containment and response actions, less the total amount of costs reasonably paid by said person for carrying out assessment, containment and response actions in compliance with the Massachusetts Contingency Plan and all other applicable requirements of this chapter.

SECTION 298. Said section 5 of said chapter 21E is hereby amended by striking out subsection (e) and inserting in place thereof the following:-

(e) All persons liable pursuant to this section who are liable for a release or threat of release for which the commonwealth incurs costs for assessment, containment and removal shall be liable, jointly and severally, to the commonwealth for their liability as set forth in this section.

In an action for recovery by the commonwealth of the costs it incurs for assessment, containment and removal, for the purpose of inducing the party in question and others to voluntarily and without delay participate in carrying out and paying for response actions, and not for the purpose of imposing a penalty, the commonwealth shall have the right to seek and recover more than the actual costs it incurs for assessment, containment and removal, subject to the following provisions.

In cases where the department has issued an order pursuant to sections nine and ten to a person liable pursuant to this chapter and such person has unreasonably or in bad faith failed or refused to comply with such order, the court shall award the commonwealth not less than two times nor more than three times the full amount of its response costs, plus litigation costs and reasonable attorneys' fees, against such liable person. In such an action, the burden of proof shall be on such person to persuade the court by a preponderance of the evidence that it acted reasonably and in good faith in failing or refusing to comply with the department's order. If such person so persuades the court, such person's liability to the commonwealth for response action costs in that action shall be only the department's actual recoverable response costs, plus litigation costs and reasonable attorneys' fees.

In all cases not provided for in the preceding paragraph, the court may award the commonwealth up to three times the full amount of its response costs, plus litigation costs and reasonable attorneys' fees, against a person liable pursuant to this chapter. In such an action, the burden of proof shall be on the commonwealth to persuade the court by a preponderance of the evidence that such person acted unreasonably or in bad faith in not carrying out a response action or actions for which the commonwealth is seeking recovery of more than its actual response costs, aside from litigation costs and reasonable attorneys' fees. If the commonwealth so persuades the court, the court shall use its equitable discretion to determine the appropriate multiple of response costs, not to exceed three times the response costs, which shall be awarded to the commonwealth against such liable person, plus litigation costs and reasonable attorneys' fees. If the commonwealth does not so persuade the court, such person's liability to the commonwealth for response costs in that action shall be only the department's actual recoverable response costs, plus litigation costs and reasonable attorneys' fees.

Without limiting the generality of the foregoing, solely for the purpose of determining whether the commonwealth's recovery may exceed its actual response costs, plus litigation costs and reasonable attorneys' fees, and not for any other purpose, the court shall find that a person against whom the commonwealth seeks such recovery has reasonable grounds and a good faith basis for failing or refusing to perform or pay for a response action for which the commonwealth is seeking such recovery if, within a reasonable time after first being notified by the department that the department wants said person to perform or pay for such response action or actions, said person asserts and demonstrates that performing or paying for such response action or actions was beyond his technical, financial or legal abilities, or that he was not given adequate notice and reasonable opportunity to perform or pay for such response action or actions.

SECTION 299. Said section 5 of said chapter 21E is hereby further amended by inserting after subsection (f) the following subsections:-

(g) If a person is not otherwise liable for a release or threat of release of oil or hazardous material pursuant to this chapter, such person shall not become liable solely by the mere act of either retaining or paying for the retention of a waste site cleanup professional licensed pursuant to sections nineteen through nineteen J of chapter twenty-one A to conduct a response action

or portion of a response action at or for a site or vessel; provided, the response action or portion of a response action is conducted in compliance with this chapter and the Massachusetts Contingency Plan.

(h) Any person who owns a one- to four-family residence that is a site at which the department has incurred costs for response actions shall not be liable to the department for those costs if he can establish by a preponderance of the evidence that:-

(1) he is not a person described in clauses (2), (3), (4), or (5) of paragraph five (a); and

(2) the site was being used exclusively as a one- to four-family residence throughout his ownership and he claimed permanent residency at the site; and

(3) he immediately notified the department of the release of the oil or hazardous material upon the site as soon as he had knowledge of it.

The defense established by this subsection shall not apply (1) if the department can establish by a preponderance of the evidence that said owner knew or had reason to know of the release when he became the owner of the residence or (2) to the cost of any response action necessitated by the leakage of oil from leaking underground storage tanks used to contain oil and underground pipes ancillary thereto or ancillary to above ground storage tanks at the site unless the owner can establish by a preponderance of the evidence that such tanks and pipes were not located on the site at the time of, or installed after the acquisition of the site, and he did not know or have reason to know of the release at the time he acquired ownership or possession of the site. In no event shall said owner be deemed to have had reason to know of the release of oil or hazardous material on the site unless a reasonable inquiry would have disclosed such presence at the time when the site was acquired by said owner, so long as the purchase price paid by said owner bore a reasonable relationship to the value of the site in the absence of oil or hazardous material. For the purposes of this paragraph, a reasonable inquiry shall mean visually inspecting the site for obvious signs of the release of oil or hazardous material. Should such visual inspection indicate that oil or hazardous material had been released at the site, a reasonable inquiry shall also include a further assessment to be performed by or under the supervision of a registered professional engineer, hydrogeologist or other qualified scientist with expertise in such matters. The defense established by this paragraph shall apply to all outstanding claims for costs by the department for response actions conducted or maintained since March twenty-fourth, nineteen hundred and eighty-three.

(i) Notwithstanding any other provision of this chapter, no person who is otherwise liable for a release or threat of release of oil or hazardous material pursuant to this chapter shall avoid, reduce or postpone such liability or such person's ability to pay for such liability, or be allowed to avoid, reduce or postpone such liability or such person's ability to pay for such liability, by (1) establishing any form of estate or trust if such estate or trust is intended to be a device to avoid, reduce or postpone such liability or such person's ability to pay for such liability, or (2) by establishing indicia of ownership to protect what purports to be a bona fide security interest but what is intended to be a device to avoid, reduce or postpone such liability or such person's ability to pay for such liability, or (3) by any conveyance or transfer of ownership or control of property or assets of any kind that purports to be bona fide transaction but that is intended to avoid, reduce or postpone such liability or such person's ability to pay for such liability, or (4) by any other means that purport to be bona fide but that are intended to avoid, reduce, or postpone such liability or such person's ability to pay for such liability.

(j) An agency of the commonwealth and a public utility company that owns a right of way that is a site at which the department has incurred costs for response actions shall not be liable to the commonwealth for those costs if the agency or public utility company, respectively, can establish by a preponderance of the evidence that:

(1) it is not the owner or operator of any building, structure, installation, equipment, pipe or pipeline, including any pipe into a sewer or publicly-owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft from which the release or threat of release has occurred;

(2) it is not a person or the successor to a person described in clauses (2), (3), (4) or (5) of paragraph (a);

(3) no act of the agency or public utility company, or of the agency's or public utility company's employee or agent, caused or contributed to the release or threat of release or caused the release or threat of release to become worse than it otherwise would have been;

(4) it notified the department immediately upon obtaining knowledge of a release or threat of release for which notification is required pursuant to, and in compliance with, section seven or regulations promulgated pursuant thereto;

(5) it provided reasonable access, including moving utilities or disrupting service, to the site or vessel to employees, agents and contractors of the department to conduct response actions, and to other persons intending to conduct necessary response actions;

(6) if it has undertaken a response action or portion of a response action at the site, the public utility company conducted such response action or portion of a response action in compliance with the requirements of this chapter and the Massachusetts Contingency Plan; and

(7) it did not know or have reason to know of the presence of oil or hazardous material on the site when it came into possession of the right of way.

For purposes of this subsection, the phrase "public utility company" means the Massachusetts Municipal Wholesale Electric Company established pursuant to chapter seven hundred and seventy-five of the acts of nineteen hundred and seventy-five, or any successor thereto, Massachusetts municipal light departments organized under chapter one hundred and sixty-four or any other special law, and Massachusetts gas and electric companies made subject to the jurisdiction of the department of public utilities by any provision of law except chapter one hundred and ten A of the General Laws and chapter six hundred and fifty-one on the acts of nineteen hundred and ten, as amended.

SECTION 300. Said chapter 21E is hereby further amended by inserting after section five the following sections:-

Section 5A. The department may establish an administrative record upon which the department shall base the selection of a response action in those cases where (i) the department itself, or acting through its agents or contractors, carries out a response action, or (ii) the department issues an order subject to subsection (b) of section ten. The administrative record shall be available to the public at the department office most convenient to the site, vessel or location in question. The department may also place duplicates of the administrative record at any other location.

The department shall promulgate regulations, in accordance with section three of chapter thirty A, establishing procedures governing the appropriate participation of interested persons in the development of the administrative record on which the department will base the review of response actions and on which judicial review of response actions will be based.

The department shall provide for the participation of interested persons, including persons who are, or who are potentially, persons described in paragraph (a) of section five, in the development of the administrative record on which the department will base the selection of response actions and on which judicial review of response actions will be based. The procedures developed pursuant to this section shall include, at a minimum, the following:-

(1) notice to potentially affected persons, to the extent known to the department, and to the public, which notice shall be accompanied by a brief analysis of the plan and alternative plans that were considered;

(2) a reasonable opportunity to comment and provide information regarding the plan;

(3) a reply to each of the comments, criticisms and new data that are submitted to the department and that the department determines are significant; and

(4) a detailed statement of the basis and purpose of the selected response action, including a description of conditions at the site or vessel, risks and criteria for the selected response actions.

For purposes of this section, the administrative record shall include all items developed or received by the department pursuant to this section, and all items developed, received or published by the department or made available to the public pursuant to section fourteen.

The department shall promulgate regulations establishing standards for the content of the administrative record. Until such regulations take effect, the administrative record shall consist of all items developed and received pursuant to procedures used by the department for selection of the response action, including procedures for the participation of interested parties and the public, on the date this section first takes effect.

The development of an administrative record and the selection of a response action pursuant to this chapter shall not be an adjudicatory proceeding and shall not be subject to those provisions of chapter thirty A, or of any other law, governing adjudicatory proceedings.

The department shall make reasonable efforts to identify and notify potentially responsible parties as early as possible before selection of a response action.

Nothing in this section shall be construed as a defense to liability.

Section 5B. No court shall have jurisdiction to review any issue concerning the adequacy of any response action in those cases where the department itself, or acting through its agents or contractors, carries out a response action pursuant to this chapter, unless the proceeding in the court is one or any combination or more than one of the following:-

(1) an action under section four for contribution, reimbursement or for equitable sharing of the costs of response action or for other liability pursuant to this chapter; provided, that the court shall not make any ruling or decision that affects the rights or interests of the commonwealth unless the commonwealth is a party to the action; or

(2) an action under section five to recover costs or damages; or

(3) an action under subsection (c) of section ten for reimbursement of the reasonable costs of compliance with the order; or

(4) an action under section eleven for civil or criminal penalties; or

(5) an action brought by the commissioner or the attorney general pursuant to section eleven for injunctive relief; or

(5) an action brought by the commissioner or the attorney general pursuant to section eleven for injunctive relief; or

(6) judicial review, pursuant to the provisions of chapter thirty A governing adjudicatory proceedings, of a civil administrative penalty assessed pursuant to section sixteen of chapter twenty-one A.

If the department establishes an administrative record in accordance with section five A, in any judicial action, judicial review of any issues concerning the adequacy or reasonableness of any response action taken by the department, or by its agents or contractors, pursuant to this chapter shall be limited to said administrative record. Otherwise applicable principles of administrative law shall govern whether any supplemental materials may be considered by the court.

In considering objections raised in any judicial action concerning the adequacy or reasonableness of any response action taken or ordered by the department pursuant to this chapter, the court shall uphold the department's decision in selecting the response action unless the objecting party persuades the court that the decision was arbitrary and capricious or otherwise not in accordance with law. If the court finds that the selection of the response action was arbitrary and capricious or otherwise not in accordance with law, the court shall not award those response costs or damages that are arbitrary or capricious, are not in accordance with law, or are inconsistent with the Massachusetts Contingency Plan, and the court shall award those response costs or damages that are not arbitrary or capricious, are in accordance with law, and are consistent with the Massachusetts Contingency Plan. In reviewing alleged procedural errors, the court may disallow costs, damages, penalties or other relief only if the errors were so serious and related to matters of such central relevance to the action that the action would have been significantly changed had such errors not been made.

SECTION 301. Section 6 of said chapter 21E is hereby amended by inserting at the end thereof the following paragraphs:-

If necessary to carry out the purposes of this chapter, the department may acquire real property, or any interest therein, by purchase, gift or lease, or by eminent domain under the provisions of chapter seventy-nine.

If necessary to carry out the purposes of this chapter, the department may restrict the use of property that is or was a site or vessel, and may modify or release such restrictions. Such restrictions may be in perpetuity or for a specified number of years. No restriction held by the department 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, provided that such restrictions or assignments are approved by the commissioner of the department.

The department may itself record, or may cause, allow or require the owner of the property to record, notice of the restrictions of the use of such property or of the modification or release of such restrictions. If the property to be restricted is real property, such notice of restriction shall be effective when 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. If the property is personal property, whether tangible or intangible, such notice shall be recorded in accordance with section 9-401 of chapter one hundred and six. Any such restriction, modification or release shall be sufficient if executed or approved by the commissioner of the department.

SECTION 302. Section 7 of said chapter 21E is hereby amended by striking the first sentence and inserting in place thereof the following sentence:- Any owner or operator of a site or vessel, and any person otherwise described in paragraph (a) of

section five, and any fiduciary or secured lender who holds title to or possession of a site or vessel, as soon as he has knowledge of a release or a threat of release of oil material, shall immediately notify the department thereof.

SECTION 303. Said section 7 of said chapter 21E is hereby further amended by inserting at the end thereof the following paragraph:-

By no later than July first, nineteen hundred and ninety-three, the department shall promulgate in accordance with section two of chapter thirty A, and shall submit to the state secretary for publication in the Massachusetts Register in accordance with sections five and six of chapter thirty A, regulations establishing thresholds below which notification shall not be required by this section, and procedures for giving notification required pursuant to this section. By no later than January first, nineteen hundred and ninety-three, the department shall submit to the state secretary for publication in the Massachusetts Register, and the state secretary shall publish in the Massachusetts Register, in accordance with sections five and six of chapter thirty A, the notice required by section two of chapter thirty A and a draft of the regulations described in the preceding sentence. After the initial promulgation of regulations required by this section, the department may amend or repeal them, or adopt additional ones, in accordance with all applicable requirements of chapter thirty A.

SECTION 304. Said chapter 21E is hereby amended by striking out section 8 and inserting in place thereof the following:-

Section 8. For the purpose of the administration and enforcement of this chapter and for the protection of public health, safety, or welfare, or the environment, authorized personnel, agents and contractors of the department may enter any site, any vessel, or any location to be investigated as a possible site at reasonable times and upon reasonable notice, to investigate, sample and inspect any records, conditions, equipment, practice or property. Where necessary to ascertain facts relevant to, or not available at, such location, site or vessel where oil or hazardous material is or might be located, any person shall, upon request of any officer, employee or duly authorized representative of the department, furnish information relating to said oil or hazardous material and shall permit said officers, employees or authorized representatives to have access to, and to copy, all records relating to said oil or hazardous materials. In the event that the department reasonably determines as a result of such investigation, sampling or inspection that there has been a release or that there is a threat of release of oil or hazardous material from or at such location, site or vessel, the department and its authorized personnel, agents, representatives or contractors may enter such location, site or vessel and areas proximate thereto and undertake such actions pursuant to section four and the Massachusetts Contingency Plan relative to the assessment, containment and removal of oil or hazardous material as it reasonably deems necessary. The authorized agents or contractors of a person who is, or who is potentially, a person described in paragraph (a) of section five, may, with the approval or on the order of the department, and subject to any terms, conditions and requirements that the department may impose on such approval or order, enter any site, any vessel, or any location to be investigated as a possible site not owned or operated by him for the purposes of performing response actions in accordance with the Massachusetts Contingency Plan and an order or approval of the department.

In the event that it has reason to believe that the owner or operator of a site or vessel, or a fiduciary or secured lender that has title to or possession of a site or vessel, has made fraudulent representations to the department or has destroyed or concealed evidence relating to a release or threat of release or to the assessment, containment or removal of a release or threat of release, the department may seize any records, equipment, property or other evidence as it deems necessary. During the

course of any assessment, containment and removal actions, the department may restrict and deny entry to the site or vessel and proximate property to protect the public health, safety, welfare and the environment and to provide for the efficient, expeditious and safe conduct of such actions; such restriction and denial shall not preclude access by the owner or operator of such site or vessel, or a fiduciary or secured lender that has title to or possession of such site or vessel; provided, that such owner, operator, fiduciary or secured lender complies with all safety and operational protocols and requirements imposed by and to the satisfaction of the department and provided further that such owner, operator, fiduciary or secured lender does not interfere with the efficient, expeditious and safe conduct of the department's assessment, containment and removal actions.

SECTION 305. Section 9 of said chapter 21E is hereby amended by striking the first sentence of the first paragraph and inserting in place thereof the following sentence:- Whenever it has reason to believe that oil or hazardous material has been released or that there is a threat of release of oil or hazardous material, the department may issue to any person described in paragraph (a) of section five an order requiring such person to conduct an assessment of such release or threat of release.

SECTION 306. Said section 9 of said chapter 21E is hereby further amended by striking the second paragraph and inserting in place thereof the following paragraph:-

Whenever in the opinion of the department a release or threat of release poses a significant danger to the public health, safety, welfare, or the environment, the department may issue to any person described in paragraph (a) of section five an order requiring such person to conduct such containment and removal actions, consistent with the Massachusetts Contingency Plan, as the department reasonably deems necessary.

SECTION 307. Said chapter 21E is hereby amended by striking out section 10 and inserting in place thereof the following:-

Section 10. The issuance of an order pursuant to section nine shall be subject to the following provisions. The department shall, in its sole discretion, choose which of the following provisions shall be applicable to a particular order. Notice of the department's choice, and of the applicable provisions, shall be included in the order.

(a) The issuance of an order not subject to any other provision of this section shall be an adjudicatory proceeding and shall be subject to all provisions of chapter thirty A governing adjudicatory proceedings. Any person aggrieved by the issuance of an order may request an adjudicatory hearing before the department. Any such order shall contain a notice of the right to request a hearing and may specify a reasonable time limit, not to exceed twenty-one days, within which said person shall request said hearing. If no such request is timely made, the order shall be deemed assented to. If a timely request is received, the department shall act upon such request within a reasonable time in accordance with said provisions of chapter thirty A.

(b) (1) The provisions of this subsection (b) shall apply to the following orders:

(A) Orders, or parts of orders, in which the department finds that an imminent hazard to public health, safety, or welfare, or to the environment could result in avoidable delay in compliance.

(B) An order to any person described in paragraph (a) of section five to apply for a permit to carry out, or to carry out, or both, response actions at or for the site, provided that the following conditions are met:

(i) The site in question has been listed pursuant to subsection (b) of section three A, and

(ii) The department has given the person in question reasonable opportunity to voluntarily apply for a permit or carry out

the response actions in question, and

(iii) The department makes a finding, which appears in the order, together with a brief and concise statement of the department's reasons for making said finding, that it would be contrary to the public interest for needed or appropriate response actions to be deferred any longer or to force the government to use government funds to pay so that such response actions are not deferred any longer, and

(iv) The order contains a brief, concise statement of notice of the rights of reimbursement and review set forth in this subsection (b).

(2) An order issued pursuant to this subsection (b) shall become effective and enforceable immediately upon issuance. Such order shall not be an adjudicatory proceeding and shall not be subject to those provisions of chapter thirty A, or any other law, governing adjudicatory proceedings. Any person who receives and complies with the terms of such order may, within ninety days after completion of such compliance, petition the department for reimbursement for the reasonable costs of such compliance. The department may grant the petition only if the department is persuaded that (i) either the person to whom the order was issued was not liable pursuant to this chapter, or was entitled to the benefits of an affirmative defense or limitation on liability set forth in this chapter or in any other applicable law, and (ii) the costs for which reimbursement are sought are for compliance with the order and were incurred reasonably and in good faith. The refusal by the department to grant all or part of such petition shall not be an adjudicatory proceeding and shall not be subject to those provisions of chapter thirty A, or any other law, governing adjudicatory proceedings. If the department refuses to grant all or part of such petition, the petitioner may within ninety days of receipt of such refusal file a civil action against the department in the superior court department of the trial court.

(3) No court shall have jurisdiction to review an order issued pursuant to this subsection (b), or to take any action with respect thereto, unless the proceeding in the court is one or any combination of more than one of the following:-

(A) an action pursuant to section four for contribution, reimbursement, or for equitable sharing of the costs of response action or of other liability pursuant to this chapter; or

(B) an action pursuant to section five to recover costs or damages; or

(C) an action pursuant to this subsection (b) for reimbursement of the reasonable costs of compliance with the order; provided, that the court shall award such reimbursement only to the extent the court finds that it is persuaded, by a preponderance of the evidence, that the department erred in refusing to grant the petition for such reimbursement; or

(D) an action pursuant to section eleven for civil or criminal penalties; or

(E) an action brought by the commissioner or the attorney general pursuant to section eleven for injunctive relief; or

(F) judicial review, pursuant to the provisions of chapter thirty A governing adjudicatory proceedings, of a civil administrative penalty assessed pursuant to section sixteen of chapter twenty-one A.

(4) The department may establish an administrative record upon which the department shall base the selection of a response action required in an order issued pursuant to subsection (b). The development of such administrative record shall be in accordance with the provisions of section five A. If the department establishes an administrative record, judicial review of any issues associated with the adequacy or reasonableness of any response action required in such order shall be limited

to said administrative record. Otherwise applicable principles of administrative law shall govern whether any supplemental materials may be considered by the court.

SECTION 308. The third paragraph of section 11 of said chapter 21E is hereby amended by striking out the last sentence.

SECTION 309. Said chapter 21E is hereby further amended by inserting after section eleven the following section:-

Section 11A. Notwithstanding any other general or special law to the contrary, civil actions pursuant to this chapter shall be brought in accordance with the following deadlines:

(1) Actions brought by the attorney general pursuant to sections five or ten or both to recover response costs incurred by the commonwealth, and actions brought by the attorney general to enforce or foreclose liens recorded or filed pursuant to this chapter, shall be commenced within five years from the date the commonwealth incurs all such costs or five years from the date the commonwealth discovers that the person against whom the action is being brought is a person liable pursuant to this chapter for the release or threat of release on account of which the commonwealth has incurred such costs, whichever is later.

(2) Actions brought by persons other than the commonwealth pursuant to sections four or four A to recover reimbursement, contribution or equitable share shall be commenced within three years after the date the person seeking such recovery discovers or reasonably should have discovered that the person against whom the action is being brought is a person liable pursuant to the provisions of this chapter for the release or threat of release for which such costs or liability were incurred, or within three years of the time when the person bringing the action first learns of a material violation of an agreement entered into pursuant to section four A, or within three years after the person bringing the action incurs all response costs, or within three years after payment by the person seeking contribution, reimbursement, or an equitable share for liability pursuant to the provisions of this chapter, or within three years after sending notice pursuant to the first paragraph of section four A, whichever is later.

(3) Actions brought by the commonwealth pursuant to this chapter to recover for damage to natural resources, including costs of assessment and evaluation, or for damage to real or personal property, shall be commenced within three years after the date of the discovery of the damage or loss and its connection with the release in question, or three years after the date the commonwealth discovers that the person against whom the action is being brought is a person liable pursuant to this chapter for the release or threat of release that caused the damage, or by the deadline specified in subsection (1) of this section, whichever is later.

(4) Actions by persons other than the commonwealth to recover for damage to real or personal property shall be commenced within three years after the date that the person seeking recovery first suffers the damage or within three years after the date the person seeking recovery of such damage discovers or reasonably should have discovered that the person against whom the action is being brought is a person liable pursuant to this chapter for the release or threat of release that caused the damage, whichever is later.

(5) Actions brought against the commonwealth for reimbursement of response costs pursuant to subsection (b) of section ten shall be commenced within the deadline set forth therein.

SECTION 310. Said chapter 21E is hereby amended by striking out said section 13 and inserting in place thereof the

following:-

Section 13. Any liability to the commonwealth under this chapter shall constitute a debt to the commonwealth. Any such debt, together with interest thereon at the rate of twelve percent per annum from the date such debt becomes due, shall constitute a lien on all property owned by persons liable under this chapter when a statement of claim naming such persons is recorded, registered or filed. If a fiduciary or a secured lender has title to or possession of the property, and if the fiduciary or secured lender is not a person liable under this chapter when a statement of claim is recorded, registered or filed, such debt, together with interest thereon at the rate of twelve percent per annum from the date such debt becomes due, shall constitute a lien on the property in question when a statement of claim describing such property is duly recorded, registered or filed. If the site described in such statement comprises real property, such lien shall be effective when 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. In addition, such lien shall be effective with respect to such other real property owned by such person when notice thereof is duly recorded and indexed in the registry of deeds or registered in the registry district of the land court for the county or district wherein any such other land lies. If the site described in such statement is personal property, whether tangible or intangible, the statement shall be filed in accordance with the provisions of section 9-401 of chapter one hundred and six. Any such statement shall be sufficient if executed or approved by the commissioner of the department. Any lien recorded, registered or filed pursuant to this section shall have priority over any encumbrance theretofore recorded, registered or filed with respect to any site, other than real property the greater part of which is devoted to single or multi-family housing, described in such statement of claim, but as to other real property shall be subject to encumbrances or other interests recorded, registered or filed prior to the recording, registration or filing of such statement, and as to all other personal property shall be subject to the priority rules of said chapter one hundred and six. Such lien shall continue in force with respect to any particular real or personal property until a release of the lien signed by the commissioner is recorded, registered or filed in the place where the statement of claim as to such property affected by the lien was recorded, registered or filed. In addition to discretionary releases of liens, the commissioner shall forthwith issue such a release in any case where the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. If no action to enforce or foreclose the lien is brought by the deadline prescribed in subsection (1) of section eleven A, the lien shall be dissolved after said deadline. This section shall not apply to any property, real or personal, tangible or intangible, any money, fees, charges, revenues or otherwise, owned payable to or by, held in trust by or for, or otherwise owned, operated or managed by the Massachusetts Municipal Wholesale Electric Company established pursuant to chapter seven hundred and seventy-five of the acts of nineteen hundred and seventy-five, Massachusetts municipal light departments organized under chapter one hundred and sixty-four or any other special law, or with respect to any property real or personal whatsoever of municipal light departments administered pursuant to chapters forty-four and one hundred and sixty-four A. Notwithstanding the foregoing, the aforesaid Massachusetts Municipal Wholesale Electric Company and municipal light departments shall use their authority as provided by applicable statutes to assess, contain or remove any such oil or hazardous material release for which they are responsible under this chapter.

is owned or possessed by a fiduciary or secured lender, except that nothing in this section shall be deemed to allow the commonwealth to take any action otherwise authorized by this section with respect to any property while it is owned or possessed by a secured lender except to (1) record, register or file a lien or release of a lien as provided in this section, (2) in the case of real property, foreclose upon a lien and subsequently sell the property in question in accordance with the procedures set forth in chapter two hundred and forty-four, and (3) in the case of personal property, take possession and sell, lease or otherwise dispose of the secured property in accordance with the procedures for the disposition of collateral set forth in part five of section nine of chapter one hundred and six. If the property is sold for less than the amount of the lien, a secured lender who meets the requirements of clause (b) of the definition of owner or operator in section two shall not to be deemed an owner or operator of the site or vessel in question and shall not be liable to the commonwealth for the deficiency.

SECTION 311. Said chapter 21E is hereby amended by striking out said section 14 and inserting in place thereof the following:-

Section 14. (a) Upon written petition of ten or more residents of a municipality in which a site is located, or of a municipality potentially affected by a site, the department shall hold a public meeting at a time and location convenient to the affected public, and at such meeting shall present a proposed plan for involving the public in decisions regarding response actions at the site. The department shall inform residents of potentially affected communities of the meeting by causing notice thereof to be published in newspapers that circulate in said communities and by concurrently submitting to said newspapers a press release with the same information. The department shall design the proposed plan to ensure the following: that interested members of the public will have sufficient notice, access to documents and opportunity to comment to enable them to affect decisions regarding response actions at the site; that all public meetings or hearings will be held at locations and times convenient to the affected public; and that public documents regarding the site will be available at locations and at times convenient to the affected public. Following the meeting on the proposed plan, the department shall revise the plan to reflect comments it receives and make it available to the public. The department may, by regulation or order or both, require persons who carry out response actions to carry out the requirements of this section. Nothing in this section shall preclude the department from developing a public participation plan or conducting public meetings or hearings in the absence of a petition, or from requiring persons who carry out response actions to do so.

(b) Subject to appropriation, the department may provide for limited grants to be given to any group of individuals who may be affected by oil or hazardous materials from any site, or to any city or town or agency thereof that might be affected by oil or hazardous materials from any site, or to any district or other body politic that owns or operates a public water supply system that might be affected by oil or hazardous materials from any site. Any recipient of such a grant shall use it to obtain advice and technical assistance on matters relating to handling of sites pursuant to this chapter. The department shall have in effect at all times regulations, which the department may amend or revise from time to time, specifying terms and conditions of eligibility for and use of such grant.

(c) The chief municipal officer of a city or town in which a site is located may appoint from members of the potentially affected public an individual or individuals, to inspect the site on behalf of the community. Such individual or individuals

shall be given reasonable opportunities by the department and the site owner or operator, or a fiduciary or secured lender, who has ownership or possession of the site, to inspect such site prior to, during and after the implementation of major response actions, and may bring with them on such inspections experts on oil or hazardous materials releases or responses.

SECTION 312. All rules and regulations including, without limitation, the Massachusetts Contingency Plan, all orders, and all approvals adopted or issued pursuant to the authority of chapter twenty-one E of the General Laws, as in effect prior to the effective date of this act, shall continue in force and effect and shall be enforceable until they expire or until suspended, revised, rescinded or otherwise modified in accordance with said chapter twenty-one E, as amended by this act.

SECTION 313. Any suit, action, cause of action or other proceedings lawfully commenced or arising prior to the effective date of the amendments made to chapter twenty-one E of the General Laws by act shall not abate by reason of the passage of such amendments.

SECTION 314. The department of environmental protection, hereafter in this section called the department, shall submit a report on the following subjects, including recommendations and proposed regulations or legislation to effectuate them, to the joint committee on natural resources no later than January first, nineteen hundred and ninety-three:

(1) coordinating and making consistent with each other the department's regulations promulgated pursuant to chapter twenty-one E of the General Laws and the department's other regulations; and

(2) the extent to which state and local permitting requirements have affected response actions pursuant to said chapter twenty-one E, and the nature of such effects; and

(3) the extent to which response actions pursuant to said chapter twenty-one E should be subject to requirements for obtaining permits from other State agencies, or to regulations or standards promulgated by other State agencies; and

(4) the extent to which response actions pursuant to said chapter twenty-one E should be subject to requirements for obtaining permits or other approvals from cities or towns or other bodies politic, or to ordinances, by-laws, regulations, or standards promulgated by them.

To the maximum extent practicable, the preparation of the report required by this section shall be coordinated and consistent with the process that the department is required to complete, and any report prepared, on or before January first, nineteen hundred and ninety-three pursuant to subsection (j) of section eighteen of chapter twenty-one A of the General Laws. The department may, in its discretion, consolidate the report required by this section and any report prepared pursuant to said subsection (j) of said section eighteen.

SECTION 315. The initial members of the board of registration of hazardous waste site cleanup professionals established under the provisions of section nineteen A of chapter twenty-one A of the General Laws shall be appointed within ninety days of the effective date of this act.

SECTION 316. The board of registration of hazardous waste site cleanup professionals shall be paid from the cleanup of hazardous waste sites program of the department of environmental protection for fiscal year nineteen hundred ninety-three.

SECTION 317. The definition of "Covered Claim" in section 15 of chapter 21C of the General Laws, as amended by section 351 of chapter 138 of the Acts of 1991, is hereby further amended by striking out the word "ninety-two" and inserting in place thereof the word:- ninety-four.

SECTION 318. The first sentence of section 19 of chapter 21C of the General Laws, as most recently amended by section 352 of chapter 138 of the Acts of 1991, is hereby further amended by striking out the word "ninety-two" and inserting in place thereof the word:- ninety-four.

SECTION 319. Section 12 of chapter 21D of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 59 through 61, the words "COMPACT Fund established by section two M of chapter twenty-nine or the Local Aid Fund established by section two N of said chapter twenty-nine" and inserting in place thereof the following words:- Local Aid Fund.

SECTION 320. Section 3 of chapter 21H of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out in line 218 the words "Categorical Grants Fund" and inserting in place thereof the words:- Local Aid Fund.

SECTION 321. Section 1 of said chapter 21J, as so appearing, is hereby amended by inserting in line 16 after the word "vehicle" the following:- or boat.

SECTION 322. Said section 1 of said chapter 21J, as so appearing, is hereby further amended by inserting in line 33 after the word "vehicle" the word:- , boat.

SECTION 323. Section 4 of chapter 21J of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in line 19 by striking the words "secretary of administration and finance" and inserting in place thereof the words:- state fire marshal.

SECTION 324. Section 6 of said chapter 21J, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The state fire marshal shall make payments from the fund for any claim approved by a majority vote of the board and submitted in writing to said commissioner.

SECTION 325. Section 8 of said chapter 21J, as so appearing, is hereby amended in lines 10 through 13 by striking out the words "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 inserting in place thereof the words:- the state fire marshal, or his designee, who shall serve as chairman; the commissioner of the department of environmental protection, or his designee; the commissioner of public safety, or his designee;.

SECTION 326. Section 10 of said chapter 21J, as so appearing, is hereby amended in lines 4 through 5 by striking out the words "secretary of administration and finance" and inserting in place thereof the words:- state fire marshal.

SECTION 327. Section 15D of chapter 22 of the General Laws, as inserted by section 20 of chapter 412 of the acts of 1991 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The director shall initiate investigations and investigate complaints, including complaints initiated by recipients, which indicate the possibility of either a fraudulent claim for payment or services under any assistance program administered by the department of public welfare and the department of social services, or any program administered by said departments, or a receipt of payment or services by a person not entitled thereto.

SECTION 328. Chapter 23 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out section 11I and inserting in place thereof the following new section:-

Section 11I. Every apprentice agreement entered into under sections eleven E to eleven L, inclusive, shall substantially

conform to the following basic standards:-

(1) A provision that not less than two thousand hours of employment as an apprentice in the occupation therein referred to shall be required in order to learn such occupation shall be included therein;

(2) A schedule of the work processes to be learned in the occupation shall be set forth therein;

(3) A progressively increasing scale of wages for the apprentice, during the period of his apprenticeship, averaging approximately one-half of the rate of pay of a journeyman over a similar period, shall be set forth therein;

(4) A provision for approximately one hundred and fifty hours per year of related classroom instruction for the apprentice during said period of apprenticeship shall be included therein;

(5) Notwithstanding the provisions of section eleven G, neither the director of apprenticeship, the commissioner, nor the apprenticeship council shall set up and establish conditions and training standards for apprentice agreements which are in conflict with the ratio established in apprenticeable occupations operated by the joint labor management apprentice training programs approved under the provisions of this chapter;

(6) A concise and accurate statement of the terms and conditions of the employment and training of the apprentice shall be set forth therein, and also a statement that such apprenticeship agreement shall be filed, as soon as possible after its execution, with the apprenticeship council; and

(7) A statement that such agreement may be terminated, within six months of its execution, by either the employer or the apprentice involved, for any reason, shall be included therein.

SECTION 329. Section 2 of chapter 23B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting, in line 2, after the word "services" the following:- a bureau of regionalism.

SECTION 330. The second paragraph of section 3 of said chapter 23B, as so appearing, is hereby amended by adding the following clause:-

(v) act as a clearinghouse for information concerning regional endeavors and the joint provision of municipal services; to conduct surveys of cities and towns and other states to identify past and present regional activities, and to provide technical and financial assistance to cities and towns considering or undertaking regional activities.

SECTION 331. Section 8F of chapter 26 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 14 and 33, the words "four hundred thousand" and inserting in place thereof, in each instance, the following:- eight hundred thousand.

SECTION 332. Section 11F of chapter 12 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the words:- "provided, however, that such expenditures shall not exceed annually the amount assessed against insurance companies under the provisions of section eight F of chapter twenty-six" and by inserting in place thereof the following words:- provided, however, that such expenditures shall not exceed annually one hundred and fifty percent of the amount assessed against insurance companies under the provisions of section eight F of chapter twenty-six".

SECTION 333. Section 1 of chapter 29 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out in lines 32 and 33 the words "Categorical Grants Fund" and inserting in place thereof the words:- Local Aid Fund.

SECTION 334. Said chapter 29, as so appearing, is hereby amended by inserting after section 2C the following new section:-

Section 2C-1/2. There shall be established and set up on the books of the commonwealth a separate fund, subject to appropriation, known as the Local Aid Fund. There shall be credited to such fund the following revenues:

(a) Forty percent of the net sums received under the provisions of chapter sixty-two as taxes on income, interest thereon or penalties, including payments made on account thereof under the provisions of chapter sixty-two B;

(b) Forty percent of the net sums received under the provisions of sections thirty to fifty-one, inclusive, of chapter sixty-three, as excises, interest thereon or penalties, including payments made on account thereof under chapter sixty-three B;

(c) Forty percent of the net sums received under the provisions of chapters sixty-four H and sixty-four I as excises upon the sale at retail of tangible personal property or of services, and upon the storage, use or other consumption of tangible personal property or services, including interest thereon or penalties;

(d) The balance of the State Lottery Fund after the payment of prizes and deductions for the expenses of administering and operating the lottery, as determined by the comptroller in accordance with the provisions of clause (c) of section thirty-five of chapter ten and clause (c) of section thirty-nine of chapter ten; and,

(e) The balance of the Arts Lottery Fund, after the payment of prizes and deductions for the expenses of administering and operating the arts lottery, as determined by the comptroller in accordance with the provisions of section fifty-seven of chapter ten.

Revenue credited to the Local Aid Fund shall be used solely for payment to cities, towns and districts of such amounts as may be appropriated for state assistance, reimbursements and distributions under general and special law; for non-appropriated reimbursements to cities, towns and districts as provided for under general or special law, including payments of state assistance to cities and towns in accordance with the provisions of clause (c) of section thirty-five of chapter ten, but not including amounts distributed from the Highway Fund in accordance with the provisions of section thirty-one of chapter eighty-one; and for the payment of amounts appropriated for the commonwealth's cost of net county court costs in accordance with the provisions of chapter twenty-nine A. Any additional distribution from this fund shall be used solely for the reduction of property taxes.

SECTION 335. Section 2I of said chapter 29, as appearing in the 1990 Official Edition, is hereby amended by striking out the second paragraph, in lines 26 through 41, and inserting in place thereof the following paragraph:-

On or before August fifteenth, the secretary for administration and finance shall certify to the governor the total amount in the Tax Reduction Fund as shown in the financial report of the comptroller for the preceding fiscal year. A temporary increase in the amounts of the personal exemption allowable on the income tax shall be provided, subject to appropriation, for the taxable year ending on the succeeding December thirty-first to the extent that the amount in the Tax Reduction Fund equals an integer multiple of five percent of the amount of the personal income taxes which will not be collected for said taxable year on account of said personal exemptions. Said secretary for administration and finance shall recommend to the commissioner of revenue the amount of the temporary increase, of any, in said personal exemptions for said taxable year. The comptroller shall transfer from the Tax Reduction Fund forty percent of the amount equal to said integer multiple of five percent of the amounts not collected due to said personal exemptions to the Local Aid Fund, and sixty percent of said amount

to the General Fund.

SECTION 336. Section 2J of chapter 29 of the General Laws is hereby amended by striking clause (a) and inserting in place thereof the following clause:-

(a) any amounts collected pursuant to sections eleven, nineteen C and nineteen G of chapter twenty-one A;.

SECTION 337. Sections two M and two N of chapter twenty-nine of the General Laws are hereby repealed.

SECTION 338. Section 2Q of chapter 29 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by deleting the third sentence and inserting in place thereof the following sentence:- Amounts credited to said fund shall be expended subject to appropriations.

SECTION 339. Chapter 29 of the General Laws is hereby further amended by inserting after section 2V the following new section:-

Section 2W. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Capital and Infrastructure Project Reserve Fund. Notwithstanding any general or special law to the contrary, there shall be credited to such fund any and all amounts received by or on behalf of the commonwealth from the sale, lease or other permanent or temporary disposition of any real or personal property by any state agency. Amounts credited to such fund shall be used solely to fund expenditures for the construction, reconstruction or repair of capital, highway, infrastructure or environmental projects which have been appropriated by the general court and for which the sale of bonds has been authorized. Amounts so credited to such fund and a vailable to fund expenditures for such authorized projects shall be used to reduce the amount of bonds which would otherwise have to be issued for such purposes.

SECTION 340. Chapter 29 of the General Laws is hereby amended by striking section 2T, as amended by section 108 of chapter 138 of the acts of 1991, and inserting in place thereof the following section:-

Section 2T. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Watershed Management Fund. There shall be credited to such fund the following:

(a) all assessments against the Massachusetts water resources authority established pursuant to section one hundred thirteen of chapter ninety-two, and against any other public or private entity by the commissioner of the metropolitan district commission;

(b) all revenues generated by the metropolitan district commission's division of watershed management which shall include, but not be limited to, the sale of hydroelectricity, recreational or permits fees, and any access fees established pursuant to chapter four hundred thirty-six of the acts of nineteen hundred and ninety;

(c) all revenues from the sale of wood products harvested on watershed lands;

(d) all payments from the Massachusetts water resources authority for debt service pursuant to section one hundred thirteen A of chapter ninety-two; and

(e) all interest earned on monies within the fund.

Amounts credited to the Watershed Management Fund shall be used, subject to appropriation, for the maintenance and operating costs of said division of watershed management, as established in sections one hundred and four to one hundred twenty, inclusive, of chapter ninety-two, including the costs of capital improvements necessary to ensure the safety and purity

of the water supply and protection of watershed lands pursuant to state and federal standards, other authorized charges of said division of watershed management, and debt service payments for bonds authorized in said section three of said chapter five hundred sixty-four and said sections twelve and thirteen of said chapter thirty-six for the acquisition of fee simple, development and other rights or interests in land in the areas regulated by said division of watershed management.

SECTION 341. Section 5C of said chapter 29, as so appearing, is hereby amended by striking out in line 18 the words "Categorical Grants Fund" and inserting in place thereof the words:- Local Aid Fund.

SECTION 342. Section 6D of chapter 29 of General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 23 through 27, the words, "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 for the Intragovernmental Service Fund" and inserting in place thereof the following:- section two B shall include all appropriations from the Intragovernmental Service Fund; section two C shall include all authorizations to continue a prior appropriation, including an amount set out in numeric figures of the prior appropriation continued.

SECTION 343. Section 27 of chapter 29 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words "established by, and on file with, the joint committees on ways and means;" and inserting in place thereof the words:- established by the house committee on ways and means and filed by the secretary of administration and finance with the house and senate committees on ways and means and the comptroller;.

SECTION 344. The last sentence of said section 27 of said chapter 29, as so appearing, is hereby amended by inserting, in line 14, after the word "Said", the word:- house.

SECTION 345. The second paragraph of section 60A of said chapter 29, as so appearing, is hereby amended by inserting, in line 39, after the word "house", the words:- committee on ways and means and thirty days after filing such regulations with the house.

SECTION 346. Sections sixty-seven through seventy of chapter twenty-nine of the General Laws are hereby repealed.

SECTION 347. Chapter 29A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 3 the following section:-

Section 3A. Notwithstanding any provision to the contrary in section three or any other general or special law, the trial court and the appeals court are hereby authorized to establish a fee-based system and a schedule of fees for electronic access and retrieval of information by attorneys and other members of the public from their automated data bases relating to docket entries, calendaring and other information contained therein. The chief administrative justice of the trial court and the chief justice of the appeals court, or persons duly authorized by them, shall determine which types of information shall be available by remote access and shall otherwise establish by administrative order conditions, methods and means by which such information is to be made available by electronic access. The trial court and the appeals court shall provide such remote access without charge to prosecutors and government agencies. The trial court and the appeals court shall file an annual report with the executive office of administration and finance and the house and senate committees on ways and means on the amount of revenue generated by said fee-based system and said schedule of fees. All revenue generated by said fee-based system

and said schedule of fees shall be credited to the General Fund.

SECTION 348. Section 1 of chapter 29B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 45, the words "Categorical Grants Fund" and inserting in place thereof the words:- Local Aid Fund.

SECTION 349. Paragraph (d) of subsection (4) of section 45 of chapter 30 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 78, the words"joint committee" and inserting in place thereof the words:- house committee on ways and means and filed with the senate committee.

SECTION 350. Subsection (7) of said section 45 of said chapter 30, as so appearing, is hereby amended by striking out, in line 129, the words "of the joint committee on ways and means", and inserting in place thereof the words:- of the house committee on ways and means and after notification to the senate committee on ways and means.

SECTION 351. Chapter 31 of the General Laws is hereby amended by striking out section 44, and inserting in place thereof the following section:-

Section 44. The commission may institute appropriate proceedings in the superior court for enforcement of its final orders or decisions. Any party aggrieved by a final order or decision of the commission following a hearing pursuant to any section of this chapter or chapter thirty-one A may institute proceedings for judicial review in the superior court within thirty days after receipt of such order or decision. Any proceedings in the superior court shall, insofar as applicable, be governed by the provisions of section fourteen of chapter thirty A, and may be instituted in the superior court for the county (a) where the parties or any of them reside or have their principal place of business within the commonwealth, or (b) where the commission has its principal place of business, or (c) of Suffolk. The commencement of such proceedings shall not, unless specifically ordered by the court, operate as a stay of the commission's order or decision.

SECTION 352. Section 3 of chapter 32 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "hospital", in line 300, the following words:- and the commissioner of probation, associate commissioner of probation, deputy commissioner of probation, supervisor of probation, assistant supervisor of probation, chief probation officer, first assistant chief probation officer, assistant chief probation officer, probation officer in charge and probation officer;.

SECTION 353. Notwithstanding the provisions of any general or special law to the contrary, not more than twenty percent of vacancies resulting from the retirement of employees classified in Group 2 under the provisions of subparagraph (g) of paragraph (2) of section three of chapter thirty-two of the General Laws and who are under the supervision of the commissioner of probation shall be refilled in fiscal year nineteen hundred and ninety-three.

SECTION 354. Paragraph (a) of subdivision (6) of section 22 of chapter 32 of the General Laws, as most recently amended by section one hundred and fourteen of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, is hereby further amended by inserting after subparagraph (iii) the following:-

(iv) Prior to making the transfers provided for in clause (iii) the state employees' retirement system shall transfer from its investment income account to the General Fund an amount equal to the amount set forth in the state budget for the administration of said system and the state teachers' retirement system shall transfer from its investment income account to the General Fund an amount equal to the amount set forth in the state budget for the administration of said system.

(v) Prior to making the transfers provided for in clause (iii) the state employees' retirement system shall transfer to the General Fund an amount equal to the estimated amount, as certified to the secretary of administration and finance by the office of the treasurer, for those retirement-related costs incurred by the office of the treasurer on behalf of the state employees' retirement system; and the state teachers' retirement system shall transfer to the General Fund an amount equal to the estimated amount, as certified to the secretary of administration and finance by the office of the treasurer, for those retirement-related costs incurred by the office of the treasurer on behalf of the state teachers' retirement system.

SECTION 355. Clause (a) of subdivision (7) of said section 22 of said chapter 32 of the General Laws, as so amended, is hereby further amended by striking after the word "systems" in line 795, the following:- provided, however, that the PRIM Board, on or before January first of each such fiscal year, shall reimburse the commonwealth the amounts appropriated for said expense funds from the PRIT fund.

SECTION 356. The second paragraph of section 22C of chapter 32 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 67 and 68, the words "that the house and senate committees on ways and means shall have reviewed and approved in advance" and inserting in place thereof the words:- that the senate committee on ways and means shall have reviewed and that the house committee on ways and means shall have approved in advance.

SECTION 357. The fourth sentence of the second paragraph of said section 22C of said chapter 32, as so appearing, is hereby amended by striking out, in line 79, the words, "and senate committees on ways and means, respectively, have" and inserting in place thereof the words:- committee on ways and means has.

SECTION 358. The second paragraph of subdivisions (1) of section 22D of said Chapter 32, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 39, the words "ninety-one" and inserting in place thereof the following words:- ninety-four.

SECTION 359. The first paragraph of section 65C of chapter 32 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the words "or sixty-five D" appearing in line 5 and inserting in place thereof the following words:- sixty-five D, sixty-five F, or sixty-five I.

SECTION 360. Said chapter 32, as so appearing, is hereby amended by inserting after section 65G the following two sections:-

Section 65H. A chief justice, administrative justice, justice, associate justice, judge, associate judge, or special justice, hereafter in this section and in section sixty-five I called judge, who has paid the full amount of the contributions required, if any, by paragraph (b) of section sixty-five D, shall receive a retirement allowance, at the option of the judge and in lieu of any pension or retirement allowance to which he may be entitled, if any, under section sixty-five A, sixty-five B, or sixty-five D, to become effective on the date of his retirement. Payments under such retirement allowance shall be made as provided in sections twelve and thirteen. The yearly amount of such retirement allowance to a judge provided for under this section shall, subject to the limitations set forth in this section, be based on the salary of the judge at the time of his retirement, multiplied by the number of continuous years of service as a judge, and further multiplied by the percent allowable based on the age at the date of retirement as shown in the following table:

Percent	Allowable Age at Date of Retirement
5.0	65 or over
4.5	64
4.0	63
3.5	62
3.0	61
2.5	60
2.3	59
2.1	58
1.9	57
1.7	56
1.5	55

The amount of the retirement allowance provided for in this section shall not exceed seventy-five percent of the salary of the judge at the time of his retirement. No such retirement allowance shall be paid unless the judge shall have served continuously as a judge for at least ten years. For the purpose of this section, a year of service as a special justice shall be computed by dividing the number of days of actual sittings in such capacity by two hundred and sixty, whether or not such sittings occurred in one calendar or fiscal year. A judge shall be deemed to have served continuously even though a period not in excess of thirty days shall have intervened between the holding of one judicial office and the holding of another judicial office.

SECTION 65I. Any judge may, voluntarily and on his own initiative, apply for an allowance under the provisions of section six or seven, and, if found eligible for such allowance under the provisions of such sections, may, without an order of the governor or the consent of his council, receive such an allowance upon the terms applicable to a member classified in Group I in lieu of any other retirement allowance for which he might otherwise be eligible.

SECTION 361. Section 4A of chapter 32A of the General Laws is hereby amended by striking out, in lines 6 and 7, the words "carrier or non-profit hospital or medical service corporation or other third-party administrator" and inserting in place thereof the following words:- carrier, non-profit hospital or medical service corporation, health maintenance organization, preferred provider organization, independent practice association or other third-party health care administrators.

SECTION 362. The fourth paragraph of section 8 of chapter 32A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the sixth sentence beginning in line 112 and inserting in place thereof the following sentence:- The Massachusetts Parking Authority, the metropolitan area planning council, the Massachusetts State College Building Authority, Worcester county, the county cooperative extension service of Suffolk county, local housing authorities and redevelopment authorities and all other non-state-funded agencies and authorities, shall reimburse the commonwealth for all contributions made on behalf of their employees and retirees including the applicable administrative expense as determined by the commission.

SECTION 363. Section 4 of chapter 32B of the General Laws, as most recently amended by section 384 of chapter 138 of

the acts of 1991, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Any such collective bargaining agreement shall provide for benefits, monetary or otherwise, in lieu of such coverage for employees who were covered as of July first, nineteen hundred and ninety-two by the employer's group or nongroup health insurance plan pursuant to the provisions of this chapter.

SECTION 364. Said section 4 of said chapter 32B, as so appearing, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The employer may offer nonunit employees who were covered as of July first, nineteen hundred and ninety-two under the employer's group or nongroup health insurance plan, alternative benefits in lieu of such coverage.

SECTION 365. Said section 4 of said chapter 32B, as so appearing, is hereby further amended by striking out the eighth sentence and inserting in place thereof the following sentences:- Once an employee elects to terminate his insurance by withdrawing, such insurance benefits shall cease to be effective on the date up to which the premium has been paid. The employer shall provide that if an employee who elects withdrawal under the provisions of this section and under the relevant clauses of an applicable collective bargaining agreement, ceases to be covered by a group of nongroup health insurance plan financed without any participation by the employer, or by another employee's insurance under a group or nongroup health insurance plan offered by the employer, such employee shall thereupon be covered by the employer's group or nongroup health insurance plan pursuant to this chapter as of the date he informs the employer in writing of such termination of insurance coverage. Any benefits, monetary or otherwise, paid to such employee in accordance with this section, shall be ratably reduced, and any amounts paid hereunder which are allocable to periods of employment after such insurance coverage by the employer's group or nongroup health insurance plan are reinstated may be recovered by the employer under such terms and such conditions as shall be provided in a collective bargaining agreement, for employees whose terms and conditions of employment are so governed, or as determined by the employer, for employees whose terms and conditions of employment are not subject to collective bargaining.

SECTION 366. Section 12 of chapter 32B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding at the end thereof the following:-

Two or more governmental units may also join together, by means of a trust or joint purchase agreement, when providing hospital, surgical, medical, dental and other health care coverage as authorized by this chapter. In lieu of or in addition to entering into the insurance policies, agreements or contracts described in this chapter, a trust or joint purchase group may enter into an administrative services or other contract with one or more insurance companies, nonprofit hospital, medical or dental service corporations organized under chapter one hundred and seventy-six A, chapter one hundred and seventy-six B or chapter one hundred and seventy-six E, or with one or more health care organizations, or with one or more third party administrators or other entities to organize, arrange or provide for the delivery or payment of health care coverage or services, as provided in section three A. In such case, the trust or joint purchase agreement shall make provisions for the allocation of the claims, administrative and other expenses of the trust or joint purchase group among the participating governmental units, and shall set forth a schedule pursuant to which the treasurer of each participating governmental unit shall forward to the treasurer of the trust or joint purchase group, from the governmental unit's claims trust fund, that governmental unit's

allocation of the trust or joint purchase group's claims, administrative or other expenses. The requirements of section three A shall apply to any governmental unit which participates in any such trust or joint purchase agreement, except to the extent that those requirements would conflict with the provisions of this paragraph. Nothing in this section shall be construed to prevent two or more governmental units pursuant to a joint purchase or trust agreement from jointly negotiating and purchasing other coverage as authorized by this section.

SECTION 367. Said chapter 32B of the General Laws, as so appearing, is hereby further amended by adding after section eighteen, as inserted by chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one, the following new section:-

Section 19. (a) Notwithstanding the provisions of any other section in this chapter, the appropriate public authority of any governmental unit which has undertaken to provide health coverage to its employees, retirees, surviving spouses or dependents who shall hereafter be referred to as subscribers by acceptance of any other section of this chapter may instead elect provide health coverage to all such subscribers pursuant to the provisions of this section, by entering into a contract or contracts with any one or more health carriers, or by transferring such subscribers to the group insurance commission established pursuant to chapter thirty-two A of the General Laws pursuant to subsections (d) or (e) herein. This section shall be deemed to have been accepted by a governmental unit where all its public employers and the appropriate employee organizations have reached agreement regarding health coverage and the public authority has, in conformity with any applicable collective bargaining agreements, entered into one or more contracts with a health carrier or carriers pursuant to the terms of this section or transferred subscribers to the said commission pursuant to subsections (d) or (e). Nothing in this section shall preclude a public employer from agreeing to establish a health and welfare trust under section fifteen of this chapter. For purposes of this section, a health carrier shall include any insurance company organized pursuant to chapter one hundred and seventy-six G, preferred provider organization organized pursuant to chapter one hundred and seventy-six I, or, in the case of a governmental unit which is partially or fully self-insured with respect to health coverage, any third party administrator selected by the governmental unit, which may include but is not limited to any health carrier.

The appropriate public authority may contract with a health carrier for direct coverage of subscribers for whom the carrier's geographic service area provides appropriate access and coverage for other subscribers in accordance with subsection (d) herein.

(b) Nothing in this section shall be deemed to require, preclude or permit any change in any aspect of health coverage for active employees authorized by this section except where the parties to a collective bargaining agreement under chapter one hundred and fifty E agree to provide for such change in an agreement entered into or modified subsequent to the effective date of this subsection.

(c) Nothing in this section shall be construed so as to relieve any governmental unit from providing health coverage to any employee, retiree, surviving spouse or dependent to whom it has an obligation to provide coverage under any other provision of this chapter.

(d) If the appropriate public authority enters into a contract with a health carrier under this section, the health carrier may, pursuant to this subsection, provide for or arrange for the provision of coverage for those subscribers who, by reason of

residence or domicile, could not be appropriately served within the service area of said health carrier. Coverage for active employees under this subsection shall be pursuant to and in conformity with any applicable collective bargaining agreement and shall conform to the requirements of this section, including subsections (b) and (c) hereof. Notwithstanding any other law to the contrary, coverage that may be provided by said health carrier for subscribers who by reason of residence or domicile cannot be appropriately served within the service area of said health carrier, may be based upon contractual arrangements with health care providers or other carriers, provided that such contractual arrangements are consistent with the contract between the health carrier and the appropriate public authority; and provided further that such arrangements shall provide coverage for retirees which is substantially equivalent to the coverage provided to active employees within the health carrier's service area.

In the event the health carrier is unable to procure such coverage for subscribers by reason of their residence or domicile, the health carrier shall forward the names of such subscribers to the appropriate public authority, or in the event the appropriate public authority is otherwise unable to procure such coverage for said subscribers, the appropriate public authority shall transfer said subscribers to the said commission consistent with the provisions of subsection (f).

(e) Where collective bargaining agreements covering all collective bargaining units of the governmental unit executed or modified subsequent to the effective date of this subsection to provide, the appropriate public authority shall, for a period of time specified by regulation of said commission, transfer to said commission all subscribers for whom it provides health coverage. The regulations of said commission shall permit the governmental unit, upon agreement with all collective bargaining units of the governmental unit, to withdraw from such transfer to said commission after a period of not less than three years following such transfer consistent with the provisions of subsection (f).

(f) Said commission shall negotiate and purchase health coverage for subscribers transferred pursuant to subsection (d) and subsection (e) and shall promulgate regulations for coverage of such subscribers so transferred. The schedule of benefits available to such transferred subscribers shall be determined by said commission in accordance with chapter thirty-two A. All such subscribers shall be offered at least the same choice as to health carriers as is made available to state employees. The governmental unit's contribution to the cost of health coverage for such subscribers shall be as determined under this section, and shall not be subject to the provisions on contributions in said chapter thirty-two A. Said commission may require the governmental unit to collect and forward to the said commission the full premium or cost of coverage, including the employee's contribution, if any. For the purposes of calculating the full premium or cost of coverage for subscribers transferred pursuant to subsection (d), the claims experience of all retirees transferred thereunder shall be combined with the claim of all active employees so transferred. Said commission may also charge the governmental unit an administrative fee to be determined by said commission which shall be paid by the governmental unit and shall not be considered as part of the cost of coverage for purposes of determining the contributions of the governmental unit and its employees to the cost of health coverage.

(g) For purposes of this subsection, and subsections (h) and (i), a governmental unit shall be deemed to be offering its subscribers a primary carrier if, pursuant to collective bargaining agreements executive or modified subsequent to the effective date of this subsection, it offers those subscribers comprehensive health insurance coverage by contracting with an entity

licensed under chapter one hundred and seventy-five, chapter one hundred and seventy-six A or chapter one hundred and seventy-six B, by transferring subscribers to the group insurance commission under subsection (e), or by providing such coverage through self-insurance and a third party administrator as defined in subsection (a).

(h) If the carrier or carriers selected to provide coverage to subscribers under this section include a primary carrier, the governmental unit's contribution to the premium or cost of such coverage, exclusive of any administrative fee charged pursuant to subsection (f), shall be as established for active employees and retirees pursuant to sections seven, seven A, nine A and nine E of this chapter; and the governmental unit's contributions to any other carrier, including other carriers with whom the appropriate public authority contracts directly and other carriers whose products are available to employees transferred to the said commission pursuant to subsections (d) and (e), shall be the same amount as the governmental unit's contribution to the premium or cost of coverage provided by the primary carrier.

(i) If the carrier or carriers selected to provide coverage to subscribers under this section do not include a primary carrier, the governmental unit shall contribute to the premium or cost for coverage charged by any carrier for active employees at least a minimum percentage of the premium or cost equal to the weighted average percentage of the dollar amount contributed by the governmental unit on behalf of all active employees who were covered by a carrier other than primary carrier as of July first, nineteen hundred and ninety-one.

SECTION 368. Section 122 of chapter 33 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding at the end thereof the following subsection:-

(g) The adjutant general is authorized to enter into interagency agreements with other state agencies and to charge other state agencies for the use of any armory, air installation or other facility under his control.

SECTION 369. Section 4A of chapter 40 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following two paragraphs:-

The chief executive officer of a city or town, or a board, committee or officer otherwise authorized by law to execute a contract in the name of a governmental unit, as hereinafter defined, may enter on behalf of such unit into an agreement with one or more other governmental units to perform jointly or for such other unit or units any services, activities or undertakings which any of the contracting units is authorized by law to perform, if such agreement is authorized by the parties thereto, in a city by the city council with the approval of the mayor, and in a town or district by the town or district meeting; provided, however, that when such agreement involves the expenditure of funds for educational purposes accepted pursuant to section fifty-three A of chapter forty-four, or the expenditure of funds for establishing supplementary education centers and innovative educational programs, the agreement and its termination shall be authorized by the school committee. Any such agreement shall be for such maximum term, not exceeding twenty-five years, and shall establish such maximum financial liability of the parties, as may be specified in the authorizing votes of the parties thereto. A governmental unit, when duly authorized to do so in accordance with the provisions of law applicable to it, may raise money by any lawful means, including the incurring of debt for purposes for which it may legally incur debt, to meet its obligations under such agreement. Notwithstanding any provisions of law or charter to the contrary, no governmental unit shall be exempt from liability for its obligations under an agreement lawfully entered into in accordance with this section. The words "governmental unit" as used herein shall mean

a city, town, a regional school district, a district as defined in section one A, regional planning commissions, however constituted, regional transit authorities established under the provisions of chapter one hundred and sixty-one B, and counties.

All agreements put into effect under this section shall provide sufficient financial safeguards for all participants, including, but not limited to: accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions received; the performance of regular audits of such records; and provisions for officers responsible for the agreement to give appropriate performance bonds. The agreement shall also require that periodic financial statements be issued to all participants. Nothing in this section shall prohibit any agreement entered into between governmental units from containing procedures for withdrawal of a governmental unit from said agreement.

SECTION 370. Chapter 40 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out section 21D and inserting in place thereof the following section:-

Section 21D. Any city or town may by ordinance or by-law not inconsistent with this section permit the noncriminal disposition pursuant to the civil infraction procedure in chapter ninety G of one or more of the following violations:

(a) any violation of an order of the municipal board of health relating to public health which is authorized by the general laws, any special law applicable to that city or town, the provisions of the state sanitary code or other state regulation, or any municipal ordinance, by-law, rule or regulation;

(b) any violation of an order of a municipal building official relating to public safety which is authorized by the general laws, any special law applicable to that city or town, the provisions of the state building code or other state regulation, or any municipal ordinance, by-law, rule or regulation;

(c) any violation of an order of a municipal fire official relating to public safety which is authorized by the general laws, any special law applicable to that city or town, the provisions of the state fire prevention code or other state regulation, or any municipal ordinance, by-law, rule or regulation; or

(d) any violation of any other municipal ordinance or by-law or any rule or regulation of any municipal officer, board or department.

Such ordinance or by-law shall fix for each such infraction a specific sum of money not exceeding three hundred dollars as the civil assessment for such infraction. Any assessments collected under the provisions of this section shall be paid to the city or town for such use as the city or town may direct.

SECTION 371. Section 22A of chapter 40 of the General Laws, as appearing in the 1990 Official Edition is hereby amended by striking out the fifth sentence.

SECTION 372. Section 81Q of chapter 41 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in lines 88 to 90 by striking out the words "and no rule or regulation, or amendment thereof, shall be effective until certified copies thereof have been so transmitted".

SECTION 373. Chapter 43C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following new sections:-

Section 14. Notwithstanding any provision of this chapter, any city or town may, by majority vote as defined in section one of chapter forty-four, adopt an optional plan of municipal administration under this chapter or revoke or rescind a plan

accepted pursuant to this section; provided, that for a town the majority vote necessary to adopt, revoke, or rescind a plan pursuant to this section shall be at the annual meeting.

Section 15. Consolidated departments established under authority of this chapter may participate in agreements entered into pursuant to the provisions of section four A of chapter forty for joint performance of services with other governmental units.

SECTION 374. Chapter 44 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out section 20 and inserting in place thereof the following section:-

Section 20. The proceeds of any sale of bonds or notes, except premiums and accrued interest, shall be used only for the purposes specified in the authorization of the loan, and may also be used for costs of preparing, issuing and marketing such bonds or notes, except as otherwise authorized by this section. If a balance remains after the completion of the project for which the loan was authorized, such balance may at any time be appropriated by a city, town or district for any purposes for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any such balance not in excess of one thousand dollars may be appropriated for the payment of the principal of such loan. If a loan has been issued for a specified purpose but the project for which the loan was authorized has not been completed and no liability remains outstanding and unpaid on account thereof, a city by a two-thirds vote of all of the members of the city council, or a town or district, by a two-thirds vote of the voters present and voting thereon at an annual town or district meeting, may vote to abandon or discontinue the project and the unexpended proceeds of the loan may thereupon be appropriated for any purpose for which a loan may be authorized for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any premium received upon such bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of said bonds or notes shall be paid to the city, town or district treasury. Notwithstanding the provisions of this section, no appropriation from a loan or balance thereof shall be made which would increase the amount available from borrowed money for any purpose to an amount in excess of any limit imposed by general law or special act for such purpose.

SECTION 375. Chapter 44 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out section 41 and inserting in place thereof the following section:-

Section 41. The expenses incurred under sections thirty-five to forty, inclusive, shall be incurred by the commonwealth; and payment therefor, in the amount and to the extent deemed appropriate by the director, shall be deducted by the state treasurer under the provisions of section twenty A of chapter fifty-eight from any amount distributable or payable by the commonwealth to the cities and towns concerned and, with respect to districts, to the cities and towns that comprise such district.

SECTION 376. Section 69 of chapter 44 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out in line 6 the words "an amount equal to one percent of the amount of the check; provided, however, that if such check is for less than five hundred dollars, the penalty under this section shall be five dollars" and inserting in place thereof the words:- the same amount imposed under the provisions of section fifty-seven A of chapter sixty.

SECTION 377. Chapter 44 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding

the following sections:-

Section 70. Notwithstanding the provisions of sections thirty-one and fifty-three, any city or town may, by vote of its town meeting, town council or city council authorize the collector, treasurer or other department head, with the approval of the selectmen, town manager or mayor, to enter into contracts to identify and pursue federal government reimbursements for, or other revenues or available resources that may be generated by, programs or activities being carried out by the municipality, and to provide that payments for services under such contracts may be made from the reimbursements or revenues recovered as a result of the services performed without appropriation of such revenues. The provision of this section shall not apply to reimbursements, revenues or resources that may be available from the medical care and assistance program administered by the commonwealth pursuant to chapter 118E of the General Laws.

Section 71. Contracts under the authority of section seventy shall be subject to such regulations and guidelines as the commissioner of revenue may issue. The commissioner of revenue is further authorized to negotiate contracts with vendors for particular types of services to be provided and paid for under the terms of said section seventy, and cities and towns may enter into such contracts negotiated by the commissioner with the vendors designated by the commissioner without complying with the provisions of chapter thirty B.

SECTION 378. Section 14 of chapter 53 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting in line 39 after the word "chosen." the following:- Notwithstanding any of the foregoing, when a vacancy occurs, by reason of withdrawal, death or ineligibility in a district comprised of portions of wards of a city or not all precincts of a town, then each ward and town committee which includes the precincts which are part of the district shall choose delegates as hereinabove provided to fill vacancies in such number not exceeding one for each five hundred votes or fractions thereof cast in that portion of the ward or town included in the district for the candidate of that party for governor at the last state election, provided further that said delegate so chosen shall reside in the district where the vacancy occurs.

SECTION 379. Section 6 of chapter 55 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:-

For the purposes of this section the term "personal use" shall not include expenses relating to the provision of constituent or legislative services or to the opening or maintaining of a legislative district office, provided that (a) said expenses are not otherwise paid, provided or reimbursed by the commonwealth or any other governmental body.

SECTION 380. Section 18 of chapter 55 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 277 and 278, the words "Categorical Grants Fund, established under the provisions of section two N of chapter twenty-nine" and inserting in place thereof the following words:- Local Aid Fund, established under the provisions of section two D of chapter twenty-nine.

SECTION 381. Chapter 58 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking section 20A and inserting in place thereof the following section:-

Section 20A. If, at the time any amount is distributable or payable by the commonwealth to any city or town, there is due to the commonwealth any sum from such city or town, for any service or cause whatsoever, such sum so due to the commonwealth shall be deducted by the state treasurer from the amount so distributable or payable to the city or town, and

shall be applied to the payment of the sum so due to the commonwealth.

SECTION 382. Said section 21C of said chapter 59, as so amended, is hereby further amended by adding, after paragraph (m), the following new paragraph:-

(n) The local appropriating authority of any city or town may, by a majority vote, seek voter approval at a regular election to adopt an allowable tax growth factor system.

Any question to be submitted to voters shall be worded as follows:-

"Shall the (city/town) of _____ be allowed to adopt an 'allowable tax growth factor system' in the computation of real estate and personal property taxes to be assessed for the fiscal years beginning July first, (year) and thereafter which allows tax growth to be adjusted for an inflation factor in place of the limitations imposed by "Proposition 2 1/2", so-called, which limits increases to 2 1/2% annually?".

YES _____ NO _____

Said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

Any time after adoption of the allowable tax growth factor system, the voters of any city or town having so adopted may, upon collection of signatures equal in number to three percent of those registered to vote in such city or town, cause the question of the repeal of the allowable tax growth factor system for the next fiscal year to be placed upon the ballot of the next regular election. The signatures for the referendum must be filed with the city or town clerk at least thirty-five days before the election in which the question is to appear, and filed for certification by the registrar of voters fourteen days before filing with the clerk.

Any question submitted to the voters shall be worded as follows:

"Shall the (city/town) of _____ return to the method of assessing real estate and personal property taxes contained in 'proposition two and one-half' so-called, which limits tax growth to 2 1/2% annually, for the fiscal years beginning July first, (year), and thereafter?".

YES _____ NO _____

Said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

SECTION 383. Section 21C of chapter 59, as most recently amended by section two hundred and forty-three of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one is hereby further amended by adding, in paragraph (a) after the introductory clause in lines 1 and 2, the following definition:-

"Allowable tax growth factor", the maximum allowable percentage of growth in total taxes assessed in excess of the preceding fiscal year's levy limit, equivalent to the average of the three preceding calendar years' annual index of the Implicit Price Deflator for Consumer Expenditures for the northeast region, as determined by the Bureau of Economic Analysis of the United States Department of Commerce, provided that the total tax assessment in any fiscal year shall not exceed one hundred and five percent of the preceding fiscal year's levy limit. In calculating the allowable local tax growth factor for any fiscal year, the same index for a calendar year that was used in prior calculations shall be used in subsequent calculations involving that calendar year, notwithstanding periodic adjustments made in the index by the Bureau of Economic Analysis for that calendar year.

SECTION 384. Paragraph (f) of said section 21C of said chapter 59, as most recently amended by section 20 of chapter 6 of the acts of 1991, is hereby further amended by adding, after the words "paragraph (g);" the following:- provided, however, that a city or town which adopts an allowable tax growth factor system pursuant to paragraph (n) may increase its total tax assessment for any fiscal year to the extent permitted by this section;.

SECTION 385. Said chapter 59, as appearing in the 1990 Official Edition, is hereby amended by striking out section 25 and inserting in place thereof the following section:-

Section 25. The assessors of each city, town and tax-levying district shall annually raise by taxation such reasonable amount of overlay as the commissioner may approve although the total taxes assessed as provided in section twenty-one C of this chapter may by such overlay be exceeded; provided that only an amount not in excess of the average overlay for the three previous fiscal years shall be excluded from the provisions of section twenty-one C. The overlay account may be used only for avoiding fractional divisions of the amount to be assessed and to fund abatements granted on account of taxes assessed for the fiscal year in whose assessment the overlay is raised. The amount of such overlay approved by the commissioner shall not be included in calculating the "total taxes assessed" in paragraph (a), or the maximum levy limit in paragraph (f), of section twenty-one C. Any balance in the overlay account in excess of the amount of the warrant remaining to be collected or abated, as certified by the board of assessors, shall be transferred by the board of assessors upon its own initiative or within ten days of a written request by the chief executive officer, with written notice to the chief executive officer, to a reserve fund to be appropriated for any lawful purpose. Any balance in said reserve fund at the end of the fiscal year shall be closed out to surplus revenue.

SECTION 386. Section 78A of chapter 59 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words, "a tax has been assessed thereon" and inserting in place thereof the words:- January first.

SECTION 387. Section 1 of chapter 60A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

Except as hereinafter provided, there shall be assessed and levied in each calendar year on every motor vehicle and trailer registered under chapter ninety, for the privilege of such registration, an excise measured by the value thereof, as hereinafter defined and determined, at the rate of twenty-five dollars per thousand of valuation; provided, however, that the minimum excise shall in all cases be equal to twenty-five dollars.

SECTION 388. Section 2A of chapter 60A of the General Laws, as appearing in the 1990 Official Edition, is hereby further amended by striking, in line 36, the word "ten" and inserting in place thereof the word:- twenty.

SECTION 389. Subparagraph A of Part 1 of paragraph (a) of section 2 of chapter 62 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the words in lines 9 and 10 following the word "under" and inserting in place thereof the following:- any provision of law.

SECTION 390. Subparagraph A of Part 2 of paragraph (a) of section 2 of chapter 62 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out in line 35 the period and inserting in place thereof a comma and the following:- and dividends received from a regulated investment company qualified under section eight hundred and

fifty-one of the Federal Internal Revenue Code to the extent such dividends are attributable to interest on obligations of the United States exempt from state income taxation and are so identified in a written notice mailed to the shareholders of such regulated investment company not later than sixty days after the close of its tax year.

SECTION 391. Part 2 of paragraph (a) of section 2 of said chapter 62, as so appearing, is hereby amended by adding at the end thereof the following paragraph:-

(1) Dividends received from a regulated investment company qualified under section eight hundred and fifty-one of the Federal Internal Revenue Code which are exempt interest dividends under section eight hundred and fifty-two of said Code but only to the extent of the portion of such exempt interest dividends directly attributable to interest from obligations issued by the commonwealth, any political subdivision thereof, or any agency or instrumentality of either of the foregoing, that is exempt from taxation under any provision of law, and provided that such portion is identified in a written notice mailed to the shareholders of such regulated investment company not later than sixty days after the close of its tax year.

(j) Dividends received from a regulated investment company qualified under section eight hundred and fifty-one of the code which are capital gain dividends under section eight hundred and fifty-two of said Code but only to the extent of the portion of such capital gain dividends attributable to gain from obligations issued by the commonwealth, any political subdivision thereof, or any agency of instrumentality of either of the foregoing, that is exempt from taxation under any provision of law, and provided such portion is identified in a written notice to the shareholders of such regulated investment company not later than sixty days after the close of its tax year.

SECTION 392. Section 2(b)(A) of chapter 62 of the Massachusetts General Laws as appearing in the 1990 Official Edition is hereby amended by inserting in line 87 after the word "association" the words"or banking partnership."

SECTION 393. Subsection (a) of section 14 of chapter 62B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 4, the words "rate of eighteen percent per annum" and inserting in place thereof the following words:- rate established under section thirty-two of chapter 62C.

SECTION 394. Chapter 62C of the General Laws is hereby amended by inserting after section 21 the following new section:-

Section 21A. The commissioner shall annually prepare and publish a statistical report of revenues collected from corporations and businesses taxable under any provision of chapter sixty-three and required to file a return by section eleven of section twelve. Said report shall classify revenues from corporations and businesses by total Massachusetts assets, by taxable net worth, by taxable income apportioned to the commonwealth, by excise or tax liability, in the case of domestic banks by net income, in the case of insurance companies by premiums allocable to the commonwealth, and may include such other information relating to such revenues as the commissioner deems appropriate. Said report of returns shall include information related to tax credits and deductions claimed on said returns that is used by the commissioner of administration to make the estimates of tax expenditures required by section five B of chapter twenty-nine. Each report shall be based on a period of one calendar year and shall include returns for the taxable years beginning during that calendar year. The report for each period shall be prepared and published within three calendar years of the end of such period, provided that the first report required by this section shall be prepared and published by December thirty-first, nineteen hundred and ninety-three and shall be based on information relating to taxable years beginning during the nineteen hundred and ninety calendar year.

SECTION 395. Said chapter 62C is hereby further amended by striking out section 32 and inserting in place thereof the following section:-

Section 32. (a) Taxes shall be due and payable at the time when the tax return is required to be filed, determined without regard to any extension of time for filing the return. If any amount of tax is not paid to the commissioner on or before its statutory due date, there shall be added to the tax interest at the rate of the Federal short-term rate determined under section 6621(b) of the Internal Revenue Code, as amended and in effect for the taxable year, plus four percentage points, compounded daily.

(b) Taxes assessed under sections twenty-six, twenty-seven and thirty and taxes and penalties assessed under section twenty-eight shall include interest as provided in paragraph (a) of this section to the date when the tax so assessed, or any unpaid balance thereof, is required to be paid, which shall be the thirtieth day following the date of the notice of tax due.

(c) A penalty assessed under subsection (a) of section thirty-three of this chapter shall include interest as provided in paragraph (a) of this section from the statutory due date including extensions to the date of payment of such penalty. A penalty assessed under subsections (b) or (c) of said section thirty-three shall include interest as provided in paragraph (a) of this section from a date thirty-one days after the date of the notice of assessment to the date of payment of such penalty.

(d) Any notice authorized or required under the provisions of this chapter shall include a clear and accurate calculation of the accrual of penalties and interest assessed. Each such notice is to display the interest rates, periods and the taxes and penalties upon which these amounts are calculated.

SECTION 396. Section 40 of said chapter 62C as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraphs:-

(a) If any refund of any tax, interest or penalties is made pursuant to sections thirty, thirty-one A, thirty-six, thirty-six A, thirty-seven or thirty-nine of this chapter, or sections twenty-seven or twenty-seven A of chapter sixty-five, or section six of chapter sixty-five A, the state treasurer shall repay to the taxpayer the amount of such refund with interest thereon at the rate established under section thirty-two of this chapter, except as hereinafter provided, from the date of overpayment to a date, to be determined by the commissioner, preceding the date of the refund check by not more than thirty days, whether or not such refund check is accepted by the taxpayer after tender of such to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon.

(b) If any overpayment of tax is refunded within ninety days after the last day prescribed for filing the return of such tax, determined without regard to any extension of time for filing the return, or, in case the return is filed after such last date, is refunded within ninety days after the date the return is filed, no interest shall be allowed hereunder on such overpayment. If any overpayment of tax is not refunded within ninety days after a return is filed where such return is filed after the last day prescribed for filing such return, determined without regard to any extension of time for filing such return, interest shall be allowed hereunder on such overpayment only from the date the return is filed. Where two or more corporations elect to file returns on a combined net income basis under section thirty-two B of chapter sixty-three, the return of each such corporations filed under section eleven shall not be considered filed for purposes of this section until all members of the combined group have filed their returns.

SECTION 397. Chapter 62C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 77 the following new section:-

Section 78. The commissioner may provide for the payment of any tax, interest or penalty or the refund or abatement thereof by the electronic transfer of funds. The commissioner may permit the filing of any return or document by electronic data submission. The commissioner may by regulation or otherwise establish procedures necessary to implement this section.

SECTION 398. Paragraph 1 of section 30 of chapter 63 of the General Laws as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "thirty-eight C", in line 11, the following words:- , to corporations that qualify as regulated investment companies under section eight hundred and fifty-one of the Federal Internal Revenue Code as amended and in effect for the taxable year.

SECTION 399. Paragraph 2 of section 30 of said chapter 63, as so appearing, is hereby amended by inserting after the word "forty-two B", in line 29, the following words:- , to corporations, associations or organizations that qualify as regulated investment companies under section eight hundred and fifty-one of the Federal Internal Revenue Code as amended and in effect for the taxable year.

SECTION 400. Paragraph 5 of section 30 of chapter 63 of the General Laws, as appearing in the 1990 Official Edition, is hereby renumbered by striking out, in line 33, the designation "5.(a)" and inserting in place thereof the designation:- 3.

SECTION 401. Said paragraph 5, as appearing in the 1990 Official Edition, is hereby further amended by striking out, in line 55 the designation "(b)" and inserting in place thereof the designation:- 4.

SECTION 402. Said paragraph 5, as appearing in the 1990 Official Edition, is hereby further amended by striking out subparagraph (ii) and inserting in place thereof the following subparagraph:-

(ii) Losses sustained in other taxable years, except for the net operating losses as provided in paragraph five of this section.

SECTION 403. Section 30 of chapter 63 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following paragraph:-

5. (a) For purposes of this chapter, the Massachusetts net operating loss incurred in a taxable year shall mean the amount by which the deductions allowed under paragraph four, including the dividends-received deduction allowed in section thirty-eight (a)(1) and not including the deductions for net operating losses under this paragraph, exceed gross income for the taxable year as defined in paragraph three of this section.

(b) Massachusetts net operating losses which are sustained in taxable years ending on or after December thirty-first, nineteen hundred and eighty-nine, shall be allowed as a deduction in determining net income; provided, further, that such deduction shall be limited to a percentage of the net income for the taxable year as follows:

(1) twenty-five percent of net income for taxable years ending on or after December thirty-first, nineteen hundred and ninety, and before December thirty-first, nineteen hundred and ninety-one;

(2) fifty percent of the net income for taxable years ending on or after December thirty-first, nineteen hundred and ninety-one, and before December thirty-first, nineteen hundred and ninety-two;

(3) seventy-five percent of net income for taxable years ending on or after December thirty-first, nineteen hundred and ninety-two, and before December thirty-first, nineteen hundred and ninety-three; and

(4) and one hundred percent of net income for taxable years ending on or after December thirty-first nineteen hundred and ninety-three.

Losses sustained in any taxable year may be carried forward for not more than five years and may not be carried back.

(c) (i) For the first five consecutive taxable years of a corporation, measured from the date of its organization, whether or not organized under the laws of the commonwealth, so much of the loss as determined under section one hundred and seventy-two of the Federal Internal Revenue Code, as amended and in effect for the taxable year, and adjusted for any differences between Massachusetts taxable net income and federal taxable income, as is represented by net operating loss carryovers for taxable years ending December thirty-first, nineteen hundred and seventy-five, and thereafter may be deducted;

(ii) provided, however, that such carryover losses shall not be allowed to any corporation fifty percent or more of whose voting stock is owned by another corporation whether or not such owning corporation is taxable in this commonwealth;

(iii) provided further that in the case of a foreign corporation, losses incurred before such corporation becomes subject to tax liability in this commonwealth shall not be allowed.

SECTION 404. Section 38 of Chapter 63 is hereby further amended by inserting in paragraph (a), in line 31, the following new subsection:-

(3) Any Net Operating Loss, as defined in section thirty, sustained in a prior taxable year shall be deducted. Losses sustained in any taxable year may be carried forward for not more than five years and may not be carried back.

SECTION 405. Paragraph (a) of section 38B of said chapter 63, as so appearing, is hereby amended by striking out, in line 5, the words "regulated investment or".

SECTION 406. Paragraph (b) of section 38B of said chapter 63, as so appearing, is hereby amended by striking out, in lines 19 and 20, the words "regulated investment or".

SECTION 406A. Subsection (a) of section 3, of chapter 63B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out in line five the words "rate of eighteen percent per annum" and inserting in place thereof the following words:- rate established under section thirty-two of chapter sixty-two C.

SECTION 407. Section 28 of chapter 64C of the General Laws, as most recently amended by section 14 of chapter 495 of the acts of 1991, is hereby further amended by striking paragraphs (c) and (d) and inserting in place thereof the following:-

(c) The balance remaining after crediting the amounts required under paragraphs (a) and (b), shall be credited to the General Fund.

SECTION 408. Chapter 64D of the General Laws is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. There shall be levied, collected and paid, for and in respect of the deeds, instruments and writings hereinafter mentioned and described, or for or in respect of the vellum, parchment or paper upon which such deeds, instruments or writings, or any of them are written or printed, the excise taxes herein specified:- Deed, instrument or writing, whereby any lands, tenements or other realty sold shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her or their direction, when the consideration of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, exceeds

one hundred dollars and does not exceed five hundred dollars, two dollars; and for each additional five hundred dollars or fractional part thereof, two dollars; provided, however, that in Barnstable county, the excise tax herein specified shall be one dollar and fifty cents for each five hundred dollars or fractional part of said consideration, excluding a consideration of between zero and one hundred dollars. Notwithstanding any other provisions of this section or any other general or special law to the contrary, Nantucket county may disburse and expend deposits in said Funds for the purpose of facilities and programs related to law enforcement, including the planning, improving or constructing of police stations and other related facilities and programs. This chapter shall not apply to any instrument or writing given to secure a debt or to any deed, instrument or writing to which the commonwealth, a city or town of the commonwealth, or the United States or any of their agencies are a party.

SECTION 409. Chapter 64D of the General Laws is hereby further amended by striking out section 11, and inserting in place thereof the following section:-

Section 11. There shall be established upon the books of each county a separate fund, maintained separate and apart from all other funds and accounts of each county, to be known in each case as the Deed's Excise Fund.

Notwithstanding any contrary provisions of this chapter or any other general or special law to the contrary, and except for Barnstable county, on the first day of each month, forty-two and one-half percent of the taxes collected pursuant to the provisions of this chapter shall be transmitted to the Deed's Excise Fund for each county. For Barnstable county, on the first day of each month, twenty-eight and one-third percent of the taxes collected pursuant to the provisions of this chapter, but not including the additional excise authorized under the provisions of section two of chapter one hundred and sixty-three of the acts of nineteen hundred and eighty-eight, shall be transmitted to the Deed's Excise Fund. Notwithstanding any contrary provisions of this chapter or any other general or special law to the contrary, and except for Barnstable county, on the first day of each month, seven and one-half percent of the taxes collected pursuant to the provisions of this chapter shall be transmitted to the County Correction Fund established in section thirteen. For Barnstable county, on the first day of each month, five percent of the taxes collected pursuant to the provisions of this chapter, but not including the additional excise authorized under the provisions of section two of chapter one hundred and sixty-three of the acts of nineteen hundred and eighty-eight, shall be transmitted to said County Correction Fund. The remaining percentage of taxes collected under the provisions of this chapter shall be transmitted to and retained by the commonwealth in accordance with the provisions of section ten.

SECTION 410. Chapter 64D of the General Laws is hereby amended by striking out section 12 and inserting in place thereof the following section:-

Section 12. There shall be established within the executive office for administration and finance a county government finance review board, hereinafter referred to as the "board", consisting of the secretary for administration and finance or his designee, the commissioner of revenue or his designee, and the secretary of public safety or his designee. The secretary for administration and finance shall serve as chairperson of the board.

Notwithstanding the provisions of any general or special law or county charter to the contrary, no annual or supplementary budget of any county shall take effect until reviewed and approved by the board.

With the exception of Barnstable county, the board shall not approve any budget of any county unless it is satisfied:

(1) that the estimates of revenue are reasonable and that adequate funding has been provided for all necessary county expenditures;

(2) that of the amounts deposited in the Deed's Excise Fund for each county from revenues derived under the provisions of this chapter after providing from such fund for the cost of meeting county loan obligations incurred for the purpose of operating and maintaining the county, (a) not less than seventy-five percent of the deposits is to be disbursed and expended for the operation and maintenance of the county jails and houses of correction, including other statutorily authorized facilities and functions of the office of the sheriff; provided, however, that in Suffolk county, the seventy-five percent share of the deposits is to be disbursed and expended for (i) the operations of the office of the sheriff and the Suffolk county jail and (ii) the operations of the Suffolk County House of Correction and the operations of the penal commissioner for the city of Boston in a proportion to be determined by the secretary for administration and finance; (b) not more than fifteen percent is to be disbursed and expended for meeting the costs of the operation and maintenance of the county; and, (c) not more than ten percent is to be disbursed and expended for the automation, modernization and operation of the registries of deeds of the various counties; and,

(3) that with respect to funds appropriated for the purposes designated in subclauses (a) and (c) of clause (2) and which are not dedicated to the Deed's Excise Fund in each county under the provisions of section eleven, the submitted proposed budget shall provide a continuing amount of expenditure of not less than one hundred two and one-half percent of the amount expended for each such purpose in the preceding fiscal year.

In the case of Barnstable county, the board shall not approve any budget unless it is satisfied (1) that the estimates of revenue are reasonable and that adequate funding has been provided for all necessary county expenditures; (2) that of the amounts deposited in the Deed's Excise Fund for Barnstable county from revenues derived under the provisions of this chapter, one hundred percent of the deposits is to be disbursed and expended for the operation and maintenance of the county jails and houses of correction, including other statutorily authorized facilities and functions of the office of the sheriff; and (3) that with respect to funds appropriated for the purpose designated in clause (2), the submitted proposed budget shall provide a continuing amount of expenditure of not less than one hundred two and one-half percent of the amount expended for such purpose in the preceding fiscal year.

If a proposed budget is disapproved by the board, the county commissioners or any successor body shall, with the approval of the county advisory board, if applicable, and within thirty days of notification of disapproval of the proposed budget, resubmit a revised proposed budget to the board, which addresses the board's concerns.

The board shall develop guidelines for implementing the provisions of this section.

SECTION 411. Chapter 64D of the General Laws is hereby amended by striking out section 13 as most recently amended by section 10 of chapter 23 of the acts of 1992, and inserting in place thereof the following section:-

Section 13. There is hereby established on the books of the commonwealth a separate fund, to be known as the County Correction Fund. Said fund shall be maintained separate and apart from all other funds and accounts of the commonwealth. Moneys from said fund shall primarily be used for the operation and maintenance of any jail or house of correction in a county,

including other statutorily authorized facilities and functions of the office of the sheriff and programs to reduce overcrowding in the jails and houses of correction.

In order to obtain money from said fund, the sheriff of a county or, in the case of Hampshire county, the county commissioners, shall make application to the county government finance review board on a form prescribed by the secretary for administration and finance. Each such request shall be accompanied by copies of the budget for any jail or house of correction in accompanied by copies of the budget for any jail or house of correction in such county for the current fiscal year and the previous fiscal year. The sheriff shall submit such other information and documentation as the board may require. The board shall review all of the information provided by a county sheriff and make a determination as to the amount of money, if any, which shall be given to the applicant from the fund; provided, however, that before any funds are given to the applicant written approval shall be obtained from the house committee on ways and means.

The board shall develop guidelines for implementing the provisions of this section. The board shall include among such guidelines a requirement that during a fiscal year in which money is granted to a county from the fund, a county shall expend for the operation and maintenance of the county jails and houses of correction, including other statutorily authorized facilities and functions of the office of the sheriff and programs to reduce overcrowding in the jails and houses of correction, an amount not less than one hundred and two and one-half percent of the amount expended for such purposes from tax revenues levied pursuant to sections thirty and thirty-one of chapter thirty-five in the preceding fiscal year.

SECTION 412. The first paragraph of section 12 of said chapter 64D, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "human services" and inserting in place thereof the words:- public safety.

SECTION 413. The fifth paragraph of said section 12 of said chapter 64D, as so appearing, is hereby amended by striking out, in line 29, the words "nineteen hundred and ninety-two" and inserting in place thereof the word:- thereafter.

SECTION 414. Said fifth paragraph of said section 12 of said chapter 64D, as so appearing, is hereby amended by striking out, in line 37, the words "not more than" and inserting in place thereof the words:- not less than.

SECTION 415. Section 25 of chapter 64H of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the fourth paragraph and inserting in place thereof the following paragraph:-

If payment of any such tax due is made by check and said check is not duly paid, the registrar of motor vehicles shall withhold issuance of the certificate of title for the motor vehicle, and shall prohibit the transfer or swap of the registration, and shall suspend or revoke the certificate of registration. The holder of said registration for which said check was tendered may not apply for, receive or renew any learner's permit, license to operate motor vehicles, certificate of registration or title, number plates, stickers, decals or any other items issued under the provisions of chapter ninety or chapter ninety D until said check has been duly paid.

SECTION 416. The fourth sentence of section 3A of Chapter 64G of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out in line 14 the word "semi-annually" and inserting in place thereof the following:- quarterly.

SECTION 417. Subsection (a) of section 2 of chapter 65C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in line 7 by striking out the words "two hundred thousand dollars" and inserting in place thereof the words:-

the exemption given at subsection (a) of section three.

SECTION 418. Section 2 of said chapter 65C is hereby further amended by inserting after subsection (b), as so appearing, the following subsection:-

(c) The provisions of this section shall apply to decedents dying on or before December thirty-first nineteen hundred and ninety-six.

SECTION 419. Said chapter 65C is hereby further amended by inserting after section 2, as so appearing, the following section:-

Section 2A. (a) A tax is hereby imposed upon the transfer of the estate of every person dying on or after January first nineteen hundred and ninety-seven who, at the time of death was a resident of this Commonwealth. The amount of this tax is a sum equal to the amount by which the credit for state death taxes allowable to a decedent's estate under Code section 2011, as amended and in effect as of the date of the death of the decedent, hereinafter referred to as the "credit", exceeds the lesser of:

(i) The aggregate amount of all constitutionally valid estate, inheritance, legacy and succession taxes actually paid to the several states of the United States, other than this Commonwealth, in respect to any property owned by that decedent or subject to those taxes as part of or in connection with his estate or

(ii) An amount equal to such proportion of such allowable credit as the value of properties taxable by other states bears to the value of the entire federal gross estate wherever situated.

(b) A tax is hereby imposed upon the transfer of real property situated in this Commonwealth and upon tangible personal property having an actual situs in this Commonwealth of every person who at the time of his death was not a resident of this Commonwealth. The amount of this tax is a sum equal to the proportion of the credit which the value of Massachusetts real and tangible personal property taxed in this Commonwealth which qualifies for such credit bears to the value of the decedent's total federal gross estate.

(c) Notwithstanding any other provision of law, the tax imposed by subsections (a) and (b) shall be computed upon the value of any property subject to a power of appointment which is includible in the federal gross estate, notwithstanding that a tax has been paid thereon pursuant to section fourteen of chapter sixty-five.

(d) For the purposes of computing the tax imposed by subsections (a) and (b), the provisions of section three shall not apply.

(e) All values shall be as finally determined for federal estate tax purposes.

(f) When used in this section, the words "federal gross estate" shall mean the federal gross estate as defined under the Internal Revenue Code of the United States, as amended and in effect as of the date of death of the decedent.

SECTION 420. Section 3 of said chapter 65C is hereby amended by striking out subsection (a), as so appearing, and inserting in place thereof the following subsection:-

(a) If the Massachusetts net estate is three hundred thousand dollars or less for decedents dying after December thirty-first, nineteen hundred and ninety-two and on or before December thirty-first, nineteen hundred and ninety-three; four hundred thousand dollars or less for decedents dying after December thirty-first, nineteen hundred and ninety-three and on or before

December thirty-first, nineteen hundred and ninety-four; five hundred thousand dollars or less for decedents dying after December thirty-first, nineteen hundred and ninety-four and on or before December thirty-first, nineteen hundred and ninety-five; six hundred thousand dollars or less for decedents dying after December thirty-first, nineteen hundred and ninety-five and on or before December thirty-first, nineteen hundred and ninety-six; there shall be an exemption equal to the lesser of the Massachusetts net estate, or an amount equal to the smallest federal taxable estate that absorbs the allowable federal credit under section 2010 of the Internal Revenue Code as amended and in effect as of the date of death of the decedent. If the Massachusetts net estate exceeds such exemption, no exemption shall apply.

SECTION 421. Subsection (b) of section 3 of said chapter 65C, as so appearing, is hereby amended in line 13 by striking out the semicolon and inserting in place thereof a period, and by striking out, in lines 13 to 15, the words:- provided, however, that the deduction for property which has passed or passes to a surviving spouse shall not exceed fifty percent of the Massachusetts adjusted gross estate.

SECTION 422. Subsection (a) of section 3A of said chapter 65C, as so appearing, is hereby amended by striking out, in lines 7 to 12, the words:- to the extent that a deduction with respect to such qualified terminable interest property which, when added to the value of all other property which has passed or passes to the surviving spouse, will not cause the total deductions for property which has passed or passes to the surviving spouse to exceed fifty percent of the Massachusetts gross estate.

SECTION 423. Section 19 of chapter 68 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the sixth and seventh sentences, as appearing in lines 42 through 47, and inserting in place thereof the following sentence:- Every charitable organization which will be soliciting funds before its first annual financial report is due under section eight F of chapter twelve, except an organization granted an exemption under section twenty, shall pay to the division a registration fee of fifty dollars before soliciting funds.

SECTION 424. Section 24 of said chapter 68, as so appearing, is hereby amended by striking out, in lines 7 through 11, the third sentence and inserting in place thereof the following sentence:- The application for registration by a professional solicitor, professional fund-raising counsel or commercial co-venturer shall be accompanied by an annual fee as follows: (a) professional solicitor, three hundred dollars; (b) professional fund-raising counsel, two hundred dollars; (c) commercial co-venturer, fifty dollars.

SECTION 425. All the rights, powers, duties, and obligations of the department of education with respect to refugees and immigrants pursuant to the provisions of section eleven of chapter sixty-nine of the General Laws are hereby negated; provided however, that the department shall retain jurisdiction over those educational programs for adult and child refugees and immigrants that are under the control and supervision of local education agencies or are funded in whole or in part by grants awarded by the board of education.

SECTION 426. Section 7A of chapter 71 of the General Laws, as so appearing in the 1990 Official Edition, is hereby amended by striking in lines 13-14 and 19-20 the words "less than one and one-half miles" and inserting in place thereof the following:- less than two miles; and by inserting in line 30 after the word "location." the following new sentence:- Cities and towns shall be eligible for state reimbursement for school transportation provided to primary and secondary students who reside more

than two miles from school. The reimbursement shall be based on a fixed amount per eligible primary and secondary rider. The per-rider payment for public riders shall not exceed 35% of the current state average cost per rider.

SECTION 427. Section 7B of chapter 71 of the General Laws, as so appearing in the 1990 Official Edition, is hereby amended in lines 10, 12-13, 18, and 24-25 by striking the words "more than one and one-half miles" and by inserting in place thereof the following:- more than two miles.

SECTION 428. Section 8A of chapter 74 of the General Laws, as so appearing in the 1990 Official Edition is hereby amended by striking in lines 4 through 6 the words "and subject to appropriation be entitled to state reimbursement to the extent of fifty percent of the amount so expended" and inserting in place thereof the following:- and subject to appropriation be entitled to state reimbursement at a rate equivalent to Vocational Regional Technical Schools for the amount so expended.

SECTION 429. Said section 8A of chapter 74 is hereby further amended by striking in line 13 the words "less than one and one-half miles" and by inserting in place thereof the following:- less than two miles.

SECTION 430. The second paragraph of section 37H of chapter 71 of the Massachusetts General Laws is hereby amended by inserting after the first sentence the following:-

In cases involving the possession or use of weapons, the possession or use of illegal substances, the illegal possession of alcohol, or the use of excessive force, provided that the violation occurs on school property, the principal or headmaster of every school system within each city, town, or district shall have the authority to suspend a student, including an indefinite suspension, and no other disciplinary measure adopted as a rule or regulation may inhibit this authority to suspend. Where a student has been suspended by a principal or headmaster under the authority of the previous sentence, the school committee may review such suspension and alter the disciplinary measure after a hearing.

SECTION 431. Chapter 71 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 37L the following section:-

Section 37M. (a) Notwithstanding the provisions of chapter forty-one or chapter seventy-one or any other special or general law to the contrary, any city or town which accepts the provisions of this section may consolidate administrative functions, including but not limited to financial, personnel, and maintenance functions, of the school committee with those of the city or town; provided, however, that such consolidation may occur only upon a majority vote of both the school committee and in a city, the city council, with approval of the mayor required by law or in a town, the annual town meeting or in a town with not town meeting, the town council.

(b) Notwithstanding any general or special law to the contrary, a decision to consolidate functions pursuant to paragraph (a) of this section may be revoked by a majority vote of either the school committee of the city or town, or the city or town, or both as such vote is described in said paragraph (a).

SECTION 432. Section 40 of chapter 71 of the General Laws, as amended by section 3 of chapter 223 of the acts of 1991, is hereby further amended by inserting after the fourth sentence the following sentence:- Under either schedule for payment of compensation, for unemployment compensation purposes only, teachers shall be deemed to have earned the compensation for the twelve month period.

SECTION 433. Chapter 71 of the General Laws is hereby amended by striking section 54B, as amended by section 135

of chapter 138 of the acts of 1991, and inserting in place thereof the following section:-

Section 54B. Notwithstanding any general or special law to the contrary, the department of public health shall promulgate regulations governing the administration of medications, including psychotropic medications to children in school settings, in accordance with sections seven and nine of chapter ninety-four C. In developing such regulations, the department shall consult with the board of registration in nursing and the board of registration in medicine.

SECTION 434. The second paragraph of section 5 of Chapter 71B of the General Laws as added by section 143 of Chapter 138 of the Acts of 1991 is hereby further amended by striking the first sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of section twenty-seven C of chapter twenty-nine or any other general or special law to the contrary, if a child with special needs for whom a school committee currently provides or arranges for the provision of special education in a day or residential placement, including placement in a pediatric nursing home, pursuant to the provisions of section three, or his parent or guardian, moves to a different school district on or after July first of any fiscal year, said school committee of the former community of residence shall pay the approved budgeted costs, including necessary transportation costs, of such day or residential placement, including placement in a pediatric nursing home, of such child for the balance of such fiscal year.

SECTION 435. Chapter 71B of the General Laws, as most recently amended by section 144 of chapter 138 of the acts of 1991, is hereby amended by inserting after section 10 the following section:-

Section 11A. The department of education shall provide special education to school aged children with special needs who are incarcerated in county houses of correction.

SECTION 436. Section 17 of chapter 73 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in line 2, by inserting after the word "college", the following:- provided, however, that said policy shall require coordination with the state purchasing agent to insure cost-effective utilization of the group purchasing power of the commonwealth.

SECTION 437. Section 8 of chapter 74 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding at the end thereof the following paragraph:-

No tuition shall be payable under this section with respect to a student who has satisfactorily completed the twelfth grade or courses equivalent thereto and whose personal income exceeds eighteen thousand dollars, said amount to be adjusted periodically as recommended by the commissioner of education.

SECTION 438. Chapter 75 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. The trustees may insure property, real or personal, which is owned, occupied, or used by the university, in such amounts as they deem sufficient.

SECTION 439. Section 32 of chapter 75 of the General Laws, as appearing in the 1990 Official Edition is hereby amended in line 2, after the word "policy", by inserting the following:- provided, however, that said policy shall require coordination with the state purchasing agent to insure cost-effective utilization of the group purchasing power of the commonwealth.

SECTION 440. Section 34 of chapter 75 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The trustees are hereby authorized to acquire, lease, operate or affiliate with, to the extent that they determine that such relationship would be in the best interests of, or further the educational mission of, the medical school or the teaching hospital, satellite clinics, physicians' offices, ambulatory care centers, mental health programs or facilities, healthcare facilities, outpatient diagnostic or treatment centers, home healthcare programs, long-term care facilities, rehabilitation facilities, clinical laboratories, fitness centers and similar healthcare or related programs or facilities, including but not limited to, participation in the ownership or operation of, or ownership or operation on its own behalf of, health maintenance organizations or other alternative delivery systems.

SECTION 441. Section 19A of chapter 78 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 30 and 31 the words "Categorical Grants Fund" and inserting in place thereof the words:- Local Aid Fund.

SECTION 442. Chapter 85 of the General Laws is hereby amended by striking out section 11C and inserting in place thereof the following section:-

Section 11C. A police officer taking cognizance of any violation of sections eleven A or eleven B or of any law or any ordinance, by-law, rule or regulation of the city or town regulating the registration, equipment, control, operation or parking of bicycles may cite the alleged violator pursuant to the civil infraction procedure in chapter ninety G. If the offender is under sixteen years of age, the officer may issue such citation to the parent or guardian of the offender.

For any such infraction, the violator shall pay a civil assessment in the amount fixed by law, or by ordinance or by-law pursuant to clause (16B) of section twenty-one of chapter forty. All funds from such civil assessments shall be used by the respective cities and towns for the development and implementation of bicycle programs.

SECTION 443. Section 18A of chapter 90 of the General Laws is hereby amended by striking out the third sentence of the first paragraph, and the second, fourth, fifth and six paragraphs, and inserting in place thereof the following paragraph:-

A police officer taking cognizance of any such violation may cite the violator pursuant to the civil infraction procedure in chapter ninety G.

SECTION 444. Section 1A of chapter 90 of the General Laws, as appearing in the 1990 Official Edition is hereby amended by inserting after the words, "thirty-four A" in line 12 the following:- or unless the registrar is otherwise satisfied that the provisions of compulsory motor vehicle liability insurance, have been met for such applicant and vehicle.

SECTION 445. Section 20A of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the word "ten" in line 127 and inserting in place thereof the word:- twenty.

SECTION 446. Section 20A of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking, in line 101, the word "ten" and inserting in place thereof the word:- twenty.

SECTION 447. Section 24 of chapter 90 as appearing in the 1990 Official Edition is hereby amended by inserting after the word "both" in line 9 thereof the following paragraph:-

There shall be a surcharge of $100 on the fine assessed against a defendant convicted of operating a motor vehicle while under the influence of intoxicating liquor, -marijuana, -narcotic drugs, -depressants or stimulant substances; provided, however, that moneys collected pursuant to said surcharge shall be deposited by the court with the treasurer into the Fund

for Head Injury Treatment Services created in section 286 of c. 138 of the Acts of 1991. In cases of multiple offenses, said surcharge shall be assessed each and every time a defendant is convicted of operating a motor vehicle while under the influence of intoxicating liquor, marijuana, narcotic drugs, depressants or stimulant substances.

SECTION 448. Section 33 of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the second sentence of the paragraph beginning on line 206 and inserting in place thereof the following sentence:-

If payment of any fee required under this chapter or chapter ninety D is made by check and said check is not duly paid, the registrar of motor vehicles shall withhold issuance of the certificate of title for the motor vehicle, shall prohibit the transfer or swap of the registration, and shall suspend or revoke any learner's permit, license to operate motor vehicles, certificate of registration or title, number plate, sticker, decal or other item for which the check was tendered and order the return of same forthwith. The holder of said item for which said check was tendered may not apply for, receive or renew any other learner's permit, license to operate motor vehicles, certificate of registration or title, number plates, stickers, decals or any other items issued under the provisions of chapter ninety or chapter ninety D until said check has been duly paid.

SECTION 449. Section 33 of said chapter 90, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

For the reinstatement of any license or right to operate a motor vehicle which has been suspended or revoked under the provisions of subsections (a), (e) and (f) of section twenty-two, twenty-two F, twenty-three, twenty-four, twenty-four B, twenty-four D, twenty-four G, twenty-four L, or thirty-four J of this chapter, section three of chapter ninety C, section twenty-eight of chapter two hundred and sixty-six and section one hundred thirteen B of chapter one hundred and seventy-five, the fee shall be three hundred dollars; provided, however, that for the reinstatement of any license or right to operate a motor vehicle which has been suspended or revoked under any other provision of this chapter or any other general or special law, the fee shall be fifty dollars. The fee for reinstatement following a second suspension or revocation pursuant to sections twenty-four or twenty-four D shall be five hundred dollars and the fee for such reinstatement following a third or subsequent such suspension or reinstatement shall be one thousand dollars.

SECTION 450. Section 14 of chapter 90B of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Whoever violates any provision of section two, three, four, six or nine A, or any rule or regulation pertaining thereto, shall be punished by a fine of not more than fifty dollars.

SECTION 451. Said section 14 of said chapter 90B is hereby further amended by adding the following subsection:-

(d) Any officer authorized by section twelve to enforce the provisions of this chapter may, as an alternative to commencing a criminal prosecution, cite the violator pursuant to the civil infraction procedure in chapter ninety G for any violation of sections two, three, four, five, five A, six, seven, subsections (b), (c) and (e) of section eight, subsection (b) of section nine, sections nine A, twelve, twelve A or thirteen A, or the rules or regulations promulgated pursuant to sections two, five or five A.

SECTION 452. The General Laws are hereby amended by inserting after chapter ninety F the following chapter:-

CHAPTER 90G.

CIVIL INFRACTIONS.

Section 1. The civil infraction procedures in this chapter may be used for the noncriminal disposition of the following violations:

(a) environmental violations under section six F of chapter twenty-one;

(b) municipal ordinance, by-law or regulatory violations under section twenty-one D of chapter forty;

(c) bicycle law violations under section eleven C of chapter eighty-five;

(d) pedestrian violations under section eighteen A of chapter ninety;

(e) motorboat violations under section fourteen of chapter ninety B;

(f) state park, forest recreation area and reservation violations under section seven A of chapter one hundred thirty-two A;

(g) dog control violations under section one hundred seventy-three A of chapter one hundred forty; and

(h) rubbish disposal violations under sections sixteen and sixteen A of chapter two hundred and seventy.

The civil infraction procedures in this chapter shall not be used for the enforcement of automobile law violations, as defined in section one of chapter ninety C. Chapter ninety C shall be the exclusive method of enforcement of such automobile law violations. The civil infraction procedures in this chapter shall not be used for the enforcement of a violation if criminal proceedings are being initiated against the violator for other violations arising from the same incident.

This chapter shall be construed and applied to secure the prompt and informal determination of such civil infractions.

Section 2. In this chapter, the following words shall have the following meanings:-

"Agency", any authority, board, commission, department, or division, or a subdivision of any of the foregoing, of the commonwealth, or any of its political subdivisions, but not including the legislative and judicial departments.

"Citation", a notice upon which an enforcing official shall record the occurrence of one or more civil infractions which are to be disposed of in accordance with the civil infraction procedures in this chapter. Each citation shall be numbered consecutively and shall be in such form and with such parts as determined jointly by the administrative justice of the district court department and the registrar. If a citation is spoiled, mutilated or voided, it shall be endorsed with a full explanation thereof by the enforcing official voiding such citation, and shall be returned to his agency head forthwith.

"Civil infraction", a violation of a criminal statute, ordinance, by-law, rule or regulation that is to be disposed of pursuant to the civil infraction procedure in this chapter.

"Criminal" shall include a delinquency matter under chapter one hundred and nineteen.

"Agency head", the commanding officer of an organized police department, or the head of an agency, or their designees.

"District court", a division of the district court department or a session thereof for holding court and the Boston municipal court department or a session thereof for holding court. It shall also include the divisions of the housing court department with respect to infractions that could be prosecuted as criminal matters in such department, and the divisions of the juvenile court department with respect to infractions that could be treated as delinquency matters in such department.

"Enforcing agency", the agency by which the enforcing official is employed.

"Enforcing official", a person taking cognizance of a violation listed in section one which that person is authorized by law to enforce.

"Magistrate", the clerk-magistrate of a district court, or an assistant clerk who has been designated as a magistrate pursuant to section sixty-two B of chapter two hundred and twenty-one. With the approval of the administrative justice of the department, in a particular court division the term "magistrate" may include a justice.

"Registrar", the registrar of motor vehicles.

"Scheduled assessment", the amount of the civil assessment for a particular civil infraction. The scheduled assessment shall be:

One thousand dollars for infractions of the second paragraph of section sixteen of chapter two hundred and seventy;

Two hundred dollars for infractions of sections forty-seven or seventy-five of chapter one hundred and thirty;

One hundred dollars for infractions of subparagraphs (b), (c) and (e) of section eight of chapter ninety B, sections thirty-five, thirty-seven, thirty-eight, thirty-eight A, forty-one, forty-one A, forty-four, sixty-seven, sixty-eight, eighty, ninety-two, one hundred A or one hundred C of chapter one hundred and thirty; sections fifty-eight, sixty-five, sixty-six, sixty-seven, seventy, seventy-five A, or eighty A of chapter one hundred and thirty-one; or infractions of section sixteen A of chapter two hundred and seventy if it is the fourth or subsequent such infraction committed in such city or town in that calendar year;

Fifty dollars for infractions of section four A of chapter twenty-one; the regulations promulgated pursuant to sections four A or seventeen A of chapter twenty-one; the rules and regulation of the division of fisheries and wildlife regulating activity on land under the management of such division; sections two, three, four, five, five A, six, seven, subsection (b) of section nine, sections nine A, twelve, twelve A or thirteen A, or the rules or regulations promulgated pursuant to sections two, five or five A of chapter ninety B; sections seventeen A, thirty-three, thirty-four, thirty-six, thirty-nine, forty, fifty-one, sixty-nine, seventy, seventy-one, seventy-two, eighty-one, eighty-two, ninety-five, or one hundred of chapter one hundred and thirty; sections one, five, six, eight, ten, eleven, thirteen, sixteen, nineteen A, twenty-three to twenty-five, inclusive, twenty-six, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three, thirty-six, thirty-eight, forty-four, forty-seven, forty-nine to fifty-four, inclusive, fifty-seven, fifty-nine, sixty-nine, seventy-one, seventy-two, seventy-six, seventy-seven, seventy-nine, eighty, or eighty-two of chapter one hundred and thirty-one; the regulations promulgated pursuant to section seven of chapter one hundred thirty-two A; or an ordinance or by-law made under the authority of section one hundred seventy-three of chapter one hundred forty;

Twenty dollars for infractions of section eleven B of chapter eighty-five; or infractions of section sixteen A of chapter two hundred and seventy if it is the first, second or third such infraction committed in such city or town in that calendar year;

Two dollars for infractions of rules adopted pursuant to section eighteen A of chapter ninety if it is the fourth or subsequent such infraction committed within such city or town in that calendar year;

One dollar for infractions of section eleven A of chapter eighty-five, or for infractions of rules adopted pursuant to section eighteen A of chapter ninety if it is the first, second or third such infraction committed within such city or town in that calendar year;

For an infraction of any municipal ordinance, by-law, rule or regulation, the amount fixed for such infraction by ordinance or by-law adopted pursuant to section twenty-one D of chapter forty, but not exceeding three hundred dollars;

For an infraction of any municipal ordinance, by-law, rule or regulation adopted pursuant to subsection (16B) of section twenty-one of chapter forty and section eleven C of chapter eighty-five, the amount fixed for such infraction in such ordinance or by-law, but not exceeding twenty dollars;

For other civil infractions, the amount established jointly by the administrative justice of the district court department and the registrar for that infraction, but not exceeding the maximum fine, forfeiture, or civil assessment established by law for each such violation.

A schedule of such assessments shall be available in the clerk-magistrate's office of each district court and in each office of the registry of motor vehicles.

"Violator", a person, corporation, society, association or partnership accused of a civil infraction by means of a citation issued pursuant to this chapter.

Section 3. If an enforcing official observes or has brought to his attention the occurrence of a violation listed in section one, the enforcing official may choose to cite the violator pursuant to the civil infraction procedure in this chapter instead of initiating criminal proceedings, provided that the enforcing official shall be required to utilize the civil infraction procedure in this chapter instead of initiating criminal proceedings when so required by statute or by an ordinance, by-law, rule or regulation of the municipality or agency by which the enforcing official is employed.

The enforcing official may request the violator to state his name and address. Whoever, upon such request, refuses to state his name and address, or states a false name or address or a name or address which is not his name and address in ordinary use, shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars, and such violator may be arrested without a warrant by any officer having police powers and the underlying violation prosecuted criminally.

Section 4. When the civil infraction procedure in this chapter is to be utilized instead of initiating criminal proceedings, the enforcing official shall issue a written citation notice to the violator, and shall certify on the citation that such has been done. If possible, such citation shall be delivered to the violator at the time and place of the violation, and the violator shall be requested to sign the citation in order to acknowledge that it has been received. If it is not possible to do so, the enforcing official, or his agency head, shall mail or deliver the citation to the violator's last known address.

At or before the completion of each tour of duty, the enforcing official shall retain his copy of all citations he has issued during such tour, and shall give all other copies of such citations to his agency head. The agency head shall retain and safely preserve at least one copy, and shall cause one copy to be mailed or delivered to the registrar not later than the end of the fourth business day after the date of the violation.

Section 5. The citation shall notify the violator that within twenty days of the date of the citation the violator must either pay the scheduled assessment for all civil infractions alleged, or contest responsibility for one or more of the infractions by requesting a noncriminal hearing before a magistrate of the district court.

Section 6. The violator shall pay the assessment indicated by the enforcing official within twenty days of the date of the citation: (a) by mailing the total amount of the indicated assessment, along with the citation appropriately marked, to the

registrar at the address indicated on the citation, or (b) by delivering, personally or through an agent duly authorized in writing, the total amount of the indicated assessment, along with the citation appropriately marked, to any office of the registrar during normal business hours. Payment may be made in such forms, including payment by credit card or other recognized form of electronic payment, as the registrar shall determine.

Payment of the indicated assessment shall operate as a final disposition of the matter. The violator shall not be required to report to any probation officer, and no record of the matter shall be entered in any criminal or probation records of any court.

Section 7. A violator may contest responsibility for one or more infractions by making a signed request for a noncriminal hearing on the back of the citation, and mailing such citation to the registrar at the address indicated on the citation within twenty days of the date of the citation.

A violator who does not, within twenty days of the date of the citation, request a noncriminal hearing shall not thereafter be given such a hearing, unless the registrar shall determine that the failure to make such a request in a timely manner was for good cause that was not within the control of the violator. The registrar's determination of such issue shall be final.

The registrar shall notify the clerk-magistrate of the district court for the judicial district in which the infraction occurred of such request for a noncriminal hearing, in such manner as the administrative justice of the district court department and the registrar shall jointly determine. Unless a hearing date and time has already been assigned pursuant to procedures jointly established by the administrative justice of the district court department and the registrar, the clerk-magistrate shall notify the enforcing agency and the violator of the date and time of the hearing before a magistrate of the court.

If the hearing is conducted by a magistrate other than a justice, either the violator or the enforcing agency may appeal the decision of the magistrate to a justice, who shall hear the matter de novo. There shall be no right of jury trial for civil infractions.

In any such hearing before a magistrate or justice, the citation shall be admissible and shall be prima facie evidence of the facts stated therein. Compulsory process for witnesses may be had by either party in the same manner as in criminal cases. On a showing of need in advance of such hearing, a magistrate or justice may direct that the violator be permitted to inspect specific written documents or materials in the possession of the enforcing official or agency concerned that are essential to the violator's defense.

In any such hearing, a delay by the enforcing official or agency in delivering a copy of the citation to the violator shall not constitute a defense to such infraction unless the violator has thereby been prejudiced in his defense. A written certification, whether as part of the citation or in a separate certificate, by the enforcing official, or by his agency head, that the citation was given, delivered or mailed to the violator shall be prima facie evidence of receipt thereof.

At the conclusion of the hearing, the magistrate or justice shall announce a finding of responsible or not responsible. No other disposition shall be permitted, and such matters shall not be continued without a finding, dismissed, or filed.

If the violator is found responsible after a noncriminal hearing, the magistrate or justice shall require the violator to pay to the registrar an assessment which shall not exceed the scheduled assessment for that infraction. Such assessment shall be in accordance with any guidelines promulgated by the administrative justice of that department of the trial court, which shall be binding on magistrates and justices, to the end that such assessments are made as uniformly as possible, and which may

include provisions requiring a prescribed or a minimum assessment for specified civil infractions.

The violator shall pay to the registrar the assessment imposed by the magistrate or justice within twenty days of the date the violator is personally notified or is mailed notice of the decision of the magistrate or justice, unless for good cause the magistrate or justice allows the violator a longer time to pay the imposed assessment.

Section 8. Questions of law arising in the disposition of a civil infraction in a noncriminal hearing before a justice may be appealed to the appellate division. Such appeals shall be governed by a simplified method of appeal established by rules promulgated by the administrative justice of the district court department, subject to the approval of the supreme judicial court. Claims of appeal shall be accompanied by an entry fee in an amount established by the chief administrative justice of the trial court. Proceedings under this chapter shall not be reviewable by a civil action in the nature of certiorari.

Section 9. (a) If a violator (i) fails either to pay the full amount of the scheduled assessment to the registrar or to request a noncriminal hearing within twenty days of the date of the citation plus such grace period as the registrar shall allow, or (ii) fails to appear for a noncriminal hearing before a magistrate or a justice at the time required after having been given notice of such hearing either personally or by first class mail directed to such violator's mail address as reported to the registrar by the violator, the registrar shall notify the violator by first class mail directed to such violator's mail address that unless and until the violator pays to the registrar the full amount of the scheduled or imposed assessments for such civil infractions, plus any late fees or other administrative fees provided for by law or regulation, any license to operate a motor vehicle issued to such violator by the registrar will not be renewed upon or after the expiration date of such license. Unless such notice is sooner canceled by the registrar, the registrar is hereby authorized not to renew the license learner's permit or other right to operate a motor vehicle of such violator.

(b) If a violator attempts to pay a scheduled assessment with a check that is returned unpaid, or fails to pay the full amount of an assessment imposed by a magistrate or justice pursuant to this section within the time allowed plus such grace period as the registrar shall allow, such violator may not apply for or receive any license, learners permit, or right to operate a motor vehicle, any certificate of registration or title, number plate, sticker, decal or other item issued by the registrar until such amount has been paid in full, plus any late fees or other administrative fees which the registrar is required or authorized by law or regulation to impose, unless such fees are waived in whole or in part by the registrar.

(c) Payment of a scheduled assessment or an assessment imposed by a magistrate or justice pursuant to section eight, plus any late fees or other administrative fees provided for by law or regulation, shall operate as a final disposition of the matter. The violator shall not be required to report to any probation officer, and no record of the matter shall be entered in any criminal or probation records of any court.

(d) If the registrar at any time determines for one or more particular citations that the procedures prescribed in paragraphs (a) and (b) of this section appear to be unlikely to result in full payment of the civil assessment and any fees due, the registrar shall so certify to the enforcing agency, which may then prosecute such violations criminally. In such cases, the administrative justice of the department may permit the citation to serve, in whole or in part, as an application for criminal complaint. The enforcing official may sign the criminal complaint as complainant, or his agency head may, from time to time, designate one person to sign all such complaints. Section thirty-five A of chapter two hundred eighteen shall not apply to such complaints.

Thereafter, the procedure established for criminal cases shall be followed. In such cases, the registrar may in his discretion cancel any suspension or revocation of the violator's license, learners permit, or right to operate a motor vehicle, as well as any certificate of registration or title, number plate, sticker, decal or other item issued by the registrar and held by the violator.

Section 10. Any funds collected by the registrar pursuant to this chapter shall be distributed monthly in accordance with law.

Section 11. A violator who, pursuant to this chapter, has paid the required civil assessment plus any late fees, or has been found not responsible by a magistrate or justice, shall not thereafter be prosecuted criminally for the same violation.

Section 12. A violator's payment of a civil assessment pursuant to this chapter shall not be admissible as an admission of guilt, responsibility or negligence in any criminal or civil proceeding.

Section 13. If an enforcing official observes or has brought to his attention the occurrence of a violation listed in section one, but is unable to determine the name or the address of the violator, the enforcing official may, if the violation involved the use of a motor vehicle or motor boat, issue a citation pursuant to the civil infraction procedure in this chapter to the registrant of the motor vehicle or motor boat involved, as appearing in the records of the registry of motor vehicles or the division of law enforcement of the department of fisheries, wildlife and environmental law enforcement, or equivalent agency, of the state or country of its registration, and the issuance of such citation to the registrant shall be deemed a sufficient notice to the alleged violator. Proof of such registration shall be prima facie evidence that the registrant was the alleged violator, but shall be subject to rebuttal by evidence that such registrant was not the alleged violator.

SECTION 453. Chapter 92 of the General Laws is hereby amended by striking section 113, as amended by section 165 of chapter 138 of the acts of 1991, and inserting in place thereof the following two sections:-

Section 113. The commission is hereby authorized and directed to assess the Massachusetts water resources authority for the fiscal year costs of operating the division and other authorized charges, including one hundred per cent 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, less any and all revenues generated by the division which shall include, but not be limited to, the sale of hydroelectricity, recreational or permit fees, revenues from the sale of wood products harvested on commission watershed lands, and any access fees established pursuant to chapter four hundred thirty-six of the acts of nineteen hundred and ninety. Said assessment shall be established annually by the commissioner of the commission. The commissioner of the commission shall certify to the executive director of said authority on or before September fifteenth, the current fiscal year obligations due by the authority for the operations of said division. The commissioner shall bill the treasurer of the authority on October first, January first, April first and June thirtieth of each fiscal year for said fiscal year's obligations. Within thirty days of receipt of the commission bill, the treasurer of the authority shall remit the total billed amount to the commission. Revenues received from the June thirtieth billing shall be credited to that fiscal year. The commissioner of the commission shall forward to the treasurer of the commonwealth the revenues generated by the division which shall be credited to the Watershed Management Fund, established in section two T of chapter twenty-nine. If said Watershed Management Fund closes any fiscal year with a surplus balance, said surplus balance shall be used as a credit for the following fiscal year's assessment against the Massachusetts water resources authority and shall not be reverted to the General Fund.

Section 113A. The treasurer of the commonwealth shall charge the Massachusetts water resources authority for the debt service costs of bonds issued pursuant to section three of chapter five hundred sixty-four of the acts of nineteen hundred and eighty-seven and sections twelve and thirteen of chapter thirty-six of the acts of nineteen hundred and ninety-two for the acquisition of fee simple, development and other rights or interests inland in the areas regulated by the division. The revenue shall be deposited into the Watershed Management Fund for the purposes of meeting said debt service costs, subject to appropriation, for said bonds pursuant to the provisions of section two T of chapter twenty-nine.

SECTION 454. Section 23 of chapter 94C of the General Laws is hereby amended by adding at the end thereof the following subsection:-

Clinic pharmacies operated by a health maintenance organization licensed under chapter 176G and licensed pursuant to section fifty-one of chapter one hundred and eleven may refill prescriptions which have been previously dispensed by another health maintenance organization clinic pharmacy, provided that prior to dispensing a refill, the pharmacy refilling the prescription verifies the appropriateness of the refill through a centralized database.

SECTION 455. Subsection (d) of section 47 of chapter 94C of the General Laws, as amended in sections 66A and 67 of chapter 412 of the acts of 1991, is hereby further amended by striking out the second sentence; by striking out the words "findings of fact and" appearing in line 111; and by striking out the words "as from a decree in equity" appearing in line 113.

SECTION 456. Subsection (d) of said section 47 of said chapter 94C, as so appearing, is hereby further amended in line 113 by striking the word "such" and inserting in place thereof the word:- a.

SECTION 457. Subsection (f) of said section 47 of said chapter 94C, as so appearing, is hereby further amended by inserting after the word "custody" in line 179 the following:- , including but not limited to an order that the commonwealth remove the property if possible, and safeguard it in a secure location in a reasonable fashion; that monies be deposited in an interest-bearing escrow account; and, that a substitute custodian be appointed to manage such property or a business enterprise. Property taken or detained under this section shall not be repleviable, but once seized shall be deemed to be lawfully in the custody of the commonwealth pending forfeiture, subject only to the orders and decrees of the court having jurisdiction thereof.

SECTION 458. Subsection (f) of said section 47 of said chapter 94C, as so appearing, is hereby further amended by inserting in line 176 before the word "During" the following:- (1).

SECTION 459. Subsection (f) of said section 47 of said chapter 94C, as so appearing, is hereby further amended by inserting after the word "applicable", in line 183, the following:-

(2) There shall be created within The Division of Capital Planning and Operations safety an office of seized property management to which a district attorney or the attorney general shall refer any property for which forfeiture is sought. The office of seized property management shall be charged with preserving and managing such property in a reasonable fashion and with disposition of the property upon a judgment ordering forfeiture pursuant to the provisions of subsection (d) and is authorized to enter into contracts to preserve, manage and dispose of such property. The office of seized property management may receive initial funding from the special law enforcement trust funds of the attorney general and each district attorney established pursuant to subsection (d) and shall subsequently be funded by a portion of the proceeds of each sale

of such managed property to the extent provided as payment of reasonable expenses in subsection (d).

SECTION 460. Section 25C of chapter 111 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking the ninth paragraph and inserting in place thereof the following paragraph:-

The department shall stipulate the period during which a determination of need shall remain in effect, which in no event shall originally be longer than three years but which may be extended on an annual basis by the department for cause shown. Any such original determination or annual extension thereof shall continue to be effective only upon the applicant (a) making reasonable progress toward completing the construction or substantial change in services for which need was determined to exist, (b) complying with all other provisions of law relating to the construction, licensure, and operation of health care facilities, and (c) complying with such further terms as the department shall reasonably require. No such determination shall be either marketable or transferable without the prior approval of the department. An application seeking approval of the department to extend, market or transfer a determination of need shall be accompanied by a fee to be established by the department which shall be sufficient to meet the administrative cost of processing such applications. Upon failure to comply with the provisions of this paragraph, the department shall, with due notice, recall the determination.

SECTION 461. The second paragraph of section 72G of chapter 111 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following sentence:- In a civil action commenced against a person making such report, if the court finds in favor of the defendant, the court shall order the plaintiff to pay the defendant reasonable costs and expenses, including, but not limited to, attorneys fees, lost wages, and court costs.

SECTION 462. Section 127B of chapter 111 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The provisions of the second paragraph of section three A of chapter one hundred and thirty-nine relative to liens for such debt and the collection of the claims for such debt, shall apply to any debt referred to in this section, except that the board of health, or, in the cities of Boston, Worcester and Cambridge, the commissioner of housing inspection, shall act hereunder in place of the mayor or board of selectmen.

SECTION 463. Section 1 of chapter one hundred and seventeen A of the General Laws is hereby amended by adding after section two the following section:-

Section 2A. (a) Disability determination. The department (i) shall use criteria for assessing functional limitations in widespread use by the medical profession and (ii) shall initially authorize benefits where a medical practitioner has verified that the individual suffers from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by departmental regulations and which substantially reduces or eliminates the individual's ability to support himself or herself.

(b) Disability review. The department shall establish a system for reviewing selected cases where a medical practitioner has provided the verification required by subsection (ii) of paragraph (a). Before determining that a selected case does not meet the criteria established pursuant to paragraph (a), the department shall first obtain all relevant information, including but not limited to test results and medical records, from the provider who verified the impairment and from other providers who verified the impairment and from other providers who have treated the individual and shall offer the individual an

opportunity to submit additional medical and vocational evidence. If the department then determines that there is insufficient evidence to establish that the individual meets the criteria established pursuant to paragraph (a), the department shall arrange from examination of the individual by an independent physician and/or a vocational assessment. The department may not terminate benefits unless the independent physician and vocational assessment conclude that the individual does not meet the criteria established pursuant to paragraph (a).

SECTION 464. Said chapter 117A is hereby further amended by striking section 3 and inserting in place thereof the following section:-

Section 3. A person shall not be eligible for assistance under the provisions of this chapter is said person is eligible to receive assistance under chapter one hundred and fifteen or one hundred and eighteen or who is eligible to receive unemployment compensation under chapter one hundred and fifty-one A.

The department shall not consider ex-offenders, persons over the age of forty-five with no recent work history, or persons in residential treatment facilities as eligible solely by virtue of such status.

SECTION 465. Section 4 of said chapter 117A, as so inserted, is hereby amended by striking the words "A person" and inserting in place thereof the words:- Except with respect to persons sixty-five years of age or older, persons found to be disabled by the department in accordance with this chapter, persons required to care for an incapacitated minor, minor children and the parents or caretakers of minor children, a person.

SECTION 466. Section 2 of chapter 118 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out in line 4 the words "resides in the commonwealth" and by inserting in place thereof the words:- has resided in the commonwealth for at least ninety consecutive days immediately prior to the making of an application for aid under this chapter.

SECTION 467. Chapter 118E of the General Laws is hereby amended by inserting after section 5 the following new section:-

Section 5A. The department shall treat admissions to acute care hospitals and chronic disease or rehabilitation hospitals as equivalent for purposes of reimbursing nursing homes to reserve beds for medical assistance recipients during brief absences from nursing homes by such recipients to obtain hospital care.

SECTION 468. Chapter 118E of the General Laws, as most recently amended by section 31 of chapter 6 of the acts of 1991, is hereby further amended by striking out section 16A and inserting in place thereof the following section:-

Section 16A. (a) Notwithstanding any general or special law to the contrary, a petition for admission to probate of a decedent's will or for administration of a decedent's estate shall include a sworn statement that copies of said petition and death certificate have been sent to the department by certified mail. Within thirty days of a request by the department, an executor or administrator shall complete and send to the department by certified mail a form prescribed by the department and provide such further information as the department may require.

In the event a petitioner fails to send copies of the petition and death certificate to the department and the decedent received medical assistance (1) when age sixty-five or older or (2) at any time on or after March twenty-second, nineteen hundred and ninety-one, regardless of age, while an inpatient in a nursing facility or other medical institution, any person receiving a distribution of assets from the decedents estate shall be liable to the department to the extent of such distribution.

(b) The department may present claims against a decedent's estate as follows:

(1) The department may within four months after approval of the official bond of the executor or administrator file a written statement of the amount claimed under section sixteen of chapter one hundred eighteen E with the registry of probate where the petition was filed and deliver or mail a copy thereof to the executor or administrator. The claim shall be deemed presented upon the filing of the claim in the registry of probate; or

(2) The department may within one year after the date of death of the decedent commence an action under the provisions of section nine of chapter one hundred and ninety-seven.

As to claims presented by written statement as provided in subparagraph (1), an executor or administrator may mail a notice to the department stating that a claim has been disallowed in whole or in part. Failure of the executor or administrator to mail a notice of disallowance to the department within sixty days after the presentation of the claim shall be deemed an allowance. If, after a decision disallowing a claim, the executor or administrator changes such decision, he or she shall notify the department in writing of such a change. In the event of a disallowance in whole or in part, the department may commence an action against the executor or administrator in a court of competent jurisdiction within sixty days after the receipt of said notice of disallowance.

A judgment in a proceeding in any court against an executor or administrator to enforce a claim by the department against a decedent's estate shall be an allowance of the claim.

(c) Unless otherwise provided in any judgment entered against the executor or administrator, claims allowed pursuant to this section shall bear interest at the rate provided under section six B of chapter two hundred thirty-one for the period commencing four months plus sixty days after the approval of the official bond of the executor or administrator.

By petition file in the probate court, the department, if its claim has been allowed as provided herein but not paid, may seek an order directing the executor or administrator to pay the claim to the extent that funds are available for payment and for such other relief as may be required.

(d) Notice of a petition by an executor or administrator for a license to sell real estate shall be given to the department in any estate where:

(1) the department has filed a written statement of claim with the registry of probate as provided in subsection (b); or

(2) the department has filed with the registry of probate a notice, as prescribed under subsection (a) of section nine of chapter one hundred ninety-seven, that an action has been commenced.

(e) In all cases where (1) the department determines it may have a claim against a decedent's estate, (2) a petition for administration of the decedent's estate or for admission to probate of the decedent's will has not yet been filed and (3) more than one year has passed from the decedent's date of death, the department is hereby authorized to designate a public administrator to be appointed and to serve pursuant to chapter one hundred ninety-four. Said designation by the department shall include a statement of the amount claimed. This provision shall apply to all estates in which no petition for administration of the decedent's estate or for admission to probate of the decedent's will has been filed as of the effective date of this section, regardless of the decedent's date of death.

Except as provided in subsection (e), this section shall apply to estates of decedents dying on or after September first,

nineteen hundred and ninety-two.

SECTION 469. Section sixteen B of said chapter one hundred and eighteen E, as inserted by chapter one hundred seventy-seven of the acts of nineteen hundred and ninety, is hereby repealed.

SECTION 470. Section sixteen C of chapter one hundred eighteen E of the General Laws, as most recently amended by section eighteen of chapter four hundred ninety-nine of the acts of nineteen hundred and ninety-one, is hereby repealed.

SECTION 471. Chapter 118E of the General Laws, is hereby amended by striking out said section 16D and inserting in place thereof the following section:-

Section 16D. Notwithstanding the provisions of sections sixteen and sixteen A, a person receiving medical assistance who has obtained long term care insurance and whose coverage meets the requirement 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 contribution shall be required from such person's relatives pursuant to section sixteen and no claims may be made by the department pursuant to sections sixteen and sixteen A against such person's estate on account of assistance correctly paid.

SECTION 472. Section 17 of chapter 118E of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following sentence:- The department shall not be required to pay a recording fee for filing a notice of lien or encumbrance or a release or discharge of a lien or encumbrance under this section.

SECTION 473. Section 9 of Chapter 118F, as most recently amended by Chapter 26 of the acts of 1992, is hereby amended by striking the word"and" in line 68 and by inserting the following after the word "law" in line 69:- but shall not include access to or coverage of psychiatric and substance abuse providers of nonemergency services delivered in a state other than the commonwealth, except if such services are not provided for or available within the Commonwealth.

SECTION 474. Subsection (1) of section 15 of chapter 118F, as amended by section 19 of chapter 495 of the acts of 1991, is hereby amended by striking the word "twelve" and inserting in place thereof the word:- eleven.

SECTION 475. Subsection (2) of said section 15 of said chapter 118F is hereby amended by striking the word "twelve" and inserting in place thereof the word:- eleven.

SECTION 476. Subsection (3) of said section 15 of said chapter 118F is hereby amended by striking the word "twelve" and inserting in place thereof the word:- eleven.

SECTION 477. Subsection (4) of section 15 of said chapter 118F is hereby amended by striking the word "twelve" and inserting in place thereof the word:- eleven.

SECTION 478. Section 17A of chapter 118F of the General Laws, as inserted by section twenty-three of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-one is hereby amended by striking out the first sentence of clause (i) and inserting in place thereof the following sentence:- To establish a program of preventive pediatric health care services for the benefit of dependent and adoptive children, from birth up to the age of six, who do not receive such services pursuant to chapter one hundred and eighteen E, section forty-seven C of chapter one hundred and seventy-five, section eight B of chapter one hundred and seventy-six A, section four C of chapter one hundred and seventy-six B and section four of chapter one hundred and seventy-six G.

SECTION 479. Section 2 of chapter 119A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended

by inserting after the last sentence, the following new sentence:- Any penalty that this chapter authorizes to be assessed by the IV-D agency shall be collected and enforced by any means authorized under this chapter for the enforcement and collection of child support.

SECTION 480. Chapter 119A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following section:-

Section 14. For the purpose of locating, establishing and enforcing the liability of any person who is legally obligated by court order or otherwise to support his spouse or children and who is obligated to pay such support to the department of public welfare pursuant to section twenty-one of chapter eighteen, the department of social services pursuant to chapter one hundred and nineteen, or to individuals on whose behalf the IV-D agency is providing child support enforcement services pursuant to Title IV-D of the Social Security Act, the IV-D agency shall have access to and may request from every department, board, commission, division, authority, district or other agency of the commonwealth or any subdivision of the commonwealth including a city, town or district, issuing a license or other authority to conduct a profession, trade or business, information concerning any person described in the first sentence of this section who holds a license or other such authority. Every such department, board, commission, division, authority, district or other agency of the commonwealth or subdivision of the commonwealth shall every three months, in such form as the IV-D agency may by regulation determine, furnish a list of all licenses or certificates of authority issued or renewed during the proceeding three month period. The lists provided shall contain the name, address, social security or federal identification number of such licensee, and such other information as the IV-D agency may by regulation require.

If the IV-D agency determines from the information furnished pursuant to this section, or otherwise, that any person who holds a license or certificate of authority issued by any such licensing authority is an individual who is obligated by court order to provide child support and has neglected or refused to provide such support, the IV-D agency shall so notify such person in writing. Upon written request of the IV-D agency, and after hearing and notice by the licensing authority to the licensee as required under any applicable provision of law, such licensing authority, if a department, board, commission, division, authority, district or other agency of the commonwealth shall revoke or suspend such license or certificate of authority if such agency finds that the child support obligation has not been met. For the purpose of such findings, the written representation of the IV-D agency to the licensing authority shall constitute prima facie evidence thereof. The IV-D agency shall have the right to intervene in any hearing conducted with respect to such license revocation or suspension. Any findings made by the licensing authority with respect to such license revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding of law, except for any appeal of such license revocation or suspension. Any license or certificate of authority suspended or revoked under this section shall not be reissued or renewed until the agency receives a certificate issued by the IV-D agency that the licensee is in good standing with respect to any and all child support obligations. Any person aggrieved by the decision of the licensing authority may appeal therefrom pursuant to the provisions of section fourteen of chapter thirty A.

SECTION 481. Section 44 of chapter 121B of the General Laws, as most recently amended by sections forty-three to forty-six, inclusive, of chapter six of the acts of nineteen hundred and ninety-one, is hereby further amended in the first paragraph

by striking out clause (b).

SECTION 482. Section 1 of chapter 130 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the definition of "Coastal waters" and inserting in place thereof the following definition:-

"Coastal waters", all waters of the commonwealth within the rise and fall of the tide and the marine limits of the jurisdiction of the commonwealth, but not waters within or above any fishway or dam nor waters above any jurisdictional boundary legally established pursuant to section five of chapter one hundred and thirty in rivers and streams flowing into the sea.

SECTION 483. Section 130A of chapter 127 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting in line 7 after the words "satisfactory parole" the following:- provided, however, that the parole board, by a majority vote of all its members, may grant a certificate of termination if the parolee has successfully completed the so-called special incarceration boot camp program and subsequently completed at least four months of satisfactory parole.

SECTION 484. Section 2B of chapter 130 of the General Laws, as added by section 90 chapter 33 of the acts of 1991, is hereby amended by inserting after the words "such sums as are credited from other funds for the propagation and management of marine fish and fisheries;" the following words:- sums received from insurance claims, bond claims or tort claims, with respect to activities of the division;.

SECTION 485. Said chapter 130, as so appearing, is hereby further amended by adding the following section:-

Section 5. The director and the director of the division of fisheries and wildlife, shall from time to time determine and establish the jurisdictional boundaries of each agency in rivers and streams flowing into the sea. Said jurisdictional boundaries may be based upon existing, man-made, natural, geographic or other known landmarks, or determined and established by other appropriate methods or means. If the director and the director of the division of fisheries and wildlife should disagree concerning the determination and establishment of said jurisdictional boundaries the dispute shall be referred to the commissioner of fisheries, wildlife and environmental law enforcement, whose decision on the matter shall be final.

The determination and establishment of any jurisdictional boundary made pursuant to this section shall serve solely to distinguish the jurisdiction of the division from the division of fisheries and wildlife for purposes of fisheries management authority, shall be prima facie evidence of the jurisdiction of each respective agency, and shall have no other independent legal significance.

The director and the director of the division of fisheries and wildlife may prepare plans and maps delineating said jurisdictional boundaries, and shall file a copy thereof with the secretary of state and the director of the division of law enforcement.

SECTION 486. Section 1 of chapter 131 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the definition of "Coastal waters" and inserting in place thereof the following definition:-

"Coastal waters", all waters of the commonwealth within the rise and fall of the tide and the marine limits of the jurisdiction of the commonwealth, but not waters within or above any fishway or dam nor waters above any jurisdictional boundary legally established pursuant to section five of chapter one hundred and thirty of the General Laws in rivers and streams flowing into the sea.

SECTION 487. Section 4 of said chapter 131, as so appearing, is hereby further amended by striking out clause (12) and

inserting in place thereof the following clause:-

(12) for the purpose of this chapter and of chapter one hundred and thirty, establish suitable markers designating the jurisdictional bounds established pursuant to section five of chapter one hundred and thirty. Thereupon, the director shall file a plan or maps showing the location of said markers with the clerk of the city or town wherein the marker has been established. A person shall not alter, remove or destroy any marker so established by the director.

SECTION 488. Section 6 of chapter 131A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after paragraph (c), the following paragraph:-

(d) All fines and penalties received on account of litigation or settlement thereof for a violation of this chapter or the regulations promulgated thereunder shall be paid to the commonwealth and shall be deposited into the Natural Heritage and Endangered Species Fund established pursuant to section thirty-five D of chapter ten of the General Laws for the purpose of aiding in the protection and enhancement of rare, threatened and endangered species in the commonwealth.

SECTION 489. Section 7A of chapter 132A of the General Laws, as so appearing, is hereby amended by striking out the third, fourth and fifth paragraphs, and inserting in place thereof the following paragraph:-

A park ranger who has been appointed as a deputy environmental police officer who observes any violation of regulations promulgated pursuant to section four A of chapter twenty-one or pursuant to section seven of chapter one hundred and thirty-two A, may cite the alleged violator pursuant to the civil infraction procedure in chapter ninety G. All such civil assessments recovered for violation of rules and regulations made under authority of this section shall be paid over to the department of environmental management pursuant to section 6F of chapter twenty-one of the General Laws to be deposited as revenue and shall be applicable to the department's retained revenue account.

SECTION 490. Clause (52) of section 6 of chapter 136 of the General Laws, added by section 316 of chapter 150 of the acts of 1990, is hereby amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) on the Sunday immediately preceding Thanksgiving day and each Sunday thereafter until and including 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.

SECTION 491. Said section 6 of said chapter 136 is hereby further amended by striking out clause (52), added by chapter 302 of the acts of 1990, and inserting in place thereof the following clause:-

(53) The operation of commercial auto schools, otherwise known as driver education.

SECTION 492. Subparagraph (17) of section 6 of chapter 136 of the General Laws is hereby amended by inserting after the word "oil", in line 10, the following words:- and the operation of an automotive service facility.

SECTION 493. Section 34B of said chapter 138, as so appearing, is hereby amended by striking the first paragraph and inserting in place thereof the following paragraph:-

Any person who shall have attained age twenty-one and does not hold a valid operator's license issued by the registry of motor vehicles, pursuant to section eight of chapter ninety, may apply for a liquor purchase identification card. Such cards shall be valid for five years and shall be issued by the registry of motor vehicles pursuant to regulations prescribed by the registrar with the advice of the commission and shall bear the name, signature, date of birth, address and photograph of such

person. The registry of motor vehicles shall require payment of a twenty-five dollar fee for any card issued pursuant to this section.

SECTION 494. Section 3A of chapter 139 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the third, fourth and fifth sentences of the second paragraph and inserting in place thereof the following sentences:- If the debt for which such a lien is in effect remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the mayor or the board of selectmen, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such debt to the assessors, who shall forthwith add such debt to the tax on the property to which it relates and commit it with their warrant to the collector as part of such tax. If the property to which such debt relates is tax exempt, such debt shall be committed as the tax. Upon commitment as a tax or part of a tax, such debt shall be subject to the provisions of law relative to interest on the taxes of which they become, or, if the property were not tax exempt would become, a part; and the collector of taxes shall have the same powers and be subject to the same duties with respect to such debts as in the case of annual taxes upon real estate, and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall, except as otherwise provided, apply to such claims. A lien under this section may be discharged by filing with the register of deeds for record or registration, as the case may be, in the county or in the district, if the county is divided into districts, where the land lies, a certificate from the collector of the city or town that the debt constituting the lien, together with any interest and costs thereon, has been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

SECTION 495. Section 19 of chapter 139 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out all of the language after the words "ninety-four C," in line 14, and inserting in place thereof the following:- or is convicted of assault and battery on an employee of a housing authority, as punishable by section thirteen D of chapter two hundred and sixty-five, such use or conviction shall at the election of the lessor, owner, or said housing authority annul and make void the lease or other title under which such tenant or occupant holds and, without any act of the lessor, owner, or housing authority, shall cause the right of possession to revert and vest in him, and he may, without the process of the law, make immediate entry upon the premises, or may avail himself of the remedy provided in chapter two hundred and thirty-nine.

SECTION 496. Section 173 of chapter 140 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the word "ten" in line 3 and inserting in place thereof the word:- fifty.

SECTION 497. Said chapter 140, as so appearing, is hereby further amended by striking out section 173A and inserting in place thereof the following section:-

Section 173A. Any person taking cognizance of a violation of an ordinance or by-law made under the provisions of section one hundred and seventy-three which he or she is empowered to enforce shall not initiate criminal proceedings. Instead, the enforcing person may issue the violator a warning, if a warning is permitted by such ordinance or by-law, or may cite the alleged violator pursuant to the civil infraction procedure in chapter ninety G.

SECTION 498. Section 2A of chapter 143 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended

by inserting after the word "cleaners" in line 13 the words:- and elevator inspections.

SECTION 499. Section 9 of chapter 143 of the General Laws, as appearing in the 1990 Official Edition, is hereby amend ed by striking out in line 15 the words "lien upon the land upon which the structure is located" and inserting in place thereof the words:- debt due the city or town upon completion of the work and the rendering of an account therefor to the owner of such structure,.

SECTION 500. Section 5 of chapter 148 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentences:- Any expense so incurred by or on behalf of the commonwealth or of any city or town, shall be a debt due the commonwealth or the city or town, as the case may be, upon completion of such removal or abatement and the rendering of an account therefor to the owner. The provisions of the second paragraph of section three A of chapter one hundred and thirty-nine, relative to liens for such debt and the collection of the claims for such debt, shall apply to any debt referred to in this section, except that the marshal or the head of the fire department shall act hereunder in place of the mayor or board of selectmen. In the case of debts due the commonwealth, the collector of taxes shall pay over to the treasurer of the commonwealth the amounts collected by him.

SECTION 501. Said section 148 of said chapter 149 is hereby further amended by striking out the paragraph inserted by section 331 of chapter 138 of the acts of 1991.

SECTION 502. Section 148 of chapter 149 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking lines 56 through 60, inclusive, and by inserting in place thereof the following:-

Section 148. Every person having employees in his service shall pay weekly or bi-weekly each such employee the wages earned by him to within six days of the termination of the pay period during which the wages were earned if employed for five or six days in a calendar week, or to within seven days of the termination of the pay period during which the wages were earned if such employee is employed seven days in a calendar week, or in the case of an employee who.

SECTION 503. Said section 148 of said chapter 149, as so appearing, is hereby further amended by striking out the words "work week" in lines 103 and 104 and inserting in place thereof the following words:- pay period.

SECTION 504. Said section 148 of said chapter 149, as so appearing, is hereby further amended by inserting after line 154 the following paragraph:-

An employer paying his employees on a weekly basis on July first, nineteen hundred and ninety-two shall, prior to paying said employees on a bi-weekly basis, provide each employee with written notice of such change at least ninety days in advance of the first such bi-weekly paycheck.

SECTION 505. Section 6 of chapter 150 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentences:- The application for public sector grievance arbitration shall be accompanied by a filing fee of be four hundred dollars, or any greater fee which may be established by the secretary of administration and finance 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.

The application for private sector grievance arbitration shall be accompanied by a filing fee, of eight hundred dollars, or any greater fee which may be established by the secretary of administration and finance 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.

The application for grievance mediation shall be accompanied by a filing fee of one hundred dollars, or any greater fee which may be established by the secretary of administration and finance 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 506. Subsection (1) of section 13 of chapter 152 of the General Laws, as amended by section 33 of chapter 398 of the acts of 1991, is hereby amended by striking the first and second paragraphs and inserting in place thereof the following two paragraphs:-

The rate of payment by insurers for health care services adjudged compensable under this chapter shall be established by the rate setting commission under the provisions of chapter six A, and in the case of acute hospitals subject to chapter six B, said rates of payment shall include the uncompensated care fee established pursuant to section eleven of chapter six B; provided however, that a different rate for services may be agreed upon by the insurer, the employer and the health care service provider.

Except as provided above, no insurer shall be liable for hospital expenses adjudged compensable under this chapter at a rate in excess of the rate set by the rate setting commission, or for other health services in excess of the rate established for that service by the rate setting commission, whether the health care provider is within or outside the commonwealth. Requests for reimbursement for health services under this chapter must be signed by the person performing such service and must be accompanied by a detailed description of the service rendered as well as the name and licensure number of the person performing such service. All health services provided under this chapter shall be subject to the provisions of section three of chapter one hundred and seventy-five H and 42 CFR 1001.951 through 1001.953, the so-called "safe harbor regulations" as adopted by the federal government on July twenty-nine, nineteen hundred and ninety-one. No employee shall be liable for health care services adjudged compensable under this chapter.

SECTION 507. Section sixty-nine A of chapter one hundred and fifty-two of the General Laws is hereby repealed.

SECTION 508. Section 69B of said chapter 152, as appearing in the 1990 Official Edition, is hereby amended in the first sentence, by striking out, in line 3, the following words:- "following the consent or order required by section sixty-nine A".

SECTION 509. Chapter 175 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 47I the following section:-

Section 47J. The commissioner of insurance is hereby directed to produce a standardized claim form to be utilized by all health insurance companies licensed to do business in the commonwealth for billing purposes.

Said form shall be made available to said companies no later than July first, nineteen hundred and ninety-three.

SECTION 510. Chapter 176A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 8L the following section:-

Section 8M. The commissioner of insurance is hereby directed to produce a standardized claim form to be utilized by all health insurance companies licensed to do business in the commonwealth for billing purposes.

Said form shall be made available to said companies no later than July first, nineteen hundred and ninety-three.

SECTION 511. Chapter 176B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 4L the following section:-

Section 4M. The commissioner of insurance is hereby directed to produce a standardized claim form to be utilized by all health insurance companies licensed to do business in the commonwealth for billing purposes.

Said form shall be made available to said companies no later than July first, nineteen hundred and ninety-three.

SECTION 512. Chapter 176G of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in section seventeen by inserting at the end thereof the following two paragraphs:-

The commissioner of insurance is hereby directed to produce a standardized claim form to be utilized by all health insurance companies licensed to do business in the commonwealth for billing purposes.

Said form shall be made available to said companies no later than July first, nineteen hundred and ninety-three.

SECTION 513. Chapter 176I of the General Laws, as appearing in the 1990 Official Edition, is hereby amended in section eight by inserting at the end thereof the following two paragraphs:-

The commissioner of insurance is hereby directed to produce a standardized claim form to be utilized by all health insurance companies licensed to do business in the commonwealth for billing purposes.

Said form shall be made available to said companies no later than July first, nineteen hundred and ninety-three.

SECTION 514. Section 54E of chapter 175 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 4 the words "ten years or more" and inserting in place thereof the words:- ten years, or less than ten years with the approval of the commissioner,.

SECTION 515. Section 54F of chapter 175 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 4, the words "ten years or more" and inserting in place thereof the words:- ten years, or less than ten years with the approval of the commissioner,.

SECTION 516. Subsection 3A of section 63 of chapter 175 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out said subsection 3A and inserting in place thereof the following subsection:-

In bonds, notes or obligations, issued, assumed or guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank or the African Development Bank.

SECTION 517. Section 113H of chapter 175 of the General Laws, as appearing in the 1990 Official Edition, is hereby

amended by adding the following sentence:- No Domestic Stock Insurance Company which is Mono-line, Mono-State and has not ceded to CAR for at least ten (10) consecutive years shall not be required to participate in CAR.

SECTION 518. Section 5 of chapter 176A of the General Laws, as most recently amended, is hereby amended by adding the following at the end of the fourth paragraph:-

All contracts made and all rates of payment paid by such corporation with or to providers of home infusion therapy services shall be approved in advance by the rate setting commission established under section thirty-two of chapter six A, in this section called the commission. No contract or rate of payment under any such contract with a provider of home infusion therapy services shall be approved nor its continuance permitted by the commission, unless:

1. the contract provides payment for not less than all home infusion therapies and services which such corporation has paid for as an extended benefit or otherwise covered as a benefit prior to the enactment of this act, including but not limited to, services to individuals infected with the HIV virus;

2. the contract does not limit the designation of a home infusion therapy provider by a subscriber or attending physician where such designation is related to the intensity and availability of services required by the patient or subscriber;

3. the rate of payment is sufficient to provide the level and intensity of nursing services required by the individual patient or subscriber including, without limitation, those patients or subscribers requiring home infusion therapy as a result of bone marrow and/or solid organ transplants, as determined by the assessment tool, which the commission is directed to prescribe by regulation;

4. such provider provides comprehensive services which include services for nursing, dietary, pharmacy, material management, including medical waste disposal and equipment maintenance, educational and psycho-social services, maintains a comprehensive formulary which has the capability to provide availability of infusion therapy services in the scope and intensity required by the patient population in its service area, and information services which monitor for drug interactions and adverse drug reactions;

5. the corporation contracts with a sufficient number of providers such that the subscriber has a meaningful choice of providers;

6. the corporation provides that where an attending physician makes a medical determination that the providers of home infusion therapy services under contract with the corporation do not offer the services which are medically necessary for the patient according to generally accepted medical practice, the physician may designate a provider of home infusion therapy services which offers the services required by the patient and such services shall be paid as an extended benefit; and

7. the contract provides that the corporation shall not deny payment for any home infusion therapy services ordered by a licensed physician unless the corporation first notifies, in writing, the patient, subscriber, provider and patient's physician that the services are not medically necessary according to generally accepted medical practice and, therefore, are not covered by the subscriber's policy or are not otherwise covered by the subscriber's policy and the patient, subscriber, provider and the patient's physician has had the opportunity to appeal such determination and a determination has been made on that appeal.

Prior to approving a home infusion therapy contract, the commission shall afford interested parties the opportunity for a

public hearing and prior to said public hearing the commission shall consult with providers, subscribers and patient advocacy groups including but not limited to the AIDS Action Committee of Massachusetts, the Crohns and Colitis Foundation of America, the Pediatric Ileitis and Colitis Foundation and the North American Pediatric Pseudo Obstructive Society.

SECTION 519. Section 5 of chapter 176A of the General Laws is amended by adding the following at the end of the fourth paragraph:-

All contracts made and all rates of payment paid by such corporation with or to providers of helicopter ambulance services shall be approved in advance by the rate setting commission established under section thirty-two of chapter 6A. No contract or rate of payment under any such contract with a provider of air ambulance services shall be approved nor its continuance permitted by the commission, unless the contract provides for payment adequate to meet the reasonable costs incurred to operate helicopter ambulance services, including but not limited to the cost of lease or other capital acquisition of a helicopter(s); jet fuel; landing fees; insurance, including but not limited to general liability coverage; and helicopter critical care services supplies and equipment. Said contract shall provide payment of costs incurred and services rendered in accordance with applicable state and federal statutes and regulations. Prior to approving an air ambulance contract the commission shall afford interested parties the opportunity for a public hearing.

SECTION 520. Section 26 of chapter 184 of the General Laws, as most recently amended by section 2 of chapter 520 of the acts of 1990 is hereby amended by striking out the first sentence in the first paragraph, and inserting in place thereof the following:-

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 political instrumentality thereof made before January first, nineteen hundred and seventy, and (c) conservation, preservation, agricultural preservation restrictions and affordable housing restrictions, as defined in section thirty-one which have the benefit of section thirty-two, restrictions recorded or registered in accordance with section six of chapter twenty-one E with respect to property which is or was a site or vessel, and other restrictions held by any governmental body, if the instrument imposing such conservation, preservation, agricultural preservation, affordable housing, site or vessel 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.

SECTION 521. Section 6 of chapter 185 of the General Laws is hereby amended in line 18, as so appearing, by inserting after the word"matters" the following:- and shall have the authority to hear and rule on petitions for tax foreclosure and for redemption from tax titles pursuant to chapter sixty.

SECTION 522. Section 15B of Chapter 186 of the Massachusetts General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting in lines 52, 58 and 160, in each instance, after the words "per year," the following phrase:-

or other such lesser amount of interest as has been received from the bank where the deposit has been held.

SECTION 523. Section 7 of chapter 193 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "deceased," in line 20, the words:- or when so designated by the department of public welfare pursuant to subsection (e) of section sixteen A of chapter one hundred eighteen E.

SECTION 524. Section 4 of chapter 194 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- Notwithstanding the foregoing, a public administrator shall apply for letters of administration for an intestate estate or petition for administration with the will annexed of a testate estate when so designated by the department of public welfare pursuant to subsection (e) of section sixteen A of chapter one hundred eighteen E.

SECTION 525. Section 6 of said chapter 194, as so appearing, is hereby amended by inserting after the word "estate," in line 6, the words:- or by designation of the department of public welfare pursuant to subsection (e) of section sixteen A of chapter one hundred eighteen E.

SECTION 526. Section 16 of chapter 195 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

Notwithstanding any provision of law to the contrary, a voluntary administrator shall certify on the statement that copies of said statement and death certificate have been sent to the department of public welfare by certified mail. If the decedent received medical assistance under chapter one hundred eighteen E (1) when age sixty-five or older or (2) at any time on or after March twenty-second, nineteen hundred ninety-one, regardless of age, while an inpatient in a nursing facility or other medical institution, the provisions of section sixteen A of chapter one hundred eighteen E shall apply except (1) the period for the department to present a claim under subsection (b)(1) of said section sixteen A shall be within four months of the date the register of probate dockets the statement and (2) interest on allowed claims under subsection (c) of said section sixteen A shall commence four months plus sixty days after said date. This paragraph shall apply to estates of decedents dying on or after September first, nineteen hundred and ninety-two.

SECTION 527. Section 16A of said chapter 195, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

Notwithstanding any provision of law to the contrary, a voluntary executor shall certify on the statement that copies of said statement and death certificate have been sent to the department of public welfare by certified mail. If the decedent received medical assistance under one hundred eighteen E (1) when aged sixty-five or older or (2) at any time on or after March twenty-second, nineteen hundred ninety-one, regardless of age, while an inpatient in a nursing facility or other medical institution, the provisions of section sixteen A of chapter one hundred eighteen E shall apply except (1) the period for the department to present a claim under subsection (b)(1) of section sixteen A shall be within four months of the date the register of probate dockets the documents and (2) interest on allowed claims under subsection (c) of section sixteen A shall commence four months plus sixty days after said date. This paragraph shall apply to estates of decedents dying on or after September first, nineteen hundred and ninety-two.

SECTION 528. Section 1 of chapter 198 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended

by striking out the fourth, fifth and sixth paragraphs in lines 9 to 18 and inserting in place thereof the following four paragraphs:-

Third, debts due to the department of public welfare.

Fourth, wages or compensation, to an amount not exceeding one hundred dollars, due to a clerk, servant or operative for labor performed within one year last preceding the death of such deceased person or for such labor so performed for the recovery of payment for which a judgment has been rendered.

Fifth, debts, to an amount not exceeding one hundred dollars, for necessaries furnished to such person or his family within the six months last preceding his death, or for such necessaries so furnished for the recovery of payment for which a judgment has been rendered.

Sixth, debts due to all other persons.

SECTION 529. Paragraph (a) of section 2 of chapter 200A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 3, the word "five" and inserting in place thereof the word:- three.

SECTION 530. Paragraph (b) of said section 2 of said chapter 200A, as so appearing, is hereby amended by striking out in lines 6 and 8 the word "five" and inserting in place thereof, in each instance, the word:- three.

SECTION 531. Section 3 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 4, the word "five" and inserting in place thereof the word:- three.

SECTION 532. Section 4 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 6, the word "five" and inserting in place thereof the word:- three.

SECTION 533. Section 5 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 11, the word "five" and inserting in place thereof the word:- three.

SECTION 534. Paragraph (a) of section 5A of said chapter 200A, as so appearing, is hereby amended by striking out, in line 5, the word "five" and inserting in place thereof the word:- three.

SECTION 535. Paragraph (3) of subsection (c) of section 5A of said chapter 200A, as so appearing, is hereby amended by striking out, in line 24, the word "five" and inserting in place thereof the word:- three.

SECTION 536. Paragraph (a) of section 5B of said chapter 200A, as so appearing, is hereby amended by striking out, in line 8, the word "five" and inserting in place thereof the word:- three.

SECTION 537. Paragraph (b) of said section 5B of said chapter 200A, as so appearing, is hereby amended by striking out, in lines 13 and 18, the word "five" and inserting in place thereof, in each instance, the word:- three.

SECTION 538. Section 5C of said chapter 200A, as so appearing, is hereby amended by striking out, in line 3, the word "five" and inserting in place thereof the word:- three.

SECTION 539. Section 6 of said chapter 200A, as so appearing, is hereby amended by striking out, in lines 3 and 4 the word "five" and inserting in place thereof, in each instance, the word:- three.

SECTION 540. Clause (1) of paragraph (b) of section 7 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 9, the word "fifty" and inserting in place thereof the words:- one hundred.

SECTION 541. Clause (3) of paragraph (b) of section 7 of said chapter 200A, as so appearing, is hereby amended by striking

out, in line 17, the word "fifty" and inserting in place thereof the words:- one hundred.

SECTION 542. Section 7A of said chapter 200A, as so appearing, is hereby amended by striking out, in line 2, the word "ten" and inserting in place thereof the words:- one hundred.

SECTION 543. Paragraph (c) of section 8 of said chapter 200A, as so appearing, is hereby amended by striking out clause (2).

SECTION 544. Paragraph (d) of section 8 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 41, the word "fifty" and inserting in place thereof the words:- one hundred.

SECTION 545. Paragraph (e) of section 8 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 46, the word "twenty-five" and inserting in place thereof the words:- one hundred.

SECTION 546. Subsection (f) of section 8 of said chapter 200A, as so appearing, is hereby amended by striking out paragraphs (2) and (3).

SECTION 547. Paragraph (a) of section 8A of said chapter 200A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "except as otherwise provided in paragraphs (b) and (c), every" and inserting in place thereof the word:- Every.

SECTION 548. Said paragraph (a) of said section 8A of said chapter 200A, as so appearing, is hereby further amended by inserting after the word "treasurer", in line 4, the words:- at the time of filing the report.

SECTION 549. Said section 8A of said chapter 200A, as so appearing, is hereby amended by striking out paragraph (b).

SECTION 550. Paragraph (c) of section eight A of chapter two hundred A of the General Laws is hereby repealed.

SECTION 551. Said chapter 200A is hereby amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. All agreements to pay compensation to recover or assist in the recovery of property reported under section seven made within twenty-four months after the date payment or delivery is made under section eight A are unenforceable. Such an agreement made more than twenty-four months after payment or delivery is required under said section eight A is valid if: (a) it is in writing, signed by the owner and discloses the nature and value of the property and the name and address of the person or entity in possession of the property. (b) the fee or compensation does not exceed ten percent at any time.

Nothing in this section shall be construed to prevent an owner from asserting, at any time, that any agreement to locate property is based on excessive or unjust compensation.

SECTION 552. The first paragraph of subsection (c) of section twenty-four of chapter two hundred and eleven is hereby amended by striking same in its entirety and inserting in place thereof the following:-

(c) A retired chief justice or associate justice so serving shall be paid by the commonwealth, in addition to the pension or retirement allowance received, a per diem differential rate of compensation equivalent to one two hundred twentieths of the balance remaining after deducting the annual pension or retirement allowance received from the current annual salary of such justice if not retired. The per diem differential rate of compensation shall be paid monthly from Judiciary appropriated funds.

Section 2. The first paragraph of subsection (c) of section sixteen of chapter two hundred and eleven A is hereby amended

by striking same in its entirety, and inserting in place thereof the following:-

(c) A retired chief justice or associate so serving shall be paid by the commonwealth, in addition to the pension or retirement allowance received, a per diem differential rate of compensation equivalent to one two hundred and twentieths of the balance remaining after deducting the annual pension or retirement allowance received from the current annual salary of such justice if not retired. The per diem differential rate of compensation shall be paid monthly from Judiciary appropriated funds.

Section 3. The first paragraph of subsection (c) of section fourteen of chapter two hundred and eleven B is hereby amended by striking same in its entirety, and inserting in place thereof the following:-

(c) A retired justice so serving shall be paid by the commonwealth, in addition to the pension or retirement allowance received, a per diem differential rate of compensation equivalent to one two hundred and twentieths of the balance remaining after deducting the annual pension or retirement allowance received from the current annual salary of such justice if not retired. The per diem differential rate of compensation shall be paid monthly from Judiciary appropriated funds.

Section 4. Notwithstanding the terms and provisions of section ninety-one of chapter thirty-two, as amended, providing therein for restoring and returning justices recalled pursuant to sections 65E and 65F and 65G of chapter thirty-two, said justices so recalled shall receive simultaneously, pension or retirement allowance and the per diem compensation in sections 1, 2 and 3 of this act, but no such justice shall receive per diem compensation in excess of 220 days in any fiscal year.

Section 5. Subsection (c) of section sixty-five E of chapter thirty-two is hereby amended by striking same in its entirety, and inserting in place thereof, the following:-

(c) If such retired justice no longer wishes to be eligible to perform judicial duties pursuant to section twenty-four of said chapter two hundred eleven, he may at any time after having his name placed upon a retired list resign his office.

Section 6. Subsection (c) of section sixty-five F of chapter thirty-two is hereby amended by striking same in its entirety, and inserting in place thereof, the following:-

(c) If such retired justice no longer wishes to be eligible to perform judicial duties pursuant to section sixteen of said chapter two hundred eleven A, he may at any time after having his name placed upon a retired list resign his office.

Section 7. Subsection (c) of section sixty-five G of chapter thirty-two is hereby amended by striking same in its entirety, and inserting in place thereof, the following:-

(c) If such retired justice no longer wishes to be eligible to perform judicial duties pursuant to section fourteen of said chapter two hundred eleven B, he may at any time after having his name placed upon a retired list resign his office.

SECTION 553. Section 9 of chapter 211B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following paragraph at the end thereof:-

The chief administrative justice shall appoint a chief security officer for the trial court, and shall provide for the development and implementation of a plan to ensure safety and security at every courthouse in the commonwealth, including but not limited to the installation of appropriate security equipment and the training of all court personnel in security procedures.

SECTION 554. Chapter 211B of the General Laws is hereby amended by adding the following new section:-

Section 21. The chief administrative justice of the trial court shall establish a program of senior justices of the commonwealth. Upon the application of a justice of the trial court department, an administrative justice of the trial court, subject to the approval

of the chief administrative justice, may grant the status of senior justice to such justice of the trial court department. To qualify as a senior justice, the applying justice must be at least sixty years of age and have served as a justice of the trial court for at least ten years. A senior justice shall serve as a justice of the trial court on a part-time basis, working no more than three-fifths of a full-time week. A senior justice may not directly or indirectly engage in the practice of law. The salary of a senior justice shall be adjusted to be proportionate to the percentage of a full-time week that such senior justice shall work. A senior justice shall not be counted against the total of justices authorized for a department pursuant to section two. A senior justice shall be eligible for all benefits provided to other justices of the trial court. A senior justice who would otherwise be a eligible for a retirement allowance in accordance with sections sixty-five A or sixty-five D of chapter thirty-two shall not receive a retirement allowance but shall continue to accrue service credits toward a retirement allowance and shall continue to contribute the same percentage of his reduced salary, if any, that is required under said sections of chapter thirty-two. At such time as such senior justice becomes retired under the provisions of sections sixty-five A to sixty-five I, inclusive, of chapter thirty-two, he shall receive the same retirement allowance, with the same salary, age, and service factors, that he would be otherwise have been eligible to receive if he had remained as a full-time justice.

SECTION 555. Section 2A of chapter 211D of the General Laws, as most recently amended by section two hundred and five of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-two, is hereby further amended by striking out, in the first sentence of the second paragraph, the word "forty" and inserting in place thereof the words "seventy-five".

SECTION 556. Section 12 of chapter 211D of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first two sentences in lines one through seven and inserting in place thereof the following two sentences:- The committee shall establish policies and procedures to provide fair compensation to private counsel, which shall include a remedy for any attorney aggrieved by the amount of payment. The committee shall also establish an audit and oversight department to monitor billing and private attorney compensation.

SECTION 557. Section 27A of chapter 218 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) For each county, the administrative justice of the district court department shall designate one or more divisions located in that county or an adjoining county for the purpose of hearing cases appealed to a jury of six. Appeals from divisions within Suffolk county shall be held in the Boston municipal court department or, at the designation of the administrative justice of the district court department, in one or more divisions located in Suffolk county or an adjoining county. Appeals from the Edgartown and Nantucket divisions shall be held in such divisions, or in one or more divisions in Barnstable county or Bristol county, as the administrative justice of the district court department shall designate. Such appeals shall be held in court facilities of the district court department, or in such other court facilities of the trial court as the chief administrative justice shall designate pursuant to section seventeen of chapter two hundred eleven B. Jurors shall be drawn from the county in which trial is held.

SECTION 558. The last paragraph of section 62 of chapter 218 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- In the district court of Brockton one court officer shall be designated by the justice of said court as chief court officer.

SECTION 559. Section 62C of chapter 221 of the General Laws, as so appearing, is hereby amended by inserting after subsection (h) the following subsection:-

(i) hold hearings pursuant to section seven of chapter ninety G.

SECTION 560. Section 83 of chapter 221 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following paragraph:-

Upon motion of any party, at any sitting, trial or hearing in any department of the Trial Court, where no official stenographer is assigned or available, the presiding justice shall appoint and designate any certified shorthand reporter to serve as temporary official stenographer for purposes of said proceedings, provided that the attendance fee of such certified shorthand reporter shall be borne by the moving party or parties, and where more than one party joins in the motion, shall be paid in equal shares by the requesting parties. Fees for transcripts of the proceedings shall be charged and apportioned among the parties in accordance with the provisions of section eighty-eight. The motion requesting the appointment of a temporary official stenographer shall specifically identify the person whose appointment is requested and shall certify that said person is a certified shorthand reporter. The fees for attendance and copies of transcripts paid to any individual appointed pursuant to the provisions of this section shall be taxable as costs in favor of the prevailing party or parties to the same extent, and in the same manner, as the fees of official stenographers.

SECTION 561. Chapter 231 of the General Laws is hereby amended by striking out section 6G, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 6G. Any party aggrieved by a decision on a motion pursuant to section six F may appeal as hereinafter provided. If the matter arises in the superior, land, housing or probate court, the appeal shall be to the single justice of the appeals court at the next sitting thereof. If the matter arises in the appeals court or before a single justice of the supreme judicial court, the appeal shall be to the full bench of the supreme judicial court. The court deciding the appeal shall review the finding and award, if any, appealed from as if it were initially deciding the matter, and may withdraw or amend any finding or reduce or rescind any award when in its judgment the facts so warrant.

Any party may file a notice of appeal with the clerk or register of the court hearing the motion within ten days after receiving notice of the decision thereon. The clerk or register shall then forward the motion, the court's findings and award, and any other documents relevant to the appeal to the clerk of the court deciding the appeal who, upon receipt thereof, shall refer the matter to the court for speedy decision and shall notify the parties of such decision, which shall be final. Any appeal to the supreme judicial court or the appeals court shall proceed according to the Massachusetts Rules of Appellate Procedure; any appeal to a single justice of the Appeals Court shall proceed under the rules for the regulation of practice before a single justice of that court. The payment of any award made pursuant to section six F shall be stayed until the completion of all appeals relating to the civil action in which the award was made.

SECTION 562. The first paragraph of section 118 of chapter 231 of the General Laws is hereby amended in line 8 by adding the following sentence:- If the petition is filed with respect to a discovery order and is denied, the single justice may, after such hearing as the single justice in his discretion deems appropriate, require the petitioning party or the attorney advising the petition or both of them to pay to the party who opposed the petition the reasonable expenses incurred in opposing the

petition, including attorney's fees, unless the court finds that the filing of the petition was substantially justified or that other circumstances make an award of expenses unjust.

SECTION 563. Chapter 261 of the General Laws is hereby amended by striking out section 27D, as so appearing, and inserting in place thereof the following section:-

Section 27D. In any case where the court denies a request for waiver, substitution or payment by the commonwealth of fees and costs, pursuant to section twenty-seven C or any other provision of law, the applicant may take an appeal as hereafter provided. If the matter arises in the superior, the land, the probate or the housing court departments, the appeal shall be to a single justice of the appeals court at the next sitting thereof; and if the matter arises in the district, municipal, or juvenile court departments, the appeal shall be to the superior court sitting in the nearest county or in Suffolk county. Upon being notified of the denial the applicant shall also be advised of his right of appeal, and he shall have seven days thereafter to file a notice of appeal with the clerk or register. Upon receipt of notice of appeal timely filed the clerk or register shall forthwith notify the judge or justice, who shall within three days set forth his written findings and reasons as provided in paragraph (4) of section twenty-seven C. The court denying the request may, with or without motion, stay proceedings pending appeal or issue any other order or process to preserve the rights of the parties pending the appeal. The clerk or register shall then forward the affidavit and request, the court's findings and reasons for denial and any other documents on file relevant to the appeal, to the clerk of the court deciding the appeal, who, upon receipt thereof, shall refer the matter to the court for speedy decision and shall promptly notify the applicant of such decision. The court deciding the appeal may enter a stay or revoke an existing stay or other order, and its decision shall be final with respect to such request.

SECTION 564. Section 2 of chapter 262 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the word "fifty" and inserting in place thereof the following:- one hundred.

SECTION 565. Section 4A of chapter 262 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting in line 5 after the words "one hundred" the words:- and seventy-five.

SECTION 566. Chapter 262 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking section thirty-nine and inserting in place thereof the following section:-

Section 39. The fees payable under chapter one hundred and eighty-five shall be as follows:

For the entry of every original petition or writ and transmitting it to the recorder, when filed with an assistant recorder, one hundred dollars.

For every plan filed in an original proceeding, fifty dollars, and for every new plan filed after original registration, or for making a new plan filed under an original registration, or for making a new plan on request of a registered owner, thirty dollars, plus five dollars for each lot shown on said plan.

The filing fee in the registry of deeds upon receipt from the recorder of the land court department of a plan or copy of a plan shall be twenty dollars.

For indexing an instrument recorded while a petition for registration is pending, five dollars.

For examining title, on a petition to register land, or on a petition to register easements or rights in land, the actual amount charged or allowed therefor to the examiner by the court.

For each notice by mail, three dollars plus the actual cost of printing.

For all services by a sheriff or deputy sheriff under provisions of chapter one hundred and eighty-five, the same fees as are provided by law for like services.

For each notice by publication, three dollars plus actual cost of publication.

For entry of an order dismissing a petition for registration of title, or for foreclosure of a tax title, or a decree of foreclosure of a tax title or of redemption, and sending a memorandum to the assistant recorder, twenty-five dollars.

For entry of a decree of registration and sending a memorandum to the assistant recorder, three-eighths of one percent of the assessed value of the property registered, on the basis of the last assessment for municipal taxation, in addition to any sum payable under section ninety-nine of chapter one hundred and eighty-five, but in no one proceeding shall the amount payable under this paragraph be less than fifty nor more than two thousand dollars.

For the entry of an original certificate of title, including issue of one duplicate, fifty dollars.

For the entry of a new certificate of title, including issue of one duplicate, forty dollars.

For filing and registering an adverse claim, forty dollars.

For filing a sewer assessment, twenty dollars for each document and three dollars for each additional certificate affected.

For filing and registering a mortgage, thirty dollars.

For entering statement of change of residence or post office address, including endorsing and attesting it on a duplicate certificate, twenty dollars.

For entering any note in the entry book or in the registration book, twenty dollars.

For every petition after the original registration, forty dollars.

For a certified copy of any decree or registered instrument, the same fees as are provided for registers of deeds.

For the registration of all other instruments, whether single or in duplicate or triplicate, including entering, indexing and filing it and attesting to the registration thereof, and also making and attesting a copy of memorandum on one instrument or a duplicate certificate when required, except as otherwise provided, thirty dollars, and thirty dollars for the making and attesting of a copy of memorandum on each additional certificate and duplicate. For noting the registration of any instrument on each other certificate and duplicate in addition to the first certificate duplicate, thirty dollars.

SECTION 567. Section 13D of chapter 265 of the General Laws is hereby amended by inserting after the word "battery", in line 8, the words:- an employee of a housing authority as defined in section one of chapter one hundred and twenty-one B.

SECTION 568. The second paragraph of section 16 of chapter 270 of the General Laws, as most recently amended by section 99 of chapter 412 of the acts of 1991, is hereby further amended by striking out the fourth, fifth and sixth sentences and inserting in place thereof the following three sentences:- Within five days of the payment of a fine to secure the release of a seized vehicle as provided for herein, the enforcing authority to whom the fine is paid shall deposit the fine in court along with an application for criminal complaint regarding the offense, and the court shall hold the fine until judgment is entered on such complaint. If a conviction is returned on the criminal complaint the court shall award to any person or persons, other than an employee of the enforcing authority, whose information materially contributed to the identification of the convicted party,

up to five hundred dollars, or forty percent of said fine, whichever is the greater, and the balance of the fine shall be equally divided between the enforcing authority and the general fund of the commonwealth. At the discretion of the enforcing authority, an officer authorized to enforce this section may, in lieu of commencing criminal proceedings, cite the alleged violator pursuant to the noncriminal procedure in chapter ninety G, and the civil assessment paid by the violator, after payment of any award as aforesaid, shall be paid over to the general fund of the enforcing authority.

SECTION 569. Said chapter 270 of the General Laws is hereby further amended by striking out section 16A, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 16A. Any officer empowered to enforce section sixteen who takes cognizance of a violation thereof may cite the alleged violator pursuant to the noncriminal disposition procedure in chapter ninety G.

SECTION 570. Chapter 279 of the General Laws is hereby amended by inserting after section 1A, as appearing in the 1990 Official Edition, the following section:-

Section 1B. Notwithstanding any other provision of law, the administrative justice of a department of the trial court may direct that both the clerk-magistrate's office and the probation office of one or more court divisions are to utilize a single funds collection and disbursement point within the courthouse.

SECTION 571. Section 42 of chapter 279 of the General Laws, as most recently amended by section 211 of chapter 138 of the acts of 1991, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If the records of the registrar of motor vehicles indicate that a corporation has failed to pay an assessment for a civil motor vehicle infraction as provided in section three of chapter ninety C, or a civil infraction as provided in chapter ninety G, the registrar may issue a warrant of distress to compel payment of the assessment, plus any late fees or other administrative fees which the registrar is required or authorized by law or regulation to impose, unless such fees are waived in whole or in part by the registrar.

SECTION 572. Section 9 of chapter 645 of the acts of 1948, as most recently amended by section 105 of chapter 341 of the acts of 1989, is hereby amended by striking out clauses (c) and (d) and inserting in place thereof the following clause:-

(d) In each fiscal year there shall be appropriated on account of the provisions of this chapter five separate items in accordance with the following clauses: (1) an amount to provide for the first annual payment on any school project ordered or approved by a court as necessary for desegregation or such projects as may required in the judgement of said board to reduce or eliminate racial imbalance on or after July first, nineteen hundred and seventy-five; (2) an amount to provide for the first annual payment on any school project not meeting the requirements of clause (1) approved on or after July first, nineteen hundred and seventy-five; (3) an amount required for annual payments to be made in the fiscal year on account of school projects approved by the board prior to July first, nineteen hundred and seventy-five and all other projects approved after said date on which the first annual payment has been made; (4) an amount required for payments in the fiscal year on account of grants and reimbursements (i) for educational, engineering and architectural services for regional school districts as set forth in section five, (ii) for surveys made of school building needs and conditions as set forth in section six, (iii) for matching stabilization fund payments as set forth in section twelve, (iv) for leases relative to the maintenance of a vocational

education program, as provided for in section fifteen, and (v) for payments associated with admission to a regional school district, as provided for in section sixteen, and (5) for buildings which are structurally unsound or otherwise in a condition jeopardizing the safety of school children, where no alternative exists.

SECTION 573. 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, and as most recently amended by section 172 of chapter 150 of the acts of 1990, is hereby further amended by striking out, in line 15, the word "ninety-two" and inserting in place thereof the word:- ninety-four.

SECTION 574. Chapter 354 of the acts of 1952 is hereby amended by adding the following section:-

Section 3. The chairman of the Massachusetts Turnpike Authority is hereby authorized to conduct a study whereby travelers using the turnpike between exit tolls three and eight, which include the designated toll names of the municipalities, in order, of Westfield, West Springfield, Chicopee, Springfield, Ludlow and Palmer, be given a credit pass to travel between said tolls at no charge. The study shall consider whether a special toll card shall be given to said travelers indicating that no fee will be collected when exiting the turnpike tolls mentioned above.

SECTION 575. Clause (1) of section 4 of chapter 212 of the acts of nineteen hundred and seventy-five, as most recently amended by section seven of chapter 130 of the acts of 1987, is hereby further amended by inserting after the words "issued by the bank" the following:- and then outstanding.

SECTION 576. Section 19 of said chapter 212 of the acts of 1975, as most recently amended by section 16 of said chapter 130 of the acts of 1987, is hereby amended by striking out the words "nineteen hundred and ninety-four" and inserting in place thereof the words:- nineteen hundred and ninety-eight.

SECTION 577. Section 13 of chapter 362 of the acts of 1975, as most recently amended by section 37 of chapter 351 of the acts of 1986, is hereby amended by striking out, in line 4, the word "ninety-two" and inserting in place thereof the word:- ninety-seven.

SECTION 578. Section 4 of chapter 10 of the acts of 1986 is hereby amended by striking out the word "ninety-two" as inserted by section 353 of chapter 138 of the acts of 1991, and inserting in place thereof the word:- ninety-four.

SECTION 579. The second paragraph of section 4A of said chapter 10 of the acts of 1986, is hereby amended by striking out the word "ninety-two", as inserted by section 354 of chapter 138 of the acts of 1991, and inserting in place thereof the word:- ninety-four.

SECTION 580. Section 6 of chapter 10 of the acts of 1986, as most recently amended by section 355 of chapter 138 of the acts of 1991, is hereby further amended by striking out the word "ninety-two" and inserting in place thereof the word:- ninety-four.

SECTION 581. Section 27 of chapter 537 of the acts of 1986 is hereby amended by striking out, in line 3, the word "ninety-two" inserted by section 42 of chapter 138 of the acts of 1991, and inserting in place thereof the following word:- ninety-three.

SECTION 582. The second paragraph of section 64 of chapter 273 of the acts of 1988, as most recently amended by section 213 of chapter 138 of the acts of 1991, is hereby further amended by striking the second sentence of the second paragraph and inserting in place thereof the following sentence:- Said assessment shall be made at a rate sufficient to produce one

hundred thousand dollars in each of fiscal years nineteen hundred and eighty-nine through nineteen hundred and ninety-four; provided, however, that if said secretary fails to expend the total amount of one hundred thousand dollars in any fiscal year that said public education program is in operation, the amount unexpended in such fiscal year shall be credited against the assessment to be made in the following year, and the assessment in the following year shall be reduced by such unexpended amount.

SECTION 583. Notwithstanding any general or special law to the contrary, section 131 of chapter 653 of the acts of 1989 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The purpose of said fund is to finance projects that address the critical labor shortage facing hospitals, including, but not limited to, the training of health care workers, the development of career ladders within the health care professions, and the establishment of day care programs at hospitals and other health care facilities; provided, however, that the department shall allocate not less than one hundred and fifty thousand dollars from said fund in fiscal year nineteen hundred and ninety-two for the purposes of paying subsistence allowances to low-income persons enrolled in training programs for the health care professions sponsored under 29 USC 1534, and provided, further, that the department shall enter into an agreement with the department of employment and training with the approval of the Massjobs Council which specifies a prompt and efficient means of disbursing these payments.

SECTION 584. Section 25 of chapter 499 of the acts of 1990 is hereby amended by striking subsection (c) and inserting in place thereof the following subsection:-

(c) Fifty percent of said revenue shall be deposited in the general fund for the purposes of the school building assistance program as contained in Item 7010-0059 of section two of this act.

SECTION 585. Chapter 41 of the acts of 1991 is hereby amended by striking out section 15 and inserting in place thereof the following section:-

Section 15. The MWRA is hereby directed, at its sole cost and expense, to perform additional field work to redesignate the boundaries of the Neponset sole source aquifer. This field work must include the drilling of nine wells along Winter Street and MCI Cedar Junction and all field work information and results shall be submitted to the EPA and the Town of Walpole for review. This field work must be performed within ninety days of the passage of the Fiscal Year 1993 budget.

SECTION 586. Section forty-six of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one is hereby repealed.

SECTION 587. Section two hundred and eighty-seven of chapter one hundred and thirty-eight of the Acts of nineteen hundred and ninety-one is hereby repealed in its entirety.

SECTION 588. Section forty-seven of chapter one hundred and forty-two of the acts of nineteen hundred and ninety-one is hereby amended by striking said section.

SECTION 589. Section 101A of chapter 398 of the acts of 1991 is hereby amended by striking the final two sentences and inserting in place thereof the following:-

The insurance commissioner shall authorize participation in the pilot program by July first, nineteen hundred and ninety-three for a period of three years.

On January first, nineteen hundred and ninety-four and each six months thereafter during the pilot period, the insurance commissioner shall report to the general court on the status of the pilot program, including any recommendation for legislation, if necessary, to improve the efficiency of said program.

SECTION 590. Item 4600-1200 of section 46 of chapter 495 of the acts of 1991 is hereby amended by striking out, in line 2, the words "six A and six B of chapter one hundred and eighteen E" and inserting in place thereof the following words:- "seventeen A of chapter one hundred and eighteen F".

SECTION 591. Item 4600-1210 of said section 46 of said chapter 495, is hereby amended by striking out, in line 2, the word "fifteen" and inserting in place thereof the following words:- "seventeen A".

SECTION 592. Section 62 of chapter 495 of the acts of 1991 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Notwithstanding the foregoing, no such person may implement an addition, expansion, conversion, transfer of site or transfer of ownership, as such terms are defined pursuant to sections twenty-five B to twenty-five G, inclusive, of medical equipment with a fair market value in excess of one hundred and fifty thousand dollars designed or equipped to provide magnetic resonance imaging services unless such person first notifies the department of public health.

SECTION 593. Chapter 36 of the Acts of 1992 is hereby amended in Section 3 subsection (n) by striking the following words in the fifth sentence, "to avoid or minimize damages to the environment" and adding after the word "watershed" the following:- and does not otherwise materially impair the quality of the environment.

SECTION 594. The amendments made by sections 389, 390, 391, 398, 399, 405 and 406 shall apply to tax years ending on or after December 31, 1991.

SECTION 594A. Sections 393, 395, 396 and 406A of this act shall apply to interest accruing on or after January 1, 1993. The total amount of interest, penalties and additions to tax accrued but unpaid as of December 31, 1992, whether assessed or not shall be combined with all taxes accrued but unpaid as of December 31, 1992, whether assessed or not, for purposes of determining the amount to which daily compounding shall apply; provided, however, that such daily compounding shall not apply to any penalty imposed under section thirty-three (b) of chapter sixty-two C of the General Laws until a date thirty-one days after the date of notice of assessment of such penalty.

SECTION 595. Sections 400, 401, 402, 403 shall apply to all losses sustained in taxable years ending on or after December thirty-first, nineteen hundred and eighty-nine.

SECTION 596. The provisions of sections 408, 409, 410 and 411 shall take effect on August first, nineteen hundred and ninety-two.

SECTION 597. Sections 421 and 422 of this act shall be effective with respect to estates of decedents dying on or after July first, nineteen hundred and ninety-four. Sections 417, 418, 419 and 420 shall be effective with respect to estates of decedents dying on or after January first, nineteen hundred and ninety-three.

SECTION 598. Sections thirty-three, two hundred and fifty-six, two hundred and sixty, two hundred and sixty-one, three hundred and seventy, four hundred and forty-two, four hundred and forty-three, four hundred and fifty, four hundred and fifty-one, four hundred and fifty-two, four hundred and eighty-nine, four hundred ninety-six, four hundred and ninety-seven,

five hundred and fifty-nine, five hundred and sixty-eight, five hundred and sixty-nine and five hundred and seventy-one shall take effect on January first, nineteen hundred and ninety-three. Noncriminal citations which were issued prior to the effective date of said sections shall be processed in accordance with the provisions of law in effect prior to the effective date of said sections.

SECTION 599. Except as otherwise provided in this act, the provisions of this act shall take effect July first, nineteen hundred and ninety-two.

This bill was returned on July 10, 1992, by the Governor to the House of Representatives, the branch in which said bill originated, with his objections in writing to the following items therein:

Items Disapproved:

SECTION 2

2440-0021	2511-0200
5047-6000	7000-9411
7061-0050	7061-0100
8000-0102	9110-1635

SECTIONS 7, 11, 12, 17, 18, 19, 20, 21, 28, 29, 30, 36, 38, 41, 42, 45, 51, 54, 56, 56A, 60, 61, 67, 68, 70, 72, 73, 74, 75, 76, 77, 78, 79, 81, 83, 84, 88, 89, 94, 96, 97, 103, 105, 106, 107, 108, 110, 114, 115, 121, 124, 128, 129, 130, 131, 132, 134, 135, 136, 141, 143, 145, 147, 149, 150, 151, 152, 153, 154, 157, 158, 159, 163, 164, 168, 173, 179, 182, 212, 213, 214, 215, 216, 217, 218, 219, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 328, 329, 330, 339, 352, 353, 358, 367, 375, 382, 383, 384, 385, 387, 392, 404, 408, 409, 411, 426, 427, 428, 429, 432, 438, 440, 460, 463, 464, 465, 466, 467, 481, 501, 506, 517, 518, 519, 520, 554, 567, 574, 575, 577, 592, 596

SECTION 2 *Items Reduced:*

Item	Reduce by	Reduce to	Item	Reduce by	Reduce to
0320-0010	70,000	509,499	0331-3300	400,000	2,574,811
0321-0100	9,900	601,000	0332-6400	60,000	3,397,062
0321-1500	117,643	11,592,768	0332-6800	40,000	1,463,834
0321-1600	255,917	1,563,073	0336-0500	50,000	279,745
0322-0100	131,040	3,766,960	0337-0002	100,000	439,886
0330-0100	232,000	24,713,750	0337-0100	300,000	2,807,246
0330-0400	107,000	9,500,856	0337-0200	100,000	1,527,708
0330-2020	40,000	415,318	0337-0300	150,000	1,121,621
0330-2200	1,978,550	22,821,450	0337-0400	25,000	948,519
0330-2700	200,000	1,425,485	1101-2380	32,027	9,243,185
0331-0100	200,000	3,646,246	1102-3210	147,414	5,802,547

Item	Reduce by	Reduce to
1104-1000	232,777	3,158,836
1108-1000	27,146	804,752
1108-1002	144,548	2,100,000
1108-1003	8,948	605,000
1108-1011	185,218	100,000
1108-2500	17,666	287,271
1108-5200	6,000,000	416,128,898
1108-6100	313,235	1,914,074
1108-6150	84,920	487,500
1108-6160	112,045	387,500
1110-1000	44,216	424,742
1150-5100	1,224	1,104,600
1231-0100	100,000	4,928,527
2200-0100	212,756	14,536,573
2260-8870	352,510	11,399,000
2440-0010	1,594,205	22,800,000
3722-9024	4,426,595	75,573,405
4110-0001	30,094	688,003
4110-3010	224,202	1,245,061
4110-4000	100,000	1,730,000
4120-1000	3,170	315,031
4120-2000	467,153	6,317,611
4120-3000	75,000	6,578,595
4120-4000	100,000	3,490,000
4120-6000	1,451	6,445,000
4130-0001	5,789	542,211
4130-0005	182, 600	4,824,000
4170-0010	78,222	1,296,000
4170-0250	253,997	1,110,000
4180-0100	500,000	16,226,643
4180-0101	7,012	478,314
4190-0100	31,500	10,569,000
4190-0101	1,615	141,000
4401-1000	2,000,000	12,315,691
4405-2000	500,000	176,374,980
4406-3000	1,780,423	32,688,400
4510-0110	1,000,000	627,000
4510-0600	5,713	3,174,849
4510-0710	74,035	5,951,967
4518-0100	14,243	1,576,887
4530-9000	92,168	1,977,000
4540-0900	3,131,234	33,469,724
4600-1230	240,000	300,000
4800-0041	6,849,162	83,673,450
4800-0050	6,685	565,000
5011-0100	865,080	15,136,736
5046-0000	731,651	200,883,136
6005-0012	15,000,000	170,865,679
6030-7201	833,000	16,167,000
7000-9101	7,297	664,334
7000-9506	74,940	108,022
8312-1000	412,628	3,754,015
8400-0001	111,979	33,916,016
8800-0001	8,348	516,583
8850-0001	16,632	145,784
8900-0009	86,288	3,652,246
8970-0004	71,108	33,563,959
9110-1660	10,508	1,179,492
9400-1100	22,200	49,800
9415-0100	92,151	250,000

SECTION 2 *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording stricken
0331-3400	542,000	1,452,937	"; provided, that that no less than sixty-five thousand dollars shall be expended on

Item	Reduce by	Reduce to	Wording stricken
			the clerk's duties as clerk of the appellate division for the superior court for the commonwealth; provided further, that no less than forty-six thousand dollars shall be expended for the purpose of holding the unified session for sexually dangerous persons, pursuant to section nine of chapter one hundred and twenty- three A of the General Laws; provided further, that not less than two hundred thousand dollars shall be expended for a pilot program in the county of Suffolk for the purpose of assigning persons on probation to perform community work service, including the development of a record keeping and reporting system; and provided however, that the administration of said program shall be subject to the approval of the chief administrative justice of the trial court"
1107-2400	96,648	507,562	";provided, that not less than fifty thousand dollars of the amount herein appropriated shall be expended for arts programs for people with disabilities including, but not limited to festivals, training, advocacy and employment training through the arts; and provided further, that forty thousand dollars shall be expended for the disabled youth partners program"
1120-4005	424,616	659,602	"; provided, that not less than two hundred thousand dollars be obligated for the purchase of books, periodicals, and microfilms to maintain a current government research library collection; and provided further, that said library shall maintain regular hours of operation from nine a.m. to five p.m."
1201-0100	9,198,461	95,376,223	"; and provided further, that the department shall be prohibited from contracting for private debt collection services"
2050-0100	18,571	250,000	"provided further, that eighteen thousand five hundred seventy-one dollars be allocated to the towns of Athol, Erving, New Salem, Royalston, Warwick and Wendell;"
2100-3000	2,190,502	12,453,537	"provided further that no facilities or activities currently operated by department personnel shall be privatized or contracted out during fiscal year nineteen hundred ninety-three; and"
			and

Item	Reduce by	Reduce to	Wording stricken
			", including not more than three hundred twenty employees"
2410-1000	625,000	1,700,000	"provided further, that notwithstanding the provisions of section three B of chapter seven of the General Laws as amended by section four of chapter six of the acts of nineteen hundred and ninety-one, the commissioner of the department is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents, leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of the commission; and provided further, that a quarterly report be submitted to the house and senate committees on ways and means regarding fee adjustments;"
3722-9102	250,000	433,755	"; provided, that not less than two hundred fifty thousand dollars shall be obligated for a program of fifty percent matching grants to towns with less than two thousand five hundred inhabitants for repair and renovations of municipal buildings other than those actually being used for educational purposes, to assist with compliance with the Americans with Disabilities Act (P.L. 101-46 amended) and other related fire safety code and building code compliance projects"
4403-2000	385,000	699,971,463	"provided further that, the department shall, no later than September first, nineteen hundred and ninety-two, seek a federal waiver to allow an additional disregard from earnings up to one- third of the payment standard for recipients of assistance under this line item, and shall implement such a waiver if approved;"
4408-1000	4,000,000	104,731,868	"except with respect to persons sixty-five years of age or older, persons found to be disabled by the department in accordance with this item, persons caring for a disabled person, dependent children and the parents or other caretakers of dependent children; provided further, that the department shall initially authorize benefits to persons with medical impairments where a competent medical authority has verified that the person is disabled in accordance with this act and the department's regulations; provided further; that the purposes of this act, a competent medical authority shall mean a medicaid participating medical provider designated by the department, including a physician or clinical psychologist with a doctoral degree, or a medical internist,

Item	Reduce by	Reduce to	Wording stricken
			resident or fellow, in a clinic, mental health center, hospital, community health center, or health maintenance organization, who is licensed and authorized pursuant to said license to evaluate physical or mental disorders; provided further, that the department *may require such medical verification of disability to set forth the individual's* diagnosis, prognosis, treatment and functional limitations using generally accepted medical criteria; provided further, that the department shall provide a referral to an appropriate medical authority to complete the evaluation if the individual cannot locate an appropriate medical authority; provided further, that the department may establish a medical review team for reviewing selected cases where a competent medical authority has verified that the individual is disabled in accordance with this act and the department's regulations, and that in performing its review, the medical review team may use a list of physical or mental incapacities designated as disabling by the department, which *may take into consideration the person's age, education and* job skills and which may include those impairments listed in 20 C.F.R. 404, Subpart P, Appendix I; provided, further, before determining that a person is not disabled, the medical review team shall obtain all relevant information, including but not limited to test results and medical records, from the medical authority who verified the impairment and from other competent medical authorities who have treated the individual and shall offer the individual an opportunity to submit additional medical and vocational evidence; provided further, that the department may terminate benefits if the evidence establishes that the individual does not have a severe impairment as defined in the Social Security Act; provided further, that, if the evidence established that the individual has a severe impairment, but there is insufficient evidence to establish that the individual is disabled in accordance with this act and the department's regulations, the medical review team shall arrange for examination of the individual by an independent competent medical authority and a vocational assessment and may *terminate benefits* if the independent competent medical authority and vocational assessment conclude that the individual is not disabled in accordance with this act and the department's regulations;"
4600-1050	386,594	583,602	";and provided further, that no less than one hundred eighty-five thousand three hundred and fifty dollars from said revenue shall be expended on a statewide program of technical assistance to community health centers to be provided by state primary

Item	Reduce by	Reduce to	Wording stricken
			care association qualified under section 330(f)(1) of the United States Public Health Act (42 USC 245c)"
5047-4000	589,895	6,488,839	"; provided, that the Gaebler children's center shall not be closed during fiscal year nineteen hundred and ninety-three"
5051-0100	1,172,665	77,854,404	"; provided, that prior to the privatization, consolidation or closure of any community mental health center the secretary of administration and finance shall file a cost benefit analysis of any such privatization, consolidation, or closure; provided further, that no community mental health center shall be closed,consolidated or privatized unless authorized by legislation enacted by the General Court and signed by the governor"
5095-0000	1,576,526	118,295,314	"; provided, that prior to the privatization, consolidation or closure of any inpatient unit, paid through this line item, the secretary of administration and finance shall file a cost benefit analysis of any such privitation, consolidation, or closure; provided further, that no inpatient unit, paid through this line item, shall be closed, consolidated or privatized unless authorized by legislation enacted by the General Court and signed by the governor; and provided further, that not less than sixty-four thousand dollars be expended for the service of two full-time equivalent Orthodox chaplains"
6000-0100	12,169	320,186	"; provided, that the office shall submit quarterly expenditure reports on all employees or contract personnel funded through capital outlay monies"
7052-0006	250,000	423,000	"; provided, however, that not less than two hundred and fifty thousand dollars be expended for the purposes of clauses (a) and (b) of this item"
7061-1000	100,000,000	105,522,604	"; provided, that grant amounts shall equal the amounts determined under said chapter seventy A on the basis of direct service expenditures in fiscal year nineteen hundred and ninety-one, increased to that fraction of the amount determined for such year for each city, town, regional district and independent vocational school in accordance with section three of said chapter seventy A which the amount appropriated herein is sufficient to support; provided further, that any payment made under this appropriation shall be deposited with the treasurer of each city, town, regional school

Item	Reduce by	Reduce to	Wording stricken
			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"
7070-0032	900,000	1,569,105	"; provided, that not more than nine hundred thousand dollars shall be expended for the participation fund established pursuant to section fourteen A of chapter fifteen C of the General Laws"
8900-0010	657,952	942,048	"provided further, that the commissioner of correction shall submit quarterly financial reports detailing revenues generated and expended, to the house and senate committees on ways and means,"
9110-1630	40,000	72,002,305	"provided further, that no new programs shall be established without the prior written notification of the house and senate committees on ways and means; provided further, that the 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 and item 9110-1603; 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"

SECTION 2 *Items reduced in amount and by striking the wording and inserting in place thereof the following:*

Item	Reduce by	Reduce to	
0330-2410	100,000	380,541	Wording stricken "provided, that not less than one hundred ninety-one thousand five hundred dollars be expended for security training of court personnel" Wording inserted "provided, that not less than one hundred thousand dollars be expended for security training of court personnel"

Item	Reduce by	Reduce to	
4401-2000	397,704	49,925,966	Wording stricken "provided further, that four million four hundred twenty-six thousand five hundred and sixty dollars shall be expended for direct care provided through contracts purchased from the department of social services;" Wording inserted "provided further, that four million twenty-eight thousand eight hundred and fifty-six dollars shall be expended for direct care provided through contracts purchased from the department of social services;"
4512-0200	500,000	27,844,303	Wording stricken "; provided, that five hundred fifty thousand three hundred fifty dollars shall be expended for a contract to furnish drug-free ambulatory recovery counseling and case management treatment" Wording inserted "; provided, that fifty thousand three hundred fifty dollars shall be expended for a contract to furnish drug-free ambulatory recovery counseling and case management treatment"
6006-0003	89,427	587,434	Wording stricken "provided, that not less than four hundred fifty-six thousand dollars shall be expended on the expenses of airport development projects and related expenses as authorized by section thirteen of chapter sixty-four A of the General Laws, as amended by section forty of chapter one hundred and twenty-one of the acts of nineteen hundred and ninety," Wording Inserted "provided, that not less than three hundred sixty-six thousand, five hundred seventy-three dollars shall be expended on the expenses of airport development projects and related expenses as authorized by section thirteen of chapter sixty-four A of the General Laws, as amended by section forty of chapter one hundred and twenty-one of the acts of nineteen hundred and ninety,"

Item	Reduce by	Reduce to	
7070-0065	13,000,000	40,000,000	Wording stricken "provided that of the sum appropriated herein, not less than five million dollars shall be obligated for the purposes of the Massachusetts Plan, pursuant to section five C of chapter fifteen C of the General Laws, as amended by section twelve of this act;" and "provided further, that the Massachusetts state scholarship office is authorized and directed to expend no less than three million dollars to provide for the matching of scholarship grants to needy Massachusetts resident students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing;" Wording inserted "provided further, that the Massachusetts state scholarship office is authorized and directed to expend no less than one million dollars to provide for the matching of scholarship grants to needy Massachusetts resident students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing;"
8910-0000	1,011,891	178,125,654	Wording stricken "provided, that not less than four million two hundred and sixty-six thousand three hundred and ninety-one dollars be made available to Barnstable county;" ", upon notification to the house and senate committees on ways and means;" "and to the house and senate committees on ways and means" "provided further, that each county shall submit to the house and senate committees on ways and means, on or before January first, nineteen hundred and ninety-three, spending plans for all funds distributed to it from the commonwealth;" Wording inserted "provided, that not less than three million two hundred fifty-four thousand three hundred dollars be made available for Barnstable County;"

SECTION 2 *Items disapproved by striking the wording:*

Item	Wording stricken
1108-3000	";provided, that during the negotiation of any collective bargaining agreement the commissioner of administration shall file with 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; and provided further, that the nature and scope of such economic proposals shall include all fixed percentage and dollar base rate salary adjustments, non-base payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs"
2100-1000	"; provided, that no facilities or acitvities currently managed by department personnel shall be privatized or contracted out during the fiscal year"
2100-2000	"provided, that the department shall maintain only two regional planners;"
2420-1400	"; and provided further, that the inhabitants of the of towns of Clinton and Lancaster liable to taxation in said towns and residing within the territory comprised within the territorial limits of said towns shall constitute a sewer district and are hereby made a body corporate by the name of Clinton-Lancaster Wastewater District, hereinafter called the district, for the purpose of supplying themselves with wastewater treatment services, for domestic and other uses, and for the operation of the wastewater treatment plant located in the town of Clinton. The district shall have the rights and powers necessary or convenient to carry out and effectuate this act, including, but without limiting the generality of the foregoing, the rights and powers: (a) to adopt by-laws for the regulation of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in connection with the performance of its functions and duties to fix, enforce and collect penalties for the violation thereof; (b) to acquire by purchase, lease, lease-purchase, sale and lease-back, gift or devise, any property, real or personal, tangible or intangible, or any interest therein; (c) to enter onto any land to make surveys, borings and examinations thereon, provided that said district shall make reimbursements for any injury or actual damage resulting to such lands and premises caused by any act of its authorized agents or employees and shall so far as

possible restore the land to the same condition as prior to making of such surveys, borings and examinations; (d) to acquire by eminent domain any interest in real property within the district in accordance with the provisions of chapter seventy-nine and chapter eighty A of the General Laws or any alternative method provided by law; provided, however, that the district shall not exercise the power of eminent domain without the prior approval of the board of selectmen of the town in which the property is located; (e) to order the removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places, or in or upon private lands, which it deems to interfere with the laying out, construction or operation of any water and sewer project and the proper authorities shall grant new locations for any such structure so removed or relocated, and the owner thereof shall be reimbursed by the district for the reasonable cost of such removal or relocation.

If any such owner shall fail to comply with any order of the district relating to any such structure in public ways and places within a reasonable time, to be fixed in the order, the district may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the district by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof, except for the reimbursement of cost provided for above. This section shall not apply to any facility on property of the commonwealth under the control of the department of public works or the metropolitan district commission or installed under licenses or permits granted by said department or commission, except with its approval; (f) to contract for and purchase sewage disposal and treatment services from and provided said services to, any person, private or public corporation or municipality, or other government entity; (g) to construct, improve, extend, enlarge, maintain and repair the sewer works system, and with respect to such work the district shall be deemed to be a public agency for purposes of sections forty-four A to forty-four H, inclusive, of chapter one hundred and forty-nine of the General Laws and a district of the towns of Lancaster and Clinton for purposes of sections thirty B to thirty P, inclusive, of chapter seven of the General Laws and a public agency of the city for purposes of sections thirty-nine A to forty M, inclusive, of said chapter seven and section twenty-eight of chapter forty-three of the General Laws. The district shall be an authority of a political subdivision of the commonwealth for purposes of sections sixty-one to sixty-two H, inclusive, of chapter

Item

Wording stricken

thirty of the General Laws, provided that no work, project or activity of the district the total cost of which is less than two million dollars shall be subject to the provisions of said sections sixty-one to sixty-two H, inclusive, of said chapter thirty; (h) to fix and collect rates, fees, charges and other revenues, and to pledge or assign any money, fees, charges, or other revenues of the district and any proceeds derived by the district from the sale of property, insurance or condemnation awards; (i) to borrow money and incur indebtedness and issue its bonds; (j) to make contracts of every name and nature and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes; (k) to exercise the powers and privileges of, and to be subject to limitations upon, towns, and cities provided by the provisions of sections thirty-eight to forty-two I, inclusive, of chapter forty and sections one to twenty-four, inclusive, and twenty-seven to twenty-nine, inclusive, of chapter eighty-three of the General Laws, insofar as such provisions may be applicable and are consistent with the provisions of this act; provided that any requirement in said sections or chapters for a vote by the city council or other government body of the city or for ratification of such vote by the voters of the city, shall be satisfied by a vote or resolution duly adopted by the district in accordance herewith, and provided that the powers of the district to make rules and regulations and establish penalties regarding the use of sewers shall not be limited by section ten of said chapter eighty-three; (l) to sue and be sued and to prosecute and defend actions relating to its properties and affairs; provided property of the district other than revenues pledged to the payment of bonds shall not be subject to attachment nor levied upon by execution or otherwise; (m) to do all things necessary, convenient or desirable for carrying out the purposes of this act or the powers expressly granted or necessarily implied in this act.

All permits now held by or for the benefit of the Clinton wastewater treatment plant are transferred to the district as of June thirtieth, nineteen hundred and ninety-two. Notwithstanding the provisions of any general or special law to the contrary, the ownership, possession and control of the wastewater treatment plant and the personal property at and associated with such plant, located in the town of Clinton, which had been conveyed to the said Authority pursuant to chapter three hundred and seven of the acts of nineteen hundred and eighty-seven, is conveyed to and vested in the said district as of June thirtieth, nineteen hundred and ninety-two. All books, maps, papers, plans, records and documents of whatever description pertaining to the design, construction, operation and affairs of the plant which are in the possession of the

Item	Wording stricken
	Authority or the MDC shall be transferred and delivered to the district for its use, ownership, possession and control. Notwithstanding the provisions of any general or special law to the contrary, the real property associated with said wastewater treatment plant which is under the jurisdiction of the MDC and which has been deemed to be "system real property" as defined in section two of chapter three hundred seventy-two of the acts of nineteen hundred and eighty-four is conveyed to the said district as of April first, nineteen hundred and ninety-two. Notwithstanding the provisions of sections forty E through forty J of chapter seven of the General Laws to the contrary, the division of capital planning and operations is hereby authorized and directed to take such actions as are necessary to effectuate the intent of this act, including the delivery of an executed deed for nominal consideration, and any related documents. Notwithstanding the provisions of any general or special law to the contrary, the certain parcels of land located in the Town of Clinton and further described in chapter six hundred and twenty-five of the acts of nineteen hundred and eighty-seven is conveyed from the said Authority to the said district as of June thirtieth, nineteen hundred and ninety-two. The Authority is hereby authorized and directed to take such actions as are necessary to effectuate the intent of this bill, including the delivery to the district of an executed deed. Sections three, four, five, six and eight of chapter three hundred seven of the acts of nineteen hundred and eighty-seven are hereby repealed. Effective on June thirtieth, nineteen hundred and ninety-two, the Authority is relieved of all of its obligations in connection with the said wastewater treatment plant and related realty and personalty, including without limitation, the obligation to operate and maintain such wastewater treatment plant. Said Authority shall not be liable for any claims, damages, penalties or liabilities arising out of or based upon matters occurring subsequent to June thirtieth, nineteen hundred and ninety-two, in connection with said wastewater treatment plant or related realty or personalty. Chapter eight hundred and thirty-one of the acts of nineteen hundred and sixty-seven, establishing the Lancaster Sewer District, is hereby repealed effective June thirtieth, nineteen hundred and ninety-two. The provisions of this item regarding the Clinton-Lancaster Wastewater District and the Lancaster Sewer District shall survive the expiration of the fiscal year and the implementation of said provisions shall be a condition precedent to the expenditure of the amounts appropriated herein"

Item	Wording stricken
3722-9108	"; and provided further, that no new contracts shall be entered into in fiscal year niniteen hundred and ninety-three"
4000-0100	"; and provided further, that the office of contract management shall complete annually, a report containing the total amount of contract obligation and total appropriation amounts obligated by department and service type to be filed with the house and senate committees on ways and means no later than March first, nineteen hundred and ninety-three"
4402-4100	"; provided further, that regulations for determining eligibility for personal care attendant services shall not be more restrictive than those regulations in effect on January first, nineteen hundred and ninety-two"
4402-4200	"; provided further, that the department shall not selectively contract for chronic hospital services prior to July first, nineteen hundred and ninety-three; provided further, that expenditures for section 2176 home and community based waiver services shall be made from this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means on such expenditures" and "; provided further, that the regulations, criteria and standards for determining admission to and continued stay in a nursing home shall not be more restrictive than those regulations, criteria and standards in effect on January first, nineteen hundred and ninety-two; provided further, that regulations for determining eligibility for personal care attendant services shall not be more restrictive than those regulations in effect on January first, nineteen hundred and ninety-two"
4402-4300	"; provided further, that regulations for determining eligibility for personal care attendant services shall not be more restrictive than those regulations in effect on January first, nineteen hundred and ninety-two"

Item	Wording stricken
5930-1000	"provided further, that notwithstanding the provisions of any general or special law to the contrary, the division of capital planning and operations shallcontinue to provide uninterrupted sewerage service to residents of the town of Belchertown who are currently attached to the sewerage system of the Belchertown state school; provided further, that said division shall not increase the town's current financial obligation to the operation of the sewerage treatment plant before June thirtieth, nineteen hundred and ninety-three;"
6010-0001	"; and provided, further, that the department shall provide the house and senate committees on ways and means a quarterly report of repairs requiring said secretary's approval"
7100-0102	", Plymouth"
9000-1492	"; provided, however, that the City of Boston shall open Long Island for public viewing of the Tall Ships parade. The City may submit, for the purposes of reimbursement, to the Secretary of Administration and Finance for the costs and expenses incurred for opening the island"
9000-1820	"; and provided further, that quarterly reports of expenditures shall be filed with the house and senate committees on ways and means"
9000-2000	"; 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"
9081-7011	"; provided that a report of all revenues, expenditures, assets and liabilities of said corporation shall be filed quarterly with the secretary of administration and finance and the house and senate committees on ways and means"
9110-9002	"provided that the executive office of elder affairs shall establish an incentive grant program for those councils that implement long term care volunteer programs"

SECTION 2 *The words "including not more than X positions", where X stands for the number stated in the respective items are disapproved in the following items:*

0320-0003	0332-1300	0332-4700	0333-0002	0340-0130	0340-0935	1100-1103
0320-0010	0332-1400	0332-4800	0333-0100	0340-0135	0340-0995	1101-2100
0321-0001	0332-1500	0332-4900	0333-0200	0340-0195	0340-1000	1101-2380
0321-0100	0332-1600	0332-5000	0333-0300	0340-0200	0340-1030	1101-4000
0321-1500	0332-1700	0332-5100	0333-0400	0340-0230	0340-1035	1102-3210
0322-0100	0332-1800	0332-5200	0333-0500	0340-0235	0340-1095	1102-3301
0330-0100	0332-1900	0332-5300	0333-0600	0340-0295	0340-1100	1104-1000
0330-0300	0332-2000	0332-5400	0333-0700	0340-0300	0340-1130	1104-1091
0330-2000	0332-2100	0332-5500	0333-0800	0340-0330	0340-1135	1104-6601
0330-2205	0332-2300	0332-5600	0333-0900	0340-0335	0340-1195	1104-6607
0330-2410	0332-2400	0332-5700	0333-0911	0340-0395	0340-2100	1107-2400
0330-3200	0332-2500	0332-5800	0333-1000	0340-0400	0610-0000	1108-1000
0330-3700	0332-2600	0332-5900	0333-1100	0340-0430	0612-0100	1108-1002
0331-0100	0332-2700	0332-6000	0333-1111	0340-0435	0630-0000	1108-1003
0331-0600	0332-2800	0332-6100	0333-1200	0340-0495	0640-0000	1108-1011
0331-2100	0332-2900	0332-6200	0333-1300	0340-0500	0640-0300	1108-1214
0331-2200	0332-3000	0332-6300	0333-1400	0340-0530	0810-0000	1108-2500
0331-2300	0332-3100	0332-6400	0334-0001	0340-0535	0810-0014	1108-3000
0331-2400	0332-3200	0332-6500	0335-0001	0340-0595	0810-0021	1108-4010
0331-2500	0332-3300	0332-6600	0336-0002	0340-0600	0810-0031	1108-5100
0331-2600	0332-3400	0332-6700	0336-0100	0340-0630	0810-0035	1108-6100
0331-2700	0332-3500	0332-6800	0336-0200	0340-0635	0810-0201	1108-6150
0331-2800	0332-3600	0332-6900	0336-0300	0340-0695	0810-0338	1108-6160
0331-2900	0332-3700	0332-7000	0336-0400	0340-0700	0810-0399	1110-1000
0331-3000	0332-3800	0332-7100	0336-0500	0340-0730	0810-1031	1120-4005
0331-3100	0332-3900	0332-7200	0337-0002	0340-0735	0810-2500	1150-5100
0331-3200	0332-4000	0332-7300	0337-0100	0340-0795	0840-0100	1201-0100
0331-3300	0332-4100	0332-7400	0337-0200	0340-0800	0900-0100	1201-0160
0331-3400	0332-4200	0332-7500	0337-0300	0340-0830	0910-0200	1231-0100
0331-3500	0332-4300	0332-7600	0337-0400	0340-0835	0920-0300	1310-1000
0332-0100	0332-4400	0332-7700	0339-1001	0340-0895	1000-0001	2000-0100
0332-1100	0332-4500	0332-7800	0339-2100	0340-0900	1100-1100	2020-0100
0332-1200	0332-4600	0332-7900	0340-0100	0340-0930	1100-1101	2050-0100

2060-0100	4100-0010	4513-1000	7000-9101	8000-0100	8970-0010
2100-1000	4110-0001	4513-1001	7005-0001	8000-0105	9000-0100
2100-2000	4110-1000	4513-1002	7010-0005	8000-0110	9000-1801
2200-0000	4110-1020	4516-1000	7028-0031	8000-0160	9000-1900
2200-0100	4110-2000	4518-0100	7070-0031	8000-0161	9000-2000
2210-0100	4110-4000	4530-9000	7070-0065	8000-0500	9000-2200
2220-1000	4120-1000	4540-0900	7100-0102	8100-0000	9095-0003
2260-8870	4120-3000	4600-1000	7100-0200	8100-0100	9095-0004
2300-0100	4120-4000	4800-0015	7109-0100	8100-0200	9110-0100
2300-0101	4120-5000	4800-0016	7110-0100	8200-0200	9200-0100
2310-0200	4120-6000	4800-0017	7112-0100	8311-1000	9210-0001
2310-0500	4125-0100	4800-0020	7113-0100	8312-1000	9212-0001
2315-0100	4130-0001	4800-0025	7114-0100	8314-1000	9215-0001
2320-0100	4130-0002	4800-0050	7115-0100	8314-1100	9218-0100
2330-0100	4130-0005	4800-0060	7116-0100	8315-1000	9221-1000
2350-0100	4170-0010	4800-0150	7117-0100	8350-0100	9222-0100
2350-0101	4170-0100	4800-1100	7118-0100	8400-0001	9222-0199
2410-1000	4180-0100	5011-0100	7502-0100	8400-0100	9230-0001
2420-1400	4180-0101	5046-0000	7503-0100	8600-0001	9230-0150
2440-0010	4190-0100	5047-4000	7504-0100	8700-0001	9270-0001
2511-0100	4190-0101	5047-5000	7505-0100	8800-0001	9272-0001
2511-3000	4400-1000	5049-0000	7506-0100	8800-0100	9275-0500
2511-4000	4400-1003	5051-0100	7507-0100	8850-0001	9400-0100
2515-1000	4401-1000	5095-0000	7508-0100	8900-0001	9410-0100
2518-1000	4510-0100	5911-1000	7509-0100	8900-0002	9411-0100
2520-0100	4510-0110	5920-1000	7510-0100	8900-0004	9412-0100
3000-0100	4510-0600	5920-2000	7511-0100	8900-0009	9413-0100
3100-0200	4510-0710	5930-1000	7512-0100	8900-0010	9415-0100
3722-9315	4510-0750	6000-0100	7514-0100	8950-0001	9420-0100
3743-2027	4512-0103	6006-0003	7515-0100	8950-0002	9421-0100
3743-2036	4512-0200	6010-0001	7516-0100	8970-0001	9430-0100
4000-0100	4512-0500	6020-2505	7518-0100	8970-0006	9440-0200

SECTION 2B *The words "including not more than X positions", where X stands for the number stated in the respective items are disapproved in the following items:*

1100-1111	1104-4028	1104-5211	1104-6600	1104-6603

SECTION 3 *reduced by striking the words "three hundred and twenty-nine million" and inserting in place thereof the words "three hundred and six million", and by reducing the Lottery Distribution amounts therein to the following amounts:*

ABINGTON	868,355	BOSTON	25,328,750	CUMMINGTON	28,415
ACTON	561,997	BOURNE	422,332	DALTON	392,808
ACUSHNET	675,181	BOXBOROUGH	87,548	DANVERS	844,616
ADAMS	955,231	BOXFORD	154,783	DARTMOUTH	1,038,943
AGAWAM	1,578,875	BOYLSTON	147,587	DEDHAM	952,074
ALFORD	7,476	BRAINTREE	1,396,952	DEERFIELD	187,385
AMESBURY	869,179	BREWSTER	104,810	DENNIS	188,439
AMHERST	3,211,807	BRIDGEWATER	1,147,511	DIGHTON	288,114
ANDOVER	646,913	BRIMFIELD	135,117	DOUGLAS	215,587
ARLINGTON	1,922,248	BROCKTON	7,065,663	DOVER	84,049
ASHBURNHAM	226,304	BROOKFIELD	187,793	DRACUT	1,231,549
ASHBY	148,599	BROOKLINE	1,691,580	DUDLEY	595,079
ASHFIELD	62,767	BUCKLAND	110,247	DUNSTABLE	64,353
ASHLAND	335,103	BURLINGTON	577,273	DUXBURY	348,682
ATHOL	793,165	CAMBRIDGE	3,494,077	EAST BRIDGEWATER	582,170
ATTLEBORO	2,179,782	CANTON	560,411	EAST BROOKFIELD	127,196
AUBURN	682,144	CARLISLE	73,333	EAST LONGMEADOW	554,557
AVON	194,429	CARVER	461,625	EASTHAM	46,608
AYER	373,144	CHARLEMONT	60,191	EASTHAMPTON	1,172,066
BARNSTABLE	623,694	CHARLTON	437,879	EASTON	804,820
BARRE	303,704	CHATHAM	66,460	EDGARTOWN	13,505
BECKET	32,962	CHELMSFORD	1,199,962	EGREMONT	31,008
BEDFORD	294,994	CHELSEA	2,150,299	ERVING	19,294
BELCHERTOWN	598,084	CHESHIRE	216,860	ESSEX	93,315
BELLINGHAM	899,433	CHESTER	63,812	EVERETT	1,297,821
BELMONT	779,453	CHESTERFIELD	49,335	FAIRHAVEN	876,942
BERKLEY	187,170	CHICOPEE	4,030,865	FALL RIVER	10,599,953
BERLIN	103,956	CHILMARK	1,300	FALMOUTH	482,709
BERNARDSTON	101,350	CLARKSBURG	164,188	FITCHBURG	3,352,779
BEVERLY	1,639,520	CLINTON	899,891	FLORIDA	14,663
BILLERICA	1,609,464	COHASSET	185,537	FOXBOROUGH	679,362
BLACKSTONE	521,038	COLRAIN	82,323	FRAMINGHAM	2,346,698
BLANDFORD	49,520	CONCORD	389,973	FRANKLIN	976,800
BOLTON	67,821	CONWAY	65,232	FREETOWN	366,806

GARDNER	1,489,651
GAY HEAD	1,134
GEORGETOWN	273,440
GILL	76,051
GLOUCESTER	1,053,027
GOSHEN	25,282
GOSNOLD	155
GRAFTON	585,170
GRANBY	362,215
GRANVILLE	50,349
GREAT BARRINGTON	348,862
GREENFIELD	1,322,403
GROTON	258,360
GROVELAND	286,183
HADLEY	126,521
HALIFAX	366,662
HAMILTON	259,008
HAMPDEN	269,450
HANCOCK	20,587
HANOVER	449,091
HANSON	550,389
HARDWICK	177,424
HARVARD	859,172
HARWICH	146,892
HATFIELD	143,351
HAVERHILL	2,938,215
HAWLEY	10,846
HEATH	16,012
HINGHAM	613,940
HINSDALE	76,933
HOLBROOK	657,179
HOLDEN	645,879
HOLLAND	60,707
HOLLISTON	509,293
HOLYOKE	4,094,272
HOPEDALE	202,407
HOPKINTON	226,995
HUBBARDSTON	87,802
HUDSON	886,406
HULL	436,652
HUNTINGTON	118,493
IPSWICH	434,439
KINGSTON	339,197
LAKEVILLE	300,083
LANCASTER	374,421
LANESBOROUGH	195,636
LAWRENCE	5,836,576
LEE	336,970
LEICESTER	731,098
LENOX	322,730
LEOMINSTER	2,065,948
LEVERETT	63,394
LEXINGTON	673,569
LEYDEN	21,624
LINCOLN	194,046
LITTLETON	225,242
LONGMEADOW	601,843
LOWELL	6,686,732
LUDLOW	1,216,144
LUNENBURG	436,457
LYNN	5,206,468
LYNNFIELD	313,392
MALDEN	3,476,396
MANCHESTER	112,744
MANSFIELD	495,870
MARBLEHEAD	456,611
MARION	80,006
MARLBOROUGH	1,322,537
MARSHFIELD	882,859
MASHPEE	45,869
MATTAPOISETT	189,722
MAYNARD	448,551
MEDFIELD	369,925
MEDFORD	3,205,793
MEDWAY	368,567
MELROSE	1,404,917
MENDON	129,671
MERRIMAC	298,610
METHUEN	1,984,668
MIDDLEBOROUGH	987,857
MIDDLEFIELD	18,712
MIDDLETON	141,302
MILFORD	1,336,410
MILLBURY	751,716
MILLIS	301,621
MILLVILLE	133,656
MILTON	988,962
MONROE	4,435
MONSON	560,283
MONTAGUE	515,347
MONTEREY	20,111
MONTGOMERY	33,588
MT WASHINGTON	957
NAHANT	128,689
NANTUCKET	27,298
NATICK	981,079
NEEDHAM	676,690
NEW ASHFORD	2,505
NEW BEDFORD	10,514,159
NEW BRAINTREE	38,113
NEW SALEM	42,031
NEWBURY	166,540
NEWBURYPORT	685,785
NEWTON	2,205,846
NORFOLK	302,761
NORTH ADAMS	2,025,311
NORTH ANDOVER	678,891
NORTH ATTLEBOROUGH	1,142,219

NORTH BROOKFIELD	329,931	REHOBOTH	377,858	STOCKBRIDGE	48,864
NORTH MARLBOROUGH	24,427	REVERE	2,303,071	STONEHAM	867,917
NORTH READING	447,486	RICHMOND	50,721	STOUGHTON	1,390,451
NORTHAMPTON	1,812,994	ROCHESTER	166,805	STOW	156,585
NORTHBOROUGH	408,815	ROCKLAND	1,044,320	STURBRIDGE	245,802
NORTHBRIDGE	967,224	ROCKPORT	155,588	SUDBURY	389,119
NORTHFIELD	94,204	ROWE	893	SUNDERLAND	179,324
NORTON	866,087	ROWLEY	160,984	SUTTON	313,212
NORWELL	294,523	ROYALSTON	52,013	SWAMPSCOTT	395,851
NORWOOD	1,107,840	RUSSELL	83,857	SWANSEA	879,256
OAK BLUFFS	23,255	RUTLAND	324,547	TAUNTON	3,998,252
OAKHAM	51,969	SALEM	1,520,987	TEMPLETON	501,552
ORANGE	690,742	SALISBURY	259,065	TEWKSBURY	1,188,909
ORLEANS	68,905	SANDISFIELD	14,069	TISBURY	43,220
OTIS	11,770	SANDWICH	170,992	TOLLAND	2,063
OXFORD	890,475	SAUGUS	880,743	TOPSFIELD	168,877
PALMER	815,002	SAVOY	44,034	TOWNSEND	411,857
PAXTON	176,040	SCITUATE	647,101	TRURO	12,195
PEABODY	2,082,408	SEEKONK	539,895	TYNGSBOROUGH	271,185
PELHAM	55,168	SHARON	541,018	TYRINGHAM	6,431
PEMBROKE	678,931	SHEFFIELD	91,827	UPTON	216,799
PEPPERELL	460,437	SHELBURNE	120,965	UXBRIDGE	548,534
PERU	38,875	SHERBORN	94,014	WAKEFIELD	997,211
PETERSHAM	41,631	SHIRLEY	367,500	WALES	87,155
PHILLIPSTON	41,263	SHREWSBURY	952,713	WALPOLE	761,615
PITTSFIELD	3,502,576	SHUTESBURY	44,833	WALTHAM	2,311,369
PLAINFIELD	14,739	SOMERSET	553,352	WARE	691,120
PLAINVILLE	274,937	SOMERVILLE	5,318,855	WAREHAM	901,832
PLYMOUTH	1,112,046	SOUTH HADLEY	1,060,083	WARREN	283,881
PLYMPTON	86,098	SOUTHAMPTON	235,420	WARWICK	27,880
PRINCETON	112,250	SOUTHBOROUGH	174,311	WASHINGTON	28,586
PROVINCETOWN	61,774	SOUTHBRIDGE	1,396,054	WATERTOWN	1,281,761
QUINCY	4,251,012	SOUTHWICK	487,027	WAYLAND	304,508
RANDOLPH	1,402,195	SPENCER	875,031	WEBSTER	933,160
RAYNHAM	499,749	SPRINGFIELD	12,539,637	WELLESLEY	597,884
READING	877,680	STERLING	258,084	WELLFLEET	24,159

WENDELL	44,298	WESTFORD	512,414	WILLIAMSTOWN	456,031
WENHAM	116,596	WESTHAMPTON	50,977	WILMINGTON	538,098
WEST BOYLSTON	276,683	WESTMINSTER	211,937	WINCHENDON	594,241
WEST BRIDGEWATER	300,484	WESTON	185,807	WINCHESTER	564,804
WEST BROOKFIELD	175,658	WESTPORT	621,010	WINDSOR	20,611
WEST NEWBURY	114,293	WESTWOOD	304,381	WINTHROP	1,126,929
WEST SPRINGFIELD	1,370,837	WEYMOUTH	3,156,067	WOBURN	1,331,872
WEST STOCKBRIDGE	47,877	WHATELY	55,384	WORCESTER	11,919,630
WEST TISBURY	8,380	WHITMAN	919,784	WORTHINGTON	40,680
WESTBOROUGH	406,221	WILBRAHAM	520,810	WRENTHAM	391,345
WESTFIELD	2,470,310	WILLIAMSBURG	132,831	YARMOUTH	400,034

Pursuant to Article 56 of the Amendments to the Constitution, Sections 86 and 105, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.

The remainder of the bill was approved by the Governor on July 20, 1992 at 11 o'clock and forty-four minutes, A.M.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 28, 1992, the House of Representatives and the Senate in concurrence passed the following items and sections:

SECTION 2 4402-4200 7061-0100 7061-1000 7070-0065 **SECTIONS 3, 12, 67, 89 and 467.**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on September 16, 1992 the House of Representatives and the Senate in concurrence passed the Following Items: **SECTION 2** 0612-1030 **SECTION 2B, Paragraph 1** 0612-1030

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 28, 1992 the House of Representatives and on September 30, 1992 the Senate passed the Following Section: **SECTION 158**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on September 30, 1992 the House of Representatives and the Senate in concurrence passed the Following Items:

SECTION 2 1120-4005 4406-3000 8400-0001 **SECTION 2B, Paragraph 1** 3722-9100 8400-0001 **SECTION 328**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 28, 1992 the House of Representatives and on November 16, 1992 the Senate passed the Following Item: **SECTION 134**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on September 30, 1992 the House of Representatives and on November 17, 1992 the Senate passed the Following Item: **SECTION 2** 4120-4000

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on November 17, 1992 the House of Representatives and the Senate in concurrence passed the Following Item: **SECTION 2** 1108-1011

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 28, 1992 the House of Representatives and on December 22, 1992 the Senate passed the Following Item: **SECTION 2** 4600-1050

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 28, 1992 the House of Representatives and on January 4, 1993 the Senate passed the Following Item: **SECTIONS 408, 409, 411**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 28, 1992 the House of Representatives and on January 5, 1993 the Senate passed the Following Item: **SECTION 2** 4403-2000 4512-0200

Chapter 134. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF DEDHAM.

Be it enacted, etc., as follows:

SECTION 1. Section 2-1 of the charter of the town of Dedham, which is on file in the office of the archivist of the commonwealth as provided by section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out, in lines 2 and 3, the words "two hundred and seventy members" and inserting in place thereof the following words:- not less than two hundred and seventy members and not more than the closest higher number of members necessary to achieve an equal number of members from each district.

SECTION 2. The first paragraph of section 2-3 of said charter is hereby amended by striking out, in line 2, the word "nine" and inserting in place thereof the following words:- not less than six nor more than nine.

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

Approved July 20, 1992.

Chapter 135. AN ACT RELATIVE TO LICENSING OF CABLE TELEVISION INSTALLERS.

Be it enacted, etc., as follows:

Section 7 of chapter 141 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "equipment", in line 25, the following words:- , cable television service.

Approved July 20, 1992.

Chapter 136. AN ACT RELATIVE TO CERTAIN RECORDS OF LOCAL HISTORICAL COMMISSIONS.

Be it enacted, etc., as follows:

Section 8D of chapter 40 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the fourth sentence the following sentence:- Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record, unless otherwise provided by by-law or ordinance.

Approved July 20, 1992.

Chapter 137. AN ACT RELATIVE TO CERTAIN LAND CONVEYANCES AND BOND AUTHORIZATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for certain land transfers and restrictions on bond authorizations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations is hereby authorized and directed to offer to the town of Southbridge, upon request of said town, the property located within said town and known as the Southbridge Armory, for the purchase price of one dollar. Said offer shall be made in the event that, and as soon thereafter as is reasonable, the National Guard of the United States ceases to make use of said property as an armory, and indicates its intent to abandon said property.

SECTION 2. The 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 Chelsea to the city of Chelsea, subject to such terms and conditions as the commissioner may prescribe, in consultation with the adjutant general said land being described as follows: Beginning at the northeasterly corner of Crescent Avenue and Eleanor Street, at a bound set in the northerly line of Crescent Avenue, and thence running

NORTHEASTERLY

along said Crescent Avenue two hundred two and 30/100 feet (202.30') more or less, to a bound set in the northwesterly corner of the intersection of said Crescent Avenue with Vernon Street, thence turning and running

NORTHWESTERLY

along the westerly line of Vernon Street three hundred and sixty-nine and 43/100 feet (369.43') more or less, to a bound set in the southwesterly corner of the intersection of said Vernon Street with Spencer Avenue, thence turning and running

SOUTHWESTERLY

along the southerly line of said Spencer Avenue two hundred and one and 58/100 feet (201.58') to a bound set in the southeasterly corner of the intersection of said Spencer Avenue with Eleanor Street, thence turning and running

SOUTHEASTERLY

along the easterly line of said Eleanor Street three hundred and fifty-two and

24/100 feet (352.24') to the bound set in the northeasterly corner of the intersection of said Eleanor Street with Crescent Avenue aforesaid, the point of beginning.

SECTION 3. Notwithstanding the provisions of sections forty F and forty F 1/2 of chapter seven of the General Laws as they pertain to the process by which real property is determined to be surplus, but otherwise subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, the commissioner of the division of capital planning and operations is hereby authorized to sell and convey by deed or deeds, approved as to form by the attorney general, a certain parcel of land and the buildings thereon in the town of Dedham known as the old Norfolk County Jail, located on Village avenue, said parcel to be more particularly described in a plan to be prepared by said division and recorded, to individuals or entities, subject to such terms and conditions as said commissioner may prescribe, provided, however, that no deed or instrument conveying said parcel shall be valid unless such deed or instrument shall provide that said parcel shall not be used as a correctional or detention instutition or faciltiy.

SECTION 4. Notwithstanding the provision of any general or special law to the contrary, the Salisbury State Reservation shall not be sold, transferred, leased or otherwise conveyed unless the town of Salisbury is first given an opportunity to purchase or lease or otherwise acquire said reservation.

SECTION 5. Paragraph (a) of section 12 of chapter 372 of the acts of 1984 is hereby amended by striking out the fifth sentence, as most recently amended by section 176 of chapter 150 of the acts of 1990, 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 six hundred thousand dollars outstanding at any one time; 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.

SECTION 6. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as most recently amended by section 177 of said chapter 150, and inserting in place thereof the following sentence:- The aggregate principal amount of the bonds issued under the authority of this act shall not exceed the sum of two billion six hundred thousand dollars outstanding at any one time; 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.

SECTION 7. Item 2120-8883 in section 2 of chapter 564 of the acts of 1987 is hereby amended by inserting after the word "eighty-three", in line 9, the following words:- ; provided, however, that section nine A of chapter ninety-one of the General Laws or any other general or special law to the contrary shall not apply to the development, construction and associated cost for the Harbor Point Pier, Dorchester Bay in the city of Boston.

SECTION 8. The second paragraph of section 11 of chapter 799 of the acts of 1985, as most recently amended by section 14 of chapter 302 of the acts of 1989, is hereby further amended by inserting after the word "means", in line 8, the following words:- ; provided, however, that the town of Middleton shall be eligible for not less than three hundred thousand dollars in grant monies, for fire and police protection purposes, as appropriated in this section.

Items disapproved: Sections 5 and 6. The remainder of this bill was approved by the Governor on July 20, 1992.

Chapter 138. AN ACT RELATIVE TO WORCESTER HEALTH AND HOSPITALS AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The general court finds that the Worcester Health and Hospitals Authority, established by chapter one hundred and eighty-nine of the acts of nineteen hundred and ninety, no longer can serve the purposes for which it was established; that the continuation of health care services and related services at the site of Worcester city hospital is important to the citizens of the Worcester area; that no practical alternative exists to satisfy the financial obligations of the authority except as provided in this act; and that the following provisions are necessary for the health and welfare of the citizens of the Worcester area.

SECTION 2. The city of Worcester, hereinafter referred to as the city, shall convey to the Worcester Health and Hospitals Authority, hereinafter referred to as the authority all its right, title, and interest in and to the real property comprising the site of Worcester city hospital, together with all improvements and fixtures thereon and all rights, easements, and appurtenances thereto, such real property being (1) that portion of Jaques avenue abutting the parcels identified below, and (2) the parcels described in the instruments recorded in the Worcester district registry of deeds as follows: Book 5429, Page 342; Book 4672, Page 6; Book 2906, Page 301; Book 2906, Page 223; Book 2906, Page 230; Book 1747, Page 78; Book 1540, Page 139; Book 2023, Page 124; Book 1540, Page 155, subject to and together with the easements set forth therein; Book 1147, Page 195; Book 1543, Page 488; Book 1855, Page 514; Book 2127, Page 534; Book 2127, Page 533, subject to and together with the easements set forth in Book 8361, Page 280; Book 2129, Page 172, subject to and together with the easements set forth in Book 8361, Page 280; Book 11858, Page 40; Book 861, Page 645; Book 1394, Page 385; Book 12065, Page 61; Book 14092, Page 122; and Book 5073, Page 465; subject to a decree of abandonment in Book 8549, Page 39. Such conveyance shall be made within thirty days after the effective date of this act. At any time before such conveyance,

however, the authority may waive its rights to such conveyance under this section, and under section fourteen of chapter one hundred and eighty-nine of the acts of nineteen hundred and ninety, by written notice to the city manager of the city. Upon the recording of such a notice of waiver in the Worcester district registry of deeds, all rights of the authority under this section and under said section fourteen to acquire title to the foregoing real property shall be extinguished forever. If the city timely receives such a notice of waiver, then notwithstanding any other general or special law to the contrary, the city may sell or otherwise transfer to any one or more persons or entities, for such consideration as it decides advisable, all or any portion of the foregoing real property, improvements and fixtures, and rights, easements, and appurtenances. Nothing in this section shall be interpreted as bringing into question the authority's ownership of the buildings and other personal property previously transferred to the authority by the city.

SECTION 3. Notwithstanding any provisions of chapter one hundred and eighty-nine of the acts of nineteen hundred and ninety or chapter thirty B of the General Laws to the contrary, the authority may transfer by sale or otherwise to any one or more persons or entities, for such consideration as it decides advisable, all or any portion of any property and other rights acquired by the authority pursuant to section two of this act and the authority's right, title, and interest in the authority's buildings and its tangible and intangible personal property.

SECTION 4. On or shortly before the date on which the authority's legal existence ends pursuant to section eleven of this act (hereinafter "dissolution date"), the authority shall transfer to the city all of the authority's property which is not transferred to others by the authority pursuant to section three of this act. The authority's transfer to the city shall include, without implied limitation, the authority's then remaining cash, accounts receivable, claims against others, unrestricted trust funds, personnel records, administrative records, and financial records.

SECTION 5. Notwithstanding any provisions of chapter one hundred and eighty-nine of the acts of nineteen hundred and ninety to the contrary, on the dissolution date the city shall assume, without any vote or other action on its part, all debts, claims, suits, judgments, and other liabilities and obligations of every nature then outstanding against the authority, whether liquidated or unliquidated, absolute or contingent, matured or not matured, and whether incurred before, on, or after July first, nineteen hundred and ninety. To the extent possible, the authority shall use its available cash, including without limitation, the proceeds of any sales, settlements, or reimbursements to satisfy its liabilities. On and after the date upon which the city's liability commences under the first sentence of this section, the city shall assume, without any vote or other action on its part, all debts, claims, suits, judgments, and other liabilities and obligations of the authority arising after such date or asserted after such date, whether liquidated or unliquidated, absolute or

contingent, matured or not matured. From and after the effective date of this act, the city at its own expense shall defend the authority in every action or proceeding in which the authority is a defendant. In every action or proceeding pending against the authority on the dissolution date, the city shall seek to be substituted for the authority as a party. The city's assumption of liabilities under this section shall not limit in any way the city's right to raise any defense, counterclaim, setoff, or other argument which could have been raised by the authority against such debts, claims, suits, judgments, liabilities, or obligations.

SECTION 6. Notwithstanding any provisions of chapter one hundred and eighty-nine of the acts of nineteen hundred and ninety or chapter thirty-two of the General Laws to the contrary, all past and present employees of the authority who are otherwise eligible shall be eligible to participate in the retirement system of the city, to retire therefrom, and to receive benefits therefrom as if such employees had been employed by the city rather than by the authority, and the liabilities and obligations transferred to the city by section five of this act shall include all liabilities and obligations arising therefrom.

SECTION 7. Notwithstanding any provisions of chapter one hundred and eighty-nine of the acts of nineteen hundred and ninety or chapter one hundred and fifty-two of the General Laws to the contrary, the past and present employees of the authority shall participate in the workers' compensation system operated by the city and shall receive benefits therefrom as if such employees had been employed by the city rather than by the authority, and the liabilities and obligations transferred to the city by section five of this act shall include all liabilities and obligations of the authority in connection with workers' compensation.

SECTION 8. Promptly after the effective date of this act the authority shall transfer to one or more suitable custodians selected by the department of public health all medical records then held by the authority, and thereafter such custodians shall keep and maintain such records as required by law without further cost to the city or the authority.

SECTION 9. (a) No member, administrator, officer, or agent of the authority, hereinafter collectively officer, shall be personally liable for any claim of any nature whatsoever arising in the course of performance of his or her duties for the authority; provided, that the foregoing immunity shall not apply to the extent that its application is forbidden by the constitution of the commonwealth or the United States.

(b) The authority, until the dissolution date, and the city, thereafter, shall defend every officer against every claim asserting personal liability against such officer in connection with the officer's performance of his or her duties for the authority, and such defense shall be provided at no cost to such officer; provided, however, that the public attorney, as defined in chapter two hundred and fifty-eight of the General Laws, determines that the claim arises from any act or omission

occurring in the course of the officer's performance of his or her duties and that said officer provides reasonable cooperation to the public attorney in the defense of the claim. If, in the opinion of the public attorney, representation of the officer under this paragraph would result in a conflict of interest, the public attorney shall not be required to represent the officer, but in that event the authority, until the dissolution date, and the city, thereafter, shall reimburse the officer for all reasonable attorney fees and expenses incurred by the officer in his or her defense of the claim; provided, however, that if there is entered against an officer a final judgment determining that the officer violated the civil rights of another intentionally, maliciously, and knowingly, then the authority, until the dissolution date, and the city, thereafter, shall be entitled to reimbursement of any sums expended in the officer's defense.

(c) The authority, until the dissolution date, and the city, thereafter, shall indemnify and save harmless every officer from all personal financial loss and expense, including reasonable attorney fees and expenses, if any, arising out of any claim, demand, suit, or judgment by reason of any act or omission in the course of performance of such officer's duties for the authority, unless such act or omission was an intentional, malicious, and knowing violation of the civil rights of another.

(d) Neither the foregoing provisions of this section nor any other provision of this act shall be interpreted as a restriction or limitation upon any immunities, defenses, or rights of reimbursement or indemnification which are available to any officer under chapter two hundred and fifty-eight of the General Laws or otherwise. This section shall not be interpreted to permit any claims to be brought against the city or the authority which could not have been brought absent this section, excepting only claims by an officer for defense, indemnification, or reimbursement.

SECTION 10. One of the purposes of this act is to ensure the authority's ability to operate its school of nursing until the graduation of its last class in nineteen hundred and ninety-two. The provisions of this act shall be interpreted accordingly.

SECTION 11. If the authority determines by a two-thirds or greater vote of those of its members who are present and voting at a public meeting that it should cease all its operations and that its continued existence is inadvisable, then the authority may by such a vote select the dissolution date. The dissolution date shall be at least thirty days, but not more than sixty days, after such vote. On the dissolution date the authority shall cease to exist.

Within ten days after such vote, the authority shall give written notice of its decision to the secretary of health and human services, the city manager of the city of Worcester, the authority's employees, and those of the authority's creditors with whom it is then doing business. Also within such ten days the authority shall cause to be published in a newspaper of general circulation in the area a notice of its vote. The failure to give any such notice shall not affect the authority's dissolution.

SECTION 12. After the authority establishes the dissolution date pursuant to section eleven of this act, the authority's only function shall be to close its affairs. To this end the authority may (1) continue to employ such personnel and engage such consultants as are reasonably necessary to perform the administrative and financial functions attendant upon closing, including without limitation the filing of cost reports and other reports, (2) engage a professional accounting firm to perform a final audit of its financial records, (3) engage legal counsel to assist in the closing of its affairs, (4) dispose of its property as provided in this act, and (5) take such other actions as are necessary or desirable under the circumstances; provided, however, that the cost of the foregoing matters shall not exceed the sums available to the authority. The authority shall not voluntarily incur any liability exceeding such sums without the prior written consent of the city.

SECTION 13. Notwithstanding the provisions of any general or special law to the contrary, the city is hereby authorized to raise by taxation a sum not to exceed eighteen million five hundred thousand dollars to pay its expenses and liabilities associated with this act, with its ownership of the site comprising Worcester city hospital, and with its operation of said Worcester city Hospital prior to July first, nineteen hundred and ninety, including any necessary costs of demolition of buildings on any property transferred; and, that the city is authorized to appropriate said sum, in equal installments, in each of the fiscal years nineteen hundred and ninety-four to nineteen hundred and ninety-eight, up to the remaining balance of said amount.

SECTION 14. The University of Massachusetts, hereinafter referred to as the university, is authorized to serve as the sole member of a corporation to be formed under chapter one hundred and eighty of the General Laws. Such corporation, hereinafter referred to as the corporation, shall have all the powers permitted under said chapter one hundred and eighty, including without limitation (1) receiving, taking title to, holding, managing, developing, improving, demolishing, renovating, leasing for terms up to fifty years, or otherwise transferring, conveying, or dealing with any real or personal property conveyed or transferred to it, (2) operating, providing, managing, contracting, or otherwise arranging for health services or mental health services, and (3) assisting others, such as Family Health and Social Services Center, Inc., hereinafter referred to as FHSSC, in providing primary health care and other services, and Worcester Area Community Mental Health Center, Inc., hereinafter referred to as WACMHC, in providing substance abuse services and other services. The corporation and its members, directors, and officers shall be entitled to all rights, privileges, and immunities and be subject to all liabilities set forth in said chapter one hundred and eighty; provided, however, that nothing in this act shall be interpreted (1) to require the university to cause the corporation to be formed or (2) to require the corporation, if formed, to acquire any property or to take any other actions identified in this section.

SECTION 15. If the corporation acquires all or any portion of the land and buildings comprising the site of Worcester city hospital, then notwithstanding the provisions of sections forty F to forty I, inclusive, of chapter seven of the General Laws or any other general or special law to the contrary, the commissioner of capital planning and operations on behalf of the university is authorized to lease from the corporation all or any portion of the Worcester city hospital site for any term, including a term that exceeds five years, and to transfer or convey all or any such portion, under such other terms and conditions as the commissioner, with the approval of the university, shall prescribe.

SECTION 16. No transfer of real or personal property authorized or contemplated by this act shall give rise to any claim or action in the nature of fraudulent conveyance or otherwise, by any creditor of either the authority or the city, and all such property shall be exempt from attachment, seizure, levy, and execution, whether in the hands of the authority, the city, the corporation, FHSSC, WACMHC, or any other transferor or transferee. No person or entity which acquires or uses real or personal property pursuant to this act or which provides services at the site of Worcester city hospital shall be held liable for or shall be deemed to have assumed any liability or obligation of the authority or the city.

SECTION 17. Chapter one hundred and eighty-nine of the acts of nineteen hundred and ninety is hereby repealed.

SECTION 18. This act shall be interpreted to satisfy all constitutional requirements.

SECTION 19. If any provision of this act is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions of the act.

SECTION 20. This act shall take effect upon its passage.

Approved July 20, 1992.

Chapter 139. AN ACT AUTHORIZING THE MERGER OR CONSOLIDATION OF CERTAIN LIMITED PARTNERSHIPS OR OTHER BUSINESS ENTITIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the merger or consolidation of certain limited partnerships or other business entities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, The Taubman Realty Group Limited Partnership is hereby authorized to merge or consolidate with or into one or more limited partnerships or other business entities formed or organized under the laws of the state of Delaware pursuant to an agreement of merger or consolidation. Upon such merger or consolidation of The Taubman Realty Group Limited Partnership, all of the rights, privileges, powers, property and causes of action of The Taubman Realty Group Limited Partnership shall be in the surviving or resulting limited partnership or other business entity. The rights of creditors and all liens upon any property of The Taubman Realty Group Limited Partnership shall be preserved unimpaired and all debts, liabilities and duties of The Taubman Realty Group Limited Partnership shall attach to the surviving or resulting limited partnership or other business entity and may be enforced against it to the same extent as if incurred or contracted by it. The merger of The Taubman Realty Group Limited Partnership shall not cause its dissolution or termination and shall not require it to wind up its affairs or pay its liabilities and distribute its assets under sections forty-six and forty-seven of chapter one hundred and nine of the General Laws.

SECTION 2. The provisions of this act shall not relieve any person, partnership or other entity of any tax liability to the commonwealth or any of its political subdivisions which has been incurred prior to the effective date of this act.

Approved July 20, 1992.

Chapter 140. AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF WESTWOOD.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Westwood a department of public works. Said department shall be charged with responsibility for the management of public works operations of the town including, but not limited to, the following: highways; sewers; storm drains; solid waste and recycling activities; maintenance of cemeteries, parks, athletic fields and playground, public grounds, open space, public memorials, commons; engineering services; building maintenance of all town buildings, except those of the school department; maintenance of vehicles and equipment; and other operations, and functions as may be deemed necessary or desirable. Said department shall also perform such functions and responsibilities as required by by-law, vote of the town meeting or direction of the board of selectmen.

SECTION 2. The board of selectmen shall appoint a director of public works and all employees of the department. The director shall be especially fitted by

education, training and experience to perform the duties of the office and shall have such other qualifications as the board of selectmen may from time to time provide. While employed by the town of Westwood, said director shall hold no other elective or appointive office nor engage in another business or occupation.

SECTION 3. The director of the department of public works shall be responsible for the management of all the operations placed under the direction of the department in accordance with section one. The powers, duties and responsibilities of said director shall include, but not be limited to, the following: supervision of the daily operations of the department of public works; supervision of all employees assigned to the department of public works; the coordination of public works functions of other town agencies and departments; supervision of engineering services of the town; development of departmental plans, work programs, and projects; coordination of maintenance and other activities with the school department; control of all records, property, facilities, offices, and vehicles assigned to the department; organization of the department and assignment of personnel; investigation of innovative approaches to the delivery of public works services; the investigation of developing shared or cooperative service arrangements with other jurisdictions and such other responsibilities as assigned by the board of selectmen.

Said director after consultation with town financial officials, shall annually review the operational costs of the sewer system and provide a report to the board of sewer commissioners detailing the full cost of operating the sewer system.

Said director shall coordinate buildings and grounds maintenance activities with boards, commissions and departments as necessary. Said director may, subject to the approval of the board of selectmen, delegate some or all maintenance functions to a department, board or commission for which the department provides services if the director believes such a delegation is in the best interest of the town.

SECTION 4. Unless otherwise provided by this act, the board of selectmen shall have the power to establish goals and objectives and to make all policy decisions related to the operation of the department of public works. The board of sewer commissioners shall be responsible for the development of general goals and long term plans for the town's sewer system and the adoption of fees, user charges or rates associated with the delivery of sewer services. Any fees, user charges, or rates established shall provide the recovery of the full cost of operating the sewer system. The board of sewer commissioners shall also provide advice and recommendations to the town meeting, board of selectmen and the director.

SECTION 5. (a) The department of public works shall become operational upon the appointment of a director of the department of public works.

(b) As soon as practical, the board of selectmen shall initiate a recruitment and selection process for the position of director of the department of public works. The board of selectmen shall appoint a screening committee of not more than seven

members, provided that at least one member shall be an incumbent member of the board of sewer commissioners and one member shall be an incumbent member of the board of cemetery commissioners. The committee shall establish detailed qualifications for the position of director of the department of public works and seek candidates for the position through advertisements in professional journals and other recruitment sources. Within a reasonable period of time after appointment the committee shall report to the board of selectmen and recommend candidates for consideration.

(c) Employees of the highway department, sewer department, maintenance and custodial personnel assigned to maintain town facilities, except for employees of the school department, shall be assigned to the department of public works when said department is operational as provided for in paragraph (a).

(d) All records, offices, property, equipment, and facilities of the highway department and sewer department shall be transferred to the department of public works when said department is operational as provided for in paragraph (a).

(e) The town shall continue to maintain the sewer enterprise fund.

SECTION 6. Section 3 of chapter 4 of the charter of the town of Westwood, 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 4-3-2 and inserting in place thereof the following paragraph:-

The board of sewer commissioners shall be responsible for the development of general goals and long term plans for the town's sewer system and shall also establish the fees, user charges or rates necessary to fully fund the sewer system operations.

SECTION 7. All home rule charter provisions, special laws, special acts, bylaws, rules and regulations which are in force at the time this act becomes effective that are not inconsistent with the provisions of this act shall continue in full force until amended or repealed. Where provisions of this act conflict with provisions of the Westwood home rule charter, special laws, special acts, bylaws, rules and regulations the provisions of this act shall govern. All provisions of the Westwood home rule charter, special laws, special acts, bylaws, rules and regulations not superseded by this act shall remain in force.

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

Approved July 21, 1992.

Chapter 141. AN ACT REORGANIZING THE DEPARTMENT OF PUBLIC UTILITIES TO INCLUDE THE FUNCTIONS OF THE ENERGY FACILITIES SITING COUNCIL.

Be it approved by the Senate and House of Representatives in General Court assembled, pursuant to Article LXXXVII of the Amendments to the Constitution, and by the authority of same, as follows:

SECTION 1. Section 4 of chapter 25 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "expedient" in line 8 the following words:- and may refer matters related to the need for, construction of, or siting of facilities, as defined in section sixty-nine G of chapter one hundred and sixty-four, as he deems appropriate to the energy facilities siting board in accordance with section sixty-nine H of chapter one hundred and sixty-four.

SECTION 2. Section 12M of said chapter 25, as appearing in the 1990 Official Edition, is hereby amended by striking out in line 69 the words "six hundred and twenty thousand" and inserting in place thereof the words:- one million and fifty thousand.

SECTION 3. Chapter 25 of the General Laws, as appearing in the 1990 Official Edition, is hereby further amended by adding after section 12M the following section:-

Section 12N. There is hereby established within the department, and under the general supervision and control of the commission, a facility siting division which shall be under the charge of a director appointed by the commission. This division, subject to such supervision and control, shall perform such functions as the commission may determine in relation to the administration, implementation, and enforcement of sections sixty-nine G through sixty-nine S, inclusive, of chapter one hundred and sixty-four imposed upon the department and the energy facilities siting board by said sections.

SECTION 4. Section 18 of said chapter 25, as appearing in the 1990 Official Edition, is hereby amended by inserting after line 38 the following paragraph:-

A schedule of filing fees shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven for the following: (a) petitions for certificates of environmental impact and public need; provided, however, that such filing fee for any municipal corporation empowered to operate a municipal lighting plant under the provisions of section thirty-five or thirty-six of chapter one hundred and sixty-four shall not exceed a maximum amount; (b) long-range forecasts - a total maximum amount annually from the electric companies with the fee for each applicant being determined by its proportion of the total kilowatt hour sales to ultimate customers in the common-

wealth for the prior year, and a total maximum amount annually from the gas companies with the fee for each applicant being determined by its pro rata percentage of the firm gas revenues from sales to customers in the commonwealth for the prior year; and (c) notices of intention to construct an oil facility - a maximum amount per oil facility to be graduated in accordance with the expected capital investment in the facility. With respect to the fees for long-range forecasts, as provided in clause (b), the department shall apportion such fees on an estimated basis for the pending fiscal year among electric and gas companies, as defined in section sixty-nine G of chapter one hundred and sixty-four, and shall assess them on a fair and reasonable basis. In addition to said assessment amount, the assessment shall include amounts, credited to the General Fund, for fringe benefits 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 department subject to assessment under the provisions of this section. Such companies shall pay such assessments to the commonwealth within thirty days of receipt of notice thereof. The commission shall subsequently apportion actual fees among all such companies and shall make assessment adjustments for the same for any variation between estimated and actual fees on a fair and reasonable basis.

SECTION 5. Section 69G of chapter 164 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the definition of "Applicant" and inserting in place thereof the following definition:-

"Applicant", a person or persons who submits to the department or board a long-range plan, a petition to construct a facility, a petition for a certificate of environmental impact and public need, or a notice of intent to construct an oil facility, or any application, petition, or matter referred by the chairman of the department to the board pursuant to section sixty-nine H.

SECTION 6. Said section 69G of said chapter 164, as so appearing, is hereby further amended by inserting after the definition of "Applicant" the following definition:-

"Board", the energy facilities siting board established under the provisions of section sixty-nine H.

SECTION 7. Said section 69G of said chapter 164, as so appearing, is hereby further amended by striking out the definition of "Council".

SECTION 8. Said section 69G of said chapter 164, as so appearing, is hereby further amended by striking out the definition of "Long range forecast" and inserting in place thereof the following definition:-

"Long-range forecast", a plan filed with the department under the provisions of section sixty-nine I.

SECTION 9. Chapter 164 of the General Laws, as appearing in the 1990 Official Edition, is hereby further amended by striking out section 69H and inserting in

place thereof the following new section:-

Section 69H. There is hereby established an energy facilities siting board within the department, but not under the supervision or control of the department. Said board shall implement the energy policies contained in sections sixty-nine H to sixty-nine Q, inclusive, to provide a necessary energy supply for the commonwealth with a minimum impact on the environment at the lowest possible cost.

The board shall be composed of the three commissioners of the department, the secretary of environmental affairs, the secretary of economic affairs, or their respective designees, and two public members to be appointed by the governor for terms of three years, one of whom shall be experienced in environmental or consumer matters and one of whom shall be experienced in matters relating to the development of energy facilities; provided that the board shall not include as a public member any person who receives, or has during the past two years received, a significant portion of his or her income directly or indirectly from the developer of an energy facility or an electric, gas or oil company. The public members shall serve on a part-time basis, receive one hundred dollars per diem of board service, and be reimbursed by the commonwealth for all reasonable expenses actually and necessarily incurred in the performance of official board duties. Upon the resignation of any public member, a successor shall be appointed in a like manner for the unexpired portion of the term. No person shall be appointed to serve more than two consecutive full terms.

The chairman of the department shall serve as the chairman of the board. In the event of the absence, recusal or disqualification of the chairman, the secretary of consumer affairs and business regulation shall appoint an acting chairman from the remaining members of the board. The board shall meet at such time and place as the chairman may designate or upon the request of three members. Four members shall constitute a quorum.

In carrying out its functions, the board shall cooperate with, and may obtain information and recommendations from every agency of the state government and of local government which may be concerned with any matter under the purview of the board. Each state or local government agency is directed to provide such information and recommendations as may be requested by the board. The board shall cooperate with other states and with the federal government or any agency thereof, as authorized under section sixty-nine Q and as otherwise authorized by law. The board may receive and expend such funds as are appropriated or as may be available to it from the funds of any other agency.

The board shall have powers and duties as follows:

(1) To adopt and publish rules and regulations consistent with the purposes of sections sixty-nine H to section sixty-nine Q, and to amend the same from time to time. This includes rules and regulations for the conduct of the board's public hearings under the provisions of sections sixty-nine H 1/2. sixty-nine I, sixty-nine

J and sixty-nine M.

(2) To accept petitions for certificates of environmental impact and public need on such forms as it may prescribe, consistent with the provisions of section sixty-nine L; to conduct preliminary investigations thereon and solicit information and recommendations relating thereto; to conduct public hearings in accordance with the provisions of sections sixty-nine M and sixty-nine N and to supervise the enforcement of the terms and conditions of certificates so issued; to approve or reject petitions to construct facilities and notices of intention to construct an oil facility in accordance with the provisions of section sixty-nine J; and to accept for review and approval or rejection any application, petition, or matter related to the need for, construction of, or siting of facilities referred by the chairman of the department pursuant to section four of chapter twenty-five; provided, however, that in reviewing such application, petition, or matter, the board shall apply department and board standards in a consistent manner.

(3) Where the applicant has petitioned the board with respect to a national pollutant discharge elimination system permit, the board shall be required to make a tentative determination as to the resolution of that petition, which determination shall be included in the public notice as required by section sixty-nine M.

SECTION 10. Section 69H 1/2 of said chapter 164, as appearing in the 1990 Official Edition, is hereby further amended by striking out in lines 24, 28, 36, 43, 47, 48, 53, 58, 70, 77, 78, 80, 84, 86, 90, 94, 95, 100, 114, 118 and 126 the word: "council" and inserting in place thereof, in each instance, the word:- board.

SECTION 11. Said section 69H 1/2 of said chapter 164, as so appearing, is hereby further amended by striking out, in line 25 the words "Said council" and inserting in place thereof the words:- The board.

SECTION 12. Section 69I of said chapter 164, as appearing in the 1990 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following:-

Section 69I. The department shall approve or reject long-range plans; provided, however, that a long-range plan submitted in conjunction with a petition to construct a facility may be referred to the board for review and approval or rejection in accordance with section sixty-nine J. Every electric company shall, individually or jointly with others, file with the department a long-range forecast with respect to the electric power needs and requirements of its market area, taking into account wholesale bulk power sales or purchases or other cooperative arrangements with other electric companies, for the ensuing ten-year period. Such forecast shall be filed at least every two years.

Every gas company shall individually or jointly with others file with the department a long-range forecast with respect to the gas requirements of its market area, taking into account wholesale bulk gas sales or purchases or other cooperative arrangements with other gas companies, for the ensuing five-year

period. Said forecast of gas requirements shall consist of the gas sendout necessary to serve projected firm customers, and the available supplies, for the ensuing five-year period. Such forecast shall be filed at least every two years.

As regional plans covering longer time periods are developed, they shall be filed with the department. Neither said department, the board, nor any other person shall, in taking any action pursuant to sections sixty-nine I through sixty-nine J be subject to any of the provisions of section sixty-one to sixty-two H, inclusive, of chapter thirty.

SECTION 13. Said section 69I of said chapter 164, as so appearing, is hereby further amended by striking out, in lines 26 and 49 the word "council" and inserting in place thereof, in each instance, the word:- department.

SECTION 14. Said section 69I of said chapter 164, as so appearing, is hereby further amended by striking out lines 55 through 113, and inserting in place thereof the following:-

The department or board shall conduct a public hearing on every long-range forecast within six months of the filing thereof. Such hearing shall be an adjudicatory proceeding under the provisions of chapter thirty A. The department or board shall within twelve months from the date of filing approve a long-range forecast if it meets the following requirements: all information relating to current activities, environmental impacts, facilities agreements and energy policies as adopted by the commonwealth is substantially accurate and complete; projections of the demand for electric power, or gas requirements and of the capacities for existing and proposed facilities are based on substantially accurate historical information and reasonable statistical projection methods and include an adequate consideration of conservation and load management; provided, however, that the department or board shall not require in any gas forecast or hearing conducted thereon the presentation of information relative to the demand for gas; projections relating to service area, facility use and pooling or sharing arrangements are consistent with such forecasts of other companies subject to this chapter as may have already been approved and reasonable projections of activities of other companies in the New England area; plans for the expansion and construction of the applicant's new facilities are consistent with current health, environmental protection, and resource use and development policies as adopted by the commonwealth; and are consistent with the policies stated in section sixty-nine H to provide a necessary energy supply for the commonwealth with a minimum impact on the environment at the lowest possible cost.

If the department or board determines the standards set forth above have not been met, it shall within twelve months of the date of filing reject in whole or in part the long-range forecast setting forth in writing its reasons for such rejections, or approve the long-range forecast subject to stated conditions. In event of rejection or conditioned approval, the applicant or individual company may within six

months submit an amended forecast. A public hearing on the amended forecast shall be held on the same terms and conditions applicable to the original forecast.

The authority of the department and board to conduct public hearings under the provisions of this section may be delegated in whole or part to employees of the department. Pursuant to the rules of the department and board, employees of the department shall report back to the department or board with recommended decisions for final action thereon.

SECTION 15. Said chapter 164, as so appearing, is hereby amended by striking out section 69J and inserting in place thereof the following section:-

Section 69J. No applicant shall commence construction of a facility at a site unless a petition for approval of construction of that facility has been approved by the board and, in the case of an electric or gas company which is required to file a long-range forecast pursuant to section sixty-nine I, that facility is consistent with the most recently approved long-range forecast for that company. In addition, no state agency shall issue a construction permit for any such facility unless the petition to construct such facility has been approved by the board and the facility conforms with any such long-range forecast.

No oil company shall commence construction of an oil facility unless a notice of intention to construct an oil facility, filed in accordance with this section, has been approved by the board as provided for in this section. In addition no state agency shall issue a construction permit for an oil facility unless the board has approved a notice of intention to construct such facility. Approval of such notice of intention to construct an oil facility shall not be considered approval of construction permits by state agencies.

A petition to construct a facility shall include, in such form and detail as the board shall prescribe, the following information: a description of actions planned to be taken by the applicant to meet future needs or requirements, including, but not limited to, expansion, reduction or removal of existing facilities; construction or acquisition of additional facilities; a description of alternatives to planned action such as other methods of generating, manufacturing or storing, other site locations, other sources of electrical power or gas, including facilities which operate on solar or geothermal energy and wind or facilities which operate on the principle of cogeneration or hydrogeneration, and no additional electrical power or gas; a reduction of requirements through load management; and a description of the environmental impacts of each proposed facility. The board shall after public notice and a period for comment be empowered to issue and revise its own list of guidelines. A minimum of data shall be required by these guidelines from the applicant for review concerning land use impact, water resource impact, air quality impact, solid waste impact, radiation impact and noise impact.

The board shall conduct a public hearing on every petition to construct a facility or notice of intention to construct an oil facility within six months of the filing

thereof. Such hearing shall be an adjudicatory proceeding under the provisions of chapter thirty A. In addition, a public hearing shall be held in each locality in which a facility would be located or in which an oil facility contained in a notice of intention to construct such facility is located, except that a public hearing shall not be required in a locality containing a proposed site if such a hearing has already been held in regard to that particular facility on that particular site in conjunction with a previously filed petition. The board shall within twelve months from the date of filing approve a petition to construct a facility or within twenty-four months from the date of filing a notice of intention to construct an oil facility for the refining of oil designed so that more than thirty-five per cent of its output could be gasoline or refined oil products lighter than gasoline, if it determines that it meets the following requirements: all information relating to current activities, environmental impacts, facilities agreements and energy policies as adopted by the commonwealth is substantially accurate and complete; projections of the demand for electric power, or gas requirements and of the capacities for existing and proposed facilities are based on substantially accurate historical information and reasonable statistical projection methods and include an adequate consideration of conservation and load management; provided, however, that the department or board shall not require in any gas forecast or hearing conducted thereon the presentation of information relative to the demand for gas; projections relating to service area, facility use and pooling or sharing arrangements are consistent with such forecasts of other companies subject to this chapter as may have already been approved and reasonable projections of activities of other companies in the New England area; plans for expansion and construction of the applicant's new facilities are consistent with current health, environmental protection, and resource use and development policies as adopted by the commonwealth; and are consistent with the policies stated in section sixty-nine H to provide a necessary energy supply for the commonwealth with a minimum impact on the environment at lowest possible cost; and in the case of a notice of intent to construct an oil facility, that all information regarding sources of supply for such facility and financial information regarding the applicant and its proposed facility are substantially accurate and complete; that it is satisfied as to the adequacy of the applicant's capital investment plans to complete its facility; the long term economic viability of the facility; the overall financial soundness of the applicant; in the case of an oil facility, the qualification and capability of the applicant in the transshipment, transportation, storage, refining and marketing of oil or refined oil products; that plans including buffer zones or alternatives thereto for the applicant's new facility are consistent with current health, environmental protection and resource use and development policies as adopted by the commonwealth.

If the board determines the standards set forth above have not been met, it shall within twelve months of the date of filing reject in whole or in part the petition,

setting forth in writing its reasons for such rejections, or approve the petition subject to stated conditions. In the event of rejection or conditioned approval, the applicant may within six months submit an amended petition. A public hearing on the amended petition shall be held on the same terms and conditions applicable to the original petition.

Not later than one year prior to commencement of construction of an oil facility, or not later than two years prior to the commencement of construction of a facility for the refining of oil designed so that more than thirty-five per cent of its output could be gasoline or refined oil products lighter than gasoline, a notice of intention to construct such facility shall be filed with the board. Such notice shall include in such form and detail as the board shall reasonably prescribe, in addition to a detailed description of the proposed facility and site, the following information for the region expected to be served by the oil facility:

(1) A description of the applicant's current activities involving the transshipment, transportation, storage, or refining of oil or refined oil products.

(2) A description of the applicant's qualification and capability in transshipment, transportation, storage, refining and marketing of oil or refined oil products.

(3) An analysis of the proposed facility including but not limited to the description of alternatives to the planned action, such as other site locations, other oil facilities, and no additional oil facilities; and a description of the environmental impact of the proposed facility, said description to include buffer zones and other measures to minimize damage to the environment. The board shall after public notice and a period for comment be empowered to issue and revise its own list of guidelines. A minimum of data shall be required by these guidelines from the applicant for review concerning land use impact, water resource impact, air quality impact, solid waste impact, radiation impact and noise impact.

(4) A description of proposed sources of supply of crude oil or refined oil products for the oil facility which is the subject of the notice; if such sources are persons not controlled by the applicant, certified copies of any contracts, letters of intent or any other understandings.

(5) A description of the capital investment plan proposed for such facility, and the overall financial soundness of the company and economic viability of the facility, including insurance coverage during construction and operation.

The authority of the board to conduct public hearings under the provisions of this section may be delegated in whole or in part to the employees of the department. Pursuant to the rules of the board, such employees shall report back to the board with recommended decisions for final action thereon.

SECTION 16. Section 69J 1/2 of said chapter 164, as appearing in the 1990 Official Edition, is hereby amended by stiking out in line 2 the words "emergy facilities siting council" and inserting in place thereof the following word:- department.

SECTION 17. Said section 69J 1/2 of said chapter 164, as so appearing, is hereby amended by stiking out in lines 7, 11, 14, 16, 19, 24, 25, 26, 29, 34 and 41 the word "council" and inserting in place thereof, in each instance, the word:- department.

SECTION 18. Said section 69J 1/2 of said chapter 164, as so appearing, is hereby further amended by striking out in lines 46 and 49 the word "council's" and inserting in place thereof, in each instance, the words:- department's or board's.

SECTION 19. Said section 69J 1/2 of said chapter 164, as so appearing, is hereby further amended by striking out in line 50 the word "council" and inserting in place thereof the words:- department or board.

SECTION 20. Said section 69K of said chapter 164, as so appearing, is hereby further amended by striking out in lines 3, 4, 25, 32, 45, 58 and 64 the word: "council" and inserting in place thereof, in each instance, the word:- board.

SECTION 21. Said section 69K of said chapter 164, as so appearing, is hereby further amended by striking out in line 29 the word "council's" and inserting in place thereof the word:- board's.

SECTION 22. Said section 69K of said chapter 164, as so appearing, is hereby further amended in line 62 by inserting before the word "company" the word:- oil.

SECTION 23. Section 69L of said chapter 164, as appearing in the 1990 Official Edition, is hereby amended by striking out in lines 2 (in each instance), 16, 32, 35, 39, 41, 53, 55, 56, 59 and 63 the word "council" and inserting in place thereof, in each instance, the word:- board.

SECTION 24. Said section 69L of said chapter 164, as so appearing, is hereby further amended by striking out in lines 2, 44, 46, 47, 51, 55, 58 and 61 the word "application" and inserting in place thereof, in each instance, the word:- petition.

SECTION 25. Said section 69L of said chapter 164, as so appearing, is hereby further amended by striking out in line 10, the word "council" and inserting in place thereof the words:- board or department.

SECTION 26. Said section 69L of said chapter 164, as so appearing, is hereby further amended by inserting in line 9 after the word "plan" the following words:- , or petition for construction of a facility approved under the provisions of section sixty-nine J.

SECTION 27. Section 69M of said chapter 164, as appearing in the 1990 Official Edition, is hereby amended by striking out in lines 1, 12, 15, 17, 22, 26, 38, 39, 48, 72, 76-77 and 79 the word "application" and inserting in place thereof, in each instance, the word:- petition.

SECTION 28. Said section 69M of said chapter 164, as so appearing, is hereby further amended by striking out in lines 2, 9, 14, 16, 20, 37, 38, 50, 52 (in each instance), 54, 66 and 70 the word "council" and inserting in place thereof, in each instance, the word:- board.

SECTION 29. Said section 69M of said chapter 164, as so appearing, is hereby further amended by striking out in line 63 the word "applications" and inserting in

place thereof the word:- petitions.

SECTION 30. Section 69N of said chapter 164, as appearing in the 1990 Official Edition, is hereby amended by striking out in lines 2 and 11 the word "application" and inserting in place thereof, in each instance, the word:- petition.

SECTION 31. Said section 69N of said chapter 164, as so appearing, is hereby further amended by striking out in lines 5, 10 and 12 the word: "council" and inserting in place thereof, in each instance, the word:- board.

SECTION 32. Said section 69N of said chapter 164, as so appearing, is hereby further amended by striking out, in lines 12 and 13 the word: "two-thirds" and inserting in place thereof, in each instance, the word:- majority.

SECTION 33. Section 69 O of said chapter 164, as appearing in the 1990 Official Edition, is hereby amended by striking out in lines 2, 3, 4 (in each instance), 5 and 10 the word "application" and inserting in place thereof, in each instance, the word:- petition.

SECTION 34. Said section 69 O of said chapter 164, as so appearing, is hereby further amended by striking out in lines 2, 6 (in each instance), 9 and 11 the word: "council" and inserting in place thereof, in each instance, the word:- board.

SECTION 35. Section 69P of said chapter 164, as appearing in the 1990 Official Edition, is hereby amended by striking out in lines 2, 4 and 8, the word "council" and inserting in place thereof, in each instance, the word:- board.

SECTION 36. Said section 69P of said chapter 164, as so appearing, is hereby further amended by striking out in lines 9 and 10-11, the word "council's" and inserting in place thereof, in each instance, the word:- board's.

SECTION 37. Section 69Q of said chapter 164, as appearing in the 1990 Official Edition, is hereby amended by striking out in lines 1, 7, and 10 the word: "council" and inserting in place thereof, in each instance, the word:- board.

SECTION 38. Section 69R of said chapter 164, as appearing in the 1990 Official Edition, is hereby amended in line 1 by inserting after the word "company" the following words:- which is required to file a long-range forecast pursuant to section sixty-nine I.

SECTION 39. Said section 69R, as so appearing, is hereby further amended by striking out in lines 3-5 the words "the proposed long-range electric power or gas forecast submitted in accordance with section sixty-nine I" and inserting in place thereof the following words:- a petition submitted in accordance with section sixty-nine J.

SECTION 40. Section 69S of said chapter 164, as appearing in the 1990 Official Edition, is hereby amended by striking out in lines 1, 15, 16, 18, 21-22, 24 and 31 the word "council" and inserting in place thereof the word:- board.

SECTION 41. Said section 69S, as so appearing, is hereby further amended by striking out in line 30 the word "council's" and inserting in place thereof the word:- board's.

SECTION 42. Sections 161 and 326 of chapter 150 of the acts of 1990 are hereby repealed.

SECTION 43. Any petition pursuant to section sixty-nine I of chapter one hundred and sixty-four of the General Laws for approval of a long-range forecast or supplement thereto pending on the effective date of this act shall be deemed to constitute a petition to the department of public utilities, and any petition to construct a facility pending before the council on the effective date of this act shall be deemed to constitute a petition to the energy facilities siting board pursuant to section sixty-nine J of chapter one hundred and sixty-four.

SECTION 44. Notwithstanding the provisions of any general or special law to the contrary, the department of public utilities 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 that should be collected from fees to be paid by entities which are not assessed under section twelve M of chapter twenty-five of the General Laws 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 shall be deposited in the assessment account established to provide operating funds for said section. The department shall provide for a biennial audit of all accounts of the department 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 A of said chapter twenty-five.

Any such fees, and any funds unexpended in the assessment account in any fiscal year for the purpose for which said assessment was 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 shall not expend from the assessment account more than one million and fifty thousand dollars 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 relative to the integrated resource management program, the department shall establish by regulation a schedule for timely action by the department 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 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 requirements of the integrated resource management regulations in a timely and responsive manner, occasioned by circumstances beyond the control of the department, 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 sections sixty-nine J or ninety-four of chapter one hundred and sixty-four of the General Laws.

SECTION 45. All employees of the energy facilities siting council transferred by this act to the department of public utilities, who immediately prior to the effective date of this act, either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, are hereby transferred to the department of public utilities, every such transfer to be without impairment of civil service status, seniority, retirement or other rights of the employee and without interruption of service within the meaning of chapter thirty-one or said section nine A and without reduction in compensation or salary grade notwithstanding any change in title or duties resulting from such transfer, subject to the provisions of chapter thirty-one and the rules and regulations adopted thereunder; provided, however, that the position of executive director of such council shall become a managerial position at the department.

All employees of such council who, immediately prior to said effective date, neither hold permanent appointment in such positions nor have such tenure, are hereby transferred to the department of public utilities, every such transfer to be without impairment of seniority, retirement or other rights of such employees, and without interruption of services within the meaning of section nine A of chapter thirty and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such transfer.

Nothing in this section shall be construed to confer upon any employee any

rights not held immediately prior to the effective date of this act or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited prior to said effective date.

SECTION 46. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by the energy facilities siting council which are pending immediately prior to the effective date of this act, shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed before or by the energy facilities siting board or the department of public utilities, as the case may be.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approvals duly granted, and all legal and decisional precedents established by such council which are pending immediately prior to the effective date of this act, shall continue in force and the provisions thereof shall thereafter be enforced, until superseded, revised, rescinded or cancelled in accordance with law by such board or department, as the case may be.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals, and of the agencies to which the completion of enforcement thereof is so transferred, shall be determined by the chairman of the department of public utilities.

SECTION 47. All books, papers, records, property, documents, equipment, lands, interests in land, buildings, facilities and other property, both personal and real, which immediately prior to the effective date of this act are in the custody of the energy facilities siting council, are hereby transferred to the energy facilities siting board or the department of public utilities.

All questions regarding the identification of such property and of the agencies to which custody thereof is transferred shall be determined by the chairman of the department of public utilities.

SECTION 48. All duly existing contracts, memoranda of understanding, leases and obligations of the energy facilities siting council which are in force immediately prior to the effective date of this act, shall thereafter be performed by the energy facilities siting board or the department of public utilities, as the case may be. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act.

SECTION 49. All monies heretofore appropriated for the energy facilities siting council remaining unexpended on the effective date of this act are hereby transferred to the energy facilities siting board or the department of public utilities, in accordance with sections sixty-nine G through sixty-nine Q of chapter one hundred and sixty-four of the General Laws, and shall be available for expenditure by such board or department for the purposes for which such funds were originally appropriated.

All questions regarding the identification of such monies and of the agencies to which they are so transferred shall be determined by the chairman of the department of public utilities.

SECTION 50. Wherever the name of the energy facilities siting council appears in any general or special law, or in any order, rule, regulation or other document, such name shall mean and shall be construed as referring to the energy facilities siting board or the department of public utilities, as the case may be, in accordance with sections sixty-nine G through sixty-nine Q of chapter one hundred and sixty-four of the General Laws.

SECTION 51. The regulations of the energy facilities siting council as codified in 980 Code of Massachusetts Regulations, sections one through eleven, shall remain in full force and effect until such time as the energy facilities siting board amends such regulations or adopts new regulations pursuant to section sixty-nine H of chapter one hundred and sixty-four of the General Laws.

SECTION 52. Wherever in any special or general law or in any rule or regulation there is provided a right of appeal to the energy facilities siting council, a right of appeal to the energy facilities siting board or to the department of public utilities, as the case may be, shall exist; and such appeal shall be made pursuant to the provisions of any applicable law, rule or regulation or amendments thereto or, in the absence of such applicable law, rule or regulation, pursuant to chapter thirty A of the General Laws.

SECTION 53. All functions, rights, obligations, powers, duties and statutory provisions which, prior to the effective date of this act, were assigned to, or exercised by, the energy facilities siting council shall continue to be exercised and performed by, and to be assigned to, the energy facilities siting board or the department of public utilities, as the case may be, except as such powers, duties or other statutory provisions are modified by this act.

SECTION 54. This act shall not apply to any matter over which any agency, department or instrumentality of the federal government has exclusive jurisdiction.

SECTION 55. This act shall take effect on September first, nineteen hundred and ninety-two.

SECTION 56. If any provision of this act, or the application to any person or circumstance, shall be declared invalid under the constitution of the commonwealth or of the United States, such invalidity shall not affect the validity of the remaining provisions of this act.

The foregoing was filed with the General Court and received by the Clerk of the House of Representatives and the Clerk of the Senate on May 1, 1992. Not having been disapproved in either the House of Representatives or the Senate, under the provisions of Article LXXXVII of the Amendments to the Constitution it has the force of law.

Chapter 142. **AN ACT AUTHORIZING AND DIRECTING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO INSTALL AND MAINTAIN A PLAQUE IN HONOR OF EX-PRISONERS OF WAR FROM THE COMMONWEALTH.**

Be it enacted, etc., as follows:

The superintendent of state office buildings is hereby authorized and directed, subject to the approval of the art commission as to size and content, to install and maintain a plaque in a suitable space in Nurses Hall in the state house in honor of ex-prisoners of war from the commonwealth.

Approved July 30, 1992.

Chapter 143. **AN ACT RELATIVE TO BORROWING BY CITIES, TOWNS AND DISTRICTS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the borrowing of money and making of expenditures by cities, towns and districts for essential public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 44 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following sentence:- Notes may be authorized and issued under this section by the treasurer of the city, town or district, with the approval of the officer, committee, board or other body required by law to countersign such notes.

SECTION 2. Said chapter 44 is hereby amended by striking out section 17, as so appearing, and inserting in place thereof the following section:-

Section 17. If a city, town or district votes to issue bonds, notes or certificates of indebtedness in accordance with law, the officers authorized to issue the same may, in the name of such city, town or district, make a temporary loan for a period of not more than two years in anticipation of the money to be derived from the sale of such bonds, notes or certificates, and may issue notes therefor. A city, town or district may refund, by the issue of other notes, a temporary loan issued under the authority of the first sentence; provided, however, that the period from the date of issue of the original loan to the date of maturity of the refunding loan shall not exceed two years, unless such temporary loan is paid in part from revenue funds

of the city, town or district as hereinafter provided for, in which case the period from the date of issue of the original loan to the date of maturity of the refunding loan shall not exceed five years. A temporary loan refunded under this section shall be paid in part from revenue funds of the city, town or district at or before the maturity date of any such refunding loan that is issued to mature more than two years, but not more than three years, from the date of issue of the original loan. A like payment from revenue funds shall be made at or before the maturity date of any such refunding loan that is issued to mature more than three years, but not more than four years, from the date of issue of the original loan and again at or before the maturity date of any such refunding loan that is issued to mature more than four years from the date of issue of the original loan. Each such payment from revenue funds shall be at least equal to the minimum annual payment which would have been required if such temporary loan had been converted to a serial loan prior to its first refunding that required a payment from revenue funds under this section, and the authorized amount of the serial loan shall be reduced by the aggregate amount of all such payments. Each payment made by a city, town or district as provided in the preceding sentence shall be reported by the auditor or accountant of the city or town or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provision therefor. The amount of a payment from revenue funds made by a regional school district or regional refuse disposal district as provided herein shall be included in the next annual district operating and maintenance budget, unless the regional district committee has otherwise made provision therefor. The time within which a serial loan shall be due and payable shall not be extended by reason of the making of a temporary loan hereunder beyond the time fixed by law. If a balance remains in the proceeds of a temporary loan issued in anticipation of a serial loan at the time when the serial loan is issued, said balance may be applied to the payment of such temporary loan.

Notes issued under sections four, six and six A for a shorter period than is permitted by said sections may be refunded by the issue of other notes within the required period; provided, however, that the period from the date of issue of the original loan to the date of maturity of the refunding loan shall be not more than the statutory authorization; and provided, further, that no notes shall be refunded under this section except under authority of such vote, if any, as is required for the original borrowing.

SECTION 3. Section seventeen A of said chapter forty-four is hereby repealed.

SECTION 4. Said chapter 44 is hereby further amended by inserting after section 20 the following section:-

Section 20A. Cities, towns and districts that have duly authorized the issuance of serial bonds, notes or certificates of indebtedness may make expenditures for

the purposes for which such serial bonds, notes or certificates of indebtedness were authorized from any available revenue funds in advance and in anticipation of such issuance. Cities, towns and districts that have been allotted a grant by the commonwealth or the federal government may make expenditures for the purposes of such grant from any available revenue funds in advance and in anticipation of receipt of reimbursements from such grant, to such maximum amount and subject to such limitations as may be provided in the rules, regulations and guidelines promulgated by the director. For purposes of this section, available revenue funds shall not include revenue cash the use of which is restricted to purposes other than current maintenance expenses. Such advances shall be made by the treasurer with the approval of the officer or officers authorized to issue the bonds or notes. Prior to making any such advance, the treasurer shall determine that the issuance of such serial bonds, notes or certificates of indebtedness has been duly authorized in accordance with law. Such cities, towns or districts shall reimburse the account or accounts from which the advance was made from the proceeds of bonds, notes, including notes in anticipation of the serial loan, or certificates of indebtedness issued during the fiscal year in which the advance was made. Advances made under authority of this section shall be subject to rules, regulations or guidelines promulgated by the director.

SECTION 5. Said chapter 44 is hereby further amended by inserting after section 22B the following section:-

Section 22C. Bonds or notes issued by a town or district may be secured in whole or in part by insurance or by letters or lines of credit or other credit facilities upon a two-thirds vote of the board of selectmen of the town or a two-thirds vote of the prudential committee, if any, otherwise the board or commissioners of the district. Any such insurance, letter or line of credit or credit facility may provide for reimbursement to be made over such period of time, not to exceed two years beyond the maturity date of the bonds or notes so secured, as the officers authorized to issue the bonds or notes shall deem proper and may provide for interest on such reimbursement to be paid at such rate or rates of interest as the officers authorized to issue the bonds or notes shall deem proper, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be specified therein. For the purpose of securing its bonds or notes, a town or district, acting by its treasurer, upon a two-thirds vote of the board of selectmen of the town, or a two-thirds vote of the prudential committee, if any, otherwise the board or commissioners of the district may enter into a trust agreement between the town or district and a corporate trustee which shall be a bank or trust company doing business in the commonwealth. Any such trust agreement, and any other agreements necessary or incidental to the issuance of such bonds or notes, shall be in such form as may be deemed proper by the officers authorized to issue the bonds or notes, and shall be executed by such officers. It

shall be lawful for any bank or trust company doing business in the commonwealth to act as a depository or trustee under any such trust agreement and to furnish such indemnification and pledge such securities as may be required by the town or district. Any trustee under a trust agreement established pursuant to this section may bring suit upon the bonds or notes and may, either at law or equity, by suit, action, mandamus or other proceedings for legal or equitable relief, enforce all rights under the laws of the commonwealth or granted hereunder or under such trust agreement, and may enforce and compel the performance of all duties required under such trust agreement to be performed by the town or district or by any officer thereof. All expenses incurred in carrying out the provisions of this section may be treated by the town or district as a cost of preparing, issuing and marketing its bonds or notes.

Approved July 31, 1992.

Chapter 144. AN ACT FURTHER REGULATING THE LICENSING OF PIPEFITTERS AND REFRIGERATION TECHNICIANS.

Be it enacted, etc., as follows:

SECTION 1. Section 81 of chapter 146 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the definition of "Pipefitting" and inserting in place thereof the following definition:-

"Pipefitting", the installation, repair, replacement, maintenance or alteration of any apparatus for piping appliances, devices or accessories for heating systems having a rating greater than seven hundred thousand British Thermal Units including apparatus and piping for the general use of conveyance of steam and associated pumping equipment but excluding sheet metal work, air conditioning and refrigeration systems and plumbing as defined under the rules and regulations of the board of state examiners of plumbers promulgated under sections four and thirteen of chapter one hundred and forty-two.

SECTION 2. A person who was not required to be licensed pursuant to section eighty-five of chapter one hundred and forty-six of the General Laws and who shall submit satisfactory proof to the bureau of pipefitters, refrigeration technicians and sprinkler fitters that such person has been actively engaged in the pipefitting industry for a period of four years prior to the effective date of this act and who has applied for a license within one year of the effective date of this act, shall not be required to pass a written, oral or practical examination and shall be issued a master pipefitter's license upon payment of the applicable fee. A person who was not required to be licensed pursuant to said section eighty-five of said chapter one hundred and forty-six and who shall submit satisfactory proof to the bureau of

pipefitters, refrigeration technicians and sprinkler fitters that such person has been actively engaged in the pipefitting industry for a period of three years prior to the effective date of this act, shall not be required to pass a written, oral or practical examination and shall be issued a journeyman's pipefitter license upon payment of the applicable fee; provided, however, that for the purposes of this section, completion of an apprentice training program by such persons shall not be required. Any proof required to be submitted hereunder shall be accompanied by a statement that such information has been submitted under the pains and penalties of perjury.

Approved July 31, 1992.

Chapter 145. AN ACT DESIGNATING A CERTAIN CORNER IN THE TOWN OF HINGHAM AS MUZZI'S CORNER.

Be it enacted, etc., as follows:

The corner of Rockland street and George Washington boulevard in the town of Hingham shall be designated and known as Muzzi's corner. A suitable marker bearing said designation shall be erected thereat by the department of highways in compliance with the standards of said department.

Approved July 31, 1992.

Chapter 146. AN ACT EXTENDING THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-TWO ANNUAL BUDGET OF THE TOWN OF WEYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Weymouth is hereby authorized and directed, pending adoption of its fiscal year nineteen hundred and ninety-three annual budget, to continue its governmental operations for a period of up to three months, on a month to month basis, utilizing for each month one-twelfth of its fiscal year nineteen hundred and ninety-two annual budget as if the same had been appropriated for fiscal year nineteen hundred and ninety-three. Upon the adoption of its fiscal year nineteen hundred and ninety-three annual budget, appropriate adjustments in the various operating accounts shall be made in said annual budget.

SECTION 2. This act shall be effective to the extent that the referendum procedure of said town has stayed the town of Weymouth special town meeting

votes of June fifteenth and June sixteenth, nineteen hundred and ninety-two, which approved the nineteen hundred and ninety-three fiscal year annual budget of said town.

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

Approved August 5, 1992.

Chapter 147. AN ACT AUTHORIZING THE TOWN OF ROCKPORT TO GRANT A DRIVEWAY EASEMENT OVER A SECTION OF WATERSHED LAND.

Be it enacted, etc., as follows:

The town of Rockport, by its selectmen, in consideration of an easement granted to said town, is hereby authorized to convey, by deed approved as to form by the town counsel of said town, to the Quarrytown Realty Trust, an easement for road and utilities, across a certain portion of watershed land. Said easement is shown on a plan of land entitled "Plan of Land Prepared for Quarrytown Realty Trust for Exchange of Easements With the Town of Rockport" prepared by James L. Klopotowski, P.L.S. dated May, 1991, and said plan being on file in the office of the director of public works at the town hall in said town.

Approved August 5, 1992.

Chapter 148. AN ACT RELATIVE TO CERTAIN LAND CONVEYANCES AND BOND AUTHORIZATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the conveyance of certain land and the use and refunding of certain bonds, therefore 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. Item 2200-7880 in section 2D of chapter 199 of the acts of 1987 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For interior and exterior repairs relating to the preservation and renovation of the technical services branch building of the division of water pollution control.

SECTION 2. Section 3 of chapter 15 of the acts of 1988 is hereby amended by striking out clause (r) and inserting in place thereof the following clause:-

(r) a sum not to exceed twenty million dollars for projects to construct, reconstruct or otherwise improve water supply, drainage or sewerage facilities affected by or affecting on any highway or bridge of the department or any local roadway or bridge with a history of serious flooding or any public use airport under jurisdiction of the Massachusetts aeronautics commission or affected by any project undertaken by the department or said commission.

SECTION 3. For the purpose of refunding at or before their respective maturity dates the five hundred thousand dollars principal amount of Middlesex County Court House Building Loan, Act of 1963, Fifth Series Bonds maturing on August first, nineteen hundred and ninety-two, the three hundred seventy-five thousand dollars principal amount of Middlesex County Court House Building Loan, Act of 1963, Sixth Series Bonds maturing on July fifteenth, nineteen hundred and ninety-two, and the three hundred and seventy-five thousand dollars principal amount of Middlesex County Court House Building Loan, Act of 1963, Sixth Series Bonds maturing on July fifteenth, nineteen hundred and ninety-three, the treasurer of Middlesex county, with the approval of the county commissioners, may borrow from time to time upon the credit of the county such sums as may be necessary, not to exceed, in the aggregate, one million two hundred and fifty thousand dollars, and may issue bonds or notes of the county therefor which shall bear on their faces the words Middlesex County Court House Buildings Refunding Loan, Act of 1992. The proceeds of such bonds or notes may also be applied to restore to the county treasury sums advanced therefrom to pay any of the aforesaid maturing bonds. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than ten years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at a public or private sale, upon such terms and conditions and in such manner 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 4. The 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 or a portion thereof located in the town of Foxborough, to an individual or entity, subject to such additional terms and conditions as the commissioner may prescribe in consultation with the department of mental retardation. Said parcel contains approximately 16.02 acres and is shown as Lot 3604, Sheets 133 and 145 on the town of Foxborough assessors plan and on file in the assessors office of said town of Foxborough.

SECTION 5. Notwithstanding the provisions of sections fourteen and thirty-four

of chapter ninety-one of the General Laws or any other general or special law to the contrary, the department of environmental protection is hereby authorized to grant a license to Wharf Museum, Inc. to construct, maintain and repair a floating barge secured by piles, together with a waterfront park including public walkways, a docking facility and a connecting structure to the Museum Wharf building to be located in whole or in part beyond the harborline in the Fort Point channel, on the easterly side of said channel between the southerly sideline of the Northern avenue bridge and the northerly side of the Congress street bridge in the city of Boston, such harborline having been established in prior legislative acts, including chapter two hundred and seventy-eight of the acts of nineteen hundred and twenty-nine, as amended by chapter four hundred and three of the acts of nineteen hundred and thirty-nine; provided, however, that nothing in this section shall be construed as exempting said project from all substantive and procedural requirements of said chapter ninety-one and its regulations, other than the exemption permitted herein from the harborline requirements of sections fourteen and thirty-four of said chapter ninety-one.

Approved August 6, 1992.

Chapter 149. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT EASEMENTS OVER CERTAIN PARCELS OF LAND LOCATED IN THE CITY OF LOWELL.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections forty E to forty J, inclusive of chapter seven of the General Laws or any other general or special law to the contrary, the commissioner of the division of capital planning and operations is hereby authorized and directed to grant easements and air rights, by deed or deeds approved as to form by the attorney general, without consideration, over certain parcels, including park and environmental land located in the city of Lowell to the United States of America for canalway and trolley system development and related activities pursuant to the Lowell National Historical Park Act, consistent with the Preservation Plan, developed pursuant to said act, subject to the requirements of sections two to four, inclusive, and such additional terms and conditions as said commissioner may prescribe in consultation with the department of environmental management. Said parcels are described in the following instruments: Order of Taking dated December 1, 1986 and recorded in the Middlesex north district registry of deeds in Book 3830, on Page 70; deed from Frank and Claire Barrett dated May 27, 1977 and recorded in said registry in Book 2251, Page 235; and deed

from Paul and Lorraine Desmarais dated October 7, 1977 and recorded in said registry in Book 2279 on Page 435. Said commissioner may grant a right of reasonable access by foot and vehicle over adjacent lands to facilitate the installation and maintenance of improvements related to said easements.

SECTION 2. Said easements shall not be inconsistent with the commonwealth's use and operation of the canal system as a state park. Any improvements made on the above described parcels shall not interfere with the use, maintenance or operation by Boott Hydropower, Inc., their successors and assigns, for hydroelectric power production.

SECTION 3. In the event that one or more of the parcels conveyed pursuant to this act is not developed for or ceases to be used for the purposes for which it was intended, which is solely for public park purposes, all interests conveyed in such parcel or parcels shall revert to the commonwealth.

SECTION 4. The department of environmental management shall not assume any costs for appraisals, surveys, and other expenses deemed necessary by the commissioner of capital planning and operations for the disposition of this property, or for its development or maintenance.

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

Approved August 6, 1992.

Chapter 150. **AN ACT AUTHORIZING THE MENDON-UPTON REGIONAL SCHOOL DISTRICT TO CONVEY A CERTAIN PARCEL OF LAND.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B of the General Laws or any other general or special law to the contrary, the Mendon-Upton regional school district is hereby authorized to convey a certain parcel of land which was acquired for school purposes to the town of Upton for any lawful municipal purposes in conformity with an offer made by said town. Said parcel is shown in a plan of land entitled "A plan of land of Mendon-Upton Regional School District Job #91-115, location Pleasant Street, Upton, Massachusetts", dated April 4, 1992 and drawn by David E. Teachout, Teachout Land Surveying, Inc. which is on file with said regional school district.

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

Approved August 6, 1992.

Chapter 151. AN ACT RELATIVE TO THE MASSACHUSETTS WATER RESOURCES AUTHORITY.

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

Be it enacted, etc., as follows:

SECTION 1. Paragraph (a) of section 12 of chapter 372 of the acts of 1984 is hereby amended by striking out the fifth sentence, as most recently amended by section 176 of chapter 150 of the acts of 1990, 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 six hundred million dollars outstanding at any one time; 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.

SECTION 2. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as most recently amended by section 177 of said chapter 150, and inserting in place thereof the following sentence:- The aggregate principal amount of the bonds issued under the authority of this act shall not exceed the sum of two billion six hundred million dollars outstanding at any one time; 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.

Approved August 6, 1992.

Chapter 152. AN ACT PROVIDING FOR CERTAIN TOURISM ACTIVITIES.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act, and for certain other activities and projects, the sums set forth in section two are hereby appropriated from the Massachusetts Tourism Fund, for the several purposes and subject to the conditions specified therein, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two, for the fiscal year ending June thirtieth, nineteen

hundred and ninety-three 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 purposes.

SECTION 2.

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Office of the Secretary.

Item	
9000-1900	$3,295,000
9000-1920	$1,730,000
9000-2100	$242,000

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

Approved August 7, 1992.

Chapter 153. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-TWO 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 and other fiscal year nineteen hundred and ninety-two appropriation acts and for certain other activities and projects, the sums set forth in section two are hereby appropriated from the General Fund unless specifically designated otherwise in the items, as said items are designated in the most recent appropriation act referred to above or herein and for the several purposes and subject to the conditions specified in said items as appearing in the most recent appropriation act referred to above or herein and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one and other fiscal year nineteen hundredand ninety-two appropriation acts, for the fiscal year ending June thirtieth, nineteen hundred and ninety-two 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.

Judiciary.

Committee for Public Counsel Services.

Item

0321-1515 For the prior years' expenses of private counsel assigned under the

provisions of subsection *(b)* of section six of chapter two hundred and eleven D of the General Laws, and pursuant to section twelve of said chapter $12,891,000

DISTRICT ATTORNEYS.

Eastern.

0340-0340 $27,252

Cape and Islands.

0340-1040 $30,000

Secretary of State.

0521-0000 $500,000

OFFICE OF THE TREASURER AND RECEIVER-GENERAL.

0611-5010 For the purposes of expenditures pursuant to the provisions of section sixty-five of this act $500,000

0612-1010 $14,883,750

0612-1030 For the fiscal year nineteen hundred and ninety-three costs to the commonwealth's pension liability fund attributable to the cost-of-living increase pursuant to chapter seventy of the acts of nineteen hundred and ninety-two $60,000,000

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Office of Indian Affairs.

1150-5200 $6,000

Item

Reserves.

1599-0036 $3,068,000

Massachusetts Tourism Fund 100.0%

1599-2038 $905,060

1599-3101 For the payment of the commonwealth's employer contributions to the unemployment compensation fund and medical security trust fund, as a supplement to the collections and payments made pursuant to the system of chargebacks authorized in item 1599-3100 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one; provided, that the comptroller shall report to the secretary for administration and finance and house and senate committees on ways and means what amounts the individual appropriation accounts and certain non-appropriated funds would have been charged based on said system of chargebacks $250,000

1599-3201 To fund a study commission to determine the feasibility of establishing a technology center on the campus of minuteman regional vocational technical school in the town of Lexington, for the purposes of facilitating recruitment and training of technicians

through a partnership with industry, primarily in the electromagnetical, biomedical, marine electronics, biotechnology and environmental fields $15,000

1599-3384 $4,043,399

1599-3730 For a reserve to fund the costs incurred by cities and towns as a result of section four of chapter one hundred and five of the acts of nineteen hundred and ninety-two. Said reserve shall be distributed to cities and towns by the secretary for administration and finance upon certification by the division of local mandates within the office of the state auditor of the costs incurred by said cities and towns as a result of section four of chapter one hundred and five of the acts of nineteen hundred and ninety-two $200,000

1599-3850 For 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 forty percent of the total appropriation and provided further, that the house and senate committees on ways and means and the commissioner of administration and finance 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 $1,500,000

Local Aid Fund 100.0%

1599-6000 For a reserve for the purposes of section one of chapter six hundred and ten of the acts of nineteen hundred and eighty-nine $37,668

1599-7000 For a reserve for the memorial dedicated to the veterans of the Korean War $175,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Protection.

2200-0103 For the purposes of dredging Leesville pond $30,000

Metropolitan District Commission.

2440-0010 For the administration of the metropolitan district commission parks and recreation division, for maintenance of parks, reservations and the Charles River Basin, for the operation and maintenance of the southwest corridor park system, for the division of central services, reservation and interpretive services division, and division of highways, for the maintenance of boulevards, park-

ways, locks, bridges and dams, for the maintenance of vehicles and metropolitan district commission garages, and the purchase of supplies and equipment; provided, that five hundred thousand dollars be expended on peak season employees; provided further, that funds appropriated herein for personnel and expenses of those who work at the Metro Park Zoos may be transferred to line item 2443-2000 when said personnel are formally transferred to the Commonwealth Zoological Corporation; and provided further, that not less than one hundred thousand dollars be provided for a summer jobs program in the city of Lynn $1,000,000

Local Aid Fund 31.8%
Highway Fund 68.2%

2440-0011 For the cost of rebedding the Cronin Rink in the city of Revere $750,000

2440-1000 For a study and the preparation of plans, if necessary, and for general restoration, rehabilitation and construction by the commission, and any costs related thereto, including but not limited to materials, furnishings and equipment at the Veterans Memorial Rink in Somerville, Saxton J. Foss park, George Dilboy Field, and Hormel Stadium $750,000

2444-9005 $300,000

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

3711-9111 For the state's share in the cost of the Lowell Square mixed income family development project, so-called, in the city of Boston; provided, that the funds appropriated herein shall be in addition to any other state or federal funds available for said project $2,000,000

3722-9108 $75,000

3743-2027 $200,000

3745-1000 $2,000,000

3747-0003 For the Boston Housing Authority for a program to provide certain tenant services $76,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of Veterans Affairs.

4170-0401 For a program of assistance to veterans provided by the New England Shelter for Homeless Veterans $125,000

4170-0420 For bonus payments to Gulf War veterans; provided, that notwithstanding any general or special law to the contrary, said bonus payments to Gulf War veterans shall be made to those persons who were called to active service during the period of August second, nineteen hundred and ninety to April tenth, nineteen hundred and ninety-one under Title X of the United States Code,

including a reservist or member of the national guard, upon discharge from active service, and to any regular service personnel who served during such period in the war zone and contiguous waters $1,000,000

Department of Public Welfare.

4400-1300 The department of public welfare may expend an amount not to exceed nine hundred thousand dollars from federal reimbursement accrued from the MPACS project, so-called, for the purposes of a food stamp outreach program $900,000

Department of Public Health.

4510-1002 The commissioner of the department of public health is hereby authorized to establish and maintain a mammography licensing program; provided, that the department may expend an amount not to exceed one hundred and seventy-five thousand dollars from revenues received from collection of a fee for licensing mammography facilities; provided further, that revenues collected will be used to support the necessary staff and equipment to inspect those facilities; and provided further, that revenue collected may be used for the compensation of employees $175,000

Department of Social Services.

4800-0019 $218

4800-0029 $416,164

4800-0039 $717,627

4800-0041 $315,000

Department of Mental Health.

5046-3000 For the homelessness prevention program of the adult services program in the metropolitan Boston area $1,000,000

Department of Mental Retardation.

5920-3000 For the respite services program for adults, children and adolescents $1,000,000

5983-0100 For the operation of facilities for the mentally retarded; provided, that the department may expend funds as needed, pursuant to schedules filed with the secretary for administration and finance and the house and senate committees on ways and means, for a facility maintenance crew to provide minimum maintenance to buildings at Belchertown state school following its phase-down; provided further, that an amount not to exceed five hundred thousand dollars may be expended for the purpose of reimbursing costs for the provision of services to certain mentally retarded community clients.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6010-0050 For the state highway and bridge repair program of the executive office; provided, that the commissioner of highways shall immediately expend funds from this item of appropriation; provided further, that funds available herein shall be in addition to state highway and bridge capital authorization for fiscal year nineteen hundred and ninety-three; provided further, that twenty million six hundred twenty-five thousand dollars shall be expended from this item in the counties of Berkshire, Hampden, Hampshire, and Franklin; twenty million six hundred twenty-five thousand dollars shall be expended from this item in the counties of Norfolk and Worcester; twenty million six hundred twenty-five thousand dollars shall be expended from this item in the counties of Essex and Middlesex; twenty million six hundred twenty-five thousand dollars shall be expended from this item in the counties of Barnstable, Bristol, Dukes, Nantucket and Plymouth; seventeen million five hundred thousand dollars shall be expended from this item in Suffolk county; and, ten million dollars shall be expended by the metropolitan district commission for construction projects on commission roadways and bridges in Suffolk county; provided further, that all funds available herein shall be committed to projects on or before August fifteenth, nineteen hundred and ninety-two; and provided further, that the commissioner of highways shall submit a report to the house and senate committees on ways and means and the joint committee on transportation detailing the projects awarded from this item on or before September first, nineteen hundred and ninety-two

$110,000,000

Infrastructure Sub-Fund 100.0%

6030-7502 For overtime expenses incurred by the city of Salem for police coverage in regard to the failure of the Beverly-Salem bridge, so-called

$5,825

Highway Fund 100.0%

EXECUTIVE OFFICE OF EDUCATION.

Department of Education.

7009-1000 For payments by the secretary to vendors for services under the provisions of section four of chapter six hundred and fourteen of the acts of nineteen hundred and eighty-five, as amended by section one hundred and twenty-nine of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine,

actually rendered prior to December thirty-first, nineteen hundred and ninety-one but for which full payment has not been made $275,000

7027-1000 For the state matching requirements of project PALMS, so-called, and the community service project, so-called, provided, that the secretary of education may coordinate with the department $2,100,000

7061-0003 For reimbursement for the regional costs of the town of Wendell $18,501

7061-0009 For the reimbursement to cities, towns, and regional school districts of the tuition in public schools of any school age child placed elsewhere other than in his own home town, by, or under the control of the department of public welfare or the department of social services under the provisions of sections seven and nine of chapter seventy-six of the General Laws; provided, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein $1,000,000

7061-0012 $335,000

7066-1010 $175,000

Higher Education Coordinating Council.

7310-0100 To fund contractual education needs at the University of Massachusetts at Dartmouth in compliance with an arbitrator's decision $161,117

7511-0100 For the purpose of meeting the fiscal year nineteen hundred and ninety-three debt service obligation of North Shore Community College on the Health and Education Facilities Authority Funds for the construction and renovation of the Allied Health and Services Center at the Danvers campus; provided, that this one-time obligation is due and payable on or before April first, nineteen hundred and ninety-three $370,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0102 For a reserve for community policing grants to be administered by the executive office of public safety. Said executive office shall provide grants to cities and towns which have experienced severe health and safety problems as a result of having increased gang activity and street violence $5,000,000

Highway Fund 85.0%
General Fund 15.0%

Department of State Police.

8100-0002 $623,630

Highway Fund 100.0%

8100-0003 $627,000

Local Aid Fund 36.0%
Highway Fund 64.0%

Registry of Motor Vehicles.

8400-0001 For the administration program of the registry of motor vehicles; provided that the registrar is hereby authorized and directed to reopen the branch office of the registry located in the city of Fall River $750,000

Highway Fund 100.0%

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

9000-1901 $250,000

Bay State Skills.

9081-7011 $275,000

Executive Office of Elder Affairs.

9110-9002 For the Newton and Waltham offices of the council on aging $30,000

SECTION 2A. The amounts set forth in this section are hereby appropriated from the Federal Grants Fund. 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-two, 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-three, in addition to any amount appropriated in this section.

Item

4407-9070 For the purposes of a federally funded grant entitled, At Risk Day Care $6,200,000

SECTION 2B. I. For the purpose of making available in fiscal year nineteen hundred and ninety-three balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and ninety-two, the unexpended balances of the maintenance appropriation items listed below, not to exceed the amount specified below for each item, are hereby re-appropriated for the fiscal year nineteen hundred and ninety-three. Amounts in this section are re-appropriated for the purposes of and subject to the conditions stated below for each item; provided however, that for items for which purposes and conditions are not specified below, the amounts in this section are re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section two of the general appropriation act and section two A of supplemental appropriation acts for the fiscal year ending June thirtieth, nineteen hundred and ninety-two; provided however, that for items neither with purposes and conditions specified below nor appearing in said section two or two A, the amounts in this section are

re-appropriated for the purposes of and subject to the conditions stated for the corresponding item in section two or two A of this act or in prior appropriation acts. Amounts in this section are re-appropriated from the fund or funds designated below for each item; provided, however, that for items for which no fund is so designated, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section two of the general appropriation act or section two A of supplemental appropriation acts for the fiscal year ending June thirtieth, nineteen hundred and ninety-two; provided, however, that for items neither with a fund designated below nor appearing in said section two, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section two of this act or in prior appropriation acts.

Item		
	SENATE.	
0111-9000		$7,644
0115-8758		$3,764
0185-7816		$6,323
0185-7888		$150,000
	JUDICIARY.	
0337-0100		$35,000
	EXECUTIVE.	
	Governor.	
0411-1000		$300,000
	SECRETARY OF STATE.	
0521-0000		$500,000
	TREASURER AND RECEIVER-GENERAL.	
0611-5010		$500,000
0612-1030		$60,000,000
	ATTORNEY GENERAL.	
0810-0399		$95,000
	EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.	
	Department of Procurement and General Services.	
1104-5211		$63,000
	Office of Employee Relations.	
1105-3611		$115,558
1108-3602		$53,208
	Office of Indian Affairs.	
1150-5200		$6,000
	Reserves.	
1599-0036		$3,068,000
1599-3730		$200,000
1599-3850		$1,500,000

1599-5000	$500,000
1599-6000	$37,668
1599-7000	$175,000
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.	
Office of the Secretary.	
2010-0100	$127,000
Department of Environmental Management.	
2100-0005	$642,053
Department of Environmental Protection.	
2200-0103	$30,000
Department of Fisheries, Wildlife and Environmental Law Enforcement.	
2320-0100	$80,000
Metropolitan District Commission.	
2440-0010	$1,000,000
2440-0011	$750,000
2440-0018	$48,000
2440-0500	$265,000
2440-1000	$750,000
Department of Food and Agriculture.	
2520-0107	$1,555,788
2520-0300	$30,000
EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.	
3711-9111	$2,000,000
3722-9100	$5,000,000
3722-9108	$75,000
3743-2027	$200,000
3745-1000	$2,000,000
3747-0003	$76,000
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.	
Rate Setting Commission.	
4100-0010	$200,000
Massachusetts Commission for the Blind.	
4110-1024	$2,500,000
Veterans Services.	
4170-0401	$125,000
4170-0420	$1,000,000
Department of Public Health.	
4510-1002	$175,000

	Department of Medical Security.	
4600-1000		$37,000
4600-1050		$650,000
4600-1200		$5,000,000
4600-1210		$1,800,000
	Department of Mental Health.	
5046-3000		$1,000,000
	Department of Mental Retardation.	
5920-3000		$1,000,000
	EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.	
	Massachusetts Highways Department.	
6010-0050		$110,000,000
	Massachusetts Aeronautics Commission.	
6006-0002		$55,000
6006-0004		$12,000
	EXECUTIVE OFFICE OF EDUCATION.	
	Department of Education.	
7009-1000		$275,000
7027-1000		$2,100,000
7061-0009		$1,000,000
7066-1010		$175,000
	Higher Education Coordinating Council.	
7070-0065		$8,100,000
7310-0100		$161,117
7511-0100		$370,000
	EXECUTIVE OFFICE OF PUBLIC SAFETY.	
	Office of the Secretary.	
8000-0102		$5,000,000
	Department of Police.	
8100-0015		$42,950
8314-1100		$26,620
	REGISTRY OF MOTOR VEHICLES.	
8400-0001		$750,000
8800-0032		$6,000,000
8800-0100		$25,000
	Parole Board.	
8950-0001		$876,385
	EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.	
	Office of the Secretary.	
9000-1492		$1,500,000
9000-1901		$250,000

9000-1920		$166,000
	Department of Employment and Training.	
9081-0350		$3,050,000
	EXECUTIVE OFFICE OF CONSUMER AFFAIRS.	
	Community Antenna Television Commission.	
9215-0001		$12,000
	Division of Banks.	
9221-1000		$80,000
	LEGISLATURE.	
	House of Representatives.	
9628-0010		$601,000

II. For the purpose of making available in fiscal year nineteen hundred and ninety-three certain balances from retained revenues, so-called, which otherwise would revert on June thirtieth, nineteen hundred and ninety-two, the unexpended balances of the items listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the fiscal year nineteen hundred and ninety-three. Amounts in this section are re-authorized for the purposes of and subject to the conditions stated below for each item; provided, however, that for items for which purposes and conditions are not specified below, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section two of the general appropriation act for the fiscal year ending June thirtieth, nineteen hundred and ninety-two; provided, however, that for items neither with purposes and conditions specified below nor appearing in said section two, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section two of this act or in prior appropriation acts. Amounts in this section are re-authorized from the fund or funds designated below for each item; provided, however, that for items for which no fund is so designated, the amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section two of the general appropriation act for the fiscal year ending June thirtieth, nineteen hundred and ninety-two; provided, however, that for items neither with a fund designated below nor appearing in said section two, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section two of this act or in prior appropriation acts.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Division of Capital Planning and Operations.

Item	
1102-3214	$1,983,120
1102-3215	$4,432,881
1102-5231	$86,434

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.
Department of Public Welfare.

4400-1300 $900,000

III. For the purpose of making available in fiscal year nineteen hundred and ninety-three certain balances from federal grants, so-called, which otherwise would revert on June thirtieth, nineteen hundred and ninety-two, the unexpended balances of the items listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the fiscal year nineteen hundred and ninety-three. Amounts in this section are re-authorized for the purposes of and subject to the conditions stated below for each item; provided, however, that for items for which purposes and conditions are not specified below, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section two A of the general appropriation act for the fiscal year ending June thirtieth, nineteen hundred and ninety-two; provided, however, that for items neither with purposes and conditions specified below nor appearing in said section two A, the amounts in this section are re-authorized for the purposes of and subject to the conditions stated for the corresponding item in section two A of this act or in prior appropriation acts. Amounts in this section are re-authorized from the fund or funds designated below for each item; provided, however, that for items for which no fund is so designated, the amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section two A of the general appropriation act for the fiscal year ending June thirtieth, nineteen hundred and ninety-two; provided, however, that for items neither with a fund designated below nor appearing in said section two A, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section two A of this act or in prior appropriation acts.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.
Department of Public Welfare.

Item

4407-9070 $6,200,000

IV. For the purpose of making available for expenditure in fiscal year nineteen hundred and ninety-three certain balances of authorizations which otherwise would revert on June thirtieth, nineteen hundred and ninety-two, the unexpended balances of the bond-funded items listed below are hereby re-authorized for the fiscal year nineteen hundred and ninety-three.

1100-1560	1102-8804	2120-8886	2440-7881	2440-8845
1100-1561	1102-8813	2121-8996	2440-7849	2511-8881
1100-7850	1102-8814	2121-8997	2440-7878	2511-8885
1100-8860	1102-8889	2260-8880	2440-7882	3722-7870
1102-8792	2120-8884	2410-7872	2511-8840	3722-7871

3722-8841	3722-8865	3722-9030	6020-7882	7100-7882
3722-8842	3722-8866	3722-9301	6020-7883	7109-8846
3722-8843	3722-8870	3724-9001	6020-8845	7112-8842
3722-8844	3722-8871	4000-7871	6030-7701	7220-7880
3722-8845	3722-8872	4000-7880	6030-7871	7410-7882
3722-8846	3722-8873	5011-7880	7010-0001	7411-8842
3722-8861	3722-8874	6000-3100	7066-8841	7504-7871
3722-8862	3722-8875	6001-8625	7100-7871	8312-7885
3722-8863	3722-8876	6010-7880	7100-7880	9110-7801
3722-8864	3722-8879	6020-7881	7100-7881	9110-7881

V. For the purpose of making available for expenditure in fiscal year nineteen hundred and ninety-three certain balances of authorization which otherwise would revert on June thirtieth, nineteen hundred and ninety-two, the unexpended balances of the bond-funded items listed below are hereby re-authorized for the fiscal year nineteen hundred and ninety-three; provided that the unexpended balances in any other items included by reference in the items listed below are not re-authorized.

0431-8811	1593-0379	2120-7878	2120-9801	2130-8772
0431-8833	2000-7880	2120-7880	2120-9841	2150-6844
0431-8835	2000-7881	2120-7881	2120-9842	2150-6847
1100-8758	2000-8830	2120-7882	2120-9843	2150-6849
1102-7845	2000-8881	2120-7883	2120-9844	2150-7841
1102-7847	2000-8882	2120-7884	2120-9845	2150-7871
1102-7849	2000-8883	2120-7885	2120-9847	2150-7872
1102-7880	2000-8884	2120-7886	2121-8881	2150-7873
1102-8791	2000-8885	2120-7887	2121-8882	2150-7874
1102-8801	2000-8886	2120-8794	2121-8883	2150-7875
1102-8806	2000-8887	2120-8803	2121-8884	2150-7876
1102-8812	2000-8888	2120-8805	2121-8885	2150-7878
1102-8819	2000-8889	2120-8812	2121-8886	2150-7879
1102-8822	2000-9841	2120-8825	2121-8887	2150-7880
1102-8843	2000-9843	2120-8841	2121-8888	2150-7882
1102-8844	2100-7871	2120-8844	2121-8889	2150-7883
1102-8847	2120-7842	2120-8848	2121-9881	2150-7885
1102-8870	2120-7848	2120-8861	2121-9882	2150-7886
1102-8883	2120-7849	2120-8871	2121-9883	2150-7887
1102-9802	2120-7871	2120-8881	2121-9884	2150-7888
1102-9880	2120-7873	2120-8882	2121-9885	2150-8831
1593-0058	2120-7874	2120-8883	2121-9886	2150-8845
1593-0237	2120-7875	2120-8885	2121-9887	2150-8848
1593-0265	2120-7876	2120-8886	2130-8771	2150-8881

2150-8882	2320-8881	2440-8887	5011-8801	7070-8811
2150-8884	2350-7880	2440-8888	5011-8802	7109-7881
2150-8885	2410-8801	2440-8889	5011-8811	7111-7880
2150-8886	2410-8802	2440-9812	5011-8812	7117-8841
2150-9845	2410-8803	2440-9813	5011-8841	7310-7872
2150-9847	2420-7880	2440-9842	5011-8842	7310-7881
2200-7880	2420-7881	2440-9843	5011-8844	7410-8772
2200-7882	2420-7882	2440-9844	5011-8875	7410-8781
2200-7883	2420-7884	2440-9845	5011-8876	7410-8784
2200-7884	2420-8881	2440-9846	5011-8877	7410-8842
2200-7886	2440-7848	2440-9848	5011-8878	7410-8843
2200-7887	2440-7870	2440-9872	5011-8879	7410-8846
2200-7888	2440-7871	2443-7880	5011-9873	7411-7881
2240-8881	2440-7875	2444-7871	5095-5870	7411-7883
2250-1001	2440-7879	2444-7872	5095-6870	7416-7871
2250-7874	2440-7880	2444-8812	5095-8870	7452-7872
2250-8844	2440-7883	2444-8842	5095-8871	7490-8722
2250-8881	2440-7884	2449-7350	5095-8872	7490-8721
2260-9881	2440-7885	2449-7370	5095-8873	7490-8751
2260-9882	2440-7886	2449-8754	5095-8874	7511-8752
2260-9883	2440-8794	2449-8755	5095-8875	7512-7881
2260-9884	2440-8795	2449-8791	5095-8876	7516-8841
2260-9885	2440-8796	2681-9029	5095-8877	8000-8841
2260-9886	2440-8798	3722-9015	5095-8878	8000-8842
2270-8771	2440-8802	4001-8860	5377-7872	8200-7871
2270-8772	2440-8812	4180-7880	5377-8842	8200-7880
2270-8791	2440-8813	4180-7881	5655-8841	8200-7881
2270-8811	2440-8819	4180-7882	5895-8841	8200-8842
2270-8812	2440-8840	4180-7883	6000-3025	8312-7880
2270-8813	2440-8843	4190-7880	6001-8610	8312-8843
2270-8821	2440-8844	4190-7881	6001-8620	8350-7880
2300-8881	2440-8848	4190-7882	6001-8626	8350-7881
2310-7871	2440-8873	4190-7883	6001-8635	8800-7880
2310-7880	2440-8881	4311-7882	6032-4037	9091-7871
2320-7880	2440-8882	4510-7881	6032-4038	9200-8870
2320-7881	2440-8883	4510-7882	6059-0000	9300-3901
2320-8813	2440-8884	4532-7872	7000-9881	9300-3902
2320-8842	2440-8885	4536-7880	7027-7888	9300-3905
2320-8843	2440-8886	4540-7871	7052-8860	

SECTION 3. Clause (iv) of the last paragraph of section 8 of chapter 6B of the General Laws, as appearing in section 12 of chapter 495 of the acts of 1991, is hereby

amended by striking out, in lines 2 and 3, the words "July fifteenth, nineteen hundred and ninety-two" and inserting in place thereof the following words:- January fifteenth, nineteen hundred and ninety-three.

SECTION 4. Section 35J of chapter 10 of the General Laws, inserted by section 305 of chapter 138 of the acts of 1991, is hereby amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) forty percent to the office of travel and tourism for promoting the recreational, cultural, historic and scenic resources of the commonwealth to increase its desirability as a location for tourism, conventions, travel, recreation-related activities, economic development, business expansion, and job creation, provided that no funds may be spent for a building project, as defined by section thirty-nine A of chapter seven.

SECTION 5. Said chapter 10 is hereby further amended by striking out section 35L, inserted by section 191 of chapter 133 of the acts of 1992, and inserting in place thereof the following section:-

Section 35L. There shall be established upon the books of the commonwealth a separate fund to be known as the Division of Insurance Trust Fund, to be expended, subject to appropriation, by said division established in section one of chapter twenty-six. Revenues collected by said division pursuant to section one hundred and sixty-three of chapter one hundred and seventy-five shall be deposited into said trust fund to a maximum amount of two million dollars in fiscal year nineteen hundred and ninety-three. All monies collected pursuant to said section one hundred and sixty-three in excess of two million dollars in fiscal year nineteen hundred and ninety-three shall be deposited into the General Fund. All monies deposited in said trust fund that are unexpended at the end of the fiscal year shall not revert to the General Fund.

SECTION 5A. Said chapter 10 is hereby further amended by inserting after section 35M, inserted by section 192 of chapter 133 of the acts of 1992, the following section:-

Section 35N. There is hereby established on the books of the commonwealth a fund to be known as the Martin Luther King Commission Trust Fund. The Martin Luther King commission is hereby authorized to accept donations to the fund for the purpose of planning and executing ceremonies and events in memory of the Reverend Martin Luther King, Jr.

SECTION 6. Section 28A of chapter 22C of the General Laws, as appearing in section 22 of chapter 412 of the acts of 1991, is hereby amended by striking out, in line 4, the word "grade" and inserting in place thereof the following word:- title.

SECTION 7. Section 18 of chapter 25 of the General Laws is hereby amended by striking out, in line 34, as appearing in the 1990 Official Edition, the word "fifty" and inserting in place thereof the following word:- seventy-five.

SECTION 8. Chapter 26 of the General Laws is hereby amended by striking out

section 8F, as amended by section 331 of chapter 133 of the acts of 1992, and inserting in place thereof the following section:-

Section 8F. The commissioner of insurance is hereby authorized to require each insurance company issuing private passenger motor vehicle liability policies in the commonwealth to collect an assessment to be utilized by the attorney general for the purposes set forth under the provisions of section eleven F of chapter twelve. Said assessment shall be such amounts as shall be determined and certified annually by the commissioner of insurance as sufficient to produce eight hundred thousand dollars in revenue to the commonwealth, plus the total amount of funds estimated by the secretary of 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 related to the purposes for which this assessment is collected, and shall be assessed as determined by the commissioner against each private passenger motor vehicle liability policy issued in the commonwealth.

The commissioner shall annually estimate the total number of earned car years of motor vehicle policies providing private passenger motor vehicle liability coverage in the commonwealth, and the amount to be assessed equally against such earned car year of exposure sufficient to produce eight hundred thousand dollars in revenue to the commonwealth, plus the total amount of funds estimated by the secretary of 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 related to the purposes for which this assessment is collected. Each insurer issuing private passenger motor vehicle liability policies shall collect the amount determined by the commissioner to be assessed from each person to whom a private passenger motor vehicle liability policy is issued. In any year in which such rates are fixed and established pursuant to section one hundred and thirteen B of chapter one hundred and seventy-five, the commissioner shall make a specific provision in the expense allowance in private passenger motor vehicle liability rates which shall be adequate to allow this assessment to be recovered in such rates by each insurer. In any year in which such rates are determined by any other method, this assessment shall be approved by the commissioner in the expense allowance for private passenger motor vehicle liability rates. Such assessments shall not be reported or included as premiums for any tax or regulatory purposes. If the attorney general fails to expend in any fiscal year the total amount of eight hundred thousand dollars for the purposes set forth under the provisions of section eleven F of chapter twelve, the amount unexpended in such fiscal year shall be reduced by such unexpended amount.

The commissioner is authorized to estimate the amount to be collected by each insurer issuing private passenger motor vehicle liability policies based on the number of earned car years of private passenger motor vehicle liability exposure in the prior year, and require each such insurer to remit such estimated amount to

the commonwealth. The commissioner shall subsequently notify each of the actual amount of assessment required to be forwarded to the commonwealth based on each insurer's total earned car years of private passenger motor vehicle liability exposures. The commissioner shall make appropriate adjustments for any variation between the estimated amount assessed and the actual amount collected by each insurer.

SECTION 9. Said chapter 26 is hereby further amended by inserting after section 8I the following section:-

Section 8J. The commissioner of insurance shall make a special division of insurance maintenance assessment in each fiscal year against each life insurer licensed to do business in the commonwealth. This maintenance assessment shall be made proportionately against each such life insurer based on the percentage of so much of the premium as is reported on line twenty-two, columns three, four and five of schedule T of a life insurer's most recent annual statement required to be filed with the commissioner pursuant to section twenty-five of chapter one hundred and seventy-five, as compared to the total premium reported in line twenty-two, columns three, four and five of schedule T of said most recent annual statements required to be filed by all such life insurers. Each individual life insurer's assessment shall be in an amount estimated to be sufficient to produce a total aggregate assessment of one million and fourteen thousand dollars. Estimated assessments shall be paid within thirty days of notice from the commissioner and may be charged to the normal operating costs of the insurer.

SECTION 10. Chapter 29 of the General Laws is hereby amended by inserting after section 29F the following section:-

Section 29G. Notwithstanding any provisions of law to the contrary, the officer having charge of any state agency is hereby authorized to retain the services of one or more private persons, companies, associations, or corporations for the purpose of recoupment of overcharges to the commonwealth for utility expenses including but not limited to electric, gas, water, and sewer expenses, pursuant to agreements between the department of procurement and general services and said private persons, companies, associations or corporations. The deputy commissioner of the department of procurement and general services shall from time to time enter into agreements with one or more private persons, companies, associations, or corporations for the provision of overcharge recoupment services on behalf of state agencies. No such agreement shall be entered into unless proposals for the same have been invited by public notice published in at least one newspaper once a week for at least two consecutive weeks prior to the time specified for the opening of said proposals. All such proposals shall be opened in public. Said deputy commissioner may reject any and all proposals. Any such agreements shall provide, in the discretion of said deputy commissioner, the manner in which compensation for such services shall be paid. Under regulations established by said deputy

commissioner, such compensation may be deducted and retained from the recoupment of overcharges or paid by the commonwealth from existing expenditure accounts without additional appropriation therefrom; provided, further, that said deputy commissioner is authorized and directed to allow access to such agreements by political subdivisions of the commonwealth, including but not limited to towns, cities, counties, local housing authorities, and any other instrumentalities. Said deputy commissioner shall report to the comptroller annually a list of all private persons, companies, associations or corporations with whom said deputy commissioner has agreements for recoupment of overcharges during the fiscal year, and the amount of overcharges recouped and the compensation paid to each such person, company, association, or corporation. Said comptroller shall include and disclose this information as part of the annual report under section twelve of chapter seven A.

SECTION 11. Subsection (b) of section 1 of chapter 30B of the General Laws is hereby amended by adding the following clause:-

(30) a contract for the collection, transportation, receipt, processing or disposal of solid waste, recyclable or compostable materials.

SECTION 12. Said section 1 of said chapter 30B is hereby further amended by adding the following subsection:-

(e) Notwithstanding the provisions of any general or special law to the contrary, a governmental body may enter into a contract, in conformance with this chapter, for the construction and for services at a facility owned by a private party or parties, whether such facility will be located on public or private land for the disposal, recycling, composting or treatment of solid waste, sewage, septage or sludge without said contract being subject to the competitive bid process as set forth in sections thirty-eight A 1/2 to eight O, inclusive, of chapter seven, section thirty-nine M of chapter thirty, or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine; provided, however, that this subsection shall not apply to a procurement of proprietary environmental technology in accordance with subsection (5) of section forty-four A of chapter one hundred and forty-nine.

SECTION 13. Section 6 of said chapter 30B is hereby amended by adding the following paragraph:-

(j) Notwithstanding the provisions of this section, with respect to contracts for the recycling or composting of solid waste or the treatment, composting or disposal of sewage, septage or sludge at a facility to be owned and constructed by a private party or parties whether such facility will be, located on public or private land, the request for proposals may include proposed contractual terms and conditions to be incorporated into the contract, some of which may be deemed mandatory or non-negotiable, provided that the request for proposals may request proposals or offer options for fulfillment of other contractual terms. The chief procurement officer shall make a preliminary determination of the most advantageous proposal

from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The chief procurement officer may negotiate all terms of the contract not deemed mandatory or non-negotiable with such offeror. If after negotiation with such offeror, the chief procurement officer determines that it is in the best interests of the governmental body, the chief procurement officer may determine the proposal which is the next most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals, and may negotiate all terms of the contract with such offeror. The chief procurement officer shall award the contract to the most advantageous proposal from a responsible and responsive offeror taking into consideration price, the evaluated criteria set forth in the request for proposals, and the terms of the negotiated contract. The chief procurement officer shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement.

SECTION 14. Paragraph (f) of section 12 of said chapter 30B, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "offal", in line 56, the following words:- or treatment or disposal of sewage, septage or sludge.

SECTION 15. Said chapter 30B is hereby further amended by inserting after section 13 the following section:-

Section 13A. With respect to contracts for the recycling or composting of solid waste or the treatment, composting or disposal of sewage, septage or sludge authorized under the provisions of subsection (e) of section one, the governmental body may negotiate modifications and amendments to contracts for recycling services involving the addition of materials to be collected or processed, the deletion of materials to be collected or processed, the change in specifications with respect to materials to be collected or processed, and any price adjustments related to such modifications and amendements, where the contract is for a term of two years, or more, and where such changes are based upon changes in market conditions since the commencement of the contract, provided:

(1) after reasonable investigation of costs and benefits, the chief procurement officer has determined in writing that such modification is in the best interest of the governmental body; and

(2) where the modification involves the addition of materials and an increase in price to the governmental body, the chief procurement officer has determined in writing that the amendment is more advantageous than alternate means of procuring such services.

SECTION 16. Section 91A of chapter 32 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "disability", in line 2, the second time it appears, the following words:- , except any person

sixty-five years of age or older who had twenty-five or more years of service at the time of his retirement and was pensioned or retired for disability other than accidental disability.

SECTION 17. Paragraph (a) of section 21C of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting before the definition of "Full and fair cash valuation" the following definition:-

"Allowable tax growth factor", the maximum allowable percentage of growth in total taxes assessed in excess of the preceding fiscal year's levy limit, equivalent to the average change in the three preceding calendar years' annual index of the Implicit Price Deflator for Consumer Expenditures for the northeast region, as determined by the Bureau of Economic Analysis of the United States Department of Commerce; provided, however, that the total tax assessment in any fiscal year shall not exceed one hundred and five percent of the preceding fiscal year's levy limit. In calculating the allowable local tax growth factor for any fiscal year, the same index for a calendar year that was used in prior calculations shall be used in subsequent calculations involving that calendar year, notwithstanding periodic adjustments made in the index by the Bureau of Economic Analysis for that calendar year.

SECTION 18. Paragraph (f) of said section 21C of said chapter 59 is hereby amended by inserting after the word "paragraph (g)", in line 62, as so appearing, the following words:- ; provided, however, that a city or town which adopts an allowable tax growth factor system pursuant to paragraph (n) may increase its total tax assessment for any fiscal year to the extent permitted by this section.

SECTION 19. Said section 21C of said chapter 59 is hereby further amended by adding the following paragraph:-

(n) The local appropriating authority of any city or town may, by a majority vote, seek voter approval at a regular election to adopt an allowable tax growth factor system.

Any question to be submitted to voters shall be worded as follows:

"Shall the (city/town) of ____ be allowed to adopt an allowable tax growth factor system in the computation of real estate and personal property taxes to be assessed for the fiscal years beginning July first, (year) and thereafter which allows tax growth to be adjusted for an inflation factor in place of the limitations imposed by "Proposition 2 1/2", so-called, which limits increases to 2 1/2% annually?".

YES _____ NO_____

Said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

Any time after adoption of the allowable tax growth factor system, the voters of any city or town having so adopted may, upon collection of signatures equal in number to three percent of those registered to vote in such city or town, cause the question of the repeal of the allowable tax growth factor system for the next fiscal

year to be placed upon the ballot of the next regular election. The signatures for the referendum must be filed with the city or town clerk at least thirty-five days before the election in which the question is to appear, and filed for certification by the registrar of voters fourteen days before filing with the clerk.

Any question submitted to the voters shall be worded as follows:

"Shall the (city/town) of _____ return to the method of assessing real estate and personal property taxes contained in proposition two and one-half so-called, which limits tax growth to 2 1/2% annually, for the fiscal years beginning July first, (year), and thereafter?".

YES _____ NO_____

Said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

SECTION 20. Section 3 of chapter 73 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- All moneys payable by towns under such agreements shall be held upon a trust or trusts and disbursed at the direction of the board of trustees of the institution that is party to such agreement.

SECTION 21. Chapter 75 of the General Laws is hereby amended by inserting after section 14B, inserted by section 22 of chapter 142 of the acts of 1991, the following section:-

Section 14C. The university may establish and manage, under such regulations as the board of trustees may from time to time prescribe, the University of Massachusetts Research Foundation, for the purpose of promoting research at the university by obtaining, administering or disposing of patents or inventions resulting from such research or otherwise and devoting the income therefrom to further research, beneficial to the university and to the commonwealth.

The University of Massachusetts Research Foundation may (1) receive and hold in separate custody gifts, bequests and devises of real or personal property; (2) receive and hold in separate custody compensation or reimbursement resulting from inventions, patents, contractual or other research, the conducting of tests for outside agencies or other funds that may be acceptable to the foundation; (3) disburse funds so acquired for purposes of instruction, research, tests, invention, discovery, development or engineering consistent herewith; (4) obtain, administer and dispose of patents, assignments, grants, licenses or other rights and hold the same in separate custody; (5) make assignments, grants, licenses, or other disposal equitably in the public interest of any rights owned, acquired or controlled by the Foundation in or to inventions, discoveries, patent applications or patents, and to charge therefor and collect and to incorporate in funds in the custody of the Foundation reasonable compensation in such form as the board of trustees may determine; and (6) execute contracts with employees or others for the purpose of carrying out the provisions hereof and permitting such employees or others to

share in the net proceeds of such contracts as the board of trustees shall determine.

The foregoing shall not authorize any action in contravention of the requirements of Section 1 of Article LXIII of the Amendments to the Constitution. The funds of said Foundation shall be subject to annual audit by the state auditor. No activities, specified in the foregoing, shall be undertaken by said Foundation which in the opinion of the board of trustees will be likely to interfere with the regular, efficient and proper exercise of the functions of said university. In conducting contractual or other research, tests or similar activities, said Foundation shall give preference to citizens of and to corporations organized under the laws of the commonwealth.

The board of trustees shall prescribe and enforce such regulations as it may deem necessary, with regard to the ownership of inventions developed with the use of facilities of the institute by students, research fellows, staff members, faculty or other persons, the transfer of such inventions, or patent applications or patents resulting therefrom, to the Foundation, the amount of the respective shares of the inventor, the university, and the Foundation in the proceeds therefrom, and the arbitrating of any and all disagreements involving the same.

SECTION 22. Section 20A 1/2 of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 101, the word "ten" and inserting in place thereof the following word:- twenty.

SECTION 23. Section 150A of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting after the fourteenth paragraph the following paragraph:-

Notwithstanding any general or special law to the contrary, the department of environmental protection shall require landfills which have been constructed without a liner designed to restrict the flow of leachate into the ground water to stop the disposal of solid waste in unlined areas after January first, nineteen hundred and ninety-four, the department may permit disposal beyond January first, nineteen hundred and ninety-four in an unlined area into which waste had been previously disposed in accordance with a department approved permit where no later than October first, nineteen hundred and ninety-three the operator submits to the department: (i) a report of a department approved assessment of the actual or potential migration of leachate or other contaminants off the site which demonstrates that continued operation of the unlined area does not pose a significant threat to the public health, safety or the environment and (ii) a financing and construction plan which proposes the cessation of operations in the unlined areas and the closure of said areas as soon as feasible. Nothing in this paragraph shall preclude the department from acting to address violations of this chapter, chapter twenty-one E or the regulations promulgated thereunder.

SECTION 24. Section 38 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word "department", in lines 1, 10, 13, 14, 16 and 18, in each instance, the following words:- or retail store pharmacy

department.

SECTION 25. Section 39 of said chapter 112, as so appearing, is hereby amended by inserting after the word "department", in lines 3, 5, 8 and 13, in each instance, the following words:- or retail store pharmacy department.

SECTION 26. The first paragraph of section 44 of chapter 121B of the General Laws, as most recently amended by section 46 of chapter 6 of the acts of 1991, is hereby further amended by striking out clause (b).

SECTION 27. Section 57 of said chapter 121B, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 41, the words "one million" and inserting in place thereof the following words:- two million five hundred thousand.

SECTION 27A. Said section 57 of said chapter 121B, as so appearing, is hereby further amended by striking out, in line 41, the word "twenty" and inserting in place thereof the following word:- fifty.

SECTION 28. Section 6 of chapter 136 of the General Laws, as most recently amended by section 491 of chapter 133 of the acts of 1992, is hereby further amended by adding the following clause:-

(54) The cutting and styling of hair, manicuring, and the furnishing of related cosmetological and beauty services.

SECTION 29. Section 148 of chapter 149 of the General Laws is hereby amended by striking out the fourth paragraph, inserted by section 333 of chapter 138 of the acts of 1991.

SECTION 30. Chapter 235 of the General Laws is hereby amended by striking out section 34A, as most recently amended by section 5 of chapter 494 of the acts of 1991, and inserting in place thereof the following section:-

Section 34A. The right or interest of any person in an annuity, pension, profit sharing or other retirement plan 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, or in any plan maintained by an individual as a Keough Plan, a Simplified Employee Plan, or an Individual Retirement Account 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. The exemption in this section for plans maintained by an individual shall not apply to sums deposited in said plans in excess of seven percent of the total income of such individual within five years of the individual's declaration of bankruptcy or entry of judgment.

SECTION 31. Section 28 of chapter 246 of the General Laws, as appearing in

the 1990 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- For the purpose of this section, the word "pension" shall mean any annuity, pension, profit sharing or other retirement plan maintained in accordance with the federal Employee Retirement Income Security Act of 1974, or any plan maintained by an individual as a Keough Plan, a Simplified Employee Plan, or an Individual Retirement Account, provided, however, that this definition shall not apply to sums deposited in said plans in excess of seven percent of the total income of such individual within five years of the individual's declaration of bankruptcy or entry of judgment.

SECTION 32. Chapter 372 of the acts of 1984 is hereby amended by inserting after section 11 the following section:-

Section 11A. *(a)* Debt for borrowed money incurred by the commonwealth in respect to the metropolitan district commission sewer system, or any predecessor thereof, shall not be assumed by said Authority; provided, however, that on and after July first, nineteen hundred and eighty-five, the Authority shall make payments to the state treasurer from the sewer division to reimburse the commonwealth for all payments made on and after July first, nineteen hundred and eighty-five by the commonwealth on account of principal, including sinking fund installments and interest on all bonds of the commonwealth issued for purposes of the former metropolitan district commission sewer system. The amount of such reimbursements, and the date on which the amounts to be reimbursed shall become due, shall be certified to the Authority by the treasurer, for each fiscal year no later than two hundred and eighty days prior to the commencement thereof; provided, however, that such amounts due on July first, nineteen hundred and eighty-five shall be certified ninety days prior thereto. The obligation of the Authority to make the reimbursements herein required shall be subordinate in every respect to the Authority's obligation for debt service on its bonds.

(b) Debt for borrowed money incurred by the commonwealth in respect to the metropolitan district commission water system, or any predecessor thereof, shall not be assumed by the Authority; provided, however, that on or after July first, nineteen hundred and eighty-five, the Authority shall make payments to the state treasurer from the water division of the Authority to reimburse the commonwealth for one-half of all payments made on or after July first, nineteen hundred and eighty-five by the commonwealth on account of principal, including sinking fund installments and interest on all bonds of the commonwealth issued for purposes of the former metropolitan district commission water system. The amount of such reimbursements, and the date on which such amounts to be reimbursed shall become due, shall be certified to the Authority by the treasurer, for each fiscal year no later than two hundred and eighty days prior to the commencement thereof; provided, however, that such amounts due on July first, nineteen hundred and eighty-five shall be certified ninety days prior thereto. The obligation of the

Authority to make the reimbursements herein required shall be subordinate in every respect to the Authority's obligations for debt service on its bond.

SECTION 33. Section eleven A of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four is hereby repealed.

SECTION 34. Chapter two hundred and eighty-six of the acts of nineteen hundred and ninety is hereby repealed.

SECTION 35. Item 2100-0001 in section 2 of chapter 138 of the acts of 1991is hereby amended by striking out, in line 7, the words

"Environmental Management Revolving Fund	100.0%"

and inserting in place thereof the following words:-

Local Aid Fund	97.0%
Highway Fund	3.0%

SECTION 36. Item 2260-8870 in said section 2 of said chapter 138 is hereby amended by striking out, in lines 11 and 12, the words

"Environmental Challenge Fund	70.0%
General Fund	30.0%"

and inserting in place thereof the following words:-

General Fund	80.0%
Environmental Challenge Fund	20.0%

SECTION 37. Item 2440-0012 in said section 2 of said chapter 138 is hereby amended by striking out, in line 8, the words

"Metropolitan Recreation Revolving Fund	100.0%"

and inserting in place thereof the following words:-

Local Aid Fund	31.8%
Highway Fund	68.2%

SECTION 38. Item 4100-0010 in said section 2 of said chapter 138 is hereby amended by inserting after the word "positions", in line 1, the following words:- ; provided, however, that up to two hundred thousand dollars shall be expended from this item for the purposes of the hospital payment system advisory commission established pursuant to section eight of chapter six B of the General Laws; provided further, that staff employed by said commission shall not be permanent state employees nor subject to classification.

SECTION 39. Section 2A of said chapter 138 is hereby amended by inserting before item 0340-0318 the following:-

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-one, 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-two, in addition to any amount appropriated in this section.

SECTION 40. Item 4400-4000 in said section 2 of said chapter 138 is hereby amended by inserting after the word "program", in line 3, the following words:- ; and provided, further, that the department may expend from this item an amount not to exceed two million dollars for the payment of expenses incurred in the prior fiscal year.

SECTION 41. Item 4406-5000 in said section 2 of said chapter 138 is hereby amended by inserting after the word "Hospitals", in line 11, the following words:- ; and provided, further, that the department may expend from this item an amount not to exceed three million four hundred and forty-two thousand two hundred and one dollars for the payment of expenses incurred in the prior fiscal year.

SECTION 42. Section forty-six of said chapter one hundred and thirty-eight is hereby repealed.

SECTION 43. Item 9000-1901 in section 2 of chapter 307 of the acts of 1991 is hereby amended by inserting after the word "bureau", in line 6, the following words:- ; and provided, further, that of the amount appropriated herein, not less than two hundred and fifty thousand dollars shall be expended for the Boston Festival in the fiscal year beginning July first, nineteen hundred and ninety-two and ending June thirtieth, nineteen hundred and ninety-three, prior appropriation continued.

SECTION 44. Section 111 of chapter 412 of the acts of 1991 is hereby amended by striking out, in line 1, the words "The provisions" and inserting in place thereof the following words:- Until a collective bargaining agreement is executed in accordance with the provisions of section one hundred and fourteen, the provisions.

SECTION 45. Said section 111 of said chapter 412 is hereby further amended by striking out, in line 6, the word "twelve" and inserting in place thereof the following word:- fourteen.

SECTION 46. Paragraph *(i)* of section 114 of said chapter 412 is hereby amended by striking out, in lines 5 to 8, inclusive, the words ", that such agreement shall be deemed to be an interim agreement between the commonwealth and said representative to resolve any outstanding issues for the consolidation of said police forces pursuant to the provisions of this act; and provided further".

SECTION 47. Paragraph *(ii)* of said section 114 of said chapter 412 is hereby amended by striking out, in lines 13 to 16, inclusive, the words ", that such agreement shall be deemed to be an interim agreement between the commonwealth and said team to resolve any outstanding issues for the consolidation of said police forces into a department of state police pursuant to the provisions of this act; and, provided further,".

SECTION 48. Section 2A of chapter 23 of the acts of 1992 is hereby amended by striking out item 2440-9841 and inserting in place thereof the following item:- 2440-0018: For the study and design if necessary, and for the cost of emergency

repairs of the Kasobuski Rink in the town of Saugus, including but not limited to any necessary materials and equipment $48,000

SECTION 49. Section twenty-nine of chapter twenty-six of the acts of nineteen hundred and ninety-two is hereby repealed.

SECTION 50. Item 4125-0100 in said section 2 of said chapter 133 is hereby amended by striking out the figure "2,714,552" and inserting in place thereof the figure:- 2,914,552.

SECTION 51. Item 4510-0750 in section 2 of chapter 133 of the acts of 1992 is hereby amended by inserting after the word "positions", in line 4, the following words:- provided, that the department shall continue to accept applications pursuant to paragraph (4) of subsection (a) of section twenty-five C 1/2 of chapter one hundred and eleven of the General Laws for facilities in underbedded urban areas;.

SECTION 52. Item 9516-6000 in said section 2 of said chapter 133 is hereby amended by striking out the figure "245,333" and inserting in place thereof the figure:- 425,000.

SECTION 53. Item 4402-4200 in said section 2 of said chapter 133 is hereby amended by inserting after the word "contract" the following words:- ; provided, however, that, notwithstanding other provisions of this line item and without the necessity of obtaining approval by the rate setting commission, the department may establish capitated rates by contract with a licensed chronic disease and rehabilitation hospital for services provided pursuant to a managed care program beginning in fiscal year nineteen hundred and ninety-three;.

SECTION 54. Section one hundred and sixty-five of said chapter one hundred and thirty-three is hereby repealed.

SECTION 55. Said chapter 133 is hereby further amended by striking out section 168 and inserting in place thereof the following section:-

Section 168. Notwithstanding the provisions of any general or special law to the contrary, regional transportation authorities established pursuant to chapter one hundred and sixty-one B of the General Laws are hereby authorized and directed to broker, arrange and manage a program of transportation services for individuals served by the following state agencies: the Massachusetts commission for the blind, the Massachusetts rehabilitation commission, the department of social services, the department of public welfare, including the medicaid program, the department of public health, the department of mental health, and the department of mental retardation. Any other state agency may participate in said program at its discretion.

Said program shall provide for the safe and appropriate transportation of said individuals in the most cost-effective manner, including but not limited to the use of public transportation, contracted transportation, joint purchasing and leasing and the shared use of existing vehicles owned and operated by said agencies. Said authorities shall routinely assess the needs of said individuals and may centralize,

as necessary, the scheduling, dispatching and coordination of transportation services to meet said needs. Said authorities may enter into any types of contracts or other arrangements with providers of transportation services deemed necessary to carry out the purposes of this section including, but not limited to, selective contracts, volume purchase contracts, and preferred provider contracts. Said authorities may negotiate reimbursement rates with providers of transportation services under any such contract or other arrangement, provided, that such rates shall not exceed the rates of payment permissible under Title XIX of the Social Security Act; and provided further, that any such negotiated rate shall not be subject to the provisions of chapter six A of the General Laws or any other general or special law to the contrary. Said authorities shall ensure that billing systems developed for the purposes of said program shall be capable of maintaining the documentation necessary to secure federal financial participation for transportation provided to medicaid-eligible individuals.

The participation of state agencies in the brokered transportation program established by this section shall be implemented in two stages. Agencies already using brokered transportation services shall participate pursuant to the provisions of this section on January first, nineteen hundred and ninety-one. Agencies, or divisions, regional offices, and facilities of said agencies not participating in said programs by said date shall commence such participation pursuant to the provisions of this section not later than May first, nineteen hundred and ninety-three.

By January first, nineteen hundred and ninety-three, each such authority shall forward a plan to the secretary of the executive office of transportation and construction, hereinafter the secretary, that describes the program implementation model for its region. Said plan shall include, but not be limited to, detailed descriptions of the transportation services to be used, proposals for implementing mobility training and facilitated transportation, and projected costs and savings for brokered services provided to individuals served by said agencies. To the extent each said authority has planning funds available from the state and federal governments, said funds shall be used for the planning and implementation of said program.

Authorities already offering brokered transportation services to state agencies shall offer said services pursuant to the provisions of this section on January first, nineteen hundred and ninety-three. Each such authority not providing such services to a state agency, or division, regional office or facility thereof, shall make such services available to said agency or division, regional office or facility thereof, on said date, provided that said agency commences participation in said program not later than May first, nineteen hundred and ninety-three.

The secretary shall establish a working committee consisting of administrators from three such authorities, transportation personnel from three such state

agencies and an employee to be designated by the secretary of health and human services. Said committee shall advise the secretary of transportation and construction on the implementation and effective transfer of state agency transportation services and funding to the brokered transportation program.

Not later than February first, nineteen hundred and ninety-three, the secretary shall identify any region not covered by said program and develop a remedial plan of service coverage. Said secretary shall further report to the secretary of health and human services, any state agency, or regional office, facility or division of any state agency, not participating in said program. The secretary shall take all necessary action to ensure the complete coverage of all regions by said date.

The secretary of administration and finance, in consultation with the secretary of transportation and construction, shall establish a reserve account and shall transfer to said account an amount sufficient to fund the participation of each state agency in said program on January first, nineteen hundred and ninety-three; provided, said funds may be transferred later, upon the date an agency, or regional office, facility or division of an agency commences participation in said program; provided that no such transfer shall be required prior to January first, nineteen hundred ninety-three for agencies not already participating in said program; and provided further, that amounts transferred to said reserve account shall not exceed forty million dollars.

Each authority shall establish a billing and accounting system capable of identifying federally reimbursable transportation services. Said state agencies are hereby authorized and directed to fully assist and cooperate with said authorities in: (1) identifying the transportation needs of individuals served by the agency; (2) making arrangements for the transfer of transportation responsibilities to said authorities; (3) assuring that existing vehicles operated by said agencies on behalf of individuals are made available, where feasible, to said authorities for the purpose s of this section, provided that the reasonable costs of maintaining and operating such vehicles are reimbursed as necessary; (4) amending, as necessary, the regulations, policies and procedures of the agency as necessary to meet the purposes of this section; (5) and adjusting, as necessary, rates of payment to providers whose transportation responsibilities have been transferred to said brokered transportation program. The secretary of health and human services shall take all measures necessary to assure the full assistance and cooperation of each such agency in meeting the purposes of this section. Said secretary shall further identify the administrative and operating costs of transportation programs maintained by said agencies for the purpose of maximizing personnel and operating efficiencies.

Nothing in this section shall be construed to extend said brokered transportation program to students served by state agencies pursuant to chapter seventy-one B of the General Laws and to school bus transportation.

SECTION 56. Section four hundred and forty-six of said chapter one hundred and thirty-three is hereby repealed.

SECTION 57. Said chapter 133 is hereby further amended by inserting after section 598 the following section:-

Section 598A. Sections five hundred and sixty-four, five hundred and sixty-five and five hundred and sixty-six of this act shall take effect as of July twentieth, nineteen hundred and ninety-two. Sections two hundred and fifty-seven, two hundred and fifty-eight and two hundred and sixty-two shall take effect on January first, nineteen hundred and ninety-three.

SECTION 58. Notwithstanding the provisions of section three B of section seven of the General Laws, the secretary for administration and finance shall increase the fee charged on licenses issued, other than licenses limited to life or accident and health insurance, pursuant to section one hundred and sixty-three of chapter one hundred and seventy-five from fifty dollars annually to seventy-five dollars annually.

SECTION 59. Notwithstanding any general or special law to the contrary, for the purpose of determining assistance under the medical assistance program pursuant to chapter one hundred and eighteen E of the General Laws for nursing facility services, the regulations, criteria and standards for determining admission to and continued stay in a nursing home shall not be more restrictive than those regulations, criteria and standards in effect on January first, nineteen hundred and ninety-two.

SECTION 60. 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-two, 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-two; provided, however, that each amount transferred shall be charged to such funds as specified in the item to which said amount is transferred: 0699-0090, 0699-0100, 0699-1901, 0699-1902, 0699-1903, 0699-3901, 0699-3902, 0699-3903, 0699-6800, 0699-6801, 0699-6900, 0699-8300, 0699-8301, 0699-8302, 0699-9100, 0699-9200.

SECTION 61. Notwithstanding the provisions of any general or special law to the contrary, the pension reserves investment management board shall report by subsidiary and object code all expenditures from any budgetary, federal or non-appropriated fund on the Massachusetts Management Accounting and Reporting System, so-called, beginning July first, nineteen hundred and ninety-two. This reporting requirement shall not otherwise affect the budgetary and financial controls and procedures in effect for said board prior to the effective date of this section. The comptroller shall report to the house and senate committees on ways and means, no later than September first, nineteen hundred and ninety-two,

whether said board is in compliance with this section.

SECTION 62. Notwithstanding the provisions of any general or special law to the contrary, the pension reserves investment management board is hereby authorized and directed to report all personnel information for those employees compensated from any budgetary, federal or non-appropriated fund through the Personnel Administrative Reporting and Information System, so-called, no later than September first, nineteen hundred and ninety-two. This reporting requirement shall not otherwise affect the budgetary and financial controls and procedures in effect for said board prior to the effective date of this section. The secretary of administration and finance shall report to the house and senate committees on ways and means, no later than September twenty-first, nineteen hundred and ninety-two, whether said board is in compliance with this section.

SECTION 63. Notwithstanding the provisions of section nineteen A of chapter seventy-eight of the General Laws or any other general or special law to the contrary, the board of library commissioners shall, in addition to any other waivers granted under any other provisions of law, grant in fiscal year nineteen hundred and ninety-three, fiscal year nineteen hundred and ninety-four, and fiscal year nineteen hundred and ninety-five a waiver of the requirements of said section nineteen A to any community which is under receivership.

SECTION 64. Notwithstanding the provisions of section two of chapter one hundred and sixty-seven of the General Laws and section three B of chapter seven of the General Laws, as most recently amended by the general appropriation act for the fiscal year ending June thirtieth, nineteen hundred and ninety-three to the contrary, the secretary for administration and finance is hereby authorized and directed to raise the per diem fee by twenty-five dollars for the annual examination or audit of banks under the supervision of the commissioner of banks.

SECTION 65. The treasurer is hereby authorized and directed to expend the sum of five hundred thousand dollars, as appropriated in item 0611-5010 of section two of this act, to purchase an annuity in the name of Bobby Joe Leaster for the purpose of discharging a moral obligation of the commonwealth to said Bobby Joe Leaster for having convicted him of a murder committed in the city of Boston in the year nineteen hundred and seventy and having imprisoned him from June, nineteen hundred and seventy-one, to the third day of November, nineteen hundred and eighty-six, a period of time in excess of fifteen years, at which time he was released, his said conviction having been vacated on the basis of newly discovered evidence establishing his innocence of said murder, subsequent to which, prosecution was dismissed at the request of the commonwealth on the twenty-sixth day of December, nineteen hundred and eighty-six.

SECTION 66. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, a determination to site a railroad station or stop in the town of Ashland or Southborough shall not result in any reduction in

additional assistance funds, so-called, distributed by the commonwealth to said town of Ashland or Southborough or in any other allocation to said town of Ashland or Southborough as shown on the cherry sheets, so-called.

SECTION 67. Notwithstanding the provisions of any general or special law to the contrary, the Highway Fund shall be reimbursed for any transfers of monies to any other fund to cover deficiencies for the fiscal year ending June thirtieth, nineteen hundred and ninety-two; provided, however that said reimbursement shall be available for expenditure from the Highway Fund by the close of the third quarter of fiscal year nineteen hundred and ninety-three.

SECTION 68. Notwithstanding the provisions of any general or special law to the contrary, the department of environmental management is hereby authorized and directed to undertake a full rehabilitation of the Fort Meadow Dam in the city of Marlboro during the fiscal year nineteen hundred and ninety-three.

SECTION 69. Notwithstanding the provisions of any general or special law to the contrary and for the purpose of promoting the public good, Robert W. Donegan, an employee of the rehabilitation commission shall be deemed to have ten years of creditable service as of June thirtieth, nineteen hundred and ninety-two, for the purpose of determining his retirement allowance and shall otherwise be eligible to receive a superannuation allowance pursuant to section five of chapter thirty-two of the General Laws as of said June thirtieth, nineteen hundred and ninety-two. Said Robert W. Donegan shall be credited with an additional five years of creditable service on July first, nineteen hundred and ninety-two and shall be allowed to retire pursuant to the provisions of chapter twenty-two of the acts of nineteen hundred and ninety-two on said July first, nineteen hundred and ninety-two. The state board of retirement is hereby authorized and directed to grant said Robert W. Donegan his superannuation retirement allowance pursuant to said chapter twenty-two of the acts of nineteen hundred and ninety-two.

SECTION 70. For hospital fiscal year nineteen hundred and ninety-three, the uncompensated care liability of purchasers and third party payers to the uncompensated care pool established pursuant to section seventeen of chapter one hundred and eighteen F of the General Laws and derived from the uncompensated care fee assessed by acute hospitals on all accounts charged to purchasers and third party payers exclusive of Titles XVIII and XIX and publicly-aided patients shall not exceed three hundred and fifteen million dollars. For state fiscal year nineteen hundred and ninety-three, notwithstanding any general or special law to the contrary, fifteen million dollars generated by federal financial participation made available under Title XIX of the Social Security Act to match the costs of said pool for disproportionate share hospitals shall be deposited into said pool.

SECTION 71. The budget submitted by the governor to the general court pursuant to section seven H of chapter twenty-nine of the General Laws and each

general appropriation act shall contain sections one A and one B, hereinafter known as the revenue budget. The revenue budget shall be organized to show revenues expected to be available to fund appropriations in sections two, two B, and two C, and any other direct appropriation in any budget act. Section one A shall list all revenue by source and budgetary fund, including separate amounts for each tax of the commonwealth and totals by budgetary fund. The budgetary fund listing shall be limited to the General Fund, the Highway Fund, the Local Aid Fund, and all other budgetary funds combined. Section one B shall list all non-tax revenues of the commonwealth, both restricted and non-restricted, by department, board, commission, office or agency. The revenue budget shall show significant components of revenue including but not limited to taxes, federal reimbursements, departmental revenues, restricted or retained revenues, and interfund transfers. The comptroller shall keep a distinct account of actual receipts in the same form as sections one A and one B as enacted, shall furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth in said sections one A and one B, and shall be restated for the completed fiscal year in the annual report required pursuant to section thirteen of chapter seven A; provided, such quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in sections one A and one B.

SECTION 72. 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, as appropriated in item 6005-0017 of section two of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two, shall be distributed in fiscal year nineteen hundred and ninety-three proportionally to the fiscal year nineteen hundred and ninety-two distribution of said Highway Fund reimbursements.

SECTION 73. Notwithstanding the provisions of section five of chapter seventy A of the General Laws, for the fiscal year nineteen hundred and ninety-three, no city or town shall be ineligible for an equal educational opportunity grant by reason of its failure to meet the requirements of said section five if the city or town meets the conditions set forth in this section for a waiver of such requirements; provided, the commissioner of revenue may limit the amount by which expenditures of a city or town granted a waiver pursuant to this section are permitted to fail to meet the requirements of said section five. The conditions for a waiver shall be as follows: (1) the commissioner of revenue determines that a financial emergency is likely to exist in the city or town in fiscal year nineteen hundred and ninety-three, and (2) the city or town implements any management improvement required by the

commissioner of revenue as a condition of such waiver. Said commissioner is authorized to adopt rules and regulations as necessary to implement the provisions of this section.

SECTION 74. Notwithstanding any general or special law to the contrary, the county of Dukes County may, for a period of thirty days beginning on the effective date of this act, pay past-due bills arising from the purchase by said county of goods and services during fiscal year nineteen hundred and ninety-one; provided, however, that the total amount of past-due bills paid pursuant to this section shall not exceed eighty-two thousand five hundred dollars.

SECTION 75. The department of environmental management shall make available funds for the Hardy Pond dredging project in the city of Waltham during the fiscal year ending June thirtieth, nineteen hundred and ninety-three.

SECTION 76. The commissioner of the department of environmental management is hereby authorized and directed to expend a sum not exceeding seven hundred and fifty thousand dollars for the rehabilitation and repair of the Lake Shirley dam in the town of Lunenburg.

SECTION 77. Notwithstanding the provisions of any general or special law to the contrary, there shall be two assistant clerks in the district court of Holyoke.

SECTION 78. Notwithstanding any special or general law to the contrary, coverage provided to an eligible small business through an association group policy, as such terms are defined in chapter one hundred and seventy-six J of the General Laws, shall be exempt from the requirements of said chapter one hundred and seventy-six J, provided the membership in the association is voluntary, the association's members are engaged in the financial services industry, with at least one deposit taking facility per member or are engaged in providing services primarily to deposit taking facilities, and the association's membership includes both employers with over twenty-five eligible employees and employers with under twenty-five eligible employees. Any carrier that provides coverage to an eligible small business through an association group policy which is exempt from said chapter one hundred and seventy-six J pursuant to this section shall file with the commissioner no later than October first, nineteen hundred and ninety-two, a statement by an officer of the carrier which certifies the following information:

(1) the carrier has reviewed the association's constitution and by-laws or other governing documents analogous thereto;

(2) the association has been formed in good faith for purposes other than that of obtaining insurance for its association members and employees;

(3) the association through which the group policy is issued has been in active existence for at least one year prior to April first, nineteen hundred and ninety-two; and,

(4) a minimum of one hundred persons are eligible for coverage under the group policy as of its original issue date.

SECTION 79. Notwithstanding any general or special law to the contrary, the Fitchburg Regional Transit Authority may exceed by the sum of twenty-four thousand dollars the one hundred and five percent limit in annual growth for fiscal year nineteen hundred and ninety-three imposed by line-item 6005-0015 of section two of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two, in order that a state match may be secured for service to the town of Athol in the amount up to the aforementioned twenty-four thousand dollars.

SECTION 80. Notwithstanding the provisions of any general or special law to the contrary, the department of highways is hereby authorized and directed to design and construct by September first, nineteen hundred and ninety-two necessary traffic signals at the intersection of Bushee Road, Route 6 and Old Fall River Road in the town of Swansea.

SECTION 81. The department of highways is hereby authorized and directed to expend the sum of three hundred fifteen thousand dollars to install signals and make improvements to the intersection of Route 40, Groton road and Tyngsboro road in the town of Westford from monies appropriated under the authority of chapter ninety of the General Laws.

SECTION 82. The office of the chief administrative justice of the trial court of the commonwealth in conjunction with the division of capital planning and operations is hereby authorized and directed to conduct a study to determine the feasibility of constructing a new court house facility for the district court of western Hampden county. Said study shall also document the cost-effectiveness of the continued rental of said facility. Said study shall be concluded no later than March thirty-first, nineteen hundred and ninety-three.

SECTION 83. Section thirty-two of this act shall take effect as of July first, nineteen hundred and ninety-one. Section thirty-three of this act shall take effect as of July first, nineteen hundred and ninety-two. Notwithstanding any other general or special law to the contrary, the Massachusetts Water Resources Authority is hereby authorized and directed to pay, as of September thirtieth, nineteen hundred and ninety-two, any obligation due for the fiscal year ending June thirtieth, nineteen hundred and ninety-one under the authority of section eleven A of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four.

SECTION 84. Section twenty-six of this act shall take effect on November first, nineteen hundred and ninety-two.

SECTION 85. Sections thirty-five to forty-two of this act shall take effect as of July first, nineteen hundred and ninety-one. Except as otherwise specifically provided, the remainder of this act shall take effect upon its passage.

Items disapproved:

Section 2: 0612-1010, 0612-1030, 1599-3201, 1599-6000, 2440-0011, 2440-1000, 3747-0003, 6030-7502, 7009-1000, 7061-0003, 7061-0009, 7066-1010, 7310-0100,

7511- 0100, 8000-0102, 8400-0001, 9081-7011,

Section 2B.I: 0377-0100, 0612-1030, 1599-6000, 2440-0011, 2440-0018, 2440-1000, 3722-9100, 3747-0003, 7009-1000, 7061-0009, 7066-1010, 7070-0065, 7310-0100, 7511-0100, 8000-0102, 8400-0001, 9628-0010,

Section 2B.II: 1102-3214, 1102-3215, 1102-5231,

Sections 6, 16, 17, 18, 19, 29, 32, 33, 44, 46, 47, 48, 51, 52, 55, 59, 64, 66, 68, 69, 70, 75, 76, 77, 79, 80, 81, 82 and 83

Reduce the following items to the following amounts:

Section 2

Item	Reduce by	Reduce to
0321-1515	6,445,500	6,445,500
2440-0010	250,000	750,000
4400-1300	350,000	550,000

Section 2B.I

Item	Reduce by	Reduce to
2440-0010	250,000	750,000

Section 2B.II

Item	Reduce by	Reduce to
4400-1300	350,000	550,000

Disapproved in the following item in Section 2 the wording as indicated:

Item	Wording stricken
6010-0050	"that the commissioner of highways shall immediately expend funds from this item of appropriation; provided further,"
	and
	"; provided further, that all funds available herein shall be committed to projects on or before August fifteenth, nineteen hundred and ninety-two; and provided further, that the commissioner of highways shall submit a report to the house and senate committees on ways and means and the joint committee on transportation de-

tailing the projects awarded from this item on or before September first, nineteen hundred and ninety-two"

The remainder of this bill was approved by the Governor on August 7, 1992.

Chapter 154. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN EASEMENTS IN THE TOWNS OF GROTON AND PEPPERELL.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately effect the conveyance of permanent and temporary easements in two certain parcels of land owned by the commonwealth in the towns of Groton and Pepperell by the division of capital planning and operations to the town of Groton for the purpose of laying out and constructing a sewer line, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and twenty-five of the acts of nineteen hundred and ninety-one is hereby repealed.

SECTION 2. Chapter 213 of the acts of 1988 is hereby amended by striking out section 1, as amended by section 1 of chapter 620 of the acts of 1989, and inserting in place thereof the following section:-

Section 1. The 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, certain permanent sewer easements, or any interest therein, located in the towns of Groton and Pepperell, to the town of Groton subject to the requirements of sections two, three and four and to such terms and conditions as the commissioner may prescribe in consultation with the department of environmental management, said property, being three easements described as Easement I, II, and Easement III, shall be located within the boundaries of two sections of an abandoned railroad right of way, formerly known as the Hollis Branch of the Boston and Maine Railroad.

EASEMENT I is shown on a plan entitled: "Easement Plan of Land in Groton & Pepperell, MA;" Scale: 1" = 100'; dated May 13, 1988; revised November 30, 1988, prepared for the Town of Groton; prepared by David D. Lanata & Associates, Inc., Woburn, MA.

EASEMENT II is shown on a plan entitled: "Easement Plan of Land in Groton & Pepperell, MA;" Scale: 1" = 100'; dated May 5, 1988, revised November 30, 1988, prepared for the Town of Groton, by David D. Lanata & Associates, Inc., Woburn, MA. Said plans are on file in the office of the town clerk of the town of Groton.

EASEMENT III is shown on a plan entitled: "Easement Plan of Land in Groton, MA;" Scale: 1" = 40'; dated September 17, 1990; revised April 8, 1991, prepared for the Town of Groton; prepared by David D. Lana & Associates, Inc., Woburn, MA.

The aforementioned plans describing Easement I and Easement II delineate temporary sewer construction easements consisting of two ten-foot wide parcels of land abutting and paralleling the permanent easements, one ten-foot wide parcel situated on each side thereof, and located as aforesaid. The aforementioned plan describing Easement III delineates a temporary sewer construction easement ten feet in width on one side of the permanent easement. Said temporary easements shall only exist for the duration of this sewer interception construction project. Upon receipt of an engineer's certified as-built plan by the department of environmental management and the division of capital planning and operations, said temporary construction easements for the town of Groton shall expire.

Approved August 7, 1992.

Chapter 155. AN ACT AUTHORIZING THE TOWN OF FLORIDA TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

The town treasurer of the town of Florida is hereby authorized to pay from available funds to Gancarz's Blacktopping, Clarksburg Construction Company, Inc. and Steve Brown Trucking the total sum of five thousand three hundred and forty-nine dollars and fifty cents for road reconstruction work notwithstanding the failure of said town to comply with appropriate provisions of law relative to competitive bidding in the awarding of contracts.

Approved August 7, 1992.

Chapter 156. AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.

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 employee of the department of social 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:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of social services is hereby authorized and directed to establish a sick leave bank for Vivian Davidovich, an employee of the department of social services. Any employee of the department of social services may voluntarily contribute one or more of his sick, personal or vacation days to said sick leave bank for use by said Vivian Davidovich.

The foregoing was laid before the Governor on the twenty-eight day of July, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by him with his objections thereto within that time.

Chapter 157. AN ACT RELATIVE TO THE CENTRAL CREDIT UNION FUND, INC.

Be it enacted, etc., as follows:

SECTION 1. Section 401 of chapter 110A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 18, the words "or trust company, or" and inserting in place thereof the following words:- trust company, or the Central Credit Union Fund, Inc., established by chapter two hundred and sixteen of the acts of nineteen hundred and thirty-two, or.

SECTION 2. Chapter 216 of the acts of 1932 is hereby amended by striking out sections 3 and 4 and inserting in place thereof the following two sections:-

Section 3. A credit union doing business in the commonwealth, a federally insured credit union, the Massachusetts Credit Union Share Insurance Corporation, other credit union organizations as from time to time may be provided for in the by-laws of the corporation, and a state or federally regulated entity which serves as an investment vehicle or provides liquidity for a state chartered or federally chartered credit union, may become a member of the corporation by subscribing for, purchasing and holding not less than five shares in the corporation; provided, however, that no member which is organized under chapter one hundred and seventy-one of the General Laws shall invest in said shares more than twenty-five percent of its total assets, exclusive of interest accumulated thereon. A member may withdraw from the corporation in such manner as the by-laws of the corporation shall prescribe.

Section 4. The corporation may invest its funds in loans to members in such manner as its by-laws may prescribe, may borrow money for such purpose, may secure such borrowing by pledging or granting a security interest in any of its assets,

and may offer investment services to its members. 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, credit unions or savings banks incorporated under the laws of the commonwealth or in national banks located within the commonwealth and may participate in federal funds transactions. It may also invest in common trust unit plans described in section sixty-seven of chapt er 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. If its shares and deposits are insured by the National Credit Union Administration Share Insurance Fund, it shall also have the following investment powers: *(a)* to discount, buy, invest in, hold, assign, transfer, sell and negotiate promissory notes, drafts, bills of exchange, mortgages, trade acceptances, banker's acceptances, bonds, debentures, bonds or notes secured by mortgages, installment obligations, accounts receivable, balances due on conditional sales and other evidences of debt for its own account or for the account of customers; *(b)* to invest in the bonds or other evidences of indebtedness of governments or political subdivisions thereof, both foreign and domestic; *(c)* to act as financial or other agent for a person, association, trust, corporation, municipal corporation or government, and in their behalf to negotiate loans and the sale, purchase or other disposition or acquisition of securities or other property; and *(d)* to exercise the powers authorized under the provisions of section five and section eight of chapter one hundred and sixty-seven F of the General Laws.

Approved August 10, 1992.

Chapter 158. **AN ACT RELATIVE TO TOWN MEETING VOTES IN THE TOWN OF LEXINGTON.**

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 215 of the acts of 1929, as amended by section 1 of chapter 381 of the acts of 1954, is hereby further amended by striking out, in line 22, the word "fourteen" and inserting in place thereof the word:- thirty-five.

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

Approved August 12, 1992.

Chapter 159. AN ACT DESIGNATING A PORTION OF THE BLACKSTONE RIVER AND CANAL HERITAGE STATE PARK IN THE TOWN OF UXBRIDGE AS THE GRACE BALLOU PICNIC AREA.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the picnic area located at Riverbend Farm, formerly called Voss Farm, along the Blackstone canal in the Uxbridge portion of the Blackstone river and canal heritage state park shall be designated as the Grace Ballou Picnic Area in recognition of Grace Ballou's long time advocacy and support of park development along the Blackstone river. The department of environmental management shall erect a suitable marker thereat bearing said designation in compliance with the standards of said department.

Approved August 12, 1992.

Chapter 160. AN ACT AUTHORIZING THE ESTABLISHMENT OF RESIDENTS ONLY PARKING AREAS IN THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen in the town of Falmouth is hereby authorized to adopt regulations to establish one or more parking districts within said town in which parking on public ways shall be restricted to seasonal or year round residents only. Said residents only parking districts shall be established in areas of high population concentration where the proximity of public and private educational or research institutions or transportation facilities make the parking of vehicles by parties other than residents a common occurrence.

SECTION 2. A regulation adopted pursuant to section one may (1) designate one or more districts in which residents only parking shall be in effect, (2) authorize the issuance of permits, stickers, placards or other means of identifying resident vehicles, including an application process for same, (3) set fees for such permits and fines for violations of residents only district parking regulations, (4) include provisions for visitor parking, delivery vehicles, service and repair vehicles and other temporary parking categories, (5) describe signage and other methods of identifying residents only parking districts, (6) designate hours and dates when residents only parking will be in effect, and (7), address such other administrative

and enforcement issues as the board of selectmen may deem necessary. Any such regulation may delegate all the powers enumerated above except that contained in clause (1) to designate residents only districts to a board, committee or officer of the town of Falmouth.

SECTION 3. No regulation shall be adopted hereunder until a public hearing is held by the board of selectmen in the town of Falmouth. Notice of such hearing shall be posted in a public place and published in a newspaper of general circulation in said town at least twice in two separate weeks, the first time to be not less than fourteen days before the scheduled date of such hearing.

SECTION 4. For the purposes of this act, a motor vehicle qualifying for resident status permit parking in an area designated as residents only parking by a regulation adopted hereunder shall be registered pursuant to chapter ninety of the General Laws as owned or used by a person residing seasonally or year round in said area. Nothing herein shall be construed to authorize the assignment of a specific space to a person or vehicle, nor shall any such regulation enacted hereunder supersede any general or special law relative to handicapped parking.

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

Approved August 12, 1992.

Chapter 161. AN ACT RELATIVE TO THE PAYMENT OF CERTAIN CLAIMS TO ESTATES.

Be it enacted, etc., as follows:

Section 187E of chapter 175 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 3, the word "two" and inserting in place thereof the following word:- ten.

Approved August 12, 1992.

Chapter 162. AN ACT PROVIDING FOR THE ESTABLISHMENT OF A SPECIAL TRUST FUND BY THE TOWN OF TISBURY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Tisbury may establish a special trust fund which shall be kept separate from other funds of the town and into which shall be deposited the proceeds of sale of one or more easements on or under the town's parking lot on Water street. Any current or retained earnings of the fund established hereunder, but not the

principal thereof, may be expended by the board of selectmen, subject to specific appropriation by said town at a special or annual meeting, for any purpose for which the town may be authorized to expend money. The town treasurer shall be authorized to invest the principal and retained income of the fund in the manner permitted by section fifty-four of chapter forty-four of the General Laws.

Approved August 13, 1992.

Chapter 163. AN ACT VALIDATING CERTAIN ACTIONS TAKEN BY THE TOWN OF TISBURY RELATIVE TO CERTAIN ZONING BY-LAWS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the amendments to the zoning by-laws of the town of Tisbury adopted at a certain town meeting held in nineteen hundred and seventy-nine are hereby ratified, validated and confirmed to the same extent as if there had been full compliance with the provisions of law regulating the adoption of zoning by-laws.

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

Approved August 13, 1992.

Chapter 164. AN ACT FURTHER REGULATING RETIREMENT BENEFITS OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF CORRECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to immediately provide for retirement rights for certain employees of the department of correction, 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:

Chapter 32 of the General Laws, is hereby amended by adding the following section:-

Section 28M. Notwithstanding the provisions of sections one to twenty-eight, inclusive, to the contrary, any employee of the department of correction, classified under Group 4, whose major responsibilities include the care and custody of prisoners, and any transportation officer working within the department of correction, who has performed services in the department of correction for not less

than twenty years shall, at his own request, be retired by said retirement board. Upon retirement under the provisions of this section a member shall receive a retirement allowance to become effective on the date of his retirement. Payments under such allowance shall be made as provided for in section twelve and thirteen and the normal yearly amount thereof shall be equal to one-half of the annual average rate of his regular compensations during the twelve-month period of his creditable service immediately preceding the date his retirement allowance becomes effective; provided, however, that the total amount of the allowance shall be increased by one-twelfth of one percent for each full month of service in excess of twenty years' service and prior to the last day of the month in which such member will attain the age of retirement. Any member retired under the provisions of this section who is a veteran as defined in section one shall receive an additional yearly retirement allowance of fifteen dollars for each year of creditable service or fraction thereof; provided, however, that the total amount of said additional retirement allowance shall not exceed three hundred dollars in any case.

Approved August 13, 1992.

Chapter 165. **AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-THREE TO PROVIDE FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

Be it enacted, etc., as follows:

SECTION 1. To provide for certain unanticipated obligations of the commonwealth and to meet certain requirements of law, the sums set forth herein shall be appropriated from the General Fund, unless specifically designated otherwise, and shall be for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two for fiscal year ending June thirtieth, nineteen hundred and ninety-three.

SECTION 2.

Item

LEGISLATURE.

House of Representatives.

9628-0010 For certain renovations and improvements to the house committee on ways and means, including the costs of data processing services, equipment and personnel $601,000

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

Approved August 13, 1992.

Chapter 166. AN ACT RELATIVE TO INVESTMENTS IN BANK PREMISES.

Be it enacted, etc., as follows:

Paragraph 9 of section 2 of chapter 167F of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

To purchase, hold and lease real estate suitable for the transaction of its business; provided, however, that if the aggregate amount invested and proposed to be invested therein, including the cost of alterations and additions in the nature of permanent fixtures exceeds, directly or indirectly, thirty percent of its capital stock and surplus account or one hundred percent of its capital stock whichever is greater, for a stock corporation or if such amount exceeds one hundred percent of surplus for a thrift institution such excess investment shall be made only with the approval of the commissioner.

Approved August 14, 1992.

Chapter 167. AN ACT RELATIVE TO THE CONSTRUCTION OF A MASSACHUSETTS STATE TRACK FACILITY AT ROXBURY COMMUNITY COLLEGE.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter seven hundred and seventy-two of the acts of nineteen hundred and eighty-seven is hereby repealed.

SECTION 2. Section 2 of said chapter 772 is hereby amended by striking out, in line 6, the words "Northeastern University" and inserting in place thereof the following words:- Roxbury Community College.

SECTION 3. Section three of said chapter seven hundred and seventy-two is hereby repealed.

SECTION 4. Section 4 of said chapter 772 is hereby amended by striking out, in lines 4 and 5, the words "for the use of the metropolitan district commission" and inserting in place thereof the words:- at Roxbury Community College for use for public purposes.

SECTION 5. Sections four A to six, inclusive, of said chapter seven hundred and seventy-two are hereby repealed.

SECTION 6. Section 1 of chapter 231 of the acts of 1988 is hereby amended by inserting after the word "eighty-eight", in line 9, the words:- or with the alternative method recommended in a report entitled "Procedures for the Procurement of

Design and Construction Services Under the Design Build Method" to be filed with the general court not later than September first, nineteen hundred and ninety-two.

Approved August 14, 1992.

Chapter 168. AN ACT RELATIVE TO THE QUALIFICATIONS AND CERTIFICATION OF INSPECTORS OF BUILDINGS, BUILDING COMMISSIONERS AND LOCAL INSPECTORS.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 143 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following paragraph:-

Every inspector of buildings, building commissioner or local inspector shall be certified by the board of building regulations and standards in accordance with regulations promulgated by said board.

SECTION 2. Section 94 of said chapter 143, as so appearing, is hereby amended by adding the following two paragraphs:-

(k) To develop requirements and promulgate regulations for the certification of inspectors of buildings, building commissioners and local inspectors pursuant to section three and to issue a certificate to individuals who meet said requirements.

(1) To prepare courses of instruction or approve courses of instruction offered by others for training persons for certification as inspectors of buildings, building commissioners or local inspectors.

Section 3. The provisions of section one of this act shall apply to inspectors of buildings, building commissioners or local inspectors appointed on or after the effective date of this act. Notwithstanding the provisions of any general or special law, rule or regulation, ordinance or by-law to the contrary, all full or part-time inspectors of buildings, building commissioners and local inspectors duly appointed and in office on the effective date of this act and meeting the minimum requirements of section three of chapter one hundred and forty-three of the General Laws for his position, shall be deemed qualified and certified in the position held on said date upon satisfactory evidence of such appointment furnished to the board of building regulations and standards by a city or town clerk. Said board shall issue a certificate to all inspectors of buildings, building commissioners and local inspectors in office. Nothing in this act shall exempt inspectors of buildings, building commissioners and local inspectors from continuing education requirements for maintenance of certification which may be adopted by said board.

Approved August 14, 1992.

Chapter 169. AN ACT RELATIVE TO BORROWING BY THE SALEM AND BEVERLY WATER SUPPLY BOARD.

Be it enacted, etc., as follows:

Chapter 700 of the acts of 1913 is hereby amended by inserting after section 15B, inserted by section 8 of chapter 979 of the acts of 1971, the following section:-

Section 15C. In addition to the authority conferred by sections twelve to fifteen B, inclusive, the cities of Salem and Beverly may, from time to time, at the request of the board, issue bonds and notes, pursuant to the provisions of chapter forty-four of the General Laws, for the purposes of paying their respective shares of the costs of the construction of and capital improvements to water supply facilities, including but not limited to costs of construction, reconstruction, remodeling, extraordinary repairs and additions to storage, treatment and distribution facilities, land acquisition, equipment acquisition and related professional services and other capital expenses incurred by the board under the provisions of this act. Any bonds or notes issued hereunder shall be payable in not more than thirty years from their dates. The share of each city shall be determined under the provisions of section three. Said bonds or notes shall be exempt from taxation in the commonwealth. Debt authorized by either city under this section shall be included in the amount of debt that each city is subject to under the provisions of the last sentence of section eight of said chapter forty-four.

Approved August 14, 1992.

Chapter 170. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE TOWN OF DANVERS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the acceptance of the provisions of section twenty-two D of chapter thirty-two of the General Laws by the town of Danvers, the retirement system of said town of Danvers may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for said system or for such other assumed liabilities; provided, however, that notwithstanding such acceptance of said section twenty-two D, said retirement system shall not be subject to the provisions of paragraph *(e)* of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause *(i)* of paragraph *(c)* of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the retirement system of the town of Danvers for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause *(i)*, shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before January fifteenth, nineteen hundred and ninety-three and the resulting revised appropriation shall be issued by said actuary no later than January thirty-first, nineteen hundred and ninety-three.

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

Approved August 14, 1992.

Chapter 171. AN ACT RELATIVE TO ESTABLISHING A FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville and the retirement system of the city of Somerville is hereby deemed to have accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and, provided further, that said retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the retirement system of the city of Somerville for the fiscal year

commencing July first, nineteen hundred and ninety-two, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before September first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than September fifteenth, nineteen hundred and ninety-two.

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

Approved August 14, 1992.

Chapter 172. **AN ACT DIRECTING THE STATE SECRETARY TO PLACE A CERTAIN NONBINDING QUESTION ON THE BIENNIAL STATE ELECTION BALLOT IN THE CITY OF WORCESTER IN THE CURRENT YEAR.**

Be it enacted, etc., as follows:

For the purpose of ascertaining the will of the people of the city of Worcester, the state secretary shall cause the following nonbinding question on public policy to be placed on the official ballot to be used in the city at the biennial state election to be held in the year nineteen hundred and ninety-two:

this question is nonbinding

Do you support a change in the charter of the city government of Worcester which will provide as follows:

for an elected mayor as chief executive officer in place of an appointed city manager; and

for term limits of eight consecutive years for the office of mayor, city councillor and school committee member; and

for city council confirmation, by majority vote, of the mayor's appointments to all city boards, commissions and committees; and

for a school committee to consist of seven members, elected at-large, with the member receiving the highest number of votes serving as chairperson?

Approved August 14, 1992.

Chapter 173. **AN ACT RELATIVE TO THE CHARTER OF THE CITY OF NEWTON.**

Be it enacted, etc., as follows:

SECTION 1. Section 3-3 of the charter of the city of Newton, which is on file in the office of the archivist of the commonwealth as provided by section 12 of chapter 43B of the General Laws, is hereby amended by striking out subparagraph *(a)* and inserting in place thereof the following subparagraph:-

(a) the mayor shall appoint all city officers, department heads, and all volunteer members of city boards, commissions, committees and agencies for whom no other method of appointment is provided by the charter or law. Appointments by the mayor of city officers and department heads shall become effective thirty days from the date of the first regularly scheduled board of aldermen meeting after notice of the proposed appointment is filed with the city clerk, unless the board of aldermen within said thirty days shall reject such appointment. Appointments by the mayor of volunteer members of city boards, commissions, committees, and agencies shall take effect sixty days from the date of the first regularly scheduled board of aldermen meeting after notice of the proposed appointment is filed with the city clerk, unless the board of aldermen within said sixty days shall reject such appointment. Rejection by the board of aldermen shall require a two-thirds vote.

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

Approved August 14, 1992.

Chapter 174. AN ACT RELATIVE TO THE CHARTER OF THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. Section 6-2 of the charter of the city of Newton, which is on file in the office of the archivist of the commonwealth as provided by section 12 of chapter 43B of the General Laws, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Such reorganization plan shall be accompanied by an explanatory memo which shall include: (1) reference to any ordinances to be repealed or modified; and (2) summary of proposed ordinance language changes to be put into effect by such plan.

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

Approved August 14, 1992.

Chapter 175. AN ACT RELATIVE TO CERTAIN BETTERMENT ASSESSMENTS IN THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

The board of assessors of the town of Barnstable are hereby authorized to set the number of years a betterment may be assessed for less than twenty years for private road improvements, notwithstanding the request of the owner of the land assessed.

Approved August 14, 1992.

Chapter 176. AN ACT RELATIVE TO PRESCRIPTION COUNSELING.

Be it enacted, etc., as follows:

SECTION 1. Chapter 94C of the General Laws is hereby amended by inserting after section 21 the following section:-

Section 21A. A pharmacist shall conduct a prospective drug review before each new prescription is dispensed or delivered to a patient or a person acting on behalf of such patient. Such review may include, but not be limited to, screening for potential drug therapy problems due to therapeutic duplication, drug disease contraindication, drug interactions, including serious interactions with nonprescription or over-the-counter drugs, incorrect drug dosage, duration of drug treatment, drug allergy interactions and clinical abuse or misuse.

A pharmacist shall offer to counsel any person who presents a new prescription for filling. Such offer shall be made either by face to face communication between the pharmacist or the pharmacist's designee and the patient, or by telephone, except when the patient's needs or availability require an alternative method of counseling.

If a person elects delivery of a prescription drug at a location other than a pharmacy, the requirements of this section may be satisfied by providing such person with access to a toll-free telephone service to facilitate communication between such person and the pharmacist at such pharmacy. The number of such toll-free telephone service shall be printed on a label affixed to each container of a prescription drug dispensed by a pharmacy to a patient.

For the purposes of medical assistance and other third party reimbursements or payment programs, any of the above methods, or a combination thereof, shall constitute an acceptable offer to provide counseling.

If an offer to provide counseling is accepted, the pharmacist shall counsel the person presenting the prescription to the extent the pharmacist deems appropriate. Such counseling may include, but not be limited to, the following:

(1) the name and description of the medication;

(2) the dosage form, dosage, route of administration and duration of drug therapy;

(3) special instructions and precautions for preparation, administration and use

by the patient;

(4) common adverse or severe side effects or interactions and therapeutic contraindications that may be encountered, including their avoidance and the action required if they occur;

(5) techniques for self-monitoring drug therapy;

(6) proper storage;

(7) prescription refill information; and

(8) action to be taken in the event of a missed dose.

Nothing in this section shall be construed to require a pharmacist to provide counseling if the person presenting the prescription declines to accept such offer for counseling.

The pharmacist or his designee shall make reasonable efforts to obtain, record and maintain the following patient information generated at an individual pharmacy:

(1) the name, address, telephone number, date of birth or age, and gender;

(2) individual history where significant, including known allergies and drug reactions, and a comprehensive list of medications and relevant devices; and

(3) any additional comments relevant to the patient's drug use, including any failure to accept the pharmacist's offer to counsel.

Such information may be recorded in the patient's manual or electronic profile or in the prescription signature log, or in any other system of records and may be considered by the pharmacist in the exercise of his professional judgement concerning both the offer to counsel and the content of counseling. The absence of any record of a failure to accept the pharmacist's offer to counsel shall create a presumption that such counseling was provided.

The provisions of this section shall not apply to any drug dispensed to an inpatient at a hospital or nursing home, except to the extent required by regulations promulgated by the Federal Health Care Financing Administration pursuant to the provisions of 42 USC 1396r-8.

SECTION 2. If any provision of this act or the application thereof to any health care provider is deemed improper and would therefore cause the denial of any portion of the federal share of payment for Medical Assistance expenditures by the United States Department of Health and Human Services, then such provision shall be declared invalid, but such invalidity shall not affect other provisions or any other application of this act which can be given effect without the invalid provision or application and, for such purpose, the provisions of this act are declared severable.

Approved August 14, 1992.

Chapter 177. AN ACT RELATIVE TO BUNGEE JUMPING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate bungee jumping, therefore 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 22 of the General Laws is hereby amended by inserting after section 11A the following section:-

Section 11B. The department shall promulgate rules and regulations relative to bungee jumping.

SECTION 2. Chapter 149 of the General Laws is hereby amended by inserting after section 129C the following section:-

Section 129D. No person shall be prohibited from riding in a department of public safety approved man-basket, so-called, carried by any hoisting machinery for the purpose of bungee jumping or for any other department of public safety approved activity.

SECTION 3. The rules and regulations promulgated pursuant to section one shall be completed not later than January first, nineteen hundred and ninety-three. The department of public safety shall adopt emergency regulations relative to bungee jumping which shall take effect immediately and continue in full force and effect until the rules and regulations required pursuant to section one are promulgated; provided, however, that nothing herein shall be construed to prohibit bungee jumping.

Approved August 21, 1992.

Chapter 178. AN ACT AUTHORIZING THE STATE RETIREMENT BOARD TO GRANT A CERTAIN PENSION TO BEVERLY BOYLE.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the state board of retirement is hereby authorized and

directed to retire Beverly Boyle, the director of the state clearinghouse for federal grants for the executive office of communities and development, due to total and permanent incapacitation for further service. The annual retirement allowance payable to Beverly Boyle hereunder shall be fixed in an amount equal to seventy-two percent of her average regular compensation for the twelve month period immediately preceding the date that her retirement allowance shall become effective. Said annual retirement allowance payable hereunder by the state retirement board to said Beverly Boyle shall be reduced by the amount of any compensation she may receive from any gainful employment after the effective date of her retirement. Said Beverly Boyle shall be entitled to and shall receive all annual costs of living adjustments to her annual pension granted under the provisions of section one hundred and two of chapter thirty-two of the General Laws or any other general or special law.

Approved August 21, 1992.

Chapter 179. **AN ACT RELATIVE TO THE RETIREMENT CONTRIBUTIONS OF JOHN SHEEHAN, A MEMBER OF THE RETIREMENT SYSTEM OF THE CITY OF CAMBRIDGE.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary, solely for the purpose of determining the rate of withholding required by paragraph (b) of subdivision (1) of section twenty-two of chapter thirty-two of the General Laws, John Sheehan, a police officer in the city of Cambridge, shall be deemed to have entered the service of said city on September twenty-sixth, nineteen hundred and seventy-four.

The retirement system of the city of Cambridge is hereby authorized and directed to pay to said John Sheehan in one sum the amount equal to the difference between (i) the amounts actually withheld from the compensation of said John Sheehan and deposited in the annuity savings fund of said system; and (ii) the amounts which would have been withheld had said John Sheehan become a member in service of said system on said date, together with regular interest on said difference, as determined by the division of public employee retirement administration.

Approved August 26, 1992.

Chapter 180. **AN ACT AUTHORIZING THE TOWN OF MANCHESTER-BY-THE-SEA TO REIMBURSE WILBER STANLEY FOR CERTAIN INJURIES SUSTAINED AS A FIREFIGHTER.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Manchester-by-the-Sea is hereby authorized to indemnify Wilber Stanley, a firefighter of said town retired for accidental disability, for his past, present, and future reasonable medical and hospital expenses incurred as the natural and proximate result of his injury in the line of duty, which are not reimbursed by medicare or other insurance, out of any funds appropriated for this purpose or any available funds appropriated for insurance purposes.

SECTION 1A. The provisions of section one hundred B of chapter forty-one of the General Laws, authorizing the town to indemnify any police officer or firefighter for such expenses and charges contained therein, shall apply to the town of Manchester-by-the-Sea upon acceptance at the annual town meeting or special town meeting.

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

Approved August 26, 1992.

Chapter 181. **AN ACT AUTHORIZING THE TOWN OF ASHFIELD TO CONSTRUCT A WASTEWATER TREATMENT FACILITY.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws, section thirty-nine M of chapter thirty of the General Laws, chapter thirty B of the General Laws, sections forty-four A to forty-four M, inclusive, of chapter one hundred and forty-nine of the General Laws and any other general or special law or regulation providing for the advertising or bidding of contracts relating to the improvements to, or the acquisition or disposition of interests in, real or personal property, but subject to the requirements of section two, and in addition to any other power conferred by law, the town of Ashfield is hereby authorized to enter into a contract or contracts and otherwise arrange for the design, preparation of plans, surveys and specifications, construction management and supervision, construction equipment purchase, equipment installation, facility performance testing and operation, including related studies, design and construction type work and the furnishing of all related materials, supplies and services for a natural systems wastewater and

septage treatment facility, which facility shall be owned by said town of Ashfield, constructed on land owned by said town and, after satisfactory testing and acceptance, operated by said town of Ashfield, unless said town later contracts for operational services pursuant to section two for the purpose of treating the wastewater and septage generated within said town.

SECTION 2. Any contract hereunder is authorized to be a turnkey type contract with a single responsible vendor or joint venture, or more than one contract with one or more responsible vendors, in either case chosen on the basis of the best proprietary technology available as determined by the town of Ashfield. Such contract or contracts shall contain such provisions, as may in each case be deemed necessary or appropriate by said town of Ashfield to protect the public interest, to lower the cost of such facilities to the citizens of said town, and to provide for meeting public wastewater and septage treatment needs. Such contract or contracts and any arrangements authorized hereunder, shall not be subject to, and shall be exempt from, the provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws, section thirty-nine M of chapter thirty of the General Laws, chapter thirty B of the General Laws, sections forty-four A to forty-four M, inclusive, of chapter one hundred and forty-nine of the General Laws and any other general or special law or regulation providing for the advertising or bidding of contracts relating to the improvements to, or the acquisition or disposition of interests in, real or personal property.

SECTION 3. Any contract or contracts authorized hereunder, may be entered into by the appropriate officers of the town of Ashfield acting pursuant to general authorization of a town meeting and approval by its board of selectmen, in office at the time of execution of said contract or contracts, said contract matters not admitting of delay. The provisions of this act shall be limited to the contract or contracts entered into between the town of Ashfield and Ecological Engineering Associates of the town of Marion, for the purpose of providing and operating a solar aquatic wastewater treatment facility in said town.

The authorization for and execution of the contract, if performed prior to the final passage of this act, are hereby ratified, validated and confirmed, and made effective; provided, however, that they shall be in accordance with the provisions required by this act.

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

The foregoing was laid before the Governor on the seventeenth day of August, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by him with his objections thereto within that time.

Chapter 182. **AN ACT EXEMPTING THE POSITION OF HEAD CUSTODIAN IN THE ADMINISTRATION BUILDING IN THE TOWN OF SWAMPSCOTT FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The position of head custodian in the administration building 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 head custodian in the administration building in the town of Swampscott on the effective date of this act.

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

Approved September 1, 1992.

Chapter 183. **AN ACT EXEMPTING THE POSITION OF FIELD COORDINATOR IN THE DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF SWAMPSCOTT FROM THE PROVISIONS OF CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The position of field coordinator within the department of public works in the town of Swampscott shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved September 1, 1992.

Chapter 184. **AN ACT ESTABLISHING THE BOARD OF SELECTMEN/TOWN MANAGER FORM OF ADMINISTRATION IN THE TOWN OF GREAT BARRINGTON.**

Be it enacted, etc., as follows:

SECTION 1. The town of Great Barrington shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing bylaws or the town charter of the town of Great Barrington, this act shall govern.

SECTION 2. The board of selectmen of the town of Great Barrington shall

consist of five members elected by the voters of said town. Said town shall hold a special election, at which time there shall be two selectmen elected, one for a three year term to expire at the nineteen hundred and ninety-five annual town elections, and one for a two year term to expire at the nineteen hundred and ninety-four annual elections; bringing the board of selectmen to its full compliment of five members. At each annual election thereafter, there shall be elected one or two selectmen each for a three year term, such as to maintain a five member board. Selectmen in office on the effective date of this act shall serve until the terms to which they were elected shall have expired.

SECTION 3. A. The board of selectmen shall serve as the goal setting, long range planning and policy making body of the town, recommending major courses of action to the town meeting, and adopting policy directives and guidelines which are to be implemented by the town manager and other officers, boards, committees, commissions and employees of the town.

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

C. The board of selectmen shall have the authority to create special committees or commissions to investigate affairs of the town.

D. The board of selectmen shall have the responsibility and authority for licenses and, except as specifically provided herein, for other quasi-judicial functions as provided by the General Laws and the town of Great Barrington bylaws.

E. The board of selectmen shall have responsibility and general administrative oversight of such boards, committees and commissions appointed by said board of selectmen.

F. The board of selectmen shall appoint the town manager, town counsel, cable television advisory committee, fence viewer, historical commission, board of registrars, arts lottery, conservation commission, historical commission, veterans grave officer, and assistant, associate town counsel, handicapped commission, historic district commission, housing partnership committee.

G. The board of selectmen may make investigations, may authorize the town manager or other agents to investigate the affairs of the town and the conduct of any town department, office or agency, including any doubtful claims against the town, and for this purpose the board of selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the town clerk, and a report summarizing said investigations shall be printed in the annual town report.

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

recommendations of the board of selectmen to the finance committee.

SECTION 4. A. The board of selectmen, by a majority vote of full membership, shall appoint a town manager.

B. The town manager shall be a professionally qualified person especially fitted by education, training and previous full-time experience to perform the duties of the office. The town manager shall be appointed without regard to political designation, shall be a citizen of the United States and, when so appointed, shall be a resident of the town for the first year of such appointment unless otherwise excused by the board of selectmen.

C. The town manager shall have a college degree at the bachelor level in public administration or a similar discipline, and shall have completed courses in the fields of administration, finance and business, and shall have had five years of full-time previous paid experience in a supervisory administrative position in municipal government. A masters degree may be substituted for not more than two years of such paid experience.

D. The board of selectmen shall conduct an annual evaluation of the town manager's job performance. Such evaluation shall be reviewed at a public session.

E. The town manager may be appointed or reappointed for successive terms of office, no term which shall be for more than three years.

F. Before entering upon the duties of his office, he shall be sworn in, in the presence of a majority of the board of selectmen, to the faithful and impartial performance thereof by the town clerk or notary public.

G. The town manager shall execute a bond in favor of the town of Great Barrington for faithful performance of his duties in such sums and with such sureties as may be fixed or approved by the board of selectmen, the cost for which shall be borne by said town.

SECTION 5. A. Upon the election of a five member board of selectmen, said selectmen within thirty days thereafter shall recruit and appoint town residents to serve on a committee to be known as the town manager screening committee.

B. Said committee shall consist of seven Great Barrington residents. Its duty shall be to screen all applicants for the town manager post, submitting the names of five applicants to the board of selectmen for their consideration. From this group of five applicants the board of selectmen shall appoint the town manager. The committee's duties shall terminate upon appointment of a town manager.

C. The town manager shall receive compensation for his services as the board of selectmen shall determine, but it shall not exceed the amount appropriated therefor by the town.

D. The board of selectmen, by a vote of three or more members of said board, may remove a town manager. At least thirty days before such proposed removal shall become effective, the board selectmen shall adopt at a public meeting, and shall file with the town clerk, a written preliminary resolution for removal, setting

forth in detail the specific reasons for the proposed removal. The town manager must reply in writing to the resolution within seven days and may request a public hearing. If the town manager so requests the board of selectmen shall hold a public hearing not earlier than twenty days, nor later than thirty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the preliminary resolution, and after full consideration, the board of selectmen by a vote of four or more members of the board may adopt a final resolution of removal. In the preliminary resolution the board of selectmen may suspend the town manager from duty, but in any case his salary shall be continued to be paid during the period of consideration of the preliminary resolution and until the final resolution.

E. The board of selectmen shall designate a qualified person to serve as acting town manager and to perform the duties of the office during any period of any vacancy exceeding thirty days, caused by the town manager's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed one hundred and eighty days.

F. In the event of the resignation or removal of a town manager, the board of selectmen shall within thirty days appoint a new screening committee in accordance with the provisions of paragraphs A and B of section five to assist the board in hiring a new town manager.

SECTION 6. A. The town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the effective management of all town affairs under his supervision.

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

1. The town manager shall submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year, including the budget as proposed by the school committee. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current and ensuing years. It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, department, committee, purpose and position, together with proposed financing methods; and the proposed budget shall include estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town, by bylaw, or the board of selectmen may

establish additional financial information and reports to be provided by the town manager.

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

3. The calendar dates on or before which the proposed budget, revenue statement, and tax rate estimate are to be submitted to the board of selectmen, and the budget presented by the manager to the finance committee shall be as specified by bylaw or the board of selectmen.

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

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

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

2. The town manager shall supervise all town departments except the school departments, and direct the operations of the town. The town manager may choose to retain to advise him, certain boards and committees such as the board of public works, or, from time to time, appoint like committees to advise him on special projects.

3. The town manager shall have the power to appoint, and establish compensation on the basis of merit and qualifications, and may remove, with just cause, the following positions and staff:

board of assessors
town clerk
town treasurer
town collector
town accountant
building inspector
sanitation superintendent
buildings/grounds
tree warden
parks and recreation
keeper of the lockup
parking clerk
right to know
council on aging and director
police chief and ranking officers according to civil service
gas inspector
animal control officer
wire inspector
deputy wire inspector
fire chief and assistant
recycling committee
parks commissioners
highway superintendent
cemetery superintendent
civil defense director
veterans service
parking clerk/collector

police officers according to civil service
special police officers
crossing guards
parking enforcement officers
communications committee
cemetery commissioners
department of public works superintendent/town engineer
sealer of weights and measures
Housatonic War Memorial Building Committee
administrative assistant

The town manager shall hold the department heads responsible for the proper operation of their departments.

4. The town manager shall have full authority to hire, appoint and terminate all town employees and committee members as he deems appropriate under the provisions of this act. The board of selectmen may, for cause, by a majority vote, reverse a decision made by the town manager.

5. The town manager, subject to any applicable provisions of the General Laws relating thereto, may assume, temporarily, the duties of any office which the town manager is authorized to fill by appointment at no additional cost.

6. The personnel management powers, duties and responsibilities of the town manager shall include, but are not limited to, the following:

a. the power to appoint and remove other employees as authorized by General Law, bylaw or town meeting vote and for whom appointment is not otherwise provided;

b. to administer, and to adopt, personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all town employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the town;

c. to fix compensation of all town employees and officers within the limits established by appropriation and any applicable compensation plan or collective bargaining agreement;

d. to be responsible for the negotiations of all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department; such contract will be subject to the approval of the board of selectmen. The town manager may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of these duties.

7. The town manager shall keep full and complete records of the office and annually submit to the board of selectmen, unless requested to do so more frequently, a full written report of the operations of the office of town manager. The town manager may also prepare reports to boards and committees and for town meetings.

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

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

10. The town manager shall act as central purchasing agent for all town departments and activities, pursuant to the uniform procurement act.

11. The town manager shall manage and be responsible for all town buildings, property and facilities.

12. The town manager shall be responsible for the negotiations of all contracts.

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

14. The town manager shall serve as the board of selectmen's liaison to the town counsel.

15. The town manager shall receive and address all citizens' complaints and problems.

16. The town manager shall be responsible for the management of all the town insurance programs.

17. The town manager shall represent the town at local, state and regional meetings and undertake public relations activities under the direction of the board of selectmen.

18. The town manager, with the approval of the board of selectmen, shall after a public hearing, set sewer rates, landfill fees and other fees in accordance with the provisions of the General Laws.

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

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

SECTION 7. A. The acceptance of this act shall not affect the term of office of the following elected officials or elected members of such board, committee or authority: (1) moderator; (2) board of selectmen; (3) school committee; (4) housing authority; (5) library trustees; (6) finance committee; (7) planning board; (8) constables; (9) zoning board of appeals; and (10) board of health. Every other elective office, board, committee or commission of the town shall become appointive as hereinbefore provided, notwithstanding any other provision of law

to the contrary. The term of office of any person elected to any office, board, committee or commission existing as an elected office at the time 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.

B. The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by applicable provisions of any general or special law or bylaw or vote of the town, except as otherwise expressly provided herein.

C. Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the town manager for consultation, conference and discussion on matters relating to their respective office.

SECTION 8. A. All bylaws, rules, regulations and votes of town meeting in force on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act shall continue in full force and effect.

B. Upon assumption of office by the town manager, he shall assume the duties of the personnel and compensation board, which are hereby abolished.

C. Any person employed by the town shall retain such employment and shall be entitled to continue to perform their duties until provision shall have been made in accordance with this act for the performance of said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit pay grade for time in service.

SECTION 9. This act shall be submitted for acceptance to the voters of the town of Great Barrington at a special election to be held in the year nineteen hundred and ninety-two in the form of the following question: "Shall an act passed by the general court in the year nineteen hundred and ninety-two entitled 'An Act Establishing the Board of Selectmen/Town Manager form of administration in the town of Great Barrington', be accepted?" If a majority of votes cast in answer to said question is in the affirmative, said act shall take effect but not otherwise. If a majority of votes cast in answer to said question is in the affirmative, the town may hold a special election on the same date to elect two selectmen in accordance with section two.

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

Approved September 4, 1992.

Chapter 185. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

SECTION 1. The city of Taunton and the contributory retirement system of said

city of Taunton are hereby deemed to have accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and provided, further, that said retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the contributory retirement system of the city of Taunton for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before December thirty-first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than February twenty-eighth, nineteen hundred and ninety-three.

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

Approved September 14, 1992.

Chapter 186. AN ACT RELATIVE TO THE RETIREMENT RIGHTS OF RAYMOND McGRATH, A POLICE OFFICER OF THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Raymond McGrath, a police officer of the city of Worcester, shall, while on leave of absence from his position as police officer for the city of Worcester for the purpose of acting as a full-time representative of the International Brotherhood of Police Officers, be considered, for the purposes of chapter thirty-two of the General Laws, to be on leave of absence without pay. He shall receive credit in the Worcester retirement system for service from February first,

nineteen hundred and eighty-four to December thirty-first, nineteen hundred and eighty-seven, inclusive. This period of creditable service will be dependent upon his contribution to the annuity savings fund of the retirement system of the city of Worcester, the amount which he would have contributed to said fund had he remained in the service of the city of Worcester as a police officer for the applicable period pursuant to subsection three of section three of said chapter thirty-two of the General Laws. No retirement allowance under said chapter thirty-two will become effective for him until he has paid to the annuity savings fund of the Worcester retirement system, a make-up payment, calculated with interest, for the amount equal to that which he would have been withheld as regular deductions from the regular compensation he would have earned during the applicable period pursuant to said subsection three. He shall be entitled to all benefits and privileges, except the payment of salary, as provided under chapters thirty, thirty-one, thirty-two and thirty-two A of the General Laws, during the leave of absence.

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

Approved September 15, 1992.

Chapter 187. AN ACT RELATIVE TO THE PROCEDURE FOR FILLING TOWN MEETING MEMBER VACANCIES IN THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section nine of chapter forty-three A of the General Laws, in the town of Brookline upon a petition thereof, signed by not less than five town meeting members from a precinct, notice of a vacancy in the full number of town meeting members from such precinct shall promptly be given by the town clerk to the remaining members of such precinct in which the vacancy exists, and said clerk shall call a special meeting of such members for the purpose of filling such vacancy, which meeting shall be conducted under the provisions of said section nine of said chapter forty-three A.

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

Approved September 17, 1992.

Chapter 188. AN ACT ESTABLISHING A STATEWIDE REGISTRATION OF DOMESTIC VIOLENCE OFFENSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the statewide registration of domestic violence

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

Be it enacted, etc., as follows:

SECTION 1. Chapter 208 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 34C the following section:-

Section 34D. Upon the filing of a request for a restraining order pursuant to section eighteen or for an order for a spouse to vacate the marital home pursuant to section thirty-four B, a petitioner shall be informed that the proceedings hereunder are civil in nature and that violations of orders issued hereunder are criminal in nature. Further, a petitioner shall be given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and such petitioner shall be instructed by such district attorney's office relative to the procedures required to initiate such criminal proceedings including, but not limited to, the filing of a complaint for a violation of section forty-three of chapter two hundred and sixty-five. Whenever possible, a petitioner shall be provided with such information in the petitioner's native language.

When considering a request for a restraining order pursuant to section eighteen or for an order for a spouse to vacate the marital home pursuant to section thirty-four B, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving domestic or other violence. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances where an outstanding warrant exists, a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances where such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

SECTION 2. Section 32 of chapter 209 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following two paragraphs:-

Upon the filing of a complaint pursuant to this section to prohibit a spouse from imposing any restraint upon the complainant's personal liberty, a complainant shall be informed that proceedings hereunder are civil in nature and that violations of orders issued hereunder are criminal in nature. Further, a complainant shall be

given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and shall be instructed by such district attorney's office relative to the procedures required to initiate criminal proceedings including, but not limited to, the filing of a complaint for a violation of section forty-three of chapter two hundred and sixty-five. Whenever possible, a complainant shall be provided with such information in the complainant's native language.

When considering a complaint to prohibit a spouse from imposing any restraint upon the complainant's personal liberty under this section, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving domestic or other violence. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances where an outstanding warrant exists, a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances where such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

SECTION 3. Chapter 209A of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3A. Upon the filing of a complaint under this chapter, a complainant shall be informed that the proceedings hereunder are civil in nature and that violations of orders issued hereunder are criminal in nature. Further, a complainant shall be given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and such complainant shall be instructed by such district attorney's office relative to the procedures required to initiate criminal proceedings including, but not limited to, a complaint for a violation of section forty-three of chapter two hundred and sixty-five. Whenever possible, a complainant shall be provided with such information in the complainant's native language.

SECTION 4. Section 7 of said chapter 209A, as appearing in the 1990 Official Edition, is hereby amended by inserting before the first paragraph the following paragraph:-

When considering a complaint filed under this chapter, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named defendant has

a civil or criminal record involving domestic or other violence. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances where an outstanding warrant exists, a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances where such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

SECTION 5. Section 15 of chapter 209C of the General Laws, as so appearing, is hereby amended by adding the following two paragraphs:-

Upon the filing of a request for an order to protect a party or a child under the provisions of the first paragraph of this section, a petitioner shall be informed that proceedings hereunder are civil in nature and that violations of orders issued hereunder are criminal in nature. Further, a petitioner shall be given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and such petitioner shall be instructed by such district attorney's office relative to the procedures required to initiate criminal proceedings including, but not limited to, a complaint for a violation of section forty-three of chapter two hundred and sixty-five. Whenever possible, a petitioner shall be provided with such information in the petitioner's native language.

When considering a request for relief pursuant to this section, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving domestic or other violence. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances where an outstanding warrant exists, a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances where such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

SECTION 6. The second paragraph of section 35A of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The court or other officer referred to in the preceding

paragraph shall consider the named defendant's criminal record and the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation in determining whether an imminent threat of bodily injury exists.

SECTION 7. The commissioner of probation is hereby authorized and directed to develop and implement a statewide domestic violence record keeping system not later than September thirtieth, nineteen hundred and ninety-two. Said system shall include a computerized record of the issuance of or violations of any protective orders or restraining orders issued pursuant to sections eighteen and thirty-four B of chapter two hundred and eight of the General Laws, section thirty-two of chapter two hundred and nine of the General Laws, civil restraining orders or protective orders issued pursuant to chapter two hundred and nine A of the General Laws or any violations of said chapter two hundred and nine A, or sections fifteen and twenty of chapter two hundred and nine C of the General Laws. Further, said computerized system shall include the information contained in the court activity record information system maintained by the office of said commissioner. The information contained in said system shall be made available to judges considering petitions or complaints pursuant to said sections eighteen and thirty-four B of said chapter two hundred and eight, said section thirty-two of said chapter two hundred and nine, said chapter two hundred and nine A and said sections fifteen and twenty of said chapter two hundred and nine C. Further, the information contained in said system shall be made available to law enforcement agencies through the criminal justice information system maintained by the executive office of public safety. Said commissioner shall make a written report to the joint committee on the judiciary regarding implementation of said record keeping system no later than October ninth, nineteen hundred and ninety-two.

SECTION 8. Until such time as the office of the commissioner of probation has completed the preparation of a statewide domestic violence record keeping system, pursuant to section seven, a judge, upon considering a request for relief pursuant to section eighteen or thirty-four B of chapter two hundred and eight of the General Laws or a complaint under section thirty-two of chapter two hundred and nine of the General Laws or a complaint under chapter two hundred and nine A of the General Laws or a request for relief pursuant to section fifteen or twenty of chapter two hundred and nine C of the General Laws, shall review the named defendant's history of violence using available and accessible records.

Approved September 18, 1992.

Chapter 189. AN ACT RELATIVE TO THE CHARTER OF THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 438 of the acts of 1896 is hereby amended by striking out, in line 7, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 2. Said section 2 of said chapter 438 is hereby further amended by striking out, in line 8, the word "aldermen" and inserting in place thereof the following word:- councilors.

SECTION 3. Section 3 of said chapter 438 is hereby amended by striking out, in line 6, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 4. Section 4 of said chapter 438 is hereby amended by striking out, in line 4, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 5. Said chapter 438 is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. At such municipal election the qualified voters shall give in their votes by ballot for mayor, city clerk, city treasurer, members of the city council and of the school committee, or of such of them as are to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office, and whenever two or more persons are to be elected to the same office the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected. If it shall appear that there is no choice of a mayor, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or if a vacancy in said office shall occur more than six months previous to the expiration of the municipal year, the city council shall forthwith call meetings for a new election, and the same proceedings shall be had in all respects as hereinbefore provided for the election of a mayor, and shall be repeated until the election of a mayor is completed. If the full number of members of the city council has not been elected, or if a vacancy in the office of councilor shall occur more than six months previous to the expiration of the municipal year, the city council may forthwith elect a person to fill such vacancy until the next municipal election. In case a vacancy in the office of mayor shall occur within the six months previous to the expiration of the municipal year the city council may in its discretion call meetings for the holding of a new election as aforesaid to fill such vacancy. In case of a vacancy in the office of city clerk or city treasurer the city council shall elect a city clerk or city treasurer to fill such vacancy until the next municipal year; and in case of any disability in

the city clerk or in the city treasurer to perform the duties required by this act or by law the city council shall elect a city clerk or city treasurer pro tempore. In each of such cases the city clerk or city treasurer shall be sworn and shall perform such duties.

SECTION 6. Section 7 of said chapter 438 is hereby amended by striking out, in line 3, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 7. Section 8 of said chapter 438 is hereby amended by striking out, in line 6, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 8. Said chapter 438 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. The city council shall be composed of fifteen members, one councilor from each ward and eight from the city at large. At the biennial municipal election to be held in the year nineteen hundred and sixty-three and at every biennial municipal election thereafter, the voters of the city at large shall elect eight councilors at large and the voters of each ward shall elect one councilor who shall be a resident therein. The councilors so elected shall hold office for terms of two years beginning with the first Monday in January following their election and until their successors shall be elected and qualified.

SECTION 9. Section 10 of said chapter 438 is hereby amended by striking out, in line 1, the word "aldermen" and inserting in place thereof the following word:- councilor.

SECTION 10. Said section 10 of said chapter 438 is hereby further amended by striking out, in line 7, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 11. Said chapter 438 is hereby further amended by striking out section 11 and inserting in place thereof the following section:-

Section 11. After the oath has been administered to the councilors present they shall be called to order by the city clerk, or in the case of the absence of the city clerk by the oldest senior member present. The city council shall then proceed to elect by ballot one of their own number president of the council. If no quorum is present an adjournment shall be taken to a later hour or to the next day, and thereafter the same proceedings shall be had from day to day until a quorum shall be present. If any person receives the votes of a majority of all the members of the council such person shall be declared chosen president thereof. If on the first day on which a quorum is present no person receives the votes of such majority they shall proceed to ballot until some person receives the votes of such majority or an adjournment to the succeeding day is taken. And on such succeeding day the plurality of those voting shall be sufficient for an election. No other business shall be in order until a president is chosen. The president shall be sworn by the city

clerk, or in case of the absence of such clerk by any justice of the peace. The president may be removed from the presidency of the city council by the affirmative vote of two-thirds of all the members thereof, taken by roll call. The president of the council shall have the same right to vote as any other member thereof.

SECTION 12. Section 12 of said chapter 438, as most recently amended by chapter 187 of the acts of 1965, is hereby further amended by striking out, in lines 1 and 2, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 13. Said section 12 of said chapter 438 is hereby further amended by striking out, in line 6, the word "board" and inserting in place thereof the following word:- council.

SECTION 14. Said chapter 438 is hereby further amended by striking out sections 13, 14, and 15 and inserting in place thereof the following three sections:-

Section 13. The city council shall determine the rules of its own proceedings and shall be judge of the election and qualifications of its own members. In case of the absence of the president the council shall choose a president pro tempore, and a plurality of the votes cast shall be sufficient for a choice. The council shall sit with open doors, whether in session as a city council or as a committee of the whole, and shall cause a journal of its proceedings to be kept, which journal shall be open to public inspection. The vote of the council upon any question shall be taken by roll call when the same is requested by at least three members. A majority of the members of the council shall be required to constitute a quorum, but a smaller number may adjourn from day to day. The council shall, so far as is not inconsistent with this act, have and exercise all the legislative powers of towns and of the inhabitants thereof, and shall have and exercise all the powers now vested by law in the city of Holyoke and in the inhabitants thereof, as a municipal corporation, and be subject to all the liabilities of city councils, and of either branch thereof, under the General Laws, and it may by ordinance prescribe the manner in which such powers shall be exercised.

Section 14. Neither the city council nor any member or committee thereof shall directly or indirectly take part in the employment of labor, the making of contracts, the purchasing of materials or supplies, the construction, alteration or repairs of any public works, buildings or other property, or the care, custody or management of the same; or in the conduct of any of the executive or administrative business of the city, or in the expenditure of public money, except as herein otherwise provided and except such as may be necessary for the contingent and incidental expenses of the city council; nor in the appointment or removal of any officers except as is herein otherwise provided. But nothing in this section contained shall affect the powers or duties of the council in relation to city aid to disabled soldiers and sailors and to the families of those killed in the civil war.

Section 15. The city council shall annually in the month of January elect by

ballot a city messenger, who shall hold his office for the term of one year beginning with the first Monday in February in the year of his election and until his successor is elected and qualified, unless sooner removed. Said city council shall also in the month of January in the year eighteen hundred and ninety-seven, and in the month of January in every third year thereafter, elect by ballot a collector of taxes, who shall hold his office for the term of three years beginning with the first Monday in February in the year of his election and until his successor is elected and qualified, unless sooner removed. Said city council shall also annually in the month of January elect by ballot one assessor of taxes and one water commissioner, each of whom shall hold his office for the term of three years beginning with the first Monday in February in the year of his election and until his successor is elected and qualified unless sooner removed. Any of said officers may be removed at any time by the city council for sufficient cause. The present assessors of taxes and the water commissioners shall continue to hold their respective offices, unless sooner removed, for the term of two years from the first Monday in February in the year following their election; provided, however, that the water commissioner elected in the year eighteen hundred and ninety-six to fill a vacancy shall continue to hold his office, unless sooner removed, until the first Monday in February in the year eighteen hundred and ninety-seven. Vacancies in city offices, where no other provision is made for filling the same, shall be filled by the election or appointment of a successor in the same manner as the previous incumbent was elected or appointed, and the person elected or appointed to fill the vacancy shall hold his office for the remainder of the term during which his predecessor would have been entitled to hold the same.

SECTION 15. Section 16 of said chapter 438 is hereby amended by striking out, in line 1, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 16. Section 17 of said chapter 438 is hereby amended by striking out, in line 1, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 17. Section 18 of said chapter 438 is hereby amended by striking out, in lines 1 and 6, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 18. Section 19 of said chapter 438 is hereby amended by striking out, in lines 1 and 5, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 19. Section 20 of said chapter 438 is hereby amended by striking out, in line 1, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 20. Section 21 of said chapter 438 is hereby amended by striking out, in line 1, the words "board of aldermen" and inserting in place thereof the following

words:- city council.

SECTION 21. Section 22 of said chapter 438 is hereby amended by striking out, in lines 1, 10, 17, 22 and 23, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 22. Said chapter 438 is hereby further amended by striking out section 23 and inserting in place thereof the following section:-

Section 23. No member of the city council shall, during the term for which he is elected, hold any other office in or under the city government, have the expenditure of any money appropriated by the city council, or act as counsel in any matter before the city council or any committee thereof; and no person shall be eligible for appointment to any municipal office established by the city council during any municipal year within which he was a councilor, until the expiration of the succeeding municipal year.

SECTION 23. Section 24 of said chapter 438 is hereby amended by striking out, in lines 2, 7 and 10, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 24. Section 27 of said chapter 438 of the acts of 1896 is hereby amended by striking out, in lines 12, 13, 15, 20, 21, 24 and 29, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 25. Section 28 of said chapter 438 is hereby amended by striking out, in lines 2 and 7, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 26. The first sentence of section 30 of said chapter 438 is hereby amended by striking out, in lines 3 and 4, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 27. Section 32 of said chapter 438 is hereby amended by striking out, in lines 9 and 17, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 28. Section 33 of said chapter 438 is hereby amended by striking out, in line 6, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 29. Section 34 of said chapter 438 is hereby amended by striking out, in line 6, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 30. Said chapter 438 is hereby further amended by striking out section 35 and inserting in place thereof the following section:-

Section 35. The city clerk shall have charge of all journals, records, papers and documents of the city, and do such other acts in his said capacity as the city council may require of him. He shall be the clerk of the city council and shall keep a journal of all votes and proceedings. He shall engross all the ordinances passed by the city

council in a book provided for that purpose, and shall add proper indexes; which book shall be deemed a public record of such ordinances. He shall perform such other duties as are required by law or shall be prescribed by the city council.

SECTION 31. Section 36 of said chapter 438 is hereby amended by striking out, in lines 6, 17 and 19, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 32. Section 37 of said chapter 438 is hereby amended by striking out, in lines 12 and 13, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 33. Section 38 of said chapter 438 is hereby amended by striking out, in lines 9 and 11, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 34. Section 39 of said chapter 438 is hereby amended by striking out, in lines 4 and 8, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 35. Section 40 of said chapter 438 is hereby amended by striking out, in line 16, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 36. Section 41 of said chapter 438 is hereby amended by striking out, in lines 16 and 17, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 37. Section 42 of said chapter 438 is hereby amended by striking out, in lines 4 and 5, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 38. Section 43 of said chapter 438 is hereby amended by striking out, in line 3, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 39. Section 47 of said chapter 438 is hereby amended by striking out, in lines 6, 8 and 10, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 40. Section 48 of said chapter 438 is hereby amended by striking out, in line 2, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 41. Section 49 of said chapter 438 is hereby amended by striking out, in lines 5 and 9, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 42. Section 50 of said chapter 438 is hereby amended by striking out, in line 8, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 43. Section 53 of said chapter 438 is hereby amended by striking out, in line 4, the word "aldermen" and inserting in place thereof the following words:-

city councilors.

SECTION 44. Section 54 of said chapter 438 is hereby amended by striking out, in line 3, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 45. Section 56 of said chapter 438 is hereby amended by striking out, in line 22, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 46. Section 1 of chapter 355 of the acts of 1912 is hereby amended by striking out, in line 2, the word "alderman" and inserting in place thereof the following word:- councilor.

SECTION 47. The first paragraph of section 3 of chapter 608 of the acts of 1913, as amended by section 1 of chapter 370 of the acts of 1941, is hereby further amended by striking out, in line 14, the word "alderman" and inserting in place thereof the following word:- councilor.

SECTION 48. Section 1 of chapter 141 of the acts of 1935 is hereby amended by striking out, in line 3, the word "aldermen" and inserting in place thereof the following words:- members of the city council.

SECTION 49. Section 2 of said chapter 141 is hereby amended by striking out, in line 4, the word "aldermen" and inserting in place thereof the following words:- members of the city council,- and by striking out, in line 7, the word "aldermen" and inserting in place thereof the following word:- councilors.

SECTION 50. Section 5 of said chapter 141 is hereby amended by striking out, in lines 2 and 3, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 51. Said section 5 of said chapter 141 is hereby further amended by striking out, in lines 4, 5 and 6, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 52. Said section 5 of said chapter 141 is hereby further amended by striking out, in line 8, the word "aldermen" and inserting in place thereof the following words:- city council.

SECTION 53. Section 1 of chapter 327 of the acts of 1936, as amended by chapter 37 of the acts of 1946, is hereby further amended by striking out, in line 3, the word "aldermen" and inserting in place thereof the following word:- councilors.

SECTION 54. Section 2 of said chapter 327 is hereby amended by striking out, in line 4, the word "aldermen" and inserting in place thereof the following word:- councilor.

SECTION 55. Said section 2 of said chapter 327 is hereby further amended by striking out, in lines 6 and 7, the word "aldermen" and inserting in place thereof the following word:- councilors.

SECTION 56. Said chapter 327 is hereby further amended by striking out section 5 and inserting in place thereof the following section:-

Section 5. If a vacancy occurs in the office of mayor before the last three months of the term of office, the city council shall order an election to fill the same for the unexpired term. If a vacancy occurs in the city council before the last six months of the term of office, the remaining members of the city council shall fill the same for the unexpired term. If a vacancy occurs in the office of city clerk or city treasurer, the city council shall fill the same until the first Monday in January following the next regular municipal election, and if there would be a vacancy on said first Monday, it shall be filled at such regular municipal election for the unexpired term.

SECTION 57. Section 9 of chapter 390 of the acts of 1941 is hereby amended by striking out, in line 4, the word "alderman" and inserting in place thereof the following word:- councilor.

SECTION 58. Section 1 of chapter 566 of the acts of 1953 is hereby amended by striking out, in line 1, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 59. Said section 1 of said chapter 566 is hereby further amended by striking out, in lines 6, 8 and 11, each time it appears, the word "aldermen" and inserting in place thereof, in each instance, the following word:- councilors.

SECTION 60. Said section 1 of said chapter 566 is hereby further amended by striking out, in line 7, the word "alderman" and inserting in place thereof the following word:- councilor.

SECTION 61. Section 3 of said chapter 566 is hereby amended by striking out, in lines 7 and 8, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 62. Section 1 of chapter 421 of the acts of 1956 is hereby amended by striking out, in lines 1 and 3, each time they appear, the words "board of aldermen" and inserting in place thereof, in each instance, the following words:- city council.

SECTION 63. Section 1 of chapter 104 of the acts of 1958 is hereby amended by striking out, in line 5, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 64. Section 2 of said chapter 104 is hereby amended by striking out, in lines 2 and 3, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 65. Section 4 of said chapter 104 is hereby amended by striking out, in line 2, the words "board of aldermen" and inserting in place thereof the following words:- city council.

SECTION 66. In addition to the foregoing, wherever, in any general or special law existing prior to the effective date of this act, there is used the words or phrases "aldermen" or "board of aldermen", such words and phrases shall, in so far as they

relate to the city of Holyoke, unless the context otherwise requires, mean "councilor" or "city council".

Approved September 18, 1992.

Chapter 190. AN ACT AUTHORIZING THE TOWN OF EASTON TO TRANSFER CERTAIN BOND FUNDS FOR OTHER USES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections seven, eight and twenty of chapter forty-four of the General Laws or any other general or special law to the contrary, the town of Easton is hereby authorized to appropriate a portion of the balance remaining from a prior bonding, under the provisions of clause (24) of said section eight of said chapter forty-four for the construction of a landfill for the purpose of conducting ground water contamination remediation procedures at the police station of said town including all engineering and environmental studies relative thereto.

Approved September 21, 1992.

Chapter 191. AN ACT DESIGNATING THE PIER AT THE UNIVERSITY OF MASSACHUSETTS AT BOSTON AS THE JOHN T. FALLON PIER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately designate the pier located at the University of Massachusetts at Boston as the John T. Fallon pier, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The pier located at the University of Massachusetts adjacent to the John F. Kennedy library in the city of Boston shall be designated and known as the John T. Fallon pier in honor of John T. Fallon's many contributions to the commonwealth.

Suitable markers bearing such designation shall be attached thereto by the trustees of the University of Massachusetts.

Approved September 21, 1992.

Chapter 192. **AN ACT DESIGNATING AN AREA OF ROUTE 16 IN THE TOWN OF MILFORD AS THE LOUIS "BURKE" RIZOLI MEMORIAL WALKWAY.**

Be it enacted, etc., as follows:

The walkway located at 99 East Main Street in the area of state highway Route 16 in the town of Milford shall be designated and known as the Louis "Burke" Rizoli memorial walkway, in memory of Louis "Burke" Rizoli who was a prominent civic leader in said town of Milford for many years and who owned and operated the Plains Pharmacy located at said 99 East Main Street for more than thirty-five years. The department of highways shall provide a suitable marker bearing said designation in compliance with the standards of said department.

Approved September 22, 1992.

Chapter 193. **AN ACT AUTHORIZING THE CITY OF BOSTON TO SELL AND CONVEY A CERTAIN PARCEL OF PARK LAND IN THE CITY OF BOSTON.**

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to sell and convey a certain parcel of park land in said city. Said parcel is described in a deed recorded with Suffolk county registry of deeds, Book 5672, Page 456.

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

Approved September 24, 1992.

Chapter 194. **AN ACT RELATIVE TO PROVIDING FOR CAPITAL OUTLAYS FOR THE ACQUISITION AND UPGRADING OF MAJOR INFORMATION TECHNOLOGY SYSTEMS.**

Be it enacted, etc., as follows:

SECTION 1. To provide for a program for the design, acquisition and upgrading of major computer systems, and for certain other activities and projects, the sums set forth in sections two and two A, for the purposes and subject to the conditions specified herein, are hereby made available, subject to the provisions of law regulating the disbursement of public funds.

SECTION 2.

Item

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of Management Information Systems.

1101-8921 For the acquisition and upgrading of major computer systems as specified herein, including the purchase and installation of certain computer and data processing equipment, and for costs associated with certain software development projects as specified herein, including the salaries and other personnel costs of staff assigned to said projects; provided that an amount not to exceed four million seventy thousand dollars may be expended on the personnel administrative and reporting information system, or PARIS, so-called; provided further, that an amount not to exceed two million four hundred eighty-six thousand dollars may be expended on the budget automation project of the budget bureau; provided that said project shall be designed in consultation with the house and senate committees on ways and means and shall provide complete electronic access to said committees upon its completion; provided further, that an amount not to exceed five million six hundred thousand dollars may be expended on replacing and integrating all personnel management information systems known as the compensation management project of the department of personnel administration; provided further, that an amount not to exceed four million, four hundred forty thousand dollars may be expended on the billing and accounts receivable subsystem of the office of the comptroller, or BARS, so-called; provided further, that an amount not to exceed ten million dollars may be expended on re-engineering the Massachusetts management accounting and reporting system, or MMARS, so-called; provided further, that an amount not to exceed two million seven hundred eighty thousand dollars may be expended on the replacement of the labor distribution system known as the payroll cost reporting system project, or PCRS, so-called; provided further, that an amount not to exceed one million two hundred fifty thousand dollars may be expended on the cash management project, so-called, of the office of the comptroller which is intended, among other purposes, to comply with the federal cash management improvement act of nineteen hundred and ninety-one; provided further, that an amount not to exceed one million two hundred thousand dollars may be expended for the purposes of enhancing and upgrading optical scanning and imaging capabili-

ties of the commonwealth; provided further, that an amount not to exceed nine hundred thousand dollars may be expended for continued implementation of the wide area personal computer network project of the office of management information systems; provided further, that an amount not to exceed seven hundred thousand dollars may be expended on software upgrades for local area networks; provided further, that an amount not to exceed one million eight hundred thousand dollars may be expended for the installation of integrated message systems; provided further, than an amount not to exceed six hundred thousand dollars may be expended on the programming tool-graphic user interface project, so-called, of the office of management information systems; provided further, that an amount not to exceed one million four hundred seventy thousand dollars may be expended on consultant services provided by the office of technology planning to state agencies for the purposes of designing and implementing telecommunications, computerization and data automation projects; provided further, that an amount not to exceed one million four hundred forty-three thousand dollars may be expanded on the high speed data and telecommunication network, the COMM-NET project, so-called; provided further, that an amount not to exceed one million two hundred thousand dollars may be expended on the relocation of hardware and related costs associated with the data center co-location project of the division of capital planning and operations; provided further, that an amount not to exceed six million nine hundred forty-six thousand dollars may be expended on personnel associated with the development of major systems software programs; provided further, that an amount not to exceed six million one hundred thousand dollars may be expended on office automation and case management systems for the offices of the district attorneys; provided further, that an amount not to exceed one million seventy-eight thousand dollars may be expended on automating the home care program administered by the executive office of elder affairs and the home care corporations; provided that equipment purchased on behalf of said home care corporations shall be the property of the commonwealth and shall be transferred to the commonwealth in the event that a home care corporation no longer participates in said automation project; provided further, that an amount not to exceed one million five hundred seven thousand dollars may be expended for the client

billing project of the department of mental health; provided further, that an amount not to exceed one million dollars may be expended at the direction of the speaker of the house of representatives for the purchase and installation of computer equipment and related software and expenses for the house of representatives and its several standing and special committees; provided further, that an amount not to exceed one million dollars may be expended at the direction of the president of the senate for the purchase and installation of computer equipment and related software and expenses for the senate and its several standing and special committees; provided further, that an amount not to exceed one million dollars may be expended at the direction of the chairman of the house committee on ways and means for the purchase and installation of computer equipment and related software for said committee; provided further, that an amount not to exceed one million dollars may be expended at the direction of the chairman of the senate committee on ways and means for the purchase and installation of computer equipment and related software for said committee; and provided further, that the comptroller may allocate from this item to other accounts monies necessary to effectuate the purposes of this item $59,570,000

SECTION 2A.

Item

EXECUTIVE OFFICE FOR HEALTH AND HUMAN SERVICES.

Department of Public Welfare.

4400-1111 For the development and procurement of an automated eligibility determination system, including related hardware, software and personnel costs; provided, that the department of public welfare shall undertake all efforts to secure maximum rates of federal reimbursement for expenditures from this item; provided further, that no more than one million dollars may be spent from this authorization until an advanced planning document, so called, is approved by the federal government; provided further, that the department of public welfare shall draw down available federal reimbursement for expenditures from this item, concurrent with actual expenditure; and provided further, that said federal reimbursements so received by the commonwealth are hereby appropriated and shall be credited in an amount not to exceed twenty-one million one hundred twenty-five thousand dollars to this item for the purpose of making such expenditures $32,500,000

SECTION 3. To meet the expenditures necessary in carrying out the provisions

of section two, 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 fifty-nine million five hundred seventy thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Information Technology Loan, Act of 1992, and shall be issued for such maximum term of years, not exceeding seven years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and four. Bonds and the interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 4. To meet the expenditures necessary in carrying out the provisions of section two A, 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 eleven million three hundred seventy-five thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Welfare Eligibility Computer System Development Loan, Act of 1992, and shall be issued for such maximum term of years, not exceeding seven years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and four. Bonds and the interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 5. Expenditures of funds for the purposes of sections two and two A shall be based upon schedules submitted by the secretary for administration and finance to the house and senate committees on ways and means thirty days prior to the obligation of said funds. Said secretary is hereby further authorized and directed to file annually with said committees, commencing not later than September first, nineteen hundred and ninety-three, an accounting of expenditures for each such project listed in sections two and two A for the prior fiscal year, including, but not limited to, an accounting of the amount expended on each such project for hardware, software and personnel, amounts that may have been allocated from the item established in section two to other items and the account number to which such allocation was made, an assessment of whether each such project is within budget and on schedule for completion, and an explanation of any deviations in completion timetables and funding needs that were originally established for each such project. Said secretary shall simultaneously file with said committees a spending plan for projected expenditures on each such project in the current fiscal year, including but not limited to, expenditures by type, and projected milestones and completion schedules.

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

Approved September 24, 1992.

Chapter 195. **AN ACT AUTHORIZING THE CITY OF BOSTON TO USE CERTAIN PARK LAND IN THE CITY OF BOSTON FOR THE RELOCATION OF AND THE ADDITION TO A CERTAIN BUILDING TO BE USED AS A VISITOR INFORMATION CENTER.**

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to relocate a building known as the ranger station from a certain parcel of park land to another certain parcel of park land in Boston Common and to add on to said building no more than seven hundred fifty square feet, said building to be used for such purposes as, but not limited to, a visitor information center, a ranger station, public restrooms, and the distribution of information to the public.

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

Approved September 24, 1992.

Chapter 196. **AN ACT DESIGNATING A CERTAIN AREA OF WEBB STATE PARK IN THE TOWN OF WEYMOUTH AS THE DOMENIC J. SANSONE MEMORIAL PROMONTORY.**

Be it enacted, etc., as follows:

The section of Webb park in the town of Weymouth nearest Grape Island shall be designated and known as the Domenic J. Sansone memorial promontory, in memory of Domenic J. Sansone who was a prominent civic leader in said town of Weymouth for many years. A suitable marker bearing said designation shall be erected thereat by the department of environmental management in compliance with the standards of said department.

Approved September 24, 1992.

Chapter 197. **AN ACT AUTHORIZING THE TOWN OF SHARON TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND.**

Be it enacted, etc., as follows:

SECTION 1. The town of Sharon, acting by and through its board of selectmen,

is hereby authorized to convey a certain parcel of conservation land located in said town to Jolin Construction, Inc., a Massachusetts corporation. Said parcel is a portion of a parcel of land presently under the control of the Board of Selectmen. Said property is recorded in the Norfolk Registry of Deeds by deed dated May 18, 1977 in Book 5384, page 443, and is more particularly described as follows:

Beginning at a point on Eisenhower Drive running:

SOUTHERLY by lot 99 two hundred fourteen 08/100 (214.08) feet thence turning and running;

EASTERLY fifty-one 14/100 (51.14) feet more or less thence turning and running;

NORTHERLY two hundred four 60/100 (204.60) feet thence turning and running;

WESTERLY by Eisenhower Drive fifty (50) feet more or less to the point of beginning.

Being a portion of the land shown as Lot C, Eisenhower Drive on a plan entitled "A Subdivision in Sharon, Massachusetts, Townsman Estates Section III" dated January 12, 1977 (amended April 19, 1977 and February 14, 1977) by Pilling Engineering Company, Inc., recorded with Norfolk Registry of Deeds as Plan No. 484 (A to F inclusive) of 1977 in Plan Book 261.

SECTION 2. In consideration of the conveyance in section one, Jolin Construction, Inc. shall convey a certain parcel of land to the town of Sharon to be used for conservation purposes. Said parcel is bounded and described as follows:

Beginning at a point on Eisenhower Drive and running:

SOUTHERLY by lot 98A distance of one hundred and ninety-one 59/100 (191.59) feet to a point thence turning and running;

EASTERLY fifty 14/100 (50.14) feet to a point thence turning and running;

NORTHERLY by lot 97 a distance of one hundred eighty-nine 96/100 (189.96) feet to a point thence turning and running;

WESTERLY by Eisenhower Drive a distance of fifty (50) feet to the point of beginning.

Said premises are conveyed subject to and with the benefit of any and all restrictions, easements and encumbrances of record insofar as the same may be in force and applicable and to a twenty (20) foot drain easement as shown on a plan of land in Sharon, Massachusetts, Pilling Engineering Company, Inc., dated March 11, 1982, filed as Plan No. 409 of 1982, recorded in Norfolk Registry of deeds, Book 6008, Page 428.

For title to said premises, see deed from Davmar Inc., a Massachusetts Corporation dated September 12, 1990 and recorded with Norfolk Registry of Deeds in Book 8740, Page 120.

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

Approved September 24, 1992.

Chapter 198. **AN ACT RELATIVE TO APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-THREE.**

Be it enacted, etc., as follows:

SECTION 1. Item 0321-1510 in section 2 of chapter 133 of the acts of 1992 is hereby amended by adding the following words:- , including prior years' expenses.

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

Approved September 24, 1992.

Chapter 199. **AN ACT TO EXPEDITE REPAIRS OF A DAM IN NORTH ATTLEBOROUGH.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws or the provisions of any other general or special law to the contrary, the commissioner of the division of capital planning and operations is authorized and directed to convey to the United States of America all reversionary interest held in land conveyed by deed from the commonwealth of Massachusetts to the United States of America, dated November 18, 1949 and recorded at Book 1031, Page 444, at the Bristol county northern district registry of deeds.

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

Emergency Letter: October 1, 1992 @ 4:45 P.M. Approved October 1, 1992.

Chapter 200. **AN ACT RELATIVE TO THE PLACING OF CERTAIN QUESTIONS ON THE BALLOT FOR THE NINETEEN HUNDRED AND NINETY-TWO STATE ELECTION.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the placing of questions on the nineteen hundred and ninety-two biennial state election ballots, therefore 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 section twenty-one of chapter fifty-three of the General Laws or any other general or special law to the contrary, the state secretary may accept applications for the submission of questions to be submitted to the voters under the provisions of sections nineteen and twenty of said chapter fifty-three for the biennial state election to be held in the year nineteen hundred and ninety-two.

SECTION 1A. Notwithstanding the provisions of paragraph (i) of section twenty-one C of chapter fifty-nine of the General Laws, the state secretary may accept applications for the submission of questions to be submitted to the voters under the provisions of said paragraph (i) of said section twenty-one C of said chapter fifty-nine for the biennial state election to be held in the year nineteen hundred and ninety-two, or any other applicable law.

SECTION 1B. Notwithstanding the provisions of section forty-two C of chapter fifty-four of the General Laws, the state secretary may accept applications for the submission of questions to be submitted to the voters under the provisions of said section forty-two C of said chapter fifty-four for the biennial state election to be held in the year nineteen hundred and ninety-two, or any other applicable law.

SECTION 2. The provisions of this act shall expire on October first, nineteen hundred and ninety-two, at five o'clock post meridian.

Approved October 1, 1992.

Chapter 201. AN ACT RELATIVE TO THE RELEASE ON BAIL OF CERTAIN PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 57 of chapter 276 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "bail", in line 10, the first time it appears, the following words:- if he determines that such release will reasonably assure the appearance of the person before the court and will not endanger the safety of any other person or the community.

SECTION 2. Said section 57 of said chapter 276, as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph:-

Notwithstanding the foregoing, a person arrested and charged with a violation of an 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 chapter two hundred and nine A, or section fifteen or twenty of chapter two hundred and nine C, or arrested and charged with a misdemeanor or felony involving abuse as defined in section one of said chapter two hundred and nine A while an order of protection issued under

said chapter two hundred and nine A was in effect against said person, shall not be released out of court by a clerk of courts, clerk of a district court, bail commissioner or master in chancery.

SECTION 3. Section 58 of said chapter 276, as so appearing, is hereby amended by inserting after the word "discretion", in line 11, the following words:- that such release will endanger the safety of any other person or the community or.

SECTION 4. Said section 58 of said chapter 276, as so appearing, is hereby further amended by inserting after the word "nature", in line 15, the following words:- and seriousness of the danger to any person or the community that would be posed by the prisoner's release, the nature.

SECTION 5. Said section 58 of said chapter 276, as so appearing, is hereby further amended by inserting after the word "charge", in line 24, the following words:- , whether, the acts alleged involve abuse as defined in section one of chapter two hundred and nine A, or violation of a temporary or permanent order issued pursuant to section eighteen or thirty-four B of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, section three, four or five of chapter two hundred and nine A, or section fifteen or twenty of chapter two hundred and nine C, whether the prisoner has any history of orders issued against him pursuant to the aforesaid sections.

SECTION 6. The governor shall direct the secretary of public safety to collect and study data regarding overcrowding conditions in the commonwealth's prisons, houses of corrections, and municipal police overnight detention facilities, the operation of the courts of criminal jurisdiction of the commonwealth, information management systems within those courts, the judicial and administration procedures regarding revocation of parole, revocation of conditional release, and revocation of probation, the experience of the courts implementing the foregoing sections of this act as they relate to violations of restraining orders under chapters two hundred and eight, two hundred and nine, two hundred and nine A and chapter two hundred and nine C of the General Laws, as well as federal and state administrative and judicial procedures regarding deportation of illegal aliens.

Said secretary shall make findings regarding the cost impact on the courts and correctional facilities within the commonwealth, as well as the effect on the administration and personnel of same, of several models of a presumptive forty-eight hour detention period for all prisoners pending revocation of parole, revocation of conditional release, revocation of probation, deportation, or trial for violation of restraining orders under said chapters two hundred and eight, two hundred and nine, two hundred and nine A and chapter two hundred and nine C. Said secretary shall make recommendations regarding the orderly and efficient use of available resources to effect the goal of preserving public safety under the provisions of section fifty-eight of chapter two hundred and seventy-six of the General Laws. Said secretary shall report his finding to the clerk of the house of

representatives who shall forward the same to the committees on criminal justice, as soon as may be reasonably found to be convenient, but in no event later than December thirty-first, nineteen hundred and ninety-two.
Emergency Letter: October 7, 1992 @ 1:27 P.M. Approved October 7, 1992.

Chapter 202. AN ACT AUTHORIZING THE RETAIL SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES ON SUNDAYS IN CERTAIN CITIES AND TOWNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the retail sale of alcoholic beverages on certain Sundays in certain cities and towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 6 of chapter 136 of the General Laws is hereby amended by striking out clause (52), as most recently amended by section 490 of chapter 133 of the acts of 1992, and inserting in place thereof the following clause:-

(52) The retail sale of alcoholic beverages not to be drunk on the premises, (a) on the Sunday immediately preceding Thanksgiving day and each Sunday thereafter until and including 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 thirty-eight and located in any city or town in Berkshire county, Essex county, Franklin county, Middlesex county or Worcester county, which city or town is located within ten miles of the New Hampshire border or within ten miles of the Vermont 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 of 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.

Approved October 7, 1992.

Chapter 203. AN ACT RELATIVE TO THE CREATION OF A REVOLVING TRUST FUND TO AID IN THE FINANCING OF WATER POLLUTION ABATEMENT PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately create a revolving trust fund to aid in the financing of water pollution abatement projects, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 27A of chapter 21 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Any water pollution abatement project or part thereof shall be eligible for loan approval if included on the priority lists pursuant to the priority systems under section thirty A, thirty-three and the last paragraph of section twelve of chapter two hundred and eighty-six of the acts of nineteen hundred and eighty-two, for commonwealth fiscal year nineteen hundred and ninety-one or any later commonwealth fiscal year. The department, by regulation, may adopt such modifications to the priority systems and the priority lists for purposes of this section, including limitations on the amount of total financial assistance that a local governmental unit is authorized to receive in any fiscal year, as shall be consistent with the loan programs of the trust and necessary to comply with the requirements of law.

SECTION 2. Paragraph (e) of said section 27A of said chapter 21, as so appearing, is hereby amended by striking out the third sentence.

SECTION 3. Section 33E of said chapter 21, as so appearing, is hereby amended by striking out, in line 14, the words "up to seventy-five" and inserting in place thereof the following word:- twenty-five.

SECTION 4. Chapter 29 of the General Laws is hereby amended by inserting after section 2V the following section:-

Section 2W. There shall be established and setup on the books of the commonwealth a separate fund to be known as the Water Pollution Abatement Projects Administration Fund. There shall be credited to such fund any amounts transferred pursuant to section five of chapter twenty-nine C; and any income derived from the investment of amounts credited to said fund. Amounts credited to the Water Pollution Abatement Projects Administration Fund shall be used,

subject to appropriation, solely for the administration of the provisions of section twenty-seven A of chapter twenty-one.

SECTION 5. Section 1 of chapter 29C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "capital", in line 19, the following words:- , interest on loans, local governmental obligations and notes in anticipation thereof prior to and during construction of such project or prior to the date of such loan, if later.

SECTION 6. The definition of "Loan agreement" of said section 1 of said chapter 29C, as so appearing, is hereby amended by inserting after the word "instrument", in line 66, the following words:- whether secured or unsecured.

SECTION 7. Paragraph (b) of section 2 of said chapter 29C, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Each member of the board may appoint a designee pursuant to section six A of chapter thirty.

SECTION 8. Said paragraph (b) of said section 2 of said chapter 29C, as so appearing, is hereby further amended by inserting after the word "thirty A", in line 29, the following words:- ; provided, however, that the provisions of said chapter thirty A shall not apply to rules, regulations, procedures and guidelines adopted by the board pursuant to section seven.

SECTION 9. Section 5 of said chapter 29C, as so appearing, is hereby amended by striking out clause (iii) and inserting in place thereof the following clause:-

(iii) to transfer to the Water Pollution Abatement Projects Administration Fund amounts derived from proceeds of each federal capitalization grant award received by the trust to the full extent permitted by Title VI of the Clean Water Act.

SECTION 10. Clause (i) of section 6 of said chapter 29C, as so appearing, is hereby amended by striking out, in line 8, the word "interest" and inserting in place thereof the following words:- debt service.

SECTION 11. Said section 6 of said chapter 29C, as so appearing, is hereby further amended by inserting after the word "trust", in line 9, the following words:- ; provided, however, that no such subsidy or assistance shall exceed the equivalent of a grant of twenty-five percent of the eligible cost of the project financed by such loan.

SECTION 12. Said chapter 29C, as so appearing, is hereby further amended by inserting after section 6 the following section:-

Section 6A. In addition to the purposes set forth in sections five and six, the board may apply and disburse monies of the fund to provide a subsidy or assistance to local governmental units in the payment of debt service costs on the loans made by the trust in excess of the equivalent of a grant of twenty-five percent of the eligible cost of the project financed by such loan if such additional subsidy or assistance is otherwise authorized by special law.

To provide for such subsidy or assistance, the state treasurer acting on behalf

of the commonwealth shall enter into an agreement with the trust that the commonwealth shall provide contract assistance for debt service obligations of the trust up to a maximum amount of twenty million dollars per fiscal year of the commonwealth for a period of fiscal years ending no later than June thirtieth, two thousand and twenty-five. Such contract assistance agreement shall provide for the payment by the commonwealth of the portion authorized by special law of the debt service obligations of the trust at such time during each fiscal year and upon such terms and under such conditions as the trust may stipulate.

The trust may pledge such agreement and the rights of the trust to receive amounts thereunder as security for the payment of debt obligations issued by the trust.

SECTION 13. Section 8 of said chapter 29C, as appearing in the 1990 Official Edition, is hereby amended by adding the following three sentences:- Notwithstanding any general or special law to the contrary, in the discretion of the state treasurer, with the approval of the governor, payments to the trust of amounts authorized pursuant to the issuance of bonds by the commonwealth, as provided in this section may be met by the deposit in the fund of bonds of the commonwealth which are so authorized to meet such appropriation. Bonds so deposited may be assigned and pledged as security for bonds of the trust and may mature or be redeemable on such dates and in such amounts, may bear interest at such rate or rates or be deposited in the fund at such discount or premium, may bear such limitations on negotiation or resale by the trust, and may bear such other terms and conditions, as the state treasurer shall determine to be in the best interests of the commonwealth; provided, however, that the effective yield on such bonds shall not exceed the greater of the effective yield on the bonds of the trust which they secure and the effective yield on comparable bonds not so deposited in the fund, as determined by the state treasurer after consultation with the secretary of the executive office for administration and finance. For purposes of section forty-nine of chapter twenty-nine, the net proceeds of bonds deposited in the fund as instrument the principal amount of which increases during the life of the instrument shall be deemed to be the present value of the amount payable thereon at maturity discounted to the date of deposit at the yield on such bonds.

SECTION 14. Paragraph (a) of section 9 of said chapter 29C, as so appearing, is hereby amended by striking out the eighth sentence.

SECTION 15. Paragraph (a) of section 10 of said chapter 29C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- Any local governmental unit may apply to the trust for a loan to assist in financing the cost of a water pollution abatement project. At the option of the trust, loans may be unsecured or may be secured by local governmental obligations for delivery to the trust to evidence the loan.

SECTION 16. Section 15 of chapter 275 of the acts of 1989 is hereby amended

by striking out paragraph (*a*).

SECTION 17. Said section 15 of said chapter 275 is hereby further amended by striking out, in line 1, the word "(*b*) On" and inserting in place thereof the word:- On.

SECTION 18. Paragraph (*a*) of section 16 of said chapter 275 is hereby amended by striking out, in line 2, the word "seventy-five" and inserting in place thereof the following word:- eighty-two.

SECTION 19. Said section 16 of said chapter 275 is hereby further amended by striking out paragraph (*b*) and inserting in place thereof the following paragraph:-

(*b*) The state treasurer is hereby authorized and directed to transfer to the Water Pollution Abatement Projects Administration Fund established pursuant to section two W of chapter twenty-nine the sum of twenty-five million dollars.

SECTION 20. Paragraph (*c*) of said section 16 of said chapter 275 is hereby amended by striking out, in line 2, the words "seven hundred million" and inserting in place thereof the following words:- fifteen million three hundred thousand.

SECTION 21. Sections eighteen and nineteen of said chapter two hundred and seventy-five are hereby repealed.

SECTION 22. Paragraph (*d*) of section 20 of said chapter 275 is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- Any financial assistance provided by the trust under authority of this section shall bear such terms and conditions approved by the department, including, without limitation, such terms relative to the interest payable thereon as will result in total financial assistance provided to the applicable local governmental unit equivalent to a grant of no less than twenty-five percent of the eligible costs of planning the water treatment project and no less than twenty-five percent, but not more than fifty percent, of the eligible costs of constructing such project, including costs of constructing associated transmission systems.

SECTION 23. Section 21 of said chapter 275 is hereby amended by striking out, in line 2, the words ", eighteen, nineteen and twenty".

SECTION 24. Said section 21 of said chapter 275 is hereby further amended by striking out, in lines 5 and 6, the words "one billion four hundred and thirty million" and inserting in place thereof the following words:- one hundred twenty-two million three hundred thousand.

SECTION 25. Section twenty-four of said chapter two hundred and seventy-five is hereby repealed.

SECTION 26. Notwithstanding any general or special law to the contrary, the water pollution abatement trust established under the provisions of chapter twenty-nine C of the General Laws is hereby authorized and directed to make loans and grants to local governmental units for projects on the federal fiscal year nineteen hundred and eighty-eight construction grants priority list that received a federal grant in that fiscal year but did not receive a state grant, such that the total

financial assistance provided to the applicable local governmental unit, together with such federal grant, is the financial equivalent of a grant of ninety percent of the eligible costs thereof as determined by the department of environmental protection; and said trust shall make loans and grants to local governmental units for other projects on the fundable portion of the federal construction grants priority lists for federal fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine such that the total financial assistance provided to such local governmental unit is the financial equivalent of a grant of seventy-five percent of the eligible costs thereof as determined by the department; and said trust shall make loans and grants to local governmental units for construction projects to abatement facilities on the fundable portion of the department's construction grant priority list for fiscal year nineteen hundred and ninety-one such that the total financial assistance provided to such local governmental unit is the financial equivalent of a grant of forty-five percent of the eligible cost thereof as determined by the department; and said trust shall make loans and grants to local governmental units for abatement facilities and combined sewer overflow projects which were on the fundable portion of the department's construction grants priority list for fiscal year nineteen hundred and ninety-one such that the total financial assistance provided to such local governmental unit is the financial equivalent of a grant of thirty-five percent of the eligible costs thereof as determined by the department; and said trust shall make loans and grants to local governmental units for collection system projects which were on the fundable portion of the department's construction grants priority list for fiscal year nineteen hundred and ninety-one such that the total financial assistance provided to such local governmental unit is the financial equivalent of a grant of twenty-five percent of the eligible costs thereof as determined by the department.

The commonwealth shall provide contract assistance to said trust pursuant to section six A of said chapter twenty-nine C and shall appropriate to said trust, in each fiscal year of the commonwealth as provided in said section six A, the cost to the trust of making any grant or loan, pursuant to this section, which is in excess of a financial equivalent of a grant of twenty-five percent of eligible costs.

SECTION 27. Notwithstanding any general or special law to the contrary, the water pollution abatement trust established under the provisions of chapter twenty-nine C of the General Laws shall make loans and grants to the city of New Bedford for construction projects to abatement facilities on the department's priority list for fiscal year nineteen hundred and ninety-one and which projects received a project approval certificate from the department prior to July first, nineteen hundred and ninety-one such that the total financial assistance provided to said city is the financial equivalent of a grant of sixty-five percent of the eligible costs thereof as determined by the department.

The commonwealth shall provide contract assistance to said trust pursuant to

section six A of said chapter twenty-nine C and shall appropriate to said trust, in each fiscal year of the commonwealth as provided in said section six A, the cost to the trust of making any grant or loan, pursuant to this section, which is in excess of a financial equivalent of a grant of twenty-five percent of eligible costs.

Approved October 8, 1992.

Chapter 204. **AN ACT RELATIVE TO THE CONSTRUCTION OF A POLICE STATION AND PUBLIC WORKS FACILITY IN THE TOWN OF SHIRLEY.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven of the General Laws or the provisions of section forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws, or the provisions of any other general or special law to the contrary, the town of Shirley, acting by and through its board of selectmen is hereby authorized to utilize, by public bid, the design/build alternative method of construction, for the purposes of constructing a police station and public works facility as described in a report from said town to be filed with the joint committee on state administration and the house and senate committees on ways and means.

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

Approved October 9, 1992.

Chapter 205. **AN ACT ESTABLISHING THE ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION OF THE CITY OF SALEM.**

Be it enacted, etc., as follows:

SECTION 1. As used in this act, unless a contrary intention clearly appears, the following words shall have the following meanings:

"City", the city of Salem.

"City council", the city council of the city of Salem.

"Corporation", the Economic Development and Industrial Corporation of Salem created by section three.

"Cost of a project", all costs, whether incurred prior to or after the issuance of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishing,

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.

"Department", the department of commerce and development.

"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 business, general or restricted manufacturing uses or for general or waterfront industrial uses, whether restricted or not, or any existing facility used in connection with any industrial or research and development enterprise or any part thereof, including any or all buildings, docks, wharf, ships, improvement, 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.

"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 users 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 business, manufacturing or industrial use within the area.

"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 of improvements on land within an economic development area whenever necessary to eliminate unhealthful, unsanitary 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 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 business, manufacturing or industrial 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 business, 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.

"Mayor", the mayor of the city of Salem.

"MOBD", the Massachusetts Office of Business Development.

"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 business, industrial or manufacturing uses; that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, moral 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 the private investments and threatens the sources of public revenue; that redevelopment of each such are in accordance with an economic development plan for the elimination of substandard conditions and prevention of their recurrence is necessary to retain existing industries and businesses, and attract new industries, and promote the sound economic growth of the city; 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 or private enterprise without the aids herein provided; that the acquisition of property for the purpose of eliminating decadent, substandard or blighted open conditions herein, preventing recurrence of such conditions in the area, the removal of structures and improvements of sites for business,

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 business, industrial or manufacturing purposes are public uses and benefits for which private property may be acquired by eminent domain or regulated by the 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 business, industrial and manufacturing facilities moving out of the city, and that some facilities within the city are obsolete and inefficient; that such facilities are causing serious injury to the economy provides the best opportunity for better jobs at higher wages for inhabitants of the city; that new business, industrial and manufacturing sites are required to attract and house new business, 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 business, manufacturing, and 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 Salem, in this act called the corporation, which shall be an instrumentality of the commonwealth consisting of seven members appointed by the mayor, subject to confirmation by the city council. At least one member shall be experienced in industrial development activities, one in financial matters, one in real estate matters and one in municipal government; and there shall be at least one member representative of low income people and the remaining members at large. 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 purpose 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 serve 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 for the balance of the term, 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 purpose 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 the 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 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 thereof.

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, and 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 to exercise care of its property and the management of its business and affairs and to sell and convey any real estate or other property 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 therefore 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 regulations 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 judgment and to fix their compensation.

(*d*) To receive and accept from any federal agency, the commonwealth, or the city grants, loans or advances for or in 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 limits to obtain money for grants or loan 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 payment of such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of or agreement in regard to all or any part of the property, rights or privileges of the corporation.

(*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 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 the act.

(*j*) To prepare or cause to be prepared plans, designs, drawings, specifications and estimates of development, redevelopment, rehabilitation, remodeling, alterations or repair of economic development projects and from time to time modify such plans, signs, drawings, specifications, and estimates.

(*k*) Subject to the approval of the city council and of 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 clause, 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 interest 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 required shall be deposited with the

collector-treasurer of the city and shall be 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 clause, 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 land 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 determ ined 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, alterations 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 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, or 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 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 act as its own general contractor.

(*v*) 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 payments of such costs of any relocation 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 two-thirds majority vote of the city council and the approval of the mayor within ninety days after the submission of an economic development plan. 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 part 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 practical 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 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 judgment of the corporation, to have an actual or potential interest in the economic development plan, (3) the senator for every senatorial district of the commonwealth, and the representative for every representative district thereof, within 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 judgment of the corporation it is practicable.

If an economic development plan is approved by the city council and the mayor, the corporation shall have the powers and duties imposed by this act to undertake and carry out the economic development projects covered by such plan. The corporation shall not be required to submit an economic development plan so approved to the department of community affairs for the 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 therefore 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 herein pledged to and charged with the payment of (1) the interest upon such bonds as the same shall fall due, (2) the necessary charges of paying agents for paying principal and interest and (3) 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 contract or for torts not committed or directly authorized by them. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the corporation is situated, may, by writ of mandamus, direct the treasurer of such agency to pay such judgment. The real estate of the corporation shall not be subject to liens under chapter two hundred and fifty-four of the General Laws, but the provisions of sections twenty-eight and twenty-nine of chapter one hundred and forty-nine of the General Laws shall be applicable to any construction work by the corporation.

SECTION 9. The real estate and tangible personal property of the corporation shall be deemed to be public property used for essential public and government 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 council and the mayor 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 council and the mayor 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 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 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 provision 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 outstanding debentures 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 of the city or a pledge of faith and credit of the commonwealth or of the city and shall be subordinated to all other obligations of the corporation and shall be payable at such time or times and in such installments, if any, as the corporation shall determine, but solely out of the net assets of the corporation; and the holders thereof shall be entitled to interest thereon but only out of the net earnings of the corporation and in no event at a rate higher than the rate specified therein.

Such debentures may be secured by a trust agreement by and between the corporation and a corporate trustee, which shall be located within the commonwealth and shall be a trust company or bank having the powers of a trust company. Such trust agreement shall contain such provisions for protecting and enforcing the rights and remedies of the 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 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 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. 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 not exceeding forty years from their date, as may be determined by the corporation, and may be made redeemable before maturity, at the option of the corporation, at such price 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 bond, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination of the bonds and the place 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 projects and shall be disbursed in such manner and under such restrictions, if any, as the corporation may provide. Prior to the preparation of definitive bonds,

the corporation may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Revenue bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or of any political subdivision thereof and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this act.

The corporation is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the corporation for the purpose of refunding any revenue bonds then outstanding and issued under the provisions of this act, including the payment of any redemption premium thereof, 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 of 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 the city, but such bonds shall be payable solely from the fund 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 a 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 12. 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 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 limitation 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 monies, 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 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 for 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 the time when the pledge is made; the revenues or other monies 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 13. 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 company, 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 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 14. 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 15. 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.

SECTION 16. 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 17. This act shall take effect upon its passage.

Approved October 9, 1992.

Chapter 206. AN ACT FURTHER REGULATING THE LANDFILL CAPPING EXPENSE FUND IN THE TOWN OF DARTMOUTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the landfill Capping Expense Fund in the town of Dartmouth, therefore 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 60 of the acts of 1992 is hereby amended by inserting after the word "deposited", in line 5, the following words:- no more than.

SECTION 2. This act shall take effect as of June fifth, nineteen hundred and ninety-two.

Approved October 9, 1992.

Chapter 207. AN ACT PROVIDING FOR THE CONTROL OF EVICTIONS FROM AND DISCONTINUANCES OF MOBILE HOME PARK ACCOMMODATIONS IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

SECTION 1. The general court hereby finds and declares that a serious public emergency exists in the city of Taunton with respect to the housing of a substantial number of the residents of said city, which emergency has been created by the potential discontinuance of the use of certain mobile home parks by certain owners of said mobile home parks; that unless eviction of tenants and discontinuances of the use of mobile home parks are regulated and controlled, such emergency will produce serious threats to the public health, safety and general welfare of the residents of said city, and will produce a drastic loss of housing units, will increase homelessness, and will cause many residents loss of their life savings, especially the elderly; that such emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the city of Taunton.

SECTION 2. The city of Taunton may, by ordinance, establish a mobile home park eviction and discontinuance review board for the purpose of regulating minimum standards for use or occupancy of mobile home park accommodations in the city and evictions of tenants therefrom and may, by ordinance, require registration by owners of mobile home park accommodations, under penalty of perjury, of information relating to the mobile home park accommodations. Such standards and evictions may be regulated by the review board so as to remove hardships or correct inequities for both the owner and tenants of such mobile home park accommodations. The review board shall have all powers necessary or convenient to perform its functions. It may make rules and regulations, require registration by owners of mobile home accommodations, under penalty of perjury, of information relating to the mobile home park accommodations, sue and be sued, compel the attendance of persons and the production of papers and information and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations. Violations of any ordinance adopted pursuant to this act or any order of the review board shall be punishable by a fine of not more than one thousand dollars for any one offense.

SECTION 3. The provisions of chapter thirty A of the General Laws shall be applicable to the review board, established under the provisions of section two, as if said review board were an agency of the commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, as well as those provisions relating to judicial review of an agency order.

SECTION 4. The Taunton district court division shall have original jurisdiction, concurrently with the superior court and the housing court departments, of all petitions for review brought pursuant to section fourteen of chapter thirty A of the General Laws.

The superior court and the housing court departments shall have jurisdiction to enforce the provisions of this act, and any ordinance adopted thereunder, and may restrain violations thereof.

SECTION 5. The city of Taunton may by ordinance regulate the evictions of tenants, and the review board, established under the provisions of section two, may issue orders which shall be a defense to an action of summary process for possession and such orders shall be reviewable pursuant to section three.

SECTION 6. (1) The provisions of this section regarding the discontinuance of the use of part, or all of the land owned and licensed as a mobile home park shall apply to all mobile home parks and mobile home park accommodations in the city of Taunton.

(2) When used in this act the term "discontinuance" shall include any change of use or discontinuance of the use of part, or all of the land owned and licensed as a mobile home park requiring a two year notice pursuant to subsection 8 of

section thirty-two L of chapter one hundred and forty of the General Laws. The term "discontinuance" shall include, but not be limited to, the licensee's conversion of the mobile home park, or part thereof, to a condominium or cooperative corporation.

(3) It shall be unlawful for any person to discontinue the use of part or all of the land owned and licensed as a mobile home park without having first obtained a discontinuance permit from the municipal council subject to the provisions contained in this act.

(4) (*a*) The municipal council shall consider an application for a discontinuance permit for a mobile home accommodation upon receipt of an application filed by the licensee or other authorized person. The municipal council shall forward said application within fourteen days to the eviction and discontinuance review board.

(*b*) The review board shall schedule a public hearing within sixty-five days of receipt of the application. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the city of Taunton once in each of two successive weeks, the first publication to be not less than fourteen days before the date of the public hearing and by posting such notice in a conspicuous place in city hall for a period of not less than fourteen days before the day of said hearing. The review board shall also notify all tenants living in the affected mobile home accommodations of the time, place and subject matter of the public hearing. No defect in the form of any notice under this section shall invalidate any grant or denial of a discontinuance permit unless such defect is found to be misleading.

(*c*) No vote by the municipal council to grant or deny a discontinuance permit shall be taken until a report with recommendations by the review board has been submitted to the municipal council or twenty-one days after said hearing have elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall be elapsed after such hearing without submission of such report, the municipal council may vote to grant or deny the discontinuance permit. If the municipal council fails to vote on the proposed discontinuance permit within ninety days after such hearing, no action shall be taken thereon until after subsequent public hearing is held with notice and report as above provided.

(*d*) No discontinuance permit may be granted except by a majority vote of the municipal council.

(*e*) Notwithstanding any other provision of this eviction and discontinuance section, the review board may, without holding a hearing, recommend the denial of a discontinuance permit if a decision has been made with regard to the discontinuance of a mobile home park accommodation with the preceding twelve months, and if the park licensee fails, in the new application to allege a substantial change of circumstances since the previous hearing which would merit the review board in hearing new evidence. In addition, the review board may recommend

denial of the discontinuance permit without holding a hearing if the application is not in conformance with the requirements of this section or other applicable regulations.

(5) In determining whether to recommend that the municipal council grant or deny a discontinuance permit the review board shall consider the aggravation of the shortage of safe, decent and affordable mobile home park accommodations in the city of Taunton, which may result from the discontinuance, especially for tenants of low or moderate income and handicapped or elderly persons on fixed incomes. In making such determination the review board shall make findings of the following factors:

(*a*) the benefits and detriments to the persons whom this act and this section seek to protect;

(*b*) the hardships imposed on the tenant residing in the mobile home accommodations proposed to be discontinued;

(*c*) circumstances demonstrating hardship and inequity to the licensee seeking a discontinuance permit;

(*d*) the rate of vacancy of mobile home accommodations in the city of Taunton at the time the licensee applies for a discontinuance permit and the average rental rates for said available accommodations;

(*e*) the availability of land zoned and otherwise suitable for development or expansion of mobile home parks.

The review board, in its discretion, may also review other relevant factors in making its report and recommendations.

For purposes of this act, "vacancy rate" shall be defined as that percentage of the mobile home park accommodations which are empty of mobile homes and are offered for rental to mobile home tenants. Further, to be considered a "vacancy" the rental offer of the mobile home park accommodation must be without entrance fee; without restrictions as to the age, size or character of the mobile home, and; without a requirement that the prospective tenant purchase a mobile home from the park owner.

In its report, the review board shall determine the current vacancy rate for comparable mobile home park accommodations in the city of Taunton. Any parties involved may submit evidence presented to the review board at the public hearing.

(6) (*a*) The licensee or applicant seeking a discontinuance permit must make application to the municipal council for said permit within thirty days of serving the tenants with the notices required under the provisions of subsection 8 of section thirty-two L of chapter one hundred and forty of the General Laws.

(*b*) Notwithstanding the foregoing, no eviction certificate shall be issued by the review board because of the discontinuance of the use of all or a part of a mobile home park unless a discontinuance permit has been issued by the municipal council.

SECTION 7. The personnel of the review board established under the provisions of section two shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one of the General Laws.

SECTION 8. The provisions of this act shall not apply to a mobile home park which has sent out notices of a change of use or discontinuance under the provisions of subsection 8 of section thirty-two L of chapter one hundred and forty of the General Laws prior to the effective date of this act.

SECTION 9. This act shall take effect upon its acceptance by the city of Taunton.

Approved October 9, 1992.

Chapter 208. AN ACT FURTHER REGULATING PRELIMINARY ELECTIONS IN THE TOWN OF NORTH ATTLEBOROUGH.

Be it enacted, etc., as follows:

The first paragraph of section 3 of chapter 751 of the acts of 1977 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Nomination papers shall be made available by said board of election commissioners ninety days prior to the date of the preliminary election.

Approved October 9, 1992.

Chapter 209. AN ACT RELATIVE TO THE POWER OF THE POCUMTUCK VALLEY MEMORIAL ASSOCIATION.

Be it enacted, etc., as follows:

Chapter 240 of the acts of 1870 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. The corporation shall have the following powers:

(*a*) To purchase, receive, take by grant, gift, devise, bequest, lease or otherwise acquire, own, hold, improve, employ, use and deal in and with, real or personal property of any value, or any interest therein, wherever situated;

(*b*) To sell, convey, lease, exchange, transfer or otherwise dispose of or mortgage, pledge, encumber or create a security interest in any or all of its property, or any interest therein, wherever situated;

(*c*) To purchase, take, receive, subscribe for or otherwise acquire, own, hold, vote, employ, sell, lend, lease, exchange, transfer or otherwise dispose of, mortgage, pledge, use and otherwise deal in and with, bonds and other obligations, shares, or other securities or interests issued by others, whether engaged in similar

or different business, governmental or other activities;

(*d*) To enter into contracts, give guarantees and incur liabilities, borrow money at such rates of interest as the association may determine, issue its notes, bonds and other obligations and secure any of its obligations by mortgage, pledge or encumbrance of, or security interest in any or all of its property or any interest therein, wherever situated;

(*e*) To lend money, invest and reinvest its funds and take and hold real and personal property as security for the payments of funds so loaned or invested;

(*f*) To do business, carry on its operations and have offices and exercise the powers granted by this chapter in any jurisdiction within or without the United States;

(*g*) To pay pensions, establish and carry out pension, savings, thrift and other retirement, incentive and benefit plans, trusts and provisions for any or all of its directors, officers and employees and for any or all of the directors, officers and employees of any corporation, fifty percent or more of the shares of which are outstanding and entitled to vote on the election of directors are owned, directly or indirectly, by it;

(*h*) To participate as a subscriber in the exchanging of insurance contracts pursuant to section ninety-four B of chapter one hundred and seventy-five of the General Laws;

(*i*) To be an incorporator of other corporations of any type or kind;

(*j*) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the association is formed; provided, however, that no such power shall be exercised in a manner inconsistent with this chapter or the General Laws; and

(*k*) To be a partner in any business enterprise which the association would have the power to conduct by itself.

Approved October 9, 1992.

Chapter 210. AN ACT DESIGNATING A CERTAIN FAMILY HOUSING PROJECT IN THE CITY OF SALEM AS FARRELL COURT.

Be it enacted, etc., as follows:

The family housing project on First street in the city of Salem shall be designated and known as Farrell court, in honor of William J. Farrell, former executive director of the Salem housing authority.

Approved October 9, 1992.

Chapter 211. AN ACT INCREASING THE AMOUNT OF DEATH BENEFITS PAID BY THE MEDFORD POLICE RELIEF ASSOCIATION, INCORPORATED.

Be it enacted, etc., as follows:

Section 1 of chapter 239 of the acts of 1971 is hereby amended by striking out, in line 7, the word "five" and inserting in place thereof the following word:- ten.

Approved October 9, 1992.

Chapter 212. AN ACT RELATIVE TO PERSONS INVOLVED IN EQUINE ACTIVITIES.

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

Be it enacted, etc., as follows:

SECTION 1. Chapter 128 of the General Laws is hereby amended by inserting after section 2C the following section:-

Section 2D. (a) For the purposes of this section, the following words shall have the following meanings:-

"Engage in an equine activity", riding, training, assisting in veterinary treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted, visiting or touring or utilizing an equine facility as part of an organized event or activity, or assisting a participant or show management. The term "engage in an equine activity" shall not include being a spectator at an equine activity, except in cases where the spectator places himself in an unauthorized area or in immediate proximity to the equine activity.

"Equine", a horse, pony, mule, or donkey.

"Equine activity" (1) equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, riding, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding, gymkhana games, and hunting; (2) equine training or teaching activities or both; (3) boarding equines; including normal daily care thereof; (4) riding, inspecting, or evaluating by a purchaser or an agent an equine belonging to

another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; (5) rides, trips, hunts or other equine activities of any type however informal or impromptu that are sponsored by an equine activity sponsor; (6) placing or replacing horseshoes or hoof trimming on an equine; and (7) providing or assisting in veterinary treatment.

"Equine activity sponsor", an individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for, an equine activity, including but not limited to: pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college-sponsored classes, programs and activities, therapeutic riding programs, stable and farm owners and operators, instructors, and promoters of equine facilities, including but not limited to farms, stables, clubhouses, pony ride strings, fairs, and arenas at which the activity is held.

"Equine professional", a person engaged for compensation:

(1) in instructing a participant or renting to a participant an equine for the purpose of riding, driving or being a passenger upon the equine; (2) in renting equipment or tack to a participant; (3) to provide daily care of horses boarded at an equine facility; or (4) to train an equine.

"Inherent risks of equine activities", dangers or conditions which are an integral part of equine activities, including but not limited to:

(1) The propensity of equines to behave in ways that may result in injury, harm, or death to persons on or around them; (2) the unpredictability of an equine's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals; (3) certain hazards such as surface and subsurface conditions; (4) collisions with other equines or objects; (5) the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his ability.

"Participant", any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in such equine activity.

(b) Except as provided in subsection (c), an equine activity sponsor, an equine professional, or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities and, except as provided in said subsection (c), no participant nor participant's representative shall make any claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of equine activities.

(c) This section shall not apply to the racing meetings as defined by section one

of chapter one hundred and twenty-eight A.

Nothing in subsection (b) shall prevent or limit the liability of an equine activity sponsor, an equine professional, or any other person if the equine activity sponsor, equine professional, or person:

(1) (i) provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury; or (ii) provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity, and determine the ability of the participant to safely manage the particular equine based on the participant's representations of his ability;

(2) owns, leases, rents, has authorized use of, or is otherwise in lawful possession and control of the land, or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to the equine activity sponsor, equine professional, or person and for which warning signs, pursuant to subsection (d), have not been conspicuously posted;

(3) commits an act of omission that constitutes willful or wanton disregard for the safety of the participant, and that act of omission caused the injury; or

(4) intentionally injures the participant.

(d) (1) Every equine professional shall post and maintain signs which contain the warning notice specified in paragraph (2). Such signs shall be placed in a clearly visible location in the proximity of the equine activity. The warning notice specified in said paragraph (2) shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an equine professional for the providing of professional services, instruction, or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's business, shall contain in clearly readable print the warning notice specified in said paragraph (2).

(2) The signs and contracts described in paragraph (1) shall contain the following notice:

WARNING

Under Massachusetts law, an equine professional is not liable for an injury to, or the death of, a participant in equine activities resulting from the inherent risks of equine activities, pursuant to section 2D of chapter 128 of the General Laws.

SECTION 2. This act shall apply to causes of action filed on or after the effective date of this act.

Approved October 16, 1992.

Chapter 213. AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF METHUEN TO MAKE A CERTAIN PAYMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-nine M of chapter thirty, chapter thirty B and section forty-four J of chapter one hundred and forty-nine of the General Laws, the charter of the city known as the town of Methuen, any rule, regulation or ordinance or any other general or special law to the contrary, said town of Methuen is hereby authorized to make payment under a contract entered into with Watertown Engineering Corp. known as Contract C-92-42 approved by the Methuen town council on the sixteenth day of April, nineteen hundred and ninety-two; provided, however, that in no event shall the amount paid by said town pursuant to the contract exceed the amount specified in said contract, nor exceed payment for five hundred and ninety-one crypts and foundations.

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

Approved October 21, 1992.

Chapter 214. AN ACT AUTHORIZING THE TOWN OF LYNNFIELD TO EXPEND A CERTAIN FUND.

Be it enacted, etc., as follows:

The town of Lynnfield is hereby authorized to appropriate and expend the total amount of funds, principal and interest, which have accumulated in the American legion trust fund account established in accordance with the provisions of chapter four hundred and eighty of the acts of nineteen hundred and twenty-four for any purpose for which a town may lawfully expend funds.

Approved October 21, 1992.

Chapter 215. AN ACT VALIDATING CERTAIN ACTIONS TAKEN BY THE TOWN OF WEYMOUTH RELATIVE TO A ZONING BY-LAW.

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 Weymouth relative to Article

5 of the special town meeting held on June sixteenth, nineteen hundred and ninety-two and all actions taken pursuant thereto are hereby ratified, validated, and confirmed to the same extent as if the public hearing notice of the planning board meeting had been published and posted as required by law.

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

Approved October 21, 1992.

Chapter 216. AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN EMPLOYEE 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 employee of the district court department of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, district court department of the trial court of the commonwealth is hereby authorized and directed to establish a sick leave bank for head administrative assistant Patricia Caddick of the Quincy division of the district court department. Each employee of the trial court of the commonwealth may voluntarily contribute one or more of his vacation or personal days to said bank for use by said Patricia Caddick.

Approved October 21, 1992.

Chapter 217. AN ACT EXEMPTING THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT IN THE TOWN OF HINGHAM FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter thirty-six of the acts of nineteen hundred and forty-five is hereby repealed.

SECTION 2. The office of the chief of the fire department in the town of Hingham shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 3. The provisions of sections one and two shall not impair the civil

service status of any person holding the office of chief of the fire department in the town of Hingham on the effective date of this act.

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

Approved October 29, 1992.

Chapter 218. AN ACT MAKING AN APPROPRIATION AND PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE BUSINESS TAX POLICY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing the general appropriation act and for a certain new activity and project, the sum set forth in section two is hereby appropriated from the General Fund, for the several purposes and subject to the conditions specified therein, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two, for the fiscal year ending June thirtieth, nineteen hundred and ninety-three or for such period as may be specified, the sum so appropriated to be in addition, unless otherwise specified, to any amounts available for the purpose.

SECTION 2.

9630-0100 For the expenses of the special commission established in sectionthree to make an investigation and study relative to the business tax policy of the commonwealth $200,000

SECTION 3. There is hereby established pursuant to section two A of chapter four of the General Laws, a special commission consisting of the president of the senate, the speaker of the house of representatives, the representative in congress from the eighth congressional district of Massachusetts and nine persons to be appointed by the governor, one of whom shall be the president of the Federal Reserve Bank of Boston, who shall serve as chairman, one of whom shall be the president of the Massachusetts AFL-CIO, one of whom shall be a person to be recommended by the Massachusetts High Technology Council, one of whom shall be a person to be recommended by the Massachusetts Taxpayers Foundation, one of whom shall be a person to be recommended by the Massachusetts Bankers' Association, three of whom shall be persons to be recommended by the Tax Equity Alliance for Massachusetts, for the purpose of making an investigation and study relative to the business tax policy of the commonwealth, including, but not limited to, business tax disclosure concerns raised by Question 2 which will be submitted to the people at the nineteen hundred and ninety-two state election.

Such investigation and study shall include: (1) an evaluation of the equity, neutrality and simplicity of the commonwealth's taxes on business, including, but not limited to: (a) an analysis of the corporation excise tax, the insurance excise tax and the bank excise tax; (b) an examination of excise tax return data over a period of several years to determine variation in tax payments and burdens across industries and size categories; (c) the number and characteristics of businesses that have incurred little or no excise tax liability; and (d) an analysis of the statutory basis why such businesses have incurred little or no excise tax liability; and (2) an evaluation of the commonwealth's business tax climate, including, but not limited to, a comparison of the tax payments and burdens on business in the commonwealth with the tax payments and burdens on businesses in competitor states. Said comparison shall take into account all taxes for which businesses are liable, including, but not limited to, state excise taxes on businesses, sales taxes on business purchases, and local property taxes on businesses. Said commission, in the course of its investigation and study, shall consider business tax disclosure in the context of the goals of equity, neutrality, simplicity, tax competitiveness, confidentiality, and the public's right to know, and such other matters as the commission deems necessary to accomplish its purposes.

Notwithstanding the provisions of section twenty-one of chapter sixty-two C of the General Laws or any other general or special law to the contrary, said commission shall have access to department of revenue tax return data that it deems necessary to conduct its duties; provided, however, that such data shall be provided by the commissioner of the department of revenue in such a manner that identification of individual taxpayers associated with such data shall not be disclosed. No member of the commission or its staff shall employ any such data for any purpose other than carrying out the duties set forth in this section. Nothing contained in this act shall require said commissioner to provide information obtained by the department of revenue through its agreements with other states or the federal government.

No member of said commission shall receive any compensation for his services, nor shall any member of said commission be reimbursed for any travel expenses or actual expenses incurred in carrying out his duties as a member of said commission.

Said commission shall report to the general court the results of its investigation and study, including a minority report, if any, together with its recommendations and drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the senate and the clerk of the house of representatives on or before June thirtieth, nineteen hundred and ninety-three, who shall forward the same to their respective committee on ways and means. Said commission shall file a supplemental report thereto, if necessary, together with any necessary recommendations and drafts of legislation, with the clerk of the senate

and the clerk of the house of representatives on or before December thirty-first, nineteen hundred and ninety-three, who shall forward the same to their respective committee on ways and means.

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

Approved October 30, 1992.

Chapter 219. AN ACT RELATIVE TO THE MERGER OR CONSOLIDATION OF CERTAIN BANKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for additional requirements in the merger or consolidation of certain banks, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 34B of chapter 168 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following paragraph:-

Upon a merger or consolidation pursuant to this section by any such corporation into a single thrift institution, such corporation, hereinafter referred to as a former member bank, shall cease to be a member of the Mutual Savings Central Fund, Inc. Such thrift institution shall be entitled to receive from the Mutual Savings Central Fund, Inc., an amount not to exceed the actual deposits made by such former member bank pursuant to the provisions of section four of chapter forty-four of the acts of nineteen hundred and thirty-two, less its indebtedness, if any, to said Mutual Savings Central Fund, Inc.; provided, however, that no part of the income, surplus, undivided profits or other reserves of the Liquidity Fund established under the provisions of chapter forty-four of the acts of nineteen hundred and thirty-two shall be so paid. All amounts required to be paid by a former member bank pursuant to the provisions of sections one and seventeen of chapter forty-three of the acts of nineteen hundred and thirty-four, including the income, surplus, undivided profits and other reserves of the Deposit Insurance Fund, shall be retained by the Mutual Savings Central Fund, Inc., as a charge for the insurance of deposits of such corporation while it was a member bank. Such thrift institution shall, however, participate in any distribution made under the provisions of section ten of said chapter forty-three, but the aggregate amount of such distributions shall be limited to an amount equal to the amount the former member bank would have received had the Deposit Insurance Fund been liquidated at the time of such merger or consolidation; provided, however, that such thrift institution may also participate in any dividends paid pursuant to section

three of said chapter forty-three to the extent the board of directors of said Mutual Savings Central Fund, Inc., declares dividends for payment to former member banks, subject to the prior approval of the commissioner as provided for in said section three of said chapter forty-three.

SECTION 2. Section 34D of said chapter 168, as so appearing, is hereby amended by adding the following paragraph:-

Upon a merger or consolidation pursuant to this section by any such stock corporation into a state chartered trust company or federally chartered stock corporation, such stock corporation, hereinafter referred to as a former member bank, shall cease to be a member bank in the Mutual Savings Central Fund, Inc. The successor corporation to such former member bank shall be entitled to receive from the Mutual Savings Central Fund, Inc., an amount not to exceed the actual deposits made by such former member bank pursuant to the provisions of section four of chapter forty-four of the acts of nineteen hundred and thirty-two, less its indebtedness, if any, to said Mutual Savings Central Fund, Inc.; provided, however, that no part of the income, surplus, undivided profits or other reserves of the Liquidity Fund established under the provisions of chapter forty-four of the acts of nineteen hundred and thirty-two shall be so paid. All amounts required to be paid by a former member bank pursuant to the provisions of sections one and seventeen of chapter forty-three of the acts of nineteen hundred and thirty-four, including the income, surplus, undivided profits or other reserves of the Deposit Insurance Fund, shall be retained by the Mutual Savings Central Fund, Inc., as a charge for the insurance of deposits of such former member bank while it was a member bank. Such successor corporation shall, however, participate in any distribution made under the provisions of section ten of said chapter forty-three, but the aggregate amount of such distributions shall be limited to an amount equal to the amount the former member bank would have received had the Deposit Insurance Fund been liquidated at the time of such merger or consolidation; provided, however, that such successor corporation may also participate in any dividends paid pursuant to section three of said chapter forty-three to the extent the board of directors of said Mutual Savings Central Fund, Inc., declares dividends for payment to former member banks, subject to the prior approval of the commissioner as provided for in said section three of said chapter forty-three.

SECTION 3. Section 3 of chapter 43 of the acts of 1934, as amended by section 13 of chapter 405 of the acts of 1985, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- The corporation may also pay dividends at such rates and at such times as the directors may determine, subject to the prior approval of the commissioner of any such payments, rates and times and subject to his prior approval as to the terms, conditions and use of such payment, to banks which have previously been member banks but whose membership was terminated either by merger or consolidation

pursuant to sections thirty-four B and thirty-four D of chapter one hundred and sixty-eight of the General Laws or by conversion to federal charter pursuant to section thirty-six or thirty-seven of said chapter one hundred and sixty-eight, upon the retained amounts paid in by such former member banks to the Deposit Insurance Fund or upon the unexpended portion thereof.

SECTION 4. This act shall take effect as of September first, nineteen hundred and ninety-two and shall apply to any merger or consolidation of a bank which occurs on or after September first, nineteen hundred and ninety-two.

Approved October 30, 1992.

Chapter 220. AN ACT RELATIVE TO CIVIL SERVICE POSITIONS IN THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and seventeen of the Special Acts of nineteen hundred and eighteen is hereby repealed.

SECTION 2. Chapter one hundred and seventy-four of the acts of nineteen hundred and twenty-four is hereby repealed.

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

Approved November 3, 1992.

Chapter 221. AN ACT RELATIVE TO THE OPERATION OF THE WATER SYSTEM FOR THE TOWN OF HANSON.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and twenty of the acts of nineteen hundred and sixteen is hereby repealed.

SECTION 2. The town of Hanson may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes and may sell and supply water to other communities and parties; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of the water and fix and collect rates to be paid therefor.

SECTION 3. The town of Hanson is also authorized to purchase water from the city of Brockton and the towns of Rockland and Abington and any other sources; and to store, convey and distribute the same to its inhabitants; and the city of Brockton and the towns of Rockland and Abington and any other sources are hereby authorized to sell water to the town of Hanson. The price to be paid for

water sold by the city of Brockton or by the towns of Rockland and Abington and any other sources shall be agreed upon by the water commissioners of said city and the water commissioners of the respective towns and the parties in control of such sources and, in case of a failure of the parties, to agree, the price to be paid shall be fixed by the department of public utilities.

SECTION 4. The town of Hanson is authorized to purchase or take by right of eminent domain, all pipes, conduits, mains, reservoirs and other property or works for the collection, storage, purification, conveyance or distribution of water in said town belonging to a person or corporation and to use the same for the purpose of carrying out the provisions of this act. The price to be paid for such property or works so acquired, if not agreed upon by the parties, shall be submitted to a board of arbitration consisting of three members, one of whom shall be appointed by the water commissioners of the town of Hanson, one of whom shall be appointed by the person or corporation owning such property or works acquired by the town, and one of whom shall be appointed by the previous two so appointed. In the event said town or a party is aggrieved by the decision of said board, the price to be paid may be determined in the manner provided by section seven of this act for the assessment of damages for the taking of land.

SECTION 5. The town of Hanson, for the purposes of this act, may acquire by gift, purchase, eminent domain or otherwise, and hold the waters of any pond or stream or of any ground source or other sources of supply by means of driven, artesian or other wells within the limits of said town, and may acquire by gift, purchase, eminent domain or otherwise and hold all lands, rights, interests, rights of way and easements necessary for collecting, storing, purifying and preserving the water and for conveying the same to any part of said town and for aquifer and watershed protection purposes; provided, however, that no source of water supply and no lands necessary for preserving the quality of the water shall be acquired or used without obtaining the advice and approval of the department of environmental protection, if any; and, provided further, that the siting of all dams, reservoirs and wells to be used as sources of water supply hereunder shall be subject to the approval of said department. Said town may construct, upon lands acquired or held under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances and do such things as may be necessary for the establishment and maintenance of complete and effective water works; and, for such purpose, said town may construct wells and reservoirs and establish pumping works and may construct, lay and maintain aqueducts, conduits, pipes and other works under and over any land, water courses, railroads, railways and public or other ways, and along such ways in the town of Hanson, in such manner as not to obstruct the same; and, for the purpose of constructing, laying, maintaining, operating and repairing

such conduits, pipes and other works and for all other purposes of this act, said town, may dig up or raise and embank any such lands, highways or other ways, in such manner as to cause the least interference to public travel on such ways, and all things done upon such ways shall be subject to the applicable rules and regulations in said town for other projects requiring street excavation. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation or, in case of failure so to agree, as may be approved by the department of public utilities.

SECTION 6. The title to all lands, rights or easements acquired under the provisions of this act shall vest in the town of Hanson, and the land so acquired may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem to be in the best interests of said town.

SECTION 7. The town of Hanson may enter upon any lands within said town for the purpose of making surveys, test pits and borings and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized under the provisions of this act. Notwithstanding the foregoing provisions of this section, the town shall have all powers as are now or may hereafter be provided for in towns which have established a water supply pursuant to the provisions of section thirty-nine A of chapter forty of the General Laws; provided, however, that in the event of a conflict, the provisions of this act shall govern. Any person or corporation injured in his property by any taking of property of the town under this act may recover damages from said town under the provisions of chapter seventy-nine of the General Laws.

SECTION 8. The town of Hanson, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds or notes as specified by section sixteen of chapter forty-four of the General Laws. Such bonds or notes shall be payable within the periods as specified by section eight of said chapter forty-four and shall be signed by the treasurer of the town and countersigned by the board of selectmen after review and recommendation of the water commissioners.

SECTION 9. The town of Hanson shall, at the time of authorizing loans pursuant to the provisions of section seven, provide for the payment thereof in accordance with the provisions of any general or special law applicable to the issuance thereof; and when a vote to the foregoing effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expenses to operate its water works and the interest as it accrues on the bonds or notes issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed by the assessors of town, annually thereafter, in the same manner as other taxes,

until the debt incurred by such loans is extinguished.

SECTION 10. Whoever willfully or wantonly corrupts, pollutes or diverts any water taken or held under the provisions of this act or injures any structure, work or property owned, held or used by the town of Hanson pursuant hereto, shall, upon conviction, be subject to the penalties provided for in section one hundred and seventy of chapter one hundred and eleven of the General Laws or any other applicable law, rule or regulation and shall forfeit and pay to said town of Hanson three times the amount of damages assessed therefor, to be recovered in an action of tort. Nothing contained herein shall serve as a limitation on the applicability of any other local, state or federal law, rule or regulation.

SECTION 11. The water system in the town of Hanson shall continue to be operated by the elected board of water commissioners originally created under chapter three hundred and twenty of the acts of nineteen hundred and sixteen, with commissioners serving terms of office of three years; provided, however, that after the effective date of this act, the present water commission shall increase its membership from three to five persons in accordance with the provisions of section two of chapter forty-one of the General Laws. All of the authority granted to said town pursuant to this act and not otherwise specifically provided for shall be vested in said water commissioners who shall be subject, to such rules and regulations as the town may impose by vote. A majority of the commissioners shall constitute a quorum for the transaction of business. A vacancy occurring in the board shall be filled in accordance with the provisions of section eleven of said chapter forty-one. For purposes of chapter one hundred and fifty of the General Laws, the Hanson water commission shall be considered the public employer for all employees within the Hanson water department and the Hanson water commission.

SECTION 12. The board of water commissioners shall fix just and equitable prices, rates and fees for the supply and use of water, and shall prescribe the time and manner of payment at a public meeting called for the purpose. The income of the water works shall be applied to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued for the purpose of the water works. If, in any fiscal year, there shall be a net surplus remaining after providing for the aforesaid charges for such fiscal year, such surplus, or so much thereof as may be necessary to reimburse the town for monies theretofore paid on account of its water department, shall be paid into the town treasury. Reimbursement of monies paid on account of the water department shall be limited to the exact amount expended, and shall not be transferred until an itemized warrant is submitted to and approved and signed by the water commissioners and shall not be unduly withheld. If in any fiscal year there shall be a net surplus remaining after providing for the aforesaid charges and for the payment of any such reimbursement in full, such surplus may be appropriated for new construction, extraordinary maintenance or repairs, as the water commission-

ers, with the approval of the town, may deem appropriate and, in the event that a net surplus shall remain after payment for any such new construction, extraordinary maintenance or repairs, the water rates shall be reduced proportionately. Said commissioners shall, annually or as often as the town may require, render a report upon the condition of the works under their direction and control, and an account of their doings, including an account of the receipts and expenditures. Said commissioners shall submit a budget to the annual town meeting for its approval.

SECTION 13. The board of water commissioners of the town of Hanson shall assume the duties of sewer commissioners at such time as a sewer commission may be established in said town.

SECTION 14. Notwithstanding the provisions of any general or special law to the contrary, the Hanson water department shall be operated in accordance with the provisions of this act, and said Hanson water commissioners shall have all the powers enumerated herein and those necessarily implied for the purpose of carrying out the provisions of this act or any law related to the operation of the water system. All approved budgets, rules and regulations, policies and procedures of the existing Hanson water commission and Hanson water department that are in force on the effective date of this act and that are not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law or until they expire by their own terms. All property prior to the effective date of this act under the ownership of and the jurisdiction of the Hanson water commission and Hanson water department shall continue under the ownership of and the jurisdiction of the Hanson water commission and the Hanson water department pursuant hereto. All official acts, contracts entered into and obligations incurred by the Hanson water commission and Hanson water department prior to the effective date of this act shall continue in full force and effect and shall be deemed transferred to the Hanson water commission and the Hanson water department operating under the provisions of this act and shall not be affected by this act. No prior act done by or in favor of the Hanson water commission and the Hanson water department shall be rendered invalid by reason of the passage of this act, it being the intent that the operation of the water system of Hanson continue in operation under the provisions of this act.

SECTION 15. This act shall take effect upon its passage.

Approved November 3, 1992.

Chapter 222. AN ACT AUTHORIZING THE CITY OF GLOUCESTER TO PAY CERTAIN UNPAID COMPENSATION.

Be it enacted, etc., as follows:

The city treasurer of the city of Gloucester is hereby authorized to pay from available funds to Fred J. Kyrouz the sum of two thousand seventy-seven dollars and seventy-seven cents for unpaid compensation due said Fred J. Kyrouz.

Approved November 4, 1992.

Chapter 223. AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

The city of Leominster is hereby authorized to appropriate for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay to, Montachusett Construction Co., Inc., a Massachusetts corporation, an unpaid bill incurred by the school department of said city and totalling ten thousand two hundred and sixty-nine dollars said bill being legally unenforceable against said city, notwithstanding the failure of said city to comply with the appropriate provisions of law relating to competitive bidding in awarding the contract.

Approved November 4, 1992.

Chapter 224. AN ACT RELATIVE TO REVOLVING FUNDS FOR PUBLIC SCHOOL TRANSPORTATION AND CERTAIN FINANCIAL MATTERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for certain changes to public school transportation revolving funds and to limit the time period available for certain reimbursements to certain cities and towns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 53E 1/2 of chapter 44 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "employees", in line 24, the following words:- ;provided, however, that such

prohibition shall not apply to wages or salaries paid to full or part-time employees who are employed as drivers providing transportation for public school students; provided, further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay such wages or salaries and provided, further, that any such wages or salaries so paid shall be reported in the budget submitted for the next fiscal year.

SECTION 2. Section 115 of chapter 150 of the acts of 1990, is hereby amended by striking out, in line 1, the word "Notwithstanding" and inserting in place thereof the following words:- During fiscal year nineteen hundred and ninety-one and the two subsequent fiscal years and notwithstanding.

SECTION 3. Section two of this act shall take effect as of July first, nineteen hundred and ninety-one.

Approved November 5, 1992.

Chapter 225. AN ACT ESTABLISHING A SICK LEAVE BANK FOR AN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.

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 employee of the department of social 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:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of social services is hereby authorized and directed to establish a sick leave bank for Jeff Rogers, an employee of the department of social services. Any employee of the department of social services may voluntarily contribute one or more of his sick, personal or vacation days to said bank for use by Jeff Rogers.

The foregoing was laid before the Governor on the Twenty-sixth day of October, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by Him with his objections thereto within that time.

Chapter 226. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the issuance of bonds to finance certain

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

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section three of chapter one hundred and ninety-four of the acts of nineteen hundred and ninety-two, providing for a program for the acquisition and upgrading of major computer systems, shall be issued for terms not to exceed seven years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and four, as recommended by the governor in a message to the general court dated October second, nineteen hundred and ninety-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 2. Notwithstanding any provisions of law to the contrary, the bonds which the state treasurer is authorized to issue under section four of chapter one hundred and ninety-four of the acts of nineteen hundred and ninety-two, providing for a program for the development and procurement of an automated eligibility determination system for the department of public welfare, shall be issued for terms not to exceed seven years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and four, as recommended by the governor in a message to the general court dated October second, nineteen hundred and ninety-two, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved November 11, 1992.

Chapter 227. **AN ACT AUTHORIZING THE TOWNS OF BELLINGHAM AND BLACKSTONE TO ENTER INTO AGREEMENTS WITH THE CITY OF WOONSOCKET IN THE STATE OF RHODE ISLAND FOR THE TREATMENT AND DISPOSAL OF WASTEWATER.**

Be it enacted, etc., as follows:

SECTION 1. The towns of Bellingham and Blackstone are hereby authorized to enter into agreements with the city of Woonsocket in the state of Rhode Island to (*i*) plan, construct, operate, maintain, extend and improve facilities located within or without said towns for the purposes of a regional wastewater treatment and disposal system including interceptors or other sewer lines which may

transport wastewater from and to any such regional wastewater treatment and disposal system, (*ii*) provide for the financing thereof, (*iii*) provide authority for agents of the city of Woonsocket to implement and enforce any sewer use by-law adopted by the towns of Bellingham and Blackstone against users in the towns of Bellingham and Blackstone, which by-laws, or rules and regulations are to conform with the treatment standards and permit requirements and procedures then in effect in the Woonsocket Regional Wastewater System Industrial Pretreatment Program, including but not limited to granting said city of Woonsocket the right to require industrial users to self monitor their discharge and report to said city of Woonsocket, to require the installation of proper pretreatment systems if necessary, to submit to inspections for the purpose of determining compliance, to allow said city of Woonsocket to issue industrial discharge permits and to levy fines or terminate discharge rights for continued noncompliance, and (*iv*) provide for any and all other matters as may in said towns of Bellingham and Blackstone discretion be necessary or desirable to carry out any such agreement.

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

Approved November 11, 1992.

Chapter 228. **AN ACT DESIGNATING THE RECONSTRUCTED STATE BOAT RAMP ON THE BACK RIVER IN THE TOWN OF WEYMOUTH AS THE JOSEPH F. CARVEN, SR. BOAT RAMP.**

Be it enacted, etc., as follows:

The reconstructed public boat ramp on Back River in the town of Weymouth shall be designated and known as the Joseph F. Carven, Sr. Boat Ramp, in honor of Joseph F. Carven, Sr., a prominent civic leader in said town of Weymouth for many years. A suitable marker bearing said designation shall be erected by the public access board within the department of fisheries, wildlife and environmental law enforcement in compliance with the standards of said department.

Approved November 12, 1992.

Chapter 229. **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 the words "fifty-nine thousand nine hundred", inserted by section 1 of chapter 99 of the acts of 1990, and inserting in place thereof the following words:- sixty-nine thousand nine hundred.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety-two.

Approved November 13, 1992.

Chapter 230. AN ACT AUTHORIZING THE TOWN OF NORTH ANDOVER TO ISSUE BONDS FOR THE ACQUISITION OF A SEWER SYSTEM AND PUMP STATION BUILDING AND EQUIPMENT AND INTERESTS IN LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of North Andover is hereby authorized to borrow such sums as may be necessary, not to exceed an aggregate amount of four hundred sixty-seven thousand five hundred dollars, for the purpose of purchasing from Angus Realty Corporation a privately owned sewer system and sewer pumping station, including the building in which the pumping station is housed and the equipment associated therewith, and interests in the land related thereto, and may issue bonds or notes therefor. Each authorized issue shall constitute a separate loan and each such loan shall be payable within twenty years from its date. For each such 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. Bonds and notes may be issued hereunder by the town treasurer with the approval of the board of selectmen and the proceeds thereof may be expended without further authorization or appropriation by the town. The town may issue temporary loans in anticipation of the issuance of such borrowing pursuant to section seventeen of chapter forty-four of the General Laws. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section ten of said chapter forty-four but, except as provided herein, shall otherwise be subject to the provisions of said chapter forty-four.

SECTION 2. The board of selectmen of the town of North Andover may levy a special betterment assessment under chapters eighty and eighty-three of the General Laws upon the property benefitted by the sewer and pumping station acquisition in order to pay for all or any portion of the costs to be financed under section one of this act, notwithstanding any limitation in said chapter eighty-three

or any other provision of the General Laws limiting the amount of costs of any particular improvements that may be paid from such betterment assessments.

SECTION 3. The vote passed under Article 21 of the warrant for the nineteen hundred and ninety-two annual town meeting is hereby validated, ratified and confirmed in all respects.

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

Approved November 17, 1992.

Chapter 231. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ADELINE POMPEO AN EMPLOYEE OF THE TRIAL COURT OF THE COMMONWEALTH.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the trial court of the commonwealth is hereby authorized and directed to establish a sick leave bank for superior court officer Adeline Pompeo. Each employee of the trial court of the commonwealth may voluntarily contribute one or more of his personal or vacation days to said sick leave bank for use by said Adeline Pompeo.

Approved November 18, 1992.

Chapter 232. AN ACT AUTHORIZING THE TOWN OF ORLEANS TO GRANT AN EASEMENT TO THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The town of Orleans hereinafter referred to as the "grantor" is hereby authorized to convey to the commonwealth hereinafter referred to as the "grantee", an easement for recreational purposes over all or portions of seven parcels of land presently held by the town of Orleans for general municipal purposes including conservation and recreation which parcels are more fully described in a deed recorded at the Barnstable county registry of deeds at Book 2209, Page 216.

SECTION 2. Said easement is more fully bounded and described as Easement Parcels "A", "B", "C", "D", "E", "F" and "G", as shown on a plan on file in the office of the board of selectmen entitled "Commonwealth of Massachusetts, Department of Environmental Management Division of Planning and Development, Plan of Easement and Land Owned by the Town of Orleans Mass., Scale 1" = 100', Date: December 1989 consisting of two sheets and further described as follows:

(a) Easement Parcel "A":

Beginning at the Brewster-Orleans Town Line at a point 10.00 feet left of center line of the railroad formerly of the Penn Central Transportation Company; thence N 79°=-28'-47" E a distance of 125 feet ± to a point of curvature, said point being 10.00 feet left of center line station 3120+94.07; thence along a curve to the left having a radius of 1422.69 feet, a distance of 1092.55 feet to a point of tangency, said point being 10.00 feet left of center line station 3131+94.07; thence N 35°=-28'-47" E a distance of 39.83 feet to a point of curvature; said point being 10.00 feet left of center line of curvature thence along a curve to the right having a radius of 1442.69 feet, a distance of 1114 feet ± to the west line of the Mid-Cape Highway as conveyed to the Commonwealth of Massachusetts in Book 966 Page 393; thence southerly and along the west line of the Mid-Cape Highway, said line being on a curve to the left having a radius of 11,000.0 feet, a distance of 20.6 feet ± to point 10.00 feet south of said center line; thence westerly along a curve to the left having a radius of 1422.69 feet, a distance of 1097 feet ± to a point of tangency, said point being 10.00 feet right of center line station 3132+33.90; thence S 35°=-28'-47" W a distance of 39.83 feet to a point of curvature, said point being 10.00 feet right of center line station 3131+94.07; thence along a curve to the right having a radius of 1442.69 feet, a distance of 1107.91 feet to a point of tangency; said point being 10.00 feet right of center line station 3120+94.07; thence S 79°=-29'-47" W a distance of 125' feet ± to the Orleans - Brewster town line; thence northerly and along said town line a distance of 20 feet ± to the point of beginning. Containing 1.09 acres ±.

(b) Easement Parcel "B":

Beginning at a point on the easterly line of the Mid-Cape Highway as conveyed to the Commonwealth of Massachusetts in Book 966 Page 393, said point 10.00 feet left of center line of the railroad formerly of the Penn Central Transportation Company; thence easterly along a curve to the left having a radius of 1422.69 feet, a distance of 105 feet ± to the westerly line of West Road as it existed before its relocation in 1957; thence southeasterly and along said westerly line of West Road a distance of 29 feet ± to a point 10.00 feet south of the center line of said railroad, thence westerly along a curve to the right having a radius of 1442.69 a distance of 131 feet ± to a point on the easterly line of the aforementioned Mid-Cape Highway, said point being 10.00 feet right of the center line of said railroad; thence northeasterly along the east line of the Mid-Cape Highway, said line being a curve to the right having a radius of 10,900.0 feet a distance of 20.6 feet ± to the point

of beginning. Containing 2,360 square feet ±.

(c) Easement Parcel "C":

Beginning at a point 10.00 feet left of a center line of the railroad formerly of the Penn Central Transportation Company, said point also being on the northeasterly line of West Road as it existed before, its relocation in 1957; thence easterly along a curve to the left having a radius of 1422.69 feet, a distance of 510 feet ± to a point of tangency, said point being 10.00 feet left of center line station 3152+34.34, thence N 56°=-15'-27" E a distance of 2,603.80 feet to a point of curvature, said point being 10.00 feet left of center line station 3178+38.14; thence northeasterly along a curve to the left having a radius of 2,536.64 feet a distance of 25.05 feet + to the southwest line of Main Street as it existed before its relocation in 1955; thence southeasterly along Main Street a distance of 20.3 feet + to a point of 10.00 feet south of the said center line; thence southwesterly along a curve to the right having a radius of 2,556.64 feet by land of Main Street and the Town of Orleans a distance of 28.32 feet to a point of tangency, said point being 10.00 feet right of center line station 3178+38.14; thence S 56°=-15'-27" W by land of the Town of Orleans, a distance of 2,603.80 feet to a point of curvature, said point being 10.00 feet right of center line station 3152+34.34; thence westerly along a curve to the right having a radius of 1442.69, a distance of 501 feet ± to a point on the northeasterly line of West Road as it existed before its relocation in 1957; said point being 10.00 feet right of center line; thence northwesterly along northeasterly line of West Road a distance of 29.1 feet ± to the point of beginning. Containing 1.44 acres ±.

(d) Easement Parcel "D":

Beginning at a point on the northeasterly line of Main Street as it existed before its relocation in 1955; said point being 10.00 feet left of center line of the railroad formerly of the Penn Central Transportation Company; thence easterly along a curve to the left having a radius of 2536.64 feet a distance of 1948.12 feet ± to a point of tangency, said point being 10.00 feet left of center line station 3198+60.24; thence N 10°=-45'-37" E a distance of 361.98 feet ± to a point on the southwesterly line of Bridge Road; said point being 10.00 feet left of center line station 3202+22.2±; thence southeasterly along said line of Bridge Road a distance of 29.76 feet + to a point 10.00 feet right of center line station 3202+00.18± thence S 10°=-45'-37" W a distance of 339.94 feet ± to a point of curvature, said point being 10.00 right of center line station 3190+60.24; thence southerly along the curve to the right having a radius of 2556.64 feet a distance of 1961.93 feet to a point 10.00 feet right of center line 3179+05.99±; said point being on the northeasterly line of Main Street as it existed before the 1955 relocation; thence northwesterly along said line of Main Street a distance of 20.2 feet + to the point of beginning. Containing 1.06 acres ±.

(e) Easement Parcel "E":

Beginning at a point on the northerly right of way line of Locust Road, said point

being 41.25 feet left of center line station 3203+95.95±; thence N 10°=-45'-37" E and by the lands of Howard Gamsey and Francis L. Van Buskirk a distance of 367.59 feet ± to a point on the southwesterly right of way line of Bridge Road, said point being 41.25 feet left of center line station 3207+63.54±; thence southeasterly and along said line of Bridge Road, a distance of 68 feet ± to an angle point in said road; thence southerly and continuing along the westerly line of Bridge Road a distance of 256 feet ± to its intersection with the northerly line of Locust Road; thence westerly and along said northerly line of Locust Road a distance of 105 feet ± to the point of beginning. Containing 0.44 of an acre ±.

(f) Easement Parcel "F":

Beginning at a point on the northwesterly line of Canal Road, said point being 10.00 feet left of center line station 3209+11.87; thence N 10°=-45'-37" E a distance of 473.30 feet ± to a point on the southerly line of the Mid-Cape Highway as conveyed to the Commonwealth of Massachusetts filed in Book 966 Page 393, said point being 10.00 feet left of center line station 3213+85.17±; thence northeasterly along southerly line of Mid-Cape Highway a distance of 27.36 feet ± to a point 10.00 feet right of center line station 3214+03.83+; thence S 10/=-45'-37" W a distance of 462.30 feet ± to a point on the northwesterly line of Canal Road; said point being 10.00 feet right of center line station 3209+41.53±; thence southwesterly along line of Canal Road a distance of 35.76 feet ± to the point of beginning. Containing 0.21 acres ±.

(g) Easement Parcel "G":

Beginning at a point on the northerly line of 50 feet Service Road adjacent to the northerly line of the Mid-Cape Highway and as laid out by the Town of Orleans in 1957, said point being 10.00 feet left of center line station 3217+16.65±; thence N 10°=-45'-37" E a distance of 1145.47 feet ± to a point on the Orleans - Eastham town line, said point being 10.00 feet left of center line station 3228+62.12+; thence southeasterly along said town line a distance of 31.43 feet + to a point 10.00 feet right of center line station 3228+37.88±; thence S 10°=-45'-37" W a distance of 1103.53 feet + to the northerly line of the aforementioned service road, thence southwesterly along said northerly line of the service road a distance of 26.71 feet ± to the point of beginning. Containing 0.52 acres ±.

SECTION 3. Said easement is to be subject to the restrictions and covenants on file at the office of the board of selectmen in the town of Orleans and as set forth below:-

(*a*) The grantee's use of the easement areas shall be solely for the construction, operation and maintenance of a non-motorized public access recreational trail to be part of the Cape Cod Rail Trail.

(*b*) The grantee shall erect appropriate signage at each public way, intersection along said trail acknowledging that the easement is a gift by the inhabitants of said town of Orleans.

(*c*) The grantor reserves the right to install, service, repair, improve, replace, inspect, test and make all necessary connections and take any and all action necessary or incidental for the installing or maintaining any utility over, along or under all property subject to this easement. Said grantor reserves the right to pass and repass by motorized vehicle, to accomplish the above. Said grantor covenants that it will, after any exercise of its right under this reservation, restore the easement area to its original condition in a good and workman like manner. Excepting emergency situations wherein said grantor retains the right to exercise its reservations stated above without notice unless otherwise agreed. Said grantor shall give the grantee thirty days written notice prior to the commencement of any such work.

(*d*) Said grantor reserves the right to pass and repass over said easement area by motorized vehicle to respond to emergency situations, policing, maintenance or for any other proper public purpose.

(*e*) Said grantee covenants that it will secure and police the easement area and shall adopt and enforce policies to prohibit and prevent all unauthorized vehicles including without limiting the generality of the foregoing, mopeds and snowmobiles, from entering upon any portion of the easement area.

(*f*) On the northern side of easement parcel "C", said grantee shall install curbing to delineate the existing nineteen automobile parking spaces.

(*g*) At the intersection of Main street and easement parcel "D" said grantee shall provide curbing for the existing thirteen automobile parking spaces.

(*h*) Said grantee in consultation with the Massachusetts department of highways and the grantor, shall design and construct, subject to available appropriated funds, an extension of the recreational trail over or under the highway known as Route 6.

(*i*) This easement is subject to all existing property rights held by the public or any third parties within the easement area including without limiting the generality of the foregoing, the existing right, to pass and repass over portions of the easement area by motorized vehicles.

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

Approved November 24, 1992.

Chapter 233. AN ACT REMOVING CERTAIN PROHIBITIONS REGARDING TRANSACTIONS BETWEEN THE CITY OF BOSTON AND NAMIBIA.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 490 of the acts of 1984 is hereby amended by

striking out, in line 5, the words ", or to Namibia".

SECTION 2. Said section 1 of said chapter 490 is hereby further amended by striking out, in lines 7, 8, 11 and 13, the words "or Namibia", each time they appear.

SECTION 3. Section 2 of said chapter 490 is hereby amended by striking out, in lines 5, 6 and 7, 8, 11 and 13, the words "or Namibia", each time they appear.

SECTION 4. Section 3 of said chapter 490 is hereby amended by striking out, in line 5, the words ", or to Namibia".

SECTION 5. Said section 3 of said chapter 490 is hereby further amended by striking out, in lines 6 and 7, 8, 11 and 13, the words "or Namibia", each time they appear.

SECTION 6. Section 6 of said chapter 490 is hereby amended by striking out, in lines 10 and 11, the words "and Namibia related".

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

Approved November 24, 1992.

Chapter 234. AN ACT RELATIVE TO THE CONDUCT OF TOWN MEETING.

Be it enacted, etc., as follows:

The first paragraph of section 34 of chapter 71 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the second sentence the following sentence:- The superintendent of schools in any city or town may address the local appropriating authority prior to any action on the school budget as recommended by the school committee notwithstanding his or her place of residence.

Approved November 24, 1992.

Chapter 235. AN ACT AUTHORIZING THE TOWN OF CONCORD TO CHANGE THE PERMITTED USES OF CERTAIN LANDS ABUTTING STATE HIGHWAY ROUTE 2.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter four hundred and two of the acts of nineteen hundred and fifty-two, the town of Concord is hereby authorized, by vote at an annual or special town meeting, to change the permitted uses of the land in said town abutting the northerly side of state highway Route 2 and extending back for two hundred feet from the northerly

sideline of said highway, between the points of intersection in said town of said northerly sideline of said highway and the easterly sideline of Old road to Nine Acre corner and the centerline of the Sudbury river to permit the use of such land and the buildings thereon, by special permit, for hospital, nursing home, medical center and laboratory uses.

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

Approved November 24, 1992.

Chapter 236. AN ACT AUTHORIZING THE CITY OF BOSTON TO TAKE AN EASEMENT IN TWO PARCELS OF PARK LAND AND TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, acting by and through its public improvement commission, is hereby authorized to take an easement in certain parcels of land currently under the control of the metropolitan district commission for park land purposes, in order to layout and alter Commercial street by widening that street at a point where it intersects North Washington street. Said parcels are shown on a plan dated September eleventh, nineteen hundred and ninety-one, and entitled "City of Boston, Public Works Department, Commercial Street, North Washington Street Plan, Gordon E. Barnes, Division Engineer for the Public Works Department, Public Works Commissioner Joseph F. Casazza", described as follows:

Parcel 1

Beginning at a point marking the junction of the northerly street line of North Washington Street and the northerly street line of Commercial Street as shown on said Plan; and thence running easterly by a curve of eighty-one (81.00) feet radius thirteen and 56/100 (13.56) feet; thence running by the northwesterly line of Commercial Street five and 01/100 (5.01) feet; thence running southwesterly by the remaining Metropolitan District Commission parcel fifteen and 24/100 (15.24) feet to the point of beginning. This parcel contains thirty-five (35) square feet, more or less.

Parcel 3

Beginning at a point in the northerly line of Commercial Street as shown on said Plan; and thence running northeasterly thirty-four 18/100 (34.18) feet; thence running northwesterly eight and 93/100 (8.93) feet; thence running southwesterly by the remaining Metropolitan District Commission parcel thirty-five and 44/100 (35.44) feet to the point of the beginning. This parcel contains one hundred and fifty-two (152) square feet, more or less.

SECTION 2. The city of Boston, acting by and through its public improvement commission, is hereby authorized to convey in fee, by deed approved as to form by the corporation counsel of the city of Boston and signed by the mayor of said city of Boston, a certain parcel of land as shown on the plan specified in section one to the commonwealth as compensation for the taking authorized in section one. The commonwealth is hereby authorized to acquire said parcel by deed approved as to form by the attorney general.

Said parcel is described as follows:

Parcel 2

Beginning at a point in the northwesterly and northerly street line of Commercial Street as shown on said Plan; and thence running by two dimensions, northeasterly nine and 02/100 (9.02) feet and twenty-nine and 79/100 (29.79) feet; thence running southwesterly by the northerly line of Commercial Street by two dimensions, southwesterly thirty-one 27/100 (31.27) feet and four and 30/100 (4.30) feet to the point of beginning. This parcel contains one hundred and thirty-four (134) feet, more or less.

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

Approved November 24, 1992.

Chapter 237. AN ACT RELATIVE TO THE VACCINATION OF DOGS AND CATS AGAINST RABIES.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by striking out section 145B, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 145B. Whoever is the owner or keeper of a dog or cat in the commonwealth six months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions, and shall cause such dog or cat to be revaccinated at intervals recommended by the manufacturer. Unvaccinated dogs and cats acquired or moved into the commonwealth shall be vaccinated within ninety days after the acquisition or arrival into the commonwealth or upon reaching the age of six months, whichever last occurs. It shall be the duty of each veterinarian, at the time of vaccinating any dog or cat, to complete a certificate of rabies vaccination which shall include, but not be limited to the following information: the owner's name and address; a description of the animal, including breed, sex, age, name and distinctive markings; the date of vaccination; the rabies vaccination tag number; the type of rabies vaccine used; the route of vaccination;

the expiration date of the vaccine; and the vaccine lot number.

The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog or cat to a collar or harness made of suitable material to be worn by the dog or cat; provided, however, that the owner of a cat may choose not to affix a tag to his cat, but shall have the tag available for inspection by authorized persons. In the event that a tag is lost, the owner or keeper of the animal shall, upon presentation of the original vaccination certificate, be issued a new tag.

In order for a dog or cat to be accepted at an animal hospital, veterinarian's office or boarding facility an owner or keeper of such animal shall show proof of current vaccination against rabies; provided however, that if a dog or cat has not been so vaccinated or such owner or keeper fails to show such proof the animal shall be vaccinated against rabies prior to being discharged if the animal's medical condition permits.

The provisions of this section shall not apply to dogs or cats housed in a research institution.

Whoever violates the provisions of this section shall be punished by a fine of not more than fifty dollars.

Approved November 25, 1992.

Chapter 238. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF HADLEY TO JOHN F. KOLOSKI AND PHYLLIS P. KOLOSKI.

Be it enacted, etc., as follows:

The commissioner of the division of capital planning and operations is hereby authorized, notwithstanding the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey in fee simple by deed approved as to form by the attorney general, a certain parcel of land located in the town of Hadley, to John F. Koloski and Phyllis P. Koloski subject to such terms and conditions as said commissioner may prescribe in consultation with the department of environmental management. Said land being bounded and described as follows:-

Beginning at a point on the Easterly sideline of West Street and the Southerly sideline of land of The Commonwealth of Massachusetts (formerly Boston and Maine Railroad) said point being the Northwest corner of land of John F. and Phyllis P. Koloski as deeded in Book 1393, Page 495 thence;

N 03°= 09' 30" W along the said Easterly sideline of said West Street a distance

of 16.99' to an iron pin to be set at other land of the said Commonwealth of Massachusetts thence;

N 76°= 02' 52" E along other land of the said Commonwealth of Massachusetts a distance of 91.05' to a point at other land of the said Commonwealth of Massachusetts thence;

N 85°= 36' 22" E along other land of the said Commonwealth of Massachusetts a distance of 57.75' to an iron pin to be set in the said Southerly sideline of land of the said Commonwealth of Massachusetts and the Northerly sideline of said land of said Koloski thence;

S 73°= 21' 34" W along the said Northerly sideline of said Koloski a distance of 151.35' to the point and place of beginning.

Containing 1,687 square feet of land, more or less.

Together with a fifteen foot wide right of way to pass and repass, by foot or vehicle, and to use said right of way for all purposes permitted by the Hadley zoning by-law and other local, state, and federal law. This right of way shall be appurtenant to and run with the property of John F. Koloski and Phyllis P. Koloski as conveyed in the deed of Frank Koloski recorded in Hampshire county registry of deeds at Book 1393, Page 495 and the property to be conveyed by the division of capital planning and operations pursuant to the authorization contained herein, to be shown on the plan described below.

For a more particular description see "Plan of Land In Hadley, Massachusetts prepared for John F. and Phyllis P. Koloski" - Scale: 1" = 30' - Dated May 31, 1991 from the office of Harold L. Eaton and Associates, Inc. - Registered Professional Land Surveyors - 235 Russell Street, Hadley, Massachusetts.

Approved November 25, 1992.

Chapter 239. AN ACT AUTHORIZING THE TOWN OF ORLEANS TO ADOPT A BY-LAW RELATIVE TO THE UPGRADING OF SEPTIC SYSTEMS.

Be it enacted, etc., as follows:

The town of Orleans is hereby authorized to adopt a by-law providing that said town may financially assist property owners through a program to comply with the town's requirements to repair and upgrade private septic disposal systems. Where an existing septic disposal system constitutes a present or potential threat to human health, safety, welfare or to the environment, said town shall be authorized to use public funds to assist property owners to fund improvements or upgrades of such system, subject to appropriation by a town meeting. Said by-law shall authorize the board of health to establish regulations and guidelines governing the operation of

the program.

The applicant for funding shall be required to submit an application to the board of health by October fifteenth of each year. Said board of health shall establish guidelines of eligibility and evaluate all applications with reference to said guidelines. The applicant shall include the septic system plans and specifications, designed by a licensed civil or sanitary engineer or a registered sanitarian which shall meet the minimum requirements for the subsurface disposal of household wastewater as established by the state environmental code (310, CMR 15.00), or where stricter, regulations adopted by the board of health of the town of Orleans. On approval of an application, said board of health shall submit the plans to said board of selectmen who shall obtain construction estimates according to the scope of work outlined in the plans and specifications. Said board of selectmen shall hold a public hearing on the application after due notice to the petitioner and shall provide an estimate of all costs to be levied against said petitioner, including engineering, legal, construction, administration, interest and other related expenses. Upon receipt of the approval of the estimated costs by the property owner, said board of selectmen shall vote the sum necessary from available funds. Town meeting is hereby authorized to appropriate annually sums of money to be placed in a septage betterment account to be used for this purpose. Upon funding approval, the board of selectmen shall obtain bids in accordance with the provisions of chapter thirty B of the General Laws. Within six months after the construction has been completed, the total costs shall be assigned to the petitioner, and the time for payment, not to exceed ten years, shall be specified. Said board of selectmen shall bill the property owner on the next real estate tax bill and may accept settlement in cash for the full amount within thirty days, or shall bill the property owner for the total cost to be divided over a period of years, not to exceed ten, with interest to be computed at the rate as set forth in chapter eighty of the General Laws, and said town shall have a lien to secure payment in the same manner as it acquires a lien for a betterment assessment under said chapter eighty.

Approved November 25, 1992.

Chapter 240. AN ACT AUTHORIZING THE STATE-BOSTON RETIREMENT SYSTEM TO RETIRE RUSSELL F. FISHER, A POLICE OFFICER OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, and in order to promote the public good, the State-Boston retirement system is hereby authorized and directed to retire Russell F. Fisher, a police officer

of the city of Boston, who as a result of injuries sustained while in the performance of his duties as a police officer is totally and permanently incapacitated for further service as a police officer. The annual amount of pension payable said Russell F. Fisher under this act shall be fixed in an amount equal to the regular rate of compensation which he would have been paid had he continued in service as a police officer of said city at the grade held by him at the time of his retirement. Such retirement shall become effective as of the date following the last day on which he received regular compensation. Upon such retirement, the State-Boston retirement system shall forthwith pay to him the amount credited to him as accumulated total deductions in the annuity savings.

SECTION 2. Russell F. Fisher shall be entitled to receive such indemnification for all hospital, medical and related expenses that have been or may be, incurred after the date of his retirement as a result of the injuries sustained by him while in the performance of his duties, under the provisions of chapter forty-one of the General Laws.

SECTION 3. Upon the death of Russell F. Fisher, leaving Catherine S. Fisher, his wife surviving him, the State-Boston retirement system shall pay to her so long as she remains unmarried, an annuity in the amount of three-fourths of the amount of the pension payable to him, per month at the time of his death. If said Catherine S. Fisher remarries, the city of Boston shall pay, in lieu of the aforesaid annuity to her, an annuity of five hundred and twenty dollars per month to her.

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

Approved November 25, 1992.

Chapter 241. AN ACT RELATIVE TO FINES ACCRUED FROM HANDICAPPED PARKING VIOLATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow certain parking fines to be used by local commissions on disabilities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 22F, inserted by section 123 of chapter 138 of the acts of 1991, the following section:-

Section 22G. Any city or town which has accepted the provisions of section eight J is hereby authorized to allocate all funds received from fines assessed for violations of handicap parking in said city or town to the commission on

disabilities.

Funds so received shall be deposited by the city or town treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Said account shall be established by the city or town treasurer and shall be kept separate and apart from all other monies. 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 or town for the disbursement of funds, including the approval of the mayor and city council or the town manager or board of selectmen. The city or town accountant shall submit annually a report of said account to the mayor and city council or the town manager and board of selectmen for review and a copy of said report shall be forwarded to the bureau of accounts.

Approved November 25, 1992.

Chapter 242. AN ACT AUTHORIZING THE TOWN OF HARWICH TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The town treasurer of the town of Harwich is hereby authorized to pay from available funds to F.G. Sullivan Drilling Co., Inc., the sum of thirty-two thousand two hundred and sixty-five dollars and ten cents for installation of an irrigation well, notwithstanding the failure of said town to comply with appropriate provisions of law relative to competitive building in the awarding of the contract.

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

Approved November 25, 1992.

Chapter 243. AN ACT RELATIVE TO THE APPOINTMENT OF TRUSTEES OF A CERTAIN TRUST FUND IN THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter eighty-seven of the acts of nineteen hundred and thirty-four, the probate court, upon the petition of the county commissioners of the county of Dukes County, is hereby authorized to appoint trustees, not including county commissioners, to serve as trustees of The James P. Cahen Medical Fund.

Approved November 25, 1992.

Chapter 244. **AN ACT RELATIVE TO THE SPECIAL FUND FOR THE PROPAGATION, CULTIVATION AND STUDY OF SHELL-FISH OF THE TOWN OF NANTUCKET.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 301 of the acts of 1979 is hereby amended by striking out, in line 6, the word "commercial".

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

Approved November 25, 1992.

Chapter 245. **AN ACT RELATIVE TO A DRAINAGE EASEMENT IN THE TOWN OF EASTON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, the commissioner of the division of capital planning and operations is hereby authorized to convey to the town of Easton, by deed approved as to form by the attorney general, a drainage easement in a certain parcel of land acquired and used for conservation and recreation purposes and under the care and control of the department of environmental management, located in said town of Easton, subject to such terms and conditions as said commissioner may prescribe in consultation with the department of environmental management.

Said easement is bounded and described as follows:

Beginning at a point on the easterly sideline of Massapoag Avenue, 1939 layout, said point being 1750 feet, more or less, southerly of the Sharon town line along said sideline of Massapoag Avenue;

thence, N 80°= 28' 07" E a distance of 125 feet to a point;

thence, S 12°= 56' 55" E a distance of 25.04 feet to a point;

thence, S 80°= 28' 07" W a distance of 125 feet to a point on the easterly sideline of Massapoag Avenue;

thence, N 12°= 56' 55" W a distance of 25.04 feet along said sideline to the point of beginning.

Containing 3125 square feet, more or less.

Said easement is shown on a plan of land entitled "Plan of Easement in Easton, Massachusetts" dated October eleventh, nineteen hundred and ninety, prepared for the town of Easton by Hayward-Boynton & Williams, Inc. of the city of Brockton.

SECTION 2. Consideration for conveyance of the drainage easement described in section one shall be established by said commissioner in consultation with the department of environmental management. All costs associated with the conveyance shall be borne by the town of Easton.

SECTION 3. In the event installation of the drainage structures within the easement area has not occurred within two years of conveyance of the easement to the town of Easton, the interest conveyed shall revert to the commonwealth and said conveyance shall be null and void.

SECTION 4. The more precise configuration of the easement area described in section one shall be shown on the plan of land referenced in said section one, as such plan is further revised, if necessary, and recorded with the Bristol County registry of deeds. In the event the easement area so described in this act contradicts or is inconsistent with such area as shown upon said plan, then said plan and any subsequent plan of record shall control as to the accuracy and correctness of such description.

Emergency Letter: November 25, 1992 @ 1:10 P.M. Approved November 25, 1992.

Chapter 246. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF WESTWOOD.

Be it enacted, etc., as follows:

SECTION 1. A holder of an elected office in the town of Westwood may be recalled therefrom by the registered voters of said town as herein provided, except that the maximum number of members of a board that may be recalled is a majority.

SECTION 2. Any two hundred registered voters of the town of Westwood 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. At least fifty names of registered voters shall be from each of the voting precincts into which said town is divided. Said town clerk shall thereupon deliver to said voters making such affidavit, a sufficient number of copies of petition blanks demanding such recall, a supply of which shall be kept on hand. Such blanks shall be issued by the town clerk, with his signature and official seal attached thereto. Further, such blanks shall be dated, shall be addressed to the selectmen of said town and shall contain the names of all the persons to whom they are issued, the name of the person whose recall is sought and the grounds of recall as stated in the affidavit and shall demand the election of a successor to said office. A copy of the affidavit shall be entered in a record book to be kept in the office of said 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 be signed by at least fifteen

percent of the registered voters of said town, who shall add to their signatures their place of residence, including their street, number and precinct; provided, however, that not more than thirty-three and one-third percent of the total number shall be from any one precinct.

The town clerk shall, within twenty-four hours of receipt thereof, submit the signed petition to the registrars of voters in the town and said 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 said town clerk 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-five nor more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within one hundred days after the date of the certificate the selectmen shall postpone the holding of the recall election to the date of such other election. 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. An officer sought to be removed may be a candidate to succeed himself and, unless such officer requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election and the conduct of the same, shall be in accordance with the provisions of law relative to elections unless otherwise provided herein.

SECTION 5. An incumbent shall continue to perform the duties of the office until a recall election is held. If not recalled, such officer shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If such officer is recalled in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office for the remainder of the unexpired term. If a successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

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

For the recall of (name of officer).

Against the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which a voter, by marking a cross mark (X), or by indicating his intentions by suitable

mechanical means, may vote for either of 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.

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 town office within one year after such recall or such resignation.

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

Approved November 25, 1992.

Chapter 247. AN ACT FURTHER REGULATING THE WESTOVER METROPOLITAN DEVELOPMENT CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 672 of the acts of 1974 is hereby amended by striking out section 1, as appearing in section 1 of chapter 694 of the acts of 1975, and inserting in place thereof the following section:-

Section 1. Findings and Purpose. It is hereby found that there exists within the commonwealth substantial unemployment which is detrimental to the welfare of the people of the commonwealth; that the termination by the United States of certain activities at the Westover Air Force Base will, in the absence of a speedy and orderly conversion and redevelopment of lands formerly used for such activities or lands affected by such uses to nonmilitary uses, result in blight, economic dislocation, and additional unemployment, all to the further detriment of the welfare of the people of the commonwealth; and that private, semiprivate or public enterprise, unaided by the commonwealth, is unable to accomplish such a speedy and orderly conversion and redevelopment so as to prevent such further detriment. It is further found that there are opportunities presented by such termination to private, semiprivate or public enterprise to alleviate such unemployment and that private, semiprivate or public enterprise, unaided by the commonwealth, is unable fully to utilize such opportunities.

Therefore, it is the purpose of the Westover metropolitan development corporation created by this act to aid private, semiprivate or public enterprise in the speedy and orderly conversion and redevelopment of lands formerly used for certain activities at said base or lands affected by such uses to nonmilitary uses including, but not limited to, industrial, commercial aviation or manufacturing uses, in order to prevent blight, economic dislocation and additional unemployment and to aid private enterprise fully to utilize opportunities to alleviate unemployment.

SECTION 2. Said chapter 672 is hereby further amended by striking out section 2, as appearing in section 2 of said chapter 694, and inserting in place thereof the following section:-

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

"Corporation", the Westover metropolitan development corporation.

"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 completion or estimated completion date of any project, planning, engineering and legal service, administrative expense, the funding of notes issued for capital purposes, such reserve 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.

"Economic development area", any part of the area formerly used by the United States for the Westover Air Force Base or lands affected by such uses.

"Economic development plan", a detailed plan, as it may be approved from time to time by the municipality as herein provided, 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 no economic development plan shall propose zoning changes to or from business or residential uses, or provide for any office buildings other than one wholly incidental to a manufacturing, commercial or industrial use within the area without the specific approval of the city or town within which the project lies.

"Economic development project", 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 and for clearance, if necessary, rehabilitation, improvement and redevelopment for industrial, manufacturing, aviation or commercial uses. 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, manufacturing, aviation or commercial 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, manufacturing, aviation or commercial 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 which, under such plan, are to be repaired, removed or rehabilitated.

"Lands", any real property, improvements thereon and related personal property.

"Lands affected by such uses", any real property, improvements thereon, air rights and related personal property located in the town of Granby, the town of Ludlow or the city of Chicopee.

"Municipality", the town of Ludlow, with respect to any parcel of land lying wholly therein, the town of Granby, with respect to any parcel of land lying wholly therein, the city of Chicopee, with respect to any parcel of land lying wholly therein, or the town of Ludlow or the town of Granby or the city of Chicopee acting jointly, with respect to any parcel of land lying partly within said town and partly within said city.

"Pollution control facilities", facilities for the prevention, avoidance, reduction, control, abatement or elimination of pollution of air or waters by industrial, manufacturing or commercial establishments by any means.

SECTION 3. Said chapter 672 is hereby further amended by striking out section 3, as appearing in chapter 67 of the acts of 1991, and inserting in place thereof the following section:-

Section 3. There is hereby created a body politic and corporate to be known as the Westover metropolitan development corporation, which shall be governed by a board of ten directors, all residents of the Springfield-Chicopee-Holyoke standard metropolitan statistical area, one of whom shall be appointed chairperson by a majority vote of the other directors, three of whom shall be appointed by the mayor of the city of Chicopee, with the approval of the board of aldermen of said

city of Chicopee, two of whom shall be appointed by the first selectman of the town of Ludlow, with the approval of the board of selectmen of said town of Ludlow, one of whom shall be appointed by the board of selectmen of the town of Granby by a majority vote of said board and four of whom shall be experienced in industry, manufacturing, or commerce, three of whom shall not be residents of the city of Chicopee or the town of Ludlow or the town of Granby but one of whom shall be a resident of the town of Ludlow or the city of Chicopee and such four shall be appointed by a majority vote of the other directors; provided, however, that the initially appointed chairperson shall be one of three nominees of the Westover task force created by the joint commission on federal base conversion and those three members initially appointed on the basis of experience and nonresidency shall be appointed by the chairperson, each from among three nominees of said task force. The chairperson and other directors shall serve for terms of three years; provided, however, that of those initially appointed by the mayor of the city of Chicopee, two shall be for terms of two years, of those initially appointed by the first selectman of the town of Ludlow, one shall be for a term of two years, and of those initially appointed by the chairperson of the board, two shall be for terms of two years. Vacancies arising other than from the expiration of a term shall be filled for the remainder of the unexpired term in the same manner as regularly provided for such appointments. Directors shall receive no compensation for the performance of their duties hereunder, but each director may be reimbursed for expenses actually incurred in the performance of such duties.

A majority of the ten directors shall constitute a quorum for the transaction of any business, but the action of a majority of the entire board shall be required for any such 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.

SECTION 4. Section 5 of said chapter 672 is hereby amended by striking out paragraph (*k*) and inserting in place thereof the following paragraph:-

(*k*) To designate, subject to the approval of the municipality, areas formerly used for the Westover Air Force Base or lands affected by such uses as economic development areas.

SECTION 5. Said section 5 of said chapter 672 is hereby further amended by striking out paragraph (*m*) and inserting in place thereof the following paragraph:-

(*m*) To acquire and hold any lands, or any interest therein, formerly used for the Westover Air Force Base or lands affected by such uses.

SECTION 6. Section 6 of said chapter 672 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No economic development project shall be undertaken until a public hearing relating to the economic development plan covering such project has been held by the corporation after due notice, and the economic development plan has been

approved, in the case of the town of Ludlow, by an affirmative two-thirds vote of an annual town meeting or a special town meeting called for such purpose and, in the case of the city of Chicopee, by a two-thirds vote of the board of aldermen with the approval of the mayor and, in the case of the town of Granby, by a two-thirds vote of an annual town meeting or a special town meeting called for such purpose.

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

Approved November 25, 1992.

Chapter 248. AN ACT MAKING AN APPROPRIATION TO FUND A CERTAIN COLLECTIVE BARGAINING AGREEMENT BETWEEN THE COMMONWEALTH AND THE MASSACHUSETTS CORRECTION OFFICERS FEDERATED UNION - UNIT 4.

Be it enacted, etc., as follows:

SECTION 1. To provide for the cost of salary adjustments authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Correction Officers Federated Union - Unit 4, 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 one hundred and thirty-three of the acts of nineteen hundred and ninety-two, for the fiscal year ending June thirtieth, nineteen hundred and ninety-three.

SECTION 2.

Executive Office for Administration and Finance.

Collective Bargaining.

Item		
1599-3904	For	a reserve to meet the fiscal year nineteen hundred and ninety-two costs of salary adjustments authorized by the collective bargaining agreement between the commonwealth of Massachusetts and the Massachusetts Correction Officers Federated Union (Unit 4); and to meet the cost of salary adjustments necessary to provide equal salary adjustments to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments for "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which would otherwise cover said

positions; provided further, that said secretary is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and ninety-two such amounts as are necessary to meet the cost of said adjustments for said fiscal year where the amounts otherwise available are insufficient for the purpose; provided further, that said secretary is authorized to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged; provided further, that copies of said collective bargaining agreement, together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amount necessary to meet the cost of said adjustments; and provided further, that no transfers shall be made from this item without prior notice provided to the house and senate committees on ways and means $3,000,000

SECTION 2A. Salary adjustments provided for by this act shall continue in full force and effect until changed by a subsequent act or by a collective bargaining agreement.

SECTION 2B. The provisions of this act affect a majority of correction officers employed by the commonwealth and therefore it shall be considered general legislation and not a special act.

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

Approved November 25, 1992.

Chapter 249. AN ACT RELATIVE TO THE MILLERS FALLS FIRE AND WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 304 of the acts of 1991 is hereby amended by striking out, in lines 4 and 5, the words "one year to June thirtieth, nineteen hundred and ninety-three" and inserting in place thereof the following words:- three years to June thirtieth, nineteen hundred and ninety-five.

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

Approved December 1, 1992.

Chapter 250. AN ACT RELATIVE TO HEALTH INSURANCE COVERAGE FOR PUBLIC SCHOOL TEACHERS.

Be it enacted, etc., as follows:

Paragraph (d) of section 2 of chapter 32B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the sixth sentence the following sentence:- Teachers shall be deemed to be employees during the months of July and August for purposes of this chapter; provided, however, that employee contributions for such health insurance for those two months are deducted from the compensation paid for services rendered during the previous school year.

Approved December 7, 1992.

Chapter 251. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF MILLIS.

Be it enacted, etc., as follows:

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

SECTION 2. Any twenty-five qualified voters of the town of Millis may make and file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to the voters making such affidavit a sufficient number of copies of printed petition blanks for such recall. Such 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 and 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 in such office. The petition shall be kept in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within thirty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by ten percent of the qualified voters, and to every signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five o'clock in the afternoon of the Monday preceding the day on which it must be filed, to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the board of selectmen without delay, and said board 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 does not resign within five days thereafter, thereupon order a recall election to be held on a day fixed by them not less than sixty-five 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 sixty days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. An officer sought to be recalled may be a candidate to succeed himself, and unless he requests otherwise in writing, the town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall 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 not recalled, he shall continue in office for the remainder of the 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 vacated.

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

For the removal of (name of officer)

Against the removal 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 such propositions. Under the proposition shall appear the word "Candidates" and the direction "vote for one" and beneath this the names of the candidates nominated as hereinbefore provided.

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

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

election.

SECTION 8. This act shall be submitted for acceptance to the voters of the town of Millis at the next annual town election or a special town election, whichever occurs first, in the form of the following question which shall be placed on the official ballot at such election: "Shall an act passed by the General Court in the year nineteen hundred and ninety-two entitled 'An Act providing for recall elections in the town of Millis', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

Approved December 8, 1992.

Chapter 252. AN ACT RELATIVE TO THE USE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF CONCORD FOR HOUSING PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifteen A of chapter forty of the General Laws or any other general or special law to the contrary, the town of Concord is hereby authorized to permit the use of a certain parcel of land consisting of 1.7 acres, more or less, lying in the northeasterly corner of the land of Powder Mill Road upon which the Willard School is situated, said parcel being more further described as Lot A on an unrecorded plan titled "Plan of Land in Concord, Mass." prepared by David W. Perley, civil engineer and dated February 20, 1992, by the Concord housing authority for housing purposes.

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

Approved December 8, 1992.

Chapter 253. AN ACT AUTHORIZING THE COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY LAND IN THE TOWN OF CONCORD.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital planning and operations is hereby authorized and directed, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to sell and convey, by deed approved as to form by the attorney general, a certain parcel of land located in the town of Concord, presently or formerly utilized as a portion of a correctional facility, to an individual or entity, subject to the requirements of

sections two and three and to such additional terms and conditions as the commissioner, in consultation with the department of correction, may prescribe, said land being on route 2A in said town of Concord, as noted by Assessor parcel number 1999-1 representing approximately twenty-seven acres as recorded in plan 696 (b of 2) of 1931, recorded in book 5578 on page 569 in the southern district of the registry of deeds in the county of Middlesex; and land on route 2 in Concord as noted by Assessor parcel number 2010 representing approximately twenty-two thousand square feet.

SECTION 2. The grantee of the property conveyed pursuant to section one shall assume the costs of any appraisals, surveys and other expenses as are deemed necessary by the commissioner to carry out the provisions of this act.

SECTION 3. In consideration for the conveyance authorized pursuant to section one, the grantee shall convey land to the commonwealth or provide such other form of compensation as may be determined by the commissioner.

Approved December 10, 1992.

Chapter 254. AN ACT PERTAINING TO HEALTH AND TOBACCO.

Be it enacted by the People, and by their authority, as follows:

SECTION 1. Whereas tobacco use is the single most preventable cause of death and disease in America; and whereas an increase in the price of cigarettes has proven to prevent smoking among youth and reduce smoking prevalence among adults; and whereas youth smoking can be prevented by education; and whereas the harmful effects of parental smoking on infants and children can be prevented by education and assistance for pregnant women and parents; it is therefore in the best interests of all citizens of the Commonwealth that a Health Protection Fund be established, as provided in this Act.

SECTION 2. Chapter 29 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 2S the following new section:-

Section 2T. There shall be established and set up on the books of the Commonwealth a separate fund to be known as the Health Protection Fund. There shall be credited to said Fund all amounts collected pursuant to section seven of chapter sixty-four C, together with any penalties, forfeitures, interest, costs of suits and fines collected in connection therewith, less all amounts refunded or abated in connection therewith, all as determined by the commissioner of revenue according to his best information and belief; any appropriation, grant, gift, or other contribution explicitly made to said Fund; and any income derived from the investment of amounts credited to said Fund.

Amounts credited to said Fund shall be expended, subject to appropriation, to

supplement existing levels of funding for the following purposes:

(a) for comprehensive school health education programs, to be administered by the department of education; provided that such programs shall incorporate information relating to the hazards of tobacco use;

(b) for workplace-based and community smoking prevention and smoking cessation programs, for tobacco-related public service advertising and for drug education programs, to be administered by the department of public health;

(c) for the support of community health centers and their programs of prenatal and maternal care, under the supervision of said department of public health; provided that such prenatal and maternal care programs incorporate smoking cessation assistance and guidance regarding the harmful effects of smoking on fetal development; and

(d) for ongoing activities, by said department of public health, relating to the monitoring of morbidity and mortality from cancer and other tobacco-related illnesses in the Commonwealth;

In conjunction with the preparation of the commonwealth's comprehensive annual financial report, the Comptroller shall prepare and issue an annual report detailing the revenues and expenditures of said Fund.

SECTION 3. Chapter 64C of the General Laws, as so appearing, is hereby amended by inserting after section 6 the following new section:-

Section 7. (a) In addition to the excise imposed by section six, every licensee who is required to file a return under section sixteen of chapter sixty-two C shall, at the time of filing such return, pay to the commissioner an excise equal to twelve and one-half mills for each cigarette so sold during the calendar month covered by the return; provided, however, that cigarettes with respect to which the excise under this section has once been imposed and has not been refunded, if paid, shall not be subject upon a subsequent sale to the excise imposed by this section. In addition to the excise imposed by section six, each unclassified acquirer shall, at the time of filing a return required by said section sixteen of chapter sixty-two C, pay to the commissioner an excise equal to twelve and one-half mills for each cigarette so imported or acquired and held for sale or consumption, and cigarettes with respect to which such excise has been imposed and has not been refunded, if paid, shall not be subject, when subsequently sold, to any further excise under this section. Notwithstanding the provisions of this section, the excise imposed by this section shall equal twenty-five percent of the price paid by such licensee or unclassified acquirer to purchase smokeless tobacco so sold, imported, or acquired.

(b) Except as the provisions of this section expressly provide to the contrary, all of the provisions of this chapter and of chapter sixty-two C relative to the assessment, collection, payment, abatement, verification, and administration of taxes, including penalties, shall, so far as pertinent, be applicable to the excise

imposed by this section.

(c) Notwithstanding the provisions of section twenty-eight, all revenues received pursuant to this section, together with any penalties, forfeitures, interest, costs of suits and fines collected in connection therewith, less all amounts refunded or abated in connection therewith, all as determined by the commissioner of revenue according to his best information and belief, shall be credited to the Health Protection Fund, established pursuant to section two T of chapter twenty-nine.

SECTION 4. Section 6 of said chapter 64C, as so appearing, is hereby amended by striking the word "chapter" as it appears in lines 7, 9, 17, and 29, and by inserting in its place the word:- section.

SECTION 5. Section 28 of said chapter 64C, as so appearing, is hereby amended by striking the first three lines of said section and inserting in place thereof the following:- Except as provided in section seven, all sums received pursuant to the excise imposed by this chapter, together with any penalties, forfeitures, interest, costs of suits and fines collected in connection therewith, less all amounts refunded or abated in connection therewith, shall be credited as follows:.

SECTION 6. Every manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer, as defined in section one of chapter sixty-four C of the General Laws, who, at the commencement of business on January first, nineteen hundred and ninety-three, has on hand any cigarettes for sale or any unused adhesive or meter stamps, shall make and file with the commissioner of revenue within twenty days thereafter a return, subscribed under the penalties of perjury, showing a complete inventory of such cigarettes and stamps, and shall, at the time he is required to file such return, pay an additional excise at the rate of twelve and one-half mills per cigarette on all cigarettes and all unused adhesive and meter stamps upon which only the excise imposed pursuant to section six of said chapter sixty-four C has previously been paid; provided that the additional excise imposed by this section shall equal twenty-five percent of the price paid by such manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer to purchase smokeless tobacco on hand on said date. All provisions of chapters sixty-two C and sixty-four C of the General Laws, relative to the assessment, collection, payment, abatement, verification, and administration of taxes, including penalties, shall, so far as pertinent, be applicable to the excise imposed by this section.

SECTION 7. If any provision of this Act, or any part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected thereby but will remain in full force and effect.

SECTION 8. The provisions of this Act shall take effect upon January first, nineteen hundred and ninety-three.

This law was approved by the people at the November 3, 1992 election under the provisions of Article XLVIII of the Amendments to the Constitution.

Chapter 255. AN ACT TO REQUIRE PUBLIC REPORTING OF CORPORATE TAX INFORMATION AND ANALYSIS OF CERTAIN TAX EXPENDITURES.

Be it enacted by the People, and by their authority, as follows:

SECTION ONE. Chapter 62C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding after Section 12, the following section:-

Section 12A. (a) Each bank, insurance company, and publicly-traded corporation obligated to file both a report pursuant to the Securities and Exchange Act of 1934 and successor acts or Title 12 of the United States Code or section seven of chapter one hundred sixty-seven or section twenty-six of chapter one hundred sixty-eight or section eighteen of chapter one hundred seventy or section twenty-two of chapter one hundred seventy-two or section twenty-five of chapter one hundred seventy-five and a tax return pursuant to section eleven (a) or section twelve (a), (c), (d), (e), or (f) of this chapter shall on or before March first of each year, report to the state secretary certain information from such tax return on a form prepared by the state secretary. Any entity which files a consolidated return shall report to the state secretary on a consolidated basis and shall list all entities so consolidated. Such form shall be treated as a report for the purposes of section one hundred twelve of chapter one hundred fifty-six (B), section nine of chapter one hundred eighty-one, and sections seven and eight of chapter one hundred sixty-seven and as part of the annual report for purposes of section twenty-six of chapter one hundred seventy-five.

An amended form shall be filed within thirty days of any relevant change to the return made by the taxpaying entity or ordered by the commissioner.

(b) The forms prepared by the secretary shall be made available to the entities required to report under this section no later than January first of each year. Such form shall require the reporting of information from the return, schedules and attachments relevant to calculation of tax liability and to the effect of apportionment rules, exemptions, deductions, and credits on the tax liability of entities subject to this reporting requirement. Said forms shall require information which includes, but which is not limited to, the following, as applicable: name of entity; street address of principal office; net and gross income and assets, including, where applicable, gross profit, taxable Massachusetts tangible property, taxable net worth, gross receipts or sales, net income, total net taxable income, income subject to apportionment, income taxable in Massachusetts, total net and gross direct premiums in or allocable to Massachusetts, taxable premiums, gross investment income, Massachusetts taxable investment income, net underwriting profit, admitted assets, total adjusted taxable income; each deduction, exemption, credit, offset,

adjustment or credit carryover which reduces income subject to taxation (including to a negative level) or otherwise affects tax liability; the percentage used, if any, to establish what portion of total net taxable income is apportioned to Massachusetts; the total Massachusetts excise or tax due; the total Massachusetts excise or tax paid; any excess tax credit or credits subject to carryover to future years; and its net income according to its books on its federal return. In no case may the secretary require the reporting of any information not required on the return, schedules or attachments provided to the commissioner.

(c) Any bank, insurance company or publicly-traded corporation covered by this section which chooses to supplement the foregoing information with additional information from its tax return, may request, in writing, of the state secretary that such bank, insurance company, or publicly-traded corporation be allowed to append to the form such additional information. Such permission shall not be unreasonably denied.

(d) The commissioner shall annually notify all banks, insurance companies, and publicly-traded corporations of the obligations under this section. The first notice shall be given within thirty days after enactment of this section.

(e) By April first of each year the state secretary shall make public (i) all forms filed pursuant to this section with the state secretary and (ii) a list of those banks, insurance companies, and publicly-traded corporations required to report under this section. All amendments or late filings shall be made public within thirty days of submission to the state secretary.

SECTION TWO. Subsection (b) of section twenty-one of Chapter 62C of the General Laws, as appearing in the 1990 Official Edition, as most recently amended by chapter 154 of the Acts of 1990, is hereby amended by adding after paragraph (14) the following:

(15) The full exercise of any of the activities required of either the commissioner or the state secretary by section twelve A of this chapter.

SECTION THREE. Section four of Chapter 181 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding after paragraph (5) the following:

(6) whether the corporation is publicly-traded.

SECTION FOUR. Section 109 of Chapter 156B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding after paragraph (5) the following:

(6) whether the corporation is publicly-traded.

SECTION FIVE. Subsection (b) of section five of Chapter 29 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding at the end of the third paragraph the following:

The report of such estimates shall include, for every then current tax expenditure enacted, extended or modified subsequent to January first of 1988, a

detailed analysis of the revenue foregone based on the most recent fiscal year for which data is available or can reasonably be obtained. Said analysis shall include, but need not be limited to, the number and proportion of taxpayers or taxpaying entities benefiting from the tax expenditure, by income, gross profit, gross receipts or sales and the distribution of benefit across taxpayers or taxpaying entities with different income, gross profit, gross receipts or sales. To the extent possible, such analysis shall be based on data gathered from actual tax returns. Such analysis need not be provided for tax expenditures for which the revenue foregone did not exceed one million dollars in the most recent fiscal year for which data is available.

This law was approved by the people at the November 3, 1992 election under the provisions of Article XLVIII of the Amendments to the Constitution.

Chapter 256. AN ACT PROVIDING FOR THE ABANDONMENT AND CONVEYANCE OF A RIGHT OF WAY IN THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital planning and operations, in consultation with the Massachusetts higher education coordinating council, is hereby authorized, by deed or other instrument approved as to form by the attorney general, to abandon, release and convey to 843 Crescent Street Corp., a Massachusetts corporation, all right and interest the commonwealth has in a right of way in the city of Brockton, over Blanch Avenue and over a portion of the property presently owned by 843 Crescent Street Corp., no longer needed for access, travel or operation by Massasoit Community College. Said right of way is for the benefit of property described in a deed from the city of Brockton dated September twenty-seventh, nineteen hundred and sixty-eight, recorded with the Plymouth county registry of deeds, Book 3473, Page 593: and is more particularly described in a Grant of Easement from William W. Simmons to Josiah Q. Packard, recorded with said registry of deeds, Book 1398, Page 567. The abandonment, release and conveyance of said right of way shall be in accordance with such terms and conditions as the commissioner, in consultation with the Massachusetts higher education coordinating council, shall prescribe.

SECTION 2. The provisions of sections forty F, forty F 1/2, and forty E of chapter seven of the General Laws shall not apply to the abandonment, release and conveyance of the right of way authorized by this act.

Approved December 17, 1992.

Chapter 257. AN ACT RELATIVE TO THE OPERATION OF FARM EQUIPMENT ON PUBLIC WAYS.

Be it enacted, etc., as follows:

Section 9 of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "purposes", in line 10, the following words:- or between one-half mile and two miles if said tractor, trailer or truck is used exclusively for agricultural purposes and the owner or lessee of said tractor, trailer or truck has filed with the registrar of motor vehicles a liability policy or bond in compliance with the provisions of this chapter.

Approved December 17, 1992.

Chapter 258. AN ACT AUTHORIZING THE WAREHAM FIRE DISTRICT TO RESCIND A CERTAIN VOTE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Wareham fire district is hereby authorized to rescind the vote taken under article 4 at a meeting of said district held on August fourth, nineteen hundred and seventy-six annexing certain territory.

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

Approved December 17, 1992.

Chapter 259. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF WAREHAM AS THE JOSEPH R. GRASSIA BRIDGE.

Be it enacted, etc., as follows:

The bridge on Onset avenue over the Bay Colony railroad tracks in the town of Wareham shall be designated and known as the Joseph R. Grassia Bridge, in honor of Joseph R. Grassia's many years of service in public office in said town of Wareham. A suitable marker bearing said designation shall be attached thereto by the department of highways in compliance with the standards of said department.

Approved December 17, 1992.

Chapter 260. **AN ACT AUTHORIZING THE TOWN OF WAREHAM TO PAY A CERTAIN UNPAID BILL.**

Be it enacted, etc., as follows:

The town of Wareham is hereby authorized to appropriate money for the payment of and, after such appropriation, the treasurer of said town is hereby authorized to pay from such appropriation funds, or to pay from available funds, to Ann DeMelo the sum of two thousand two hundred and seventy-three dollars and forty-five cents for a certain salary due in a prior fiscal year.

Approved December 17, 1992.

Chapter 261. **AN ACT DIRECTING THE CITY OF NORTHAMPTON TO GRANT A PENSION TO AXEL DIAZ.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the creditable service requirements for eligibility for an ordinary disability pension for veterans as provided in section six of chapter thirty-two of the General Laws, the city of Northampton is hereby authorized and directed to retire Axel Diaz under the provisions of said section six of said chapter thirty-two; provided, however, that said Axel Diaz meets all other requirements of said section six. The pension authorized hereunder is without option (c) benefits as provided in section twelve of said chapter thirty-two.

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

Approved December 17, 1992.

Chapter 262. **AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE TOWN OF BROOKLINE 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 Brookline shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any incumbent holding the office of chief of police in the town of Brookline on the effective date of this act.

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

Approved December 17, 1992.

Chapter 263. AN ACT AUTHORIZING THE CITY OF WORCESTER TO LEASE A CERTAIN BUILDING IN NEWTON HILL PARK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B, section three of chapter forty of the General Laws or any other general or special law to the contrary, the city of Worcester is hereby authorized to lease for a term of ninety-nine years on such terms and conditions as said city may deem advisable, a certain fire alarm telegraph station located in Newton Hill park in said city of Worcester, hereinafter called the building to the Children's Museum of Worcester, Inc., hereinafter called the museum. Payment for the initial term of the lease shall be one dollar per year and, prior to the expiration of the original term, the lease may be extended for an additional period not to exceed twenty-five years, on such terms and conditions as the city and the museum may agree.

SECTION 2. Notwithstanding the provisions of chapter one hundred and eighty-six of the General Laws or any other general or special law to the contrary, the lease or any extension thereof shall not create, nor be deemed to create, a fee simple in the building. The building and any fixtures permanently affixed thereto shall always remain the property of the city of Worcester. The museum shall have no authority to mortgage, pledge, assign as collateral security or otherwise encumber the building or any permanent fixture, including, but not limited to, the heating and cooling systems. Any mortgage, pledge, security interest, deed of trust, indenture or other instrument which purports to create any lien or security interest in the building or in any permanent fixture shall be null and void and any attempt by the museum to give such a lien or security interest shall cause an immediate termination of the lease. The lease shall not be considered an asset of the museum and the museum shall have no authority to assign or transfer the lease or to sublet the building. The museum shall have no authority to mortgage, pledge, assign as collateral security or otherwise encumber the lease. Any mortgage, pledge, security interest, deed of trust, indenture or other instrument which purports to create any lien or security interest in the lease shall be null and void and any attempt to give such a lien or security interest by the museum shall cause an immediate termination of the lease. No creditor of the museum shall have the authority to attach the lease or to involuntarily transfer the lease or cause it to be sold or otherwise disposed of on account of any debt of the museum. Should the museum cease to operate the building for a period longer than thirty calendar days, or should the museum cease to exist as a not for profit corporation, or be dissolved by its own actions, by operation of law or by operation of a public agency or authority, including any court of the commonwealth or of the United States, the lease shall immediately terminate. Rental of space within the building for periods not to exceed one day

shall not be considered a sublease.

SECTION 3. The museum shall have authority, subject to approval by the city of Worcester, to construct parking areas and access drives adjacent to the building and to reconstruct the interior of the building so that it will be suitable for use as a museum and to maintain and repair both the interior and exterior of the building during the term of the lease or any extension thereof. Any work performed pursuant to this section shall be subject to the approval of said city, including approval of any architect, engineer, designer or contractor. The provisions of sections thirty-eight A 1/2 to forty I, inclusive, of chapter seven, sections thirty-nine A to thirty-nine R, inclusive, of chapter thirty, chapter thirty B and sections twenty-five to forty-four M, inclusive, of chapter one hundred and forty-nine of the General Laws or any other general or special law to the contrary, shall not be applicable to any work performed by the museum under the provisions of this act.

SECTION 4. As part of their official duties, the commissioner of the Worcester parks, recreation and cemetery department hereinafter called the commissioner and the chairperson of the Worcester parks, recreation and cemetery commission hereinafter called the chairperson or the designee of each shall be members of the museum's board of directors during the term of any lease authorized under this act. The commissioner and the chairperson shall be full voting members of the board of directors and one shall be a full voting member of any committee established by such board with executive authority over the museum. The museum shall take any measure necessary to make its by-laws conform to the provisions of this section. Service by the commissioner or chairperson on the board of directors shall not constitute a violation of chapter two hundred and sixty-eight A of the General Laws; provided, however, that neither the commissioner nor the chairperson shall act as agent or attorney for the museum on any other matter in which the city has a direct and substantial interest.

SECTION 5. During the term of the lease, the museum shall cooperate with the commissioner to integrate the programs of the museum with those of his department. If requested by the commissioner, the museum shall make available to the commissioner space within the building in order to develop cooperative programs between the commissioner and the museum.

SECTION 6. At the expiration or termination of the lease, including any extension thereto, all improvements to the building shall become the property of the city.

SECTION 7. Any lease under this act shall not take effect until its terms and conditions have been approved by the Worcester parks, recreation and cemetery commission and by the Worcester city council, upon the recommendation by the city manager. Any term or condition contained in said lease as approved shall be presumptively valid, although not explicitly provided for in this act; provided, however, that such lease shall not purport to contain any provision exempting or

excepting the lease from any general or special law except as provided for in this act. Any term not defined in this act shall have the same meaning as that term is defined in said lease.

Approved December 17, 1992.

Chapter 264. **AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE CONTRIBUTORY RETIREMENT SYSTEM OF THE TOWN OF BROOKLINE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the acceptance of the provisions of section twenty-two D of chapter thirty-two of the General Laws by the contributory retirement system of the town of Brookline, said retirement system may adopt a funding schedule established under subdivision (1) of said section twenty-two D of said chapter thirty-two which, notwithstanding the provisions of the first sentence of said subdivision (1) of said section twenty-two D, would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; provided, however, that notwithstanding such acceptance of said section twenty-two D, said retirement system shall not be subject to the provisions of paragraph *(e)* of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the contributory retirement system of the town of Brookline for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before December eleventh, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than December fifteenth, nineteen hundred and ninety-two or thirty days following the effective date of this act, whichever is later.

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

Approved December 17, 1992.

Chapter 265. **AN ACT RELATIVE TO COUNTY AGRICULTURAL SCHOOLS.**

Be it enacted, etc., as follows:

Section 30 of chapter 74 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "treasurer", in line 5, the following words:- ; provided, however, that all such income shall be appropriated and expended for the operation and purposes of the school or institute that paid the same to the county treasurer.

Approved December 17, 1992.

Chapter 266. **AN ACT ESTABLISHING A SICK LEAVE BANK FOR ANN NAVAROLI AN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.**

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 employee of the department of social 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:

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the department of social services is hereby authorized and directed to establish a sick leave bank for Ann Navaroli, an employee of said department, in the city of Fitchburg. Any employee of said department may voluntarily contribute one or more of his sick, personal or vacation days to said sick leave bank for use by said Ann Navaroli.

The foregoing was laid before the Governor on the Seventh day of December, 1992 and after ten days had the force of law as prescribed by the Constitution as it was not returned by Him with His objections thereto within that time.

Chapter 267. **AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR EMPLOYEES OF THE COMMONWEALTH COVERED BY CERTAIN COLLECTIVE BARGAINING AGREEMENTS.**

Be it enacted, etc., as follows:

SECTION 1. To provide for the costs of salary adjustments authorized by the provisions of sections three to seven, inclusive, of this act the sums set forth in section two are 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 one hundred and thirty-three of the acts of nineteen hundred and ninety-two.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Collective Bargaining.

Item

1599-3720 For a reserve to meet the cost of salary adjustments authorized by section three; and to meet the cost of salary adjustments necessary to provide equal salary adjustments to employees employed in "confidential" positions which would otherwise be covered by the collective bargaining agreements listed in section three; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments for "confidential" employees in accordance with the provisions of section three; provided, further, that not more than sixteen million one hundred seventy-three thousand five hundred dollars shall be expended for salary adjustments pursuant to the collective bargaining agreement between the Commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO executed on December fifteenth, nineteen hundred and ninety; provided, further, that not more than four million sixty-three thousand dollars shall be expended for salary adjustments pursuant to the collective bargaining agreement between the Commonwealth and the National Association of Government Employees, Locals R1-283, R1-290, R1-291 and R1-292 (Unit One) executed on January second, nineteen hundred and ninety-one; provided, further, that not more than eight hundred and forty thousand dollars shall be expended for salary adjustments pursuant to the collective bargaining agreement between the Commonwealth and the National Association of Government Employees, Local R1-219 (Unit Three) executed on January second, nineteen hundred and ninety-one; provided, further, that not more than five million seven hundred ninety-two thousand and seven hundred dollars shall be expended forsalary adjustments pursuant to the collective bargaining agreement between the Commonwealth and the National Association of Government Employees, Local R1-207 (Unit Six) executed on January second, nineteen hundred and ninety-one; provided,

further, that not more than two million nine hundred and eighty-one thousand dollars shall be expended for salary adjustments pursuant to the Memorandum of Agreement between the Commonwealth and MOSES executed on January second, nineteen hundred and ninety-one; provided, further, that the secretary of administration and finance is authorized and directed to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged; provided, further, that copies of the collective bargaining agreements listed in section three, together with an analysis of such salary costs, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said salary adjustments; provided, further, that no transfers shall be made from this item without prior notice provided to the house and senate committees on ways and means; and provided, further, that the provisions of section nine C of chapter twenty-nine of the General Laws shall not apply to this item $29,850,200

1599-3721 For a reserve to meet the cost of salary adjustments authorized by section four; and to meet the cost of salary adjustments necessary to provide equal salary adjustments to employees employed in "confidential" positions which would otherwise be covered by the collective bargaining agreements listed in section four; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments for "confidential" employees in accordance with the provisions of section four; provided, further, that not more than two million sixteen thousand and five hundred dollars shall be expended for salary adjustments pursuant to the Memorandum of Agreement executed December twenty-seventh, nineteen hundred and ninety between the Massachusetts State College Association/MTA and the Board of Regents; provided, further, that not more than one million nine hundred and six thousand dollars shall be expended for salary adjustments pursuant to the Memorandum of Understanding executed December twenty-fourth, nineteen hundred and ninety between the Massachusetts Community College Council/MTA and the Board of Regents; provided, further, that not more than two million six hundred and thirty-eight thousand dollars shall be expended for salary adjustments pursuant to the agreement executed December twenty-seventh, nineteen hundred and ninety between the Massachusetts Society of Professors/Faculty Staff Union/MTA and the University of Massa-

chusetts on behalf of the Board of Regents of Higher Education; provided, further, that not more than eight hundred twenty-one thousand and six hundred dollars shall be expended for salary adjustments pursuant to the agreement executed December twenty-seventh, nineteen hundred and ninety between the Massachusetts Society of Professors/MTA and the University of Lowell; provided, further, that not more than five hundred and seven thousand dollars shall be expended for salary adjustments pursuant to the agreement executed December twenty-second, nineteen hundred and ninety between the Southeastern Massachusetts University Faculty Federation, Local 1895, AFT, AFL-CIO and the Board of Regents; provided, further, that not more than four hundred and eight thousand dollars shall be expended for salary adjustments pursuant to the Memorandum of Agreement executed December twenty-seventh, nineteen hundred and ninety between the Association of Professional Administrators/MTA and the Board of Regents; provided, further, that not more than ninety-three thousand dollars shall be expended for salary adjustments pursuant to the agreement executed August thirtieth, nineteen hundred and ninety-one between the Service Employees International Union, Local 254 Clerical Unit at the University of Lowell and the Board of Regents; provided, further, that not more than seventy thousand five hundred dollars shall be expended for salary adjustments pursuant to the agreement executed December twenty-second, nineteen hundred and ninety between the Educational Services Unit, Local 1895, AFT, AFL-CIO and the Board of Regents; provided, further, that not more than two million four hundred one thousand and three hundred dollars shall be expended for salary adjustments pursuant to the agreement executed January twenty-fourth, nineteen hundred and ninety-one between the Coalition One, AFSCME, Locals 507, 1067, 1776, 2616, AFL-CIO, S.E.I.U. Local 285, AFL-CIO, and I.B.E.W. Local 103, AFL-CIO and the Board of Regents; provided, further, that not more than thirty-seven thousand three hundred dollars shall be expended for salary adjustments pursuant to the agreement executed September twenty-fourth, nineteen hundred and eighty-seven between the Coalition Two, I.B.P.O. Locals 372, 399 and 631 and the Board of Regents; provided, further, that not more than one hundred and thirty-nine thousand dollars shall be expended for salary adjustments pursuant to the agreement executed December tenth, nineteen hundred and eighty-six

between the Coalition Three, N.A.G.E. Locals R1-233 and R1-245 and Southeastern Massachusetts University, Board of Regents; provided, further, that not more than thirty-one thousand seven hundred dollars shall be expended for salary adjustments pursuant to the agreement executed September twenty-fourth, nineteen hundred and eighty-seven between the Coalition Four, I.B.P.O. Locals 432 "A" and 432 "B" and the Board of Regents; provided, further, that not more than one hundred sixty-four thousand nine hundred dollars shall be expended for salary adjustments pursuant to the agreement executed December twenty-seventh, nineteen hundred and ninety between the SEIU Local 254 - Professional Administration Unit at the University of Lowell and the Board of Regents; provided, further, that not more than four hundred and twenty-one thousand dollars shall be expended for salary adjustments pursuant to the agreement executed January twenty-fifth, nineteen hundred and ninety-one between the University Staff Association/MTA and the Board of Regents; provided, further, that not more than ten thousand one hundred and fifty dollars shall be expended for salary adjustments pursuant to the Memorandum of Understanding executed December twenty-seventh, nineteen hundred and ninety between the UMASS Boston Patrolmen's Association and the Board of Regents; provided, further, that the secretary of administration and finance is hereby authorized and directed to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged; provided, further, that copies of the collective bargaining agreements listed in section four, together with analysis of such salary costs, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said salary adjustments; provided, further, that no transfers shall be made from this item without prior notice provided to the house and senate committees on ways and means; and provided, further, that the provisions of section nine C of chapter twenty-nine of the General Laws shall not apply to this item $11,665,950

1599-3722 For a reserve to meet the cost of salary adjustments authorized by section five; and to meet the cost of salary adjustments necessary to provide equal salary adjustments to employees employed in "confidential" positions which would otherwise be covered by the collective bargaining agreement and the reopener agreement listed in section five; provided, however, that the personnel

administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments for "confidential" employees in accordance with the provisions of section five; provided, further, that not more than five hundred sixty-five thousand and one hundred dollars shall be expended for salary adjustments pursuant to the wage reopener agreement negotiated pursuant to Article 31, Section 31.1 of the collective bargaining agreement dated July first, nineteen hundred and ninety-one between the board of trustees of the University of Massachusetts, in their capacity as the successors to the board of regents, and the Professional Staff Union, Local 509 Service Employees International Union, AFL-CIO/CLC; provided, further, that the secretary of administration and finance is hereby authorized and directed to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged; provided, further, that copies of the collective bargaining agreement and reopener agreement listed in section five, together with an analysis of such salary costs, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said salary adjustments; provided, further, that no transfers shall be made from this item without prior notice provided to the house and senate committees on ways and means; and provided, further, that the provisions of section nine C of chapter twenty-nine of the General Laws shall not apply to this item $565,100

1599-3723 For a reserve to meet the cost of salary adjustments authorized by section six; and to meet the cost of salary adjustments necessary to provide equal salary adjustments to employees employed in "confidential" positions which would otherwise be covered by the collective bargaining agreements listed in section six; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments for "confidential" employees in accordance with the provisions of section six; provided, further, that not more than one million six hundred eight thousand three hundred dollars shall be expended for salary adjustments pursuant to the Memorandum of Agreement between the Chief Administrative Justice of the Trial Court and SEIU, Local 254 dated April twenty-sixth, nineteen hundred and ninety-one; provided, further, that not more than one million nine hundred sixty-two thousand and six hundred dollars shall be expended for salary

adjustments pursuant to the Memorandum of Agreement between the Chief Administrative Justice of the Trial Court and OPEIU, Local 6 dated March thirteenth, nineteen hundred and ninety-one; provided, further, that not more than seventy-four thousand dollars shall be expended for salary adjustments pursuant to the Memorandum of Agreement between the Chief Administrative Justice of the Trial Court and the Suffolk County Superior Court Officers Association dated February tenth, nineteen hundred and ninety-two; provided, further, that not more than fifty-seven thousand dollars shall be expended for salary adjustments pursuant to the Memorandum of Agreement between the Chief Administrative Justice of the Trial Court and the Middlesex County Superior Court Officers Association dated September thirtieth, nineteen hundred and ninety-two; provided, further, that the secretary of administration and finance is hereby authorized and directed to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged; provided, further, that copies of the collective bargaining agreements listed in section six, together with analysis of such salary costs, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said salary adjustments; provided, further, that no transfers shall be made from this item without prior notice provided to the house and senate committees on ways and means; and provided, further, that the provisions of section nine C of chapter twenty-nine of the General Laws shall not apply to this item $3,701,900

1599-3724 For a reserve to meet the cost of salary adjustments authorized by section seven; and to meet the cost of salary adjustments necessary to provide equal salary adjustments to employees employed in "confidential" positions which would otherwise be covered by the collective bargaining agreement listed in section seven; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments for "confidential" employees in accordance with the provisions of section seven; provided, further, that not more than four hundred and thirty-six thousand dollars shall be expended for salary adjustments pursuant to the Memorandum of Agreement between the Massachusetts State Lottery Commission and Local 254, SEIU dated October twenty-second, nineteen hundred and ninety; provided, further, that the secretary of

administration and finance is hereby authorized and directed to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged; provided, further, that copies of the collective bargaining agreement listed in section seven, together with an analysis of such salary costs, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said salary adjustments; provided, further, that no transfers shall be made from this item without prior notice provided to the house and senate committees on ways and means; and provided, further, that the provisions of section nine C of chapter twenty-nine of the General Laws shall not apply to this item $436,000

SECTION 3. The salary of each employee covered by the terms of the collective bargaining agreements listed in this section shall, effective December twenty-first, nineteen hundred and ninety-two, be increased by six percent above the actual annual base salary being paid to such employee as of November twenty-ninth, nineteen hundred and ninety-two and shall, effective June twenty-eighth, nineteen hundred and ninety-three be increased by an additional amount, which in combination with said six percent, shall cause said employee to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three, a salary at the rate specified in the relevant agreement which would have been in effect as of January third, nineteen hundred and ninety-three in accordance with the provisions of such agreement. Any requirement that the employer shall submit to the general court a request for an appropriation necessary to fund cost items in a collective bargaining agreement shall not apply to the funding for salaries set forth in this act for the collective bargaining agreements listed in this section, notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, including subsection *(c)* of section seven of said chapter one hundred and fifty E or any other general or special law or collective bargaining agreement to the contrary and any contractual requirement relative to allocation of appropriations which would interfere with or impede the payment of salaries provided for in this act for the collective bargaining agreements listed in this section shall not apply to the payment of such salaries, notwithstanding the provisions of any collective bargaining agreement to the contrary. The agreements subject to the provisions of this section are: a collective bargaining agreement between the Commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO executed on December fifteenth, nineteen hundred and ninety; a collective bargaining agreement between the Commonwealth and the National Association of Government Employees, Locals R1-283, R1-290, R1-291 and R1-292 (Unit One) executed on January second, nineteen hundred and ninety-one; a collective bargaining agreement between the

Commonwealth and the National Association of Government Employees, Local R1-219 (Unit Three) executed on January second, nineteen hundred and ninety-one; a collective bargaining agreement between the Commonwealth and the National Association of Government Employees, Local R1-207 (Unit Six) executed on January second, nineteen hundred and ninety-one; a Memorandum of Agreement between the Commonwealth and MOSES executed on January second, nineteen hundred and ninety-one.

SECTION 4. The salary of each employee covered by the terms of the collective bargaining agreements listed in this section shall, effective December twenty-first, nineteen hundred and ninety-two, be increased by six percent above the actual annual base salary being paid to such employee as of November twenty-ninth, nineteen hundred and ninety-two and shall effective June twenty-eighth, nineteen hundred and ninety-three be increased by an additional amount, which in combination with said six percent, shall cause said employee to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three, a salary at the rate specified in the relevant agreement which would have been in effect as of January third, nineteen hundred and ninety-three in accordance with the provisions of such agreement. Any requirement that the employer shall submit to the governor a request for an appropriation necessary to fund cost items in a collective bargaining agreement and any requirement that the governor recommend to the general court such an appropriation or that absent such recommendation the parties shall bargain further shall not apply to the funding for salaries set forth in this act for the collective bargaining agreements listed in this section, notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, including subsection *(c)* of section seven of said chapter one hundred and fifty E or any other general or special law or collective bargaining agreement to the contrary and any contractual requirement relative to allocation of appropriations which would interfere with or impede the payment of salaries provided for in this act for the collective bargaining agreements listed in this section shall not apply to the payment of such salaries, notwithstanding the provisions of any collective bargaining agreement to the contrary. The agreements subject to the provisions of this section are: a Memorandum of Agreement executed December twenty-seventh, nineteen hundred and ninety between the Massachusetts State College Association/MTA and the Board of Regents; a Memorandum of Understanding executed December twenty-fourth, nineteen hundred and ninety between the Massachusetts Community College Council/MTA and the Board of Regents; an agreement executed December twenty-seventh, nineteen hundred and ninety between the Massachusetts Society of Professors/Faculty Staff Union/MTA and the University of Massachusetts on behalf of the Board of Regents of Higher Education; an agreement executed December twenty-seventh, nineteen hundred and ninety between the Massachusetts Society of Professors/MTA and the University of Lowell; an agreement

executed December twenty-second, nineteen hundred and ninety between the Southeastern Massachusetts University Faculty Federation, Local 1895, AFT, AFL-CIO and the Board of Regents; a Memorandum of Agreement executed December twenty-seventh, nineteen hundred and ninety between the Association of Professional Administrators/MTA and the Board of Regents; an agreement executed August thirtieth, nineteen hundred and ninety-one between the Service Employees International Union, Local 254 Clerical Unit at the University of Lowell and the Board of Regents; and an agreement executed December twenty-second, nineteen hundred and ninety between the Educational Services Unit, Local 1895, AFT, AFL-CIO and the Board of Regents; an agreement executed January twenty-fourth, nineteen hundred and ninety-one between the Coalition One, AFSCME, Locals 507, 1067, 1776, 2616, AFL-CIO, S.E.I.U. Local 285, AFL-CIO, and I.B.E.W. Local 103, AFL-CIO and the Board of Regents; an agreement executed September twenty-fourth, nineteen hundred and eighty-seven between the Coalition Two, I.B.P.O. Locals 372, 399 and 631 and the Board of Regents; an agreement executed December tenth, nineteen hundred and eighty-six between the Coalition Three, N.A.G.E. Locals R1-233 and R1-245 and Southeastern Massachusetts University, Board of Regents; an agreement executed September twenty-fourth, nineteen hundred and eighty-seven between the Coalition Four, I.B.P.O. Locals 432 "A" and 432 "B" and the Board of Regents; an agreement executed December twenty-seventh, nineteen hundred and ninety between the SEIU Local 254 - Professional Administration Unit at the University of Lowell and the Board of Regents; an agreement executed January twenty-fifth, nineteen hundred and ninety-one between the University Staff Association/MTA and the Board of Regents; and a Memorandum of Understanding executed December twenty-seventh, nineteen hundred and ninety between the Umass Boston Patrolmen's Association and the Board of Regents.

SECTION 5. The salary of each employee covered by the terms of any wage reopener agreement negotiated pursuant to Article 31, Section 31.1 of the collective bargaining agreement dated July first, nineteen hundred and ninety-one between the board of trustees of the University of Massachusetts, in their capacity as the successors to the board of regents, and the Professional Staff Union, Local 509 Service Employees International Union, AFL-CIO/CLC shall, effective December twenty-first, nineteen hundred and ninety-two, be increased by six percent above the actual annual base salary being paid to such employee as of November twenty-ninth, nineteen hundred and ninety-two and shall, effective June twenty-eighth, nineteen hundred and ninety-three be increased by an additional amount, which in combination with said six percent, shall cause said employee to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three, a salary at the rate specified in such reopener agreement which would have been in effect as of January third, nineteen hundred and ninety-three in accordance with

the provisions of such reopener agreement. Any requirement that the employer shall submit to the governor a request for an appropriation necessary to fund cost items in a collective bargaining agreement and any requirement that the governor recommend to the general court such an appropriation or that absent such recommendation the parties shall bargain further shall not apply to the funding for salaries set forth in this act for the aforesaid collective bargaining reopener agreement, notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, including subsection *(c)* of section seven of said chapter one hundred and fifty E or any other general or special law or collective bargaining agreement to the contrary and any contractual requirement relative to allocation of appropriations which would interfere with or impede the payment of salaries provided for in this act for the collective bargaining agreement listed in this section shall not apply to the payment of such salaries, notwithstanding the provisions of the collective bargaining agreement to the contrary.

SECTION 6. The salary of each employee covered by the terms of the collective bargaining agreements listed in this section shall, effective December twenty-first, nineteen hundred and ninety-two, be increased by six percent above the actual annual base salary being paid to such employee as of November twenty-ninth, nineteen hundred and ninety-two and shall, effective June twenty-eighth, nineteen hundred and ninety-three be increased by an additional amount, which in combination with said six percent, shall cause said employee to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three, a salary at the rate specified in the relevant agreement which would have been in effect as of January third, nineteen hundred and ninety-three in accordance with the provisions of such agreement. Any requirement that the employer shall submit to the governor a request for an appropriation necessary to fund cost items in a collective bargaining agreement and any requirement that the governor recommend to the general court such an appropriation or that absent such recommendation the parties shall bargain further shall not apply to the funding for salaries set forth in this act for the collective bargaining agreements listed in this section, notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, including subsection *(c)* of section seven of said chapter one hundred and fifty E or any other general or special law or collective bargaining agreement to the contrary and any contractual requirement relative to allocation of appropriations which would interfere with or impede the payment of salaries provided for in this act for the collective bargaining agreements listed in this section shall not apply to the payment of such salaries, notwithstanding the provisions of any collective bargaining agreement to the contrary. The agreements subject to the provisions of this section are: a Memorandum of Agreement between the Chief Administrative Justice of the Trial Court and SEIU, Local 254 dated April twenty-sixth, nineteen hundred and ninety-one; a Memorandum of Agreement between the Chief Administrative Justice of the Trial

Court and OPEIU, Local 6 dated March thirteenth, nineteen hundred and ninety-one; a Memorandum of Agreement between the Chief Administrative Justice of the Trial Court and the Suffolk County Superior Court Officers Association dated February tenth, nineteen hundred and ninety-two; and a Memorandum of Agreement between the Chief Administrative Justice of the Trial Court and the Middlesex County Superior Court Officers Association dated September thirtieth, nineteen hundred and ninety-two.

SECTION 7. The salary of each employee of the Massachusetts state lottery commission covered by the terms of a Memorandum of Agreement between the Massachusetts State Lottery Commission and Local 254, SEIU dated October twenty-second, nineteen hundred and ninety shall, effective December twenty-first, nineteen hundred and ninety-two, be increased by six percent above the actual annual base salary being paid to such employee as of November twenty-ninth, nineteen hundred and ninety-two and shall effective June twenty-eighth, nineteen hundred and ninety-three be increased by an additional amount, which in combination with said six percent, shall cause said employee to be paid, effective on said June twenty-eighth, nineteen hundred and ninety-three, a salary which has been increased by the same percentage as the percentage increase paid to employees covered by the collective bargaining agreement between the Commonwealth and the Alliance AFSCME/SEIU, AFL-CIO as authorized in section three.

SECTION 8. The secretary of administration and finance is hereby authorized and directed to prepare, after consultation with the bargaining units whose employees are affected by the provisions of sections three to seven, inclusive, a study of retroactive salary adjustments and other cost benefits, including but not limited to training and career ladder programs, shift, weekend and holiday differentials, mileage and health and welfare funds for such employees for the period commencing July first, nineteen hundred and ninety or such other time specified in the collective bargaining agreements listed in sections three to seven, inclusive, and ending June thirtieth, nineteen hundred and ninety-three. Said study may include a plan to provide for the payment of such retroactive salary adjustments and other cost benefits and said plan shall take into consideration the terms set forth in the agreements listed in sections three to seven, inclusive, the availability of sufficient revenues and the fiscal condition of the commonwealth. Said secretary shall report to the general court the results of said study, together with drafts of any plan or legislation necessary to implement said plan, by filing the same with the clerk of the house of representatives on or before June fifteenth, nineteen hundred and ninety-three. If no agreement can be reached by said secretary and said bargaining units and if the results of said study have not been filed by June fifteenth, nineteen hundred and ninety-three, the house and senate committees on ways and means may develop such a plan and any legislation necessary to implement the same. Nothing contained in this section shall be

deemed to obligate the commonwealth to any retroactive salary adjustments or any other cost benefits.

SECTION 9. Employees covered by the terms of the collective bargaining agreements listed in sections three to seven, inclusive shall, subject to appropriation, continue to be paid salaries at the rates specified in this act until the parties to said collective bargaining agreements reach agreement or lawful impasse in negotiations for successor agreements. The negotiations for successor agreements shall be governed by the applicable provisions of chapter one hundred and fifty E of the General Laws.

SECTION 10. (*a*) Nothing contained in this act shall be deemed to obligate the commonwealth to any salary adjustments other than the amounts provided for in sections three to seven, inclusive.

(*b*) Nothing contained in this act shall be deemed to be the funding required to render the cost items set forth in the collective bargaining agreements listed in sections three to seven, inclusive, effective in accordance with the provisions of section seven of chapter one hundred and fifty E of the General Laws or any collective bargaining agreement.

SECTION 11. Any disputes related to the salary adjustments set forth in sections three to seven, inclusive, may be conducted in accordance with the terms of the grievance and arbitration procedure of the relevant collective bargaining agreement.

SECTION 12. The provisions of this act shall be deemed severable, and if any part of this act shall be deemed unconstitutional or invalid, such judgment shall not affect the validity of any other part thereof.

SECTION 12A. Salary adjustments provided for by this act shall continue in full force and effect until changed by a subsequent act or by a collective bargaining agreement.

SECTION 12B. The provisions of this act affect a majority of state employees and therefore it shall be considered general legislation and not a special act.

SECTION 13. This act 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 thereto; was passed by the House on December 14, 1992 and in concurrence by the Senate on December 16, 1992, the objections of the Governor notwithstanding in the manner prescribed by the Constitution and thereby has the force of law.

Chapter 268. AN ACT RELATIVE TO HOME IMPROVEMENT LOANS.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 167E of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Improvement Loans. - A bank may make loans to the owner of improved real estate located within its lending area as defined in subsection B of section two 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. Loans made under this section may be secured by a first or subordinate mortgage on said real estate.

SECTION 2. Section twelve A of said chapter one hundred and sixty-seven E is hereby repealed.

Approved December 18, 1992.

Chapter 269. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF ROCKLAND.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 2.02E of article II of the charter of the town of Rockland, 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 striking out the last sentence and inserting in place thereof the following sentence:- The warrant for the annual town meeting shall also be posted in the town hall and its availability at town hall shall be announced in a newspaper of general circulation within the town at least seven days prior to the meeting.

SECTION 2. The third paragraph of said section 2.02E of said article II of said charter is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The warrant for each special town meeting shall also be posted in the town hall and its availability at town hall shall be announced in a newspaper of general circulation within the town at least fourteen days prior

to the meeting.

SECTION 3. Section 2.02G of said article II of said charter is hereby amended by adding the following subsection:-

t. A Tree Warden.

SECTION 4. Said article II of said charter is hereby further amended by striking out section 2.17.

SECTION 5. Said article II of said charter is hereby further amended by striking out section 3.02 and inserting in place thereof the following section:-

Section 3.02. The annual town meeting, except for article I, the annual town election, shall be held on a date that will allow completion of all business not later than June thirtieth of that same year. The date shall be determined by the board of selectmen and designated by the board not later than January thirty-first of each year. Seven days notice shall be given prior to the actual meeting date by distribution of the warrant for said town meeting by said board of selectmen in accordance with the provisions of this charter.

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

Approved December 21, 1992.

Chapter 270. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF NORWELL.

Be it enacted, etc., as follows:

Article 3 of the charter of the town of Norwell, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out sections 3-4 to 3-14, inclusive, and inserting in place thereof the following nine sections:-

SECTION 3-4. HIGHWAY SURVEYOR/DIRECTOR

A highway surveyor/director elected for a three year term. Said highway surveyor/director shall perform and discharge all of the duties of the highway surveyor and all the duties of director of lands and natural resources set forth in section sixty-nine G of chapter forty-one of the General Laws.

SECTION 3-5. WATER COMMISSIONERS

A board of water commissioners consisting of three members elected for three year overlapping terms.

SECTION 3-6. ASSESSORS

A board of assessors consisting of three members elected for three year overlapping terms.

SECTION 3-7. BOARD OF HEALTH

A board of health consisting of three members elected for three year

overlapping terms.

SECTION 3-8. PLANNING BOARD

A planning board consisting of five members elected for three year overlapping terms; provided, however, that no member elected for a longer term prior to or concurrent with the acceptance of this charter by the voters shall have his term reduced to three years.

SECTION 3-9. TRUSTEES OF THE NORWELL PUBLIC LIBRARY

A board of trustees of the Norwell public library consisting of six members elected for three year overlapping terms.

SECTION 3-10. REGIONAL VOCATIONAL SCHOOL DISTRICT COMMITTEE

One member of a regional vocational school district committee elected for a three year term.

SECTION 3-11. SCHOOL COMMITTEE

A school committee consisting of five members elected for three year overlapping terms.

SECTION 3-12. HOUSING AUTHORITY

A housing authority consisting of five members: four elected for three year overlapping terms, and one appointed in accordance with the General Laws.

Approved December 21, 1992.

Chapter 271. AN ACT ESTABLISHING A BOARD OF HEALTH IN THE TOWN OF MARION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter forty-eight of the Special Acts of nineteen hundred and fifteen, there is hereby established in the town of Marion a board of health. Said board shall consist of three members, who shall be elected at the annual meeting of the town following the effective date of this act, one of whom shall serve a term of one year, one of whom shall serve a term of two years and one of whom shall serve a term of three years, each successive election thereafter to be for the term of three years. The members of said board shall, at their first meeting following the annual meeting of the town, and thereafter at least annually, select one of said members to be chairman with the duties and authority vested by law in the chairman.

SECTION 2. Notwithstanding the provisions of chapter forty-eight of the Special Acts of nineteen hundred and fifteen and chapter thirty-five of the acts of nineteen hundred and thirty-two, upon the election of the members of the board of health created by section one, the board of selectmen shall be divested of those powers, duties and obligations vested by law in boards of health, all of which

powers, duties and obligations shall be vested in and imposed on said board of health, except that said board of selectmen shall retain those powers, duties and obligations of a board of health under sections seventeen, thirty-one A and thirty-one B of chapter one hundred and eleven of the General Laws. The board of selectmen of said town shall be solely responsible for the maintenance, operation and regulation of the municipal water supply, drainage and sewerage systems.

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

Approved December 21, 1992.

Chapter 272. AN ACT RELATIVE TO THE REVISION OF TERMS OF MORTGAGES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the revision of terms of certain mortgages, therefore 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 183 of the General Laws is hereby amended by inserting after section 63 the following section:-

Section 63A. A mortgagee may, at the request of the owner of the equity of redemption, revise the rate of interest, extend the term of the mortgage or change the amount of the periodic payments of principal or interest, or both, of an existing note and mortgage from said owner which it holds on a one to four family, owner-occupied residence located in the commonwealth; provided, however, that (i) no additional money shall be loaned or advanced thereon, except in accordance with section twenty-eight A; and (ii) the interest rate on any such note and mortgage, after any such revision, shall not be in excess of the interest rate on the existing note and mortgage so revised. The provisions of paragraph 4 of section six of chapter one hundred and sixty-seven E relative to loan to value requirements shall not apply to a bank, as defined in said chapter one hundred and sixty-seven E, in any revision made pursuant to this section. Any revision in the terms of a mortgage pursuant to this section may be made without the consent of the holders of junior encumbrances and without loss of priority and shall not be construed so as to grant to any such holder of a junior encumbrance rights which, except for said revision, he would not otherwise have. No such mortgage amended or revised pursuant to this section shall be construed to be a rewritten or refinanced mortgage loan.

Notwithstanding the provisions of section sixty-three, a holder of any such

mortgage may charge a fee in connection with any such revision not to exceed one-half of one percent of the outstanding balance of the existing note and mortgage as of the date of any such revision or of the revised balance pursuant to such revision, whichever is greater, and, in addition, an amount not to exceed one-quarter of one percent of said outstanding or revised balance for the acquisition of a current credit report on said owner of the equity of redemption and for administrative expenses incidental to the preparation and execution of documents related to such revision. Such holder shall not assess any additional fees, points, so-called, or similar charges on the said owner of the equity of redemption for any such revision.

For the purposes of this section, the term "rewritten or refinanced mortgage loan" shall mean a loan that requires originating or underwriting services similar to an original mortgage application.

Approved December 22, 1992.

Chapter 273. **AN ACT AUTHORIZING THE COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE A CERTAIN PARCEL OF LAND IN THE TOWN OF EAST BROOKFIELD.**

Be it enacted, etc., as follows:

The 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, or otherwise, a certain parcel of public land located in the town of East Brookfield, and to transfer the care, custody and control of said parcel to the department of highways. Said parcel, known as parcel 2-6-T, owned by and located in the town of East Brookfield, is presently dedicated for use as a part of the town hall land. The parcel is to be diverted from the present use to a highway use. The parcel is more particularly described as follows:

A parcel of land in the Town of East Brookfield, on the Southwesterly side of Cottage Street, and bounded as follows;

Northeasterly by Cottage Street about 16 feet;

Southeasterly by Mechanic Street about 24 feet;

Southwesterly by land now or formerly of the Town of East Brookfield about 14 feet; and

Northwesterly by land of unknown ownership about 16 feet;

This parcel contains about 274 square feet, and is shown on a plan entitled, "East Brookfield, Right of Way Plan". Said plan shall be kept on file with the chief

engineer of the department of public works or the department of highways. *Emergency Letter December 23, 1992 @ 11:05 A.M.* Approved December 22, 1992.

Chapter 274. **AN ACT AUTHORIZING THE COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE CERTAIN PARCELS OF LAND IN THE TOWN OF ANDOVER AND THE CITY OF LAWRENCE.**

Be it enacted, etc., as follows:

The 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, or otherwise, certain hereinafter described parcels of land located in the town of Andover and the city of Lawrence. Said acquisitions shall consist of fee or easement takings as hereinafter described, and shall be made on behalf of the town of Andover and the city of Lawrence. Parcels 13-5-T and 13-E-2-T in said town of Andover are owned by the Greater Lawrence Regional Vocational School District and are presently dedicated for an educational use. Parcel 13-6-T in said town of Andover and owned by said town of Andover is presently dedicated for conservation use. Parcels 13-6-T, 13-8-C, and 13-D-2-C in said city of Lawrence are owned by the Lawrence Redevelopment Authority, and are presently dedicated for redevelopment use. Parcel 13-10-C in Lawrence and owned by the Lawrence Housing Authority is presently dedicated for public housing use. All of said parcels are to be diverted from their present use to a highway use.

PARCEL 13-5-T FEE TAKING

A parcel of land supposed to be owned by the Greater Lawrence Regional Vocational Technical High School District, bounded southerly by the land of the Town of Andover, about 905 feet, westerly by the land of Nancy A. Godek, about 6 feet, northerly by other land of the Greater Regional Technical High School District, about 900 feet and easterly by the land of Russell G. Doyle, about 30 feet, containing about 18,667 square feet, excluding Parcel 13-6-T wholly contained within the above described parcel.

PARCEL 13-6-T FEE TAKING

A parcel of land supposed to be owned by the Town of Andover Conservation Commission bounded southerly by the land of the Town of Andover, about 26 feet, westerly by the land of the Greater Lawrence Regional Vocational Technical High School District, about 21 feet, northerly by other land of the Town of Andover Conservation Commission, about 26 feet and easterly by the Greater Lawrence Regional Vocational Technical High School District about 21 feet, containing about

403 square feet.

PARCEL 13-E-2-T EASEMENT TAKING

A parcel of land supposed to be owned by the Greater Lawrence Regional Vocational Technical High School District bounded southerly by River Road, as widened, about 93 feet, westerly about 74 feet, northerly about 60 feet and easterly about 75 feet, all by other land of the Greater Lawrence Regional Vocational Technical High School District, containing about 4,446 square feet.

PARCEL 13-6-C FEE TAKING

A parcel of land supposed to be owned by the Lawrence Redevelopment Authority bounded southerly by Andover Street, about 299 feet, westerly by the land of the Lawrence Lodge No. 65 of the Benevolent and Protective Order of the Elks, about 12 feet, northerly by other land of Lawrence Redevelopment Authority, about 300 feet and easterly by the land of Cyr Associates, about 12 feet, containing about 3,588 square feet.

PARCEL 13-8-C FEE TAKING

A parcel of land supposed to be owned by the Lawrence Redevelopment Authority bounded southerly by Andover Street, about 830 feet, westerly by the land of Cyr Associates, about 12 feet, northerly by other land of the Lawrence Redevelopment Authority, about 830 feet and easterly of other land of Cyr Associates, about 4 feet, containing about 9,332 square feet.

PARCEL 13-D-2-C DRAINAGE EASEMENT

A parcel of land supposed to be owned by the Lawrence Redevelopment Authority bounded southerly by Andover Street, as widened, about 50 feet, westerly about 53 feet, northerly about 50 feet, and easterly about 53 feet, all by other land of the Lawrence Redevelopment Authority, containing about 2,650 square feet.

PARCEL 13-10-C FEE TAKING

A parcel of land supposed to be owned by the Lawrence Housing Authority bounded northerly by Andover Street, about 132 feet, easterly by the land of Edmund F. & Kathleen F. Monette, about 2 feet, and southerly by other land of Edmund F. & Kathleen F. Monette, containing about 132 square feet.

The parcels herein described in the Town of Andover are shown on a plan entitled, "PUBLIC LAND IN THE CITY OF ANDOVER NEEDED FOR HIGHWAY PURPOSES, OCTOBER 15, 1991". The parcels herein described in the City of Lawrence are shown on a plan entitled, "PUBLIC LAND IN THE CITY OF LAWRENCE NEEDED FOR HIGHWAY PURPOSE OCTOBER 15, 1991". Said plans shall be kept on file with the chief engineer of the Massachusetts highway department.

Emergency Letter: 12/23/93 @ 11:05 A.M. Approved December 22, 1992.

Chapter 275. **AN ACT RELATIVE TO THE POSITION OF CITY TREASURER IN THE CITY OF EVERETT.**

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and sixty-six of the acts of nineteen hundred and forty-seven is hereby repealed.

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

Approved December 23, 1992.

Chapter 276. **AN ACT AUTHORIZING THE TOWN OF LINCOLN TO PAY CERTAIN UNPAID BILLS.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty B of the General Laws or any other general or special law to the contrary, the town of Lincoln, the board of selectmen and treasurer of said town of Lincoln are hereby authorized to pay from available funds to Douglas Burckett, the sum of two thousand twenty-eight dollars and fifteen cents, to Eliot Community Human Services, Inc., the sum of six thousand five hundred dollars, to Matrix Analytical, Inc., the sum of four thousand eight hundred and twenty dollars and eighty cents, to Kraft Food Services, the sum of eight hundred and twenty-four dollars and four cents, to Joey's Auto Repair, the sum of one thousand four hundred and eighteen dollars and forty cents, to Nashoba Valley ski facility of Westford, the sum of eight thousand four hundred and ninety-five dollars, and to Purrington Impressions of Lincoln the sum of four hundred and three dollars for certain labor, materials and services rendered by them to said town notwithstanding the failure of said town to comply with the appropriate provisions of law relative to the competitive bidding in the awarding of said contracts.

Approved December 23, 1992.

Chapter 277. **AN ACT INCREASING THE MEMBERSHIP ON THE METHUEN COMMISSION ON DISABILITY IN THE CITY KNOWN AS THE TOWN OF METHUEN.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section eight J of chapter forty of the General Laws, the city known as the town of Methuen is hereby authorized

to appoint two alternate members to its municipal commission on disability.

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

Approved December 23, 1992.

Chapter 278. AN ACT DESIGNATING A CERTAIN BASEBALL FIELD IN THE CITY OF SOMERVILLE AS THE FRANK OLIVETO, JR. BASEBALL FIELD.

Be it enacted, etc., as follows:

The metropolitan district commission baseball field located at Foss Park, known as the minor league B field, in the city of Somerville shall be designated and known as the Frank Oliveto, Jr. Baseball Field in memory of Frank Oliveto, Jr. A suitable marker bearing said designation shall be attached thereto by said commission.

Approved December 23, 1992.

Chapter 279. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE CITY OF NEWTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the position of chief of police in the city of Newton shall be exempt from the provisions of chapter thirty-one of the General Laws. The person holding such position shall be deemed to be a managerial employee for purposes of chapter one hundred and fifty E of the General Laws.

SECTION 2. The provisions of chapter four hundred and sixty-eight of the acts of nineteen hundred and eleven shall be inapplicable to the city of Newton.

SECTION 3. The mayor of the city of Newton is hereby authorized to appoint the chief of police. The mayor is further authorized to enter into an employment contract with the chief of police for a term of not less than five or more than seven years, and provided that no such contract shall be entered into for a term of years which would result in its final year coinciding with any year in which a regularly scheduled mayoral election is to be held. The contract shall include a provision for a yearly job performance evaluation. The same person may be appointed to an unlimited number of terms as chief of police.

SECTION 4. Solely for the first appointment made pursuant to this act, the candidates for the position of chief of police shall be limited to those persons

holding the position of captain in the police department of the city of Newton as of the effective date of this act. For the first appointment made pursuant to this act, no search process, as described in sections five to seven, inclusive, shall be required. The person who is appointed from his position as captain to the position of chief of police under this section, shall be entitled to retain certain civil service rights as follows: In the event that such person is not reappointed to or resigns from the position of chief of police, he shall be entitled to an appointment as a captain in said police department; provided, however, that any conduct of such person that occurred while serving as chief of police that led to his non-reappointment or resignation shall become part of his record as captain and shall render him subject to any civil service disciplinary proceedings upon his reappointment as captain. Upon such reappointment, he shall re-obtain whatever civil service rights and status he had as of the date he was appointed to the position of chief of police.

In addition, the number of years served as chief of police shall be credited to him for purposes of his civil service rights and benefits.

SECTION 5. For all subsequent appointments, a selection committee of nine persons shall be established to assist in the selection process. The committee will be made up as follows:

(1) One member of the board of aldermen, appointed by the president and subject to the approval of said board of aldermen.

(2) One Newton citizen appointed by the board of aldermen under the same process as clause (1).

(3) One representative of the Newton Police Association, appointed by said association.

(4) One business executive of the city of Newton.

(5) One attorney.

(6) One member of the judiciary, active or retired.

(7) One member of the Massachusetts Police Chief's Association, except a former police chief, from the city of Newton.

(8) Two citizens of the city of Newton.

Committee members appointed in clauses (4) to (8), inclusive, shall be appointed by the mayor and approved by the board of aldermen in accordance with the procedures set forth in section 3-3 of the charter of the city of Newton. Every effort shall be made to include not less than four women on the selection committee.

SECTION 6. A professional consultant may be hired by the selection committee to assist with the applicant screening process which may include a program of job simulation exercises, interviews and testing.

SECTION 7. The selection committee shall recommend five to seven candidates for the position of chief of police. The mayor may appoint a chief from such candidates. If none of the recommended candidates is appointed, a new search shall be initiated.

SECTION 8. On or before ninety days prior to the expiration of the contract of employment of the chief of police, the mayor shall notify the board of aldermen in writing of his determination as to whether he will or will not reappoint the incumbent chief. Depending upon the mayor's determination of this matter, the following shall apply:

(a) In the event that the mayor determines that the existing chief be reappointed for a new term pursuant to a new contract of employment, said reappointment shall be made in accordance with the procedure set forth in section 3-3 of the charter of the city of Newton.

(b) In the event that the mayor determines that the incumbent chief not be reappointed to a new term of employment, notwithstanding section 3-3 of the charter of the city of Newton, the board of aldermen may override the mayor's decision and effectuate said reappointment by a two-thirds vote of the full board; provided, however, that the board acts within ninety days of receipt of the mayor's notice in writing to the board of aldermen of his determination not to reappoint. The validity of any such appointment effectuated by the board of aldermen's vote pursuant to this paragraph shall be subject to the successful negotiation and execution of an employment contract between the mayor and the proposed appointee.

SECTION 9. The mayor of the city of Newton may convene a special review committee to review the selection process outlined above, including issues of screening, reappointment, as detailed in sections five to eight, inclusive. The review committee shall report to the mayor and the board of aldermen by July first, nineteen hundred and ninety-six. The review committee shall be made up as follows:

(1) Two members appointed by the mayor.

(2) Two aldermen appointed by the board of aldermen.

(3) One member of the Newton Police Association appointed by said association.

(4) Four members of the public, two of whom shall be appointed by the mayor and two of whom shall be appointed by the board of aldermen.

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

Approved December 23, 1992.

Chapter 280. AN ACT EXEMPTING THE TRANSFER OF A CERTAIN PARCEL OF LAND IN THE TOWN OF OXFORD FROM CERTAIN BIDDING LAWS.

Be it enacted, etc., as follows:

SECTION 1. The sale, lease, conveyance or other alienation of any interest in

the parcel of land described as Oxford Industrial Park East located in the town of Oxford shall be exempt from the provisions of chapter thirty B of the General Laws; provided, however, that such sale, lease, conveyance or other alienation shall be subject to all other General Laws which are applicable thereto.

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

Approved December 23, 1992.

Chapter 281. AN ACT RELATIVE TO APPORTIONMENT OF WARDS AND PRECINCTS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 2 of chapter 54 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the last sentence.

SECTION 2. The second paragraph of section 6 of said chapter 54, as so appearing, is hereby amended by striking out the last sentence.

SECTION 3. Section 24 of said chapter 54, as amended by section 9 of chapter 234 of the acts of 1991, is hereby further amended by inserting after the third sentence the following sentence:- In any city or town, if the polling places for two or more precincts are located in the same building and the total number of registered voters in any such two or more precincts does not exceed three thousand, only one set of election officers need be appointed for such precincts, but separate ballot boxes and voting lists for each precinct shall be used.

Emergency Letter: December 29, 1992 @ 1:55 P.M. Approved December 23, 1992.

Chapter 282. AN ACT AUTHORIZING TEMPORARY LICENSES FOR WINE AUCTIONS.

Be it enacted, etc., as follows:

SECTION 1. The local licensing authority in a city or town which votes to authorize the granting of licenses for the sale of an 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 applicants which are nonprofit charitable corporations organized under chapter one hundred and eighty of the General Laws and registered with the public charities division of the office of attorney general. Each such temporary license shall describe the premises to which it applies and shall 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 of chapter one hundred and thirty-eight of the General Laws. No such temporary license shall be for a duration of more than ten consecutive calendar days and no holder of any such temporary license shall be granted more than two such licenses in a calendar year. The amount of the license fee shall not exceed the minimum fee provided for in this act for holders of licenses to sell wine. A 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 said section twelve of said chapter one hundred and thirty-eight. Any wine sold under this section shall 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 of said chapter one hundred and thirty-eight shall not apply to temporary licenses for the sale of wines at auction; provided, however, that such applications may be granted by the local licensing authority according to the local procedures for granting licenses under section fourteen of said chapter one hundred and thirty-eight. Local licensing authorities may impose conditions as to hours of operation of such auctions, and such other terms and conditions as are deemed to be necessary and reasonable.

SECTION 2. The local licensing authority in a city or town which votes to authorize the granting of licenses for the sale of an 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 applicants which are licensees under section fifteen of chapter one hundred and thirty-eight of the General Laws. Each such temporary license shall describe the premises to which it applies and shall 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 of said chapter one hundred and thirty-eight. No such temporary license shall be for a duration of more than ten consecutive calendar days, and no holder of any such temporary license shall be granted more than two such temporary licenses in a calendar year. The amount of the license fee shall not exceed the minimum fee provided for in this act for holders of licenses to sell wine. A 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 said section fifteen of said chapter one hundred and thirty-eight. The application procedures under section fifteen A of said chapter one hundred and thirty-eight shall not apply to temporary licenses for the sale of wines at auction; provided, however, that such applications may be granted by the local licensing authority according to the local procedures for granting licenses under section fourteen of said chapter one hundred and thirty-eight. Local licensing authorities may impose conditions as to hours of

operation of such auctions and such other terms and conditions as are deemed to be necessary and reasonable.

SECTION 3. This act shall take effect as of July first, nineteen hundred and ninety-two.

SECTION 4. This act shall become inoperative on January first, nineteen hundred and ninety-five.

Approved December 23, 1992.

Chapter 283. AN ACT AUTHORIZING THE TOWN OF WAYLAND TO RELEASE A CERTAIN CONSERVATION RESTRICTION.

Be it enacted, etc., as follows:

The town of Wayland, acting by and through its board of selectmen and conservation commission, is hereby authorized to release a conservation restriction granted to said town by deed of Northland Residential Corporation dated May 26, 1989 and recorded in the southern district of the Middlesex county registry of deeds in Book 19853, Page 77 in accordance with the provisions of section thirty-two of chapter one hundred and eighty-four of the General Laws.

Approved December 23, 1992.

Chapter 284. AN ACT RELATIVE TO THE MAINTENANCE OF PERSONNEL RECORDS.

Be it enacted, etc., as follows:

SECTION 1. The definition of "Personnel Record" in section 52C of chapter 149 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following two sentences:- Without limiting the applicability or generality of the foregoing, all of the following written information or documents to the extent prepared by an employer of twenty or more employees regarding an employee shall be included in the personnel record for that employee: the name, address, date of birth, job title and description; rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the employer in response to his advertisement by the employee; all employee performance evaluations, including but not limited to, employee evaluation documents; written warnings of substandard performance; lists of probationary periods; waivers signed by the employee; copies of dated termination

notices; any other documents relating to disciplinary action regarding the employee. A personnel record shall be maintained in typewritten or printed form or may be handwritten in indelible ink.

SECTION 2. The third paragraph of said section 52C of said chapter 149, as so appearing, is hereby amended by adding the following sentence:- The provisions of this section shall not prohibit the removal of information contained in a personnel record upon mutual agreement of the employer and employee for any reason.

SECTION 3. Said section 52C of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following three paragraphs:-

An employer of twenty or more employees shall retain the complete personnel record of an employee as required to be kept under this section without deletions or expungement of information from the date of employment of such employee to a date three years after the termination of employment by the employee with such employer. In any cause of action brought by an employee against such employer of twenty or more employees in any administrative or judicial proceeding, including but not limited to, the Massachusetts Office of Affirmative Action, the Massachusetts Commission Against Discrimination, Massachusetts Civil Service Commission, Massachusetts Labor Relations Commission, Department of Labor and Industries, or a court of appropriate jurisdiction, such employer shall retain any personnel record required to be kept under this section which is relevant to such action until the final disposition thereof.

If an employer of twenty or more employees elects to have a written personnel policy regarding the terms and conditions of employment, such personnel policy, as the same may be amended from time to time, shall be continuously maintained at the office of such employer where personnel matters are administered.

Whoever violates the provisions of this section shall be punished by a fine of not less than five hundred nor more than twenty-five hundred dollars. This section shall be enforced by the Department of Labor and Industries.

Approved December 23, 1992.

Chapter 285. AN ACT FURTHER REGULATING NOTICE REQUIREMENTS RELATIVE TO MORTGAGE FORECLOSURES.

Be it enacted, etc., as follows:

Section 14 of chapter 244 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "mailed", in line 15, the following words:- at least.

Approved December 23, 1992.

838-890

Chapter 286. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN CERTAIN GENERAL AND SPECIAL LAWS.

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

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 4 of the General Laws is hereby amended by striking out, in line 11, as appearing in the 1990 Official Edition, the word "operation" and inserting in place thereof the following word:- operation.

SECTION 2. Section 17 of chapter 6 of the General Laws is hereby amended by striking out, in line 71, as so appearing, the word "police" and inserting in place thereof the following words:- criminal justice.

SECTION 3. Section 116 of said chapter 6, as so appearing, is hereby amended by striking out the caption preceding said section and inserting in place thereof the following caption:-

MASSACHUSETTS CRIMINAL JUSTICE TRAINING COUNCIL.

SECTION 4. Section 16 of chapter 6A of the General Laws is hereby amended by striking out, in line 26, as so appearing, the word "; the" and inserting in place thereof the following word:- the.

SECTION 5. Section 18B of said chapter 6A is hereby amended by striking out, in line 5, as so appearing, the words "civil defense" and inserting in place thereof the following words:- emergency management.

SECTION 6. The first paragraph of section 19 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 3, the words "public works" and inserting in place thereof the following word:- highways.

SECTION 7. Section 1 of chapter 7 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 administration, except that in sections thirty-eight A 1/2 to forty-three H, inclusive, the word commissioner shall mean commissioner of capital planning and operations.

SECTION 8. Section 4A of said chapter 7, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The executive office for administration and finance shall include a department of procurement and general services headed by a purchasing agent, who shall have the rank of a deputy commissioner and shall be appointed by the governor; a

division of public employee retirement administration headed by a commissioner; a department of personnel administration headed by a personnel administrator, who shall have the rank of deputy commissioner; a division of employee relations, headed by a deputy commissioner for employee relations; a fiscal affairs division, headed by a deputy commissioner for fiscal affairs; a division of capital planning and operations headed by a commissioner, and a department of revenue, headed by a commissioner for revenue. Each such position shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. The state purchasing agent shall give the bond to the state treasurer in a sum fixed by the governor for the faithful performance of his duties and for the rendering of a proper account of all money entrusted to him for the use of the commonwealth. The personnel administrator shall be appointed by the commissioner, with the prior written approval of the governor, from the names of three persons submitted by the majority vote of all the members of the civil service commission. The said personnel administrator shall be a person familiar with the principles and experienced in the methods and practice of personnel administration. The said personnel administrator shall serve for a term of four years, which term shall end on June thirtieth of the first year of the term of the governor, except that he may be removed by the commissioner, with the approval of four-fifths of the members of the civil service commission. Any person so appointed shall serve until the qualification of his successor; provided, however, that in such case, or in the case of a person appointed to fill a vacancy occurring during the prescribed term by reason of death, resignation or otherwise, the term of the successor in said office shall end on the next succeeding June thirtieth of the first year of the term of the governor. No person while holding such appointment shall be subject to section nine A of chapter thirty. The deputy commissioner for employee relations, the deputy commissioner for fiscal affairs and the deputy commissioner for central services shall each be appointed by the commissioner, with the prior written approval of the governor, and shall serve at the pleasure of the commissioner, shall be a person of ability and experience, shall devote his entire time to the duties of his office, and shall perform such functions as the commissioner shall from time to time assign to him; provided, however, that no person while holding any such appointment shall be subject to section nine A of chapter thirty. The commissioner of capital planning and operations shall be appointed by the commissioner of administration, with the prior written approval of the governor, and may be removed in like manner; he shall be a person familiar with the principles of and experienced in the methods and practices of the systematic and coordinated planning of capital facilities in relation to economic, environmental, social or other goals, programs and priorities. The commissioner shall devote his entire time to the duties of his office and shall perform such other functions as the commissioner shall from time to time assign

to him. No person holding such position shall be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

SECTION 9. Section 38A 1/2 of said chapter 7, as so appearing, is hereby amended by striking out, in line 64, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 10. Said section 38A 1/2 of said chapter 7, as so appearing, is hereby further amended by striking out the definition of "commissioner" and "division" and inserting in place thereof the following definition:-

"Commissioner" and "Division", the commissioner and the division of capital planning and operations.

SECTION 11. Section 38B of said chapter 7, as so appearing, is hereby amended by striking out, in line 23, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 12. Section 39B of said chapter 7, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following two paragraphs:-

Except as otherwise provided in this chapter or any other statute or appropriation act, the commissioner of capital planning and operations shall be responsible for:

(a) integrated and coordinated planning and budgeting of capital facilities on an annual and long-term basis;

(b) acquisition, allocation and disposition of real property;

(c) direction, control, supervision and oversight as to the planning, design, construction, demolition, installation, repair and maintenance of specific capital facilities and capital facility projects;

(d) efficient management of the operation of the division of capital planning and operations as a whole and the proper coordination of the work of and effective operation of individual offices, bureaus, and other sections which might be located therein. 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 stead in particular matters or classes of matters.

The commissioner shall promulgate rules and regulations pursuant to the provisions of chapter thirty A.

SECTION 13. Said chapter 7 is hereby further amended by striking out section 39C, as so appearing, and inserting in place thereof the following section:-

Section 39C. The commissioner of capital planning and operations shall advise the governor and the commissioner of administration on the means and methods available to coordinate capital facility project plans and programs of all public agencies and the federal government in order to establish relative priorities and to avoid duplication and conflicts. He shall create a central depository for planning

documents as they relate to that end, and amendments thereto and revisions thereof prepared by or for public agencies. Effective on the effective date of this act, every public agency shall submit a list and description of such documents as currently exist and as they are promulgated and upon the commissioner's request, submit to him a copy thereof. The commissioner may by rule and regulation identify the documents required to be submitted.

The division of capital planning and operations, if it is not designated as the state clearinghouse as provided for by the federal Intergovernmental Cooperation Act of nineteen hundred and sixty-eight, as amended, and regulations promulgated pursuant thereto, shall be notified in a timely manner by the agency designated as the state clearinghouse as to any capital facility projects being reviewed by said agency. The commissioner of capital planning and operations shall review such projects in light of current long range capital facility plans and other programs and policies of the commonwealth and submit his comments and recommendations to the agency designated as the state clearinghouse.

SECTION 14. Section 40B of said chapter 7, as so appearing, is hereby amended by striking out, in lines 1, 5 and 10, the word "deputy".

SECTION 15. Section 40C of said chapter 7 is hereby amended by striking out, in line 111, as so appearing, the word "s/he" and inserting in place thereof the following word:- he.

SECTION 16. Section 40F of said chapter 7, as so appearing, is hereby amended by striking out, in line 264, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 17. Section 40F 1/2 of said chapter 7, as so appearing, is hereby amended by striking out, in line 209, the word "Deputy".

SECTION 18. Section 40G of said chapter 7 is hereby amended by striking out, in lines 56 and 95, as so appearing, the words "his/her" and inserting in place thereof, in each instance, the following words:- his.

SECTION 19. Said section 40G of said chapter 7, as so appearing, is hereby further amended by striking out, in lines 67 to 70, inclusive, the words ", provided that the budget director has certified that provision for payment of rent for so much of the term of the agreement as falls within the then current fiscal year has been made by appropriation.

SECTION 20. Section 40H of said chapter 7, as so appearing, is hereby amended by striking out, in line 117, the word "Deputy".

SECTION 21. Said section 40H of said chapter 7, as so appearing, is hereby further amended by striking out, in line 133, the words "him/her" and inserting in place thereof the following word:- him.

SECTION 22. Section 40I of said chapter 7, as so appearing, is hereby amended by striking out, in line 39, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 23. Section 40J of said chapter 7, as so appearing, is hereby amended by striking out, in line 50, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 24. Section 40L of said chapter 7, as so appearing, is hereby amended by striking out, in lines 27 and 30, the words "his/her" and inserting in place thereof, in each instance, the following word:- his.

SECTION 25. Section 40M of said chapter 7, as so appearing, is hereby amended by striking out, in line 14, the words "himself/herself" and inserting in place thereof the following word:- himself.

SECTION 26. Said section 40M of said chapter 7, as so appearing, is hereby further amended by striking out, in line 15, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 27. Section 41A of said chapter 7, as so appearing, is hereby amended by striking out, in line 25, the word "s/he" and inserting in place thereof the following word:- he.

SECTION 28. Said section 41A of said chapter 7, as so appearing, is hereby further amended by striking out, in line 30, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 29. Section 41B of said chapter 7, as so appearing, is hereby amended by striking out, in line 58, the figure "9A" and inserting in place thereof the following word:- nine A.

SECTION 30. Said section 41B of said chapter 7, as so appearing, is hereby further amended by striking out, in line 61, the word "s/he" and inserting in place thereof the following word:- he.

SECTION 31. Said section 41B of said chapter 7, as so appearing, is hereby further amended by striking out, in line 75, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 32. Said section 41B of said chapter 7, as so appearing, is hereby further amended by striking out, in line 112, the words "him/her" and inserting in place thereof the following word:- him.

SECTION 33. Section 42A of said chapter 7, as so appearing, is hereby amended by striking out, in line 35, the word "s/he" and inserting in place thereof the following word:- he.

SECTION 34. Said section 42A of said chapter 7, as so appearing, is hereby further amended by striking out, in line 49, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 35. Section 42B of said chapter 7, as so appearing, is hereby amended by striking out, in lines 119, 127, 130, 149, 152 and 154, the word "s/he" and inserting in place thereof, in each instance, the following word:- he.

SECTION 36. Said section 42B of said chapter 7, as so appearing, is hereby further amended by striking out, in line 126, the word "S/he" and inserting in place thereof the following word:- He.

SECTION 37. Section 42C of said chapter 7 is hereby amended by striking out, in lines 60 and 79, as so appearing, the words "his/her" and inserting in place thereof, in each instance, the following word:- his.

SECTION 38. Section 42D of said chapter 7, as so appearing, is hereby amended by striking out, in lines 6, 16, and 32, the word "s/he" and inserting in place thereof, in each instance, the following word:- he.

SECTION 39. Said section 42D of said chapter 7, as so appearing, is hereby further amended by striking out, in line 16, the word "S/he" and inserting in place thereof the following word:- He.

SECTION 40. Section 42H of said chapter 7, as so appearing, is hereby amended by striking out, in line 18, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 41. Said section 42H of said chapter 7, as so appearing, is hereby further amended by striking out, in line 22, the word "Commonwealth" and inserting in place thereof the following word:- commonwealth.

SECTION 42. Section 42I of said chapter 7, as so appearing, is hereby amended by striking out, in line 26, the figure "42G" and inserting in place thereof the following word:- forty-two G.

SECTION 43. Section 42J of said chapter 7, as so appearing, is hereby amended by striking out, in line 6, the word "s/he" and inserting in place thereof the following word:- he.

SECTION 44. Said section 42J of said chapter 7, as so appearing, is hereby further amended by striking out, in line 39, the word "S/he" and inserting in place thereof the following word:- He.

SECTION 45. Section 43A of said chapter 7, as so appearing, is hereby amended by striking out, in line 42, the word "s/he" and inserting in place thereof the following word:- he.

SECTION 46. Section 43C of said chapter 7, as so appearing, is hereby amended by striking out, in line 71, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 47. Said section 43C of said chapter 7, as so appearing, is hereby further amended by striking out, in line 75, the word "s/he" and inserting in place thereof the following word:- he.

SECTION 48. Section 1 of chapter 8 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the word "S/he" and inserting in place thereof the following word:- He.

SECTION 49. Said section 1 of said chapter 8, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words "his/her" and inserting in place thereof, in each instance, the following word:- his.

SECTION 50. Chapter 10 of the General Laws is hereby amended by striking out section 35J, inserted by section 2 of chapter 121 of the acts of 1990, and inserting in place thereof the following section:-

Section 35K. 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 51. Section thirty-five K of said chapter ten, inserted by section fifty of this act, is hereby repealed.

SECTION 52. Section 10 of chapter 13 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 2, the words "and the following section" and inserting in place thereof the following words:- section and section eleven.

SECTION 53. Said chapter 13 is hereby further amended by striking out section 10B, as so appearing, and inserting in place thereof the following section:-

Section 11C. There shall be within the division of registration in the executive office of consumer affairs and business regulation a board of registration of physician assistants, herein called the board, to consist of nine members who are residents of the commonwealth, who shall be appointed by the governor, two of whom shall be licensed physicians who shall have been actively engaged in the practice of medicine for at least three years and at least one of whom shall be a member of the Massachusetts Medical Society; one of whom shall be an educator of physician assistants on the faculty or staff of an accredited physician assistant training program; four of whom shall be physician assistants duly certified in the commonwealth who may be selected from a list of names submitted by the

Massachusetts Association of Physician Assistants or comparable organization representing physician assistants and two of whom shall be representatives of the general public.

Members shall be appointed for a term of three years. No member shall be appointed to more than two consecutive full terms; provided, however, that a member appointed for less than a full term may serve two full terms in addition to such part of a full term and a former member shall again be eligible for appointment after a lapse of one or more years. Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office after being given a written statement of the charges against him and sufficient opportunity to be heard thereon.

Said board shall elect its chairperson annually and shall meet at the call of such chairperson or upon the request of two or more members of the board. A quorum shall consist of at least five members present. Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties. The board shall meet at least four times annually.

SECTION 54. Section 89 of said chapter 13, as so appearing, is hereby amended by inserting after the word "be", in line 6, the first time it appears, the following word:- clinical.

SECTION 55. Section 6 of chapter 14 of the General Laws is hereby amended by striking out subparagraphs 3 and 4, inserted by section 7 of chapter 121 of the acts of 1990, and inserting in place thereof the following two subparagraphs:-

4. 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.

5. 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 56. Chapter 15A of the General Laws is hereby amended by inserting before section 1 the following title:-

PUBLIC EDUCATION.

SECTION 57. Said chapter 15A is hereby further amended by adding the following section:-

Section 38. Notwithstanding any other provision of law to the contrary, all public institutions of higher education shall offer the same student information and on-campus recruiting opportunities to representatives of the state or United States armed services as is offered to non-military recruiters.

SECTION 58. Paragraph (a) of section 4 of chapter 15C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the ninth sentence and inserting in place thereof the following sentence:- The term of each ex officio member shall be concurrent with his tenure in that office.

SECTION 59. Chapter 16 of the General Laws is hereby amended by striking out the title and inserting in place thereof the following title:-

DEPARTMENT OF HIGHWAYS.

SECTION 60. Section 1 of said chapter 16, as amended by section 6 of chapter 552 of the acts of 1991, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Said commission shall consist of five members, not more than three of whom shall be of the same political party, who shall be appointed by the governor.

SECTION 61. Section 6 of chapter 20 of the General Laws, as amended by section 104 of chapter 138 of the acts of 1991, is hereby further amended by striking out, in line 1, the word "Commissioner" and inserting in place thereof the following word:- commissioner.

SECTION 62. Section 2 of chapter 21E of the General Laws is hereby amended by striking out the definition of "Person", as amended by section 5 of chapter 476 of the acts of 1991, and inserting in place thereof the following definition:-

"Person", any agency or political subdivision of the federal government or the commonwealth, any state, public or private corporation or authority, any interstate body, foreign nation, individual, trust, firm, joint stock company, partnership, association or other entity, and any officer, employee, or agent of such person, and any group of persons.

SECTION 63. Section 5 of chapter 21G of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 19, the word

"nineteen" and inserting in place thereof the following word:- , nineteen.

SECTION 64. Section 9 of chapter 21I of the General Laws, as so appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

The toxic or hazardous substance list shall consist of:-.

SECTION 65. Section 1 of chapter 21J of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "section" and inserting in place thereof the following word:- chapter.

SECTION 66. Section 9 of said chapter 21J, as so appearing, is hereby amended by striking out, in line 31, the word "system;" and inserting in place thereof the following word:- system.

SECTION 67. Chapter 22 of the General Laws is hereby amended by striking out section 16, inserted by section 1 of chapter 475 of the acts of 1990, and inserting in place thereof the following section:-

Section 15A. 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 68. Section 4 of chapter 23D of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 38, the word "facility." and inserting in place thereof the following word:- facility;.

SECTION 69. Section 18 of said chapter 23D, as so appearing, is hereby amended by striking out, in line 3, the word "eighteen" and inserting in place thereof the following word:- seventeen.

SECTION 70. Section 12A of chapter 25 of the General Laws is hereby amended by striking out the caption preceding said section.

SECTION 71. Chapter 25A of the General Laws is hereby amended by striking out the title and inserting in place thereof the following title:-

DIVISION OF ENERGY RESOURCES.

SECTION 72. Section 8G of chapter 26 of the General Laws is hereby amended by striking out, in line 1, as appearing in the 1990 Official Edition, the words "Division of Insurance" and inserting in place thereof the following words:- division of insurance.

SECTION 73. Said section 8G of said chapter 26 is hereby further amended by striking out, in line 3, as so appearing, the word "Governor" and inserting in place thereof the following word:- governor.

SECTION 74. Said section 8G of said chapter 26 is hereby further amended by striking out, in line 6, as so appearing, the word "Commonwealth" and inserting in place thereof the following word:- commonwealth.

SECTION 75. Said section 8G of said chapter 26 is hereby further amended by striking out, in line 7, as so appearing, the words "Commissioner of Insurance" and inserting in place thereof the following words:- commissioner of insurance.

SECTION 76. Said section 8G of said chapter 26 is hereby further amended by

striking out, in lines 42, 44, 46, 52, 58, 62, 64, 67, 71, 77, 80, 86, 121, 125 and 135, as so appearing, the word "Board" and inserting in place thereof, in each instance, the following word:- board.

SECTION 77. Said section 8G of said chapter 26 is hereby further amended by striking out, in lines 140 and 141, as so appearing, the words "environmental quality engineering" and inserting in place thereof the following words:- the department of environmental protection.

SECTION 78. Section 3 of chapter 28 of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The commissioner may appoint and remove such officials and employees as the work of the commission may require and may from time to time assign to such officials and employees such duties as the work of the commission may require, subject to chapter thirty and thirty-one, except as provided by chapter five hundred and eighty-three of the acts of nineteen hundred and forty-seven.

SECTION 79. Section 2F of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 44, the words "him/her" and inserting in place thereof the following word:- him.

SECTION 80. Said section 2F of said chapter 29, as so appearing, is hereby further amended by striking out, in lines 47, 48 and 55, the words "his/her" and inserting in place thereof, in each instance, the following word:- his.

SECTION 81. Said section 2F of said chapter 29, as so appearing, is hereby further amended by striking out, in line 59, the figure "15" and inserting in place thereof the following word:- fifteenth.

SECTION 82. Section 2 O of said chapter 29, as so appearing, is hereby amended by striking out, in line 33, the word "forty-seven" and inserting in place thereof the following word:- Forty-seven.

SECTION 83. Said chapter 29 is hereby further amended by striking out section 2P, inserted by section 347 of chapter 150 of the acts of 1990, and inserting in place thereof the following section:-

Section 2X. Allocation of revenues under 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 84. Section 7A of said chapter 29, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 9, the words "she/he" and inserting in place thereof the following word:- he.

SECTION 85. Said section 7A of said chapter 29, as so appearing, is hereby further amended by striking out, in line 22, the figure "7C" and inserting in place thereof the following word:- seven C.

SECTION 86. Said section 7A of said chapter 29, as so appearing, is hereby further amended by striking out, in line 31, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 87. Said section 7A of said chapter 29, as so appearing, is hereby further amended by striking out, in line 33, the word "S/he" and inserting in place thereof the following word:- He.

SECTION 88. Section 7B of said chapter 29, as so appearing, is hereby amended by striking out, in line 14, the words "him/her" and inserting in place thereof the following word:- him.

SECTION 89. Section 7C of said chapter 29, as so appearing, is hereby amended by striking out, in lines 19 and 64, the words "his/her" and inserting in place thereof, in each instance, the following word:- his.

SECTION 90. Said section 7C of said chapter 29, as so appearing, is hereby further amended by striking out, in line 21, the word "S/he" and inserting in place thereof the following word:- He.

SECTION 91. Said chapter 29 is hereby further amended by striking out section 7D, as so appearing, and inserting in place thereof the following section:-

Section 7D. Copies of the proposed plans and requests shall be submitted simultaneously to the commissioner of capital planning and operations, the secretaries of all executive offices, the director of the budget bureau, the state treasurer, and the commissioner of the department of revenue, and the house and senate ways and means committees. The secretaries shall submit to the commissioner of capital planning and operations a report on the consistency of any public agency's plans and requests with the programs and policies of the executive office on which it is located, except in the case of a public institution of higher learning, the secretary of educational affairs, including the secretary's recommendations as to those plans and requests. Prior to making their reports, each secretary shall conduct public hearings, for which he shall give five days public notice prior thereto, on his analysis and recommendations as to those plans and requests. Any secretary, when requested by said commissioner of capital planning and operations, shall submit to him a report on the impact of the specific statutory mission of the secretariat of the plans and request of any public agencies not located within his secretariat. Each secretary shall furnish to the house and senate committees on ways and means and the legislative committees on post audit and oversight of the general court, copies of all such plans, requests, and reports.

The director of the bureau of programming, director of the office of project management or the director of the office of facilities management, as said commissioner of capital planning and operations directs, shall report to him as to the technical feasibility, cost, and schedule of proposed building projects; the technical, financial, and related requirements for the operation and maintenance of such buildings upon completion of the proposed projects; where relevant, the

efficacy and efficiency of the proposed project in relation to current and projected available space and current and projected standards for the allocation and utilization of space; the accuracy and adequacy of any planning and design documents and any other documents prepared in relation to the stated needs, and as to any other matters which the commissioner of capital planning and operations may require relative to his evaluation of such plans and requests. At the request of said commissioner of capital planning and operations, the head of the public agency which administers or would administer a capital facility project, other than a building project, or consultants hired by him for that purpose, or members of said commissioner's staff shall report to him as to the technical feasibility, cost and schedule of that project; the technical, financial, and related requirements for the operation and maintenance of such facilities upon completion of the proposed projects; where relevant, the proposed project in relation to current and projected available facilities of a similar kind; the accuracy and adequacy of any planning documents, accurate summaries of design documents and any other documents prepared in relation to stated needs, and as to any other matters which said commissioner may require relative to his evaluation of such plans and requests.

The director of the budget bureau shall report in writing to said commissioner of capital planning and operations on the impact of proposed agency plans and requests, based on the stated and projected overall agency programs, on the agency's operating budgets for the next five years or for such longer period as said commissioner shall request. The commissioner of the department of revenue shall report in writing to said commissioner of capital planning and operations on the impact of proposed agency plans and requests on their requirements for and production of revenue for at least the next five years or for such longer period as said commissioner of capital planning and operations shall request. The reports of the director of the budget bureau and the commissioner of the department of revenue shall be sent to the state treasurer. The state treasurer may if requested by said commissioner of capital planning and operations report in writing to said commissioner on the impact of all plans and requests, separately and as a whole on the financial health of the commonwealth and make such recommendations as to the form and nature of the financing as he deems necessary.

Copies of the proposed plans and requests shall in a timely manner be submitted to each of the regional planning agencies established pursuant to the provisions of chapter forty B for their review. They shall submit to said commissioner of capital planning and operations a statement of their comments and recommendations, including those of cities and towns in the region which are affected by such plans and requests.

Said commissioner of capital planning and operations may request such other reports from public agencies as said commissioner may deem necessary to fulfill his responsibilities for the integration and coordination of capital facility projects.

SECTION 92. Section 7H of said chapter 29 is hereby amended by striking out, in line 17, as so appearing, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 93. Said section 7H of said chapter 29 is hereby further amended by striking out, in line 26, as so appearing, the word "s/he" and inserting in place thereof the following word:- he.

SECTION 94. Section 7I of said chapter 29, as so appearing, is hereby amended by striking out, in lines 21, 25, 29, 39 and 43, the words "his/her" and inserting in place thereof, in each instance, the following word:- his.

SECTION 95. Said section 7I of said chapter 29, as so appearing, is hereby further amended by striking out, in lines 22 and 40, the word "s/he" and inserting in place thereof, in each instance, the following word:- he.

SECTION 96. Said section 7I of said chapter 29, as so appearing, is hereby further amended by striking out, in lines 25 and 43, the words "him/her" and inserting in place thereof, in each instance, the following word:- him.

SECTION 97. Section 7K of said chapter 29, as so appearing, is hereby amended by striking out, in line 42, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 98. Section 39Q of chapter 30 of the General Laws, as so appearing, is hereby amended by striking out, in lines 13, 20, 23, and 30, the words "his/her" and inserting in place thereof, in each instance, the following word:- his.

SECTION 99. Said section 39Q of said chapter 30, as so appearing, is hereby further amended by striking out, in lines 20, 24, and 55, the word "s/he" and inserting in place thereof, in each instance, the following word:- he.

SECTION 100. Said section 39Q of said chapter 30, as so appearing, is hereby further amended by striking out, in line 59, the words "him/her" and inserting in place thereof the following word:- him

SECTION 101. Section 39R of said chapter 30, as so appearing, is hereby amended by striking out, in lines 21, 38, 67, 69 and 73, the words "his/her" and inserting in place thereof, in each instance, the following word:- his.

SECTION 102. Said section 39R of said chapter 30, as so appearing, is hereby further amended by striking out, in lines 37 and 102, the word "s/he" and inserting in place thereof, in each instance, the following word:- he

SECTION 103. Said section 39R of said chapter 30, as so appearing, is hereby further amended by striking out, in lines 56 and 57, the words "thirty B through thirty P" and inserting in place thereof the following words:- thirty-eight A eight O.

SECTION 104. Section 11A of chapter 30A of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "eleven B" and inserting in place thereof the following word:- eleven A

SECTION 105. Subsection (b) of section 1 of chapter 30B of the General Laws is hereby amended by striking out clause (13), as amended by section 111 of

chapter 138 of the acts of 1991, and inserting in place thereof the following clause:- (13) contracts for the services of expert witnesses for use in an adjudicatory proceeding or litigation or in anticipation thereof;.

SECTION 106. Clause (14) of said subsection (b) of said section 1 of said chapter 30B, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 46, the word "members." and inserting in place thereof the following word:- members;.

SECTION 107. Said subsection (b) of said section 1 of said chapter 30B is hereby further amended by striking out clause (15), inserted by chapter 404 of the acts of 1991.

SECTION 108. Said subsection (b) of said section 1 of said chapter 30B is hereby further amended by striking out clause (24), inserted by section 112 of chapter 138 of the acts of 1991, and inserting in place thereof the following clause:- (24) a contract for ambulance service by a governmental body;.

SECTION 109. Said subsection (b) of said section 1 of said chapter 30B is hereby further amended by striking out clause (28), added by section 13 of chapter 495 of the acts of 1991, and inserting in place thereof the following two clauses:-

(28) contracts entered into by a governmental body on behalf of a hospital owned by such governmental body where such contract is funded by expenditures from an operations account, so-called, or a special account, established pursuant to a special act that is maintained for the benefit of and designated with the name of such hospital; or

(29) any contracts, agreements or leases entered into by a municipal airport commission established under the provisions of section fifty-one E of chapter ninety; provided, however, that such contracts, agreements or leases apply to aviation uses or the sale of aviation fuel.

SECTION 110. Section 12 of said chapter 30B is hereby amended by striking out, in lines 58 and 59, as appearing in the 1990 Official Edition, the words "department of environmental quality engineering, also known as the".

SECTION 111. Section 48 of chapter 31 of the General Laws, is hereby amended by striking out the first paragraph, as most recently amended by section 21 of chapter 552 of the acts of 1991, and inserting in place thereof the following paragraph:-

All offices and positions in the official service of the commonwealth shall be subject to the civil service law and rules unless expressly exempted by this chapter or other law. Positions in the labor service of the commonwealth shall be subject to the civil service law and rules in the metropolitan district commission; executive office for administration and finance; Massachusetts Correctional Institution, Bridgewater; Massachusetts Correctional Institution, Framingham; labor service employees in the Massachusetts Correctional Institutions at Cedar Junction, Concord and Norfolk who have prisoners under their charge; department of public utilities; department of highways, except as provided in this section; department

of revenue; department of employment and training; laborers in the department of public safety; labor service employees in the division of conservation services and full-time conservation helpers employed on a year-round basis, and conservation skilled helpers in the department of environmental management; tree climbers employed by the department of environmental management; registry of motor vehicles; Massachusetts emergency management agency; Massachusetts office of business development, the office of international trade and investment, the office of minority and women business development and employment, the office of science and technology, the office of travel and tourism, the office of film and video development; department of community affairs; department of public welfare; Massachusetts Bay Transportation Authority police department; department of youth services.

SECTION 112. Section 1 of chapter 32 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 194, the words "nine H of chapter twenty-two" and inserting in place thereof the following words:- twenty-nine of chapter twenty-two C.

SECTION 113. Section 22 of said chapter 32 is hereby amended by striking out, in line 1042, as so appearing, the word "(i) PRIT" and inserting in place thereof the following word:- PRIT.

SECTION 114. Section 90I of said chapter 32, as so appearing, is hereby amended by striking out, in lines 3 and 6, the word "members" and inserting in place thereof, in each instance, the following word:- member's.

SECTION 115. Section 36B of chapter 40 of the General Laws, as amended by section 46 of chapter 412 of the acts of 1991, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Each cell utilized for the detention of persons within a city, town, or state lockup facility which is under the jurisdiction of a local police department or the state police shall have a protective covering of high-impact, transparent wall facing.

SECTION 116. Section 39K of said chapter 40, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 10, the word "acquifers" and inserting in place thereof the following word:- aquifers.

SECTION 117. Section 57 of said chapter 40, as so appearing, is hereby amended by striking out, in line 53, the word "sixty-eight" and inserting in place thereof the following word:- sixty-eight A.

SECTION 118. Section 1A of chapter 40J of the General Laws, inserted by section 298 of chapter 138 of the acts of 1991, is hereby amended by striking out, in line 1, the words "Additional Findings and Revised Public Purpose".

SECTION 119. Section 2 of said chapter 40J is hereby amended by striking out the definition of "Director", inserted by section 299 of said chapter 138, and inserting in place thereof the following definition:-

"Director", shall refer to both an individual who is a member of the board and

to an individual who is an advisory member appointed pursuant to clause (i) of section four.

SECTION 120. Paragraph (a) of section 4A of said chapter 40J, as appearing in section 300 of said chapter 138, is hereby amended by striking out, in line 7, the word "it's" and inserting in place thereof the following word:- its.

SECTION 121. Paragraph (c) of said section 4A of said chapter 40J, as so appearing, is hereby amended by striking out, in line 2, the word "five-hundred" and inserting in place thereof the following words:- five hundred.

SECTION 122. Section 98F of chapter 41 of the General Laws, as amended by chapter 125 of the acts of 1991, is hereby further amended by striking out the first sentence, and inserting in place thereof the following sentence:- Each police department and each college or university to which officers have been appointed pursuant to the provisions of section sixty-three of chapter twenty-two C shall make, keep and maintain a daily log, written in a form that can be easily understood, recording, in chronological order, all responses to valid complaints received, crimes reported, the names, addresses of persons arrested and the charges against such persons arrested.

SECTION 123. Section 8 of chapter 44 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 32, the words "quality engineering" and inserting in place thereof the following word:- protection.

SECTION 124. Section 50 of chapter 51 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word "meridiem" and inserting in place thereof the following word:- meridian.

SECTION 125. Section 44 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- In no event shall the number of signatures required be more than the number of a candidate for the same office in the same electoral district or division to have his name placed on the ballot as provided for under section six.

SECTION 126. Section 45 of said chapter 53, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Signatures shall be subject to section seven.

SECTION 127. Section 47 of said chapter 53, as so appearing, is hereby amended by striking out, in line 11, the word "signations" and inserting in place thereof the following word:- signatures.

SECTION 128. Section 41 of chapter 54 of the General Laws, as so appearing, 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 of chapter fifty-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 129. Section 65 of said chapter 54, as so appearing, is hereby amended by striking out, in line 5, the word "a" and inserting in place thereof the following word:- at.

SECTION 130. Section 135 of said chapter 54, as so appearing, is hereby amended by striking out, in line 198, the word "that" and inserting in place thereof the following word:- than.

SECTION 131. Section 5 of chapter 59 of the General Laws is hereby amended by striking out clause Fortieth, as amended by section 381 of chapter 138 of the acts of 1991, and inserting in place thereof the following clause:-

Fortieth, Air-raid, bomb or fall-out shelters constructed under standards established by the Massachusetts emergency management agency of the commonwealth or the United States in or in connection with residential dwellings so long as such shelters shall be used exclusively for air-raid, bomb or fall-out protection.

SECTION 132. Section 21C of said chapter 59 is hereby amended by striking out paragraph (k 1/2), inserted by section 243 of chapter 138 of the acts of 1991.

SECTION 133. Said section 21C of said chapter 59, as most recently amended by section 243 of said chapter 138, is hereby further amended by striking out paragraph (l) and inserting in place thereof the following paragraph:-

(l) Amounts exempted from the tax limit under paragraph (i1/2), (j) or (k) shall not be included in calculating the "total taxes assessed" in paragraph (a) or the maximum levy limit in paragraph (f).

SECTION 134. The first paragraph of section 2 of chapter 60A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the seventh sentence and inserting in place thereof the following sentence:- All tax notices sent to owners of vehicles notifying said owners of the amount of excise tax due and the due date shall indicate the owner's license to operate number as appearing on the registration application, renewal application or amended registration as provided in section two of chapter ninety.

SECTION 135. Section 6D of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "Fund", the second time it appears.

SECTION 136. Said section 6D of said chapter 62, as so appearing, is hereby further amended by striking out, in line 14, the words "Nongame Wildlife" and inserting in place thereof the following words:- Natural Heritage and Endangered Species.

SECTION 137. Section 6G of said chapter 62, as so appearing, is hereby amended by striking out, in line 5, the word "thirty-five J" and inserting in place thereof the following word:- thirty-five K.

SECTION 138. Section 31C of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in line 17, the word "sections" and inserting in place thereof the following word:- section.

SECTION 139. Section 13 of chapter 64A of the General Laws is hereby amended by striking out paragraph (b), as amended by section 85 of chapter 33 of the acts of 1991, 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 F 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; thirty one-hundredths of one percent to the Environmental Law Enforcement Fund established by section six I of chapter twenty-one; and fifty one-hundredths of one percent to the Harbors and Inland Waters Maintenance Fund established by section ten A 1/2 of chapter ninety-one.

SECTION 140. Section 13 of chapter 64C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "wholesaler", in line 27, the following words:- shall include all direct costs attributable to the receiving, stamping, handling, storing, sales and delivery of cigarettes, and, shall additionally include.

SECTION 141. Section 1 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out the definition of "Business" and inserting in place thereof the following definition:-

"Business", any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect.

SECTION 142. Said section 1 of said chapter 64H, as so appearing, is hereby further amended by striking out, in line 223, the word "of" and inserting in place thereof the following word:- or.

SECTION 143. Section 8 of said chapter 64H, as most recently amended by section 11 of chapter 4 of the acts of 1991, is hereby further amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) If the tangible personal property is purchased by a person who will use the 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 property being purchased will be so used. The burden of proving that a sale of 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 property will be used in an exempt manner.

SECTION 144. Section 8 of chapter 64I of the General Laws, as most recently amended by section 15 of said chapter 4, is hereby further amended by striking out paragraph (g) and inserting in place thereof the following paragraph:-

(g) If the tangible personal property is purchased by a person who will use such 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 property being purchased will be so used. The burden of proving that a sale of 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 property will be used in an exempt manner.

SECTION 145. Section 1 of chapter 65C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 33, the word "subsection (lc)" and inserting in place thereof the following word:- subsection (c).

SECTION 146. Section 10 of chapter 66 of the General Laws is hereby amended by striking out, in line 10, as so appearing, the word "the", the third time it appears.

SECTION 147. The first paragraph of section 7A of chapter 71 of the General Laws, as amended by section 335 of chapter 138 of the acts of 1991, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:-

The state treasurer shall annually, on or before November twentieth, pay to the several towns subject to appropriation, the sums required as reimbursement for expenses approved by the commissioner of education, incurred by any town for the transportation of pupils not more than twice daily between any school within the town, or in another town, and the pupil's home, a day care facility licensed or registered by the office for children, or a day care facility which is part of a public school system or a private, organized educational system, in accordance with standards approved by the school committee, in excess of five dollars per annum per pupil in the net average membership of such town; provided, however, that (a) no reimbursement for transporting a pupil between school and home shall be made on account of any pupil who resides less than one and one-half miles from the school which he attends, measured by a commonly traveled route; (b) no reimbursement for transporting a pupil between school and a day care facility licensed or registered by the office for children or a day care facility which is part of a public school system or a private, organized educational system, shall be made if the distance between the school and said facility is less than one and one-half miles, measured by a commonly traveled route, nor for transportation to a day care facility located outside the boundaries of the school district; (c) the amount of grant, per pupil, for transportation to private schools in towns which furnish such transportation, shall not exceed the amount of grant per pupil for transportation to public schools; (d) no contract shall be awarded except upon the basis of prevailing wage rates, as hereinafter provided, and of competitive sealed bids

pursuant to chapter thirty B; and (e) no reimbursement for transporting a pupil between school and home shall be made to a school system which does not certify to the department of education in a manner prescribed by the department that the average number of students transported over a period of an academic year does not equal or exceed seventy-five percent of the carrying capacity of the bus or other transportation system used by said school system; provided, however, that this section shall not apply to any school district which is, or has been, subject to the provisions of a court-ordered busing program.

SECTION 148. Section 57 of said chapter 71, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "one", in line 5, the following words:- of chapter seventy-six.

SECTION 149. Section 1 of chapter 71B of the General Laws is hereby amended by striking out, in lines 24 and 25, as so appearing, the word "department." and inserting in place thereof the following word:- department;.

SECTION 150. The first paragraph of section 5 of said chapter 71B, as amended by section 142 of chapter 138 of the acts of 1991, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Any school committee which provides or arranges for the provision of special education pursuant to the provisions of section three shall pay for such special education personnel, materials and equipment, tuition, room and board, transportation, rent and consultant services as are necessary for the provision of special education; provided, however, that the school committee shall not be obligated to pay for health care goods or services to the extent that these constitute medically necessary treatment for disease, illness, injury, or bodily dysfunction which would be covered by a third party payor but for a school-aged child's eligibility for such goods and services under this chapter; provided, further, that the determination of medical necessity shall be made by the third party payor under its standard program of utilization review, that the school-aged child with special needs or his parent or guardian if he is a minor shall have the right to freedom of choice in the selection of the provider of health care goods and services, and that the provider of health care goods and services does not have a direct or indirect financial relationship to the school committee; and provided, further, that school committees may accept payment for health care goods and services provided by certified school committee employees from third party payors other than the program of medical care and assistance established under chapter one hundred and eighteen E.

SECTION 151. Section 7I of chapter 81 of the General Laws is hereby amended by striking out, in line 1, as appearing in the 1990 Official Edition, the word "of".

SECTION 152. Section 30A of chapter 85 of the General Laws, as amended by section 57 of chapter 552 of the acts of 1991, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:-

The owner or lessee of any motor vehicle, trailer, semi-trailer or semi-trailer

unit, as defined in section one of chapter ninety, which may lawfully be operated on the ways of this commonwealth may apply to the commissioner of highways for a permit authorizing the operation of such motor vehicle, trailer, semi-trailer or semi-trailer unit upon any state highway or way determined by the department of highways to be a through route when the weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit together with its load would exceed the weight limitations prescribed by section thirty or by the provisions of chapter ninety.

SECTION 153. Section 1 of chapter 90 of the General Laws is hereby amended by striking out the definition of "Motorized Bicycle", as amended by section 388 of chapter 138 of the acts of 1991, and inserting in place thereof the following definition:-

"Motorized bicycle", a pedal bicycle which has a helper motor, or a non-pedal bicycle which has a motor, with a cylinder capacity not exceeding fifty cubic centimeters, an automatic transmission, and which is capable of a maximum speed of no more than thirty miles per hour.

SECTION 154. Section 2 of said chapter 90 is hereby amended by inserting after the word "eye", in line 218, as appearing in the 1990 Official Edition, the following words:- , or any other disability or handicap of such veterans which may be determined by the medical advisory board as established by section eight C.

SECTION 155. Section 7E of said chapter 90 is hereby amended by striking out, in lines 48 to 50, inclusive, as so appearing, the words "police officers by the commissioner of public safety pursuant to section ten G of chapter one hundred and forty-seven" and inserting in place thereof the following words:- state police officers by the colonel of state police pursuant to section sixty-three of chapter twenty-two C.

SECTION 156. Section 9D of said chapter 90, as so appearing, is hereby amended by striking out, in lines 30 and 31, the words "ten G of said chapter one hundred and forty-seven" and inserting in place thereof the following words:- sixty-three of chapter twenty-two C.

SECTION 157. Said chapter 90 is hereby further amended by striking out section 22C, as amended by section 57 of chapter 412 of the acts of 1991, and inserting in place thereof the following section:-

Section 22C. If the superintendent of streets or other officer having charge of the public ways in a city or town reasonably deems that any motor vehicle apparently abandoned by its owner and standing for more than seventy-two hours upon a public or private way therein or on any property therein without the permission of the owner or lessee of said property or if a captain or lieutenant of the state police reasonably deems that any motor vehicle apparently abandoned by its owner and standing for more than seventy-two hours upon any property under their respective jurisdictions, is worth less than the cost of removal and storage and expenses incident to disposition pursuant to sections seven to eleven,

inclusive, of chapter one hundred and thirty-five, sections eighty-nine to ninety-four, inclusive, of chapter ninety-two, or sections forty-five to forty-eight, inclusive, of chapter twenty-two C, he may, without incurring liability on his part or on the part of the city, town or the commonwealth, take possession of such motor vehicle and dispose thereof as refuse. Any such superintendent or other officer of a city or town may, likewise, without liability, take possession of any such motor vehicle deemed worth more than the cost and expense as aforesaid, and deliver the same to the officer or member of the police department of the city or town, designated by the rules of said department as custodian of lost property, wherein said motor vehicle was found, who may dispose thereof pursuant to said sections seven to eleven, inclusive. Any such officer of said state police may, likewise, without liability, take possession of any such motor vehicle deemed worth more than the cost and expenses as aforesaid, and dispose thereof pursuant to said sections eighty-nine to ninety-four, inclusive, or said sections forty-five to forty-eight, inclusive.

SECTION 158. The second paragraph of section 19F of said chapter 90, as appearing in section 9 of chapter 129 of the acts of 1991, is hereby amended by striking out, in line 2, the figure "I-90" and inserting in place thereof the following figure:- I-190.

SECTION 159. Section 23 of said chapter 90, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 122, the word "a" and inserting in place thereof the following word:- or.

SECTION 160. Section 14 of chapter 90B of the General Laws, as so appearing, is hereby amended by striking out, in line 26, the word "whoever" and inserting in place thereof the following word:- Whoever.

SECTION 161. The definition of "Audit sheet", in section 1 of chapter 90C of the General Laws, as amended by section 155 of chapter 138 of the acts of 1991, is hereby further amended by striking out, in line 1, the word "ist" and inserting in place thereof the following word:- list.

SECTION 162. Section 1 of chapter 90E of the General Laws, as amended by section 76 of chapter 552 of the acts of 1991, is hereby further amended by striking out the definition of "Commissioner" and inserting in place thereof the following definition:-

"Commissioner", the commissioner of highways.

SECTION 163. Section 8 of chapter 90F of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 37, the word "admissability" and inserting in place thereof the following word:- admissibility.

SECTION 164. Section 9 of said chapter 90F, as so appearing, is hereby amended by striking out, in line 37, the word "priveleges" and inserting in place thereof the following word:- privileges.

SECTION 165. The General Laws are hereby amended by striking out chapter 92A, as amended by section 66 of chapter 412 of the acts of 1991, and inserting in place thereof the following chapter:-

CHAPTER 92B.

COMMONWEALTH ZOOLOGICAL CORPORATION.

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

"Board", the board of directors of the Commonwealth Zoological Corporation.

"Commission", the metropolitan district commission.

"Commissioner", the chairman of the metropolitan district commission.

"Corporation", the Commonwealth Zoological Corporation.

"Member", a member of the board of directors of the Commonwealth Zoological Corporation.

"Society", Boston Zoological Society.

"Zoos", Franklin Park Zoo and Walter D. Stone Memorial Zoo.

Section 2. There is hereby created a nonprofit body to be known as the Commonwealth Zoological Corporation. The corporation is hereby placed in the commission, but shall not be subject to the supervision of the commission, nor any office, board, bureau, department, or other agency of the commonwealth, except as specifically provided in this chapter. This shall not preclude the commissioner or his agents from inspecting the books, records, files or premises of the corporation at any time.

The corporation may receive, subject to appropriation, an annual operating subsidy from the commonwealth through a line item in the budget of the commission.

Pursuant to section three of chapter twenty-nine, the corporation may submit a request for such annual operating subsidy to the commission. The commonwealth may also fund, from time to time, major capital improvements and expansion subject to the provisions of section nine.

The corporation shall be governed and its corporate powers exercised by the board, which shall consist of eleven members appointed by the governor in the following manner: one member chosen from a list of three names submitted by the board of directors of the society; two chosen from a list of nine names, three names submitted by the franklin park advisory committee, three names submitted by the grove hall board of trade, and three names submitted by the franklin park coalition; two chosen from a list of nine names, three names submitted by the middlesex fells zoological society, three names submitted by the stone zoo advisory committee, and three names submitted by the Stoneham board of selectmen; and five other members representing the commonwealth's business, corporate, philanthropic and educational communities. The foregoing members shall be appointed for terms of not less than one year and not more than four years as determined by the governor. Upon expiration of the initial appointment, the governor shall appoint members to four year terms. The commissioner, or his designee, shall serve ex-officio, and shall have full voting privileges.

All members of the board shall exercise full and equal voting privileges. Any person appointed to fill a vacancy shall serve for the remainder of the term. Members shall be eligible for reappointment. Any member may be removed by the governor for just cause.

Seven board members shall constitute a quorum and the affirmative vote of a majority of the members present and eligible to vote shall be necessary for any action to be taken by the board. The members shall serve without compensation, but each member shall be entitled to reimbursement for necessary expenses incurred in the performance of official duties of the corporation. Said expenses and duties shall be specified in the board's by-laws. Disbursements for these expenses shall be detailed and available for review in the account books of the corporation. The board shall meet at least once a month and shall have authority over the activities of the corporation.

The governor shall appoint a chairperson of the board who shall serve at the governor's pleasure. The board shall also designate a secretary who shall not be a member of the board. The secretary shall keep a record of proceedings of the corporation and detailed minutes of each meeting, and shall be custodian of all books, documents, and papers of the corporation, and its official seal. The secretary shall retain copies of all minutes and other records and documents of the corporation and shall certify such copies' authenticity. The board shall also appoint a treasurer who shall have charge of the books and records of account and accounting records of the corporation and shall be responsible, under the supervision of the president, for financial control of the corporation.

The corporation shall establish procedures by which all meetings of the corporation and the board are open to the public.

The provisions of chapter two hundred and sixty-eight A and chapter two hundred and sixty-eight B shall apply to all members, officers and employees of the corporation; provided, that such members, officers and employees shall be authorized to conduct fund-raising activities on behalf of the corporation following notice to the state ethics commission.

Section 3. The board shall select a qualified individual to act as president and chief executive officer. The president shall present to the board for its approval an annual budget, a staffing plan, and an operating plan. The president shall, subject to the approval of the board, supervise the employees of the corporation and of the zoos, and shall have the power to hire and terminate.

Section 4. The corporation shall have the authority to develop a flexible professional personnel system as necessary to attract and hire qualified professional employees to enhance the zoos. The corporation shall establish said professional personnel system, in consultation with the department of personnel administration. The corporation shall set, in consultation with said department, salary scales and establish job classifications for its employees which shall not be

subject to the provisions of section forty-six of chapter thirty. The corporation shall possess the management flexibility to establish employment qualifications and to remove and or discipline its employees. The corporation shall establish professional standards of performance and conduct for its employees. All corporation employees shall have the authority to solicit and collect both private and public donations, grants, bequests and devises, conditional or otherwise, of money, real and personal property, services or other things of value on the corporation's behalf and for the corporation's benefit, consistent with the provisions of section four chapter two hundred and sixty-eight A. Neither the corporation nor any of its officers, members, agents, employees, consultants or advisors shall be subject to the provisions of section three B and sections fifteen through twenty-nine inclusive, of chapter seven; sections nine A, forty-five, forty-six C through H, and fifty-two, of chapter thirty; and chapter thirty-one; provided, that in purchasing products or services, the corporation shall at all times follow generally accepted business practices.

The corporation shall be an equal opportunity employer and shall not discriminate in employment practices on the basis of race, creed, color, sex, national origin or physical handicap. The corporation shall establish an affirmative action plan intended to recruit qualified minorities and women into all job levels at the zoos. In making hiring decisions, the corporation shall give preference to persons residing in the municipalities in which the zoos are geographically located.

The corporation shall be subject to section one and chapter one hundred and fifty-one B, shall be deemed to be an agency of the commonwealth for purposes of section two, and shall be subject to the enforcement jurisdiction of the commission against discrimination under said chapter one hundred and fifty-one B. The corporation shall develop policies and programs for affirmative action in employment, procurement and contracting in accordance with law and consistent with general policies and programs of the commonwealth.

Section 5. The corporation shall have the following powers:

(a) to make, amend, and repeal bylaws, rules and regulations for the management of its affairs;

(b) to adopt an official seal;

(c) to make contracts and execute all instruments necessary or convenient for the carrying on of its business;

(d) to acquire, own, hold, and encumber personal property of any nature or any interest therein in the exercise of its powers and performance of its duties under this chapter; provided, however, that the disposal of any property shall be subject to the approval of the commissioner;

(e) to enter into agreements or transactions with any federal, state or municipal agency or other public institution or with any private individual, partnership, firm, corporation or other entity;

(f) to appear on its own behalf before boards, commissions, departments, or other agencies of federal, state or municipal governments;

(g) to appoint officers in addition to the members;

(h) to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the commonwealth pursuant to section thirty-eight A of chapter twenty-nine;

(i) to accept, hold, use, apply and dispose of any and all donations, grants, bequests and devises, received by the corporation, conditional or otherwise, of money, real and personal property, services or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm or corporation, public or private, such donations, grants, bequests and devises to be held, used, applied, or disposed of for any or all of the purposes specified in this chapter and in accordance with the terms and conditions of any such grant; and provided, that notwithstanding the provisions of section thirty-four A of chapter ninety-two, the corporation shall have full control over the funds of MetroZoos Zoological Trust Fund; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the corporation shall have full control over the funds of the Franklin Park Trust Fund. Receipt of each such donation or grant shall be detailed in the annual report of the corporation; such annual report shall include the identity of the donor or lender, unless anonymity is a condition of the gift, the nature of the transaction and any conditions attached thereto and the account in which the deposited funds are located;

(j) to develop zoological membership programs;

(k) to fix, revise, charge and collect rents, fees and charges for the use of either zoo or its appurtenances by any user;

(l) to prepare, publish, distribute, with or without charge as the corporation may determine, such newsletters, reports, bulletins and other materials regarding the zoos and their activities as it deems appropriate;

(m) to charge and retain admissions to each zoo; provided, that the zoos be open to all Massachusetts primary and secondary school groups at no admission charge on a scheduled basis;

(n) to prepare and approve master plans for either zoo or modifications thereto; provided, that such approvals shall have the written concurrence of the commissioner;

(o) to expend monies for the benefit of the activities described herein; provided, that programs, purchases or projects with aggregate annual expenditures in excess of two hundred and fifty thousand dollars, exclusive of staff salaries, routine maintenance, utilities, and animal care costs, shall require the written concurrence of the commissioner;

(p) to retain qualified personnel among its employees to provide security within the zoos; provided, however, that those employees shall not exercise any police powers; provided, further, that full police jurisdiction shall remain with the metropolitan police at the zoos and for all property under the care, custody and control of the corporation; provided, further, that the metropolitan police and the corporation shall enter into a memorandum of understanding that the police shall maintain an average level of service at each zoo which shall not be less than the average level of service previously provided during the month of July, nineteen hundred and ninety; and provided, further, that the corporation shall be permitted to retain said police on a paid detail basis, as requested, beyond said normal police coverage as specified in the memorandum of understanding;

(q) The board of directors through its by-laws may create a board of trustees. The board of trustees will consist of the number of persons the board of directors deems appropriate. Trustees shall be elected by majority vote of the board of directors pursuant to a nomination process established by the board of directors through its by-laws; provided, that the trustees shall serve without compensation. Eligibility for trusteeship shall be established by the board of directors utilizing its sound discretion to broadly include individuals who through volunteer efforts donate time, expertise, knowledge, financial resources, or other things of value which enrich the zoos as valuable community, educational, cultural, recreational and environmental institutions.

(r) Notwithstanding the provisions of any special or general law, the corporation is empowered to establish grant programs, subject to explicit state appropriation for that purpose, to assist publicly owned zoos within the commonwealth including, but not limited to, the Buttonwood Park Zoo in New Bedford and the Forest Park Children's Zoo in Springfield. The corporation shall administer the program in accordance with such procedures, terms and conditions and criteria which the board deems appropriate for the fair and impartial review of applications from qualified public entities.

Section 6. The corporation shall have the following duties and obligations:

(a) The corporation is hereby directed to maintain repair, enhance and otherwise improve the zoos and their collections.

(b) The corporation shall develop within a reasonable time individual master plans for the operation and improvement of each zoo. The preparation and development of the plans may be undertaken in consultation with the franklin park zoo advisory committee and the middlesex fells zoological society and other interested citizens. The plans are to be used as a framework to revitalize each zoo and to ensure that the programs and collections of each zoo compliment one another.

(c) The corporation shall file with the secretary of the commonwealth to establish itself as a chartered nonprofit corporation within the commonwealth.

(d) The corporation shall file with the Internal Revenue Service to establish itself

as a nonprofit corporation to ensure that contributions to the corporation are tax deductible.

(e) The corporation shall, to the best of its ability, raise funds and gifts of property or services or both from individuals, corporations, foundations and any other public or private entities for the purpose of enhancing, expanding and maintaining programs, exhibits, buildings, visitor services, and any other purpose consonant with the responsibilities outlined in this chapter. The corporation may establish gift shops, concessions, rentals, membership programs, publications, and other revenue raising devices to meet its obligations to raise funds for operating and capital purposes.

(f) The corporation shall maintain a detailed inventory of its personal property which it shall incorporate in its annual financial report.

(g) The corporation shall maintain detailed records of all expenditures, and may, if requested through the commission, continue to utilize the Massachusetts management, accounting, and reporting system.

The corporation is obligated to preserve and maintain the health, welfare, life quality and humane treatment of the animal populations of the zoos. In furtherance thereof, the corporation may consult with the members of the Boston chapter of the American Association of Zoo Keepers. The corporation may also consult with the Massachusetts Society for the Prevention of Cruelty to Animals, the United States Department of Agriculture, and the American Association of Zoological Parks and Aquariums, as well as local organizations having expertise in conservation, education and management issues relating to zoos, with regard to the animal collection.

Section 7. The corporation shall operate on the same fiscal year as the commonwealth and shall annually submit a detailed fiscal report of the corporation and the zoos' activities within ninety days after the end of each fiscal year to the commission and to the clerks of the house of representatives and the senate and the house and senate committee on ways and means.

Section 8. The books and records of the corporation shall be audited biennially by an independent source chosen by the commission, at the expense of the corporation. The commissioner may, at any time, request an audit to be done in addition to the biennial audit.

Section 9. The corporation may request financial assistance from the commonwealth for any capital projects undertaken at the zoos. Capital projects shall not include routine maintenance and minor repairs. The corporation shall consult with the division of capital planning and operations when undertaking any capital construction projects or major renovations costing in excess of twenty-five thousand dollars; provided, however, that the corporation shall not be subject to the provisions of sections thirty-nine A to forty N inclusive, of chapter seven and sections twenty-seven and twenty-seven A to twenty-seven G, inclusive, and sections forty-four A to forty-four J inclusive, of chapter one hundred and forty-nine if funded from sources other than the commonwealth.

Section 10. The provisions of this chapter shall be construed to incorporate by reference any existing agreements between the commission and any other entity, public or private, except as otherwise provided in this chapter. The provisions of this chapter shall, to the extent permitted by law, be deemed to supersede any terms or conditions of any existing agreements which are in conflict with the provisions of this chapter.

Section 11. The zoos shall continue to be known as the Franklin Park Zoo and the Walter D. Stone Memorial Zoo, and referred to as the metropolitan parks zoos. The commonwealth shall at all times retain title to all real property and the appurtenances thereon; only the care, custody and control of the zoos shall be transferred to the corporation pursuant to this chapter. The zoos and all real property shall remain a part of the metropolitan parks system. In the event that, for any reason, the corporation dissolves, the commission shall assume responsibility for the zoos and their operation, and all funds, personal property, and animal collections shall revert to the commission.

Section 12. On or before January first, nineteen hundred and ninety-six, the corporation shall submit to the governor and the clerks of the house of representatives and the senate and the house and senate committees on ways and means, a report detailing the state of the zoos, their operation and management, and financial conditions. The report shall be studied with the purpose of determining whether the condition of the zoos has been improved by the corporation or whether the care, control and custody should return to the commonwealth, on behalf of the commission.

SECTION 166. Section 5 of said chapter 92B, as appearing in section 165 of this act, is hereby amended by striking out clause (p) and inserting in place thereof the following clause:-

(p) to retain qualified personnel among its employees to provide security within the zoos; provided, however, that those employees shall not exercise any police powers; provided, further, that full police jurisdiction shall remain with the state police at the zoos and for all property under the care, custody and control of the corporation; provided, further, that the state police and the corporation shall enter into a memorandum of understanding that the police shall maintain an average level of service at each zoo which shall not be less than the average level of service previously provided during the month of July, nineteen hundred and ninety; and provided, further, that the corporation shall be permitted to retain said police on a paid detail basis, as requested, beyond said normal police coverage as specified in the memorandum of understanding;.

SECTION 167. Section 52A of chapter 93 of the General Laws is hereby amended by striking out, in line 1, as appearing in the 1990 Official Edition, the word "Upon" and inserting in place thereof the following word:- upon.

SECTION 168. Section 2 of chapter 94A of the General Laws, as appearing in

the 1990 Official Edition, is hereby amended by striking out, in line 37, the word "compensation." and inserting in place thereof the following word:- compensation;.

SECTION 169. Section 9-410 of chapter 106 of the General Laws, as so appearing, is hereby amended by striking out, in line 23, the word "stateent" and inserting in place thereof the following word:- statement.

SECTION 170. Subsection (d) of section 407A of chapter 110A of the General Laws, added by section 5 of chapter 490 of the acts of 1991, is hereby amended by striking out, in line 1, the word "a" and inserting in place thereof the following word:- A.

SECTION 171. Section 69L of chapter 111 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 10 and 11, the words "police officers appointed pursuant to section ten C of chapter one hundred and forty-seven" and inserting in place thereof the following words:- state police officers appointed pursuant to section sixty of chapter twenty-two C.

SECTION 172. Section 111C of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 43, in each instance, the words "or her".

SECTION 173. Section 2D of said chapter 111, as so appearing, is hereby amended by striking out, in line 15, the word "thirty-five J" and inserting in place thereof the following word:- thirty-five K.

SECTION 174. Section 142K of said chapter 111, as so appearing, is hereby amended by striking out, in line 3, the words "quality engineering" and inserting in place thereof the following word:- protection.

SECTION 175. Section 150B of said chapter 111 is hereby amended by striking out the last paragraph, added by section 18 of chapter 23 of the acts of 1992, and inserting in place thereof the following paragraph:-

Notwithstanding any provisions of this section to the contrary, this section shall apply to the increase of capacity to store, treat, or dispose of any particular type of hazardous waste, unless such increase of capacity was approved by the department pursuant to chapter twenty-one C prior to the effective date of this paragraph, or unless an existing site assignment established pursuant to the requirements of this section provides for the conditions under which such increase of capacity shall be permitted.

SECTION 176. Section 12T of chapter 112 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 9, the word "sections" and inserting in place thereof the following word:- section.

SECTION 177. Section 12U of said chapter 112, as so appearing, is hereby amended by striking out, in line 5, the word "section" and inserting in place thereof the following word:- sections.

SECTION 178. Said chapter 112 is hereby further amended by striking out

section 80B, as amended by section 8 of chapter 10 of the acts of 1992, and inserting in place thereof the following section:-

Section 80B. For the purposes of sections seventy-four to eighty-one C, inclusive:-

"Professional nursing" shall mean the performance for compensation of any of those services in observing and caring for the ill, injured or infirm, in applying counsel and procedures to safeguard life and health, in administering treatment or medication prescribed by a physician dentist, nurse practitioner, psychiatric nurse mental health clinical specialist, certified nurse-midwife, or by a physician assistant, or in teaching or supervising others, which are commonly performed by registered nurses and which require specialized knowledge and skill such as are taught and acquired under the established curriculum in a school for nurses duly approved in accordance with this chapter. "Professional nursing" shall also mean the performance of such additional acts by a nurse with appropriate education as are approved by the board and the board of registration and discipline in medicine in rules and regulations which shall be promulgated and implemented by the board, or which are generally recognized by the nursing and medical professions as proper to be performed by a professional nurse with appropriate education. "Appropriate education" shall mean successful completion by a nurse of an educational program approved by the board or compliance by the nurse with equivalent competency standards which may be set forth by the board. "Professional nursing" by a nurse with appropriate education shall not be construed to prevent the performance of additional acts involving evaluation, diagnosis and treatment.

"Practical nursing" shall mean the performance for compensation of any of those services in observing and caring for the ill, injured or infirm, in applying counsel and procedures to safeguard life and health, in administering treatment or medication prescribed by a physician dentist, nurse practitioner, psychiatric nurse mental health clinical specialist, certified nurse-midwife or by a physician assistant, or in teaching or supervising others, which are commonly performed by licensed practical nurses and which require specialized knowledge and skill such as are taught and acquired under the established curriculum in a school for practical nurses duly approved in accordance with this chapter.

Neither "Professional nursing" nor "practical nursing" shall mean or be construed to prevent: (1) the gratuitous care of any ill, injured or infirm person by any member of his family or any friend, or his care by any person employed primarily as a companion, housekeeper, domestic servant or nursemaid; (2) the performance of any nursing service in an emergency; (3) the performance, by any student enrolled in a school for nurses or practical nurses duly approved in accordance with this chapter, of any nursing service incidental to any prescribed course in such school; (4) the performance of services incidental to the practice of

the religious tenets of any church by any member thereof; (5) the performance of nursing service by a person authorized to practice nursing under section seventy-six A, subject to the provisions of said section; or (6) the performance of services by physicians, dentists, pharmacists, teachers, health educators, social workers, dieticians, therapists, technicians, and medical students which are commonly recognized to be functions of their respective callings; or (7) the performance of any nursing service for any patient in a convalescent or nursing home or rest home, by any person employed in such home, provided that such nursing service is performed under the supervision of a registered nurse or licensed practical nurse.

SECTION 179. Section 135B of said chapter 112, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 58, the word "patient" and inserting in place thereof the following word:- client.

SECTION 180. Section 189 of said chapter 112, as appearing in section 2 of chapter 168 of the acts of 1991, is hereby amended by striking out, in line 1, the word "A. The" and inserting in place thereof the following word:- The

SECTION 181. Section 4B of chapter 118E of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out clause (i) and inserting in place thereof the following:-

(a) (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.

SECTION 182. Said section 4B of said chapter 118E, as so appearing, is hereby further amended by striking out, in lines 51 and 52, the words "of paragraph (a)".

SECTION 183. Said section 4B of said chapter 118E, as so appearing, is hereby amended by striking out, in line 64, the word "clause (a)(iv)" and inserting in place thereof the following words:- clause (iv) of paragraph (a).

SECTION 184. The second paragraph of section 7 of said chapter 118E, as appearing in section 178 of chapter 138 of the acts of 1991, is hereby amended by striking out, in line 2, the word ", approval" and inserting in place thereof the following word:- approval.

SECTION 185. Section 15 of chapter 118F of the General Laws, as amended by section 477 of chapter 133 of the acts of 1992, is hereby further amended by striking out subdivisions (1) to (4), inclusive, and inserting in place thereof the following four subdivisions:-

(1) The department shall administer the uncompensated care pool consisting of revenues produced by the uncompensated care fee established pursuant to section eleven of chapter six B, matching funds received through federal financial participation for uncompensated care payments to disproportionate share hospitals and legislative appropriations.

(2) The hospital's liability to the pool shall equal the product of the uncompen-

sated care fee percentage established by the commission pursuant to paragraph (2) of said section eleven of said chapter six B times charges for purchasers and third party payers, excluding charges for Title XVIII, Title XIX, publicly-aided patients and free care services eligible for payment by the uncompensated care pool.

(3) The pool's liability to the hospital shall equal the product of allowable free care charges multiplied by the applicable ratio developed by the commission pursuant to paragraph (4) of said section eleven of said chapter six B.

(4) The department shall administer the pool and require payments to the pool or disburse funds from the pool consistent with each hospital's net liability to or from the pool. The department shall specify, by regulation, appropriate mechanisms that provide for interim determination and payment of a hospital's liability to or from the pool during the year and final settlement of each year's pool. The final pool settlement shall be determined using actual gross patient service revenues, actual free care charges, adjusted for any audit findings, and any final ratios calculated by the commission in accordance with said section eleven of said chapter six B. The department shall also provide for an appropriate reconciliation of any interim payments and estimated liabilities to or from the pool with a hospital's actual liability to or from the pool for each year.

SECTION 186. Section 19 of said chapter 118F, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 3 and 4, the word "ninety-two" and inserting in place thereof the following word:- ninety-five.

SECTION 187. Said section 19 of said chapter 118F, as so appearing, is hereby further amended by striking out, in lines 62 and 66, the word "ninety-two" and inserting in place thereof, in each instance, the following word:- ninety-five.

SECTION 188. Chapter 119 of the General Laws is hereby amended by striking out section 61, as most recently amended by section 6 of chapter 488 of the acts of 1991, 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, or a violation of section eighteen, twenty-two, twenty-two A or twenty-six of chapter two hundred and sixty-five, or section fourteen of chapter two hundred and sixty-six.

At said transfer hearing, which shall be held before any hearing on the merits of the charges alleged, the court shall first determine whether probable cause exists

to believe that the child has committed the offense or violation charged. If the offense alleged is murder in the first or second degree, manslaughter, or a violation of section eighteen, twenty-two, twenty-two A or twenty-six of chapter two hundred and sixty-five, or section fourteen of chapter two hundred and sixty-six, the probable cause portion of said transfer hearing shall be held within fifteen days of the child's first appearance before the court following the date of the complaint; provided, however, that a failure to hold such probable cause portion of the hearing within said fifteen days shall not prohibit such hearing from being held at a later time as determined by the court. 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 justice system. In making such determination the court shall consider, but shall not be limited to, evidence of 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 of 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 the offense alleged is murder in the first or second degree, manslaughter, or a violation of section eighteen, twenty-two, twenty-two A or twenty-six of chapter two hundred and sixty-five, or section fourteen of chapter two hundred and sixty-six, this portion of the transfer hearing shall be held within thirty days of the probable cause portion; provided, however, that a failure to hold such portion of the transfer hearing within said thirty days shall not prohibit such hearing from being held at a later time as determined by the court.

If the offense alleged is murder in the first or second degree, the commonwealth may proceed by filing a complaint in juvenile court or in a juvenile session of a district court, as the case may be, or by filing an indictment in such court. In such proceedings initiated by the filing of a complaint, a probable cause hearing shall be held within the time set forth in this section, unless the commonwealth shall have proceeded by indictment prior to such hearing. If the commonwealth has proceeded by indictment, no probable cause hearing shall be held, and a transfer hearing shall be held as provided by this section. In all cases brought pursuant to the provisions of this paragraph, the child shall have the right to an indictment proceeding under section four of chapter two hundred and sixty-three, unless such child, upon advice of counsel, duly waives indictment.

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 the court shall state its reasons in writing and the commonwealth may appeal the decision of the court under the provisions of section twenty-eight E of chapter two hundred and seventy-eight. Any such appeal shall be taken within ten days after the court's failure to make said findings and further proceedings shall be stayed pending the entry of an order of the appellate court. If the time for the commonwealth to appeal expires, or if such appeal is denied then the court shall proceed on the delinquency complaint.

If a child is charged with murder in the first or second degree, manslaughter, or any violation of section eighteen, twenty-two, twenty-two A or twenty-six of chapter two hundred and sixty-five, or section fourteen of chapter two hundred and sixty-six, 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 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 state its reasons in writing and the commonwealth may appeal the decision of the court under the provisions of section twenty-eight E of chapter two hundred and seventy-eight. Any such appeal shall be taken within ten days after the courts failure to make such findings and further proceedings shall be stayed pending the entry of an order of the appellate court. If the time for the commonwealth to appeal expires, or if such appeal is denied then 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 189. Section 26 of chapter 121B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "nonprofit", in line 228, the following word:- corporation.

SECTION 190. Section 16 of chapter 123 of the General Laws, as so appearing, is hereby amended by striking out, in line 14, the word "sand" and inserting in place thereof the following word:- stand.

SECTION 191. Section 1 of chapter 125 of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the second time it appears, the word "or" and inserting in place thereof the following word:- of.

SECTION 192. Section 49B of chapter 127 of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "prisoners" and inserting in place thereof the following word:- prisoner.

SECTION 193. Section 19 of chapter 128A of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words "of the Massachusetts General Laws".

SECTION 194. Section 20 of said chapter 128A, as so appearing, is hereby amended by striking out, in line 67, the words "of the General Laws".

SECTION 195. Section 30 of said chapter 128A, as so appearing, is hereby amended by striking out, in line 3, the words "of the General Laws".

SECTION 196. Said section 30 of said chapter 128A, as so appearing, is hereby further amended by striking out, in line 5, the words "Massachusetts General Laws,".

SECTION 197. Section 45 of chapter 129 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words "of the General Laws".

SECTION 198. Chapter 131 of the General Laws is hereby amended by striking out section 40B, inserted by section 3 of chapter 141 of the acts of 1991, and inserting in place thereof the following section:-

Section 40B. The farmland advisory board established in section forty shall meet quarterly and at the call of the commissioner or upon written request of any two members. The board is charged with advising the commissioner relative to the definitions of "normal maintenance or improvement of land in agricultural or aquacultural use" and other issues relating to agriculture including but not limited to, consistency in federal and state statutes, rules and regulations pursuant to agricultural activities governed by section forty, and issues affecting agriculture pursuant to chapter twenty-one G. The farmland advisory board, in conjunction with the department, shall make an annual report to the committee on natural resources and agriculture as to their activities under this section.

SECTION 199. Paragraph (a) of section 5 of chapter 131A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out clause (vi) and inserting in place thereof the following clause:- (vi) any additional information the director may require.

SECTION 200. Section 16B of chapter 132A of the General Laws, as so appearing, is hereby amended by striking out, in lines 10, 17 and 20, the words "quality engineering" and inserting in place thereof, in each instance, the following word:- protection.

SECTION 201. Section 1 of chapter 133 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "police officer appointed under section ten of chapter one hundred and forty-seven" and inserting in place thereof the following words:- state police officer appointed under section fifty-seven of chapter twenty-two C.

SECTION 202. Section 3A of chapter 143 of the General Laws, as amended by section 92 of chapter 552 of the acts of 1991, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The provisions of this section shall not apply to bridges and their appurtenant supporting structures which have been or are to be constructed by or are under the custody and control of the department of highways or the Massachusetts Turnpike Authority or for which said department or authority has maintenance responsibility.

SECTION 203. Section 29 of chapter 147 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 19, the word "license" and inserting in place thereof the following word:- licensee.

SECTION 204. Section 38D of chapter 148 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words "fire: or" and inserting in place thereof the following words:- fire; or.

SECTION 205. Subsection 1 of section 44A of chapter 149 of the General Laws, as amended by section 239 of chapter 138 of the acts of 1991, is hereby further amended by striking out the definition of "Deputy Commissioner" and inserting in place thereof the following definition:-

"Commissioner", means the commissioner of the division of capital planning and operations or his designee.

SECTION 206. Said section 44A of said chapter 149 is hereby further amended by striking out, in line 23, as appearing in the 1990 Official Edition, the word "s/he" and inserting in place thereof the following word:- he.

SECTION 207. Said section 44A of said chapter 149 is hereby amended by striking out, in line 73, as so appearing, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 208. Section 44B of said chapter 149, as so appearing, is hereby amended by striking out, in lines 45, 47, 52, 56, 67 and 77, each time they appear, the words "his/her" and inserting in place thereof, in each instance, the following word:- his.

SECTION 209. Said section 44B of said chapter 149, as so appearing, is hereby further amended by striking out, in line 57, the words "him/her" and inserting in place thereof the following word:- him.

SECTION 210. Section 44D of said chapter 149, as so appearing, is hereby amended by striking out, in line 178, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 211. Section 44E of said chapter 149 is hereby amended by striking out, in line 8, as so appearing, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 212. Section 44G of said chapter 149, as so appearing, is hereby amended by striking out, in line 30, the word "s/he" and inserting in place thereof the following word:- he.

SECTION 213. Said section 44G of said chapter 149, as so appearing, is hereby further amended by striking out, in line 33, the words "his/her" and inserting in place thereof the following word:- his.

SECTION 214. The first paragraph of section 148B of said chapter 149, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- For the purpose of this section, individuals performing any service, except as authorized under this chapter, shall be deemed to be employees under this section unless 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.

SECTION 215. Section 149 of said chapter 149, as so appearing, is hereby amended by striking out, in line 4, the words "the preceding section" and inserting in place thereof the following words:- section one hundred and forty-eight.

SECTION 216. The definition of "Employer" or "public employer", in section 1 of chapter 150E of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- In the case of employees of the system of public institutions of higher education, the employer shall mean the higher education coordinating council or any individual who is designated to represent it and act in its interest in dealing with employees, except that the employer of employees of the University of Massachusetts shall be the board of trustees of the university or any individual who is designated to represent it and act in its interest in dealing with employees.

SECTION 217. Section 25 of chapter 151A of the General Laws is hereby amended by striking out, in line 152, as so appearing, the word "director's" and inserting in place thereof the following word:- commissioner's.

SECTION 218. Section 38 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 30, the word "director" and inserting in place thereof the following word:- commissioner.

SECTION 219. Section 58A of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 9 and 10, 38 and 39, 40 and 41, 43 and 44 and in line 54, the words "unemployment compensation fund" and inserting in place

thereof, in each instance, the following words:- Unemployment Compensation Fund.

SECTION 220. Section 62 of said chapter 151A, as so appearing, is hereby amended by striking out, in line 2, the first time it appears, the word "in" and inserting in place thereof the following word:- on.

SECTION 221. Section 3 of chapter 151B of the General Laws is hereby amended by striking out subsection 1, as so appearing, and inserting in place thereof the following subsection:-

1. To establish and maintain its principal office in the city of Boston and such other offices within the commonwealth as it may deem necessary.

SECTION 222. Subsection (2) of section 10A of chapter 152 of the General Laws is hereby amended by striking out the paragraphs added by section 28 of chapter 398 of the acts of 1991, and inserting in place thereof the following two paragraphs:-

Whenever the subject of the conference is a claim or complaint for which written offers have been filed pursuant to section ten, the order or arbitrator's award modifying, terminating, or denying modification or termination of weekly compensation benefits shall reflect the amount so filed by one or other of the parties, or by a conciliator on behalf of a party, and shall not require any payment, modification or termination which has not been proposed by either party unless the judge or arbitrator provides a detailed written explanation of why neither submitted amount could reasonably be believed to accurately compensate the employee for his earning capacity. Whenever, with respect to a case in which liability is not an issue, a claim for additional compensation or a complaint to discontinue or modify compensation is among the issues before the administrative judge or arbitrator, if written amounts have not been filed at conciliation as hereinbefore provided, or are unavailable on the date of the conference or arbitration for any other reason or if the judge or arbitrator determines that a party that has previously filed an amount with a conciliator in good faith has subsequently acquired new information regarding earning capacity not available at the time of conciliation, the administrative judge or arbitrator shall require or, in case of newly discovered information, allow such filings at the close of the conference or arbitration, and the order or award shall reflect one of the offers so filed and not substitute any other amount unless the judge or arbitrator provides a detailed written explanation of why neither submitted amount could reasonably be believed to accurately compensate the employee for his earning capacity.

Nothing in this section shall restrict the authority of an administrative judge to order weekly benefits or health care services for a closed period into the future or to order that such benefits or services be initiated, modified, or terminated at a particular date in the future.

SECTION 223. Section 78 of chapter 156B of the General Laws is hereby amended by striking out subsection (d), as most recently amended by section 4 of

chapter 229 of the acts of 1991, and inserting in place thereof the following subsection:-

(d) Unless such agreement to consolidate or merge is abandoned pursuant to provisions contained therein: (1) an original or attested copy thereof shall be kept in the commonwealth by the resulting or surviving corporation in one of the offices specified in section thirty-two for inspection by any of its stockholders or by any person who was a stockholder of any constituent corporation; (2) the resulting or surviving corporation shall furnish a copy of the agreement of consolidation or merger to any such stockholder or person upon written request and without charge; (3) articles of consolidation or merger shall be submitted to the state secretary which shall set forth the due adoption of an agreement of consolidation or merger in accordance with subsections (b) and (c) and shall state: (i) the names of the constituent corporations and the name of the resulting or surviving corporation; (ii) the effective date of the consolidation or merger determined pursuant to the agreement of consolidation or merger; (iii) any amendment to the articles of organization of the surviving corporation to be effected pursuant to the agreement of merger; or the following information in respect of the resulting corporation:

(A) the purposes of the resulting corporation;

(B) the total number of shares and the par value, if any, of each class of stock which the resulting corporation is authorized to issue;

(C) if more than one class of stock is to be authorized, a description of each class, with the preferences, voting powers, qualifications, special or relative rights or privileges as to each class and any series thereof then established; and

(D) such other provisions as are permitted by section thirteen to be included in the articles of organization of a corporation and are contained in the agreement of consolidation; and (iv) that the resulting or surviving corporation will furnish a copy of the agreement of consolidation or merger to any of its stockholders or to any person who was a stockholder of any constituent corporation upon written request and without charge. Such articles of consolidation or merger shall be signed by the president or a vice president and the clerk or an assistant clerk of each constituent corporation, who shall state under the penalties of perjury that the agreement of consolidation or merger has been duly executed on behalf of such corporation and has been approved in the manner required by this section by the stockholders of such corporation or, if permitted under subsection (c), by the directors of such corporation.

The form on which articles of consolidation or merger are filed shall also contain the following information which shall not for any purpose be treated as a permanent part of the articles of organization of the resulting or surviving corporation:

(1) the street address of the initial principal office of the resulting or surviving corporation in the commonwealth;

(2) the name, residence and post-office address of each of the initial directors and president, treasurer and clerk of the resulting or surviving corporation;

(3) the fiscal year of the resulting or surviving corporation initially adopted.

The consolidation or merger shall become effective when the articles of consolidation or merger are filed in accordance with section six, unless said articles specify a later effective date not more than thirty days after such filing, in which event the consolidation or merger shall become effective on such later date.

SECTION 224. Section 79 of said chapter 156B, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 49, the words "of paragraph 3".

SECTION 225. Section 1 of chapter 161B of the General Laws is hereby amended by striking out the definition of "Net cost of service", as amended by section 94 of chapter 33 of the acts of 1991, and inserting in place thereof the following definition:-

"Net cost of service", the difference between (a) all income received by the authority, including but not limited to revenues and receipts from operations, advertising, parking, sale of capital assets in the ordinary course of business, and gifts and grants for current purposes, and (b) all current expenses incurred by the authority, including but not limited to expenses for operations, wages, contracts for service by others, maintenance, debt service, including any debts, liabilities and obligations assumed under the provisions of law and including any applicable sinking fund requirements, taxes and rentals, payments into a reserve account established pursuant to the provisions of paragraph (q) of section six, and all other expenses which the authority determines not to capitalize, when such expenses exceed such income. Expenditures from the proceeds of bonds or bond anticipation notes shall not be included in current expenses.

SECTION 226. Section 5 of chapter 161D of the General Laws, as most recently amended by section 98 of said chapter 33, is hereby further amended by striking out clauses (3) to (5), inclusive, and inserting in place thereof the following three clauses:-

(3) Said rate shall be set by the secretary, and shall as nearly as possible, produce sufficient revenues to the commonwealth in combination with the estimated revenues from the sale of such vehicles under the provisions of clause (4), to recover the principal cost to the commonwealth of said program; provided, however, that the rate for any lease entered into pursuant to this chapter and in effect as of December twenty-seventh, nineteen hundred and eighty-five shall not be increased except as specifically permitted by the lease and any reduction authorized by the secretary pursuant to this section shall not be retroactive;

(4) Upon termination of said lease, the vehicle shall be sold to the highest bidder in accordance with General Laws relative to competitive bidding, with no preference being given to the carrier or carriers to whom the vehicle was leased during the preceding time periods;

(5) In the event of a declaration of emergency, by the governor, the secretary reserves the right to temporarily reassign use of such vehicle by the lessee; and.

SECTION 227. Chapter 171 of the General Laws is hereby amended by striking out section 67, as most recently amended by chapter 353 of the acts of 1991, and inserting in place thereof the following section:-

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 calender year immediately preceding the date of investment. The limitations imposed by clause (i) of this paragraph shall not 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;

(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; and

(u) in the capital stock of the Federal Home Loan Bank of Boston.

SECTION 228. Section 75 of said chapter 171 is hereby amended by striking

out, in line 65, as appearing in the 1990 Official Edition, the word "travelers" and inserting in place thereof the following word:- traveler's.

SECTION 229. Chapter 175 of the General Laws is hereby amended by striking out section 112A, inserted by chapter 498 of the acts of 1991, and inserting in place thereof the following section:-

Section 112C. Any insurer doing business in the commonwealth shall reveal to an injured party making claim against an insured, the amount of the limits of said insured's liability coverage, upon receiving a request in writing for such information from the injured party or his attorney. A reply shall be made within thirty days of receiving such request. Any insurer who fails to comply with the provisions of this section shall be liable to pay to the claimant the sum of five hundred dollars plus reasonable attorneys' fees and expenses incurred in obtaining the coverage information provided for herein.

SECTION 230. Section 146B of said chapter 175, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 48, the word "or (j)" and inserting in place thereof the following word:- or (k).

SECTION 231. Section 1 of chapter 176I of the General Laws, as amended by section 94B of chapter 398 of the acts of 1991, is hereby further amended by striking out the definition of "Organization" and inserting in place thereof the following definition:-

"Organization", an insurer authorized to write accident and health insurance under chapter one hundred and seventy-five, a nonprofit hospital service corporation authorized under chapter one hundred and seventy-six A, a nonprofit medical service corporation authorized under chapter one hundred and seventy-six B, a dental service corporation authorized under chapter one hundred and seventy-six E, an optometric service corporation authorized under chapter one hundred and seventy-six F, a health maintenance organization authorized under chapter one hundred and seventy-six G, an insurer as defined in paragraph (7) of section one of chapter one hundred and fifty-two, or any other entity approved by the commissioner under this chapter.

SECTION 232. Section 3 of said chapter 176I, as amended by section 94C of said chapter 398, is hereby further amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

Organizations, but not an insurer as defined in paragraph (7) of section one of chapter one hundred and fifty-two, may offer health benefit plans which provide for incentives for covered persons to use the health care services of preferred providers. Such health benefit policies or plans shall meet at least the following minimum requirements:.

SECTION 233. Clause (1) of the first paragraph of section 4 of chapter 181 of the General Laws, as appearing in section 9 of chapter 229 of the acts of 1991, is hereby amended by striking out, in line 2, the word "incorporated" and inserting in place thereof the following word:- incorporation.

SECTION 234. Clause (1) of the sixth paragraph of said section 4 of said chapter 181, as so appearing, is hereby amended by striking out, in line 2, the word "incorporated" and inserting in place thereof the following word:- incorporation.

SECTION 235. The second paragraph of said section 4 of said chapter 181, as so appearing, is hereby amended by striking out, in line 6, the word "translation" and inserting in place thereof the following word:- translator.

SECTION 236. Paragraph (e) of section 17D of chapter 184 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 90, the word ", has" and inserting in place thereof the following word:- has.

SECTION 237. Section 29 of said chapter 184, as so appearing, is hereby amended by striking out, in line 7, the figure "(2)" and inserting in place thereof the following figure:- ,(2).

SECTION 238. Section 61A of chapter 185 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words ", provided, however" and inserting in place thereof the following words:- ; provided, however.

SECTION 239. Section 1 of chapter 188 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the word "of", the second time it appears, and inserting in place thereof the following word:- or.

SECTION 240. Section 15 of chapter 191 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "thirty-five or".

SECTION 241. Section 1 of chapter 200A of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the word "travelers" and inserting in place thereof the following word:- traveler's.

SECTION 242. Section 6B of said chapter 200A, as so appearing, is hereby amended by striking out, in line 8, the word "traveler" and inserting in place thereof the following word:- traveler's.

SECTION 243. Said section 6B of said chapter 200A, as so appearing, is hereby further amended by striking out, in lines 11, 17, 23, 28, 32, 38 and 48, the word "travelers" and inserting in place thereof, in each instance, the following word:- traveler's.

SECTION 244. Said section 6B of said chapter 200A, as so appearing, is hereby further amended by striking out, in lines 18, 22, 27, 31, 37 and 47, the word "cashiers" and inserting in place thereof, in each instance, the word:- cashier's.

SECTION 245. Section 6C of said chapter 200A, as so appearing, is hereby amended by striking out, in lines 2 and 5, the word "cashiers" and inserting in place thereof, in each instance, the following word:- cashier's.

SECTION 246. Said section 6C of said chapter 200A, as so appearing, is hereby further amended by striking out, in lines 3, 6 and 8, the word "travelers" and inserting in place thereof, in each instance, the following word:- traveler's.

SECTION 247. Said section 6C of said chapter 200A, as so appearing, is hereby further amended by inserting after the word "for", in line 10, the following word:- a.

SECTION 248. Section 8 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 58, the word "travelers" and inserting in place thereof the following word:- traveler's.

SECTION 249. Section 8B of said chapter 200A, as so appearing, is hereby amended by striking out, in lines 15 and 17, the word "travelers" and inserting in place thereof, in each instance, the following word:- traveler's.

SECTION 250. Section 14 of said chapter 200A, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "six A, six B, six C and six D of chapter one hundred and forty-seven" and inserting in place thereof the following words:- forty-five to forty-eight, inclusive, of chapter twenty-two C.

SECTION 251. Section 8 of chapter 201A of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the second time it appears, the word "of" and inserting in place thereof the following word:- by.

SECTION 252. Chapter 201D of the General Laws is hereby amended by inserting before section 1 the following title:-

HEALTH CARE PROXIES.

SECTION 253. Section 1 of said chapter 201D, as appearing in the 1990 Official Edition, is hereby amended by striking out the definition of "Facility" and inserting in place thereof the following definition:-

"Facility", any facility as defined in section seventy E of chapter one hundred and eleven.

SECTION 254. Section 15 of said chapter 201D, as so appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

Notwithstanding any provisions herein to the contrary, nothing in this chapter 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:.

SECTION 255. Section 21B of chapter 203 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "transferred" and inserting in place thereof the following word:- transfer.

SECTION 256. Section 25A of said chapter 203, as amended by chapter 347 of the acts of 1991, is hereby further amended by striking out, in line 2, the word "principle" and inserting in place thereof the following word:- principal.

SECTION 257. Chapter 209 of the General Laws is hereby amended by striking out section 3, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 3. Transfers of real and personal property between husband and wife shall be valid to the same extent as if they were sole.

SECTION 258. Section 9 of chapter 209C of the General Laws, as so appearing,

is hereby amended by striking out, in line 57, the word "or", the second time it appears, and inserting in place thereof the following word:- of.

SECTION 259. Section 13 of said chapter 209C, as so appearing, is hereby amended by striking out, in line 27, the word "Section 5A".

SECTION 260. Chapter 211B of the General Laws is hereby amended by striking out section 19, as amended by section 37 of chapter 145 of the acts of 1991, and inserting in place thereof the following section:-

Section 20. 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; provided, further, that for the purposes of eligibility for life insurance and health plans available under chapter thirty-two A, said judge shall be considered an active employee. 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 261. Chapter 217 of the General Laws is hereby amended by striking out section 15C, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 15C. The register in each county shall, upon the receipt of an inventory, filed in an estate matter being probated in his court, which contains as an asset an interest in real estate located in another county, send a certified copy of the will or petition for administration and inventory to the register in the county in which the real estate is located and also to the register of deeds in said county. Upon receipt of said copies each such register shall file them with the records of their respective offices in the same manner as if such papers had been originally filed in their office.

SECTION 262. Section 26 of chapter 255D of the General Laws, as so appearing, is hereby amended by striking out, in line 87, the word "the", the first time it appears.

SECTION 263. Chapter 262 of the General Laws is hereby amended by striking out section 35, as so appearing, and inserting in place thereof the following section:-

Section 35. The fee for lawfully solemnizing and certifying a marriage shall not exceed forty-five dollars if performed in the justice of the peace's home community or sixty dollars if performed in any municipality in the commonwealth; provided, however, that no additional charge shall be made for travel in connection with such solemnization notwithstanding any law to the contrary. Nor shall any additional charge be made by a justice of the peace, for providing flowers, for providing music, for providing a photographer, for providing a location where the marriage ceremony takes place, or for providing an unofficial certificate of marriage. Additional charges are allowable for prenuptial counseling conferences, rehearsals, and other special requests by the couple whose marriage is being solemnized; provided, however, that the amount of these additional charges must be disclosed in writing to the couple whose marriage is being solemnized at least forty-eight hours prior to the rendering of these services. The total fee for lawfully solemnizing and certifying a marriage shall not exceed the fee limit fixed for solemnizing and certifying a marriage in a justice of the peace's home community where a municipal employee who is also a justice of the peace solemnizes a marriage in a municipal building at a time when said building is regularly open for business.

SECTION 264. Section 1 of chapter 268B of the General Laws, as so appearing, is hereby amended by striking out, in lines 132 and 133, the words "5 of this chapter" and inserting in place thereof the following word:- five.

SECTION 265. Section 5 of said chapter 268B, as so appearing, is hereby amended by striking out, in line 125, the words "4 of this chapter" and inserting in place thereof the following word:- four.

SECTION 266. Section 98A of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the word "of" and inserting in place thereof the following word:- on.

SECTION 267. Paragraph (b) of section 3 of chapter 372 of the acts of 1984 is hereby amended by striking out, in line 44, the word "forty C" and inserting in place thereof the following word:- forty N.

SECTION 268. Chapter 69 of the acts of 1990 is hereby amended by striking out section 2 and inserting in place thereof the following two sections:-

Section 2. Section fifteen B of chapter one hundred and thirty-eight of the General Laws is hereby repealed.

Section 3. Section two of this act shall take effect on July first, nineteen hundred and ninety-two.

SECTION 269. The provisions of section fifteen A of chapter twenty-two of the General Laws, inserted by section sixty-eight of this act, shall be null and void upon the implementation of a federal campus security law.

SECTION 270. Section 25 of chapter 499 of the acts of 1990, as amended by

section 584 of chapter 133 of the acts of 1992, is hereby further amended by striking out paragraphs (*b*) and (*c*) and inserting in place thereof the following two paragraphs:-

Fifty percent of said revenue for the purposes of 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 provisions of law.

Fifty percent of said revenue shall be deposited in the general fund for the purposes of the school building assistance program as contained in item 7052-0007 of section two of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two.

SECTION 271. Paragraph (*b*) of section 96 of chapter 6 of the acts of 1991 is hereby amended by striking out, in line 2, the words "July first" and inserting in place thereof following the words:- June thirtieth.

SECTION 272. Sections one hundred and eighty-nine and one hundred and ninety of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-one are hereby repealed.

SECTION 273. Section three hundred and seventy-seven of said chapter one hundred and thirty-eight is hereby repealed.

SECTION 274. Section twenty-five of chapter one hundred and forty-two of the acts of nineteen hundred and ninety-one is hereby repealed.

SECTION 275. Section twenty-nine of chapter one hundred and forty-five of the acts of nineteen hundred and ninety-one is hereby repealed.

SECTION 276. Chapter 516 of the acts of 1991 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. The provisions of sections eight, nine and thirteen of chapter one hundred and seventy-five I of the General Laws, inserted by section one of this act, shall apply to rights granted therein regardless of the date of collection or receipt of the information which is the subject of such sections.

SECTION 277. Section five of chapter five hundred and fifty-two of the acts of nineteen hundred and ninety-one is hereby repealed.

SECTION 278. Section fifty-one of this act shall take effect on July first, nineteen hundred and ninety-five.

SECTION 279. Sections one hundred and twelve, one hundred and twenty-two, one hundred and thirty-two, one hundred and thirty-three, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and sixty-six, one hundred and seventy-one, two hundred and one and two hundred and fifty of this act shall take effect on July first, nineteen hundred and ninety-two.

Approved December 23, 1992.

Chapter 287. AN ACT RELATIVE TO NOTICE ON FORECLOSURE SALES.

Be it enacted, etc., as follows:

Section 14 of chapter 244 of the General Laws, as amended by section 5 of chapter 157 of the acts of 1991, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The following form of foreclosure notice may be used and may be altered as circumstances require; but nothing herein shall be construed to prevent the use of other forms.

(Form.)

MORTGAGEE'S SALE OF REAL ESTATE.

By virtue and in execution of the Power of Sale contained in a certain mortgage given by ..... to ..... dated ..... and recorded with.....

.....

Deeds, Book ....., page ....., of which mortgage the undersigned is the present holder, ...

(If by assignment, or in any fiduciary capacity, give reference.)

.....

for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at ..... o'clock, ... M. on the ..... day of ..... A.D. 19 , ... (place) ..... all and singular the premises described in said mortgage,

(In case of partial releases, state exceptions.)

To wit: "(Description as in the mortgage, including all references to title, restrictions, encumbrances, etc., as made in the mortgage.)"

Terms of sale: (State here the amount, if any, to be paid in cash by the purchaser at the time and place of the sale, and the time or times for payment of the balance or the whole as the case may be.)

Other terms to be announced at the sale.

(Signed).....

Present holder of said mortgage. .....

Approved December 23, 1992.

Chapter 288. AN ACT RELATING TO THE DISSOLUTION OF THE PLYMOUTH-CARVER REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The Plymouth-Carver Regional School District hereinafter referred to as the district, which was established by the towns of Carver and Plymouth shall be dissolved as of June thirtieth, nineteen hundred and ninety-three, and the schools in each of the towns shall thereupon be under the jurisdiction and control of the respective local school committee of each town. Each town shall remain liable for any unpaid operating costs which have been certified by the treasurer of the district to the treasurer of that town including the full amount so certified for the year in which the dissolution occurs. Each town shall remain liable for its share of the indebtedness of the district outstanding at the time of the dissolution, and for interest thereon, to the same extent and in the same manner as though the district had not been dissolved.

SECTION 2. The members of the school committees of each of the towns of Carver and Plymouth shall serve as an interim committee in order to conclude the affairs of the district. The treasurer of the town of Plymouth shall serve *ex officio* as treasurer for said interim committee and shall apply the moneys provided by each of the towns to make the payments due on all obligations of the district until all such obligations have been paid. State reimbursements which are continuing and due to the district shall be made to said interim committee and applied to payments of indebtedness of the district. Each town shall receive state aid pursuant to chapter seventy-one of the General Laws as if the district were still in effect and

such aid shall be paid directly to each town for a period of five years. Each town shall make the payments required to make debt service payments on the district's outstanding obligations under this section to the treasurer of the interim committee.

SECTION 3. Section forty-two B of chapter seventy-one of the General Laws shall apply to all school personnel formerly employed by the school committee for the Plymouth-Carver Regional School District.

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

Approved December 23, 1992.

Chapter 289. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-THREE 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, the sums set forth in section two are hereby appropriated, unless specified otherwise, for the several purposes, and subject to the conditions, specified in chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two, including fund designations in said chapter one hundred and thirty-three, and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in said chapter one hundred and thirty-three, for the fiscal year ending June thirtieth, nineteen hundred and ninety-three. The sums so appropriated are in addition to any amounts available for said purposes.

SECTION 2.

Massachusetts Corporation For Educational Telecommunications

Item		
1100-1400		$1,000,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION

Massachusetts Aeronautics Commission

6006-0003		$89,427

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Massachusetts Office of Business Development

9000-1801		$1,650,000
	Tourism Fund 47.14%	
	General Fund 52.86%	

Office for Travel and Tourism

9000-1900 $1,645,000

Tourism Fund 100.0%

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth and to meet certain requirements of law, the sums set forth herein shall be appropriated from the General Fund, unless specifically designated otherwise, and shall be for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two, for the fiscal year ending June thirtieth, nineteen hundred and ninety-three.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Planning and Operations

Item

1102-3220 For planning and other administrative costs related to the establishment of a United States Department of Defense Financing and Accounting Service Facility in the town of Southbridge $100,000

Department of Revenue

1231-0111 For the operation of a program by the division of local services for the purpose of assisting cities and towns in establishing and administering plans to enable employees to make contributions on a pre-tax basis to insurance programs provided pursuant to chapter thirty-two B of the General Laws; provided, that said division shall provide such technical assistance to cities and towns seeking to establish such plans; provided, that said assistance may include but shall not be limited to devising and providing model legal plan documents and plan summaries for the purpose of securing approval of said plans; and provided further, said division shall provide information to cities and towns regarding the potential benefit to the economy of the commonwealth from the additional disposable income created by such plans $75,000

Miscellaneous

1599-3888 For payment owed to the town of Tewksbury for the cost of construction of a sewer line to serve Tewksbury Hospital $69,659

1599-6000 For a reserve for the purposes of section one of chapter six hundred and ten of the acts of nineteen hundred and eighty-nine $37,668

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Metropolitan District Commission

2440-0014 The metropolitan district commission shall retain and may expend revenues collected during its extended skating season, so called, in an amount not to exceed five hundred thousand dollars accrued

from the rental of ice time and from public skating fees charged at skating rinks operated by said commission for the purposes of the general operation and maintenance of the rinks for this skating season, including the costs of personnel $500,000

Local Aid Fund 100.0%

2440-8998 For the cost of repairs and renovations, including but not limited to, necessary equipment for the Connell Recreation Complex $80,000

Local Aid Fund 100.0%

2440-8999 For repairs and renovations to the Devine Rink located in the city of Boston, operated by the Metropolitan District Commission $300,000

Local Aid Fund 100.0%

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT

3747-0003 For the Boston housing authority for a program to provide certain tenant services for the West Broadway housing development task Force $76,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Medical Security

4600-1054 For the purpose of making initial gross payments to qualifying acute care hospitals from the uncompensated care pool pursuant to the provisions of section fifteen of chapter one hundred and eighteen F of the General Laws for the hospital fiscal year beginning October first, nineteen hundred and ninety-two; provided, that said payments shall be made to hospitals prior to and in anticipation of the payment by hospitals of their gross liability to said pool; provided further, that the comptroller is hereby authorized and directed to transfer the amount appropriated herein to said pool for the purpose of making said payments; provided further, that the amount appropriated herein, less any amount unable to be collected from hospitals during the period from October first, nineteen hundred and ninety-two through June thirtieth, nineteen hundred and ninety-three, inclusive, shall be returned to the General Fund at the end of the fiscal year ending on said June thirtieth; provided, that in no event shall the amount unable to be collected from hospitals exceed for any hospital which is a net payer to said pool the pool's gross liability to such hospital or for any hospital which is a net payee from said pool the pool's gross liability from such hospital; and provided further, that the comptroller is hereby authorized and directed to transfer to the General Fund the balance of this appropriation and any allocation thereof as of said June thirtieth as certified by the commissioner of the department of medical security $30,000,000

EXECUTIVE OFFICE OF EDUCATION

Department of Education

7005-1100 For the reimbursement of tuition expenses incurred by cities, towns or regional school districts participating in the school choice program in fiscal year nineteen hundred and ninety-three and for the purpose of payments made to cities, towns or regional school districts on behalf of students residing within a city, town or regional school district that did not receive any so-called chapter seventy funds during fiscal year nineteen hundred and ninety-two; provided further, that the distribution of such funds shall be subject to the approval of the executive office of education; and provided further, that the distribution of such funds shall be subject to the provisions of item 7005-1000 of section two of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two $203,960

Local Aid Fund 100.0%

7009-1000 For payments by the secretary to vendors for services under the provisions of section four of chapter six hundred and fourteen of the acts of nineteen hundred and eighty-five, as amended by section one hundred and twenty-nine of chapter two hundred and forty of the acts of nineteen hundred and eighty-nine, actually rendered prior to December thirty-first, nineteen hundred and ninety-one but for which full payment has not been made $275,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS

Division of Insurance

9222-7800 For the administration of the division; provided, that the commissioner of insurance shall expend funds from this item of appropriation for the purpose of obtaining accreditation by the National Association of Insurance Commissioners; provided further, that in the event that all monies collected by said division pursuant to section eight B of chapter twenty-six, and sections fourteen and one hundred sixty-three of chapter one hundred seventy-five of the General Laws for fiscal year nineteen hundred and ninety-three do not exceed monies so collected during fiscal year nineteen hundred and ninety-two by the amount appropriated herein, the commissioner is hereby authorized and directed to make an assessment on or before June thirtieth nineteen hundred and ninety-three against all licensed insurers in the Commonwealth at a rate sufficient to produce revenue to reimburse the Commonwealth for said difference, notwithstanding the provisions of section eight C of chapter twenty-six of the General Laws to the

contrary; and provided further, that no funds appropriated herein shall be expended until such time that all legislation relative to obtaining said accreditation has been filed with the clerks of the senate and the house of representatives $2,000,000

Division of Insurance Trust Fund 100.0%

SECTION 3. Section 11 of chapter 6B of the General Laws, as appearing in section 12 of chapter 495 of the acts of 1991, is hereby amended by striking paragraphs (1), (2), (3) and by striking the number "(4)".

SECTION 4. Section 2 of chapter 62E of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting, in line 8, after the first sentence, the following sentences:- Upon the hiring of an employee, such employers shall, in addition, notify the department of revenue of the hiring of the employee. The commissioner shall, by regulation, prescribe the timing and the form of such reports and the information to be provided in the reports, which may include disclosure of the existence of an outstanding child support order. All such reports shall be part of the wage reporting system established pursuant to section three of this chapter.

SECTION 5. Section 3 of said chapter 62E, as so appearing, is hereby amended by striking, in line 6, the words "and IV-D agency and" and by inserting, in line 7, after the word "Corporation" the following new words:- and any IV-D agency for purposes of administering the child support enforcement program,.

SECTION 6. Subsection (d) of section 47 of chapter 94C of the General Laws, as most recently amended by section 445 of chapter 133 of the acts of 1992, is hereby further amended by striking out the second sentence and inserting in place thereof the following:- Such petition shall be filed in the court having jurisdiction over said conveyance, real property, monies or other things of value or having final jurisdiction over any related criminal proceeding brought under any provision of this chapter.

SECTION 7. Subsection (f) of said section 47 of said chapter 94C, as most recently amended by sections 457, 458 and 459 of said chapter 133, is hereby further amended by striking out the first two sentences of subparagraph (2) and inserting in place thereof the following:- There shall be created within the division of capital planning and operations an office of seized property management to which a district attorney or the attorney general may refer any real property, and any furnishings, equipment and related personal property located therein, for which seizure is sought. The office of seized property management shall be authorized to preserve and manage such property in a reasonable fashion and to dispose of such property upon a judgment ordering forfeiture issued pursuant to the provisions of said section (d), and to enter into contracts to preserve, manage and dispose of such property.

SECTION 8. Section 2 of chapter 118F of the General Laws, as most recently

amended by section 18 of chapter 495 of the acts of 1991, is hereby amended by inserting the following definition:- "Private sector charges", gross patient service revenue attributable to all patients less gross patient service revenue attributable to Titles XVIII and XIX, other publicly aided patients, free care and bad debt.

SECTION 9. Section 15 of chapter 118F of the General Laws, as most recently amended by section 19 of said chapter 495, is hereby amended by striking paragraphs (1) through (4), inclusive, and inserting in place thereof the following paragraphs:-

(1) The department shall administer an uncompensated care pool consisting of revenues produced by hospital assessments calculated by the department pursuant to this section, federal funds as may be appropriated from federal financial participation made available for uncompensated care payments to certain hospitals, and any sums paid by hospitals pursuant to paragraph (viii) of section fifty-one of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-one. For purposes of this paragraph, "revenues produced by hospital assessments" shall equal the value of and have the same meaning as "a hospital's liability to the pool" as established pursuant to this section.

(2) A hospital's liability to the pool shall equal the product of: (a) the ratio of its private sector charges to all hospitals' private sector charges; and (b) the private sector liability to the uncompensated care pool as determined by the general court. In calculating said ratio, the department shall exclude from the numerator and the denominator private sector charges attributable to non-contracting, non-insured individuals which have exceeded the applicable price cap calculated pursuant to said section fifty-one of said chapter four hundred and ninety-five and other private sector charges in excess of a hospital's maximum gross inpatient service revenue limitation calculated pursuant to said section fifty-one of said chapter four hundred and ninety-five. Prior to the beginning of each hospital fiscal year, the department shall establish each hospital's liability to said pool using the most recent four quarters' private sector charge information available. The department shall update each hospital's liability to said pool as updated information becomes available. For any fiscal year, a hospital's final liability to said pool shall be based upon its actual private sector charges as filed with the department and as adjusted by audit.

(3) The pool's liability to a hospital shall be calculated periodically by the department based on the best data available. Said data shall include but not be limited to allowable free care charges as determined by the department and the cost-to-charge ratio calculated for each hospital by the rate setting commission pursuant to section eleven of chapter six B of the General Laws. The department shall specify by regulation an appropriate mechanism for interim determination and payment of a hospital's liability to said pool. The final settlement of the pool's liability to a hospital shall equal the product of allowable actual free care charges, adjusted for any audit findings, multiplied by its final cost-to-charge ratio.

(4) The department shall administer said pool and require payments to the pool and disburse funds from the pool consistent with the hospital's liability to the pool and the pool's liability to the hospital. The department shall specify by regulation appropriate mechanisms that provide for interim determination and payment of a hospital's liability to and from the pool during each fiscal year and for final settlement of the pool for each fiscal year.

SECTION 10. Said section 15 of said chapter 118F, as so amended, is hereby further amended by inserting the following paragraphs:-

(9) The department shall by regulation designate information necessary to effect the purposes of this section. An acute hospital which fails to file any data, statistics or schedule or other information required under this section or by any regulation promulgated by the department or which knowingly and willfully falsifies same, shall be subject to a civil penalty of not more than one thousand dollars for each day on which such violation occurs or continues, which penalty may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. The attorney general shall bring any appropriate action, including injunctive relief, as may be necessary for the enforcement of the provisions of this chapter.

(10) For fiscal year nineteen hundred and ninety-two only, a hospital's liability to the pool shall equal the product of the uniform statewide allowance previously in effect, multiplied by private sector patient care costs established pursuant to the most recent hospital agreement. This liability shall be calculated net of all payments made by the hospital to the extent it participated in the uncompensated care pool on a voluntary basis prior to the calculations made in accordance with this act. For fiscal year nineteen hundred and ninety-two, payments by purchasers and third party payers exclusive of Titles XVIII and XIX and publicly aided patients for purposes of said pool, shall be made using the allowance previously in effect and included in charges.

SECTION 11. Paragraph (3) of subsection (c) of section 12 of chapter 119A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 81 and 82, the words "the IV-D agency which shall transfer the assignment to the subsequent employer" and by inserting in place thereof the following words:- his subsequent employer of his child support order and the IV-D agency of his new employment and the IV-D agency shall transfer the assignment to the subsequent employer.

SECTION 12. Paragraph 7 of subsection (f) of section 12 of said chapter 119A, as so appearing, is hereby amended by inserting, in line 167, the following sentence:- Any subsequent employer of the obligor shall, upon notice of an income assignment, comply with the provisions of this section.

SECTION 13. Section 1 of chapter 164 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following sentence:- A

cogeneration facility shall also include any electrical generating unit having a power production capacity which, together with any other facilities located at the same site, is not greater than thirty megawatts and which produces electric energy and steam or other form of useful energy utilized for industrial, commercial, heating or cooling purposes that is in the confines of an industrial park, which park existed prior to March first, nineteen hundred and eighty-two, and in which park there existed as of said date electrical generating capacity of more than fifteen megawatts, and in which park there existed, since said date, a cogeneration facility, as defined herein, or a small power production facility.

SECTION 14. Item 9749-0100 of Section 2 of chapter 133 of the acts of 1992 is hereby amended by striking out the text and inserting in place thereof the following text:- For the expenses of the joint special committee on legislative and executive council redistricting, prior appropriation continued.

SECTION 15. Section 2 of chapter 152 of the acts of 1992 is hereby amended by striking item 9000-1900 in its entirety.

SECTION 16. Section 1 of chapter 198 of the acts of 1992 is hereby amended by inserting at the end thereof the following words:- in an amount not to exceed six million four hundred forty-five thousand five hundred dollars.

SECTION 17. For hospital fiscal year nineteen hundred and ninety-three, the private sector liability of purchasers and third party payers to the uncompensated care trust fund established pursuant to section seventeen of chapter one hundred and eighteen F of the General Laws shall be the lesser of the sum of all of the products of each hospital's allowable free care charges and such hospital's cost-to-charge ratio, calculated by the commission pursuant to section eleven of chapter six B of the General Laws, or three hundred and fifteen million dollars. For state fiscal year nineteen hundred and ninety-three, notwithstanding any general or special law to the contrary, fifteen million dollars generated by federal financial participation made available under Title XIX of the Social Security Act to match the costs of said trust fund for disproportionate share hospitals shall be deposited into said trust fund.

SECTION 18. The comptroller may exclude from a certificate defined in section three of chapter seven A of the General Laws, any amount otherwise due a hospital which owes an overdue debt to the uncompensated care pool established pursuant to section seventeen of chapter one hundred and eighteen F of the General Laws, upon the filing of an affidavit by the commissioner of the department of medical security with the comptroller that such debt exists, the amount due and the name of the debtor. Any such debt may be charged by the comptroller against any amount otherwise due from the commonwealth to such debtor.

SECTION 19. 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 department of mental retardation is hereby authorized and directed

to pay certain consultants for services rendered in an amount not to exceed twenty-six thousand dollars.

SECTION 20. Notwithstanding the provisions of any general or special law to the contrary, the rate setting commission, in setting nursing home prospective rates of reimbursement for the rate year beginning January first, nineteen hundred and ninety-three, shall use as base year costs for rate determination purposes the reported costs of the calendar year not more than four years prior to said rate year, adjusted for reasonableness, and to incorporate any audit findings applicable to said base year costs; provided that no base year cost shall be incorporated unless a comprehensive desk audit has been completed for the costs incurred in that base year.

SECTION 21. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance shall conduct a statewide study of the feasibility and long range goals of the privatization, consolidation or closure of ice rinks owned by the state and operated by the department of environmental management. Said study shall include a cost-benefit analysis of any such privatization, consolidation or closure. No ice rink owned by the state and operated by said department shall be privatized, consolidated or closed prior to the completion and submission of said study to the house and senate committees on ways and means on or before July first, nineteen hundred and ninety-three, and the approval of said study by the General Court. Said section shall not apply to state-owned ice rinks operated by said department that were privatized, consolidated or closed prior to September first, nineteen hundred and ninety-two.

SECTION 21A. Section 2 of Chapter 133 of the acts of 1992 is hereby amended in item 4800-1100 by inserting after the word "expenses" the following:- and for the reimbursement of any employee who participated in the early retirement incentive program, so-called, pursuant to chapter 22 of the acts of 1992, for any unused vacation pay not reimbursed by said department; provided, that said reimbursement shall cover said employee's vacation leave remaining as a balance as of July 1, 1992, including any credits for June, 1992 and shall not exceed twenty thousand dollars;.

SECTION 21B. Notwithstanding the provisions of any general or special law to the contrary, the Medicaid office within the Department of Public Welfare shall reimburse federally designated Chapter 410 sole community providers and state designated sub-acute long term care rural providers from the FY-93 appropriation for prior years' obligations not to exceed $1,000,000.

SECTION 22. Sections three, eight, nine, ten and seventeen shall be effective as of October first, nineteen hundred and ninety-two.

SECTION 23. The remainder of this act shall take effect upon its passage.

Section 21 disapproved

The remainder of this bill was approved by the Governor on December 23, 1992.

Chapter 290. AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN EMPLOYEE OF THE TRIAL COURT OF THE COMMONWEALTH.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the trial court of the commonwealth is hereby authorized and directed to establish a sick leave bank for Carmen Cicchetti, an employee of the trial court of the commonwealth. Any employee of the trial court of the commonwealth may voluntarily contribute one or more of his sick, personal or vacation days to said sick leave bank for use by said Carmen Cicchetti.

The foregoing was laid before the Governor on the fourteenth day of December, 1992 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him with his objections thereto within that time.

Chapter 291. AN ACT RELATIVE TO QUARTERLY TAXES IN CITIES AND TOWNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately enable cities and towns to send out third quarter tax bills on a timely basis, therefore 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 fifty-seven C of chapter fifty-nine of the General Laws or any other general or special law to the contrary, cities and towns that have accepted provisions of said section fifty-seven C of said chapter fifty-nine are hereby authorized with respect to fiscal year nineteen hundred and ninety-three to issue notices of preliminary tax in addition to such notice of preliminary tax as provided in said section; provided, however, that 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 provisions 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 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-three, such notice shall be sent on or before December thirty-first, nineteen hundred and ninety-two or on such later date as is approved by the commissioner of revenue and shall be due and payable on February first, nineteen hundred and ninety-three or thirty days after the date of mailing such notice, 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 fiscal nineteen hundred and ninety-three 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 bills for fiscal year nineteen hundred and ninety-three are not mailed by December thirty-first, nineteen hundred and ninety-two, 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-three, or thirty days after the date of mailing such bill, whichever is later. Such bill shall represent the full balance owed after credit is given for the preliminary tax payment 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 provisions of this section.

Approved December 28, 1992.

Chapter 292. AN ACT RELATIVE TO HARNESS HORSE RACING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the continuation of the harness horse racing industry in the commonwealth and the revenue to the commonwealth from taxes on said industry, therefore 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 13 of chapter 494 of the acts of 1978, as most recently

amended by section 2 of chapter 114 of the acts of 1991, is hereby further amended by striking out clauses (*a*) and (*b*) and inserting in place thereof the following two clauses:-

(*a*) no license shall be issued for more than an aggregate of two hundred days in any one year at all running horse racing meetings combined, not including running horse racing meetings held in connection with state or county fairs; provided, however, that up to two hundred days may be awarded in Suffolk county only.

(*b*) no license shall be issued for more than an aggregate of two hundred racing days in any one year at all harness horse racing meetings combined, including harness racing meetings at state or county fairs; provided, however, that up to two hundred days may be awarded in Norfolk county only.

SECTION 2. Notwithstanding any provisions of chapter one hundred and twenty-eight A of the General Laws to the contrary, a harness horse racing meeting licensee that has been awarded dates for calendar year nineteen hundred and ninety-three may submit, resubmit or amend its application for a license to hold or conduct racing meetings for calendar year nineteen hundred and ninety-three and request that additional dates be licensed. The commission's procedure for hearings on all such applications shall be the same as the procedures on supplementary applications filed pursuant to said chapter one hundred and twenty-eight A.

Approved December 29, 1992.

Chapter 293. **AN ACT AUTHORIZING THE TOWN OF CHILMARK TO CONVEY AN INTEREST IN CERTAIN CONSERVATION LAND.**

Be it enacted, etc., as follows:

SECTION 1. The town of Chilmark, acting by and through its board of selectmen, is hereby authorized to convey an undivided one-fifth interest in certain conservation land in said town, known as Fulling Mill Brook, to the Martha's Vineyard land bank subject to the provisions of section two. Said land is described in an order of taking dated May fourteenth, nineteen hundred and eighty-six and recorded in the registry of deeds in the county of Dukes County, in Book 448, Page 617.

SECTION 2. No deed conveying by or on behalf of the town of Chilmark, the property described in section one of this act, shall be valid unless such deed provides that said town of Chilmark reserves the rights granted under chapter one hundred and thirty-one of the General Laws.

Approved December 29, 1992.

Chapter 294. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE CITY OF FITCHBURG.

Be it enacted, etc., as follows:

SECTION 1. The city of Fitchburg and the retirement system of the city of Fitchburg is hereby deemed to have accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and, provided further, that said retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the retirement system of the city of Fitchburg for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before February fifteenth, nineteen hundred and ninety-three and the resulting revised appropriation shall be issued by said actuary no later than March fifteenth, nineteen hundred and ninety-three.

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

Approved December 29, 1992.

Chapter 295. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO CONVEY A CERTAIN PARCEL OF PARK LAND.

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield is hereby authorized to sell and convey a certain parcel of park land located in said city for development purposes. Said

parcel is known as the Tapley School Playground and is described in a deed recorded in the Hampden county registry of deeds on May third, nineteen hundred and eighty-seven in Book 431, Page 378.

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

Approved December 29, 1992.

Chapter 296. AN ACT RELATING TO THE AMORTIZATION OF BOND ANTICIPATION NOTES IN THE TOWN OF GRANBY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter forty-four and section twenty-three of chapter fifty-nine of the General Laws, the town of Granby is hereby authorized to raise in each of its tax rates for fiscal years nineteen hundred and ninety-three through nineteen hundred and ninety-six, inclusive, nineteen thousand nine hundred and eighty-six dollars of capitalized interest included in the town's notes issued on October eighteenth, nineteen hundred and eighty-eight, June twenty-eighth, nineteen hundred and eighty-nine, January second, nineteen hundred and ninety, and January second, nineteen hundred and ninety-one in the aggregate amount of six hundred and fifty thousand dollars in anticipation of bonds to finance the construction of certain sewer projects.

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

Approved December 29, 1992.

Chapter 297. AN ACT RELATIVE TO TOWN MEETING MEMBERS IN THE TOWN OF MILFORD.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 271 of the acts of 1933 is hereby amended by adding the following two sentences:- No person shall be eligible for election to fill a vacancy by the remaining members of a precinct unless that person shall have, prior to the meeting at which the vacancy is to be filled, filed nomination papers with the town clerk, which nomination papers shall have been signed by not less than thirty registered voters of the precinct in which the candidate resides. The board of registrars shall meet on the date of such special meeting referred to above for the purpose of verifying signatures on all nomination papers submitted.

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

Approved December 29, 1992.

Chapter 298. **AN ACT AUTHORIZING THE TOWN OF BELLINGHAM TO REIMBURSE VINCENT R. THAYER, EXECUTOR OF THE ESTATE OF L.F. THAYER A SUM OF THREE THOUSAND SEVEN HUNDRED SIXTY-TWO DOLLARS AND SEVENTY CENTS PAID TO SAID TOWN AS REAL ESTATE TAXES IN ERROR.**

Be it enacted, etc., as follows:

SECTION 1. The town of Bellingham is hereby authorized to reimburse Vincent R. Thayer, Executor of the Estate of L.F. Thayer a sum of three thousand seven hundred sixty-two dollars and seventy cents paid to said town as real estate taxes in error for the calendar years nineteen hundred and seventy-one, nineteen hundred and seventy-two, nineteen hundred and seventy-three, and the fiscal years nineteen hundred and seventy-four through nineteen hundred and eighty-nine on property described as Plot 0000 Lot 6 on the Bellingham assessors Map 48, said property being located off Mendon street railroad.

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

Approved December 29, 1992.

Chapter 299. **AN ACT ESTABLISHING A SICK LEAVE BANK FOR MARY RAE SIROIS, AN EMPLOYEE OF THE DEPARTMENT OF SOCIAL SERVICES.**

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 employee of the department of social 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:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of social services is hereby authorized and directed to establish a sick leave bank for Mary Rae Sirois, a social worker in said department. Any employee of the department of social services may voluntarily contribute one or more of his sick, personal or vacation days to said sick leave bank for use by said Mary Rae Sirois.

The foregoing was laid before the Governor on the sixteenth day of December, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by Him with his objections thereto within that time.

Chapter 300. AN ACT RELATIVE TO STIMULATING EMPLOYMENT AND ENCOURAGING THE SITING OF CERTAIN FEDERAL FACILITIES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The general court hereby finds that:

(1) It is an important function of government to increase opportunities for gainful employment and improve living conditions, assist in stimulating and promoting a balanced and productive economy and otherwise to improve the prosperity, health and general welfare of the inhabitants of the commonwealth.

(2) The lack of gainful employment in the commonwealth puts additional pressure on the state's welfare programs, increases the cost of unemployment compensation to the existing enterprises of the commonwealth and leaves many of the citizens of the commonwealth without health insurance.

(3) Therefore, it is in the best public interest of the commonwealth to promote the prosperity and general welfare of all citizens by taking all necessary and reasonable measures to make attractive and advantageous locations and facilities for major federal agencies and operations available to the federal government under the terms and conditions which are required by such federal agencies and are competitive with those offered by other states, including office space and facilities without cost to said agencies.

(4) The advantages of this program to the general public would include a significant increase in the gainful employment of the citizens; a decrease in welfare and unemployment compensation costs; and increase in the number of citizens covered by employment-related health insurance; a significant increase in economic activity; and an increase in the tax base of the commonwealth.

(5) It is therefore expressly declared that the provision of this act constitute a needed program in the public interest and serve a necessary and valid public purpose for which public money may be expended or invested.

SECTION 1A. To provide for certain activities and projects, the sums set forth in section two are hereby appropriated from the General Fund unless specifically designated otherwise in the items for the several purposes and subject to the conditions therein, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations specified herein for the fiscal year nineteen hundred and ninety-three.

SECTION 2.

1599-8000 For capital projects for the establishment of a United States Department of Defense Financing and Accounting Service Facility in the town of Southbridge and the commonwealth's expenses in carrying out the provisions of this act including without limitation the acquisi-

tion of the selected site and all necessary facilities required to meet the Department of Defense Finance and Accounting Services requirements, planning and studies, the preparation of plans and specifications, any construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, alteration, repair and furnishings and equipment or build-out undertaken pursuant to the provisions of this act, and any administrative costs associated therewith either at the time of acquisition of the site or subsequent thereto; provided, that no funds shall be expended from this item prior to the recommendation of the Defense Base Closure and Realignment Commission to establish said facility in Southbridge and approval of said recommendation by the United States Congress; provided further, that funds from this item in an amount not to exceed one hundred thousand dollars shall be expended pursuant to section five of this act; and provided further, that the executive office of administration and finance in coordination with the executive office of economic affairs shall submit a report detailing all expenditures made pursuant to this item to the house and senate ways and means committees on or before July thirty-first, nineteen hundred and ninety-three and quarterly thereafter $100,000,000

SECTION 3. As used in this act the following terms shall, unless otherwise required, have the following meanings:

"Commissioner", the commissioner of the division of capital planning and operations;

"Selected Site", the site selected by the United States Department of Defense for its Defense Finance and Accounting Services in the town of Southbridge, as the same may be subsequently changed, expanded, reduced or otherwise altered or any replacement or alternative site chosen.

SECTION 4. (a) Upon notification by the United States Department of Defense to the town of Southbridge, that Southbridge has been selected by the United States Department of Defense as a site for its Defense Finance and Accounting Services facilities and such site has been so identified as part of the United States Secretary of Defense's recommendation to the United States Defense Base Closure and Realignment Commission and approval of said recommendation by the United States Congress, the commissioner is authorized, consistent with the provisions of this act, to take any and all necessary actions to acquire, procure, operate and maintain real property and facilities, including without limitation any associated appurtenances or improvements constructed thereon, necessary to satisfy the Defense Finance and Accounting Services requirements.

(b) The commissioner is further authorized to acquire the selected site together

with its associated appurtenances and improvements through purchase, lease for a period not to exceed thirty years, lease for a period not to exceed thirty years with an option to purchase, the exercise of the power of eminent domain in accordance with the provisions of chapter seventy-nine or eighty A of the General Laws or any other procedure now or hereinafter provided by law, or otherwise.

(c) The commissioner is further authorized to employ alternative methods of procurement relative to the design, demolition, construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, repair or build-out of any and all facilities, as may be useful or necessary from time to time on the selected site to satisfy the requirements of the Defense Finance and Accounting Services, including without limitation, turnkey, design-build, lease, lease purchase or utilization of modular buildings.

(d) At least thirty days prior to utilizing a method of procurement pursuant to subsection (c) not otherwise authorized by chapter seven, or section seven E of chapter twenty-nine of the General Laws, the commissioner shall submit to the general court a report, in writing, which specifies the reasons for determining that such recommended alternative is useful or necessary.

(e) In the event the commissioner determines to procure the selected site through a purchase, the purchase price shall not be greater than the fair market value as determined and agreed upon by an appraiser selected by the division of capital planning and operations and an appraiser selected by the owner of the selected site. In the event the appraisers so selected are unable to agree upon the fair market value, they may jointly select a third appraiser, whose appraisal costs shall be equally borne by the owner and said division, who shall determine the fair market value for purposes of this section and so advise the commissioner. Each appraiser selected pursuant to this section shall be a state-licensed real estate appraiser as defined in section one hundred and seventy-three of chapter one hundred and twelve of the General Laws. Nothing contained herein shall affect or limit in any way the right of the commissioner to exercise the right of eminent domain in accordance with chapter seventy-nine or eighty A of the General Laws and this act.

(f) The commissioner is hereby further authorized to take any and all steps necessary to operate, manage or maintain or contract with third parties for the management, maintenance and operation of the selected site and facilities. Any contract for such services shall not be for a term greater than ten years.

(g) Any contract entered into pursuant to subsection (f) shall be subject to annual appropriations by the general court; provided, however, that nothing contained herein shall prohibit, subject to appropriation, the use of any funds in excess of the capital reserve requirements, as provided in the Federal Facilities Reserve Fund established by section two X of chapter twenty-nine of the General Laws, as inserted by section eight of this act, for purposes of subsection (f).

SECTION 5. Notwithstanding the provisions of subsection (a) of section 4, nothing contained herein shall prohibit the division of capital planning and operations from expending funds for planning and other administrative costs related to the purposes of this act prior to the notification of the United States Department of Defense to the town of Southbridge that it has been selected by the United States Department of Defense as a site for its Defense Financing and Accounting Services facilities. Amounts expended pursuant to said section shall be reimbursed from funds available pursuant to section two of this act and pursuant to schedules submitted to the house and senate ways and means committees.

SECTION 6. The commissioner is further authorized, subject to the written approval of the secretary of administration and finance, to lease to the Department of Defense, the General Services Administration or other agency of the United States Government, the selected site and any facilities, including without limitation, any associated improvements or appurtenances constructed thereon existing or subsequently acquired or procured pursuant to this act, for a term not to exceed thirty years and on such terms and conditions and for such consideration, if any, which he deems appropriate. Upon the expiration of any lease entered into hereunder, the commissioner shall have the authority to dispose of the selected site and any facilities, subject only to the procedures required by sections forty E to forty J, inclusive of chapter seven of the General Laws.

SECTION 7. The acquisition, procurement, construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, alteration, repair, build-out, development, financing, management, maintenance, operation or leasing of all or any portion of the selected site and its associated appurtenances and improvements for occupancy or use by the Department of Defense Finance and Accounting Services and any contract for construction and design or other consulting services for or relating to the construction, reconstruction, improvement, renovation, development, financing, management, maintenance, operation or leasing of all or any portion of the selected site and its associated appurtenances and improvements for the site and its facilities shall be exempt from the provisions of section thirty-eight A 1/2 to thirty-eight O, inclusive of chapter seven of the General Laws, section forty-four A to forty-four J, inclusive of chapter one hundred and forty-nine of the General Laws and section thirty-nine M of chapter thirty of the General Laws or any other special or general law or rule or regulation providing for the advertising or bidding of construction, development, financing, management, leasing or improvements to or the acquisition of or disposition of interest in real or personal property.

CHAPTER 8. Chapter 29 of the General Laws is hereby amended by inserting after section 2W, inserted by section 4 of chapter 203 of the acts of 1992, the following section:-

Section 2X. There is hereby established upon the books of the commonwealth

a separate fund to be known as the Federal Facilities Reserve Fund. There shall be credited to such fund all revenues resulting from the development leasing, operation, granting of concessions or other use of the selected site and its facilities or agreements related thereto including, without limitation, grants, fees, compensation, payments or revenues of any kind from any agency of the federal government or any other governmental entity.

Amounts credited to such fund shall be available, subject to appropriation, for planning and studies, acquisition of land and buildings and interest therein, the preparation of plans and specifications, the development, construction, reconstruction, improvement, renovation, enlargement, expansion, remodeling, build-out, repair, furnishings and equipment, or management, operation or maintenance of the selected site and its facilities and any administration costs associated therewith; provided, however, that said funds shall not be used for management, operation or maintenance unless the commissioner determines that adequate reserves necessary to meet the foreseeable capital needs of the selected site and its facilities will be available in the fund despite such use.

SECTION 9. If final approval by the United States Congress of the Defense Base Closure and Realignment Commission's recommendation to locate said Finance and Accounting Services Facility in the town of Southbridge has not been received as of June thirtieth, nineteen hundred and ninety-four this act shall expire.

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

Approved December 29, 1992.

Chapter 301. AN ACT EXEMPTING CERTAIN SCHOOL DEPARTMENT POSITIONS IN THE TOWN OF BROOKLINE FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the positions of administrative assistants, transportation coordinator, director of computer services and supervisor of custodians in the school department of the town of Brookline shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any persons holding any one of the said positions in the town of Brookline on the effective date of this act.

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

Approved December 30, 1992.

Chapter 302. **AN ACT EXEMPTING CERTAIN POSITIONS IN THE BUILDING DEPARTMENT OF THE TOWN OF BROOKLINE FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the positions of senior building inspector, building inspector, plumbing inspector, electrical inspector, and building commission coordinator in the town of Brookline shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any persons holding any one of the said positions in the town of Brookline on the effective date of this act.

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

Approved December 30, 1992.

Chapter 303. **AN ACT RELATIVE TO PROCEEDINGS INVOLVING CHILDREN IN NEED OF CARE AND PROTECTION.**

Be it enacted, etc., as follows:

SECTION 1. Section 24 of chapter 119 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the first sentence the following three sentences:- Said summonses shall include notice that the court may dispense with the consent of the parents to the adoption of the child if it finds that the child is in need of care and protection and that the best interests of the child would be served by said disposition. Notice shall be by personal service upon the parent. If the identity or whereabouts of a parent is unknown, the petitioner shall cause notice in a form prescribed by the court to be served upon such parent by publication of said notice once in each of three successive weeks in such newspaper as the court orders.

SECTION 2. The second paragraph of section 26 of said chapter 119, as so appearing, is hereby amended by inserting after clause (3) the following clause:-

(4) It may enter an order to dispense with the need for consent of any person named in section two of chapter two hundred and ten, to the adoption of a child, upon a finding that the child is in need of care and protection pursuant to this section and that the best interests of the child will be served by such an order. In determining whether such an order should be made, the standards set forth in section three of said chapter two hundred and ten concerning an order to dispense

with the need for consent to adoption of a child shall be applied.

If the child who is the subject of the petition is under the age of twelve years, and if the court adjudicates the child to be in need of care and protection in accordance with this section, the court shall enter an order dispensing with the need for consent to adoption upon finding that the best interests of the child, as defined by paragraph (c) of section three of said chapter two hundred and ten, will be served thereby.

SECTION 3. Said section 26 of said chapter 119, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

On any petition filed in any court pursuant to this section, the department, parents, person having legal custody of, counsel for a child, the probation officer, guardian or guardian ad litem may petition the court not more than once every six months for a review and redetermination of the current needs of such child whose case has come before the court, except that any person against whom a decree to dispense with consent to adoption has been entered pursuant to clause (4) shall not have such right of petition for review and redetermination. Unless the court enters written findings setting forth specific extraordinary circumstances that require continued intervention by the court, the court shall enter a final order of adjudication and permanent disposition, no later than fifteen months after the date the case was first filed in court; provided, however, that the date by which a final order of adjudication and permanent disposition shall be entered may be extended once for a period not to exceed three months; and, provided, further, that said extension shall only be granted if the court makes written finding that the parent has made consistent and goal-oriented progress likely to lead to the child's return to the parent's care and custody. Findings in support of such final order of adjudication and permanent disposition shall be made in writing within a reasonable time of the court's order. The court shall not lose jurisdiction over the petition by reason of its failure to enter a final order and the findings in support thereof within the time set forth in this paragraph.

SECTION 4. Paragraph (b) of section 3 of chapter 210 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

A juvenile court or a district court shall enter a decree dispensing with the need for consent of any person named in section two to the adoption of a child named in a petition filed pursuant to section twenty-four of chapter one hundred and nineteen in such court upon a finding that such child is in need of care and protection pursuant to section twenty-six of said chapter one hundred and nineteen and that the best interests of the child as defined in paragraph (c) will be served by such decree. Facts may be set forth either in the care and protection petition filed pursuant to said section twenty-four of said chapter one hundred and nineteen or upon a motion made in the course of a care and protection proceeding, alleging

that the allowance of the petition or motion is in the best interests of the child.

SECTION 5. Paragraph (c) of said section 3 of said chapter 210, as so appearing, is hereby amended by inserting after the second paragraph the following two paragraphs:-

In considering such fitness of the child's parent or other person named in section two, the court shall consider including without limitation, the following factors:

(i) the child has been abandoned;

(ii) the child or another member of the immediate family of such child has been abused or neglected as a result of the acts or omissions of one or both parents, the parents were offered or received services intended to correct the circumstances which led to the abuse or neglect and refused or were unable to utilize such services on a regular and consistent basis such that a substantial danger of abuse or neglect continues to exist;

(iii) a court of competent jurisdiction has transferred custody of the child from the child's parents to the department, the placement has lasted for at least six months and the parents have not maintained significant and meaningful contact with the child during the previous six months nor have they, on a regular and consistent basis, accepted or productively utilized services intended to correct the circumstance;

(iv) the child is four years of age or older, a court of competent jurisdiction has transferred custody of the child from the child's parents to the department and custody has remained with the department for at least twelve of the last fifteen consecutive months and, the child cannot be returned to the custody of his parents at the end of such fifteen month period; provided, however, that the parents were offered or received services intended to correct the circumstance and refused or were unable to utilize such services on a regular and consistent basis;

(v) the child is younger than four years of age, a court of competent jurisdiction has transferred custody of the child from the child's parents to the department and custody has remained with the department for at least six of the last twelve consecutive months and, the child cannot be returned to the custody of his parents at the end of such twelve month period; provided, however, that the parents were offered or received services intended to correct the circumstance and refused or were unable to utilize such services on a regular and consistent basis;

(vi) the parent, without excuse, fails to provide proper care or custody for the child and there is reasonable expectation that the parent will not be able to provide proper care or custody within a reasonable time considering the age of the child; provided, however, that the parents were offered or received services intended to correct the circumstance and refused or were unable to utilize such services on a regular and consistent basis;

(vii) because of the lengthy absence of the parent or the parent's inability to

meet the needs of the child, the child has formed a strong, positive bond with his substitute caretaker; the bond has existed for a substantial portion of the child's life; the forced removal of the child from the caretaker would likely cause serious psychological harm to the child; and the parent lacks the capacity to meet the special needs of the child upon such removal;

(viii) a lack of effort by a parent or other person named in section two to remedy conditions which create a risk of harm due to abuse or neglect of the child;

(ix) severe or repetitive conduct toward the child or another child in the home of a physically, emotionally or sexually abusive or neglectful nature;

(x) the willful failure to visit the child where the child is not in the custody of the parent or other person named in section two;

(xi) the willful failure to support the child where the child is not in the custody of the parent or other person named in section two. Failure to support shall mean that the parent or other person named has failed to make material contribution to the child's care when contribution has been requested by the department or ordered by the court;

(xii) a condition which is reasonably likely to continue for a prolonged indeterminate period such as alcohol or drug addiction, mental deficiency, or mental illness, and the condition makes the parent or other person named in section two unlikely to provide minimally acceptable care of the child; or

(xiii) the conviction of a parent or other person named in section two of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights.

For the purposes of this paragraph the term "abandoned" shall mean being left without any provision for support, and without any person responsible to maintain care, custody, and control because the whereabouts of the person responsible is unknown and reasonable efforts to locate such person have been unsuccessful. A brief and temporary absence from the home, without the intent to abandon the child shall not constitute abandonment.

Approved December 30, 1992.

Chapter 304. AN ACT RELATIVE TO THE TRANSFER OF A STATE OWNED WATER LINE IN WORCESTER COUNTY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the division of capital planning and operations is hereby authorized to convey certain property known as the "Grafton Water Line" to the

Grafton Water District, subject to a written agreement between said division and said Grafton Water District, for purposes of control, maintenance and upgrade of the system. Said water line is described in plans entitled "Grafton State Hospital, Location of WaterSupply Main Pipe Lines, Grafton & Shrewsbury Mass." JJ Van Valkenburgh—CE Framingham, MA, scale 1"=80' dated January 1924 (8 sheets); and, "Grafton State Hospital, New Water Supply System, Plans Showing Location of Pipes, Hydrants, Gates and Connections to Buildings" JJ VanValkenburgh—CE Framingham, MA, scales as noted, dated February 1924 (7 sheets).

Approved December 31, 1992.

Chapter 305. AN ACT AUTHORIZING THE APPOINTMENT OF A MEMBER OF THE BOARD OF SELECTMEN OF THE TOWN OF RANDOLPH TO THE POSITION OF EXECUTIVE SECRETARY OF SAID BOARD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty of chapter two hundred and sixty-eight A of the General Laws, members of the board of selectmen of the town of Randolph on the effective date of this act shall be eligible for appointment by said board to the position of executive secretary to the board of selectmen; provided, however, they shall not be so eligible until the expiration of thirty days from the termination of their service as a member of said board; and provided, further, that no such appointment shall be valid until it has been first approved at an annual or special town meeting.

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

Approved December 31, 1992.

Chapter 306 AN ACT PROVIDING FOR THE APPOINTMENT OF THE TAX COLLECTOR IN THE TOWN OF GROVELAND.

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 or bylaw to the contrary, the tax collector of the town of Groveland shall be appointed by the board of selectmen of said town and the person so appointed shall have all the powers and duties by law vested in the office of tax collector.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Groveland at a town election to be held on a date to be determined by the board

of selectmen of said town in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said election:-

"Shall an act passed by the General Court in the year nineteen hundred and ninety-two, entitled 'An Act providing for the appointment of the tax collector in the town of Groveland', be accepted?" If the majority of the votes cast in answer to this question is in the affirmative, this act shall become effective, but not otherwise.

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

Approved December 31, 1992.

Chapter 307. AN ACT PROVIDING FOR THE APPOINTMENT OF THE TOWN TREASURER IN THE TOWN OF GROVELAND.

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 or bylaw to the contrary, the treasurer of the town of Groveland shall be appointed by the board of selectmen of said town and the person so appointed shall have all the powers and duties by law vested in the office of treasurer.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Groveland at a town election to be held on a date to be determined by the board of selectmen of said town in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said election:-

"Shall an act passed by the General Court in the year nineteen hundred and ninety-two, entitled 'An Act providing for the appointment of the town treasurer in the town of Groveland', be accepted?" If the majority of the votes cast in answer to this question is in the affirmative, this act shall become effective, but not otherwise.

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

Approved December 31, 1992.

Chapter 308. AN ACT RELATIVE TO THE FILLING OF VACANCIES IN THE OFFICES OF CITY COUNCIL AND SCHOOL COMMITTEE IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and ninety-six of the acts of nineteen hundred and sixty-five is hereby repealed.

SECTION 2. Notwithstanding the provisions of section fifty A of chapter forty-three of the General Laws or any other general or special law to the contrary, if a vacancy occurs on the city council of the city of Springfield for any cause during the term of office of a city councillor, the city clerk shall forthwith notify said city council and the board of election commissioners and, within fifteen days after such notification, said board of election commissioners shall certify, in writing, to the city clerk the person with the next highest number of votes from the most recent municipal election who is eligible and willing to serve, and the city clerk shall administer the oath of office to such individual at the next meeting of said city council to fill the remainder of the unexpired term of said city council member until the next regular municipal election. If the person who is eligible declines the office, then the person with the next highest number of votes at such election who is eligible and willing to serve shall fill the remainder of the unexpired term of said city council member until the next regular municipal election. If no person from the most recent regular municipal election is eligible and willing to serve on said city council, then the remaining members of the city council shall choose a registered voter of the city who is eligible and willing to serve on the city council for the remainder of the unexpired term.

SECTION 3. Notwithstanding the provisions of section thirty-six of chapter forty-three of the General Laws or any other general or special law to the contrary, if a vacancy occurs on the school committee of the city of Springfield for any cause during the term of office of a school committee member, the city clerk shall forthwith notify the school committee and the board of election commissioners and, within fifteen days after such notification, the board of election commissioners shall certify to the city clerk, in writing, the person with the next highest number of votes from the most recent municipal election at which the school committee member who has vacated said office was elected thereto, who is eligible and willing to serve, and the city clerk shall administer the oath of office to such individual at the next meeting of the school committee to fill the remainder of the unexpired term of said school committee member. If the person who is eligible declines the office, then the person with the next highest number of votes at such election who is eligible and willing to serve shall fill the remainder of the unexpired term of said school committee member. If no such person is eligible and willing to serve on the school committee, then the remaining members of the school committee shall choose any registered voter of the city who is eligible and willing to serve on the school committee for the remainder of the unexpired term.

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

Approved December 31, 1992.

Chapter 309. **AN ACT RELATIVE TO CERTAIN POWERS OF THE DEPARTMENT OF PUBLIC UTILITIES.**

Be it enacted, etc., as follows:

Section 3 of chapter 292 of the acts of 1978, as most recently amended by chapter 393 of the acts of 1990, is hereby further amended by striking out, in line 2, the word "ninety-two" and inserting in place thereof the following word:- ninety-six.

Approved December 31, 1992.

Chapter 310. **AN ACT RELATIVE TO HOMELESSNESS IN BARNSTABLE COUNTY.**

Be it enacted, etc., as follows:

SECTION 1. Item 4403-2100 in section 2 of chapter 133 of the acts of 1992 is hereby amended by inserting after the word "program", in line 20, the following words:- ; provided, further, that monies expended for said pilot program shall not be subject to federal reimbursement.

SECTION 2. The first paragraph of section 9 of said chapter 133 is hereby amended by striking out the third sentence.

SECTION 3. The second paragraph of said section 9 of said chapter 133 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The department shall contract for regional administration of said pilot program to reduce homelessness with the Housing Assistance Corporation, a nonprofit organization located in the town of Barnstable.

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

Emergency Letter: December 31, 1992 @ 2:36 P.M. Approved December 31, 1992.

Chapter 311 **AN ACT CONCERNING HEALTH RECORDS REQUESTED FROM PROVIDERS BY PERSONS SEEKING BENEFITS UNDER THE SOCIAL SECURITY ACT AND FEDERAL OR STATE NEEDS-BASED BENEFIT PROGRAMS.**

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 70 of chapter 111 of the General Laws, as amended by chapter 408 of the acts of 1991, is hereby further amended

by striking out the fifth sentence and inserting in place thereof the following three sentences:- Section ten of chapter sixty-six shall not apply to such records; provided, however, that such records and similar records kept by the hospital or clinic, except a hospital or clinic under the control of the department of mental health, may be inspected by the patient to whom they relate, the patient's attorney upon delivery of a written authorization from said patient, the duly appointed executor or administrator of the deceased person's estate or the attorney for such executor or administrator upon delivery of a written authorization from such executor or administrator, and a copy shall be furnished upon the request and a payment of a reasonable fee, except that no fee shall be charged to any applicant, beneficiary or individual representing said applicant or beneficiary for furnishing a record if the record is requested for the purpose of supporting a claim or appeal under any provision of the Social Security Act or any federal or state financial needs-based benefit program; and provided, further, that upon proper judicial order, whether in connection with pending judicial proceedings or otherwise, or, except in the case of records of hospitals under the control of the department of mental health, upon order of the head of the state department which issues the license or of the head of the state department having jurisdiction or control of such hospital or clinic, and in compliance with the terms of said order, and, in the case of a hospital or clinic under the control of the department of mental health, when the commissioner of mental health determines that a disclosure would be in the best interest of a patient as provided in the rules and regulations promulgated by the commissioner, such records may be inspected and copies furnished on payment of a reasonable fee, except that no fee shall be charged to any applicant, beneficiary or individual representing said applicant or beneficiary for furnishing a record if the record is requested for the purpose of supporting a claim or appeal under any provision of the Social Security Act or any federal or state financial needs-based benefit program. A health care provider shall furnish a health record requested pursuant to a claim or appeal under any provision of the Social Security Act or any federal or state financial needs-based benefit program within thirty days of the request. Any person for whom no fee shall be charged shall present reasonable documentation at the time of such records request that the purpose of said request is to support a claim or appeal under any provision of the Social Security Act or any federal or state financial needs-based benefit program.

SECTION 2. Section 70E of said chapter 111 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "expenses", in line 58, the words:- , except that no fee shall be charged to any applicant, beneficiary or individual representing said applicant or beneficiary for furnishing a medical record if the record is requested for the purpose of supporting a claim or appeal under any provision of the Social Security Act or federal or state financial needs-based benefit program, and the facility shall furnish a medical

record requested pursuant to a claim or appeal under any provision of the Social Security Act or any federal or state financial needs-based benefit program within thirty days of the request; provided, however, that any person for whom no fee shall be charged shall present reasonable documentation at the time of such records request that the purpose of said request is to support a claim or appeal under any provision of the Social Security Act or any federal or state financial needs-based benefit program.

SECTION 3. Chapter 112 of the General Laws is hereby amended by striking out section 12CC, as so appearing, and inserting in place thereof 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 patients records available to such patient or such representative except that no health care provider shall charge a fee any applicant, beneficiary or individual representing said applicant or beneficiary for furnishing a health record to such patient or such representative if the record is requested for the purpose of supporting a claim or appeal under any provision of the Social Security Act or any federal or state financial needs-based benefit program. A health care provider shall furnish a health record requested pursuant to a claim or appeal under any provision of the Social Security Act or any federal or state financial needs-based benefit program within thirty days of the request. Any person for whom no fee shall be charged shall present reasonable documentation at the time of such records request that the purpose of such request is to support a claim or appeal under any provision of the Social Security Act or any federal or state financial needs-based benefit program. 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, and podiatrists.

Approved December 31, 1992.

Chapter 312. **AN ACT AUTHORIZING AND DIRECTING THE STATE RETIREMENT BOARD TO RECALCULATE THE PENSION OF ELLEN SCHIFF.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the state retirement board to recalculate the pension of an individual, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary and in order to promote the public good, the state retirement board is hereby authorized and directed to credit Ellen Schiff with an additional one year of creditable service, for the purposes of determining her superannuation retirement allowance pursuant to the provisions of paragraph (a) of subdivision (2) of section five of chapter thirty-two of the General Laws; provided, however, that said Ellen Schiff shall thereupon receive such increased allowance together with an amount equal to the difference between the allowance said Ellen Schiff actually received from the date of retirement to the date of recalculation and the amount of the allowance which said Ellen Schiff would have received had such recalculated allowance been paid to said Ellen Schiff from the date of retirement.

Approved December 31, 1992.

Chapter 313. AN ACT RELATIVE TO PATIENT RIGHTS.

Be it enacted, etc., as follows:

Section 15 of chapter 19B of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out paragraph (f) and inserting in place thereof the following paragraph:-

(f) Each patient shall be granted protection from commercial and private exploitation of any kind. No patient shall be video taped, audio taped, photographed, interviewed or exposed to the public without either his express written consent, or that of his legal guardian. Whoever violates the provision of this paragraph shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than two and one-half years in a house of correction or by imprisonment for not more than five years in the state prison.

Approved December 31, 1992.

Chapter 314. AN ACT RELATIVE TO GROUP INSURANCE IN THE TOWN OF BELLINGHAM.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty-two B of the General Laws and the acceptance thereof by the town of Bellingham, the board of selectmen of said town may adopt a level of compensation which will determine the entitlement of

elected officials to be considered eligible employees under the provisions of said chapter thirty-two B.

Approved December 31, 1992.

Chapter 315. AN ACT PROVIDING FOR THE DEVELOPMENT OF EDUCATIONAL RELATED RESEARCH AND BIOTECHNOLOGY IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or any rule or regulation to the contrary, the commissioner of the division of capital planning and operations is hereby authorized and directed to enter into an agreement with Tufts University to modify the terms and conditions of an agreement between the commonwealth and the university, dated September twenty-ninth, nineteen hundred and seventy-eight, and a deed dated the same date, recorded in Worcester district registry of deeds in Book 6578, Page 79, in order to enable the university to lease portions of the land and buildings conveyed by said deed for a term or terms not to exceed ninety-nine years and for the purposes of establishing and conducting a Tufts University School of Veterinary Medicine, extension services, or other health related programs, or for research and development of programs or industries in the fields of biotechnology, medical, pharmaceutical, or other sciences and light manufacturing related thereto, and other related services.

All subleases, if any, of any portion of the aforementioned property shall be for periods no greater than the original term or terms authorized by paragraph one of this section, and all such subleases, if any, shall be for the same purposes authorized by said paragraph of this section.

SECTION 2. The commissioner of the division of capital planning and operations is hereby authorized to enter into an agreement with Tufts University in order to enable any lessee and the mortgagee of such lessee to hold any such property and any improvements thereon, leased under the authorization granted by section one of this act, free of reverter rights of the commonwealth during the term or terms of said lease so long as such property and improvements thereon are held in compliance with the authorization granted by section one, but otherwise subject to reverter rights of the commonwealth pursuant to provisions of the deed of the commonwealth to Tufts University dated September 29, 1978, recorded in Worcester district registry of deeds in book 6578, page 79.

Approved December 31, 1992.

Chapter 316. AN ACT RELATIVE TO ORDERS OF CONDITION FOR RECREATIONAL ACTIVITIES AT NAUSET BEACH WITHIN THE TOWNS OF ORLEANS AND CHATHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, any order of conditions issued pursuant to the provisions of section forty of chapter one hundred and thirty-one of the General Laws or any local ordinance or by-law, by the conservation commission of the towns of Orleans and Chatham to a municipal entity of one or more of said towns permitting active or passive recreation including but not limited to bathing, picnicking, hiking, swimming, hunting, in season, fishing and the operation of off-road vehicles, but not including any construction of structures other than fencing and boardwalks to prevent beach, dune or coastal erosion, or for the protection of the threatened or endangered wildlife species on the land located on the barrier beach known as Nauset beach or North beach within said towns of Orleans and Chatham, being that beach fronting the Atlantic ocean running from the Eastham/Orleans town line to that portion of the barrier beach in Chatham where the waters of the Atlantic ocean and Chatham Harbor intersect, commonly known as the "break" or the "cut", shall not be stayed during the pendency of a judicial or administrative appeal.

The activities permitted by any such order of conditions shall be allowed to continue during said appeal, but only if said activity conforms to the conditions set forth in the order of conditions and any superseding order of conditions issued, if any, pursuant to section forty of chapter one hundred and thirty-one of the General Laws.

The provisions of this act shall cease to apply to any portion of the barrier beach described herein for which a final order of conditions or superseding order of conditions, subject to the provisions hereof, has issued.

Nothing contained herein shall be construed as a stay of any final decision of any administrative or judicial body to which an appeal has been taken from any such order of conditions.

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

The foregoing was laid before the Governor on the twenty-first day of December, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by Him with his objections thereto within that time.

Chapter 317. AN ACT ESTABLISHING SICK LEAVE BANKS FOR CERTAIN EMPLOYEES OF THE COMMONWEALTH.

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

which is to immediately establish sick leave banks for certain employees of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the judiciary is hereby authorized and directed to establish a sick leave bank for Dolores Dupre, an employee of the supreme judicial court. Any employee of the judiciary may voluntarily contribute one or more of his personal, vacation or sick days to said bank for use by said Dolores Dupre.

SECTION 2. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the parole board of the commonwealth is hereby authorized and directed to establish a sick leave bank for parole officer, Michael Donovan, an employee of the parole board. Any employee of the parole board may voluntarily contribute one or more of his personal, vacation or sick days to said bank for use by said Michael
Donovan.

The foregoing was laid before the Governor on the twenty-second day of December, 1992 and after ten days it had the force of law as prescribed by the Constitution as it was not returned by Him with his objections thereto within that time.

Chapter 318. AN ACT RELATIVE TO THE INSOLVENCY FUND FOR WORKERS' COMPENSATION BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 175D of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 8, the word "is" and inserting in place thereof the following words:- , unless it is a claim for compensation or other benefits which arises out of and is within the coverage of a workers' compensation policy, is.

SECTION 2. Section 9 of said chapter 175D, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words "from the fund of the location of the property" and inserting in place thereof the following words:- such person shall seek recovery first from the fund of the location of the property, but if it is a claim for compensation or other benefits under a workers' compensation policy, such person shall seek recovery first from the fund of the jurisdiction of the claimant's contract of hire.

SECTION 3. This act shall apply to all claims for compensation or other benefits which arise out of and are within the coverage of a workers' compensation policy, which have been filed with the Massachusetts Insurers Insolvency Fund after January first, nineteen hundred and ninety-one.

SECTION 4. Chapter 152 of the General Laws is hereby amended by striking out paragraph (2)(b) of section 25A, as so appearing, and inserting in place thereof the following paragraph:-

By furnishing annually a bond running to the commonwealth, with some surety company authorized to transact business in the commonwealth as surety, in such form as may be approved by the department and in such amount not less than twenty thousand dollars as may be required by the department, said bond, however, to be upon the condition that if the license of the principal shall be revoked or if the principal shall cease to transact business in the commonwealth or if the department shall refuse to renew the license or if the principal shall insure with an insurer, the principal shall upon demand deposit with the state treasurer an amount of securities equal to the penal sum of the bond or a single premium non-cancellable policy issued by some insurance company authorized to transact the business of workmen's compensation insurance in this commonwealth, insuring him against any liability that may have arisen under this chapter or a bond executed as surety by some company authorized to transact the business aforesaid in this commonwealth, in an amount and form approved by the department, guaranteeing the payment of any liability on his part that may have arisen under this chapter. The department shall, at least semiannually, determine the liabilities of a self-insurer both incurred or to be incurred because of personal injuries to employees under this chapter. The department may at any time require an additional bond, similarly conditioned, or further security or permit a decrease in the amount of said bond provided the amount of the bond or the bonds in no case shall be less than twenty thousand dollars. The liability of the surety shall not exceed in the aggregate the penal sum or sums stated in any such annual bond or bonds or in any endorsements giving effect to any such increase or reduction. The department may permit a substitution of a new bond or bonds for the bond or bonds which have been furnished and shall return the old bond or bonds to the self-insurer as soon as a new annual bond has been obtained.

Emergency Letter: January 5, 1993 @ 9:47 A.M. Approved January 5, 1993.

Chapter 319. AN ACT RELATIVE TO CERTAIN BANK INVESTMENT POWERS.

Be it enacted, etc., as follows:

Section 3 of chapter 167G of the General Laws is hereby amended by striking out paragraph 11, as appearing in the 1990 Official Edition, and inserting in place thereof the following paragraph:-

11. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth while acting as a fiduciary is authorized, in the absence of an express provision to the contrary in the instrument, judgment, decree or order creating a trust or other fiduciary relationship, to purchase for the fiduciary estate, directly from underwriters or distributors or in the secondary market, bonds or other securities which are underwritten or distributed by such association or corporation or an affiliate thereof or by any syndicate which includes such association or corporation or an affiliate thereof and securities of any investment company for which such association or corporation or any affiliate thereof acts as adviser, distributor, transfer agent, registrar, sponsor, manager, shareholder servicing agent or custodian; provided, however, that (1) nothing in this section shall affect the degree of prudence which is required of fiduciaries generally under the common law of the commonwealth and (2) any such bonds or securities so purchased shall have sufficient liquidity and quality to satisfy the principles of fiduciary investment; provided, further, that either (1) the investment advisory fees, commissions or similar fees to which the trustee or fiduciary is entitled to receive as trustee or fiduciary shall be reduced by the amount of any investment advisory fees, commissions or similar fees paid to the trustee or fiduciary by the investment company or investment trust or (2) the investment advisory fees, commissions or similar fees paid to the trustee or fiduciary by the investment company or investment trust shall be received in lieu of any investment advisory fees, commissions or similar fees that the trustee or fiduciary would otherwise be entitled to receive for the investment management of the trust or fiduciary account. Any such association or corporation purchasing bonds or securities pursuant to this paragraph shall, in any written communication or account statement reflecting such purchase, disclose the fact that it or an affiliate may have an interest in the underwriting or distribution of such bonds or securities and any capacities in which it or an affiliate acts for the issuer of such securities.

Approved January 5, 1993.

Chapter 320. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF ACUSHNET.

Be it enacted, etc., as follows:

The charter of the town of Acushnet 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 striking out section 3-8-1 and inserting in place thereof the following section:-

Section 3-8-1. A community planning commission of five members, with one member elected each year for a five year term. All records, minutes, deliberations, votes and recommendations of the commission shall be a matter of public record.

Approved January 5, 1993.

Chapter 321. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE CITY OF SALEM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of subdivision (6A) of section twenty-two of chapter thirty-two of the General Laws, the retirement system of the city of Salem is hereby deemed to have accepted the provisions of section twenty-two D of said chapter thirty-two; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and provided, further, that said retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (i) of paragraph (c) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the retirement system of the city of Salem for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause (i), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before January fifteenth, nineteen hundred and ninety-three and the resulting revised appropriation shall be issued by said actuary no later than January thirtieth, nineteen hundred and ninety-three.

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

Approved January 5, 1993.

Chapter 322. **AN ACT AUTHORIZING THE CITY OF GLOUCESTER TO PAY A CERTAIN UNPAID BILL.**

Be it enacted, etc., as follows:

The city of Gloucester is hereby authorized to appropriate for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, to Shady Tree Service, Inc. unpaid bills incurred by said city totalling three thousand three hundred and forty dollars, said bills being legally unenforceable against said city.

Approved January 5, 1993.

Chapter 323. **AN ACT RELATIVE TO THE PENALTY FOR ASSAULTS UPON EMPLOYEES OF CORRECTIONAL INSTITUTIONS.**

Be it enacted, etc., as follows:

Section 38B of chapter 127 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 8, the word "five" and inserting in place thereof the following word:- ten.

Approved January 5, 1993.

Chapter 324. **AN ACT RELATIVE TO AMATEUR BOXING IN THE COMMONWEALTH.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 147 of the General Laws is hereby amended by inserting after section 35 the following section:-

Section 35A. Notwithstanding the provisions of section thirty-six, the commission shall, in the conduct of all amateur boxing or sparring matches and exhibitions sanctioned by the national governing body and its local affiliate which are appointed and recognized by the United States Olympic Committee for such purposes, acknowledge and follow the rules and regulations of said amateur boxing governing bodies.

The commission shall recognize and shall license, upon receipt of such classified fee to be determined annually by the commissioner of administration under the provisions of section three B of chapter seven, the amateur referees, judges and other amateur officials assigned to such amateur matches or exhibitions

by said amateur boxing governing bodies and certified under their rules and regulations.

The commission shall cooperate fully with said amateur boxing governing bodies in order to assure that amateur boxers in the commonwealth are eligible to participate and compete for selection to the United States Olympic boxing team.

SECTION 2. The provisions of this act shall take effect upon passage and shall expire December thirty-first, nineteen hundred and ninety-three.

Emergency Letter: January 6, 1993 @ 9:47 A.M. Approved January 5, 1993.

Chapter 325. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF ROCHESTER.

Be it enacted, etc., as follows:

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

SECTION 2. Any qualified twenty-five voters of the town of Rochester may file with the town clerk of said town an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voters making such affidavit a sufficient number of copies of printed recall petition blanks demanding such recall, a supply which shall be kept on hand. The petition blanks shall be issued by the town clerk with his signature and official seal attached thereto, they shall be dated and addressed to the selectmen of said town, shall contain the name of the person sought to be recalled and the office held by such person, the grounds of recall stated in such affidavit, and shall demand the election of a successor to such office. The petition shall be kept in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with said town clerk not later than three o'clock in the afternoon on the twentieth day following the filing of such affidavit and shall be signed by a minimum of one hundred and fifty registered voters or ten percent of the registered voters in the town of Rochester, registered as of the date of the most recent town election whichever is greater, and to every signature shall be added the place of residence of the signer, including the street and number. The person to whom the petitions forms were issued shall make an affidavit on each page that the statements thereon are true and that each signature appended to the petition is the genuine signature of the person whose name it purports to be. Said town clerk shall, within one work day following the day of such filing in the office of the town clerk, submit the signed petitions to the board of registrars which shall, within five work days, certify in writing thereon the number of signatures on said petition which are qualified voters as of the date of the most recent town election.

The certified petitions shall be returned to the town clerk by the board of registrars as soon as completed, but no later than three o'clock in the afternoon of the fifth work day following the receipt of the petitions.

SECTION 3. If the town clerk determines that the certified petitions meet the requirements as described in the previous sections, he shall immediately give notice, in writing by certified mail, to the elected officer whose recall is being sought, a copy of the affidavit and the recall petition form together with a certification as to the number of signatures certified on such petitions. If the officer sought to be removed does not resign within five days, said town clerk shall notify the board of selectmen without delay, and said board of selectmen within seven working days, order an election to be held on a Wednesday fixed by them not less than sixty-five and not more than ninety days after receipt of the town clerk's notification; provided, however, that if any other town election is to occur within one hundred days after the date of said notification said selectmen may, in their discretion, postpone the holding of said election to the date of the other election. If a vacancy occurs in said office for any reason after a recall election has been ordered by the board of selectmen, the recall election shall nevertheless proceed as provided for herein, but only ballots for candidates need be counted.

SECTION 4. Any officer whose recall is sought may be a candidate to succeed himself and, unless he requests otherwise in writing to the town clerk, said town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same, shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of the office until the recall election. If 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 recall election, he shall be deemed removed upon qualification of his successor, who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within seven days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

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

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

Against the recall of (name of officer)

Immediately to the right of each proposition there shall be a square by which the voter by making a cross mark (X) may vote for either of such propositions. Under the propositions shall appear the word "Candidates" and directions to voters as required by the General Laws regulating elections. Beneath the word "Candidates" shall be the names of candidates nominated in accordance with the

provisions of law relative to elections. If a majority of the votes cast upon a question or recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes cast upon the question of a recall is in the negative, the ballots for candidates shall not be counted. Ballots shall be prepared in the same manner as those prepared for town elections.

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

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

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

Approved January 5, 1993.

Chapter 326. AN ACT AUTHORIZING THE COUNTY OF DUKES COUNTY TO BORROW IN ANTICIPATION OF A CERTAIN STATE GRANT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the county of Dukes County may, by majority vote of the county commissioners, incur debt by temporary loans not to exceed five hundred and fifty thousand dollars for the construction of certain sewage treatment facilities and water connections in anticipation of reimbursement from the commonwealth, such reimbursement having first been agreed upon by the Massachusetts aeronautical commission (under contract 2MVYPRK), and may issue notes therefor for a period not exceeding two years from their date of issuance. The aggregate amount of such notes shall not exceed an amount reasonably required, which amount shall be approved by the director of the bureau of accounts in the division of local services in the department of revenue and shown on an estimated cash flow statement prepared on a form approved by the director. In addition, the director may require the submission of such other information as deemed necessary.

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

Approved January 5, 1993.

Chapter 327. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF GREENFIELD.

Be it enacted, etc., as follows:

SECTION 1. Section 2.4 of the charter of the town of Greenfield, which is on file in the office of the archivist of the commonwealth as provided by section 12 of chapter 43B of the General Laws, is hereby amended by adding the following sentence:- In case of a tie vote, the remaining members of the board of selectmen shall call a special election pursuant to section ten of chapter forty-one of the General Laws.

SECTION 2. Section 3.1 of said charter is hereby amended by adding the following sentence:- In case of a tie vote, the town council and board of selectmen shall appoint a member, from one of the persons involved in the tie, to the town council pursuant to section eleven of chapter forty-one of the General Laws.

SECTION 3. Said charter is hereby further amended by striking out section 21.1 and inserting in place thereof the following section:-

Section 21.1. Nomination of candidates for all elected offices under this charter, except town councillors, shall be made by party caucus or by nomination papers for an unenrolled candidate, which papers shall bear the signatures of fifty voters of the town. For each councillor, such councillor shall, by nomination papers, procure fifty signatures of registered voters residing in the town of Greenfield and in the candidate's precinct. All papers provided herein shall be filed with the town clerk at least thirty-five days before the election or at a time specified by law, and with the registrar of voters fourteen days prior to said filing with the town clerk or at a time specified by law. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto.

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

Approved January 5, 1993.

Chapter 328. AN ACT AUTHORIZING THE TOWN OF NANTUCKET AND THE COUNTY OF NANTUCKET TO ADOPT A CONSOLIDATED CHARTER.

Be it enacted, etc., as follows:

SECTION 1. Except as provided in section nine, this act shall not limit any charter adoption or revision provisions otherwise allowed by the Constitution of the Commonwealth or by any general or special law including without limitation the provisions of section six of chapter forty-three B of the General Laws applicable

to the town and chapter thirty-four A of the General Laws applicable to the county.

SECTION 2. An election shall be held in the town and county of Nantucket in conformity with the provisions of chapter forty-three B of the General Laws whenever consolidated town-county charity procedures are authorized by a petition signed by at least fifteen percent of the registered voters of the town at the preceding biennial state election.

Within thirty days of receipt of certification by the board of registrars of voters that a petition contains sufficient valid signatures, the board of selectmen shall by order, provide for submitting the question of adopting a charter to the voters of the town, and for the election of a charter commission, at the first annual town meeting for the election of town officers, held on or after the adoption of the order. The question submitted to the voters shall be: "Shall a commission be elected to frame respective charters for the Town of Nantucket and Nantucket County, or a charter for either or a combined charter for both?".

SECTION 3. A charter commission shall consist of nine registered voters of the town, nominated and elected in conformity with the provisions of section six of chapter forty-three B of the General Laws.

SECTION 4. The organization and operations of the charter commission shall be in conformity with sections six to nine, inclusive, of chapter forty-three B of the General Laws stating specific procedures for the election of commission members, the organization and functioning of the commission and for its holding of public hearings. The county as well as the town shall permit the charter commission to consult with and obtain advice and information from its officers and employees during ordinary working hours. The final report of the charter commission shall be filed as said chapter forty-three B provides and shall additionally be filed with the county clerk who shall distribute it to all elected county officials, to the county's legislative or delegation, and the state secretary.

SECTION 5. If a charter for the town or county, or both, is adopted, it may subsequently be revised hereunder in conformity with the provisions of sections ten and eleven of chapter forty-three B of the General Laws.

SECTION 6. The charter commission may make any of the recommendations pursuant to section twelve of chapter thirty-four A of the General Laws. In the event the charter commission recommends the adoption of one of the optional forms of county government authorized by chapter forty-three B of the General Laws the ballot question placed on the election ballot shall be:

"Shall the (here designate the caption of the opted section of the County Charter Procedures Act) be adopted for Nantucket County, with the provision of a board of county commissioners of (here designate the opted number 3, 5 or 7) members elected for (concurrent or non-concurrent) terms and elected at large?"

The question shall appear on the ballot and be submitted to the voters at the first annual town meeting for the election of town officers as provided in section

eleven of said chapter forty-three B. Otherwise for county purposes the provisions of subsections (B) and (C) of section thirteen of chapter thirty-four A of the General Laws shall apply so far as apt. The charter commission may recommend the adoption of a single charter for both the town and county and, in such event, may further recommend that the town and county be consolidated, or not be consolidated, as a single body corporate.

SECTION 7. Consistent with the foregoing sections of this act, the charter procedure provisions of sections ten to nineteen, inclusive, of chapter forty-three B of the General Laws shall apply to the proceedings governed by this act so far as apt. Any charter adopted under this act for the town or the county, respectively, shall also be deemed adopted respectively under said sections ten to nineteen. If for the county, one certificate prepared in quintuplicate shall be recorded in the records of the county clerk and deposited in the county archives.

SECTION 8. In the event a charter is adopted by and for the town or the county, or both, its or their powers and duties and the applicability of general laws shall be as provided in sections thirteen and twenty of chapter forty-three B of the General Laws and sections fifteen and sixteen of chapter thirty-four A of the General Laws. Accordingly, the grant of powers under this act is intended to be as broad as consistent with the construction of the Constitution of the Commonwealth and the General Laws relating to the local government.

SECTION 9. In the event a resolution for creation of a charter commission just for Nantucket county has been filed pursuant to chapter thirty-four A of the General Laws prior to this act shall take effect, proceedings toward a charter pursuant to this act shall have precedence, notwithstanding subsection (C) of section three of said chapter thirty-four A. Any charter commission created just for Nantucket county shall be discharged automatically upon the creation of a consolidated town-county charter commission under this act and its records shall be transferred to the consolidated commission.

SECTION 10. This act shall be submitted for acceptance to the voters of the town of Nantucket at an annual or special town meeting in the form of the following question:- "Shall an act passed by the general court in the year nineteen hundred and ninety-two, entitled 'An Act authorizing the town of Nantucket and the County of Nantucket to adopt a consolidated charter', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, said act shall take effect but not otherwise.

Approved January 5, 1993.

Chapter 329. AN ACT RELATIVE TO THE PROTECTION OF PERSONS CROSSING OR ATTEMPTING TO CROSS WAYS.

Be it enacted, etc., as follows:

SECTION 1. Section 14A of chapter 90 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- A person who owns an animal shall restrain and control such animal on a leash when in proximity to a guide dog that is on a public or private way.

SECTION 2. Section 14A of said chapter 90, as so appearing, is hereby further 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 no less than one hundred nor more than five hundred dollars.

Approved January 5, 1993.

Chapter 330. AN ACT ESTABLISHING THE BOARD OF WATER AND SEWER COMMISSIONERS IN THE TOWN OF SOMERSET.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Somerset a board of water and sewer commissioners which shall be the successors to the board of water commissioners and shall be elected in like manner. Said water and sewer commissioners shall have all the powers of water commissioners and sewer commissioners as provided in the general and special laws and shall have charge and control of the water department and system and sewer department and system, subject to such by-laws and rules and regulations as the town meeting may from time to time adopt.

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

Approved January 5, 1993.

Chapter 331. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE TOWN OF WINTHROP.

Be it enacted, etc., as follows:

SECTION 1. The town of Winthrop and the contributory retirement system of said town of Winthrop are hereby deemed to have accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which

would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and provided further, that said retirement system shall not be subject to the provisions of paragraph (*e*) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (*i*) of paragraph (*c*) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the contributory retirement system of the town of Winthrop for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause (*i*), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before December thirty-first, nineteen hundred and ninety-two and the resulting revised appropriation shall be issued by said actuary no later than January fifteenth, nineteen hundred and ninety-two.

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

Approved January 5, 1993.

Chapter 332. **AN ACT PROVIDING FOR ELECTION OF A MAYOR IN THE CITY KNOWN AS THE TOWN OF METHUEN AND ESTABLISHMENT OF LIMITATION OF TERMS OF TOWN COUNCILLORS.**

Be it enacted, etc., as follows:

SECTION 1. The charter of the city known as the town of Methuen which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out Article 3 and inserting in place thereof the following Article:

ARTICLE 3.

EXECUTIVE BRANCH.

Section 3-1. Mayor - Qualifications - Term of Office; Compensation.

(*a*) Mayor; Qualifications - The Chief Executive Officer of the Town shall be a Mayor, elected by and from the qualified voters of the Town. Any voter domiciled in the Town shall be eligible to hold the office of Mayor. He shall devote his full

time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business activity whether or not such business activity is pursued for gain, profit or other pecuniary advantage, during his term.

(*b*) Term of Office - The term of the office of mayor shall be two years, beginning on the first Monday of January following his election and until his successor is qualified. No person shall hold the office of Mayor for more than three consecutive or non-consecutive terms.

(*c*) Compensation - The Town Council shall, by ordinance, establish an annual salary for the Mayor.

Section 3-2. Executive Authority and Duties.

The executive powers of the Town shall be vested solely in the Mayor, and may be exercised by him either personally or through the several Town agencies under his general supervision and control. The Mayor shall see that all of the provisions of the General Laws, of this Charter, of votes of the Town Council which require enforcement by him or officers subject to his direction and supervision are faithfully carried out and shall cause a record of all his official duties to be kept. He shall have the following authority and duties:

(*a*) He shall supervise and direct the administration of all departments, commissions, boards and offices, except the Town Council, the School Committee, the Town Accountant, the Town Solicitor, and Clerk of the Council.

(*b*) He shall fix the compensation of all Town officers and employees appointed by him within the limits established by Town ordinances and existing appropriations.

(*c*) He shall attend all regular meetings of the Town Council, unless excused at his own request, and shall have a voice but no vote in all of its deliberations.

(*d*) He shall keep full and complete records of his office, and shall render as often as may be required by the Town Council, but not less than once a year, a full report of all operations during the period reported on, which report shall be made available to the public.

(*e*) He shall keep the Town Council fully advised as to the needs of the Town and shall recommend to the Town Council for adoption such measures requiring action by them as he may deem necessary or expedient.

(*f*) He shall have full jurisdiction over the rental and use of all Town facilities under his control. He shall be responsible for the maintenance and repair of all Town property under his control.

(*g*) He shall be responsible for the appointment, subject to the approval of the Town Council, of any necessary building and facilities committees having to do with the preparation of plans and supervision of work on all construction, reconstruction, alterations, improvements and other undertakings authorized by the Town Council; provided, however, that the approval of the School Committee shall be obtained for school construction or improvement plans.

(*h*) He shall keep a full and complete inventory of all property of the Town, both real and personal.

(*i*) He shall negotiate and may execute contracts involving any subject within the jurisdiction. All contracts shall be awarded by the Mayor, however, all contracts, prior to said award, shall meet with approval, by vote, of the majority of the Town Council.

(*j*) He shall be responsible for the purchasing of all supplies, materials and equipment for all departments and activities of the Town, but not including food for schools, school books and other instructional materials, supplies and equipment; library books and related printed and audio-visual subject material, unless otherwise requested by the School Committee or the Library Trustees.

(*k*) The Town of Methuen shall have a board of no less than three (3) Assessors appointed by the Mayor and he shall designate one of his appointees as Chairman thereof.

(*l*) He shall perform any other duties required by the ordinances or other votes of the Town Council.

(*m*) He shall exercise general supervision and direction over all Town agencies unless otherwise provided by law. Each Town agency shall furnish to him, forthwith upon his request, any information, materials or otherwise as he may request and as needs of his office and the interests of the Town require.

Section 3-3. Appointments by the Mayor.

Except as otherwise provided by this Charter, the Mayor shall appoint, upon merit and fitness alone, and may remove subject to the provisions of the civil service laws, the provisions of this Charter, or other pertinent statutes where applicable, all officers and employees of the Town, except employees of the School Department. All appointments made by the Mayor shall be subject to confirmation by a majority vote of the full Council. The Mayor shall submit, in writing, to the Town Council, at least ten days prior to the next regular meeting when the appointment is to be made, the name of any person he desires to appoint to a Town position.

Section 3-4. Temporary Appointments to Town offices.

Whenever a vacancy, either temporary or permanent, occurs in a Town office and the needs of the Town require that such office be filled, the Mayor may designate the head of another Town agency or a Town officer or employee, or some other person, especially fitted by merit and fitness, to perform the duties of the office on a temporary basis until such time as the position can be filled as otherwise provided by law, Charter or ordinance. The Mayor shall file a certificate, in substantially the following form, with the Town Clerk whenever he makes a designation under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled

by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the Town of Methuen.

Section 3-5. Communications; Special Meetings.

(*a*) Communications to the Town Council - Within six weeks following the start of each fiscal year, the Mayor shall submit to the Town Council, and make available for public distribution, a complete report on the financial and administrative activities and status of the Town for the preceding fiscal year. He shall from time to time, and, whenever requested by the Town Council, by written communication, keep the Town Council fully informed of the financial condition and administrative issues of the Town and shall recommend to them such measures for their consideration as, in his judgment, the needs of the Town require.

(*b*) Special Meetings of the Town Council - The Mayor may at any time call a special meeting of the Town Council for any purpose by causing a notice thereof to be delivered in hand or residence of each member of the Town Council. Such notice shall, except in an emergency as determined by the Mayor, be delivered at least forty-eight (48) hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

Section 3-6. Approval of Mayor; Exception (Veto).

Every order, ordinance, resolution or vote adopted or passed by the Town Council relative to the affairs of the Town shall be presented to the Mayor for his approval. If approved, he must sign it. If not, he shall return it, with his written objections, to the Town Council who shall, again, consider it. To override the Mayor's objections, a two-thirds vote is required. Further, the failure of the Mayor to submit his disapproval of the measure with written objections within ten (10) days after it is presented to him shall be deemed valid and in full force and effect. This section shall not apply to emergency measures as provided in Sections 2-9(*a*) and 2-9(*b*) of this Charter.

Section 3-7. Temporary Absence of Mayor.

(*a*) Acting Mayor - Whenever, by reason of sickness, absence from Town or other unexpected cause, the Mayor shall be unable to perform the duties of his office for a period of three (3) successive working days or more, the Town Council shall appoint from among its members an Acting Mayor to serve in the Mayor's absence.

(*b*) Powers of an Acting Mayor - The Acting Mayor shall have all the powers of the Mayor except that he shall not make any permanent appointment or removal to or from any office unless the disability of the Mayor shall have continued for sixty (60) days or more without having resigned, nor shall he approve or disapprove of any measure passed by the Town Council unless the time within the Mayor must act would expire before the return of the Mayor.

Section 3-8. Vacancy in Office of Mayor.

(*a*) Special Election - If a vacancy in the office of Mayor occurs in the first year of the term for which the Mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the Town Council shall forthwith order a special election to be held within sixty (60) days following the date the vacancy is created to fill such vacancy for the balance of the then unexpired term.

(*b*) Council Election - If a vacancy in the office occurs in the second year of the term for which the Mayor was elected, whether by reason of death, resignation, removal from office, or otherwise, a meeting of the Town Council shall be called forthwith and they shall elect, by a majority vote, one of its members as Mayor for the unexpired term. Failing to so elect at said meeting, or, sixty (60) days thereafter, the Chairman of the Town Council as the Mayor under this section, a vacancy shall exist in his seat on the Town Council which shall be filled in the manner provided in Section 2-6.

(*c*) Powers; Term of Office - The Mayor elected under Section 3-8(*a*) and 3-8(*b*) shall have all the powers of the Mayor. He shall serve for the balance of the term unexpired at the time of his election to the office.

SECTION 2. Section 2-1(*c*) of Article 2 of said charter is hereby amended by adding the following sentence:- No person shall hold the office of Town Councillor for more than three consecutive or non-consecutive terms.

SECTION 3. References to the word "Town" in said charter shall mean "City" and references to the term "Town Manager" in said charter shall mean "Mayor".

SECTION 4. There shall be called a special municipal election in said city known as the town of Methuen, the date of which shall be set by the Town Council, but which shall not be less than sixty days prior to the regular municipal election to be held in November nineteen hundred and ninety-three. There shall be placed on the ballot for such special election the following question as follows: "Shall an act passed by the general court in the year 1992 entitled 'An Act Providing for the Election of a Mayor in the City Known as the Town of Methuen and Establishment of Limitation of Terms of Town Councillors' be accepted?".

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

In the instance where this question shall be approved by the citizens, then the term of office of the then current town manager shall cease on or before the first secular day of January, nineteen hundred and ninety-four.

Further, if the question is answered in the affirmative there shall appear on the regular municipal election ballot, as applicable, both at the preliminary election and the regular election, provisions for election of a mayor for the city known as the town of Methuen whose term of office shall commence the first secular day of January, nineteen hundred and ninety-four.

Approved January 6, 1993.

Chapter 333. AN ACT PROVIDING THAT CERTAIN TEACHERS SHALL BE CREDITED WITH SERVICE TO NONPUBLIC SCHOOLS.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 32 of the General Laws, as most recently amended by section 32 of chapter 412 of the acts of 1991, is hereby further amended by inserting after subdivision (4) the following subdivision:-

(4A) *Credit for Teachers for Nonpublic School Service.* - Any member in service, or any member inactive on authorized leave of absence of the teachers' retirement system, who holds a certificate issued by the department of education or is exempted from the requirement of certification and who was previously engaged in teaching pupils in a nonpublic school prior to January first, nineteen hundred and seventy-three may, before the date any retirement allowance becomes effective for him, pay into the annuity savings fund of the system in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from his regular compensation for such previous period, or most recent portion thereof, as he may elect, had such service been rendered in a public school of the commonwealth and had he been a member of the teachers' retirement system during the period such service was rendered. Payment shall not be made and no credit shall be allowed for service in nonpublic schools in excess of the total Massachusetts service to which the member would be entitled to receive credit if he remained in service to age sixty-five, with a maximum credit for service in nonpublic schools not to exceed ten years; provided, that no credit shall be allowed and no payment shall be accepted for any service on account of which the member shall be entitled to receive a retirement allowance or other similar payment from the nonpublic school system, the federal government or any other source. In addition to the payment of such sum, or installments thereof, such member shall also pay into the annuity savings fund an amount of interest such that at the completion of such payments the value of his accumulated payments, together with regular, interest thereon, actually made on account of such previous nonpublic school service, shall equal the value of his accumulated regular deductions which would have resulted if regular deductions had been made when regular compensation for such service was actually received. Upon the completion of such payments, such member shall receive the same credit for such period of his previous nonpublic school service, or portion thereof elected, as would have been allowed if such service had been rendered by him in a public school of the commonwealth. Such member shall furnish the board with such information as it shall require to determine the amount to be paid and the credit to be allowed under this subdivision. At the time a retirement allowance becomes due to a member or

to a beneficiary under option (d) of subdivision (2) of section twelve, if the Massachusetts service on the date either retirement allowance becomes effective, or on the date the member attained age sixty-five, whichever first occurs, is less than the service in nonpublic schools for which the member has paid, credit shall be allowed only for the most recent service rendered in nonpublic schools equal to such Massachusetts service, and the amount paid for additional service shall be refunded with accumulated interest, refund to be made only when the retirement allowance becomes due to the member or to the beneficiary under option (d) of subdivision (2) of section twelve, and if it is found that payment has been accepted for any service for which the member is entitled to a retirement allowance from any nonpublic school system, the amount paid for such service with accumulated interest shall also be refunded with no retirement credit allowed.

SECTION 2. Subdivision (1) of section 4 of said chapter 32, as appearing in the 1990 Official Edition, is hereby amended by inserting after paragraph (f) the following paragraph:-

(f 1/2) Creditable service for periods of nonpublic school service in the case of any member who has acquired the right to credit for such service as a member of the teachers' retirement system, shall be allowed as provided for in subdivision (4A) of section three; provided that such nonpublic school service was rendered prior to January first, nineteen hundred and seventy-three.

Approved January 7, 1993.

Chapter 334. AN ACT RELATIVE TO THE NOTIFICATION OF EXCAVATION OF STATE HIGHWAYS.

Be it enacted, etc., as follows:

Section 21 of chapter 81 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "town", in line 14, the following words:- and the town shall notify the department by registered mail, return receipt requested, within seven days of the excavation.

Approved January 7, 1993.

Chapter 335. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF MILLBURY.

Be it enacted, etc., as follows:

SECTION 1. Any person who holds an elected town office with more than six

months remaining of the term of office at the time of filing of an affidavit, may be recalled from the office by registered voters of the town of Millbury in the manner as herein provided by this act.

SECTION 2. (*a*) A recall affidavit, signed by at least fifty voters in each of the precincts into which the town is divided may be filed with the town clerk containing the name of the officer whose recall is sought and a statement of the grounds for recall. The board of registrars shall certify such affidavits with regard to the sufficiency and validity of the signatures of voters and within five working days following such filing the town clerk shall deliver to the ten persons first named on such affidavit, petition blanks demanding said recall, printed forms of which the town clerk shall keep available. The blanks may be completed by printing or typewriting: they shall be addressed to the board of selectmen; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the town clerk. A copy of the petition shall be entered into the record book to be kept in the office of the town clerk.

(*b*) Such recall petitions shall be returned to the town clerk within twenty days following the date they were issued, signed by at least fifty percent of the total number of persons who voted at the most recent annual town election.

(*c*) The town clerk shall within one day, excluding Saturdays, Sundays and holidays, following such filing, submit the petitions to the board of registrars which shall within five days thereafter certify the number of signatures which are the names of voters.

(*d*) If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same with a certificate to the board of selectmen. Upon its receipt of the certified petition the board of selectmen shall forthwith give notice, in writing of said petition to the officer whose recall is sought. If said officer does not resign from office within five days following delivery of the said notice, the board of selectmen shall order a special election to be held not less than sixty-five nor more than ninety days after the date of certification of the town clerk that the petition is sufficient; provided, however, that if a regular annual town election is to be held within ninety days following said certificate the recall election shall be held in conjunction therewith and not at a special election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

SECTION 3. An officer sought to be recalled may be a candidate to succeed to the same office and, unless the officer requests otherwise, in writing, the town clerk shall place the name of the officer 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 conformity with the provisions

of law relating to town elections generally, unless otherwise provided in this section.

SECTION 4. Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of (name of officer)

Against the recall (name of officer)

Adjacent to each proposition shall be a place to vote either of the propositions. After the said proposition shall appear the word "candidate" and the names of candidates arranged by a lottery drawn by the town clerk. If a majority of the voters cast is in favor of the recall and provided at least twenty-five percent of the total number of voters as of the date of the most recent town election have participated at such recall election, the officer shall be deemed to be recalled and the ballot for candidates shall then be counted and the candidate receiving the highest number of votes shall be declared elected.

SECTION 5. (*a*) The incumbent shall continue to hold office and perform the duties until the recall election. If not then recalled, the officer shall continue in office for the remainder of the unexpired term, subject to recall as provided in section six.

(*b*) If the officer is recalled, the office shall be deemed vacant upon certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

SECTION 6. No recall shall be filed against an officer within six months after taking office, or in the case of an officer subjected to recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.

SECTION 7. This act shall be submitted for acceptance to the voters of the town of Millbury at the next annual town election, in the form of the following question, which should be placed upon the official ballot to be used for the election of town officers at said election: "Shall an act passed by the general court in the year nineteen hundred and ninety-two, entitled 'An Act providing for recall elections in the town of Millbury', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, then this act shall take full effect, but not otherwise.

SECTION 8. The town of Millbury may revoke by majority vote its acceptance of this act by a majority vote at an annual town election.

Approved January 7, 1993.

Chapter 336. AN ACT REQUIRING THE POSTING OF IDENTIFICATION NUMBERS ON HOMES, CONDOMINIUM COMPLEXES AND BUSINESS ESTABLISHMENTS.

Be it enacted, etc., as follows:

Chapter 148 of the General Laws is hereby amended by adding the following section:-

Section 59. Every building in the commonwealth, including, but not limited to, dwellings, apartment buildings, condominiums, and business establishments shall have affixed thereto a number representing the address of such building.

The statewide emergency telecommunications board shall cause such number and the address of such building to be entered into the electronic data base for use in enhanced 911 service as defined in section eighteen A of chapter six A.

Approved January 7, 1993.

Chapter 337. AN ACT PROVIDING FOR REFERENDUM PETITIONS AND ELECTIONS IN THE TOWN OF MILLBURY.

Be it enacted, etc., as follows:

SECTION 1. No final vote of any town meeting session passing or rejecting a measure under any article in the warrant shall be operative until ten days after the adoption of the vote exclusive of Sundays and holidays.

SECTION 2. (*a*) If within the said ten day period, a petition signed by not less than three precent of the registered voters from each precinct containing their names and addresses as they appear on the list of registered voters, is filed in the office of the selectmen requesting that the question or questions involved in any such vote be submitted to the registered voters of the town at large, then the operation of such vote shall be further suspended pending its determination as herein provided.

(*b*) The office of the board of selectmen shall within one day, excluding Saturdays, Sundays and holidays, following such a filing submit the petitions to the board of registrars which shall within five days thereafter certify the number of signatures which are the names of voters.

(*c*) Within fourteen days of the filing and including the time for certification by the board of registrars of a referendum petition, the selectmen shall call a special election which shall be held within fourteen days after issuing the call; provided, however, that if a regular or special election is to be held not more than thirty days following the date the petition is filed, they may provide that the question or questions involved be presented to the voters at the same election.

SECTION 3. (*a*) All votes shall be taken by official ballot, and the check list shall be used in the same manner as in the election of town officers. The question so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the town meeting shall be reversed unless at least twenty-five percent of the registered voters of the town shall so vote.

(*b*) The question so submitted shall be stated on the ballot in substantially the same language and form in which they were stated when presented to the town meeting as appears from the records of said meeting.

(*c*) This election shall be held on a Saturday unless it is to be held in conjunction with another election and the polls shall be open no later than two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening.

(*d*) If a petition is not filed within the ten days exclusive of Sundays and holidays of a final vote of the town meeting, it shall become effective.

SECTION 4. This act shall be submitted for acceptance to the voters of the town of Millbury at the next annual town election, in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election: "Shall an act passed by the general court in the year nineteen hundred and ninety-two, entitled 'An Act providing for referendum petitions and elections in the town of Millbury', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, then this act shall take full effect, but not otherwise.

SECTION 5. The town of Millbury may revoke its acceptance of this act by a majority vote at an annual town election.

Approved January 7, 1993.

Chapter 338. AN ACT PROVIDING TENURE OF OFFICE FOR TIMOTHY P. RYAN AS CHIEF OF THE POLICE DEPARTMENT IN THE TOWN OF MILLVILLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the tenure of office of Timothy P. Ryan as chief of the police department in the town of Millville shall be unlimited, but he may be removed for just cause in accordance with the provisions of chapter thirty-one of the General Laws.

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

Approved January 7, 1993.

Chapter 339. AN ACT ESTABLISHING THE UNITED STATES NAVAL SHIPBUILDING MUSEUM CORPORATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the establishment of the United States Naval

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

Be it enacted, etc., as follows:

SECTION 1. It is hereby found and declared that a need exists to instill recognition, pride and patriotism in the citizens of the commonwealth, the United States of America and the international community regarding the vital contributions that the city of Quincy and the commonwealth have made to the development of this nation and its national heritage in the fields of shipbuilding, maritime history, national defense efforts, the national economy and other achievements important to the general history of the nation.

In furtherance of the above, it is hereby declared to be the policy of the commonwealth to assist with the acquisition of United States naval ships and develop and improve the physical complex area servicing the ships and provide a location for the education and recreation for citizens, guests and visitors. In doing so, the corporation herein established, will acquire, refurbish and maintain United States naval ships and the adjacent physical complex in order that it will service as a major attraction for local citizens and tourists. The corporation will also establish and develop a national museum of shipbuilding history which will maintain records, manuscripts, log books, artifacts, works of art, oral histories and other historical materials and provide exhibitions and displays and otherwise educate visitors as to the importance of the commonwealth's maritime and shipbuilding history and its importance to the United States of America. Said activities will provide a significant impetus to tourism and otherwise stimulate the economy of the commonwealth.

It is hereby further found and declared that the purposes and powers conferred herein constitute a valid public purpose and that the enactment of the provisions hereinafter set forth is in the public interest and is hereby so declared to be such as a matter of determination by the general court.

SECTION 2. (*a*) There is hereby created within the executive office of economic affairs a body politic and corporate to be known as the United States Naval Shipbuilding Museum Corporation which shall not be subject to the supervision or control of the executive office of economic affairs or any other board, bureau, department or agency of the commonwealth except to the extent and in the manner specifically provided in this act. The corporation is hereby constituted a public instrumentality and the exercise by the corporation of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

(*b*) The corporation shall be governed and its corporate powers exercised by

or under the supervision of a board of directors which shall consist of nine directors. All directors shall be appointed, and a chairman designated, by the mayor of the city of Quincy. Nothing contained herein shall be construed to prevent the mayor of the city of Quincy from appointing himself or his designee as a member of the board of directors. Three members of the board initially appointed shall serve for a term of one year, three members of the board initially appointed shall serve for a term of two years and three members of the board initially appointed shall serve for a term of three years. Persons appointed to terms succeeding the terms of members initially appointed shall be appointed to serve terms of three years. Each member of the board of directors shall serve until his successor is appointed and qualified and each appointed member of the board of directors shall be eligible for reappointment.

Each member of the board of directors appointed to fill a vacancy on the board shall be appointed for the unexpired term of the vacant position. Any member of the board of directors may be removed by the appointing authority for misfeasance, malfeasance or wilful neglect of duty upon the filing by the appointing authority with the secretary of the commonwealth of a statement of facts and circumstances which form the basis for such removal.

(*c*) Five of the directors shall constitute a quorum and the affirmative vote of five directors shall be necessary for any action to be taken by the board. The members of the board shall serve without compensation, but each member shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

(*d*) The provisions of chapter two hundred and sixty-eight A of the General Laws shall apply to all directors or their designees and employees of the corporation. Employment by the commonwealth, the city of Quincy or service in any agency thereof shall not be deemed to be an interest or involvement for purposes of said chapter two hundred and sixty-eight A.

(*e*) The corporation may employ an executive director and such other employees, full time or seasonal, as the board of directors deems necessary to operate the corporation and carry out its activities.

(*f*) The corporation shall continue as long as it shall have bonds outstanding and until its existence is terminated by law. Upon the termination of the existence of the corporation, all right, title and interest in all of its assets and all of its obligations, duties, covenants, and agreements shall vest in and be possessed, performed and assumed by the commonwealth.

(*g*) The corporation shall not receive financial assistance of any kind from the commonwealth of Massachusetts during its existence.

SECTION 3. The corporation shall have all powers necessary or convenient to carry out and effectuate its purposes, including, without limiting the generality of the foregoing, the powers:

(*a*) to adopt and amend by-laws, regulations and procedures for the governance of its affairs and the conduct of its business;

(*b*) to adopt an official seal;

(*c*) to sue and be sued, to prosecute and defend action relating to its properties and affairs, and to be liable in tort in the same manner as a private person; provided, however, that the corporation is not authorized to become a debtor under the United States Bankruptcy Code;

(*d*) to appoint officers and employees and to engage consultants, agents and advisors;

(*e*) to enter into contracts and agreements including contracts with the federal government and its agencies and execute all instruments necessary or convenient; such contracts and agreements may include, without limiting the foregoing, construction agreements, purchase or acquisition agreements, loan or lease agreements, partnership agreements, joint ventures, participation agreements or loan agreements;

(*f*) to acquire personal or real property, or any interest therein, on either a temporary or permanent basis in the name of the corporation by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property or any interest therein, or mortgage any interest owned by it or under its control, custody or in its possession; to release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it; to take assignments of leases and rentals, proceed with its foreclosure actions or take any other actions necessary or incidental to the performance of its corporate purposes;

(*g*) to obtain insurance;

(*h*) to apply for and accept grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for its corporate purposes;

(*i*) to borrow money, issue bonds and apply the proceeds thereof as provided in section four;

(*j*) to establish and collect fees and charges as the corporation shall determine to be reasonable; and to receive and apply revenue from fees and charges to the purposes of the corporation;

(*k*) to enjoy exclusive jurisdiction over the lands, water, shores, marshes, piers, docks, parking lots, buildings and the United States naval ships which shall comprise the museum complex, hereinafter referred to as the complex, subject only to the rights enjoyed by the United States of America, or the commonwealth of Massachusetts and any common law rights which the public may have in intertidal land and any rights a lessor may have; the complex shall be located in the city of Quincy;

(*l*) to dredge and remove, or replace fill in the water adjacent to the berth of the United States naval ships subject to all state and federal laws and regulations with respect to dredging and filling;

(*m*) to establish rules and regulations for the operation of the complex;

(*n*) to provide services free of charge, at the discretion of the board of directors, to local, state and federal agencies; and

(*o*) to exercise any other powers of a corporation organized under chapter one hundred and eighty of the General Laws.

SECTION 4. (*a*) In order to raise funds for the acquisition of personal and real property including land acquisition costs, capital expenditures including construction and equipment costs relating to the complex and initial operational expenses, the corporation is authorized to issue bonds in an amount not to exceed ten million dollars. Bonds issued by the corporation shall not constitute a debt or pledge of faith and credit of the commonwealth or of any of its political subdivisions but shall be payable solely from the revenues provided for under a financing document in connection therewith or from reserve funds or other funds of the corporation or from funds derived from the issuing of duly authorized refunding bonds. All bonds issued by the corporation shall suitably state that the bonds are not an obligation of the commonwealth or of any of its political subdivisions but are payable solely from the funds specifically pledged for their payment.

(*b*) The corporation shall provide for issuance of its bonds from time to time by resolution of the board of directors. An issue of bonds of the corporation may combine more than one of the corporation's authorized purposes for borrowing money. Bonds issued by the corporation may be issued as general obligations of the corporation or as special obligations payable solely from particular revenue or funds, as may be provided for in any financing document pertaining thereto. Bonds of each issue may be dated, may bear interest at such rate or rates, including rates variable from time to time, may be payable in any domestic or foreign currency and at any domestic or foreign location, and may mature or otherwise be payable at such time or times as may be provided for by the corporation and may be made redeemable or determinable before maturity at the option of the corporation or the holder thereof at such price or prices and under such terms and conditions as may be fixed by the corporation. The corporation shall determine the manner of execution of such bonds, and shall fix the denomination or denominations of such bonds and the place or places of payment of principal, redemption premium, if any, and interest thereon. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds shall cease to be such officer before the delivery thereof, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery. The corporation may provide for authentication of bonds by a trustee, fiscal agent, registrar or transfer agent. Bonds shall be issued in registered form. The corporation

may also establish and maintain a system of registration for any bonds whereby the name of the registered owners, the rights evidenced by the bonds, the transfer of the bonds and such rights and other similar matters are recorded in books or other records maintained by or on behalf of the corporation, and no instrument evidencing such bond or rights need be delivered to the registered owner by the corporation. A copy of the books or other records of the corporation pertaining to any bond registered under such registration system certified by an authorized officer of the corporation or by the agent of the corporation maintaining such system shall be admissible in any proceeding without further authentication. The board may by resolution delegate to any director or directors or officer or officers of the corporation or any combination thereof the power to determine any of the matters set forth in this section. In the discretion of the corporation, bonds of the corporation may be issued with such terms as will cause the interest thereon to be subject to federal income taxation. The corporation may sell its bonds in the manner, either at public or private sale, for the price, at the rate or rates of interest, or at discount in lieu of interest, as it determines will best effect its corporate purposes.

(*c*) The corporation may issue interim receipts or temporary bonds exchangeable for definitive bonds when the bonds shall have been executed and are available for delivery. The corporation may also provide for replacement of any bonds which shall have become mutilated or shall have been destroyed or lost. The corporation, by itself or through such agent as it may select, may purchase and invite offers to tender for purchase any bonds of the corporation at any time outstanding; provided, however, that no such purchase by the corporation shall be made at a price, exclusive of accrued interest, if any, exceeding the principal amount thereof or, if greater, the redemption price of such bonds when next redeemable at the option of the corporation, and may resell any bonds so purchased in such manner and for such price as it may determine will best effect its corporate purposes.

SECTION 5. (*a*) Bonds issued by the corporation, their transfer and the income therefrom, including any profit made on the sale thereof, shall, at all times, be exempt from taxation by and within the commonwealth.

(*b*) The corporation shall be exempt from any corporate or franchise tax under chapter sixty-three of the General Laws or any other relevant general or special law.

(*c*) All real and personal property owned by the corporation shall be exempt from taxes or assessments of the commonwealth, any agency thereof or the city of Quincy.

SECTION 6. The books and records of the corporation shall be subject to a biennial audit by the auditor of the commonwealth.

SECTION 7. The corporation shall annually submit to the governor, the chairman of the senate ways and means committee, the chairman of the house ways

and means committee, the commissioner of administration, the comptroller, the mayor of the city of Quincy, and the president of the Quincy city council within ninety days after the end of its fiscal year, a complete and detailed report setting forth its operation and accomplishments, including all projects, loans or bonds; its receipts and expenditures during such fiscal year in accordance with the categories and classifications established by the corporation for its operating and capital outlay purposes; and its assets and liabilities at the end of the fiscal year, including a schedule of its commitments and status of funds.

Approved January 7, 1993.

Chapter 340. AN ACT RELATIVE TO CERTAIN OPEN BURNING IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 142K the following section:-

Section 142L. Notwithstanding the provisions of sections one hundred and forty-two A to one hundred and forty-two E, inclusive, the burning of tree prunings, diseased plant materials, and brush from land clearing operations, which are the direct result of the normal commercial pursuit of agriculture, as defined in section one A of chapter one hundred and twenty-eight, shall be allowed subject to the permission of the local fire chief which need not be in writing. Said permission shall be based solely upon whether or not appropriate meteorological conditions exist to ensure safe burning.

Approved January 7, 1993.

Chapter 341. AN ACT AUTHORIZING THE CITY OF NEWTON TO ARRANGE FOR AN EMPLOYEE DISABILITY INSURANCE POLICY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Newton is hereby authorized to negotiate and arrange for the purchase of a policy or policies of disability insurance for its active employees on such terms and conditions as it deems to be in the best interests of its employees. Said insurance may be written as either a group plan or individual policies. Said insurance may be written to provide that the full amount of premiums shall be paid

by the participating employees. The city of Newton may make payroll deductions for such insurance premiums, or a portion thereof.

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

Approved January 8, 1993.

Chapter 342. AN ACT RELATIVE TO THE PRACTICE OF PUBLIC ACCOUNTANCY.

Be it enacted, etc., as follows:

SECTION 1. Section 87A of chapter 112 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following definition:-

"Reviewer", a person, firm, professional society or association, or a member or committee thereof, carrying out, supervising, conducting, advertising, participating in, or overseeing quality review.

SECTION 2. Said chapter 112 is hereby further amended by inserting after section 87E the following section:-

Section 87E 1/2. A reviewer shall not be permitted or required to testify or otherwise provide evidence or discovery in any civil action, arbitration, judicial or administrative proceeding relating to a quality review in which the reviewer was involved, and any proceeding, record, report, finding, recommendation, opinion and work paper prepared by or on behalf of a reviewer in connection with a quality review shall not be subject to subpoena, discovery or other means of legal process in any such proceeding and shall not be admissible evidence in any such proceeding, except that: (1) quality review reports voluntarily submitted to the board by the reviewed accountant or accounting firm may be reviewed and relied upon by the board; and (ii) quality reviews required by the board pursuant to section eighty-seven C 1/2, and any documentary record, report, finding, recommendation opinion and work paper prepared by or on behalf of a review in connectin therewith, and the testimony or the reviewer, shall be made available to the board upon its request and may be relied upon by the board. Disclosure to the board under the provisions of clause (i) or (ii) shall not render such materials or testimony publicly available or otherwise discoverable or subject to legal process or admission in a civil proceeding; provided, however, that if otherwise admissible, such materials or testimony may be admitted under seal in a proceeding brought by the reviewed accountant challenging an action of the board taken in reliance, in whole or in part, on said review.

No person or firm shall be liable as a result of providing information or documents to a reviewer as part of a qualtiy review.

No reviewer acting in good faith shall be liable as a result of any act or omission

in connection with a quality review.

Approved January 8, 1992.

Chapter 343. AN ACT ESTABLISHING A MODEL WATER AND SEWER COMMISSION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the establishment of model water and sewer commissions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 40 of the General Laws is hereby amended by striking out section 39H, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 39H. A city, town, commission or district through its water department, if any, if thereunto authorized by ordinance, or by-law or by vote of its governing body if a commission or district or a water company, as defined in section one of chapter one hundred and sixty-five, may make contracts with, or may go to aid any other city, town, commission, district or any other water company, as so defined, with regard to the operation, repair and maintenance of the physical properties of its water supply system. Any such ordinance, by-law or vote may authorize the head of the department in charge of sewers and drains to enter into contracts or to extend such aid subject to such conditions and restrictions as may be prescribed therein. Members of such departments of cities, towns, commissions or districts while in the performance of their duties under such contracts or in extending such aid shall have the same immunities and privileges as if performing the same work in their respective cities, towns, commissions, and districts. Any city, town, commission, district or water company aided under this section shall compensate any city, town, commission, district or water company rendering aid as aforesaid, for such aid and for the whole or any part of any damage to its property sustained in the course of rendering such aid. Any contracts under this section may be for a period not exceeding twenty years.

SECTION 2. The General Laws are hereby further amended by inserting after chapter 40M the following chapter:-

CHAPTER 40N.

MODEL WATER AND SEWER COMMISSION.

Section 1. It is hereby declared essential for the benefit of the people of each municipality which accepts this act, in order that there be an increase in their

commerce, welfare and prosperity and an improvement in their living conditions, that the municipality establish or continue to maintain an economical and efficient water system and sewer works system; that accurate, appropriate, and self-sustaining fees, rates and charges for water and sewer service within the municipality be established and all consumers, public and private, taxpayer and tax exempt, pay their fair share of the costs of such services; that the water and sewer systems of the municipality to be operated in a modern, efficient and financially self-sustaining manner to further their sound financial, environmental and physical condition; that conservation of water sources be encouraged; that water supplies be protected and improved; and that the municipality be provided a means to improve its water and sewer systems and insure the continued availability of water and sewer services at sufficient rates; all to the public benefit and good, and to the extent and in the manner provided herein.

Section 2. This chapter shall be known and may be cited as the Model Water and Sewer Reorganization Act.

Section 3. As used in this chapter the following words shall, unless the context otherwise requires, have the following meanings:-

"Bonds" or "Bond", bonds, notes and other obligations or evidences of indebtedness of the commission issued under the provisions of this chapter.

"Commission", the water and sewer commission of the municipality established by section three or, if said commission shall terminate as provided in section twenty, the board, body or commission succeeding to the principal functions thereof, or whatever body, person or persons to whom the powers given by this chapter to the commission shall be transferred by law.

"Costs", applied to any extension, improvement or enlargement of the water works system or the sewer works system or to any other project of the commission financed under the provisions of this chapter; all or any part of the cost of acquisition, construction, reconstruction, alteration, and remodeling of such work, including, without limiting the generality of the foregoing, costs of labor, materials, machinery and equipment, lands, structures, and all rights of any kind in real and personal property, costs of demolitions or relocations, costs of removal or relocation of any public utilities facilities, financing charges and expenses, interest prior to, during and for a period after completion of such work, reserves for debt service and other capital and current expenses, costs of architectural, engineering, financial, legal and consulting services, costs of plans, specifications, appraisals, surveys, inspections, financial and feasibility studies, expenses of organization, administration and operations prior to the commencement of and during such work, costs of equipment and supplies and advance training of operating personnel and other expenses of completing and commencing operation of such work, working capital, and other necessary or incidental expenses to the acquisition, construction, financing and placing in operation of such work.

"Current expenses", the commission's current expenses, whether or not annually recurring, of maintaining, repairing and operating the water works system and the sewer works system and any other properties of the commission, including, without limiting the generality of the foregoing, administrative, general system payments and other employee benefits, engineering expenses for maintenance, operation and repairs, legal, financial and auditing expenses, insurance and surety bond premiums, fees and expenses of trustees and paying agents, payments to others for services rendered to the commission, taxes which may be lawfully imposed upon the commission or its income or operations or the property under its control, and other current expenses required or permitted by law to be paid by the commission, including the funding of reasonable reserves for maintenance, repair, replacements or operations.

"Local appointing authority", in the case of all cities, except those with a Plan D or Plan E charter, the mayor with the approval of the city council; in the case of cities with a Plan D or Plan E charter, the city manager; in the case of towns, the town meeting.

"Municipality", a city or town which accepts the terms of this chapter.

"Revenues", all revenues, rates, fees, charges, rents and other receipts derived from the operation of the water works system and the sewer works system and all other properties of the commission, including, without limiting the generality of the foregoing, bond proceeds, proceeds of any grant or loan to the commission, investment earnings and the proceeds of insurance, condemnation, sale or other disposition of properties.

"Sewer works system", the existing sewer works system in the possession of and under the jurisdiction, ownership, control and
regulation of the municipality, including all plants, works, instrumentalities or parts thereof, lands, easements, rights in land and water rights, rights of way, contract rights, franchises and privileges, all publicly constructed main, trunk, intercepting, connecting, lateral, outlet and other sewers, outfalls, pumping and ventilating stations, disposal and treatment plants, or works, structures, equipment, vehicles, appliances, and other adjuncts thereto, and any other property or interests in property, real or personal, incidental to and included in such sewer works system, and all facilities, betterment, extensions, improvements and enlargements thereto hereafter constructed or acquired.

"Water works system", the existing water supply and distribution system in the possession of and under the jurisdiction, ownership, control and regulation of the municipality including, without limiting the generality of the foregoing, all plants, works, instrumentalities or parts thereof, lands, easements, rights in land, water and flowage rights, approaches, water courses, rights of way, contract rights, franchises and privileges, all connections, dams, wells, reservoirs, water mains and pipe lines, equipment, buildings, structures, vehicles, sandpipes, tanks, conduits, meters,

hydrants, fire connections, fixtures, purification, filtration and treatment works and other adjuncts thereto, and any other property or interests in property, real or personal, incidental to and included in such water supply and distribution system, and all facilities, betterment, extensions, improvements and enlargements thereto and to or for the water supply therefor hereafter constructed or acquired.

Section 4. In any city or town which accepts the provisions of this chapter, there is hereby created a body politic and corporate and political subdivision of the commonwealth to be known as the water and sewer commission of the municipality. The commission is hereby constituted an independent public instrumentality and the exercise by the commission of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function. The commission shall not be subject to the supervision of the municipality or of any department, commission, board, bureau or agency of the municipality except to the extent and in the manner provided in this chapter.

Except as otherwise provided in this chapter, the powers of the commission shall be exercised by a board of three members, each of whom shall be a resident of the municipality. These members shall be appointed by the local appointing authority in accordance with the municipal charter. The members shall include one member with extensive experience in the field of administration or business, and one member with extensive experience in the field of finance or accounting. Of the members first appointed, one shall serve in office for a term expiring on June thirtieth in the year following the acceptance of this chapter, and one for a term expiring on June thirtieth, in the second year following the acceptance of this chapter and one for a term expiring on June thirtieth, in the third year following the acceptance of this chapter. Thereafter, the local appointing authority shall appoint successors for a term of three years or, in the case of an appointment to fill a vacancy, for the unexpired term, and until his successor is appointed and qualified. Any member of the commission shall be eligible for reappointment. Any member of the commission may be removed at any time for cause in accordance with the removal procedures then in effect in the municipality. No vacancy in the membership of the commission shall impair the right of a quorum to exercise the powers of the commission. Two members of the commission shall constitute a quorum and the affirmative vote of two members shall be necessary for any action taken by vote of the commission. Any such action shall take effect immediately unless otherwise provided and need not be published or posted.

The commission shall annually elect one of its members as chair. The commission may establish, with the approval of the local appointing authority a reasonable per diem compensation for its members for attendance upon the business of the commission. Such amount may be payable to each member for one day in each month and for any additional days as may be approved by the local appointing authority. In addition, each member may be reimbursed for all

reasonable and necessary expenses incurred in the discharge of official duties as approved by the commission. In accordance with chapter two hundred and sixty-eight A, the commission shall be deemed to be a municipal agency and the members of the commission shall be deemed to be special municipal employees.

The provisions of sections twenty-three A to twenty-three C, inclusive, of chapter thirty-nine shall apply to all meetings of the commission and section ten of chapter sixty-six relating to the availability of public records as defined in clause twenty-sixth of section seven of chapter four shall apply to the commission.

The commission shall be deemed to be a public employer within the meaning of chapter two hundred and fifty-eight. The members, officers and employees of the commission shall be deemed to be public employees within the meaning of chapter two hundred and fifty-eight. The commission shall be liable in tort for defects in a public way to the same extent as the municipality under chapter eighty-four.

The commission and its employees shall be subject to the provisions of chapter one hundred and fifty E, to the extent said provisions are applicable, and for purposes of said chapter, the commission shall be considered an "employer" or "public employer" as defined therein. The commission may designate a representative to act in its interest in dealing with employees of the commission and the term "legislative body" as used in chapter one hundred and fifty E shall mean the commission.

The commission shall be deemed a district for purposes of chapter thirty-two B. The commission and the municipality may enter into such arrangements as they deem suitable for provision of insurance benefits jointly for employees of the commission and employees of the municipality under said chapter thirty-two B.

The commission may be self-insured for the purpose of workers or workmen's compensation under chapter one hundred and fifty-two.

Section 5. The commission may appoint, employ and determine the compensation, duties and conditions of employment of an executive director and such other officers as the commission shall deem necessary, who shall not be members of the commission and who shall serve at the pleasure of the commission; provided, however, that the commission may bind itself by contract to employ an executive director, and such other officers, but no such contract may be for a period of more than five years. The executive director shall be the chief executive officer of the commission and shall administer and direct its affairs as authorized or approved by the commission and shall have such of the powers and perform such of the duties of the commission as the commission may from time to time have delegated to him and not recalled. The executive director or his designee as approved by the commission shall be the secretary of the commission and shall keep a record of the proceedings of the commission and shall be custodian of all books, documents and papers filed with the commission, the minute book or journal of the commission

and its official seal. The executive director and any other officer designated by the commission for this purpose, each alone, may cause copies to be made of all minutes and other records and documents of the commission and may give certificates under its official seal to the effect that such copies are true copies, and all persons dealing with the commission may rely upon such certificates. Before the issuance of any bonds under the provisions of this chapter the executive director and any other member or officer of the commission charged with responsibility for the issuance thereof, shall each execute a surety bond in the sum of one hundred thousand dollars payable to the commission, or in lieu thereof the commission shall obtain a blanket position bond covering the executive director and any other member or officer of the commission charged with responsibility for the issuance of any bonds to be conditioned upon the faithful performance of the duties of their offices, to be executed by a surety company authorized to transact business in the commonwealth as surety and approved by the commission.

The commission may from time to time hire, transfer or otherwise appoint or employ legal counsel, financial advisors and such other experts, engineers, agents, accountants, clerks, and other consultants and employees as it deems necessary and determine their duties.

The commission may purchase insurance on behalf of itself and any of its members, officers, employees or agents against any liability arising out of his status as such, whether or not the commission would have the power to indemnify him against such liability.

The commission shall operate on a fiscal year commencing July first unless otherwise provided by the commission.

All officers or employees hired, transferred or otherwise appointed by the commission, other than a person transferring to or hired by the commission from employment with the municipality who is not subject to a residency requirement under the laws of the municipality prior to transfer, shall be subject to any residency requirements which apply to persons employed by the municipality.

Section 6. On the date of the issuance of the notes of the commission authorized pursuant to section nine, title to the water works system and the sewer works system shall be vested in the commission and the possession of the water works system and the sewer works system shall be transferred and dedicated to the commission without any physical delivery thereof, and the commission shall thereafter own, control, operate and maintain the water works system and the sewer works system. Copies of all maps, plans, papers and records and all equipment pertaining to the design, construction, operation and affairs of the water works system and the sewer works system shall be transferred to the commission and placed in its custody and control. Notwithstanding the foregoing, no building or motor vehicle used partially in the operation of the water works system or the sewer works system and partially in other operations of the municipality shall be

transferred to the commission or otherwise included in the definition of the water works system or sewer works system hereunder unless expressly designated by the legislative body with the approval of the executive director for transfer to the commission by operation of this chapter. All other rules, regulations and ordinances duly promulgated by the municipality pertaining to the water works system or the sewer works system shall remain in full force and effect to the extent consistent with this chapter until superseded, revised or rescinded by the commission. All contracts, including collective bargaining agreements, leases and agreements, including interdepartmental agreements, of the municipality pertaining to the water works system and the sewer works system shall continue in full force and effect until their expiration dates, and all benefits and obligations thereunder, and all other rights and benefits pertaining to the water works system and the sewer works system and existing by-laws or ordinances in favor of the municipality, including, without limiting the generality of the foregoing, all rights, benefits and obligations not inconsistent with the provisions of this chapter which pertain to the water works system or the sewer works system and which are vested in the municipality by general or special law, shall be transferred to, assumed by and imposed upon the commission by operation of law. All debts, liabilities and obligations of the municipality pertaining to or on account of the water works system and the sewer works system, including the obligation of the municipality to pay the interest and principal on all bonds, notes and other evidences of indebtedness issued by the municipality for purposes of the water works system and the sewer works system outstanding on the acceptance of this chapter, shall be assumed by and imposed upon the commission; provided, however, that all liabilities of the municipality in tort, whether actual or contingent, pertaining to the water works system or the sewer works system and arising out of actions or events which occurred or occur prior to the transfer of the systems to the commission shall not be assumed by or imposed upon the commission but shall continue to be the liabilities of the municipality. Except as above provided, all actions and proceedings pending before, all actions and proceedings pending against, and all actions and proceedings begun by the municipality and pertaining to the water works system or the sewer works system shall continue unabated and remain in full force and effect notwithstanding the provisions of this chapter and the transfer of the water works system and the sewer works system contemplated hereby and may, at the discretion of the court, commission, board or other body having jurisdiction, be completed before, against or by the commission.

On the date of the issuance of the notes of the commission authorized pursuant to section nine, all unexpended balances of monies in accounts of, for or on behalf of the municipality, including accounts receivable, and tax title accounts pertaining to the water works system or the sewer works system, including unexpended proceeds of, and monies and investments, if any, held for the payment of interest

and principal of, then outstanding bonds, notes and other evidences of indebtedness of the municipality as provided in this section, shall be deemed to be held in trust for and shall be transferred to the commission. Subsequent to such date, all moneys collected or received by the municipality from any source on account of the water works system and sewer works system, including all rates, fees, charges, rents and other income derived from the operation thereof regardless of the date of assessment or billing of such rates, fees, charges and rents shall be deemed to be held in trust for and shall be forthwith transferred and paid over to the commission.

From the date the commission takes possession of the water works system and the sewer works system until one year thereafter, or at such earlier date not prior to six months thereafter as the commission may determine, the municipality shall at the direction of the commission continue to engage in the maintenance, repair and operation of the water works system and the sewer works system, and employees of the municipality whose work is related to such systems shall continue to perform their duties related to such systems; provided, however, that the municipality shall have no power to appoint or employ any person to, or transfer any employee to or from, any position classified under chapter thirty-one or any other provision of law as directly related to the work of the water works system or the sewer works system, or enter into any contracts relating to the water works system or the sewer works system, or sell or transfer any property of such systems or obligate the commission to any person or governmental entity, without the express written consent of the commission or, upon proper delegation thereof, by the executive director of the commission. The municipality shall bill the commission to reimburse the municipality for the current expenses of the municipality incurred in the operation and management of the water works system and the sewer works system during the period herein provided. All expenses for operation and management of the water works system and the sewer works system which are not billable to the commission under this section shall be borne by the municipality.

Section 7. (a) Twelve months after the acceptance of this chapter, or such earlier date not prior to six months after said acceptance, as the commission shall determine, the employees of the municipality whose work is primarily related to the water works system or the sewer works system shall be transferred to the commission and become employees of the commission subject to the provisions of this chapter. Terms of office of such employees shall not be deemed to be interrupted by such transfer and rights, seniority, wages, salaries, hours, and working conditions of such employees, including, but only so long as such an employee holds the position which is comparable to the position in which he was classified prior to transfer rights under chapter thirty-one, shall be preserved in their employment by the commission, provided that after such transfer such employees

perform their duties subject to the direction, control and supervision of the commission. The terms and conditions of employment of any other persons whom the commission may employ shall be determined by the commission, provided that the commission shall take into account and provide for continuation of seniority, vacation and sick leave rights and other benefits based on prior employment with the municipality for former employees of the municipality who enter the employment of the commission other than by transfer under the previous sentence, but all persons employed by the commission under this sentence shall not thereafter be subject to any provision of chapter thirty-one. Notwithstanding any provisions of any general or special law, to the contrary, the commission in filling vacant positions may give preference over applicants who are not employees of the commission to any person who is either an employee of the municipality or a former employee of the municipality laid off for lack of funds who applies for the vacant position unless the commission determines in its sole discretion that such applicant is not qualified for the position.

(b) Every employee who immediately prior to being transferred to the commission by this section is a member of the municipal contributory retirement system established under chapter thirty-two, or predecessor retirement systems thereto, shall continue to be a member thereof and subject to the laws applicable thereto. All other employees of the commission shall be required to become members of the municipal contributory retirement system in the same manner and subject to the same laws, rules and regulations as persons entering the employ of the municipality. The commission shall deduct from the wages of its employees and pay over to the municipal retirement board such sums as the municipality would deduct and pay over if such person were an employee of the municipality.

The commission shall reimburse the municipality for its proportionate share of any amounts expended by the municipality under the provisions of chapter thirty-two for retirement allowances to or on account of employees of the commission.

Section 8. The commission shall have all the rights and powers necessary or convenient to carry out and effectuate this chapter, including, but without limiting the generality of the foregoing, the rights and powers:

(a) to adopt by-laws for the regulation of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in connection with the performance of its functions and duties and to fix, enforce and collect penalties for the violation thereof;

(b) to adopt an official seal and alter the same at pleasure;

(c) to maintain an office at such place or places as it may determine;

(d) to apply for, receive, accept, administer, expend and comply with the conditions, obligations and requirements respecting any grant, gift, loan, including without limitation any grant, gift or loan from agencies of local, state and federal

governments, donation or appropriation of any property or money in aid of the purposes of the commission and to accept contributions of money, property, labor or other things of value;

(e) to acquire by purchase, lease, lease-purchase, sale and leaseback, gift or devise, or to obtain options for the acquisition of, any water or water rights and any other property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties;

(f) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to, any water, water rights, and any other property, real or personal, tangible or intangible, or any interest therein. Notwithstanding the foregoing, any real property transferred from the municipality to the commission pursuant to section five which is subsequently declared by the commission to be surplus property and no longer required for its operations shall not be sold or otherwise disposed of by the commission but shall be reconveyed to the municipality without consideration. If any such real property has been improved by the commission subsequent to the effective date of this chapter, the city upon reconveyance shall pay to the commission the fair market value of such improvements as determined by the commission and the municipality or by an appraiser satisfactory to both;

(g) to enter onto any land to make surveys, borings, soundings and examinations thereon, provided that said commission, notwithstanding section three, shall make reimbursements for any injury or actual damage resulting to such lands and premises caused by any act of its authorized agents or employees and shall so far as possible restore the land to the same condition as prior to making of such surveys, borings, soundings and examinations; and to acquire by eminent domain any interest in real property within the municipality in the name of the commission in accordance with the provisions of chapter seventy-nine and chapter eighty A or any alternative method provided by law; provided, however, that the commission shall not exercise the power of eminent domain without the prior approval of the legislative and executive bodies of the municipality. The commission may order the removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places, or in or upon private lands, which it deems to interfere with the laying out, construction or operation of any water or sewer project, and the proper authorities shall grant new locations for any such structure so removed or relocated, and the owner thereof may be reimbursed by the commission for the reasonable cost of such removal or relocation. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, pipes, conduits, wires, poles or other property in such public ways or places, and the private owner of any such structures in public ways or lands shall comply with any such order of the commission relating to any such structure in public ways or lands. If any such owner shall fail to comply with any

such order of the commission relating to any such structure in public ways and places within a reasonable time, to be fixed in the order, the commission may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the commission by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof, except for the reimbursement of cost provided for above. This section shall not apply to facilities on property of the commonwealth under the control of the department of highways or the metropolitan district commission or installed under licenses or permits granted by said department or commission, except with its approval.

(h) to purchase water in bulk or by volume and to contract for and purchase sewage disposal and treatment services from, and to sell water and provide sewage disposal and treatment services to, any person, private or public corporation or public instrumentality or municipality, including the municipality, the commonwealth and the federal government when necessary or convenient for the operation of the water works system or sewer works system;

(i) to construct, improve, extend, enlarge, maintain and repair the water works system and the sewer works system, and with respect to such work the commission shall be deemed to be a public agency for purposes of sections forty-four A to forty-four H, inclusive, of chapter one hundred and forty-nine and a commission of the municipality for purposes of sections thirty B to thirty P, inclusive, of said chapter seven and section twenty-eight of chapter forty-three, provided that no work, project or activity of the commission the total cost of which is less than two million dollars shall be subject to the provisions of said sections sixty-one to sixty-two H, inclusive, of said chapter thirty;

(j) to pledge or assign any money, fees, charges, or other revenues of the commission and any proceeds derived by the commission from the sale of property, insurance or condemnation awards;

(k) to borrow money and incur indebtedness and issue its bonds as hereinafter provided;

(l) to make contracts of every name and nature and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;

(m) to exercise the powers and privileges of, and to be subject to limitations upon towns and cities provided by the provisions of sections thirty-eight to forty-two, inclusive, of chapter forty and sections one to twenty-four, inclusive, and twenty-seven to twenty-nine, inclusive, of chapter eighty-three, insofar as such provisions may be applicable and are consistent with the provisions of this chapter; provided that any requirement in said sections or chapters for a vote by the governing body of the municipality or for a ratification of such vote by the voters of the municipality, shall be satisfied by a vote or resolution duly adopted by the

commission in accordance herewith, and provided that the powers of the commission to make rules and regulations and establish penalties regarding the use of sewers shall not be limited by section ten of said chapter eighty-three;

(n) to enter into contracts and agreements with the municipality in all matters necessary, convenient or desirable for carrying out the purposes of this chapter including, without limiting the generality of the foregoing, collection of revenue, data processing, and other matters of management, administration and operation;

(o) to sue and be sued and to prosecute and defend actions relating to its properties and affairs; provided that only property of the commission other than revenues pledged to the payment of bonds shall be subject to attachment or levied upon execution or otherwise;

(p) to do all things necessary, convenient or desirable for carrying out the purposes of this chapter or the powers expressly granted or necessarily implied in this chapter;

(q) consistent with the constitution and laws of the commonwealth, the commission shall have such other powers, including all powers pertaining to the water works system and the sewer works system held by the municipality not inconsistent herewith, as may be necessary for or incident to carrying out the foregoing powers and the accomplishment of the purposes of this chapter; provided, however, that nothing in this chapter shall impose any duty on the commission to maintain groundwater levels within or without the boundaries of the municipality.

Section 9. In addition to the powers of the commission otherwise provided herein, the commission shall have the following powers and shall be subject to the following limitations:

(a) The commission is authorized and empowered to fix, revise, charge, collect and abate fees, rates, rents, assessments, delinquency charges and other charges for water, sewer and other services, facilities and commodities furnished or supplied by it including penalties for violations of such regulations as the commission may from time to time promulgate under this chapter. Subject to paragraph (c), fees, rates, rents, assessments, delinquency charges and other charges of general application shall be adopted and revised by the commission at least annually in accordance with procedures to be established by the commission for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The commission shall hold at least one public hearing on its schedule of fees, rates and charges or any revision thereof prior to adoption, notice of which shall be delivered to the legislative and executive bodies of the municipality and be published in a newspaper of substantial circulation in the municipality at least one month in advance of the hearing. No later than the date of such publication the commission shall make available to the public and deliver to the mayor and council its most recent financial statement, the proposed

schedule of fees, rates and charges and its proposed operating and capital budgets for its next fiscal year. The commission may combine its fees, rates and other charges for water supplied by it and sewer service provided by it in a single schedule of charges. Fees, rates, rents, assessments, abatements and other charges established by the commission shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the commonwealth or any of its political subdivisions, including, without limitation, the municipality.

(b) Subject to paragraph (e), the fees, rates, rents, assessments and other charges established by the commission in accordance with paragraph (a) shall be so fixed and adjusted in respect to the aggregate thereof so as to provide revenues at least sufficient (i) to pay the current expenses of the commission, (ii) to pay the principal of, premium, if any, and interest on bonds or other evidences of indebtedness issued by the commission under this chapter as the same become due and payable, (iii) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds, (iv) to provide funds for paying the cost of all necessary repairs, replacements and renewals of the water works system and the sewer works system and (v) to pay or provide for any amounts which the commission may be obligated to pay or provide for by law or contract including any resolution or contract with or for the benefit of the holders of its bonds.

(c) Notwithstanding the requirements of paragraph (b), the fees, rents, rates and other charges for services, facilities and commodities supplied by the water works system and sewer works system in effect on the date of acceptance of this chapter shall be maintained by the commission without modification one year following the acceptance of this chapter, or such earlier date not earlier than six months after said acceptance as the commission shall determine. Upon the transfer of the water works system and sewer works system to the commission pursuant to section five, the commission shall undertake a study and examination of its fees, rents, rates and other charges and its estimated current expenses and costs of maintaining, operating and improving the systems, and shall prior to one year after the date of acceptance of this chapter promulgate in accordance with paragraph (a) a schedule of fees, rents, rates and other charges sufficient thereafter to satisfy the requirements of paragraph (b). Such new schedule of fees, rates and charges shall become effective one year after the date of acceptance of this chapter or such earlier date not earlier than six months after the date of acceptance of this chapter as the commission shall determine. Such schedule shall provide for the metering of, and charging for, water and sewer services provided to all consumers in the municipality, including the municipality, the commonwealth and all independent agencies and authorities of the municipality and the commonwealth, and any exemptions from such charges provided to the commonwealth or the municipality

under any law, general or special, are hereby declared inapplicable as of the date such schedule shall be in force.

(d) In order to provide for the collection and enforcement of its fees, rates, rents, assessments and other charges, the commission is hereby granted all the powers and privileges with respect to such collection and enforcement held by the municipality on the effective date of this chapter or as otherwise provided in this chapter. Without limiting the generality of the foregoing, the commission shall have the benefit, without further acceptance of sections forty-two A to forty-two F, inclusive, of chapter forty or filing of any certificate relating thereto, of liens for unpaid fees, rates, rents, assessments and other charges as provided in sections forty-two A and forty-two B of said chapter forty and sections sixteen A and sixteen B of chapter eighty-three, to the extent applicable and consistent with this chapter. With respect to any fees, rates, rents, assessments or other charges which remain unpaid for more than six months after the same shall have come due, the commission may, in addition to other remedies and actions available to it, issue a demand in accordance with section sixteen of chapter sixty and may collect such fees, rates, rents, assessments and other charges by means of remedies and procedures, to the extent applicable and consistent with this chapter, provided in sections twenty-four to one hundred and five, inclusive, of said chapter sixty. If such demand is made within the time specified in section forty-two B of chapter forty and section sixteen B of chapter eighty-three during which liens arising thereunder remain in effect, said liens shall be deemed to be the year in which such demand is made. From and after the date of such demand interest shall accrue on unpaid fees, rates, rents, assessments and other charges at the rate specified in section fifty-seven of chapter fifty-nine. Applications for abatements in accordance with section forty-two E of said chapter forty and section sixteen E of chapter eighty-three shall be made within thirty days after the date of such demand. Upon written application the commission shall issue lien certificates in accordance with section twenty-three of said chapter sixty. No recordation of certificates issued by the municipality pursuant to said section twenty-three of said chapter sixty shall affect liens for the unpaid fees, rates, rents, assessments, and other charges of the commission. The commission shall be entitled to receive fees for collection in accordance with section fifteen of said chapter sixty. For purposes of the sections referred to in this paragraph, the terms city, town, water district, assessors, collector, clerk, treasurer, or commissioner as used therein shall mean the commission and the term tax or taxed shall mean the unpaid fees, rents, assessments, and other charges of the commission. The commission shall also have the powers and may exercise the remedies, to the extent consistent with this chapter, provided in sections twenty-nine, thirty-five and fifty and sections fifty-three or sixty-four, inclusive, or chapter sixty-two C and in chapter eighty and chapter eighty A. For purposes of said sections of said chapter sixty-two C, the terms

commonwealth and commissioner used therein shall mean the commission.

In addition to the other enforcement powers and remedies provided in this chapter, if any fees, rates, rents, assessments or other charges billed by the commission against any premises which are connected with the water works system or sewer works system remain unpaid for a period of more than sixty days from the due date thereof, and following such period notice and demand have been posted on such premises and have been given to the owner and occupant of said premises, by registered or certified mail addressed to said premises and to the address of said owner as shown on the records of the assessor of the city or town, to pay the same within fifteen days from the date of mailing of said notice, and such fees, rates, rents, assessments or other charges remain unpaid, the commission shall have the power and is hereby authorized to shut off the supply of water to said premises until said fees, rates, rents, assessments or other charges are paid, together with interest thereon at the applicable rate and the standard charge of the commission for restoring water service to said premises.

(e) If at the end of any fiscal year, the commission shall have realized a surplus from operations for such fiscal year, after payment or provision for all current expenses, current maintenance, repairs and replacements, current debt service on all outstanding bonds of the commission, all reserves for debt service, repairs and replacements, costs or current expenses as may be required by a trust agreement or resolution securing bonds or as may otherwise be maintained by the commission, and any and all other amounts which the commission may be obligated by law or contract to pay or provide for, the commission shall either apply such surplus in the next following fiscal year to a reduction in the rates, fees, rents, assessments or other charges established by the commission for services provided by the water works system and the sewer works system or shall apply such surplus to the reduction or provision for reduction of its outstanding capital debt.

(f) On or before one year after the acceptance of this chapter and annually thereafter, the commission shall prepare a proposed capital improvement program for the next three succeeding fiscal years of the commission and shall adopt a capital improvement budget for the next succeeding fiscal year. Such program and budget shall include a description of the projects proposed to be undertaken during such periods, the costs proposed to be incurred on such projects, the method of financing such costs and an estimate of the effect, if any, that such costs will have on the current or projected fees, rates, rents and other charges of the commission. The program and budget shall be annually adopted by the commission in accordance with procedures established by the commission for assuring that interested persons are afforded notice and an opportunity to present views and arguments. The commission shall hold at least one public hearing on the proposed capital improvement program and budget prior to adoption, which hearing may be combined with a hearing provided in paragraph (a) of this section, notice of

which shall be delivered to the mayor and city council, board of selectmen or district board and be published in a newspaper of substantial circulation in the city, town or district at least one month in advance of the hearing. No later than the date of such publication the commission shall make available to the public and deliver to the mayor and city council copies of the proposed program and budget.

Section 10. (a) The commission is hereby authorized and empowered to provide by resolution for the issuance, at one time or from time to time within three years following the acceptance of this chapter, of notes of the commission for the purpose of providing funds for (i) paying the cost of constructing or acquiring such improvements, extensions, enlargements, alterations, reconstruction or remodeling of the water works system and the sewer works system as may be authorized by such resolution, including the funding of interest payable on or before three years following the acceptance of this chapter on any notes of the commission issued pursuant to section ten in anticipation of federal, state or local grants for such work and (ii) providing funds for paying the current expenses of the commission to the extent not paid out of its revenues or provided for in clause (i) from the acceptance of this chapter until one year afterwards.

Except as otherwise provided herein, notes issued by the commission in accordance with this section shall be issued in anticipation of bonds to be issued by the commission pursuant to section ten and shall be authorized, issued and sold in the same manner as, and shall otherwise be subject to section eleven and the other provisions of this chapter relating to, such bonds. Such notes shall mature at such time or times as provided by resolution of the commission and may be renewed from time to time, provided that all such notes and renewals thereof shall mature on or prior to three years following the acceptance of this chapter.

(b) The proceeds of the notes authorized by this section shall be applied as follows:

(1) Such amount of such proceeds as may be provided in the resolution of the commission for paying the current expenses of the commission to the extent not paid out of its revenues or provided for in clause (2) from the acceptance of this chapter until three years thereafter shall be deposited with a corporate trustee in accordance with section eleven and disbursed in such manner and under such restrictions as may be provided in the resolution of the commission;

(2) The balance of such proceeds shall be deposited with the trustee to be used solely for paying or providing for the cost of extensions, improvements or enlargements of the water works system and the sewer works system, including repayment of interest on notes of the commission as provided in clause (i) of paragraph (a) and shall be disbursed in such manner and under such restrictions as may be provided in the resolution of the commission.

(c) The municipality, acting by and through its municipal treasurer, shall, upon application of the commission, guarantee the principal of and interest on notes of

the commission issued in accordance with this section. The municipal treasurer, with the approval of the executive director and without further authority, may approve the form, terms and conditions of, and may execute and deliver on behalf of the municipality such guaranty and any related agreements with or for the benefit of the holders of such notes containing such terms, conditions and covenants of the municipality as the municipal treasurer may deem reasonable including provision for the payment of notes not paid or refunded by the commission by applications of the proceeds of the loan authorized in this paragraph and provision for the payment of such notes by the municipality over such period of time as the municipality shall be pledged for the guaranty provided for in this section. The total amount of notes permitted to be guaranteed as aforesaid shall be reduced by the outstanding principal amount of bonds issued by the commission to refund notes so guaranteed. Notes guaranteed by the municipality under authority of this section shall not be included in determining the limits of indebtedness of the municipality as established by law nor shall the principal and interest payments thereof be included in any computation under section twenty-one C of chapter fifty-nine. The guaranty of the municipality of such notes shall be executed by the municipal treasurer. It shall be sufficient if the signature of the municipal treasurer upon such notes, if any, is an engraved, printed or stamped facsimile signature, provided that he has, by writing bearing his written signature filed with the municipal clerk, authorized his facsimile signature to be placed thereon. The facsimile signature of the municipal treasurer so engraved, printed or stamped shall have the same validity and effect as his written signature. If the municipal treasurer shall cease to be such officer before the delivery of such notes, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

For the purposes of determining the amount of notes or bonds issued or outstanding pursuant to this chapter, the amount of any notes or bonds sold by the commission at a discount shall be equal to the net proceeds thereof determined by subtracting the discount from the face amount of such notes or bonds.

If the commission shall fail or otherwise be unable to refund or pay when due any guaranteed note or notes and the interest thereon issued by the commission in accordance with this section, the treasurer of the municipality with the approval of the executive director and without further authority is hereby authorized and empowered, for the purpose of refunding or paying such guaranteed notes and the interest thereon, to borrow, at one time or from time to time, not exceeding in the aggregate the outstanding principal amount of and interest on such notes so guaranteed and not paid or refunded by the commission, and issue and sell bonds or notes of the municipality therefor, payable in not more than twenty years from their dates. Such bonds shall be registered or with interest coupons attached, may be issued as serial bonds or term bonds or both, and may contain such provisions

for the redemption of such bonds or notes prior to maturity at the option of the municipality and at such price or prices and under such terms and conditions as the treasurer with the approval of the executive director may determine prior to the issuance of such bonds. Bonds issued from time to time by the municipality under the authority of this section shall not be included in determining the limit of indebtedness of the municipality as established by law, but shall, except as herein provided, be subject to the provisions applicable to the municipality, of chapter forty-four, including the provisions of section seventeen of said chapter forty-four relative to temporary loans in anticipation of the issue of bonds.

Section 11. In addition to the notes issued under the provisions of section nine, the commission may provide by resolution for the issuance from time to time of bonds of the commission for any of its corporate purposes or the borrowing of money in anticipation of the issuance of such bonds. Bonds may be issued hereunder as general obligations of the commission or as special obligations payable solely from particular funds. Without limiting the generality of the foregoing, such bonds may be issued to pay or refund notes issued by the commission pursuant to section nine, to the cost of any extension, enlargement, or improvement of the water works system or the sewer works system, to provide such reserves for debt service, repairs and replacements or other costs or current expenses as may be required by a trust agreement or resolution securing bonds of the commission, or for any combination of the foregoing purposes.

The commission may also provide by resolution for the issuance from time to time of temporary notes in anticipation of the revenues to be collected or received by the commission in any year, or in anticipation of the receipt of federal, commonwealth or local grants or other aid, including the refunding or renewal of notes issued by the municipality in anticipation of such receipts outstanding at the effective date of this chapter. The issue of such notes shall be governed by the provisions of this chapter relating to the issue of bonds other than such temporary notes as the same may be applicable; provided, however, that notes issued in anticipation of revenues shall mature no later than one year from their respective dates and notes issued in anticipation of federal, commonwealth or local grants or other aid and renewals thereof shall mature no later than the expected date of receipt of such grants or aid. Notes in anticipation of revenues issued to mature less than one year from their dates may be renewed by the commission from time to time by the issue of other temporary notes hereunder; provided, however, the period from the date of an original note to the maturity of any note issued to renew or pay the same or the interest thereon shall not exceed one year.

Section 12. The principal of, premium, if any, and interest on all bonds issued under the provisions of this chapter, unless otherwise provided herein, shall be payable solely from the funds provided therefor from revenues as herein provided. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including

rates variable from time to time as determined by such index, banker's loan rate or other method determined by the commission, and shall mature at such time or times, as may be determined by the commission, and may be made redeemable before maturity at the option of the commission at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issue of bonds. The commission shall determine the form of bonds, including interest coupons, if any, to be attached thereto, and the matter of execution of bonds, and shall fix the denomination of bonds and the place 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 thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until after such delivery. The commission may also provide for authentication of bonds by a trustee or fiscal agent. Bonds may be issued in bearer or in registered form, or both, and, if notes, may be made payable to bearer or to order, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of bonds registered as to both principal and interest and for the interchange of bonds registered as to both principal and interest and for the interchange of registered and coupon bonds. The commission may by resolution delegate to the executive director or any member of the commission or any combination of them the power to determine any of the matters set forth in this section including the power to award such notes to a purchaser or purchasers at public sale. The commission may sell its bonds in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as it may determine will best effect the purposes of this chapter.

The commission may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The commission may also provide for the replacement of any bonds which shall have become mutilated or shall have been destroyed or lost.

In the discretion of the commission, any bonds issued hereunder may be secured by a resolution of the commission or by a trust agreement between the 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, and such trust agreement shall be in such form and executed in such manner as may be determined by the commission. Such trust agreement or resolution may pledge or assign, in whole or in part, the revenues and other moneys held or to be received by the commission, including the revenues from any facilities already existing when the pledge or assignment is made, and any contract or other rights to receive

the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the commission, and the proceeds thereof, but shall not convey or mortgage the water works system or the sewer works system. Such trust agreement or resolution may contain such provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the commission, 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 commission in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, use, operation, repair, insurance and disposition of the water works system, the sewer works system or other property of the commission, the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of fees, rates, rents, assessments or other charges, the use of any surplus bond proceeds, the establishment of reserves, and the making and mending of contracts.

In the discretion of the commission any bonds or notes issued under authority of this chapter, including notes issued under authority of section nine, may be issued by the commission in the form of lines of credit or other banking arrangements and under such terms and conditions, not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the commission may determine to be in the best interest of the commission. In addition to other security provided herein or otherwise by law, bonds or notes issued by the commission under any provision of this chapter, including section nine hereof, may be secured, in whole or in part, by letter of credit 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 as security for the reimbursement by the commission to the issuers of such letter of credit of any payments made under the letters of credit.

It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under any such trust agreement or resolution and to furnish such indemnification or to pledge such securities and issue such letters of credit as may be required by the commission. Any such trust agreement or resolution may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders. Any pledge of revenues or other property made by the commission under this chapter shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter one hundred and

six from the time when the pledge is made; the revenues, moneys, rights and proceeds so pledged and then held or thereafter acquired or received by the commission shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the commission, irrespective of whether such parties have notice thereof. Neither the resolution, any trust agreement nor any other agreement by which a pledge is created need be filed or recorded except in the records of the commission, and no filing need be made under the provisions of chapter one hundred and six.

Any holder of a bond issued by the commission under the provisions of this chapter or of any of the coupons appertaining thereto and any trustee under a trust agreement or resolution securing the same, except to the extent the rights herein given may be restricted by such trust agreement or resolution securing the same, except to the extent the rights herein given may be restricted by such trust agreement or resolution, may bring suit upon the bonds or coupons and may, either at law or in equity, by suit, action, mandamus, or other proceedings for legal or equitable relief, including proceedings for the appointment of a receiver to take possession and control of the business and properties of the commission, 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 such trust agreement, resolution or other agreement, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the commission or by any officer thereof.

Section 13. The commission may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption. Refunding bonds may be issued at such time prior to the maturity or redemption of the refunded bonds as the commission deems to be in the public interest. Refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of refunding bonds, the expenses of redeeming bonds being refunded and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing bonds. The issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the commission in respect of the same shall be governed by the provisions of this chapter relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

Section 14. Bonds, notes and other evidences of indebtedness issued or entered

into under the provisions of this chapter shall not be deemed to be a debt or a pledge of the faith and credit of the commonwealth or, excepting any note guaranteed by the municipality pursuant to section nine, of any city or town, but shall be payable solely from the revenues of the commission. All bonds, notes and other evidences of indebtedness, excepting any note guaranteed by the municipality pursuant to section nine, shall contain on the face thereof a statement to the effect that neither the commonwealth nor any city or town shall be obligated to pay the same and that neither the faith and credit nor the taxing power of the commonwealth or of any city or town is pledged to the payment of the principal of or interest on such bonds or notes. Each bond shall also recite whether it is a general obligation of the commission or a special obligation thereof payable solely from particular funds pledged to its payment.

Section 15. All moneys received pursuant to the provisions of this chapter, whether as proceeds from the issue of bonds or as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this chapter.

Section 16. Bonds issued under the provisions of this chapter are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, co-operative banks, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision, of the commonwealth for any purpose for which the deposit of bonds or obligations of the commonwealth is now or may hereafter be authorized by law.

Section 17. Notwithstanding any of the provisions of this chapter or any recitals in any bonds issued under this chapter, all such bonds shall be deemed to be investment securities under chapter one hundred and six.

Section 18. Bonds may be issued under this chapter without obtaining the consent of the emergency finance board established under the provisions of chapter forty-nine of the acts of nineteen hundred and thirty-three or of any department, division, commission, board, bureau or agency of the commonwealth or the municipality, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required therefor by this chapter, and the validity of and security for any bonds issued by the commission shall not be affected by the existence or nonexistence of any such consent or other proceedings, conditions or things.

Section 19. The commission and all its revenues, income and real and personal property shall be exempt from taxation and from betterments and special assessments and the commission shall not be required to pay any tax, excise or

assessment to or for the commonwealth or any of its political subdivisions; provided, however, that the commission is authorized to enter into agreements to make annual payments in lieu of taxes with respect to property of the commission located outside the municipality upon which local real estate taxes are being paid as of the effective date of acceptance of this chapter. Bonds issued by the commission and their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be exempt from taxation within the commonwealth.

Section 20. The commission shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by any officer or duly appointed agent of the commonwealth or the municipality. The commission shall submit an annual report in writing concerning its operations to the legislative and executive bodies of the municipality within one hundred and twenty days following the close of its fiscal year. Such report for the fiscal year ending one year after acceptance of this chapter and for each fiscal year thereafter, shall include financial statements relating to the operations and properties of the commission maintained in accordance with generally accepted accounting principles to the extent applicable and audited by an independent certified public accountant or firm of certified public accountants.

Section 21. Upon termination or dissolution of the commission, the title to all funds and other properties owned by it which remain after payment of all bonds and other obligations of the commission shall vest in the municipality. Notwithstanding the foregoing, if the commission shall fail on or before three years following the date of acceptance of this chapter to pay or refund or provide for the payment of all notes and the interest thereon issued by the commission and guaranteed by the municipality pursuant to section nine, the commission shall thereupon terminate and be dissolved, and all funds, properties, assets and liabilities owned or controlled by it on such date and all rights, benefits and obligations to which the commission shall then be subject, shall immediately vest in, be assumed by, and be reinstated in the municipality by operation of law; provided, however, that if upon any such termination or dissolution any bonds or notes of the commission shall be outstanding, such bonds or notes, unless guaranteed by the municipality under section nine, shall continue to be payable solely from the revenues and other property pledged therefor and shall not be or become a debt or obligation of the municipality except to the extent of such pledge.

No law affecting the powers, rights, duties, or obligations of the commission shall be effective unless it shall apply to water and sewer districts generally or shall have been approved under the provisions of Article 2 of the Amendments of the Constitution of the Commonwealth.

Section 22. Except as otherwise provided herein, upon title to the water works system and the sewer works system becoming vested in the commission under the

provisions of section five, any provisions of any special law and part of any special law and all ordinances and parts of ordinances pertaining to the water works system or the sewer works system which are inconsistent with the provisions of this chapter shall be inoperative and cease to be effective.

Section 23. The provisions of this chapter shall be deemed to provide an exclusive, additional, alternative and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the commission by law; provided, however, that insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, administrative order or regulation, or law of the municipality, the provisions of this chapter shall be controlling. Without limiting the generality of the foregoing, no provision of the municipal charter requiring the ratification by the voters of certain bond issues shall apply to the issuance of bonds of the commission pursuant to this chapter or to the guaranty of the municipality or the bonds of the municipality authorized by section nine.

Section 24. This chapter, being necessary for the welfare of the municipality and its inhabitants, shall be liberally construed to effect the purposes hereof.

Section 25. Municipalities may join together to form a regional water and sewer district commission in the following manner:

(a) Any town by vote in town meeting duly called therefore or city by a vote of the city council and approved by the mayor, except in Plan D and Plan E cities, by vote of the city council and approved by the city manager, may create a special unpaid committee to be known as the district water and sewer planning committee, to consist of three members, to be appointed by the local appointing authority; and may appropriate for the expense of said committee such sum or sums as it may deem necessary. Regional water and sewer district planning committees from any two or more cities or towns may join together to form a regional water and sewer commission district planning board or boards. Such regional water and sewer commission district planning board shall organize forthwith upon its formation by the election of a chairman and secretary-treasurer.

(b) It shall be the duty of the regional water and sewer district commission planning board to study the advisability of establishing a regional water and sewer district commission, its organization, operation and control and of constructing, maintaining and operating such water and sewer facilities to serve the needs of such district; to estimate the construction and operating costs thereof; to investigate the methods of financing such facilities, and any other matters pertaining to the organization and operation of a regional water and sewer district commission; and to submit a report of its findings and recommendations to the selectmen of the several towns.

(c) The said regional district planning board may recommend that there shall

be established a regional water and sewer district commission which may include all the cities and towns represented by its membership, or alternatively, any specified combination of such cities or towns. If the said regional district planning board so recommends, it shall submit a proposed agreement or agreements setting forth as to each alternative recommendation, if such be made, the following:-

(i) The number, composition, method of selection, and terms of office of the members of the regional district commission.

(ii) The municipalities in which, or the general area within the regional water and sewer district where, the regional water and sewer district commission shall be located.

(iii) The method of apportioning the expenses of the regional water and sewer district commission, and the method of apportioning the method of construction, including any interest and retirement of principal of any bonds or other obligations issued by the district among the several municipalities comprising the district, and the time and manner of payment of the shares of the several municipalities of any such expense.

(iv) The terms by which any municipality may be admitted to or separated from the regional water and sewer district commission.

(v) The method by which the agreement may be amended.

(vi) The detailed procedure for the preparation and adoption of an annual budget.

(vii) Any other matters, not incompatible with law, which said board may deem advisable.

(d) In the case of a town, the selectmen shall, upon receipt of the recommendation that a regional water and sewer commission district shall be formed, and of a proposed agreement therefore submitted in accordance with subsections (a) to (c), inclusive, of section twenty-four, or otherwise, in the form and with the approval required by said subsections (a) to (c), cause to be presented for determination by vote, with printed ballots at any annual or special town meeting to be held in either case within thirty days after receipt of such recommendation by said selectmen, the question of accepting the provisions of said subsections (a) to (c), inclusive, and the proposed agreement or agreements. The article in the warrant for such annual or special town meeting and the question on the printed ballots to be used at such meeting shall be in substantially the following form:

Shall the town accept the provisions of said subsections (a) to (c), inclusive, of said section twenty-four of chapter forty N of the General Laws, providing for the establishment of a regional water and sewer commission district, together with the towns of _____ and _____, etc., and the construction, maintenance and operation of a water and sewer commission by the said district in accordance with the provisions of a proposed agreement filed with the selectmen?

If majority of the voters present and voting on said questions in each of the

several towns shall vote in the affirmative, and a city or several cities, if any, accept in the manner prescribed below, said subsections (a) to (c), inclusive, of said section twenty-four, shall become effective, and the proposed regional water and sewer district commission shall be deemed to be established forthwith in accordance with the terms of the agreement so adopted notwithstanding any defect or omission in the creation or organization of any regional water and sewer district planning committee or regional water and sewer district commission planning board.

In the case of a city, such acceptance shall take effect on the vote of the city council and approval of the mayor, except in the case of Plan D and Plan E cities, where approval of the city council and the city manager shall be required.

A regional water and sewer district commission established under the provisions of this section shall be a body politic and corporate and political subdivision of the commonwealth with all the powers and duties conferred by law upon such water and sewer commission, as outlined in sections seven and eight.

Section 26. This chapter shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this chapter, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

Section 27. Notwithstanding any general or special law to the contrary, this chapter may be accepted, in whole or in part, in the case of a city with a Plan D or Plan E charter, by the city council upon submission by the city manager; by all other cities by the city council, with the approval of the mayor; in the case of a town with a town council, by the town council; in the case of all other towns, by town meeting; and in the case of an existing water and sewer commission, by its board of commissioners.

SECTION 3. Section 1 of chapter 83 of the General Laws is hereby amended by adding the following paragraph:-

A city, town, commission or district through its sewer department, if any, if thereunto authorized by ordinance, or by-law or by vote of its governing body if a commission or district, may make contracts with, or may go to aid any other city, town, commission or district with regard to the operation, repair and maintenance of the physical properties of its system or systems of sewers and drains. Any such ordinance, by-law or vote may authorize the head of the department in charge of sewers and drains to enter into contracts or to extend such aid subject to such conditions and restrictions as may be prescribed therein. Members of such departments of cities, towns, commissions or districts while in the performance of their duties under such contracts or in extending such aid shall have the same immunities and privileges as if performing the same work in their respective cities, towns, commissions, and districts. Any city, town, commission or district aided under this section shall compensate any city, town, commission or district

rendering aid as aforesaid, for such aid and for the whole or any part of any damage to its property sustained in the course of rendering such aid. Any contracts under this section may be for a period not exceeding twenty years.

SECTION 4. Section 15 of chapter 84 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 11, the words "or town" and inserting in place thereof the following words:- , town or local water and sewer commission.

SECTION 5. Section 1 of chapter 258 of the General Laws, as so appearing, is hereby amended by inserting after the word "thereof", in line 37, the following words:- including a local water and sewer commission.

SECTION 6. Paragraph (b) of section 10 of chapter 372 of the acts of 1984, as most recently amended by section 18 of chapter 770 of the acts of 1987, is hereby further amended by inserting after the word "body", in line 27, the words:- , which for purposes of this sentence and the next sentence shall mean, in the case of a commission, agency, board or other entity established by a city or town on or after June thirtieth, nineteen hundred and ninety-two for the purpose of providing local water supply and local sewer services to such city or town, such city or town, and shall not mean a commission established on or after June thirtieth, nineteen hundred and ninety-two for such purpose by vote of a commission which was established by special law prior to June thirtieth, nineteen hundred and ninety-two,.

Approved January 8, 1993.

Chapter 344. **AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF TEMPLETON AS THE SECOND LT. WILLIAM D. ORDWAY/VIETNAM VETERANS MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

SECTION 1. A certain bridge, located on Main street in the Village of Otter River in the town of Templeton, extending over the Boston and Maine railroad tracks shall be designated and known as the Second Lt. William D. Ordway/Vietnam Veterans Memorial Bridge, in honor of Second Lt. William D. Ordway and other veterans of the Vietnam War. The department highways shall erect suitable markers bearing such designation in compliance with the standards of said department.

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

Approved January 8, 1993.

Chapter 345. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF WARWICK.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Warwick 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. 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. Said 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 said town clerk, with his signature and official seal attached thereto. They shall be dated, be addressed to the selectmen and contain the names of all the persons to whom they are issued, the name of the person whose recall is sought, the ground 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 said town clerk. Said recall petition shall be returned and filed with said 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.

Said town clerk shall within twenty-four hours of receipt, submit the petition to the registrars of voters in the town, and the registrars shall within five working days certify thereon the number of signatures which are names of registered voters of the town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient he shall submit the same with his certificate to the board of selectmen within five working days, and said board 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 said board not less than sixty-five and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within one hundred days after the date of the certificate, said board 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 then re-elected, he shall continue in office for the remainder of his unexpired term subject to recall as before except as provided in this act. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

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

For the recall of (name of officer).

Against the recall of (name of officer). Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) or other mark signifying a 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 election. 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.

Approved January 8, 1993.

Chapter 346. AN ACT AUTHORIZING THE TOWN OF HUDSON TO CONVEY A CERTAIN PARCEL OF PARK LAND.

Be it enacted, etc., as follows:

The town of Hudson, acting by and through its board of selectmen, is hereby

authorized to convey a certain parcel of park land located in said town. Said parcel is shown as Parcel "A" on a plan entitled "Plan of Land in Hudson, Massachusetts owned by:- Town of Hudson" dated May 5, 1992 drawn by Zanca Land Surveyors, Inc. which is on file in the office of the clerk of said town.

Approved January 8, 1993.

Chapter 347. **AN ACT PROVIDING FOR THE APPOINTMENT OF THE TREASURER-TAX COLLECTOR IN THE TOWN OF WEST BRIDGEWATER.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the treasurer-tax collector of the town of West Bridgewater shall be appointed by the board of selectmen of said town for a term not to exceed three years, and the person so appointed shall have the powers and duties vested in the office of treasurer and in the office of tax collector. A vacancy in such office shall be filled in like manner for the unexpired portion of the term.

SECTION 2. Notwithstanding the provisions of section one, the incumbent of the position of treasurer-tax collector, upon the effective date of this act, shall continue to hold said office and to perform the duties thereof until the expiration of the term for which he was elected and the appointment and qualifications of a successor, or until he otherwise vacates such office.

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

Approved January 8, 1993.

Chapter 348. **AN ACT INCREASING THE AMOUNT OF INCOME WHICH MAY BE DERIVED FROM THE REAL AND PERSONAL PROPERTY HELD BY THE FIRST CONGREGATIONAL SOCIETY IN THE TOWN OF BECKET.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section two of chapter fifty-one of the acts of seventeen hundred and ninety-seven or any other general or special law to the contrary, the First Congregational Society in the town of Becket may hold any real or personal estate the annual income of which shall not exceed thirty-five thousand dollars.

Approved January 8, 1993.

Chapter 349. AN ACT AUTHORIZING THE TOWN OF FOXBOROUGH TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Foxborough, acting by and through its board of selectmen, is hereby authorized to convey a certain parcel of conservation land located in said town to Alan J. Antokal and Lawrence D. Gitletz, trustees of Alan Lawrence Realty Trust. Said parcel is shown as Lot B2 (9.10+ acres) on a plan entitled "Plan of Land in Foxborough, MA October 22, 1992, Scale 1" = 80' Bay Colony Group, Inc., Professional Civil Engineers & Land Surveyors, Four School Street, Post Office Box 9136, Foxborough, MA Owners: Town of Foxborough".

SECTION 2. In consideration for the conveyance in section one, said realty trust shall convey a certain parcel of land located in said town to the town of Foxborough. Said parcel is shown as Lot B on a plan entitled "49 Lakeview Road, Foxborough, MA Plan of Land prepared for Maxine Murdock prepared by Andover Engineering, Inc., dated October 14, 1992".

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

Approved January 8, 1993.

Chapter 350. AN ACT AUTHORIZING THE STATE SECRETARY TO ISSUE A CERTAIN AMENDED RECORD OF MARRIAGE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the state secretary is hereby authorized and directed to issue an amended copy of a record of marriage which shall state that the marriage of Michael Patrick Conlin and Judith Miller Conlin was performed on October fifth, nineteen hundred and seventy-four in the city of Southampton.

Approved January 8, 1993.

Chapter 351. AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS IN THE TOWN OF MILLIS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary,

the town of Millis is hereby authorized to withdraw its participation in the Norfolk county dog officer's program.

Approved January 11, 1993.

Chapter 352. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF PROVINCETOWN.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Provincetown 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 inserting after section 4-2-6 the following section:-

Section 4-2-7. Notwithstanding any other provisions of this charter, the board of selectmen shall be the issuing authority for all fishing and shellfishing grants, permits and licenses that are issued under the provisions of chapter one hundred and thirty of the General Laws and over which the state's division of marine fisheries has any power of review or administrative control.

SECTION 2. Said charter is hereby further amended by striking out section 6-16-3 and inserting in place thereof the following section:-

Section 6-16-3. Unless otherwise provided by the vote creating a town board, the board shall consist of five regular members plus one alternate and may have two alternates when formally requested to do so by the board in question and approved of by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

Approved January 11, 1993.

Chapter 353. AN ACT ESTABLISHING A FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE CITY OF PEABODY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of subdivision (6A) of section twenty-two of chapter thirty-two of the General Laws, the retirement system of the city of Peabody is hereby deemed to have accepted the provisions of section twenty-two D of said chapter thirty-two; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual

payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and provided, further, that said retirement system shall not be subject to the provisions of paragraph (e) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (*i*) of paragraph (*c*) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the retirement system of the city of Peabody for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause (*i*), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before January fifteenth, nineteen hundred and ninety-three and the resulting revised appropriation shall be issued by said actuary no later than January thirty-first, nineteen hundred and ninety-three.

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

Approved January 11, 1993.

Chapter 354. AN ACT ESTABLISHING A CERTAIN FUNDING SCHEDULE FOR THE RETIREMENT SYSTEM OF THE CITY OF MELROSE.

Be it enacted, etc., as follows:

SECTION 1. The city of Melrose and the retirement system of the city of Melrose is hereby deemed to have accepted the provisions of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that notwithstanding the provisions of the first sentence of subdivision (1) of said section twenty-two D, said retirement system may adopt a funding schedule established under said subdivision (1) of said section twenty-two D which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; and provided, further, that said retirement system shall not be subject to the provisions of paragraph (*e*) of subdivision (4) of said section twenty-two D.

SECTION 2. Notwithstanding the provisions of clause (*i*) of paragraph (*c*) of

subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, the amounts determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of the retirement system of the city of Melrose for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause (*i*), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirement of section one of this act and has been approved by said actuary. Such revised amount shall be in accordance with an approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before June first, nineteen hundred and ninety-three and the resulting revised appropriation shall be issued by said actuary no later than June fifteenth, nineteen hundred and ninety-three.

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

Approved January 11, 1993.

Chapter 355. AN ACT PROVIDING FOR A PUBLIC WATER SUPPLY IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of capital planning and operations, in consultation with the commissioner of the department of environmental management, 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 instrument approved as to form by the attorney general, fee simple or a lease for a term of fifty years, with an option for an additional term of twenty-five years, the property described below, subject to the requirements of sections two to six, inclusive, and to such other terms and conditions as the commissioner may prescribe in consultation with the commissioner of the department of environmental management, said parcel is shown on a "Plan of Land in Nantucket, Mass.", scale 1" = 200': dated Sept., 1991 and/or any revisions thereof; drawn by Hart, Blackwell & Associates, Nantucket, Mass. to be recorded.

SECTION 2. No instrument purporting to convey or lease on behalf of the commonwealth the property described in section one shall be valid unless the instrument provides that said property shall be used solely for the purpose of laying, installing, maintaining, repairing and operating a public water supply and water supply distribution system and that should the property, or any interest therein conveyed cease to be used for a public water supply system all right, title and interest shall forthwith revert to the commonwealth.

SECTION 3. If the aforementioned purpose as described in section one is not begun within five years from the effective date of this act, or ceases at any time thereafter, all easements and interests shall revert to the commonwealth under such terms and conditions as the commissioner of capital planning and operations, in consultation with the commissioner of environmental management may prescribe.

SECTION 4. The recipient of said property shall assume the costs of any appraisals, surveys, and other expenses as deemed necessary by the commissioner of capital planning and operations. The recipient shall additionally comply with the provisions of the law regarding environmental protection, shall adopt and implement a water conservation plan approved by the Massachusetts water resources commission and shall provide to the department of environmental management operating plans sufficient to demonstrate that there will be no significant adverse environmental impacts as a result of the proposed withdrawal, specifically on the natural functioning or on the normal level of any stream, aquifer, pond, lake or woodland and the effect on fish or other aquatic wildlife or their habitats.

SECTION 5. Consideration of the interests herein authorized shall be the fair market value as established by an independent appraisal and deposited in the Conservation Trust, established by section one of chapter one hundred and thirty-two A of the General Laws, to be used for the purpose of public recreation and development within the island of Nantucket, including, but not limited to, the acquisition, improvement and construction of public access facilities, active and passive public recreational uses and programs and for forestry management programs within the island of Nantucket, together with associated costs. The recipient shall in addition provide, within Nantucket State Forest, at least one fire hydrant for fire suppression purposes and shall provide the necessary pipe and hook-up equipment to provide management and recreational facilities within Nantucket State Forest with potable water free of cost.

Approved January 11, 1993.

Chapter 356. AN ACT AUTHORIZING AND DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN PROPERTY IN THE TOWN OF GRANBY.

Be it enacted, etc., as follows:

The commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to lease for a term of not greater than ten years, certain land and a building thereon located in the town of Granby, to said town

of Granby for municipal purposes, subject to the requirements herein and to such additional terms and conditions as the commissioner may prescribe, in consultation with the department of environmental management. Said property is known as the Granby Dinosaur Museum in Granby, MA. The town of Granby shall assume the costs of any appraisals, surveys and other expenses as deemed necessary by the commissioner of the division of capital planning and operations for the granting of the lease.

Approved January 12, 1993.

Chapter 357. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT AN EASEMENT IN CERTAIN LAND LOCATED IN THE TOWN OF WESTMINSTER.**

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital planning and operations is hereby authorized subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to grant an easement for the construction, maintenance, replacement, addition to and removal of water and sewer lines over a certain parcel of land located in the town of Westminster, to the town of Westminster, subject to the requirements of section two and three, and to such additional terms and conditions as the commissioner may prescribe in consultation with the department of environmental management. Said easement is bounded and described as follows:

BEGINNING at the northwesterly corner of land now or formerly owned by Oink Oink Realty Trust in the town of Westminster and recorded in the Worcester north registry of deeds at Book 1503, Page 532; THENCE S 86 53' 03" W along the property line separating the Town of Westminster from the City of Fitchburg for a distance of 1,297.34 feet / or azimuth to land now or formerly owned by Joseph H. Catalucci and Herman J. Catalucci, as tenants in common; THENCE southerly along said land of Joseph H. Catalucci and Herman J. Catalucci and continuing along said course for a distance of twenty (20) feet; THENCE S 86 53' 03" along a course for a distance of 1,293.93 feet / or azimuth / parallel to the property line separating the Town of Westminster from the City of Fitchburg and continuing along said course until such line meets the land now or formerly owned by Oink Oink Realty Trust; THENCE N 02 23' 53" W along said land of Oink Oink Realty Trust and continuing along said course for a distance of twenty (20) feet to the point of beginning.

SECTION 2. The town of Westminster shall assume the costs of appraisals,

surveys and other expenses as deemed necessary by the said commissioner for the granting of the easement.

SECTION 3. In the event that the easement described in section one is not used for the purpose stated in said section one within five years of the effective date of this act or if the town of Westminster ceases to use the easement for such purposes at any time thereafter for a period exceeding one year, upon notice delivered to the town of Westminster by said commissioner, said easement shall revert to the commonwealth upon such terms and conditions as said commissioner may prescribe in the notice.

Approved January 12, 1993.

Chapter 358. AN ACT ESTABLISHING THE POSITION OF EXECUTIVE ADMINISTRATOR IN THE TOWN OF DARTMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The office of executive administrator is hereby established in the town of Dartmouth to be filled by appointment of the board of selectmen for terms not to exceed three years. During the term of appointment the executive administrator may only be removed for cause after notice stating the reasons for removal, with the right to a hearing, and by a vote of at least two-thirds of the board of selectmen.

SECTION 2. The executive administrator shall be the chief administrative officer of the town of Dartmouth within the policies and goals established by the board of selectmen and shall have the following powers and duties:-

(*a*) the daily administration of the offices of the board of selectmen and the affairs of the town,

(*b*) the preparation of the articles and warrant for annual and special town meetings,

(*c*) overall responsibility for the town budget with supervisory authority over the director of budget and finance,

(*d*) the hiring, supervision and termination of department heads determined by town general by-laws except for those department heads whose appointment is presently specially provided for by general or special law.

In addition to those powers and duties as set out above the executive administrator shall have such powers and duties as may be assigned and prescribed from time to time by the board of selectmen with the approval of town meeting.

SECTION 3. No action by the executive administrator in the hiring or termination of a department head shall be effective until ratified by a majority vote of the board of selectmen within seven days after notice to the board of selectmen

at a meeting. Failure of the board of selectmen to act within seven days after notice, shall be ratification of the action taken by the executive administrator.

SECTION 4. Upon the appointment and assumption of office by the executive administrator, the term and employment of the executive secretary for the board of selectmen shall terminate.

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

Approved January 12, 1993.

Chapter 359. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN EASEMENTS TO THE TOWN OF SWAMPSCOTT IN LAND LOCATED IN THE CITY OF LYNN.

Be it enacted, etc., as follows:

SECTION 1. The 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 permanent easements located in the city of Lynn to the town of Swampscott, subject to the requirements of sections two and three and to such terms and conditions as the commissioner may prescribe in consultation with the higher education coordinating council.

Said easements are shown on a plan entitled "Sewer Easement Plan of Land in City of Lynn, Mass. dated August 22, 1990, Prepared for Swampscott, Massachusetts" and prepared by H2O 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 or on behalf of the commonwealth the easements described in section one shall be valid unless such deed provides that said easements be used for the purposes of laying, installing, maintaining, repairing, and operating sanitary sewer lines.

SECTION 3. If the aforementioned purposes as described in section two are not begun within two years after the effective date of this act, or ceases at anytime thereafter, said easements shall revert to the commonwealth under such terms and conditions as the commissioner may prescribe.

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

Approved January 12, 1993.

Chapter 360. AN ACT RELATIVE TO THE STABILIZATION FUND OF THE TOWN OF SOUTHAMPTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section five B of chapter forty of the General Laws, the Stabilization Fund of the town of Southampton may only be appropriated for purposes for which said town would be authorized to borrow money under the provisions of sections seven and eight of chapter forty-four of the General Laws and not for any other purposes.

Approved January 12, 1993.

Chapter 361. AN ACT AUTHORIZING THE TOWN OF WESTFORD TO BORROW MONEY TO UPDATE ITS COMPREHENSIVE MASTER PLAN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Westford, upon a two-thirds vote of the town meeting, is hereby authorized to borrow for a term of up to five years an amount not to exceed fifty thousand dollars for the purpose of updating its comprehensive master plan under the direction and supervision of the planning board of said town.

Approved January 12, 1993.

Chapter 362. AN ACT TO PROVIDE FOR RECALL ELECTIONS IN THE TOWN OF WEST BOYLSTON.

Be it enacted, etc., as follows:

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

SECTION 2. Ten qualified voters of the town may make and file with the town clerk an affidavit containing the name of the officer sought to be recalled and removed and a statement of the grounds of removal. The town clerk shall thereupon deliver to the voters making such affidavit a sufficient number of copies of petition blanks for such recall and removal. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto; and shall be dated

and addressed to the Selectmen. Said blanks shall contain the name of the person sought to be removed, the office from which removal is sought, the grounds of removal as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within fourteen days after the filing of the affidavit. Said petition before being returned and filed shall be signed by qualified voters of the town, equal in number to at least twenty-five percent of the qualified voters of the town as of the date such affidavit was filed with the town clerk.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the Selectmen without delay, and the Selectmen shall forthwith give written notice to said officer of the receipt of said certificate and shall, if the officer sought to be 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 sixty nor more than ninety days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within one hundred days after the date of said certificate, the Selectmen 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.

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 be held to fill such vacancy which shall be held concurrently with the election. The nomination of all candidates, the publication of the warrant for the removal election and any election to fill a vacancy caused by a removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this Act. A majority of those voting at the removal election shall be sufficient to recall such elected officer. If a majority of the voters on the question of removal is in the negative, the ballots of candidates to fill the potential vacancy need not be counted.

SECTION 5. The incumbent shall continue to perform the duties of his office until the removal election. If said incumbent is not removed, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If said incumbent is removed in the removal election, he shall be deemed removed and the election held concurrently shall elect a qualified successor, who shall hold office during the unexpired term.

Approved January 12, 1993.

Chapter 363. **AN ACT RELATIVE TO THE PROCEEDS OF CERTAIN BONDS IN THE TOWN OF BREWSTER.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seven D of chapter seventy-nine and chapter two hundred A of the General Laws or any other general or special law to the contrary, the town treasurer of the town of Brewster may retain such funds as have been deposited or invested on behalf of any person or persons entitled to damages awarded under section six of said chapter seventy-nine, but where the name or names of such person or persons could not be determined after reasonable investigation, and shall not be required to transfer said funds to the treasurer of the commonwealth. The board of selectmen in the town of Brewster may, by majority vote of the board, authorize the town treasurer of the town of Brewster to expend said funds, in whole or in part, for the purpose of compensating a person or persons for damages awarded under said section six of said chapter seventy-nine. For the purposes of this act, the term "funds" shall be deemed to include only those funds deposited or invested pursuant to said section seven D of said chapter seventy-nine which were first deposited or invested prior to January first, nineteen hundred and ninety-two. Any said funds which have not been expended pursuant to the provisions of this act prior to January first, nineteen hundred and ninety-seven shall be transferred to the treasurer of the commonwealth pursuant to the provisions of said chapter two hundred A.

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

Approved January 12, 1993.

Chapter 364. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY CERTAIN LAND IN THE CITY OF SOMERVILLE FOR THE CONSTRUCTION OF A BRIDGE FOR EASTERN ROUTE RAIL OVER THE MYSTIC RIVER.**

Be it enacted, etc., as follows:

Chapter 228 of the acts of 1986 is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following paragraph:-

The division of capital planning and operations is hereby authorized, in the name of and on behalf of the commonwealth, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey by an

instrument, approved as to form by the attorney general, to the Massachusetts Bay Transportation Authority certain land currently controlled by the metropolitan district commission located between the eastern route commuter rail and the Amelia Earhart Dam on the Somerville, Charlestown line, in the city of Somerville for transportation purposes, being shown as Parcel C, containing approximately 127,028 square feet of land on a plan by Howard, Needles, Tammen & Bergendoff, Architects, Engineers and Planners, Boston, MA, entitled "Massachusetts Bay Transportation Authority, Draw Number 7 Replacement, Contract No.CoCN08, Land Acquisition Plan, City of Somerville, Middlesex County, Massachusetts, Scale: 1" = 80'," dated May 22, 1987, revised November 19, 1990 and recorded in Middlesex south registry of deeds in Book 10189, Page 593 and Book 10241, Page 3, being more particularly bounded and described as follows:

Beginning at a point "P200" on the plan, a point which is the intersection of the former United States Pierhead and Bulkhead line on the westerly side of the Mystic River and the easterly property line of the Commonwealth of Massachusetts:

thence running along land of the Massachusetts Bay Transportation Authority (MBTA) S40/=-33'-55"W, three hundred sixty-nine and twenty-seven hundredths (369.27) feet to a point "P201" on the plan;

thence turning and running again by land of said MBTA on a curve to the right having a radius of five hundred forty-eight and sixty-nine hundredths (548.69) feet a distance of ninety-seven and seventy-nine hundredths (97.79) feet to a point "P202" on the plan;

thence running again by land of said MBTA S40/=-33'-55"W, two hundred seventeen and eighty-nine hundredths (217.89) feet to a point "P203" on the plan;

thence running again by land of said MBTA on a curve to the left having a radius of five hundred ninety-eight and sixty-nine hundredths (598.69) feet a distance of one hundred sixteen and seventy-eight hundredths (116.78) feet to a point "P204" on the plan;

thence turning and running again by land of said MBTA on a curve to the left having a radius of five hundred ninety-eight and sixty-nine hundredths (598.69) feet a distance of one hundred sixteen and seventy-eight hundredths (116.78) feet to a point "P204" on the plan;

thence turning and running again by land of said MBTA on a curve to the left having a radius of six thousand five hundred fifty-eight and zero hundredths (6558.00) feet a distance of three hundred eighty-three and fifty hundredths (383.50) feet to a point "P205" on the plan;

thence running again by land of said MBTA N 04/=-30'-04"W, seventy-six and nine hundredths (76.09) feet to a point "P206" on the plan;

thence turning and running again by land of said MBTA N 00/=-01'-23"W, two hundred forty-seven and fifty-two hundredths (247.52) feet to a point "P207" on the plan;

thence turning and running S10/=-34"-31"E, three hundred twenty and zero hundredths (320.00) feet to a point "P208" on a plan;

thence turning and running S88/=-51'-12"E, eighty-seven and zero hundredths (87.00) feet to a point "P209" on the plan;

thence turning and running along said former United States Pierhead and Bulkhead line S22/=-13'-50"E, one hundred fifty-seven and forty-one hundredths (157.41) feet to the point of beginning at said point "P200".

Approved January 12, 1993.

Chapter 365. **AN ACT AUTHORIZING THE TOWN OF BOURNE TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO GREY GABLES COUNTRY MARKET, 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 Bourne is hereby authorized to issue a license for the sale of all alcoholic beverages, not to be drunk on the premises, to Grey Gables Country Market, Inc. under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said license shall be subject to all provisions of said chapter one hundred and thirty-eight except said section seventeen.

Approved January 12, 1993.

Chapter 366. **AN ACT RELATIVE TO THE MASSACHUSETTS HOUSING FINANCE AGENCY.**

Be it enacted, etc., as follows:

Paragraph (*b*) of section 8 of chapter 708 of the acts of 1966 is hereby amended by striking out the last sentence, as most recently amended by section 2 of chapter 581 of the acts of 1989, and inserting in place thereof the following sentence:- The aggregate principal amount of notes and bonds of the MHFA and the MHMFA issued to make loans pursuant to section five A of this chapter and chapter eight hundred and forty-six of the acts of nineteen hundred and seventy-four outstanding at any one time shall not exceed the sum of one billion seven hundred million dollars.

Approved January 12, 1993.

Chapter 367. AN ACT CHANGING THE HARBOR LINES IN FORT POINT CHANNEL AND AUTHORIZING CERTAIN STRUCTURES AND FILL NECESSARY IN CONNECTION WITH THE CENTRAL ARTERY/TUNNEL PROJECT TO EXTEND BEYOND ESTABLISHED HARBOR LINES IN THE FORT POINT CHANNEL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for legislation in aid of the construction of the Central Artery/Tunnel Project, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. The harbor lines in Fort Point Channel in the city of Boston are hereby changed and established as follows, using the Massachusetts State Plane Coordinate System referenced to the North American Datum of 1983 (NAD 83), as it has been defined within the Central Artery/Tunnel Project limits:

Beginning at a point J on the northwesterly seawall of Fort Point Channel, being a point on the harbor line established by chapter one hundred and seventy of the acts of eighteen hundred and eighty between points "I" and "K" at a distance one hundred fifty-four and twenty-three one hundredths feet (154.23') northeasterly of said point "I"; thence north seventy-three degrees, nine minutes, thirty-nine seconds east (N 73/=-09'-39" E) a distance of five hundred seventy-four and eighty-six one hundredths feet (574.86') to a point R' on the harbor line established by chapter two hundred and thirty-two of the acts of eighteen hundred and seventy-three, said point R' being approximately two thousand four hundred and ninety feet (2,490') southwesterly of point S' of the harbor line established by chapter four hundred and three of the acts of nineteen hundred and thirty-nine.

The harbor line established by chapter two hundred and seventy-eight of the acts of nineteen hundred and twenty-nine, the portion of the harbor line established by chapter one hundred and seventy of the acts of eighteen hundred and eighty between point I on said harbor line and point J established hereby, and the portion of the harbor line established by chapter two hundred and thirty-two of the acts of eighteen hundred and seventy-three between point R' established hereby and the southerly terminus of the harbor line established by chapter two hundred and seventy-eight of the acts of nineteen hundred and twenty-nine are hereby repealed.

SECTION 2. The harbor lines hereby established shall be shown on a plan to be titled, "The Establishment of New Harbor Lines at Fort Point Channel," and bearing the effective date of this act. Said plan shall be prepared by the department

of highways, maintained by and in the department of environmental protection, and made available for public inspection.

SECTION 3. The department of environmental protection is hereby authorized to grant or deny licenses, under the provisions of chapter ninety-one of the General Laws, notwithstanding the provisions of section fourteen thereof, or any other general or special law regarding harbor lines to the contrary, for structures and fill necessary in connection with the construction of the Central Artery/Tunnel Project extending into Fort Point Channel beyond the harbor lines established by this act, by chapter one hundred and seventy of the acts of eighteen hundred and eighty, and by chapter two hundred and thirty-two of the acts of eighteen hundred and seventy-three, with said authorization limited to (1) a cooling water intake structure and appurtenances to be located on the easterly side of Fort Point Channel adjacent to property of the Gillette Company (city of Boston assessor parcel no. 6-1168-1), provided that no licenses issued for said cooling water intake structure shall be paid by the Massachusetts Highways Department, (2) a public walkway along the easterly seawall of Fort Point Channel adjacent to property of the Gillette Company beginning at the Dorchester Avenue bridge and extending to approximately the boundary of property of the Gillette Company (city of Boston assessor parcel no. 6-1168-1) and property of the Boston Wharf Company (city of Boston assessor parcel no. 6-1167), (3) a public walkway along the westerly seawall of Fort Point Channel between Summer Street and the new Northern Avenue Bridge, (4) a public docking facility on the westerly side of Fort Point Channel adjacent to property of the Boston Edison Company at 516 Atlantic Avenue (city of Boston assessor parcel no. 3-2953/5), (5) any temporary structures necessary to construct the Central Artery/Tunnel Project and the above-described mitigation within the Fort Point Channel, and (6) any other mitigation within the Fort Point Channel as may be required for the construction of the Central Artery/Tunnel Project. All such structures and fill shall be constructed, maintained and used as provided in the licenses issued by the department of environmental protection pursuant to chapter ninety-one of the General Laws.

Approved January 12, 1993.

Chapter 368. AN ACT RELATIVE TO THE DELIVERY OF MEDICOLEGAL SERVICES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 184, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 184. There shall be in the executive office of public safety a commission on medicolegal investigation, hereinafter called the commission, to consist of the attorney general, the secretary of public safety, the commissioner of public health or their designees, and thirteen persons to be appointed by the governor, one of whom shall be the dean of a medical school in Massachusetts, one of whom shall be a representative of the Massachusetts Medico-Legal Society, two of whom shall be forensic pathologists certified in said field of specialization by the American Board of Pathology and who are members of the Massachusetts Society of Pathologists and who reside in the commonwealth, one of whom shall be a physician licensed to practice medicine in the commonwealth and who is a member of the Massachusetts Medical Society, one of whom shall be an attorney licensed to practice law in the commonwealth who is experienced in criminal defense, one of whom shall be a professor of law licensed to practice law in the commonwealth, one of whom shall be a funeral director licensed in the commonwealth, two of whom shall be district attorneys in the commonwealth, one of whom shall be a chief of police of a city or town in the commonwealth, and two representatives of the general public who reside in the commonwealth. Each appointed member of the commission shall serve for a term of three years, or until his successor is appointed and qualified, whichever is longer; provided, however, that no appointee shall serve more than two consecutive terms. The members shall serve without compensation, but shall be reimbursed for travel and other expenses actually and necessarily incurred in the discharge of their duties. The commission shall meet at least three times each year. The governor shall appoint a chairman, who shall serve in that capacity at the governor's pleasure. The commission shall elect a vice chairman annually. The chief medical examiner, appointed pursuant to section two of chapter thirty-eight, shall be secretary to the commission. Meetings may be called by the chairman, vice chairman, secretary, or any four members. A quorum for the transaction of business shall be nine members.

The commission shall adopt such rules and regulations as are necessary to effectively carry out the program of medicolegal investigation in the commonwealth under the provisions of chapter thirty-eight; establish qualifications for appointment of medical examiners, forensic pathologists, and all other professional and technical personnel necessary to perform the work of the office of the chief medical examiner; advise the chief medical examiner in the development of the annual budget of said office; and review and approve the comprehensive system for the delivery of medicolegal services in the commonwealth, and any modifications thereto, developed by the chief medical examiner.

SECTION 2. The General Laws are hereby further amended by striking out chapter 38 and inserting in place thereof the following chapter:-

CHAPTER 38.

MEDICAL EXAMINERS AND INQUESTS.

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

"Commission", to the commission on medicolegal investigation, established by section one hundred and eighty-four of chapter six.

"Office", the office of the chief medical examiner.

Section 2. There shall be an office of chief medical examiner under the supervision and control of the chief medical examiner, which shall be within the executive office of public safety. Costs and expenses of the office shall be paid by the commonwealth.

The chief medical examiner shall be a physician who is a diplomate of the American Board of Pathology in Forensic Pathology, a graduate of an approved fellowship program in forensic medicine, a diplomate of the American Board of Anatomic and Forensic Pathology and licensed to practice medicine in the commonwealth and must reside within the commonwealth within six months after his appointment. The chief medical examiner shall be appointed by the governor for a term of five years from among a list of not less than three nominees recommended by the commission on medicolegal investigation. The governor may request additional nominees from the commission before making the appointment. The chief medical examiner's salary and the salary of the deputy chief medical examiner shall be set by the governor and shall be commensurate with those of similar positions in comparable jurisdictions.

In the case of the death, removal, resignation or permanent incapacity of the chief medical examiner, the governor shall appoint a new chief medical examiner within six months.

The chief medical examiner, with the approval of the commission, shall establish a comprehensive system to deliver medicolegal investigative services in the commonwealth. The chief medical examiner shall appoint a deputy chief medical examiner who shall perform all of the duties of the chief medical examiner in case of incapacity or absence. The chief medical examiner may appoint such associate chief medical examiners as necessary.

The chief medical examiner may, subject to the approval of the secretary of public safety, apply for and accept on behalf of the commonwealth any funds, including grants, bequests, gifts or contributions, from any person for the improvement of the system of medicolegal investigative services in the commonwealth. Such funds shall be deposited in a separate account with the state treasurer and received by him on behalf of the commonwealth. All such funds may be expended by the chief medical examiner, in accordance with law.

District medical examiners shall be appointed by the chief medical examiner to conduct appropriate medicolegal investigations within the commonwealth.

Such medical examiners shall serve in areas or districts as determined by the chief medical examiner and for terms of office at his discretion. Such medical examiners shall be responsible, under the direction of the chief medical examiner or the deputy medical examiner or an associate chief medical examiner, for the investigation and certification as to the cause of deaths under their jurisdiction. District medical examiners shall be licensed to practice medicine within the commonwealth and shall reside therein. In areas where such individuals are not available, the chief medical examiner or his representative may appoint other appropriately qualified individuals to conduct medicolegal investigations. Those medical examiners and associate medical examiners who are functioning under prior gubernatorial appointments will continue to do so for the remainder of their term in their present districts.

The office of the chief medical examiner shall have custody of all files, reports, photographs and other articles generated by all employees or vendors of the office.

The chief medical examiner, with the approval of the commission, shall promulgate rules providing for the disclosure of autopsy reports, which shall not be deemed to be public records, to those who are legally entitled to receive them. Said rules may also establish fees to be paid to the office for photocopies of records.

Section 3. It shall be the duty of any person having knowledge of a death which occurs under the circumstances enumerated in this paragraph immediately to notify the office of the chief medical examiner, or the medical examiner designated to the location where the death has occurred, of the known facts concerning the time, place, manner, circumstances and cause of such death:

(1) death where criminal violence appears to have taken place, regardless of the time interval between the incident and death, and regardless of whether such violence appears to have been the immediate cause of death, or a contributory factor thereto;

(2) death by accident or unintentional injury, regardless of time interval between the incident and death, and regardless of whether such injury appears to have been the immediate cause of death, or a contributory factor thereto;

(3) suicide, regardless of the time interval between the incident and death;

(4) death under suspicious or unusual circumstances;

(5) death following an unlawful abortion;

(6) death related to occupational illness or injury;

(7) death in custody, in any jail or correctional facility, or in any mental health or mental retardation institution;

(8) death where suspicion of abuse of a child, family or household member, elder person or disabled person exists;

(9) death due to poison or acute or chronic use of drugs or alcohol;

(10) skeletal remains;

(11) death associated with diagnostic or therapeutic procedures;

(12) sudden death when the decedent was in apparent good health;

(13) death within twenty-four hours of admission to a hospital or nursing home;

(14) death in any public or private conveyance;

(15) fetal death, as defined by section two hundred and two of chapter one hundred and eleven, where the period of gestation has been twenty weeks or more, or where fetal weight is three hundred and fifty grams or more;

(16) death of children under the age of two years from any cause;

(17) any person found dead;

(18) death in any emergency treatment facility, medical walk-in center, day care center, or under foster care; or

(19) deaths occurring under such other circumstances as the chief medical examiner shall prescribe in regulations promulgated pursuant to the provisions of chapter thirty A.

A physician, police officer, hospital administrator, licensed nurse, or licensed funeral director, within the commonwealth, who, having knowledge of such an unreported death, fails to notify the office of the chief medical examiner of such death shall be punished by a fine of not more than five hundred dollars. Such failure shall also be reported to the appropriate board of registration, where applicable.

Section 4. Upon notification of a death in the circumstances enumerated in section three, the chief medical examiner or his designee shall carefully inquire into the cause and circumstances of the death. If, as a result of such inquiry, the chief medical examiner or such designee is of the opinion that the death was due to violence or other unnatural means or to natural causes that require further investigation, he shall take jurisdiction. The body of the deceased shall not be moved, and the scene where the body is located shall not be disturbed, until either the medical examiner or the district attorney or his representative either arrives at the scene or gives directions as to what shall be done at the scene. In such cases of unnatural or suspicious death where the district attorney's office is to be notified, the medical examiner shall not disturb the body or the scene without permission from the district attorney or his representative.

The medical examiner shall be responsible for making arrangements for transport of the body. The district attorney or his law enforcement representative shall direct and control the investigation of the death and shall coordinate the investigation with the office of the chief medical examiner and the police department within whose jurisdiction the death occurred. Either the medical examiner or the district attorney in the jurisdiction where death occurred may order an autopsy. Cases requiring autopsy shall be subject to the jurisdiction of the office for such purpose. As part of his investigation, the chief medical examiner or his designee may, in his discretion, notwithstanding any other provision of law, cause the body to be tested by the department of public health for the presence of any virus, disease, infection, or syndrome which might pose a public health risk.

If the medical examiner is unable to respond and take charge of the body of the deceased in an expeditious manner, the chief of police of the city or town wherein the body lies, or his representative, may, after conferring with the appropriate district attorney, move the body to another location until a medical examiner is able to respond. Before moving the body the police shall document 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.

In carrying out the duties prescribed by this section, the chief medical examiner or his designee shall be entitled to review and receive copies of medical records, hospital records, or information which he deems relevant to establishing the cause and manner of death. No person or hospital shall be subject to liability of any nature for providing such records or information in good faith at the request of the office.

Section 5. All law enforcement officers, district medical examiners, hospitals and other medical facilities, and other state, county and local officials shall cooperate with the office of chief medical examiner in the investigation of medicolegal cases. The office of the chief medical examiner may use the services of the department of public safety laboratory for the performance of tests, documentation of evidence, investigating procedures and consultation on special problems. The chief medical examiner, subject to appropriation, may establish and operate a pathology laboratory within the office of chief medical examiner to meet the needs of that office. If other services required by the office of chief medical examiner are not available in the department of public safety laboratory, the chief medical examiner may employ the services of other appropriate laboratories.

Section 6. If skeletal remains are deemed likely to be Native American, the state archaeologist shall be informed and in turn shall notify the commission on Indian affairs, which shall cause a site evaluation to be made to determine if the place where said remains were found is a Native American burial site.

Section 7. If, during the course of investigation, the medical examiner is of the opinion that the death may have been caused by the act or negligence of another, he shall at once notify the district attorney within whose district the deceased was found or, if such act or negligence has occurred in a different district, the district attorney for such other district. He shall also make available to the district attorney any and all records pertaining to such investigation. He shall in all cases forthwith certify to the city or town clerk or registrar in the place where the deceased died, the name and address, if known, or otherwise a description as full as may be of the deceased, and the cause and manner of death. Notwithstanding any other provision of law, such certification may indicate that the death was caused by auto-immune deficiency syndrome, so-called.

In cases of homicide, after indictment and arraignment, and while the defendant is in custody or subject to the jurisdiction of the court, upon his request, a copy of the official autopsy report and a copy of the inquest report, if any, shall

be made available to him by the district attorney in accordance with the provisions of the Massachusetts Rules of Criminal Procedure.

Section 8. The chief medical examiner or his designee may request the attorney general or the district attorney to direct that an inquest be held. The attorney general or district attorney may, regardless of whether or not action has been taken by the office of the chief medical examiner, require an inquest to be held in case of any death. The district court which has jurisdiction over the matter shall thereupon hold an inquest.

The court shall give seasonable notice of the time and place of the inquest to the department of public utilities, in any case of death by accident upon a public conveyance regulated by said department, and to the registry of motor vehicles in any case of death in which any motor vehicle is involved. Such notice shall also be given to any parent, spouse, or other member of the deceased's immediate family or to the deceased's legal representative or legal guardian.

Any person who has been identified by the attorney general or the district attorney, as the case may be, as the target of an investigation in connection with the death of the deceased may be present during the holding of such inquest and be represented by counsel, and may request leave of the court to present or examine witnesses, and shall at the completion of the court's report of said inquest have the right to examine said report; provided, however, that no indictment shall be dismissed nor shall any evidence be suppressed for violation of the provisions of this paragraph. All other persons not required by law to attend may be excluded from the inquest; provided, however, that the parents, guardian or next of kin of the person whose death is the subject of the inquest shall be deemed to be interested persons who may be present during the holding of such inquest. The court may order, as it deems appropriate, that witnesses to be examined during the inquest be sequestered.

Section 9. If the court determines that the inquest relates to an accidental death upon a conveyance regulated by the department of public utilities, the court shall cause a transcript of the inquest proceedings, after review and written approval by the court, and the bill for such transcript, to be forwarded to said department within thirty days after the closing of the inquest proceedings, and, when made, a copy of the court's report on the inquest.

Section 10. The court shall report in writing when, where, and by what means the person met his death, the person's name, if known, and all material circumstances attending the death, and the name, if known, of any person whose unlawful act or negligence appears to have contributed thereto. The court shall file its report and a transcript of the inquest proceedings in the superior court for the county in which the inquest is held. Said transcript shall be impounded until the district attorney files a certificate with the superior court indicating that he will not present the case to a grand jury, or files notice with the superior court that the grand

jury has returned a true bill or a no bill after presentment by the district attorney.

Section 11. If a person charged by an inquest report with the commission of a crime is at large, the district court, upon the request of the district attorney, shall forthwith issue process for such person's arrest, returnable before any court or magistrate having jurisdiction.

Section 12. No embalming fluid, or any substitute therefor, shall be injected into the body of any person whose death is being investigated by the office until authorization from a representative of the office has first been obtained.

Section 13. After investigation or examination by the office, the body shall be released to the person with the proper legal authority to receive it, including the surviving spouse, the next of kin, or any friend of the deceased, who shall have priority in the order named. If the body is unidentified or unclaimed after the investigation is completed, the medical examiner shall release it to the department of public welfare, which shall bury it in accordance with section eighteen of chapter one hundred and seventeen. Prior to the release of such unidentified or unclaimed body to the department of public welfare, the chief medical examiner or his designee shall certify to the city or town clerk in the municipality where the death occurred the facts of the death as required by section nine of chapter forty-six. If further identifying information is developed, the chief medical examiner or his designee shall furnish a completed certificate of death, as required by said section nine, to the city or town clerk.

In cases where jurisdiction is declined by the office, medical examiners shall have no responsibility for the pronouncement or certification of death. Immediately after pronouncement of death, a physician licensed in the commonwealth who attended the decedent during the decedent's last illness, or his covering physician, or the licensed physician who has declared such person dead, or, if the death occurred in a hospital, a hospital medical officer duly authorized by the administrator, shall, in the order named, furnish for registration a standard certificate of death as required by said section nine. The chief medical examiner or his designee may allow any body to be moved without pronouncement if excessive hardship to the family of the decedent would otherwise result. The office may promulgate regulations further defining the circumstances in which a body may be moved without pronouncement of death. Any physician described herein who refuses to pronounce and certify death in accordance with said section nine of chapter forty-six when jurisdiction has been declined by the office shall be subject to a fine of not more than five hundred dollars. Such refusal shall also be reported to the board of registration in medicine. The chief medical examiner or his designee may waive the requirements of this paragraph and assume jurisdiction for the purpose of certifying the facts of the death as required by said section nine in cases where excessive hardship would otherwise result due to travel or in other emergency situations as may be defined by regulations promulgated by the office.

Section 14. A medical examiner shall, on payment of a fee of fifty dollars, view the body and make personal inquiry concerning the cause and manner of death of any person whose body is intended for cremation or burial at sea and shall authorize such cremation or burial at sea only when no further examination or judicial inquiry concerning such death is necessary. Said fee shall be paid by the person to whom such authorization for cremation or burial at sea is given.

Section 15. A medical examiner responding to the scene of a death shall take charge of any money or other personal property of the deceased found on or near the body, or may request the police department to do so. The medical examiner or police department shall, unless such money or property is required as evidence, deliver it to the person entitled to its custody or possession, or, if not claimed within sixty days, to a public administrator. A medical examiner or police officer who fraudulently refuses to deliver such property within ten days after demand or who converts such property to his own use shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two years.

Emergency Letter: January 13, 1993 @ 12:11 P.M. Approved January 12, 1993.

Chapter 369. AN ACT RELATIVE TO THE TRANSFER OF LOBSTER LICENSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 130 of the General Laws is hereby amended by striking out section 38B, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 38B. All applicants issued a commercial fishermen permit for the taking of lobsters in coastal waters shall document their catch and sale of lobsters at such times and upon such forms as may be determined by the director. Individual catch data so documented shall be confidential and shall not be disclosed except in aggregate form. The director may develop such forms and require such information as he deems necessary in the administration of this section. All such forms shall be signed by the applicant under the pains and penalties of perjury. Failure to submit complete forms as required by this section or falsification of any such form or any application as required by this section may result in a fine of not less than five hundred nor more than one thousand dollars and suspension of eligibility for issuance of a commercial permit for a period not to exceed three years. Any permit not renewed as required by this section by July first of each year may be subject to revocation by the division of marine fisheries.

Each year between December first and March first the director shall renew an existing commercial fishermen permit for the taking of lobsters in coastal waters

held by any qualified person during the previous year. The director may renew permits to those individuals who have been previously engaged in commercial lobstering and can document that due to personal medical incapacity or other unforeseen circumstances, were unable to renew their commercial lobster permit during the prescribed renewal period. The marine fisheries advisory commission shall promulgate regulations establishing the criteria in which such renewals may take place.

Any commercial fishermen permit for the taking of lobsters in coastal waters may be transferred between members of an immediate family subject to the approval of the director. Permits may be transferred to other qualified applicants subject to regulations promulgated by the marine fisheries advisory commission. Said regulations shall set forth the specific criteria and process in which permits may be transferred and shall address the following concerns:-

(a) the maintenance and stability of a healthy lobster population;

(b) the economic viability of lobstering as a vocation and way of life;

(c) the needs of retiring lobstermen to sell or transfer their business interests;

The director may maintain a list of potential applicants for the transfer of said permits.

Upon the recommendation of the marine fisheries advisory commission, the secretary of the executive office of administration and finance shall set such fees as he deems appropriate to the administration of this section.

Any applicant for the transfer of any existing permit described in this section aggrieved by the decision of the director may appeal that decision to the commissioner whose decision upon appeal shall be final. The commissioner's decision, however, shall be governed by the criteria contained in this section.

SECTION 2. The marine fisheries advisory commission shall promulgate all regulations necessary to the administration and full implementation of section thirty-eight B of chapter one hundred and thirty of the General Laws within ninety days of the effective date of this act.

Approved January 13, 1993.

Chapter 370. AN ACT AUTHORIZING THE CONSERVATION COMMISSION OF THE TOWN OF NORWOOD TO GRANT A CERTAIN UTILITY EASEMENT.

Be it enacted, etc., as follows:

The conservation commission of the town of Norwood is hereby authorized and directed to convey to said town a utility easement in a certain conservation area, under the jurisdiction and control of said conservation commission, as shown

on a plan of land entitled "Town of Norwood Proposed Utility Easement at Endean Playground in Norwood, MA, Scale 1"=40", Walter R. Ryan, P.E., Town Engineer, December 11, 1989" and which is on file in the office of the town engineer.

Approved January 13, 1993.

Chapter 371. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT EASEMENTS OVER CERTAIN PUBLIC ACCESS BOATING FACILITY IN THE TOWN OF SHREWSBURY.

Be it enacted, etc., as follows:

SECTION 1. The 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, permanent access and utility easements located in the town of Shrewsbury to an individual or entity, subject to the requirements of sections two to four, inclusive, and to such terms and conditions as the commissioner may prescribe in consultation with the department of fisheries, wildlife and environmental law enforcement's public access board.

Said access and utility easements being over land owned by the Commonwealth of Massachusetts' Lake Quinsigamond Public Access Facility, under the care and control of the public access board, as shown on a plan entitled "Shrewsbury, Massachusetts Plan of Land on North Quinsigamond Avenue Owned by the Commonwealth of Massachusetts Showing A Proposed Access And Utility Easement For The Benefit Of the Town of Shrewsbury", prepared by Gale Associates, Inc., Weymouth, Massachusetts, Stephen P. Dyer, Registered Professional Land Surveyor on file with the division of capital planning and operations and the public access board and said plan or any revised easement plan, plan of land or site plan to be recorded with said conveyance of easement interests.

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 easement be used for the installation, construction and maintenance of public access roadway and utilities for public recreational uses.

SECTION 3. If the aforementioned purposes as described in section two are not begun within two years after the effective date of this act, or cease at any time thereafter, said easements shall revert to the commonwealth under such terms and conditions as the commissioner of the division of capital planning and operations may prescribe.

SECTION 4. The recipient of said easements shall assume the costs of any

appraisals, surveys, and other expenses as deemed necessary by the commissioner for the granting of these easements.

Approved January 13, 1993.

Chapter 372. AN ACT RELATIVE TO THE CONVEYANCE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 594 of the acts of 1985 is hereby amended by striking out, in line 8, the words "to the requirements of section two and".

SECTION 2. Section two of said chapter five hundred and ninety-four is hereby repealed.

Approved January 13, 1993.

Chapter 373. AN ACT FURTHER REGULATING CONTRACTING PROCEDURES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 6 of chapter 418 of the acts of 1890, as appearing in section 1 of chapter 60 of the acts of 1955, is hereby further amended by inserting after the word "is", in line 6, the following words:- ten thousand dollars, except for contracts for personal services which amounts to or exceeds.

SECTION 2. The first sentence of section 30 of chapter 486 of the acts of 1909, as appearing in section 2 of said chapter 60 of the acts of 1955, is hereby further amended by striking out, in line 13, the word "two" and inserting in place thereof the following word:- ten.

Approved January 13, 1993.

Chapter 374. AN ACT PROVIDING CRIMINAL PENALTIES FOR ASSAULT AND BATTERY ON A MENTALLY RETARDED PERSON.

Be it enacted, etc., as follows:

Section 13F of chapter 265 of the General Laws is hereby amended by adding

the following paragraph:-

Whoever commits an assault and battery on a mentally retarded person knowing such person to be mentally retarded shall for the first offense be punished by imprisonment in a house of correction for not more than two and one-half years or by imprisonment in the state prison for not more than five years; and, for a second or subsequent offense, by imprisonment in the state prison for not more than ten years. This section shall not apply to the commission of an assault and battery by a mentally retarded person upon another mentally retarded person.

Approved January 13, 1993.

Chapter 375. AN ACT RELATIVE TO THE ESTABLISHMENT OF PRECINCTS IN THE TOWN OF DARTMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 1 of chapter 26 of the acts of 1927, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Their boundaries shall be reviewed and, if need be, wholly or partly revised by the districting board every ten years in accordance with the federal census.

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

Approved January 13, 1993.

Chapter 376. AN ACT RELATIVE TO THE SUPPRESSION OF BEE DISEASES WITHIN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 32 of chapter 128 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "parasite", in line 12, the following words:- and for this public purpose may require by regulation the registration of all bee colonies kept within the commonwealth and their location by the owners or caretakers thereof, the fee for which shall be determined by the secretary of administration and finance, which in no case shall exceed five dollars per registrant, regardless of the number of colonies so registered by him.

SECTION 2. The first paragraph of section 35 of said chapter 128, as so appearing, is hereby amended by inserting after the first sentence the following two sentences:- The department may by regulation establish a fee to be paid by any person or entity bringing hives, colonies or packages of bees into the common-

wealth under this section, subject to approval by the secretary of administration and finance. Said fees shall not be assessed on the importation of five or fewer hives, colonies or packages so imported at one time, and shall be not less than five dollars for importation of from six to twenty hives, colonies or packages at one time, and shall be not less than twenty-five cents for each hive, colony or package in amounts over twenty imported at one time; provided, however, that in no event shall an individual or entity importing hives, colonies or packages of bees into the commonwealth be assessed any amount greater than two hundred and fifty dollars annually; provided, further, that no assessments shall be made for the importation of queen bees.

Approved January 13, 1993.

Chapter 377. AN ACT RELATIVE TO CERTAIN FINANCIAL PROVISIONS FOR THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 41 of the acts of 1990 is hereby amended by striking out, in line 6, the word "five" and inserting in place thereof the word:- ten.

SECTION 2. The second paragraph of said section 1 of said chapter 41 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Under the conditions imposed herein, the assessors of the city of Lawrence may similarly deduct for each fiscal year from fiscal year nineteen hundred and ninety-one to fiscal year two thousand, inclusive, a percentage of the amortization amount not greater than those shown in the following table from the amount to be assessed for each respective fiscal year pursuant to section twenty-three of chapter fifty-nine of the General Laws:

FISCAL YEAR	PERCENTAGE
1991	20
1992	20
1993	7.5
1994	7.5
1995	7.5
1996	7.5
1997	7.5
1998	7.5
1999	7.5
2000	7.5

SECTION 3. The fourth paragraph of said section 1 of said chapter 41 is hereby

amended by striking out, in line 2, the words "nineteen hundred and ninety-four" and inserting in place thereof the following words:- two thousand.

SECTION 4. Said chapter 41 is hereby further amended by inserting after section 1 the following four sections:-

Section 1A. Notwithstanding the provisions of any general or special law, city charter provision, or local ordinance to the contrary, the city of Lawrence is hereby authorized to borrow, at one time or from time to time, such sums as are first approved by the mayor and the city council by majority vote of all the members of the city council, and thereafter deemed appropriate by the fiscal oversight board to maintain and operate the city while it adjusts the level of its expenses and revenues so as to achieve balanced budgets and fiscal stability; provided however that the fiscal oversight board shall have authority hereunder to limit such borrowing to an amount or amounts less than the total amount or amounts approved by the mayor and city council. Bonds or notes issued under authority of this act for operating purposes may be issued for a term not in excess of ten years and shall be backed by the full faith and credit of the city of Lawrence; provided however that notwithstanding the term of such bonds or notes, such bonds or notes shall be eligible to be issued as qualified bonds pursuant to the Qualified Bond Act under chapter forty-four A of the General Laws.

Section 1B. All proceeds of any loan authorized by section one A 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 Lawrence Fiscal Stability Fund, hereinafter referred to as the fund. The mayor, with the approval of the city council and the city of Lawrence fiscal oversight board as established by section two, may authorize disbursements from the fund for such operating purposes as the mayor deems appropriate to maintain and continue city operations. If the fiscal oversight 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 fiscal oversight board may establish such rules and procedures as it deems appropriate relating to disbursements from the fund and the reporting and accounting therefor.

Section 1C. Notwithstanding the provisions of sections five and nine of chapter seven hundred and fifty of the acts of nineteen hundred and sixty-eight or any other special or general law to the contrary, the city of Lawrence is hereby authorized to borrow for a period not to exceed five years an amount not to exceed one million seven hundred and seventy-one thousand dollars in order to pay to the Greater Lawrence Sanitary District those portions of the city's assessments from the district for the fiscal years nineteen hundred and ninety-one and nineteen hundred and ninety-two that have not been paid to the district, and to pay that portion of the city's fiscal nineteen hundred and ninety-three assessment from the district that is

attributable to the district's capital costs.

Section 1D. The city of Lawrence shall raise in its tax rate and reserve for the payment of principal and interest on any debt issued under the authority of section one, until such reserve equals the sum of all remaining principal and interest payments on such debt, the amount by which its total assessment from the Greater Lawrence Sanitary District for any fiscal year beginning after June thirtieth, nineteen hundred and ninety-four is less than its total assessment for the fiscal year beginning July first, nineteen hundred and ninety-three.

SECTION 5. Said chapter 41 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. Notwithstanding any general or special law, city charter provision, or local ordinance to the contrary, but subject to the provisions of section twenty-one C of chapter fifty-nine of the General Laws, the city of Lawrence shall establish a special reserve fund for extraordinary or 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-three 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-three 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-four 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-five 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 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-six 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-seven 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 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 here above 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-two 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-four, nineteen hundred and ninety-five, nineteen hundred and ninety-six, or nineteen hundred and ninety-seven, 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 city council, acting upon the recommendation of the mayor, with the approval of the commissioner of revenue, may for any fiscal year commencing with fiscal year nineteen hundred and ninety-seven 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, however, 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 fiscal oversight 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.

It is further provided hereby that any penalties incurred in fiscal years nineteen hundred and ninety-one and nineteen hundred and ninety-two due to the use of the fiscal nineteen hundred and ninety-one reserve and the lack of funding of a reserve in fiscal nineteen hundred and ninety-two are hereby permanently waived.

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

Approved January 13, 1993.

Chapter 378. **AN ACT RELATIVE TO THE CERTIFICATE OF RESULT OF ANALYSIS OF NARCOTIC DRUGS, POISONS, DRUGS, MEDICINES OR CHEMICALS.**

Be it enacted, etc., as follows:

Section 13 of chapter 111 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 13, the words "when requested,".

Approved January 13, 1993.

Chapter 379. **AN ACT IMPROVING THE ADMINISTRATION AND MANAGEMENT OF THE JUDICIAL SYSTEM OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

SECTION 1. Section 41C of chapter 7 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 34, the word "The",

and inserting in place thereof the following:- Except as otherwise provided in section three of chapter two hundred and eleven, the.

SECTION 1A. Section 4 of chapter 29A of the General Laws, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following sentences:- The judicial branch may lease buildings and land owned by a county, city, or town to provide suitable quarters and space for court facilities and necessary related activities such as parking. The judicial branch may, in the alternative, lease such buildings and land from other public or private entities as the interest of the efficient and cost-effective administration of justice requires.

SECTION 1B. Section 24 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in lines 106 to 108, the words "subject to the right to appeal pursuant to section twenty-seven A of said chapter two hundred and eighteen".

SECTION 1C. Said section 24 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 473, the words "in the superior court".

SECTION 2. The definition of "Appellate division" in section 1 of chapter 90C of the General Laws, inserted by section 155 of chapter 138 of the acts of 1991, is hereby amended by striking out, in line 3, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 3. The definition of "Scheduled assessment" in said section 1 of said chapter 90C, inserted by section 159 of said chapter 138, is hereby amended by striking out, in line 2, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 4. Clause (b) of the fifth paragraph of section 2 of said chapter 90C, as amended by section 160 of said chapter 138, is hereby further amended by striking out, in line 10, the word "administrative", and inserting in place thereof the following word:- chief.

SECTION 5. Section 3 of said chapter 90C, as amended by section 161 of said chapter 138, is hereby further amended by striking out, in lines 8, 10, 28 and 37, the word "administrative" and inserting in place thereof, in each instance, the following word:- chief, and by striking out, in line 38, the word "administrative".

SECTION 6. Section 7A of said chapter 90C, as appearing in section 163 of said chapter 138, is hereby amended by striking out, in line 1, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 7. Subsection D of section 23 of chapter 119 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 41 to 45, inclusive, the words "the Boston juvenile court, the Worcester juvenile court, the Bristol county juvenile court and the Springfield juvenile court and from any juvenile session of a district court of the commonwealth or from any superior civil court of the commonwealth" and inserting in place thereof the following words:- any division of the juvenile court department.

SECTION 8. Section 24 of said chapter 119, as so appearing, is hereby amended by striking out, in lines 1 to 5, inclusive, the words "Boston juvenile court, the Worcester juvenile court, the Bristol juvenile court, and the Springfield juvenile court or the juvenile sessions of any district court of the commonwealth, except the municipal and district courts located within the territorial limits of said juvenile courts" and inserting in place thereof the following words:- The divisions of the juvenile court department.

SECTION 9. Section 27 of said chapter 119, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 10 and 11, the words "division of the district court department or the division of the juvenile court department" and inserting in place thereof the following words:- district court or juvenile court.

SECTION 10. Section 39E of said chapter 119, as so appearing, is hereby amended by striking out, in lines 1 to 5, inclusive, the words "juvenile courts of Boston, Worcester, Springfield, and Bristol county or the juvenile session of any district court, except the municipal and district courts within Suffolk county, the central district court of Worcester, the district court of Springfield and the district courts within Bristol county," and inserting in place thereof the following words:- divisions of the juvenile court department.

SECTION 11. The second paragraph of said section 39H of said chapter 119, as appearing in section 1 of chapter 519 of the acts of 1991, is hereby amended by striking out, in line 4, the words "district court, or the juvenile court" and inserting in place thereof the following words:- division of the juvenile court department.

SECTION 12. Section 39I of said chapter 119, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 3 to 6, inclusive, the words "district courts for the county where the hearing is held, as designated by the chief justice for the district court department, except as provided in section fifty-seven of chapter two hundred and eighteen" and inserting in place thereof the following words:- juvenile court department for the county where the hearing is held, as designated by the chief justice of the juvenile court department.

SECTION 13. Said section 39I of said chapter 119, as so appearing, is hereby amended by striking out, in line 18, the words ", or in a district court juvenile session,".

SECTION 14. Section 51C of said chapter 119, as so appearing, is hereby amended by striking out, in line 3, the words "or the district court".

SECTION 15. Section 52 of said chapter 119, as so appearing, is hereby amended by striking out the definition of "Court" and inserting in place thereof the following definition:-

"Court", a division of the juvenile court department.

SECTION 16. Section 55A of said chapter 119, as so appearing, is hereby amended by striking out, in line 2, the words "the district court department or of",- and by striking out, in line 10, the words "district and".

SECTION 17. Section 56 of said chapter 119, as so appearing, is hereby amended by striking out, in lines 4 to 7, inclusive, the words "district courts for the county where the hearing is held, as designated by the chief justice for the district court department, except as provided in section fifty-seven of chapter two hundred and eighteen" and inserting in place thereof the following words:- juvenile courts for the county where the hearing is held, as designated by the chief justice for the juvenile court department,- by striking out, in line 18, the word "district" and inserting in place thereof the following word:- trial,- by striking out, in line 22, the words "district and",- and by striking out, in lines 53 to 55, inclusive, the words "administrative justices for the district court department and the juvenile court department shall arrange for the sittings of the jury sessions of their respective departments" and inserting in place thereof the following words:- chief justice for the juvenile court department shall arrange for the sittings of the jury sessions of the juvenile court department.

SECTION 18. Section 56 of said chapter 119, as so appearing, is hereby amended by striking out, in line 17, the word "appeals" and inserting in place thereof the following words:- jury trials.

SECTION 19. Said section 56 of said chapter 119, as so appearing, is hereby further amended by striking out, in lines 47 to 49, inclusive, the words "the superior court shall make available jurors from the pool of jurors for the jury sessions in the superior court" and inserting in place thereof the following words:- jurors shall be provided by the office of the jury commissioner in accordance with the provisions of chapter two hundred and thirty-four A,- and by striking out, in line 53, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 20. Section 58 of said chapter 119, as so appearing, is hereby amended by striking out, in lines 37 and 38, the words "the district court, including in that term a division of the juvenile court department," and inserting in place thereof the following words:- a division of the juvenile court department.

SECTION 20A. Section 61 of said chapter 119, as so appearing, is hereby further amended by striking out, in lines 36 and 37, and lines 53 and 54, the words "and section eighteen of chapter two hundred and seventy-eight" in each instance.

SECTION 21. Section 63 of said chapter 119, as so appearing, is hereby amended by striking out the fourth, fifth, sixth and seventh sentences and inserting in place thereof the following sentence:- The divisions of the juvenile court department shall, within their respective territorial limits, have exclusive jurisdiction over complaints alleging violations of this section.

SECTION 22. Section 72 of said chapter 119, as amended by section 7 of chapter 488 of the acts of 1991, is hereby further amended by striking out, in lines 1 and 15, the words "Courts shall continue to have jurisdiction in their juvenile sessions" and inserting in place thereof, in each instance, the following words:- The divisions of the juvenile court department, shall continue to have jurisdiction,- and by

striking out, in line 21, the words "court in its juvenile session" and inserting in place thereof the following words:- division of the juvenile court department.

SECTION 23. Paragraph (a) of section 20 of chapter 120 of the General Laws, as so appearing, is hereby amended by striking out the second sentence.

SECTION 24. Section 7 of chapter 123 of the General Laws, as so appearing, is hereby amended by inserting after the word "court", in lines 2 and 10, in each instance, the following words:- or the division of the juvenile court department.

SECTION 25. Section 8 of said chapter 123, as so appearing, is hereby amended by inserting after the word "court", in lines 2, 7, 34 and 42, in each instance, the following words:- or the division of the juvenile court department.

SECTION 26. Section 8B of said chapter 123, as so appearing, is hereby amended by inserting after the word "court", in line 6, the following words:- or the division of the juvenile court department.

SECTION 27. Said section 8B of said chapter 123, as so appearing, is hereby further amended by striking out, in line 57, the words "probate court" and inserting in place thereof the following words:- juvenile court department,- and by inserting after the word "court", in line 59, the following words:- or juvenile court department.

SECTION 28. Paragraph (b) of section 9 of said chapter 123, as so appearing, is hereby amended by inserting after the word "court", in lines 10 and 33, in each instance, the following words:- or a division of the juvenile court department.

SECTION 29. Section 12 of said chapter 123, as so appearing, is hereby amended by inserting after the word "justice", in lines 60 and 64, in each instance, the following words:- or a justice of the juvenile court department.

SECTION 30. Section 35 of said chapter 123, as so appearing, is hereby amended by inserting after the word "court", in line 13, the following words:- or any division of the juvenile court department.

SECTION 31. Section 7 of chapter 150E of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words "administrative justice" and inserting in place thereof the following words:- justice for administration and management.

SECTION 32. Said section 7 of said chapter 150E, as so appearing, is hereby further amended by striking out, in line 22, the words "administrative justice", and inserting in place thereof the following words:- justice for administration and management.

SECTION 33. Chapter 185 of the General Laws is hereby amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. The land court department shall consist of four associate justices appointed to the land court department. The justice as provided under section one of chapter two hundred and eleven B as the chief justice for the land court department, in addition to his judicial powers and duties, shall, subject to the

superintendence authority of the supreme judicial court as provided in section three of chapter two hundred and eleven and the administrative authority of the office of the chief justice for administration and management, be the administrative head of the land court department, and shall also have the power, authority and responsibility of a chief justice as set forth in section ten of chapter two hundred and eleven B. Said chief justice shall serve as the chief justice of that department for a five-year term and shall be eligible to be reappointed to serve additional five-year terms. Said chief justice may be removed from his position as chief justice when it is determined by the chief justice for administration and management to be in the best interests of the administration of justice.

SECTION 34. Said chapter 185 is hereby further amended by striking out section 6, as amended by section 521 of chapter 133 of the acts of 1992, and inserting in place thereof the following section:-

Section 6. The governor, with the advice and consent of the council, shall appoint a recorder, who shall hold office during good behavior, but subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. Said recorder shall have responsibility for the internal administration of his office, including personnel, staff services and record-keeping. The chief justice or the recorder may submit any dispute that arises between said chief justice and said recorder, concerning the management and administration of the recorder's office, the duties, powers and obligations of the recorder or a member of the recorder's staff, or the interpretation of the personnel standards provided for under section eight of chapter two hundred and eleven B, to the chief justice for administration and management, who shall, within thirty days, determine the matter. The decision of the chief justice for administration and management shall be binding on the parties. The recorder shall not be involuntarily separated from service as such except in the manner provided by section four of chapter two hundred and eleven. He shall attend the sessions of the court, keep a docket of all causes, and affix the seal of the court to all processes or papers requiring it. The recorder may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section eight of chapter two hundred and eleven B, appoint deputy recorders, a first assistant clerk and an assistant clerk of the land court department and may designate, with like approval, two employees, having the title of deputy assistant clerk, who shall, under his direction, perform the duties of clerk of court. The recorder shall have the same powers as a clerk-magistrate in the superior court department of the trial court insofar as such powers relate to civil matters and shall have the authority to hear and rule on petitions for tax foreclosure and for redemption from tax titles pursuant to chapter sixty.

SECTION 35. Said chapter 185 is hereby further amended by striking out section 7, as appearing in the 1990 Official Edition, and inserting in place thereof

the following section:-

Section 7. The recorder shall be under the direction of the chief justice of the land court division and shall have the custody and control of all papers and documents filed with him in any complaint for registration, action or proceeding in said court, and shall carefully number and index them. Said papers and documents may be kept in Boston in the recorder's office, which shall be near the land court. He may, with the approval of the chief justice of the land court department, employ necessary assistants and messengers.

SECTION 36. Section 10A of said chapter 185, as so appearing, is hereby amended by striking out, in line 2, the words "administrative justice" and inserting in place thereof the following words:- chief justice of the land court department.

SECTION 37. Section 11 of said chapter 185, as so appearing, is hereby amended by striking out, in line 2, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 38. Section 12 of said chapter 185, as so appearing, is hereby amended by striking out, in line 1, the words "administrative justice for" and inserting in place thereof the following words:- chief justice of,- and by striking out, in lines 5 and 7, the word "administrative" and inserting in place thereof, in each instance, the following word:- chief.

SECTION 39. Said chapter 185 is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. Upon request of the chief justice, the sheriff of any county other than Suffolk shall assign a deputy to attend the sittings of the land court department in that county. The chief justice for administration and management shall appoint two officers for attendance upon the sessions of said court in Suffolk county.

SECTION 40. Said chapter 185 is hereby further amended by striking out section 13A, as so appearing, and inserting in place thereof the following section:-

Section 13A. At the trial of any issue of fact in the land court department the first justice may appoint a stenographer, who shall be sworn and shall attend the trial or such part thereof as the first justice may direct, and perform like duties and receive the same compensation therefor as a stenographer appointed by the superior court who is not on salary; and the sums so payable for his attendance at court and for any transcript of his notes or part thereof furnished to the first justice by his direction shall be paid by the commonwealth, upon the certificate of the chief justice of the land court.

SECTION 41. Section 14 of said chapter 185, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The salaries of the recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks of the land court department shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice for administration

and management.

SECTION 42. Chapter 185C of the General Laws is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. The division of the housing court department for Hampden county shall hold its sittings in the courthouse facilities of the superior court department within said county and, with the consent of the chief justice for administration and management, and in such other courthouse facilities within said county as the chief justice of the housing court department may deem to be expedient or convenient.

The division of the housing court department for the city of Boston shall hold its sittings in the Suffolk county courthouse and, with the consent of the chief justice for administration and management, in such other courthouse facilities within the city of Boston as the chief justice of the housing court department may deem to be expedient or convenient.

The division of the housing court department for Worcester county shall hold its sittings in the facilities of the Worcester county courthouse in the city of Worcester and at regular and frequent intervals in a district courthouse in the northern and southern areas of said county, but in no event less frequently than once per week in each of said northern and southern areas. The court, with the consent of the chief justice for administration and management shall also sit in such other courthouse facilities within said county as the chief justice of the housing court department may deem to be expedient or convenient.

The northeastern division of the housing court department shall hold its sittings in the courthouse facilities located in the city of Lawrence and at regular and frequent intervals at the courthouse facilities in the city of Salem, including at least one sitting each week in Salem, including one sitting each week in the city of Lowell, and also at least one sitting each week in the courthouse facilities in either the city of Lynn or the city of Peabody or the city of Haverhill. The court, with consent of the chief justice for administration and management shall also sit in such other courthouse facilities as the chief justice of the housing court department may deem to be expedient or convenient.

The southeastern division of the housing court department shall hold its sittings in the courthouse facilities located in the city of Taunton and at regular and frequent intervals at the courthouse facilities in the cities of Brockton, Fall River and New Bedford; provided, however, that said southeastern division shall hold at least two sittings each week in Plymouth county and two sittings each week in Bristol county. The court, with the consent of the chief justice for administration and management shall also sit in such other courthouse facilities as the chief justice of the housing court department may deem to be expedient or convenient.

SECTION 43. Said chapter 185C is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. The divisions of the housing court department shall always be open

and the business thereof, or of a justice thereof, may be transacted at any time; but such business shall not, except as provided in section six of chapter two hundred and twenty, be transacted on Saturday or Sunday or on a legal holiday unless it relates to an application which, in the opinion of the justice to whom it is made, is of pressing necessity; provided, however, that, if the convenience of the public so requires, the courts shall be open for the transaction of business on such Saturdays, not legal holidays, and during such hours thereof as the chief justice of the housing court department may determine.

SECTION 44. Said chapter 185C is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. The chief justice of the housing court department shall from time to time make general rules and forms of procedure, which, before taking effect, shall be approved by the supreme judicial court or a justice thereof.

SECTION 45. Said chapter 185C is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. There shall be one justice appointed for the Hampden county division, one justice appointed for the Worcester county division, one justice appointed for the northeastern division, one justice appointed for the southeastern division, and two justices appointed for the city of Boston division of the housing court department. The chief justice of the housing court department, subject to the approval of the chief justice for administration and management, shall designate one justice to be the first justice of each court; provided, however, that appropriate consideration shall be given to seniority, length of service at that particular court, and managerial ability. Said first justice shall be the administrative head of that particular court and shall have the power, authority and responsibility of a first justice as set forth in section ten A of chapter two hundred and eleven B; provided, however, that clerks shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping. A first justice or a clerk of the court may submit any dispute that arises between said first justice and said clerk concerning the management and administration of the office of the clerk, the duties, powers and obligations of the clerk, or a member of their staff, or the interpretation of the personnel standards provided for under section eight of chapter two hundred and eleven B, to the chief justice of the department. Any person aggrieved by a decision of a chief justice under this paragraph may appeal said decision to the chief justice for administration and management, who shall, within thirty days, hear and determine the matter. Each first justice so appointed shall serve as the first justice of that court for a five-year term and shall be eligible to be reappointed to serve additional five-year terms at that particular court. Any first justice may be removed from his position as first justice when it is determined by the chief justice of the housing court department to be in the best interests of the administration of justice. Any first justice who is removed from his position as

first justice by the chief justice of the housing court department may appeal the removal to the chief justice for administration and management.

SECTION 46. Said chapter 185C is hereby further amended by striking out section 8A, as so appearing, and inserting in place thereof the following section:-

Section 8A. The justice as provided under section one of chapter two hundred and eleven B as the chief justice for the housing court department, in addition to his judicial powers and duties shall, subject to the superintendence authority of the supreme judicial court provided in section three of chapter two hundred and eleven B, and subject to the administrative authority of the chief justice of administration and management, be the administrative head of the housing court department, and shall also have the power, authority and responsibility of a chief justice as set forth in section ten of chapter two hundred and eleven B. Said chief justice shall serve as the chief justice of that department for a five-year term and shall be eligible to be reappointed to serve additional five-year terms. Said chief justice may be removed from his position as chief justice when it is determined by the chief justice for administration and management to be in the best interests of the administration of justice.

SECTION 47. Said chapter 185C is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

Section 9. There shall be a clerk, appointed by the governor with the advice and consent of the council, for each of the housing courts. Said clerks shall hold office during good behavior, subject however, to retirement under the provisions of any general or special law relative to retirement systems. The clerk appointed for the Hampden county division shall reside in Hampden county. Said clerks shall have responsibility for the internal administration of their respective offices, including personnel, staff services and record keeping. The chief justice, a first justice or a clerk of the housing court may submit any dispute that arises between said chief justice or said first justice and said clerk of court, concerning the management and administration of the clerk's office, the duties, powers and obligations of the clerk-magistrate or a member of the clerk-magistrate's staff, or the interpretation of the personnel standards provided for under section eight of chapter two hundred and eleven B, to the chief justice for administration and management, who shall, within thirty days, hear and determine the matter. The decision of the chief justice for administration and management shall be binding on the parties.

SECTION 48. Said chapter 185C is hereby further amended by striking out section 9A, as so appearing, and inserting in place thereof the following section:-

Section 9A. The salaries of the clerks and assistant clerks of the housing court department appointed under the provisions of sections nine and eleven shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice for administration and management.

Said clerks and assistant clerks shall devote their entire time during business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

SECTION 49. Said chapter 185C is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

Section 10. In case of the illness or absence of a clerk, the chief justice of the housing court department may appoint a temporary clerk to act until the clerk resumes his duties.

SECTION 50. Section 11 of said chapter 185C, as so appearing, is hereby amended by striking out, in line 4, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 51. Section 12 of said chapter 185C, as so appearing, is hereby amended by striking out, in line 4, the words "administrative justice" and inserting in place thereof the following words:- chief justice of the housing court department.

SECTION 52. Section 13 of said chapter 185C, as so appearing, is hereby amended by striking out, in line 7, the words "administrative justice" and inserting in place thereof the following words:- chief justice of the housing court department.

SECTION 53. Said chapter 185C is hereby further amended by striking out section 14, as so appearing, and inserting in place thereof the following section:-

Section 14. The clerk, temporary clerk and assistant clerks or one of them for each division shall attend all sessions of the housing court department and shall keep a record of all its proceedings. The clerk of each division shall have the care and custody of all the records, books and papers appertaining to, or filed or deposited in, his office. The clerk of each division shall make and issue writs and processes, shall make returns of the housing court department, tax bills of costs and receive fines, forfeitures, fees and costs accruing from the civil and criminal business of the housing court department including fees for blanks and copies. The clerk of each division shall have such other powers and duties as the first justice of the particular division may, subject to the approval of the chief justice of housing court department from time to time order.

The clerk and assistant clerks of each division of the housing court department may sign process issued by the housing court department and housing court department records, documents or other legal papers or copies thereof made or issued by such other clerk or an assistant clerk in conformity with law, except search warrants and process authorizing arrests or commitments, by imprinting thereon a facsimile of the signature of the clerk or assistant clerk; and such facsimile signatures shall have the same validity as their written signatures.

SECTION 54. Said chapter 185C is hereby further amended by striking out section 16, as so appearing, and inserting in place thereof the following section:-

Section 16. The first justice of a particular housing court may appoint, subject to appropriation and subject to the approval of the chief justice of the housing court

department, such number of housing specialists as he may from time to time determine. Said first justice may designate one of them as chief housing specialist for the court. All housing specialists shall hold office at the pleasure of said chief justice, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. All housing specialists shall be knowledgeable in the maintenance, repair, and rehabilitation of dwelling units; the problems of landlord and tenant as they pertain to dwelling units; the types of funds and services available to assist landlords and tenants in the financing and resolution of such problems; the federal and state laws, rules and regulations pertaining to the maintenance, repair and rehabilitation of such units; and the financing and resolution of such problems. The housing specialists shall have such powers and perform such duties as said chief justice shall from time to time prescribe. Every housing specialist shall be sworn by the chief justice of the housing court, who shall, upon administering the oath, forthwith make return of such act with the date thereof to the state secretary.

SECTION 55. Said chapter 185C is hereby further amended by striking out section 18, as so appearing, and inserting in place thereof the following section:-

Section 18. At the trial of any issue of fact, the justice presiding at the trial shall provide for a proper recording system which shall record the proceedings. The cost of said recording system shall be paid by the commonwealth upon the certificate of the chief justice for administration and management. Each clerk of the housing court department may procure law books and blank books, blanks, stationery and other incidentals required by the divisions of the housing court department as the chief justice for administration and management may approve.

SECTION 56. Said chapter 185C is hereby further amended by striking out section 20, as so appearing, and inserting in place thereof the following section:-

Section 20. Any civil action within the jurisdiction of the housing court department which is pending in another court department may be transferred to the housing court department by any party thereto.

Whenever cross actions between the same parties or two or more actions, including for the purposes hereof other department proceedings, arising out of or connected with the same housing accommodation are pending, one or more in the housing court department, the district court department, the probate and family court department, or in the superior court department, the chief justice of the housing court or the first justice upon motion of any party to any of such actions, may order that the action or actions pending in the district court department and in the probate and family court department and in the superior court department with all papers relating thereto, be transferred to the housing court department; and such action or actions shall thereafter proceed in the housing court department as though originally entered there.

SECTION 57. Said chapter 185C is hereby further amended by striking out

section 23, as so appearing, and inserting in place thereof the following section:-

Section 23. The bond of any receiver appointed by a division of the housing court department shall be payable to the commonwealth and shall otherwise be in such form as the chief justice of the housing court department shall require. Such bond may be enforced in the name of the commonwealth by the treasurer of the commonwealth, or by any person interested therein and authorized by the chief justice of the housing court department, after notice to said treasurer, to take such action. The housing court department shall have exclusive original jurisdiction of actions on such bonds. Any sums recovered shall be paid over or administered as a justice of the housing court department directs.

SECTION 58. Section 1 of chapter 201 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The district or juvenile court may, when it appears necessary or convenient, appoint guardians of minors if the person who is the subject of the petition is a minor and there is a proceeding before such district or juvenile court.

SECTION 59. Section 1 of chapter 210 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The district or juvenile court may, if it appears necessary or convenient, exercise the powers authorized by this chapter, but only in respect to a pending proceeding before such district or juvenile court.

SECTION 60. Section 2A of chapter 211 of the General Laws, as so appearing, is hereby amended by inserting after the word "court", in line 1, the following words:- in consultation with the chief justice for administration and management.

SECTION 61. Section 3 of said chapter 211, as so appearing, is hereby amended by inserting after the word "administration", in lines 15 and 16, the following words:- ; provided, however, that general superintendence shall not include the authority to supersede any general or special law unless the supreme judicial court, acting under its original or appellate jurisdiction finds such law to be unconstitutional in any case or controversy; and provided, further that general superintendence also shall not include the authority or power to exercise or supersede any of the powers, duties and responsibilities of the chief justice for administration and management, as established by section one of chapter two hundred and eleven B, in any general or special law except under extraordinary circumstances leading to a severe, adverse impact on the administration of justice; provided, that the majority of the supreme judicial court shall issue a written order that sets forth the basis for a finding that, absent such action, there would be a severe and adverse impact on the administration of justice in the commonwealth.

SECTION 62. Section 4 of said chapter 211, as so appearing, is hereby amended by striking out, in line 7, the words "and insolvency".

SECTION 63. Said chapter 211 is hereby further amended by striking out section 26, as so appearing, and inserting in place thereof the following section:-

Section 26. A majority of the supreme judicial court, in consultation with the chief justice for administration and management shall design and implement a program for performance evaluation of judges. The sole purpose of said program shall be the improvement of the performance of individual judges and of the judiciary as a whole and, notwithstanding any general or special law to the contrary, all information compiled by said program shall be confidential. Said court may consult with individuals and organizations and may contract for technical assistance for the purpose of said program to the extent it deems necessary.

SECTION 64. Said chapter 211 is hereby further amended by inserting after section 26 the following two sections:-

Section 26A. The program for performance evaluation, as described in section twenty-six of this chapter, shall include, but not be limited to, a questionnaire, to be designed and implemented by the supreme judicial court. Said questionnaires shall be given to attorneys, parties and jurors appearing before a judge in each trial and in addition to each trial, in a representative sample of cases, so they may evaluate the performance of the judge. The questionnaire shall include, but not be limited to, questions relative to the judge's performance, demeanor, judicial management skills, legal ability, attentiveness, bias and degree of preparedness. Completed questionnaires shall be returned to the supreme judicial court, unsigned, within thirty days of the completion of the case or trial and all responses shall remain confidential. The data collected from each questionnaire shall be compiled and once the data has been compiled, the questionnaire from which the data was collected shall be destroyed.

The chief justice for administration and management shall establish the method and means by which the questionnaires shall be distributed, collected, verified and compiled.

Judges with one to four years service shall be evaluated every twelve to eighteen months and judges with more than four years service shall be evaluated every eighteen to thirty-six months. A minimum of twenty-five responses shall be compiled before a judge is evaluated. The supreme judicial court, or their designees, shall conduct the evaluation of a judge. When an evaluation of an individual judge is complete, it shall be made available to that judge and discussed with him.

Section 26B. The majority of the supreme judicial court shall establish judicial evaluation standards which individual judges must achieve during the evaluation process and shall design and implement programs for judges to attend who fail to achieve judicial evaluation standards. The majority of the supreme judicial court shall also establish disciplinary procedures for judges who do not complete programs implemented for judges who fail to achieve judicial evaluation standards.

SECTION 65. Said chapter 211 is hereby further amended by adding the following section:-

Section 28. The chief justice of the supreme judicial court may grant a leave of absence for study, research, teaching, or such other reason as said chief justice deems appropriate to the improved administration of justice, to a justice of said court, said leave to be for a period not to exceed one year. Any justice 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 justice for retirement purposes; provided, further, that for the purposes of eligibility for life insurance and health plans available under chapter thirty-two A, said justice shall be considered an active employee. The chief justice, in approving such leaves, shall consider the speedy dispatch of judicial business. The chief justice, in consultation with all the 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 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 leave of absence pursuant to this section.

SECTION 66. Section 10 of chapter 211A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 8 and 10, the word "jury" and inserting in place thereof, in each instance, the word:- criminal.

SECTION 67. Section 16 of said chapter 211A is hereby amended by adding the following paragraph:-

(d) During the temporary disability of the chief justice or an associate justice of the appeals court, a majority of the justices of the supreme judicial court may designate a justice appointed to the trial court to perform such duties of the office of associate justice of the appeals court as may be necessary to ensure the speedy dispatch of judicial business; provided, however, that any such trial court justice so appointed shall receive a salary commensurate with the salary of the justice or chief justice of the appeals court who is so disabled; and, provided further, that nothing contained herein shall be construed to limit the right of such disabled justice to receive his full salary, health or disability benefits or retirement benefits if otherwise provided by law.

SECTION 68. Section 17 of said chapter 211A, as so appearing, is hereby amended by inserting after the word "purposes", in line 10, the following words:- ; provided, further, that for the purposes of eligibility for life insurance and health plans available under chapter thirty-two A, said judge shall be considered an active employee.

SECTION 69. Chapter 211B 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. There shall be a trial court of the commonwealth which shall consist of the following departments: the superior court department, the housing court department, the land court department, the probate and family court department, the Boston municipal court department, the juvenile court department and district court department. The trial court, as an administrative unit, shall consist of no more than three hundred and forty-one justices and special justices. There shall be selected as hereinafter provided, a chief justice for administration and management and a chief justice for each of the departments of the trial court.

SECTION 70. Said chapter 211B is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. There shall be seventy-six justices appointed to the superior court department, six justices appointed to the housing court department, four justices appointed to the land court department, forty-three justices appointed to the probate and family court department, eleven justices appointed to the Boston municipal court department, thirty-three justices appointed to the juvenile court department, and one hundred and sixty-eight justices and special justices appointed to the district court department. Except in the case of circuit justices, said appointments, in the case of the housing court departments, the probate and family court department, the juvenile court department, and the district court department, shall be made to a particular division within the department and a justice so appointed shall be considered a justice of the department for that division.

SECTION 71. Section 4 of said chapter 211B, as so appearing, is hereby amended by striking out, in lines 4, 15, 17 and 42, the word "administrative" and inserting in place thereof, in each instance, the following word:- chief.

SECTION 72. Said chapter 211B is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. The office of the chief justice of a department of the trial court, as provided in section one, shall not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part the Second of the Constitution. Said office of chief justice shall be filled by appointment, from among the justices appointed to the particular department, by the chief justice for administration and management. A chief justice shall hold said office for a term of five years, and shall be eligible to be reappointed for additional five-year terms. A chief justice, so appointed, may be removed from that office prior to the expiration of his term upon a determination by the chief justice for administration and management that such removal is in the best interests of the administration of justice.

SECTION 73. Said chapter 211B is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. The office of the chief justice for administration and management of the trial court, as provided in section one, shall not be deemed a judicial office as comprehended under the provisions of Article I of Chapter III of Part the Second

of the Constitution. Said office of chief justice for administration and management shall be filled by appointment, from among the justices of the trial court departments, by a majority of the justices of the supreme judicial court. The chief justice for administration and management shall hold said office for a term of five years, and shall be eligible to be reappointed for additional five-year terms. The chief justice for administration and management shall be removed by a majority of the justices of the supreme judicial court only for cause in the nature of malfeasance, misfeasance or nonfeasance. The chief justice for administration and management shall retain his commission as associate justice of the trial court, or of a predecessor court to which he was appointed, while serving as chief justice for administration and management, and may continue to perform such judicial duties as he may have exercised as associate justice, and such other responsibilities as otherwise provided by law.

SECTION 74. Section 7 of said chapter 211B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Section 7. In the case of a vacancy in the office of chief justice of a department of the trial court due to the absence of said chief justice or due to his inability to perform his duties, the office of chief justice in such event shall be filled as provided in section five. The temporary chief justice so appointed may hold said office until the incumbent shall resume his duties and subject to the chief justice for administration and management, but in no event longer than six months. A temporary chief justice shall be eligible to serve a consecutive full term as chief justice.

SECTION 75. The second paragraph of said section 7 of said chapter 211B, as so appearing, is hereby amended by striking out, in lines 11, 12, 14-15, 16, 18-19, 20, 21, and 24, the words "administrative justice" and inserting in place thereof, in each instance, the following words:- justice for administration and management.

SECTION 76. Said chapter 211B is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. There shall be an advisory committee on personnel standards. The membership of the committee shall consist of the following persons: the chief justice for administration and management or his designee who shall serve as chair of the committee, the chief justices of the trial court departments, a clerk of courts, a district court clerk and a register of probate, all of whom shall be designated by said chief justices and the commissioner of probation.

The committee shall advise the chief justice for administration and management who shall establish and promulgate standards for the appointment, performance, promotion, continuing education and removal of all personnel within the trial court, except judges, clerks and registers of probate, and shall furnish copies of such standards to all divisions or places for holding sessions within the department

of the trial court.

Any appointment that is governed by standards promulgated under the provisions of this section shall forthwith be certified in writing for compliance with such standards to the chief justice for administration and management. The chief justice for administration and management shall have the power to reject any such appointment within fourteen days after receipt of the certification of compliance by the appointing authority but such power to reject any such appointment shall be limited to non-compliance with the standards for appointment.

Any appointment made by a joint authority shall require a majority of such authority, as provided by section six of chapter four.

An officer or employee whose appointment is subject to the provisions of this section may be removed for cause by the appointing authority. Every removal of an officer or employee whose appointment was subject to the provisions of this section shall be reviewed by the committee, and no such removal shall be final until approved by the committee. If any such officer or employee has served three full years in a position, appointment to which is subject to the provisions of this section, he shall have the right to appear personally before the committee before said committee reaches its decision as to whether or not to affirm his removal. The committee shall also advise the chief justice for administration and management in the establishment of salaries and pay scales of all court personnel unless otherwise provided by statute.

The members of said committee shall be allowed their necessary expenses including clerical expenses incurred in the performance of their duties.

SECTION 77. Said chapter 211B is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

Section 9. The chief justice for administration and management in addition to his judicial duties and subject to the superintendence power of the supreme judicial court as provided in section three of chapter two hundred and eleven, shall have general superintendence of the administration of the trial court, including, without limitation, the improvement of the administration of such courts and the securing of their proper and efficient administration.

The chief justice for administration and management shall be the administrative head of the trial court of the commonwealth. The chief justice for administration and management shall periodically prepare and submit to the chief justice of the supreme judicial court an estimate, in detail, for the ordinary maintenance of the entire trial court, and all revenue therefrom, as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said estimate shall include judicial salaries and the salaries of all officers and employees within the trial court and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A.

In order to achieve the ends stated in this section, the chief justice for

administration and management shall be responsible for the management of court personnel, facilities, administration, security, and court business and shall have the authority necessary to carry out these responsibilities including, but not limited to, the following:-

(i) the responsibility, upon the request of the supreme judicial court, to provide financial management assistance to said court including review of the budget requests and information as submitted by the department chiefs, to make recommendations thereon and otherwise to assist the court in its budgetary preparations;

(ii) the responsibility to provide planning and policy-making functions, including the implementation of such planning and policy-making decisions;

(iii) the responsibility to provide the departments of the trial court with technical assistance concerning recordkeeping, auditing and computers, and with support services, such as computerized legal research, stenographic, electronic and video recordation methods and telephone-based interpretation services;

(iv) the responsibility consistent with section eight of chapter two hundred and eleven B to provide personnel management, including promulgation of job classifications, establishment of system wide personnel policies and hiring practices and the authority to act as collective bargaining agent on behalf of the trial court;

(v) the authority to approve expenditures for all libraries maintained by the departments of the trial court;

(vi) the authority to coordinate the development and maintenance of, and technical assistance for, information systems;

(vii) the responsibility to provide facilities management, including provision of maintenance, equipment and security, the responsibility to coordinate with the division of capital planning and operations regarding construction, leasing, repair and designing of facilities, and the responsibility to plan for reallocation of court jurisdictional lines; this provision is to be construed in conjunction with section six of chapter twenty-nine A and section seventeen of chapter two hundred and eleven B;

(viii) the responsibility to monitor and to assist in the case processing and case flow management capabilities of the trial court departments;

(ix) the power, upon request by the supreme judicial court, to review the record and make recommendations in any appeals by justices against whom disciplinary actions have been taken by any chief justice;

(x) the responsibility to hear, for final determination, appeals by justices claiming to be aggrieved by an order of a chief justice assigning or transferring said justice to a particular court other than that to which he was appointed;

(xi) the responsibility to hear, for final determination, appeals by first justices who have been removed by chief justices;

(xii) the authority to hear and resolve interdepartmental disputes or disagreements between or among the chief justices of the various departments of the trial court, including but not limited to, (1) transferring personnel in order to facilitate the efficient administration of justice, (2) transferring cases in order to facilitate the efficient administration of justice and (3) making adjustments in the scheduling and location of court sessions in order to facilitate the efficient administration of justice;

(xiii) the responsibility to provide administrative management to the office of the jury commissioner;

(xiv) the responsibility to establish, manage and implement a mandatory emergency judicial response system for all judges, except when the chief justice for administration and management determines that the participation by a particular judge would create a hardship for such judge;

(xv) the responsibility to provide recommendations regarding management of the judicial recall process;

(xvi) the responsibility to supervise the implementation of the continuing education programs for judicial and nonjudicial personnel;

(xvii) the responsibility to perform all other administrative functions or duties the chief justice for administration and management deems necessary;

(xviii) the power to appoint such personnel as the chief justice for administration and management may deem necessary for the office of the chief justice for administration and management; the power to discipline, supervise and define the duties of such personnel, and the power to dismiss such personnel;

(xix) the power, where there are pending in different departments of the trial court cases involving the same party or the same issue, and where a request for consolidation is made to the chief administrative justice to consolidate such cases for hearing by one justice, and to assign said justice to sit as a justice of other departments and exercise the powers of justices of other departments, in order to dispose of such cases with efficient use of judicial resources;

(xx) upon the joint request of the chief justices of two or more departments of the trial court, authorize the transfer of cases from one department to another;

(xxi) the power to assign a justice appointed to any department of the trial court to sit in any other department of the court, for such period or periods of time as he deems will best promote the speedy dispatch of judicial business, provided, however, that,

(a) prior to making such assignments, said chief justice for administration and management shall ascertain the respective preferences of the justices of the trial court as to the department or departments, if any, including the department to which he is appointed, to which each such justice desires to be assigned and, in making such assignments to any department of said court shall, to the extent consistent with the effective administration of justice, including the maintenance of the respective specialized functions of the land, housing, probate and family, and

juvenile court departments, the administrative responsibilities of any justice, and the speedy dispatch of judicial business in each of the several departments of the trial court, assign to any department on a basis of first priority justices who have expressed as aforesaid their preferences for assignment thereto;

(b) a justice, if aggrieved for cause by an order of the chief justice for administration and management assigning him to sit in a particular location or department of the court other than that to which he was appointed may appeal the order of said chief justice for administration and management to the supreme judicial court, which shall forthwith hear and determine the matter;

(c) a chief justice shall notify the chief justice for administration and management of, and may report to the supreme judicial court, any order made by said chief justice for administration and management pursuant to this paragraph which, in the opinion of such chief justice, impairs the orderly operation of his department;

(xxii) notwithstanding any general or special law to the contrary, when necessary to ensure the proper administration of justice, transfer employees of the trial court to serve where needed; impose discipline on such officers and employees, including dismissal and suspension with or without pay; provided, however, that the chief justice for administration and management may, upon reasonable notice, temporarily transfer nonjudicial personnel among the various departments, divisions and places for holding court, and in no event shall any such transfer be more than a reasonable distance from the place where such personnel is employed unless the employee so transferred shall consent thereto; provided, further, that such transfer of the employee shall not be for more than ninety days, but such transfer may be extended for three consecutive ninety-day periods, provided that notice is given to the house and senate committees on ways and means upon each extension, including the employee's position, duties, and reason for the transfer, but such transfer shall not exceed three hundred and sixty consecutive days. The first justice of the court to where the employee is transferred shall provide the first justice of the court to where the employee is permanently assigned with appropriate personnel records and records of activities, including records necessary for the payment of compensation; and provided, however, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or appointed by the governor, register of probate or recorder;

(xxiii) (a) notwithstanding any general or special law to the contrary, the chief justice for administration and management may, for the period July first through April thirtieth of any fiscal year, transfer funds from any item of appropriation of any trial court department to any other item of appropriation within the same trial court department; provided, that said transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means; provided further, that no such transfer shall occur until said schedules have been approved by said committees; provided further, that said schedules shall include

the reasons for the necessity of such transfers with reference to actual and projected expenditures throughout the trial court for the fiscal year.

(b) notwithstanding any general or special law to the contrary, the chief justice for administration and management may, for the period May first through June thirtieth of any fiscal year, transfer an amount not to exceed sixty-five thousand dollars from any item of appropriation of any trial court department to any other item of appropriation within the same trial court department; provided, that any funds transferred from an (AA) subsidiary, as defined in the schedule of subsidiary accounts, established by the house and senate committees on ways and means pursuant to section twenty-seven of chapter twenty-nine of the General Laws, as amended, of any item of appropriation may only be transferred to the (AA) subsidiary of any other item of appropriation within the same department of the trial court; provided further, that in no case may funds be transferred into an (AA) subsidiary of any item of appropriation other than from another (AA) subsidiary of any item of appropriation within the same department of the trial court;

(xxiv) establish procedures, subject to the rule-making power of the justices of the supreme judicial court, for the assignment of matters coming before the trial court which do not warrant the use of a judge to other appropriate personnel, including clerk-magistrates, mediators, and arbitrators, and authorize such personnel to review, hear, and dispose of such matters, subject to appropriate judicial review;

(xxv) the chief justice for administration and management shall make a written report on the state of the trial court at the conclusion of each fiscal year and shall deliver said report, together with recommendations to the supreme judicial court by September first each year. The supreme judicial court shall then make a written report on the state of the court system and the judiciary for said fiscal year and shall deliver the report together with recommendations to the governor, the president of the senate, the speaker of the house of representatives, on or before October first of each year. Said reports shall include, but not be limited to an account of all transfers of appropriated funds among line items and a schedule of all personnel transferred within the judicial system. Such reports shall be a matter of public record;

(xxvi) said chief justice for administration and management may assign any personnel from the office of said chief justice for administration and management to any department within the trial court and shall insure, subject to appropriation, that the chief justices have adequate staff for the purpose of assisting such justices in the performance of their duties as administrative heads of the trial court departments;

(xxvii) the chief justice for administration and management shall be authorized to visit any department or any division or any place for holding court within such a department. The chief justice for administration and management may from time

to time call conferences of any or all of the chief justices of the departments;

(xxviii) the chief justice for administration and management shall review all appointments and dismissals governed by standards promulgated under the authority of section eight for noncompliance with such standards and shall rescind any such appointment or dismissal that does not comply with said standards.

(xxix) the chief justice for administration and management shall be provided with offices in Suffolk county at the expense of the commonwealth but only after said chief justice for administration and management has not found sufficient office space in any facility owned by the commonwealth at an appropriate distance from the Suffolk county courthouse;

(xxx) any dispute arising between a chief justice of a department or a first justice of a division, and a clerk of court, concerning the management and administration of the clerk's office, the duties, powers and obligations of the clerk's staff, or the interpretation of the personnel standards provided for under section eight, shall be submitted to the chief justice for administration and management in writing by the clerk, clerk-magistrate, chief justice, or first justice. The chief justice for administration and management shall, within thirty days of receipt of the written notification of such dispute conduct a hearing in order to determine the matter. The decision of the chief justice for administration and management shall be binding on the parties;

(xxxi) the chief justice for administration and management shall establish uniform guidelines and policies to further minority employment within the judicial system;

(xxxii) notwithstanding the provisions of this section, the chief justice for administration and management, in order to provide for the speedy administration of justice in the counties of Dukes and Nantucket, shall designate, from time to time, justices sitting in the division of the district court department for either of said counties as justices of the superior court department sitting in either of said counties, with power to grant injunctive relief to the same extent as a justice appointed to the superior court department;

(xxxiii) the responsibility to administer, subject to appropriation, a reserve fund for the purpose of providing secretarial and administrative support staff and services to the justices of the superior court department of the trial court;

(xxxiv) the responsibility to review and make recommendations regarding the expeditious clearing of outstanding warrants throughout the courts of the commonwealth.

(xxxv) the power to appoint, subject to appropriation and the applicable collective bargaining agreement, up to one hundred associate probation officers; provided, that appropriate consideration shall be given to assigning said officers within a reasonable distance from their homes; and provided further, upon completion of two full years of service as an associate probation officer, he shall

be deemed qualified for appointment as a regular probation officer;

(xxxvi) notwithstanding any general or special law to the contrary, the authority to suspend any particular session of the trial court; move sessions so that the availability of court personnel is consistent with the needs of individual courts; transfer cases and matters from a court to any other court, consolidate cases, and make such periodic adjustments in the scheduling and locations of court sessions as are deemed necessary for the proper administration of justice;

(xxxvii) notwithstanding any general or special law to the contrary, the authority to establish the hours during which the courts of the commonwealth shall be open, including Saturday and evening sessions, and to further establish flexible work schedules, provided, however, that no employee shall be required to work more hours during a week than is provided by the relevant collective bargaining agreement;

(xxxviii) The chief justice for administration and management may delegate his responsibilities and powers hereunder and as otherwise provided by law to a chief justice, justice, regional justice, first justice, presiding justice, court officer, clerk, or any employee of his department, for such period of time and with such limitations as he may impose, whenever in his opinion such delegation of authority will expedite the judicial business of the trial court.

(xxxix) The responsibility to assist the supreme judicial court in exercising its rule making power to eliminate as judicial functions those functions performed by judges which could be performed by non-judicial personnel.

SECTION 78. Said chapter 211B is hereby further amended by inserting after section 9 the following section:-

Section 9A. All court officers appointed at any time, including messengers appointed pursuant to section thirty-one of chapter two hundred and seventeen, whether appointed prior to or after January first, nineteen hundred and ninety-three, to any department of the trial court shall be employees of the chief justice for administration and management who shall have the authority to appoint, dismiss, define the duties of, assign, transfer and discipline said court officers within the trial court departments as he deems necessary for the administration of justice and for public safety. Such court officers shall, when required, attend the sessions of the court, shall preserve order, provide security, and may serve warrants, mittimuses, precepts, and orders and processes of the court, and shall perform such other duties as chief administrative justices for administration and management may assign.

In the municipal court of the Roxbury district and in the municipal court of the Dorchester district one court officer shall be designated by the first justice of each said court with the approval of the chief justice for administration and management as chief court officer and one as assistant chief court officer. In the district court of Chelsea, in the municipal court of the West Roxbury district, in the East Boston district court and in the municipal court of the South Boston district one court officer

shall be designated by the first justice of each said court as chief court officer, with the approval of the chief justice for administration and management. In the Boston juvenile court, one court officer shall be designated by the first justice of said court as chief court officer and two as assistant chief court officers with the approval of the chief justice for administration and management. In the municipal court of the city of Boston, the chief justice of the Boston municipal court department, with the approval of the chief justice for administration and management, shall designate one court officer as chief court officer and two as assistant chief court officers of said court for criminal business and one court officer as chief court officer and one as assistant chief court officer of said court for civil business. In the district court of Brockton one court officer shall be designated by the justice of said court as chief court officer. Such court officers shall, while on duty, wear uniforms approved by the chief justice for administration and management, which shall be furnished at the expense of the commonwealth.

Each court officer shall give bond for faithful performance of his duties in the sum of one thousand dollars payable to the General Fund, with sufficient sureties, approved by the chief justice for administration and management.

SECTION 79. Said chapter 211B is hereby further amended by striking out section 10, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 10. A chief justice in addition to his judicial powers and duties as a justice of the trial court shall subject to the superintendence authority of the supreme judicial court as provided in section three of chapter two hundred and eleven and the administrative authority of the chief justice for administration and management, be the administrative head of his department, its clerks, other officers and employees subject to section ninety-nine of chapter two hundred and seventy-six and the appropriate collective bargaining agreement. A chief justice shall have the following power, authority and responsibility:

(i) The power to appoint, discipline, evaluate, transfer and define the duties of all non-judicial personnel within his department including special masters, court reporters, law clerks, temporary clerks and other support personnel consistent with the provisions of section eight and ten A; provided, however, that a chief justice shall not have the power to appoint non-judicial personnel serving in the office of a clerk, recorder or register, but shall have the authority to discipline said clerks, recorders and registers and all other personnel in the offices of said clerks, recorders or registers, upon the raising of any dispute between a first justice and a clerk, recorder or register. Any person aggrieved by any decision of a chief justice under this paragraph may appeal such decision to the chief justice for administration and management; provided, further, that no person holding a commission as a clerk of court, whether elected or appointed, a register of probate or a recorder shall be assigned under the provisions of this paragraph outside the department,

division or court to which he is elected or appointed without his consent. Any clerk aggrieved by any transfer or assignment of himself or personnel of his office under this paragraph shall appeal to the chief justice for administration and management who shall forthwith hear and determine the matter;

(ii) the power to assign or to transfer justices appointed to his department of the trial court to any particular court within that department for such period or periods of time as the chief justice deems necessary; the chief justice shall also have the power to appoint regional justices and to define their duties. Any justice aggrieved by an order of the chief justice assigning or transferring him to a particular court other than that to which he was appointed, may appeal the assignment or transfer to the chief justice for administration and management who shall forthwith determine the matter;

(iii) The authority, prior to making assignments or transfers referred to in paragraph (ii) of this section, to ascertain, if the chief justice so desires, the respective preferences of the justices as to which court or courts, if any, they wish to be assigned or transferred. A justice, claiming to be aggrieved by an order of the chief justice assigning or transferring him to a particular court other than that to which he was appointed, may appeal the assignment or transfer to the chief justice for administration and management who shall forthwith hear and determine the matter;

(iv) The power to suspend any particular session in any court within his department; the power to move sessions so that the availability of court personnel is consistent with the needs of individual courts; and the power to transfer cases and matters from a court to any other court within his department, to consolidate cases, and to make such periodic adjustments in the scheduling and locations of court sessions as are deemed necessary for the proper administration of justice;

(v) notwithstanding any general or special law to the contrary, when necessary to ensure the proper administration of justice, transfer employees of his department to serve where needed; impose discipline on such officers and employees, including dismissal and suspension with or without pay; provided, however, that said chief justice may, upon reasonable notice, temporarily transfer nonjudicial personnel within his department, divisions and places for holding court, and in no event shall any such transfer be more than a reasonable distance from the place where such personnel is employed unless the employee so transferred shall consent thereto; provided, further, that such transfer of the employee shall not be for more than ninety days, but such transfer may be extended for three consecutive ninety-day periods, provided that notice is given to the house and senate committees on ways and means upon each extension, including the employee's position, duties, and reason for the transfer, but such transfer shall not exceed three hundred and sixty consecutive days. The first justice of the court to where the employee is transferred shall provide the first justice of the court to where the

employee is permanently assigned with appropriate personnel records and records of activities, including records necessary for the payment of compensation; and provided, however, that this provision shall not apply to a clerk or clerk-magistrate, whether elected or appointed by the governor, register of probate or recorder;

(vi) the authority to visit any court within his department.

(vii) the authority to call conferences of any or all of the justices within his department;

(viii) the responsibility to compile a comprehensive written report of the operation of his department of the trial court at the conclusion of each calendar year, and shall deliver said report together with his recommendations to the chief justice for administration and management on or before March first of the ensuing year. The chief justices shall make such additional reports as may from time to time be required by the chief justice for administration and management;

(ix) the responsibility to perform such further administrative duties as may from time to time be assigned by the chief justice for administration and management;

(x) the responsibility, annually, to prepare and submit to the chief justice for administration and management a budget estimate, in detail, for the ordinary maintenance of his department of the trial court, and all revenue therefrom, as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said budget estimate shall include judicial salaries and the salaries of employees within said department and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A;

(xi) the authority, upon receipt of an appropriated sum, to administer that appropriation;

(xii) the responsibility for the administrative management of the personnel, staff services and business of their departments, including financial administration and budget preparation, record-keeping, information systems and statistical controls, purchasing, planning, construction, case flow management, assignments of sittings of the justices of their respective departments, including justices not appointed thereto but assigned, for the time being therein. Each justice may delegate his responsibilities and powers hereunder and as otherwise provided by law to a justice, regional justice, first justice, court officer, clerk, or any employee of his department, for such period of time and with such limitations as he may impose, whenever in his opinion such delegation of authority will expedite the judicial business of the department; provided, however, that in the exercise or delegation of his powers, he shall in all cases act in a manner consistent with the policies and procedures established by the chief justice for administration and management;

(xiii) The power to set the days and hours during which courts within his department shall be open for business;

(xiv) The responsibility to sit and perform judicial duties, within his department, during the course of the calendar year;

(xv) The power to discipline any justice assigned or appointed to his department who refuses or fails to comply with any order concerning the performance of his duties as justice or any other lawful order of the chief justice of his department; provided, the chief justice shall also have the power to require any justice assigned or appointed to his department to participate in a judicial enhancement program in response to any action of such justice which brings the judiciary into disrepute, which lowers the public confidence in the judiciary or which impedes the administration of justice. A justice who is disciplined by the chief justice may appeal the imposition of discipline to the chief justice for administration and management. Any justice aggrieved by decision of the chief justice for administration and management may appeal said decision to the supreme judicial court. Consistent with the provisions of chapter two hundred and eleven C, all proceedings, documents, and other matters relating to such discipline shall at all times be confidential and not open to the public unless the justice appealing the disciplinary action agrees that the same shall not be confidential, or unless the supreme judicial court determines that it is in the public interest for any such proceeding, document, or other matter relating to such discipline to be made public. All disciplinary action imposed by a chief justice, whether consensual or not, shall be reported to the supreme judicial court by the chief justice;

(xvi) The responsibility to sit and perform judicial duties, within his department, during the course of the calendar year; and

(xvii) Any clerk aggrieved by any transfer or assignment of himself or personnel of his office under this section shall have the right to appeal to the chief justice for administration and management who shall forthwith hear and determine the matter.

(xviii) the power, notwithstanding any law to the contrary, to transfer cases between courts consistent with the efficient distribution of caseload and workload within said department;

Whenever the term "chief justice" or "administrative justice" appears in any general or special law, it shall mean the chief justice described in section one for the department to which, in context, reference is made. The chief justice shall be provided with suitable offices. He may appoint a court administrator and also such other personnel as he may require and may make such other expenditures for printing, transportation of papers and documents and for other expenses as are incidental to his duties.

SECTION 80. Said chapter 211B is hereby further amended by inserting after section 10 the following section:-

Section 10A. A first justice, in addition to his judicial powers and duties as a justice of the trial court and in addition to his general powers of superintendence as first justice of a particular court within the trial court, shall, subject to the superintendence authority of the supreme judicial court as provided in section

three of chapter two hundred and eleven and the administrative authority of the chief justice of the first justice's department of the trial court, be the administrative head of his court; provided, however, that clerks, recorders and registers shall have responsibility for the internal administration of their respective offices, including personnel, staff services and record keeping. A first justice or a clerk, recorder or register of the court may submit any dispute that arises between said first justice and said clerk, recorder or register, concerning the management and administration of the office of the clerk, recorder, or register, the duties, powers and obligations of the clerk, recorder, or register, or a member of their staff, or the interpretation of the personnel standards provided for under section eight of chapter two hundred and eleven B, to the chief justice of the department. Any person aggrieved by a decision of a chief justice under this paragraph may appeal said decision to the chief justice for administration and management, who shall, within thirty days, hear and determine the matter. A first justice shall also have the following power, authority and responsibility within his court:

(i) the power, subject to the approval of the chief justice of his department, to appoint, dismiss, discipline, supervise, assign, evaluate, transfer and define the duties of all non-judicial personnel within his court, including special masters, court reporters, law clerks and other support personnel; except personnel in the office of the clerk, recorder or register; provided any such non-judicial personnel aggrieved by any action under this paragraph may appeal to the chief justice of the department who shall forthwith hear and determine the matter. Any person aggrieved by a decision of a chief justice under this paragraph may appeal said decision to the chief justice for administration and management, who shall, within thirty days, hear and determine the matter.

(ii) the power, subject to the approval of the chief justice of his department, to supervise and assign duties to all justices appointed to or assigned to his court; and to authorize such justices to delegate the calling of the list to the clerk of the court where appropriate to the administration of justice.

(iii) the responsibility to bring to the attention of the chief justice of his department all disputes concerning all clerks, recorders and registers, or their personnel, appointed to or assigned to his court; provided any person aggrieved by any action under this paragraph, may appeal to the chief justice of the department who shall forthwith hear and determine the matter. Any person aggrieved by a decision of a chief justice under this paragraph may appeal said decision to the chief justice for administration and management, who shall, within thirty days, hear and determine the matter.

(iv) The power, subject to the approval of the chief justice of his department, to supervise and assign duties to all justices appointed to or assigned to his division; and

(v) The first justice shall periodically prepare and submit to the chief justice of

his department an estimate, in detail, for the ordinary maintenance of the division or place for holding court, and all revenues therefrom as provided in clause (5) of the first paragraph of section three of chapter twenty-nine. Said estimate shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A, together with any information which the chief justice may require. In turn, the chief justice shall periodically prepare and submit to the chief justice for administration and management an estimate, in detail, for the ordinary maintenance of the first paragraph of section three of chapter twenty-nine. Said estimate shall include salaries of all officers and employees within the office and shall include estimates of all sums which the commonwealth is obligated to pay under the provisions of chapter twenty-nine A, together with any other information which the chief justice for administration and management may require.

SECTION 81. Section eleven of said chapter two hundred and eleven B is hereby repealed.

SECTION 82. Said chapter 211B is hereby further amended by striking out section 12, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 12. There may be an administrator for the trial court of the commonwealth appointed by the chief justice for administration and management to serve at the pleasure of said chief justice. Said court administrator shall receive a salary to be fixed by the chief justice for administration and management and subject to appropriation. The court administrator shall perform such duties and responsibilities as the chief justice for administration and management may from time to time designate. The court administrator shall be quartered in the office of the chief justice for administration and management.

The chief justice may appoint such other personnel as are necessary for the administration of the trial court. Said personnel shall receive salaries to be fixed by the chief justice for administration and management and subject to appropriation.

SECTION 83. Section 13 of said chapter 211B, as so appearing, is hereby amended by striking out, in lines 1, 4 and 27, in each instance, the following words "or presiding",- and by striking out, in lines 5, 6, 14 and 30, the word "administrative" and inserting in place thereof, in each instance, the following word:- chief.

SECTION 84. Section 14 of said chapter 211B, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "administrative justice of the trial court" and inserting in place thereof the following words:- justice for administration and management.

SECTION 85. Section fifteen of chapter two hundred and eleven B of the General Laws is hereby repealed.

SECTION 86. Said chapter 211B is hereby further amended by striking out section 16, as appearing in the 1990 Official Edition, and inserting in place thereof

the following section:-

Section 16. The chief justice for administration and management shall establish a judicial institute, to provide for the training of the judicial and nonjudicial personnel of the trial court, the appeals court and the supreme judicial court. Said institute shall perform and continually update a comprehensive analysis of the training needs of such personnel, and ensure that such needs are met through programs of the institute provided directly or by contract or through programs of other institutions. Programs of the institute shall include but not be limited to pre-service training for judges through seminars and through a mentor judge program, and frequent in-service training for judges and clerks, and continuing education for all court personnel. The institute shall be provided with suitable offices in the Suffolk county courthouse or elsewhere. The chief justice for administration and management may, within the limits of the amount appropriated therefor, appoint an executive director for said institute and such professional staff, clerks and assistants as it may require and may make such expenditures as may be necessary to execute effectively the functions of said institute. The chief justice for administration and management may further appoint an advisory committee for the purpose of assisting him in matter pertaining to the institute. The composition of the committee, the terms of its members, and the scope of its responsibilities shall be determined by the chief justice for administration and management.

SECTION 87. Said chapter 211B is hereby further amended by striking out section 17, as so appearing, and inserting in place thereof the following section:-

Section 17. The chief justice for administration and management shall have charge of the daily care, operation and routine maintenance of court facilities owned by the commonwealth, and of long-range planning and capital budget requests for such court facilities.

In carrying out said duties with respect to court facilities, the chief justice for administration and management shall be governed by statutes applicable to facilities management and capital planning and budget requests by state agencies, including but not limited to: sections thirty-eight A to forty-three L, inclusive, of chapter seven; sections seven A to seven K, inclusive, and sections twenty-six A and twenty-six B of chapter twenty-nine; and sections forty-four A to forty-four M, inclusive, of chapter one hundred and forty-nine. Notwithstanding any other general or special law to the contrary, the chief justice for administration and management shall assign and allocate space occupied by the judicial branch in court facilities owned or leased by the commonwealth, and the commissioner of capital planning and operations shall assign and allocate space in such facilities which said chief justice determines is not needed by the judicial branch; provided, however, that the chief justice for administration and management shall resolve any disputes regarding the assignment and allocation of space. In carrying out said duties with respect to court facilities, the chief justice for administration and

management shall regularly consult with the court facilities council established in section six of chapter twenty-nine A.

The chief justice for administration and management may charge a county, city or town an occupancy fee for the use of any portion of court facilities owned by the commonwealth. The amount of any such occupancy fee shall be limited to the cost of maintenance, repairs, and utilities attributable to the proportion of the usable floor space of such court facility occupied by such county, city or town. In the event the parties are unable to agree on the amount of the occupancy fee, the director of court facilities in the division of capital planning and operations shall, after hearing if requested by either party, establish such fee. All such fees shall be paid into the General Fund of the commonwealth. The chief justice for administration and management of the trial court, acting jointly with the commissioner of capital planning and operations, may terminate the occupancy of a portion of such court facilities by a town, city or county only after a process of negotiation with such town, city or county, and only after giving such town, city or county at least one year's advance notice of such proposed termination.

SECTION 88. Section eighteen of said chapter two hundred and eleven B is hereby repealed.

SECTION 89. Said chapter 211B is hereby further amended by striking out section 19, as most recently amended by section 37 of chapter 145 of the acts of 1991, and inserting in place thereof the following section:-

Section 19. A chief justice of the trial court may, subject to the approval of the chief justice for administration and management, grant a leave of absence for study, research, teaching, or such other reason as said chief 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; provided, further, that for the purposes of eligibility for life insurance and health plans available under chapter thirty-two A, said judge shall be considered an active employee. The chief justice for administration and management, in approving such leaves, shall consider the speedy dispatch of judicial business, including reassignment of judges pursuant to section nine. The chief justice for administration and management, in consultation with the chief justices of the departments of the trial 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 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 leave of absence pursuant to this section.

SECTION 90. Said chapter 211B is hereby further amended by striking out section 19, as most recently amended by section 89 of this act, and inserting in place thereof the following section:-

Section 19. The chief justice for administration and management 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 chief justice for administration and management shall supervise and establish standards for the implementation of such program and shall further implement a program of certification for all personnel conducting alternative dispute resolution programs in the courts of the commonwealth.

The chief justice of administration and management shall establish a pilot program of alternative dispute resolution within the counties of Bristol, Worcester and Suffolk under his direct supervision. Pursuant to said pilot program, he shall be responsible to fund, coordinate, and evaluate activities of the trial court within said counties to screen and refer cases to alternative dispute resolution. Within said counties, the chief justice for administration and management shall, no later than twelve months from the date of filing any civil litigation which involves a contract claim, tort claim, equitable remedy dispute or other litigation the trial court may determine to be appropriate, be screened for referral to a qualified alternative dispute resolution program. Screening should enable litigants or their attorneys to select among options which include self-directed settlement negotiation, case evaluation, mediation, non-binding arbitration, expert fact finding and binding arbitration. The chief justice for administration and management shall monitor and evaluate the cost, impact and effectiveness of activities undertaken to screen and refer cases to alternative dispute resolution and report annually to the general court on his findings. The annual report should identify unmet needs and promising opportunities for additional screening and referral activities and recommend legislative actions required to implement these activities.

SECTION 91. Chapter 212 of the General Laws is hereby amended by striking out section 1, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 1. The superior court department of the trial court of the commonwealth, established by section one of chapter two hundred and eleven B, shall consist of seventy-six justices appointed to the department. The justice as provided under section one of chapter two hundred and eleven B as the chief justice for the superior court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court as provided in section three of chapter two hundred and eleven and the administrative authority

of the chief justice for administration and management, be the administrative head of the superior court department, and shall also have the power authority and responsibility of a chief justice as set forth in section ten of chapter two hundred and eleven B. A chief justice shall hold said office for a term of five years, and shall be eligible to be reappointed for additional five-year terms. A chief justice, so appointed, may be removed from that office prior to the expiration of his term upon a determination by the chief justice for administration and management that such removal is in the best interests of the administration of justice.

Wherever the words "superior court", or wherever in this chapter the word "court" is used in that context, they shall refer to the superior court department of the trial court, and the words "justice of the superior court", or the word "justice", in context, shall mean an associate justice of the trial court appointed to the superior court department.

SECTION 92. Section 2 of said chapter 212, as so appearing, is hereby amended by striking out, in line 3, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 93. Section 14A of said chapter 212, as so appearing, is hereby amended by striking out, in lines 2, 9, 17, 18 and 24, the word "administrative" and inserting in place thereof, in each instance, the following word:- chief.

SECTION 94. The second paragraph of section 14A of said chapter 212 is hereby further amended by striking out, in lines 22 to 24, the words "presiding justice for any county or for any group of counties. Such presiding justice shall serve at the pleasure of said administrative justice." and inserting in place thereof the following:- first justice for any county or for any group of counties; provided, however, that appropriate consideration shall be given to seniority, length of service in that particular county or group of counties and managerial ability. Said first justice shall be the administrative head of the court for that particular county or group of counties and shall have the powers enumerated in section ten A of chapter two hundred and eleven B; and as administrative head of the court, said first justice shall be responsible for the management of the courthouse and shall have authority over all personnel employed by the superior court department; provided, however, that clerks shall have responsibility for the internal administration of their respective offices, including personnel, staff services and record keeping. A first justice or a clerk of the court may submit any dispute that arises between said first justice and said clerk concerning the management and administration of the office of said clerk the duties, powers and obligations of the clerk or a member of his staff, or the interpretation of the personnel standards provided for under section eight of chapter two hundred and eleven B, to the chief justice of the department. Any person aggrieved by a decision of a chief justice under this paragraph may appeal said decision to the chief justice for administration and management, who shall, within thirty days, hear and determine the matter.

Each first justice so appointed shall serve as the first justice of that court for a five-year term and shall be eligible to be reappointed for additional five-year terms at that particular court. Any first justice may be removed during any five-year term from his position as first justice when it is determined by the chief justice of the superior court department to be in the best interests of the administration of justice. Any first justice who is removed during a five-year term from his position as first justice by the chief justice of the superior court department may appeal the removal to the chief justice for administration and management.

SECTION 95. Section 19 of said chapter 212, as so appearing, is hereby amended by striking out, in line 3, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 96. Section 20A of said chapter 212, as so appearing, is hereby amended by striking out, in line 10, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 97. Section 21 of said chapter 212, as so appearing, is hereby amended by striking out, in line 1, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 98. Section 23 of said chapter 212, as so appearing, is hereby amended by striking out, in line 1, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 99. Section 54 of said chapter 215, as so appearing, is hereby amended by striking out, in line 1, the words "administrative justice" and inserting in place thereof the following words:- justice for administration and management.

SECTION 100. Section 55 of said chapter 215, as so appearing, is hereby amended by striking out, in line 1, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 101. Said chapter 215 is hereby further amended by striking out section 62, as so appearing, and inserting in place thereof the following section:-

Section 62. The court shall be held by one of the justices, and when so held shall have and exercise all the power and jurisdiction committed to said court. The chief justice, after consultation with the chief justice for administration and management of the trial court, shall make such assignments for the attendance of a justice at the several times and places appointed for holding the court as will be most convenient as will insure the prompt performance of its duties.

SECTION 102. Section 2 of said chapter 217, as amended by section 1 of chapter 409 of the acts of 1991, is hereby further amended by striking out the second sentence, and inserting in place thereof the following:- The chief justice of the probate and family court department shall designate one justice to be the first justice of a particular court; provided that appropriate consideration shall be given to seniority, length of service in that particular court and managerial ability. Said first justice shall have the powers enumerated in section ten A of chapter two

hundred and eleven B and shall be the administrative head of that particular court and shall have authority over all personnel employed therein; provided, however, that registers shall have responsibility for the internal administration of their respective offices, including personnel, staff services and record keeping. A first justice or a register of the court may submit any dispute that arises between said first justice and said register concerning the management and administration of the office of the register, the duties, powers and obligations of the register, or a member of their staff, or the interpretation of the personnel standards provided for under section eight of chapter two hundred and eleven B, to the chief justice of the department. Any person aggrieved by a decision of a chief justice under this paragraph may appeal said decision to the chief justice for administration and management, who shall, within thirty days, hear and determine the matter.

Each first justice so appointed shall serve as first justice of that court for a five-year term and shall be eligible to serve additional five-year terms in that particular court. Any first justice may be removed from his position as first justice when it is determined by the chief justice of the probate and family court department to be in the best interests of the administration of justice. Any first justice who is removed from his position as first justice by the chief justice of the probate and family court department may appeal the removal to the chief justice for administration and management.

SECTION 103. Said chapter 217 is hereby further amended by striking out section 3B, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 3B. There shall be an associate justice of the trial court appointed in Hampshire county, hereinbefore known as the special judge of probate and insolvency in the county of Hampshire, who shall be and perform the duties of a full-time circuit justice in said county or such other county as the chief justice may designate, and when so assigned shall receive from the commonwealth the expenses incurred by him. Upon such designation, the registry of the court to which said circuit justice is assigned shall certify upon the records of the court, and to the comptroller, the number of days, the dates upon which, and the occasions for which, the circuit justice performed his duties. Nothing in this section shall be construed to establish a new judicial position nor abolish the tenure of the incumbent special judge of probate and insolvency.

SECTION 104. Section 3C of said chapter 217 is hereby amended by striking out, in line 4, as so appearing, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 105. Said chapter 217 is hereby further amended by striking out section 6B, as so appearing, and inserting in place thereof the following section:-

Section 6B. No justice, circuit justice or special justice sitting in a probate and family court shall be interested in, or be benefitted by, the fees or emoluments

which may arise in any matter pending before any probate court or which may arise in any suit or action pending in any court of this commonwealth where the subject matter or cause of action is founded upon or derived from proceedings begun in any of the probate courts nor shall he, except as otherwise provided, be appointed or act as executor, administrator, guardian, conservator, trustee under a will, commissioner, appraiser or assignee of or upon an estate within the jurisdiction of any probate court; nor shall he be interested in the fees or emoluments arising from any of said trusts. Full-time justices, or circuit justices provided for under this chapter, shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. The judge of probate for Dukes county and the judge of probate for Nantucket county shall sit in the probate and family court for any other county upon designation thereto by the chief justice for said department pursuant to section eight, and when so assigned shall receive from the commonwealth the expenses incurred by them.

SECTION 106. Said chapter 217 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. The justice provided for under the provisions of section one of chapter two hundred and eleven B as the chief justice for the probate and family court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court as provided in section three of chapter two hundred and eleven and the administrative authority of the chief justice for administration and management, be the administrative head of the probate and family court department and shall also have the power, authority and responsibility of a chief justice as set forth in section ten of chapter two hundred and eleven B. A chief justice shall hold said office for a term of five years, and shall be eligible to be reappointed for additional five-year terms. A chief justice, so appointed, may be removed from that office prior to the expiration of his term upon a determination by the chief justice for administration and management that such removal is in the best interests of the administration of justice. The chief justice may establish forms for the annual reports of the work of the registers of the several courts; and said registers shall annually on or before October first prepare and file with the chief justice reports of the work of said courts during the preceding court year, and said reports shall also be filed with the chief justice for administration. Said chief justice of the probate and family court shall also have the powers and duties described in section ten of chapter two hundred and eleven B and section forty-two of this chapter; except that none of the powers herein described or referred to shall be construed as authorizing said chief justice to alter or affect the provisions of sections fifty-eight, fifty-nine, sixty or sixty-two of chapter two hundred and fifteen.

SECTION 107. Section 8A of said chapter 217, as so appearing, is hereby amended by striking out, in line 1, the word "administrative" and inserting in place

thereof the following word:- chief.

SECTION 108. Section 15 of said chapter 217, as so appearing, is hereby amended by striking out, in line 5, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 109. Section 23 of said chapter 217, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The first justice of each court of the probate and family court department may, with the approval of the chief justice of the probate and family court, appoint for a term of three years, and may, with the approval of said chief justice, remove, a first assistant register of probate.

SECTION 110. Said section 23 of said chapter 217, as so appearing, is hereby further amended by striking out, in line 8, the word "judge" and inserting in place thereof the following words:- first justice.

SECTION 111. Section 23A of said chapter 217, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In addition to the first assistant registers of probate provided for in section twenty-three, the first justices of the respective courts of the probate and family court department for the following counties may, with the approval of the chief justice of the probate and family court appoint, and may, with the approval of the said chief justice, remove, assistant registers with the same powers and duties.

SECTION 112. Section 27 of said chapter 217, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- An assistant register shall perform his duties under the direction of the register, and shall pay over to the register all fees and amounts received as such assistant.

SECTION 113. Section 28 of said chapter 217, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- The first justice of the Suffolk county court may, subject to the approval of the chief justice, appoint a clerk, and may, with the approval of the justice, remove him. Said first justice may, subject to like approval, designate four employees as deputy assistant registers with the same powers as assistant registers and may, with the approval of the chief justice, revoke any such designation.

SECTION 114. Section 29 of said chapter 217, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- The first justice of the Middlesex county court may, with the approval of the chief justice, appoint a clerk who may administer such oaths required in probate proceedings as are not prescribed by law to be administered by the judge or register, and shall perform such clerical and other duties as may be required by the first justice, with the approval of the chief justice, and he may

be removed by the first justice with the approval of the chief justice. Said first justice may, with the approval of the chief justice, designate two employees as deputy assistant registers with the same powers as assistant registers and may revoke any such designation with the approval of the chief justice.

SECTION 115. Section 29A of said chapter 217, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- The first justice of the Dukes county court may, with the approval of the chief justice, appoint a clerk who may administer such oaths required in probate proceedings as are not prescribed by law to be administered by the judge or register, and shall perform such clerical and other duties as may be required by the first justice, with the approval of the chief justice, and who may be removed by the first justice with the approval of the chief justice. Said first justice may, with the approval of the chief justice, designate one employee as deputy assistant register and may revoke any such designation with the approval of the chief justice.

SECTION 116. Section 29B of said chapter 217, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- The first justice for the Nantucket county court may, with the approval of the chief justice, appoint a clerk who may administer such oaths required in probate proceedings as are not prescribed by law to be administered by the judge or register, and shall perform such clerical and other duties as may be required by the first justice, with the approval of the chief justice, and who may be removed by the first justice with the approval of the chief justice. Said first justice may, with the approval of the chief justice, designate one employee as deputy assistant register and may revoke any such designation with the approval of the chief justice.

SECTION 117. Section thirty-one of said chapter two hundred and seventeen is hereby repealed.

SECTION 118. Section 35A of said chapter 217, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words "administrative justice of the trial court" and inserting in place thereof the following words:- chief justice for administration and management.

SECTION 119. Section 35B of said chapter 217, as so appearing, is hereby amended by striking out, in line 4, the words "chief administrative justice of the trial court" and inserting in place thereof the following words:- chief justice for administration and management.

SECTION 120. Section 42 of said chapter 217, as so appearing, is hereby amended by striking out, in line 9, lines 14 and 15, and in line 17, the word "administrative" and inserting in place thereof, in each instance, the following word:- chief.

SECTION 121. Chapter 218 of the General Laws is hereby amended by striking

out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. The district court department, established under section one of chapter two hundred and eleven B, shall consist of divisions, one for each of the judicial districts hereinafter enumerated, and whenever the words "district court", "municipal court" or "court" are used in this chapter, unless the context refers exclusively to the municipal court of the city of Boston or a juvenile court, or some other clearly contrary intent, such words shall refer to a division of the district court department. Unless the context refers only to a person appointed to the municipal court of the city of Boston or to a juvenile court, the words "justice" and "special justice" shall mean, respectively, an associate justice and a special justice of the trial court appointed to a division of the district court department; and the words "clerk" or "clerk of court" shall mean the clerk of such court; and the words "assistant clerk," "deputy assistant clerk," "temporary clerk" or "temporary assistant clerk" shall mean, respectively, an assistant clerk, deputy assistant clerk, temporary clerk or temporary assistant clerk of such court.

The judicial districts of the Boston municipal court department and of the several divisions of the district court department shall continue to comprise the following cities, towns, wards and territory, in the following counties, respectively.

Barnstable

The first district court of Barnstable, held at Barnstable and Falmouth; Barnstable, Bourne, Yarmouth, Sandwich, Falmouth and Mashpee. The second district court of Barnstable, held at Orleans; Provincetown, Truro, Wellfleet, Eastham, Orleans, Brewster, Chatham, Harwich and Dennis. Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Berkshire

The district court of northern Berkshire, held at Adams, North Adams and Williamstown; Adams, North Adams, Williamstown, Clarksburg, Florida, New Ashford, Cheshire, Savoy, Hancock, and Windsor; the district court of central Berkshire exercising concurrent jurisdiction in Windsor and Hancock.

The district court of central Berkshire, held at Pittsfield; Pittsfield, Hancock, Lanesborough, Peru, Hinsdale, Dalton, Washington, Richmond, Lenox, Becket and Windsor; the district court of southern Berkshire exercising concurrent jurisdiction in Lenox and Becket and the district court of northern Berkshire exercising concurrent jurisdiction in Windsor and Hancock.

The district court of southern Berkshire, held at Great Barrington and Lee; Sheffield, Great Barrington, Egremont, Alford, Mount Washington, Monterey, New Marlborough, Stockbridge, West Stockbridge, Sandisfield, Lee, Tyringham, Otis, Lenox, Becket; the district court of central Berkshire exercising concurrent

jurisdiction in Lenox and Becket.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Bristol

The first district court of Bristol, held at Taunton; Taunton, Rehoboth, Berkley, Dighton, Seekonk, Easton and Raynham.

The second district court of Bristol, held at Fall River; Fall River, Somerset, Swansea, Freetown and Westport; the third district court of Bristol exercising concurrent jurisdiction in Freetown and Westport.

The third district court of Bristol, held at New Bedford; New Bedford, Fairhaven, Acushnet, Dartmouth, Freetown and Westport; the second district court of Bristol exercising concurrent jurisdiction in Freetown and Westport.

The fourth district court of Bristol, held at Attleboro; Attleboro, North Attleborough, Mansfield and Norton. Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Dukes County

The district court of Dukes County, held at Oak Bluffs, Edgartown and Tisbury; Dukes County.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of the above court of this county.

Essex

The first district court of Essex, held at Salem; Salem, Beverly, Danvers, Hamilton, Middleton, Topsfield, Wenham and Manchester.

The second district of Essex, held at Ipswich; Ipswich. The central district court of northern Essex, held at Haverhill;

Haverhill, Groveland, Georgetown, Boxford, and West Newbury; the district court of Newburyport exercising concurrent jurisdiction in West Newbury.

The district court of eastern Essex, held at Gloucester; Gloucester, Rockport and Essex.

The district court of southern Essex, held at Lynn; Lynn, Swampscott, Saugus, Marblehead and Nahant.

The district court of Lawrence, held at Lawrence and Methuen; Lawrence, Andover, North Andover and Methuen.

The district court of Newburyport, held at Newburyport; Amesbury, Merrimac,

Newbury, Newburyport, Rowley, Salisbury and West Newbury; the central district court of northern Essex exercising concurrent jurisdiction in West Newbury.

The district court of Peabody, held at Peabody; Peabody and Lynnfield.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Franklin

The district court of Franklin, held at Greenfield, and at Turners Falls in Montague; Franklin county, except Orange, Erving, Warwick, Wendell and New Salem. Sessions may also be held at Shelburne Falls in Shelburne and Buckland at such times and places as the justice of said court may determine.

The district court of eastern Franklin, held at Orange; Athol, Orange, Erving, Warwick, Wendell and New Salem. Said court shall be held in Athol at least one day each week of the year. Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Hampden

The district court of eastern Hampden held at Palmer; Palmer, Brimfield, Hampden, Monson, Holland, Wales, Wilbraham and Ludlow.

The district court of western Hampden, held at Westfield and Chester; Westfield, Chester, Granville, Southwick, Russell, Blandford, Tolland and Montgomery.

The district court of Chicopee, held at Chicopee; Chicopee.

The district court of Holyoke, held at Holyoke; Holyoke.

The district court of Springfield held at Springfield; Springfield, West Springfield, Agawam, Longmeadow and East Longmeadow.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Hampshire

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; Ware, Granby and Belchertown and any violation of law committed on land of the metropolitan district commission comprising the Quabbin reservation or used for the supply or protection of the Quabbin reservoir.

Cases of delinquent children under sections fifty-two to eighty-four,incluive, of

chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Middlesex

The district court of central Middlesex held at Concord; Concord, Acton, Bedford, Carlisle, Lincoln, Maynard, Stow and Lexington.

The first district court of northern Middlesex, held at Ayer; Ayer, Dunstable, Groton, Pepperell, Townsend, Ashby, Shirley, Westford, Littleton and Boxborough.

The first district court of eastern Middlesex, held at Malden; Malden, Wakefield, Melrose, and Everett.

The second district court of eastern Middlesex, held at Waltham; Waltham, Watertown and Weston.

The third district court of eastern Middlesex, held at Cambridge; Cambridge, Arlington and Belmont.

The fourth district court of eastern Middlesex, held at Woburn; Woburn, Winchester, Burlington, Wilmington, Stoneham, Reading and North Reading.

The first district court of southern Middlesex, held at Framingham; Framingham, Ashland, Holliston, Sudbury, Wayland and Hopkinton.

The district court of Lowell, held at Lowell; Lowell, Tewksbury, Billerica, Dracut, Chelmsford and Tyngsborough.

The district court of Marlborough, held at Marlborough; Marlborough and Hudson.

The district court of Natick, held at Natick; Natick and Sherborn.

The district court of Newton, held at Newton; Newton. The district court of Somerville, held at Somerville; Somerville and Medford.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Nantucket

The district court of Nantucket, held at Nantucket; Nantucket county.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of the above court of this county.

Norfolk

The district court of northern Norfolk, held at Dedham; Dedham, Dover, Norwood, Westwood, Medfield, Needham and Wellesley.

The district court of East Norfolk, held at Quincy; Quincy, Randolph, Braintree, Cohasset, Weymouth, Holbrook and Milton; and, in criminal cases, concurrently with the second district court of Plymouth, that part of Scituate described in chapter

three hundred and ninety-four of the acts of nineteen hundred and twelve. Arrests and service of process in such cases may be made by an officer qualified to serve criminal process in Cohasset. This provision shall not increase the judicial district of said court of the purposes of section seventy-eight.

The district court of southern Norfolk, held at Stoughton; Stoughton, Avon, Canton and Sharon.

The district court of Western Norfolk, held at Wrentham; Franklin, Walpole, Foxborough, Medway, Millis, Norfolk, Wrentham and Plainville. The municipal court of Brookline, held at Brookline; Brookline.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Plymouth

The second district court of Plymouth, held at Hingham; Hingham, Rockland, Hull, Hanover, Scituate, and Norwell.

The third district court of Plymouth, held at Plymouth; Plymouth, Kingston, Plympton, Pembroke, Duxbury, Halifax, Hanson and Marshfield.

The fourth district court of Plymouth, held at Wareham; Middleborough, Wareham, Lakeville, Marion, Mattapoisett, Rochester and Carver.

The district court of Brockton, held at Brockton; Brockton, Bridgewater, East Bridgewater, Whitman, Abington and West Bridgewater. Said court may adjourn to the Massachusetts correction institution at Bridgewater, whenever the public convenience seems to the first justice to render such adjournment expedient.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Suffolk

The municipal court of the city of Boston, held at Boston; wards six, seven, eight, nine, ten, eleven, twelve, sixteen, seventeen and eighteen of Boston as they existed on February first, eighteen hundred and eighty-two; and in criminal cases, concurrently with the municipal courts of the Roxbury and Brighton district, the second and third district courts of eastern Middlesex, and the district court of Newton, respectively, so much of the Charles river basin, as defined in section two of chapter five hundred and twenty-four of the acts of nineteen hundred and nine, as affected by chapter two hundred and forty-five of the General Acts of nineteen hundred and sixteen as is within the districts of said courts.

The municipal court of the Brighton district, held at Brighton in Boston; ward twenty-five of Boston as it existed on February first, eighteen hundred and

eighty-two.

The municipal court of the Charlestown district held at Charlestown in Boston: wards three, four and five of Boston as they existed on February first, eighteen hundred and eighty-two; provided that in criminal matters said court shall have exclusive jurisdiction in that part of said wards which is under the care, custody and control of the lower basin division of the metropolitan district commission and in so much of the Charles river basin, as defined in section two of chapter five hundred and twenty-four of the acts of nineteen hundred and nine as affected by chapter two hundred and forty-five of the General Acts of nineteen hundred and sixteen as is within the district of said court.

The district court of Chelsea, held at Chelsea; Chelsea and Revere.

The municipal court of the Dorchester district, held at Dorchester in Boston; ward twenty-four of Boston as it existed on February first, eighteen hundred and eighty-two, and the territory comprised within the limits of precinct twelve of ward thirteen of Boston as it existed on November second, nineteen hundred and forty-eight.

The East Boston district court, held at East Boston in Boston; Winthrop and wards one and two of Boston as they existed on March first, eighteen hundred and eighty-six; provided that said court shall have territorial jurisdiction in matters that arise in the Sumner tunnel, so-called, and Lieutenant William F. Callahan, Jr. tunnel, including any property, toll plazas and approach roads thereto under the ownership, care, custody and control to the Massachusetts Turnpike Authority as provided by chapter five hundred and ninety-eight of the acts of nineteen hundred and fifty-eight.

The municipal court of the Roxbury district, held at Roxbury in Boston; wards nineteen, twenty, twenty-one and twenty-two of Boston as they existed on February first, eighteen hundred and eighty-two, excepting ward ten, save as hereinafter provided, as it existed on February first, nineteen hundred and seventy-six; provided, however, that, notwithstanding any other provision of law, said court shall have jurisdiction over matters arising in precincts one, six and seven of ward ten.

The municipal court of the South Boston district, held at South Boston in Boston; wards thirteen, fourteen and fifteen of Boston as they existed on February first, eighteen hundred and eighty-two.

The municipal court of the West Roxbury district, held at West Roxbury in Boston; ward twenty-three of Boston as it existed on February first, eighteen hundred and eighty-two, the territory comprised within the limits of the former town of Hyde Park which was annexed to Boston by chapters four hundred and sixty-nine and five hundred and eighty-three of the acts of nineteen hundred and eleven, and ward ten, except precincts one, six and seven of said ward ten, as existing on February first, nineteen hundred and seventy-six.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county. The juvenile court located in the city of Boston, heretofore known as the Boston juvenile court, shall have territorial jurisdiction provided in section fifty-seven, and with respect to children in Suffolk county, shall have exclusive jurisdiction of petitions brought under said sections twenty-four and thirty-nine E of said chapter one hundred and nineteen.

Worcester

The central district court of Worcester, held at Worcester; Worcester, Auburn, Millbury, Paxton, West Boylston, Holden, Rutland, Barre and Oakham.

The first district court of northern Worcester, held at Gardner; Gardner, Petersham, Phillipston, Royalston, Templeton, Hubbardston and Westminster.

The first district court of eastern Worcester, held at Westborough and Grafton; Westborough, Grafton, Southborough, Northborough and Shrewsbury.

The second district court of eastern Worcester, held at Clinton; Clinton, Berlin, Bolton, Boylston, Harvard, Lancaster and Sterling.

The first district court of southern Worcester, held at Southbridge and Webster; Southbridge, Webster, Sturbridge, Charlton, Dudley and Oxford.

The second district court of southern Worcester, held at Uxbridge; Uxbridge, Blackstone, Douglas, Northbridge, Millville and Sutton.

The third district court of Southern Worcester, held at Milford; Milford, Mendon, Upton, Bellingham and Hopedale.

The district court of western Worcester, held at North Brookfield; East Brookfield, Brookfield, Spencer, North Brookfield, West Brookfield, Warren, Hardwick, Leicester, and New Braintree. Said court may adjourn to any town within its district other than North Brookfield whenever the public convenience seems to the presiding justice to render such adjournment expedient.

The district court of Fitchburg, held at Fitchburg; Fitchburg, Ashburnham and Lunenburg.

The district court of Leominster, held at Leominster; Leominster and Princeton.

The district court at Winchendon, held at Winchendon; Winchendon.

Cases of delinquent children under sections fifty-two to eighty-four, inclusive, of chapter one hundred and nineteen, and petitions brought under sections twenty-four and thirty-nine E of said chapter one hundred and nineteen, are excepted from the jurisdiction of all of the above courts of this county.

Each division of the district court department may be referred to by the name of the principal place for the holding of said court.

SECTION 122. Said chapter 218 is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. In each district court, as provided in section one, one appointment of associate justice of the trial court shall be made; except that the courts corresponding to the district court of Brockton, the first district court of Barnstable, the second district court of Bristol, the third district court of Bristol, the district court of Springfield, the municipal court of the Dorchester district, the first district court of eastern Middlesex and the first district court of southern Middlesex, so-called, shall have two justices each; and the courts corresponding to the municipal court of the Roxbury district, the third district court of eastern Middlesex and the central district court of Worcester, so-called, shall have three justices each.

Except as provided by section two of chapter one thousand and ninety of the acts of nineteen hundred and seventy-one, of section two of chapter three hundred and fifty-six of the acts of nineteen hundred and seventy-three, of section two of chapter nine hundred and fifty-nine of the acts of nineteen hundred and seventy-three, and of section two of chapter five hundred and twenty-two of the acts of nineteen hundred and seventy-six, there shall be appointed in each court an additional number of justices equivalent to the number of justices provided for said court in the first paragraph, which additional number shall correspond to the number of special justices authorized on January thirty-first, nineteen hundred and seventy-six for a district court having substantially the same territorial jurisdiction as said court; provided that in no event shall the total number of justices and special justices in the district court department hereby exceed one hundred and sixty-eight; and provided further that such appointments made under this paragraph shall be made to those courts where vacancies first occur in the office of special justice after February first, nineteen hundred and seventy-six, and thereafter where vacancies occur in positions authorized under this paragraph.

The chief justice of the district court department shall have the power to appoint the first justice of each of the various courts within the district court department, subject to the approval of the chief justice for administration and management, and to define his duties; provided, however, that appropriate consideration shall be given to seniority, length of service at that particular division, and managerial ability. Each first justice so appointed shall serve as the first justice of that court for a five-year term and shall be eligible to be reappointed for additional five-year terms at that particular court. Any first justice may be removed from his position as first justice, when it is determined by the chief justice of the district court department to be in the best interests of the administration of justice. Any first justice who is removed from his position as first justice by the chief justice of the district court department may appeal such removal to the chief justice for administration and management.

Citations, orders of notice, writs, executions and all other processes issued by the clerk of the court shall bear the teste of the first justice thereof or the chief justice of the department.

The first justice shall be the administrative head of his court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B. As administrative head of his court, said first justice shall be responsible for the management of the courthouse and shall have control over all personnel employed therein; provided, however, that the clerk shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping. A first justice or a clerk of the court may submit any dispute that arises between said first justice and said clerk concerning the management and administration of the office of the clerk, the duties, powers and obligations of the clerk, or a member of their staff, or the interpretation of the personnel standards provided for under section eight of chapter two hundred and eleven B, to the chief justice of the department. Any person aggrieved by a decision of a chief justice under this paragraph may appeal said decision to the chief justice for administration and management, who shall, within thirty days, hear and determine the matter.

The clerk of each district court may appoint assistant clerks and temporary assistant clerks.

A special justice in the district court department or the juvenile court department who does not serve full-time in accordance with the provisions of section six A, section fifty-eight B or fifty-eight C shall be paid by the commonwealth for each day's services at the rate by the day of the salary of a justice of the court where he is assigned.

If a justice is absent on Saturday or absent due to an assignment in another court or department within the trial court, no such deduction shall be made therefor from vacation time or sick leave accumulated. During the calendar year of the taking office of a justice no such deduction shall be made for the absence of the justice on that proportion of thirty days corresponding to the proportion of said calendar year remaining after his taking office as justice, nor in addition for the absence of the justice by reason of illness or physical disability for the said proportion of thirty days.

Subject to the provisions of section forty, the special justices in the district court department shall sit and in addition perform such other duties as special justices in such other courts on such occasions as ordered by the chief justice for the district court department; and in such other departments of the trial court as authorized by law.

SECTION 123. Said chapter 218 is hereby further amended by striking out section 6A, as so appearing, and inserting in place thereof the following section:-

Section 6A. (a) Any special justice of a district court holding office on January first, nineteen hundred and seventy-six may, in accordance with the provisions of paragraph (c), certify in writing to the chief justice for the district court department that upon said certificate becoming effective said special justice shall devote full-time during ordinary business hours to the duties of his office and shall not

engage directly or indirectly in the practice of law. Said certificate shall become effective at such time as the chief justice for the district court may direct, but in no case later than July first, nineteen hundred and seventy-nine; provided, however, that no special justice shall become full-time before another who has filed a certificate before him; and provided, further, that a certificate may not be withdrawn after it has been filed.

(b) Upon said certificate becoming effective, said special justice shall be subject to the following provisions: (1) he shall devote full-time during ordinary business hours to the duties of his office, and shall not engage directly or indirectly in the practice of law; (2) he shall be paid the salary provided for justices of the trial court who are required to devote full-time to their duties, said salary to be paid from the same sources and in the same manner as the salary of other justices of the district courts, and travel and expense allowances to the same extent as is provided for justices of the district courts; (3) he shall sit by assignments of the chief justice for the district court in the district court to which he was appointed, in district courts in the county in which the district court to which he was appointed is located or in which he resides or in a county adjacent to either of them, and, in instances where exigent circumstances require, in district courts in other counties, and he shall perform such other duties as are assigned him by said chief justice. He shall be assigned to sit as proximate as reasonably practicable to the district court to which he was appointed, consistent with the public interest in the effective administration of justice; and he shall sit in such other courts and in such manner as the law provides for justices and special justices of the district courts; (4) except as otherwise provided in this section he shall have the same powers, duties, rights and privileges, including the power to hear and decide civil actions, as a justice of a district court who is required to devote full-time to his duties and who is not the administrative head of his court; and (5) as provided in the preceding section six, he shall be eligible to be a first justice.

(c) The certificate provided for in paragraph (a) may be filed with the chief justice for the district court at any time before May thirty-first, nineteen hundred and seventy-nine.

(d) The provisions of section six with regard to vacation and sick leave, including the provisions relative to accumulation, shall be deemed applicable to all justices and special justices who serve full-time in accordance with the provisions of this section. During the calendar year in which his certificate is made effective a special justice shall be entitled to the number of absences for vacation and sick leave corresponding to the proportion of said year remaining after said certificate becomes effective.

Notwithstanding any provisions of the general laws to the contrary, (1) for the purposes of determining pension responsibilities a special justice appointed, or first appointed, as the case may be, to his office prior to January second, nineteen

hundred and seventy-five who serves full-time in accordance with the provisions of this section shall not be subject to the provisions of section sixty-five D of chapter thirty-two; and (2) for purposes of determining the pension rights of a special justice who serves full-time in accordance with the provisions of this section any special justice may elect to waive the provisions of section sixty-five B of chapter thirty-two and his full-time service shall be deemed the service of a justice of a district court, other than the chief justice, and said special justice shall be entitled to the same credit for his part-time service, if any, as a special justice as is provided in section sixty-five A of chapter thirty-two for a justice of a district court who has previously served as a special justice; provided, however, that nothing herein shall be construed to alter the pension rights and responsibilities applicable to a special justice who does not file a certificate under the provisions of this section.

(e) Any special justice holding office on January first, nineteen hundred and seventy-six who does not file a certificate under the foregoing provisions shall, after July first, nineteen hundred and seventy-nine, be precluded from engaging directly or indirectly in the practice of law.

(f) Except as provided in paragraph (e) nothing in this section shall affect the powers, duties, rights and privileges of any special justice who is holding his office on January first, nineteen hundred and seventy-six and who does not file a certificate under the provisions of paragraph (a).

(g) Any special justice who assumes office after January first, nineteen hundred and seventy-six shall devote full-time during ordinary business hours to the duties of his office and shall not engage directly or indirectly in the practice of law, and shall also be subject to so much of the other provisions of paragraphs (b) and (d) as are applicable.

(h) Nothing in this section shall be construed to establish a new judicial position nor to abolish the tenure of any incumbent special justice of a district court.

(i) Nothing in this section shall be construed to interfere with the existing administrative powers and duties of a first justice in a district court.

SECTION 124. Said chapter 218 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. Each district court shall have a clerk, except that the municipal court of the city of Boston shall have two clerks as provided in section fifty-three. All such clerks shall be appointed by the governor and shall serve subject to retirement under the provisions of any applicable general or special law relative to retirement systems. Each clerk appointed prior to January first, nineteen hundred and ninety-three under the authority of this section and serving continuously thereafter shall be entitled to thirty days vacation and thirty days sick leave not used in any such year; provided, however, that the total amount of vacation days so accumulated shall not exceed sixty and the total amount of sick leave so accumulated shall not exceed one hundred and eighty days; and provided, further,

that no additional such days shall be accumulated on or after said January first except in accordance with the policies and procedures established by the chief justice for administration and management pursuant to section eight of chapter two hundred and eleven B. All other clerks appointed under the authority of this section shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief justice for administration and management pursuant to said section eight of said chapter two hundred and eleven B.

SECTION 125. Said chapter 218 is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

Section 9. In the case of the absence, death or removal of a clerk of a court of the district court department, the chief justice of the district court department may appoint a temporary clerk, to act until the clerk resumes his duties or until the vacancy is filled.

A temporary clerk shall be paid by the commonwealth for each day's service an amount equal to the rate by the day of the compensation of the clerk of such court as established in the salary schedule set forth in section seventy-nine; but compensation so paid to a temporary clerk for service, in excess of the number of days of vacation accumulated by the clerk as provided in section eight in any one year, shall be deducted by the state treasurer from the salary of the clerk; provided, however, that if a clerk is absent, due to his illness or physical disability, for a period not exceeding the number of days of sick leave he has accumulated pursuant to said section eight, no such deduction shall be made. Such thirty days sick leave or any portion thereof not used in any year may be accumulated, but shall, in any event not exceed one hundred and eighty days in any consecutive six-year period. If the person so appointed holds an office or position, the salary or compensation for which is paid out of the treasury of the commonwealth, or of a county, or a municipality, he shall not receive the salary of both office or positions during the period of such temporary service.

SECTION 126. Said chapter 218 is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

Section 10. The clerk of a district court may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section eight of chapter two hundred and eleven B, appoint one or more assistant clerks for whose official acts the clerk shall be responsible, who shall be paid by him unless salaries payable by the commonwealth are authorized in this section or in section fifty-three. In courts having one or more assistant clerks, the clerk may designate one as the first assistant clerk. An assistant clerk with salaries payable by the commonwealth may be appointed in courts the judicial districts of which have, according to the national or state census last preceding, a population of sixty thousand or more, and in the following districts:

second district court of Barnstable
district court of central Berkshire
district court of southern Berkshire
district court of northern Berkshire
district court of Chicopee
district court of eastern Essex
district court of Fitchburg
district court of Franklin
district court of eastern Hampden
district court of western Hampden
district court of Marlborough
district court of Newburyport
first district court of eastern Worcester
first district court of northern Worcester
first district court of southern Worcester
second district court of southern Worcester.

Two assistant clerks with salaries payable by the commonwealth may be appointed in:

first district court of Bristol
fourth district court of Bristol
municipal court of Brookline
district court of Chelsea
first district court of Essex
district court of Holyoke
district court of central Middlesex
first district court of northern Middlesex
district court of western Norfolk
district court of Peabody
third district court of Plymouth
fourth district court of Plymouth.

Three assistant clerks with salaries payable by the commonwealth may be appointed in:

first district court of Barnstable
municipal court of the Brighton district
second district court of Bristol
district court of Hampshire
first district court of eastern Middlesex
second district court of eastern Middlesex
fourth district court of eastern Middlesex
district court of Newton
district court of Southern Norfolk

second district court of Plymouth
district court of Somerville.

Four assistant clerks with salaries payable by the commonwealth may be appointed in:
third district court of Bristol
East Boston district court
municipal court of the South Boston district
district court of Brockton
municipal court of the Charlestown district
central district court of northern Essex
district court of southern Essex
district court of northern Norfolk.

Five assistant clerks with salaries payable by the commonwealth may be appointed in:
district court of Lawrence
district court of Lowell.

Six assistant clerks with salaries payable by the commonwealth may be appointed in:
first district court of southern Middlesex
district court of East Norfolk
municipal court of the West Roxbury district.

Seven assistant clerks with salaries payable by the commonwealth may be appointed in:
municipal court of the Dorchester district
central district court of Worcester.

Nine assistant clerks with salaries payable by the commonwealth may be appointed in:
district court of Springfield.

Ten assistant clerks with salaries payable by the commonwealth may be appointed in:
third district court of eastern Middlesex
municipal court of the Roxbury district court.

One of the ten assistant clerks for the municipal court of the Roxbury district shall be appointed for juvenile sessions.

Assistant clerks who were appointed under authority of this section, who are paid by the commonwealth, and who have held said appointment for three consecutive years prior to the effective date of this act shall hold office during good behavior, but subject to applicable retirement laws, and may be removed from office under procedures authorized by section eight of chapter two hundred and eleven B.

Each assistant clerk appointed prior to January first, nineteen hundred and

eighty-seven under the authority of this section and serving continuously in such appointment thereafter shall be entitled to thirty days vacation leave and thirty days sick leave in each calendar year. Any such assistant clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the total amount of vacation days so accumulated shall not exceed sixty and the total amount of sick leave so accumulated shall not exceed one hundred eighty days; and provided, further, that no additional such days shall be accumulated on or after January first, nineteen hundred and eighty-seven except in accordance with the policies and procedures established by the chief justice for administration and management pursuant to section eight of chapter two hundred and eleven B. All other assistant clerks appointed under the authority of this section shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief justice for administration and management pursuant to said section eight.

In the following courts, one of the assistant clerks shall be designated in charge of six-man jury sessions and shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice of administration and management:

third district court of eastern Middlesex

district court of Lowell

first district court of southern Middlesex at Framingham.

In the central district court of Worcester, the district of Lowell, the district court of East Norfolk and the third district court of eastern Middlesex, the clerk may designate one of his assistant clerks as assistant clerk in charge of the remand list; said list being for the trial of all cases transferred to said court from the superior court under the provisions of section one hundred and two C of chapter two hundred and thirty-one. The salary of said assistant clerk shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation by the chief justice for administration and management.

SECTION 127. Said chapter 218 is hereby further amended by striking out section 10A, as so appearing, and inserting in place thereof the following section:-

Section 10A. The clerk of each district court, except the municipal court of the city of Boston, may, designate such employees in his office, as in his judgment may be necessary for the convenience of the public, as deputy assistant clerks of said court, who shall have the same authority to administer oaths as an assistant clerk of a district court without receiving any extra compensation therefor.

SECTION 128. Section 11 of said chapter 218, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In case of the absence, death or removal of a salaried assistant clerk of the district court department, the clerk, subject to the approval of the chief justice for administration and management as to compliance with personnel

standards promulgated pursuant to section eight of chapter two hundred and eleven B, may appoint a temporary assistant clerk, to act until such assistant clerk resumes his duties or until the vacancy is filled.

SECTION 129. Said chapter 218 is hereby further amended by striking out section 15, as so appearing, and inserting in place thereof the following section:-

Section 15. The chief justice for the district court department, and the chief justice for the Boston municipal court department, shall prescribe the times for holding civil and criminal trials in their respective departments, and the divisions thereof, except where such times are established by law, and the hours when their respective departments, and divisions, shall open for the transaction of business, and shall also prescribe reasonable office hours for the clerks of their respective divisions, during which hours the offices of such clerks shall be open, and may authorize such clerks to operate their offices on Saturdays with reduced personnel. Such hours shall be fixed with reference to the business of said divisions and the convenience of the public and of attorneys, and notice thereof shall be posted in a conspicuous place in the offices of the respective clerks. Clerks shall also keep their offices open whenever the court so orders.

SECTION 130. Said chapter 218 is hereby further amended by striking out section 16, as so appearing, and inserting in place thereof the following section:-

Section 16. The clerk of a division of the district court department before entering upon the performance of his official duties, and thereafter, at intervals of not more than one year, so long as he continues to hold such office, shall give to the commonwealth a bond, conditioned to perform faithfully his official duties, with a surety company authorized to transact business in the commonwealth, as surety, in a sum approved by the chief justice of the district court department, but in no event less than five thousand dollars. Failure to give such bond shall be sufficient cause for his removal.

SECTION 131. Said chapter 218 is hereby further amended by striking out section 17, as so appearing, and inserting in place thereof the following section:-

Section 17. A justice, clerk or assistant clerk of a district court shall not be retained or employed as an attorney in an action, complaint or proceeding pending in the court to which he is appointed, or which has been examined or tried therein; and a special justice shall not be so retained or employed in any case in which he acts or has acted as justice. No justice or special justice shall hear or try any case or proceeding in any court of the district court department, if he shall know that a partner or office associate of his has been directly or indirectly retained or employed as an attorney in such case or proceeding. No special justice shall practice in a criminal session of any court in the commonwealth nor shall he practice at all in the court, or predecessor district court, to which he is appointed.

SECTION 132. Section 19B of said chapter 218, as so appearing, is hereby amended by striking out, in line 10, the word "administrative" and inserting in place

thereof the following word:- chief.

SECTION 133. Said chapter 218 is hereby further amended by striking out section 19C, as so appearing, and inserting in place thereof the following section:-

Section 19C. The district courts shall have original jurisdiction in rem and personam of all actions arising under sections one hundred and twenty-seven A to one hundred and twenty-seven K, inclusive, of chapter one hundred and eleven. The district courts shall have equity powers only to the extent necessary to enforce the aforementioned sections, including the power to appoint receivers, grant injunctions and issue restraining orders as justice and equity may require and for punishing civil contempt of orders, rulings and decrees made or pronounced in the exercise of this jurisdiction.

Subject to the approval of the supreme judicial court, the chief justice for the district court department may from time to time promulgate rules and prescribe forms for the efficient operation of such equity sessions in the courts of the district court department; and in the Boston municipal court department the chief justice for said department may promulgate such rules and prescribe such forms.

SECTION 134. Said chapter 218 is hereby further amended by striking out section 19D, as so appearing, and inserting in place thereof the following section:-

Section 19D. The first justice of a district court may appoint, subject to appropriation, and subject to the approval of the chief justice of the district court department, such number of housing specialists as the first justice of said department may from time to time determine. The first justice may designate one of them as chief housing specialist for the court. All housing specialists shall hold office at the pleasure of the first justice of the district court, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. All housing specialists shall be knowledgeable in the maintenance, repair, and rehabilitation of dwelling units; the problems of landlord and tenant as they pertain to dwelling units; the types of funds and services available to assist landlords and tenants in the financing and resolution of such problems; the federal and state laws, rules and regulations pertaining to the maintenance, repair and rehabilitation of such units; and the financing and resolution of such problems. The housing specialists shall have such powers and perform such duties as the first justice of the district court shall from time to time prescribe with regard to actions pending before the court under chapter two hundred and thirty-nine. Every housing specialist shall be sworn by the first justice of the district court, who shall, upon administering the oath, forthwith make return of such act with the date thereof to the state secretary.

SECTION 135. Said chapter 218 is hereby further amended by striking out section 21, as so appearing, and inserting in place thereof the following section:-

Section 21. There shall be within the district court department and the Boston municipal court department a simple, informal and inexpensive procedure,

hereinafter called the procedure, for the determination, according to the rules of substantive law, of claims in the nature of contract or tort, other than slander and libel, in which the plaintiff does not claim as debt or damages more than two thousand dollars; provided, however, that said dollar limitation shall not apply to an action for property damage caused by a motor vehicle, and for a review of judgments upon such claims when justice so requires. The procedure shall not be exclusive, but shall be alternative to the formal procedure for civil actions begun by summons and complaint.

The chief justice for the district court department shall make uniform rules with respect to the procedure applicable to all the courts within said department, and the chief justice for the Boston municipal court department shall make rules for the Boston municipal court department, all such rules being subject to the approval of the supreme judicial court.

Actions under this section and sections twenty-two to twenty-five inclusive, shall be brought, at the option of the plaintiff, in the judicial district where either the plaintiff or the defendant lives or has his usual place of business or employment; provided, however, that actions brought against a landlord or lessor of land or tenements rented for residential purposes, and arising out of such property or rental, may also be brought in the judicial district in which the property is located.

Notwithstanding the foregoing, each court within the district court department shall have civil jurisdiction of such actions commenced in such court which should have been brought in some other court, to the extent that the action may be heard and disposed of by the court in which it was begun, if the venue of said action is waived or, if venue requirements are not waived, the court may, on motion of any party, order the action, with all papers relating thereto, transferred for hearing and disposition to the court in which the action should have been commenced. Said action shall thereupon be entered and prosecuted in such court as if it had originally commenced therein, and all prior proceedings otherwise regularly taken shall thereafter be valid. An action may be commenced under this section if the initial amount of damages claimed is two thousand dollars or less or is an action for property damage caused by a motor vehicle regardless of the amount of the claims notwithstanding that the court may award double or treble damages in accordance with the provisions of any general or special law.

Actions brought under sections twenty-one to twenty-five, inclusive, may be heard in the first instance by a clerk-magistrate of the district court department or the Boston municipal court department. For the purpose of hearing such property damage claims caused by a motor vehicle the procedure established shall provide for all such claims to be heard on one evening every other week, and on one Saturday on the alternative week, unless otherwise agreed to by all parties in such actions in accordance with the provisions of section thirty-four O of chapter ninety.

In the hearing and disposition of any claim for money damages within the

jurisdiction of such procedure, the Boston municipal and district court departments shall have all equity powers and jurisdiction conferred by sections one, one A and two, and clause (1) of section three of chapter two hundred and fourteen.

SECTION 136. Section 22 of said chapter 218, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

At the commencement of an action under the procedure the plaintiff shall be informed that such action may be submitted for mediation and resolution at the request of either party and with the agreement of both parties. The clerk-magistrate shall make appropriate note of any agreement so reached, and entry of judgment shall be made by the court. Any action which is not resolved by agreement may, at the request of any party, be heard by a clerk-magistrate under the provisions of sections twenty-one to twenty-five, inclusive; provided, however, that cases heard before a jury of six must be heard by a justice.

SECTION 137. Said chapter 218 is hereby further amended by striking out section 23, as so appearing, and inserting in place thereof the following section:-

Section 23. Every cause begun under the procedure shall be determined initially in the district court department. No such cause may be removed for trial in the superior court department. In any action for property damage caused by a motor vehicle where the action is transferred to the regular civil docket in the district court department by the insurer and the unpaid party recovers a judgment for any amount due and payable by the insurer, the court shall assess against the insurer in addition thereto, costs and reasonable attorney's fees.

A plaintiff beginning a cause under the procedure shall be deemed to have waived a trial by jury and any right of appeal to a jury of six session in the district court department. If, however, said cause shall be appealed to a jury of six session in the district court department by the defendant as hereinafter provided, the plaintiff shall have the same right to claim a trial by a jury of six.

The defendant may, within ten days after receipt of the magistrate's finding, file in the court where the cause was determined a claim of trial by jury, or in the alternative for a trial before a single justice and shall file his affidavit that there are questions of law and fact in the cause requiring a trial by jury or a single justice, with the specifications thereof, and that such trial is intended in good faith.

Trials by jury of six in the district court department shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court department, except that each party shall be entitled to two preemptory challenges. Jurors shall be drawn from the pool of jurors available for the jury sessions in civil cases in the superior court department.

The chief justice of the district court department shall designate at least one court in each region for the purpose of hearing cases where a claim for trial by a jury of six or by a single justice is entered. Claims for trial by a jury of six or by

a single justice from courts within Suffolk county shall be held in the Boston municipal court department or district courts in Suffolk county or, with the approval of the chief justice of the district court department, may be held in those district courts whose judicial districts adjoin Suffolk county as are designated by said chief justice. Notwithstanding the foregoing, the chief justice for administration and management may designate the facilities of any other department of the trial court for trial by jury of six or by a single justice in the district court department or the Boston municipal court department. The Boston municipal court department shall be authorized to hear such appeals for the district courts in Suffolk county.

A defendant's claim for trial by jury or by a single justice shall be accompanied by twenty-five dollars for the entry of the cause in the court of the department to which the case has been appealed, and a bond in the penal sum of one hundred dollars, with such surety or sureties as may be approved by the plaintiff or the clerk or an assistant clerk of the district court department, payable to the other party or parties to the cause, conditioned to satisfy any judgment and costs which may be entered against him in the jury of six proceeding or a proceeding before a single justice in said cause waiting thirty days after the entry thereof. Notwithstanding the foregoing, in any action brought by a tenant of residential premises pursuant to the provisions of section fifteen B of chapter one hundred and eighty-six, bond shall be given in an amount equal to three times the amount of the security deposit or balance thereof to which the tenant is entitled, plus interest at the rate of five percent from the date when such payment became due, together with court costs and an amount equal to a reasonable attorney's fee for service which had been performed by an attorney, if any, or which may be expected to be performed by an attorney during the pendency of the appeal.

The clerk shall forthwith transmit such original papers or attested copies thereof as the rules for the procedure may provide, and the court of the department to which the case has been appealed may require pleadings pursuant to the District/ Municipal Courts Rules of Civil Procedure, but the cause may be marked for trial on the list of causes advanced for speedy trial by jury. A finding for the plaintiff in the district court department shall be prima facie evidence for the plaintiff in the trial by jury of six or before a single justice. At such trial the plaintiff may, but need not, introduce evidence.

No bond shall be required of a county, town or other municipal corporation, or of a board, officer or employee thereof represented by the city solicitor, town counsel or other officer having similar duties, or of a political subdivision, or of a party who has given bond according to law to dissolve an attachment or of a defendant in an action of tort arising out of the ownership, operation, maintenance, control or use of a motor vehicle or trailer as defined in section one of chapter ninety if the payment of any judgement for costs which may be entered against him is secured, in whole or in part, by a motor vehicle liability bond or policy or a

deposit as provided in section thirty-four D of chapter ninety.

The court shall waive the requirement of a bond in the amount of one hundred dollars if it is satisfied that the defendant has insufficient funds available to him to furnish the necessary bond and that the defendant's appeal is not frivolous.

No party to a cause under the procedure shall be entitled to a report. If the court is of the opinion that a question of law requires review, it may submit the matter, in the form of a report of a case stated, to the appellate division.

SECTION 138. Said chapter 218 is hereby further amended by striking out section 26, as so appearing, and inserting in place thereof the following section:-

Section 26. The district courts and the municipal court of the city of Boston shall have original jurisdiction, concurrent with the superior court, of the following offenses, complaint of which shall be brought in the court of the district court department, or in the Boston municipal court department, as the case may be, within which judicial district the offense was allegedly committed or is otherwise made punishable:- all violations of by-laws, orders, ordinances, rules and regulations, made by cities, towns and public officers, all misdemeanors, except libels, all felonies punishable by imprisonment in the state prison for not more than five-years, the crimes listed in paragraph (a) of section twenty-four G and paragraph (1) of section twenty-four L of chapter ninety, paragraph (a) of section thirty-two and paragraph (a) of section thirty-two A of chapter ninety-four C, and section thirty-two J of chapter ninety-four C, section fifteen A of chapter two hundred and sixty-five and sections sixteen, seventeen, eighteen, nineteen, twenty-eight, forty-nine and one hundred and twenty-seven of chapter two hundred and sixty-six, and the crimes of malicious destruction of personal property under section one hundred and twenty-seven of chapter two hundred and sixty-six, indecent assault and battery on a child under fourteen years of age, escape or attempt to escape from any penal institution, forgery of a promissory note, or of an order for money or other property, and of uttering as true such a forged note or order, knowing the same to be forged. They shall have jurisdiction of proceedings referred to them under the provisions of section four A of chapter two hundred and eleven.

SECTION 139. Said chapter 218 is hereby further amended by striking out section 26A, as so appearing, and inserting in place thereof the following section:-

Section 26A. Trial of criminal offenses in the Boston municipal court department and in the district court department shall be by a jury of six persons, unless the defendant files a written waiver and consent to be tried by the court without a jury. Such waiver shall not be received unless the defendant is represented by counsel or has filed a written waiver of counsel. No decision on such waiver shall be received until after the completion of a pretrial conference and a hearing on the results of such conference and until after the disposition of any pretrial discovery motions and compliance with any order of the court pursuant to said motions. Such

waiver shall be filed in accordance with the provisions of section six of chapter two hundred and sixty-three; provided, however, that defense counsel shall execute a certificate signed by said counsel indicating that he has made all the necessary explanations and determinations regarding such waiver. The form of such certificate shall be prescribed by the chief justice for the district court department.

In the Boston municipal court department and the district court department upon the motion of a defendant consistent with criminal procedure, or upon the court's own motion, the judge shall issue an order of discovery requiring any information to which the defendant is entitled and also requiring that the defendant be permitted to discover, inspect, and copy any material and relevant evidence, documents, statements of persons, or reports of physical or mental examinations of any person or of scientific tests or experiments, within the possession, custody, or control of the prosecutor or persons under his direction and control. Upon motion of the defendant the judge shall order the production by the commonwealth of the names and addresses of the prospective witnesses and the production by the probation department of the record of prior convictions of any such witness.

Trial by jury in the Boston municipal court department and the district court department shall be in those jury sessions designated in accordance with section twenty-seven A. Where the defendant has properly filed a waiver and consented to be tried without a jury, as hereinbefore provided, trial shall proceed in accordance with the provisions of law applicable to jury-waived trials in the superior court; provided, however, that at the option of the defendant, the trial may be before a judge who has not rejected an agreed recommendation or dispositional request made by the defendant pursuant to the provisions of section eighteen of chapter two hundred and seventy-eight. Review in such cases may be had directly by the appeals court, by appeal, report or otherwise in the same manner provided for trials of criminal cases in the superior court.

The justice presiding over such jury-waived trial in the Boston municipal court department or the district court department shall have and exercise all of the powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases including the power to report questions of law to the appeals court, but in no case may he impose a sentence to the state prison.

The justice presiding at such jury-waived session in the Boston municipal court department or the district court department shall, upon the request of the defendant, appoint a stenographer; provided, however, that where the defendant claims indigency, such appointment is determined to be reasonably necessary in accordance with the provisions of sections twenty-seven A to twenty-seven G, inclusive, of chapter two hundred and sixty-one. Such stenographer shall be sworn, and shall take stenographic notes of all the testimony given at the trial, and shall provide the parties thereto with a transcript of his notes or any part thereof taken

at the trial or hearing for which he shall be paid by the party requesting it at the rate fixed by the chief justice of the Boston municipal court department or for the district court department as the case may be; and provided, further, that such rate shall not exceed the rate provided by section eighty-eight of chapter two hundred and twenty-one. Said chief justice may make regulations not inconsistent with law relative to the assignments, duties and services of stenographers appointed for sessions in his department and any other matter relative to stenographers. The compensation and expenses of a stenographer shall be paid by the commonwealth.

The request for the appointment of a stenographer to preserve the testimony at a trial in the Boston municipal court department or district court department shall be given to the clerk of the court by the defendant in writing no later than forty-eight hours prior to the proceeding for which the stenographer has been requested. The defendant shall file with such request an affidavit of indigency and request for payment by the commonwealth of the cost of the transcript and the court shall hold a hearing on such request prior to appointing a stenographer, in those cases where the defendant alleges that he will be unable to pay said cost. Said hearing shall be governed by the provisions of sections twenty-seven A to twenty-seven G, inclusive, of chapter two hundred and sixty-one, and the cost of such transcript shall be considered an extra cost as provided therein. If the court is unable, for any reason, to provide a stenographer, the proceedings may be recorded by electronic means. The original recording of proceedings in the Boston municipal court department or of a division of the district court department made with a recording device under the exclusive control of the court shall be the official record of such proceedings. Said record or a copy of all or a part thereof, certified by the chief justice for the Boston municipal court department or a district court department, or his designee, to be an accurate electronic reproduction of said record or part thereof, or a typewritten transcript of all or a part of said record or copy thereof, certified to be accurate by the court or by the preparer of said transcript, or stipulated to by the parties, shall be admissible in any court as evidence of testimony given whenever proof of such testimony is otherwise competent. The defendant may request payment by the commonwealth of the cost of said transcript subject to the same provisions regarding a transcript of a stenographer as provided hereinbefore.

In any case heard in a jury waived session in the Boston municipal court department or a district court department where a defendant is placed on probation or placed under probation supervision, he shall thereafter be supervised by the probation officer of the court in which the case originated, unless the trial justice shall order otherwise and unless the regulations of the commissioner of probation provide otherwise.

SECTION 140. Section 27 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "juvenile court or the juvenile

sessions of a district court" and inserting in place thereof the following words:- divisions of the juvenile court department.

SECTION 141. Said chapter 218 is hereby further amended by striking out section 27A, as most recently amended by section 557 of chapter 133 of the acts of 1992, and inserting in place thereof the following section:-

Section 27A. (a) Every division of the district court department is authorized to hold jury sessions for the purpose of conducting jury trials of cases commenced in the several courts of criminal offenses over which the district courts have original jurisdiction under the provisions of section twenty-six. The Boston municipal court department shall also be authorized for the purpose of conducting jury trials in cases commenced in said department and for the purpose of conducting jury trials of cases commenced in the divisions of the district court department in Suffolk county.

(b) The chief justice for the district court department shall designate at least one division in each county or an adjoining county for the purpose of conducting jury trials; provided, however, that jury trials in cases commenced in the courts within Suffolk county shall be held in the Boston municipal court department or district courts in Suffolk county or with the approval of the chief justice, may be held in such divisions of the district court department the judicial districts of which adjoin Suffolk county as are designated by said chief justice; and jury trials in cases commenced in the divisions for Dukes county and Nantucket county may be held in Barnstable county or Bristol county; and provided further that, with the approval of the chief justice for the superior court department, facilities of said superior court may be designated by the chief justice for administration and management of the trial court for jury trials in cases commenced in the district court department or in the Boston municipal court department.

The chief justice of the district court department may also designate one or more divisions in each county for the purpose of conducting jury-waived trials of cases commenced in any court of said county consistent with the requirements of the proper administration of justice.

(c) A defendant in any division of the district court who waives his right to jury trial as provided in section twenty-six A shall be provided a jury-waived trial in the same division.

A defendant in any division of the district court who does not waive his right to jury trial as provided in section twenty-six A shall be provided a jury trial in a jury session in the same division if such has been established in said division. If such session has not been so established, the defendant shall be provided a jury trial in a jury session as hereinbefore designated. In cases where the defendant declines to waive the right to jury trial, the clerk shall forthwith transfer the case for trial in the appropriate jury session. Such transfer shall be governed by procedures to be established by the chief justice for the district court department.

(d) The justice presiding over a jury session shall have and exercise all the powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases including the power to report questions of law to the appeals court, but in no case may he impose a sentence to the state prison. No justice so sitting shall act in a case in which he has sat or held an inquest or otherwise taken part in any proceeding therein.

(e) Trials by juries of six persons shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court except that the number of peremptory challenges shall be limited to two to each defendant. The commonwealth shall be entitled to as many challenges as equal the whole number to which all the defendants in the case entitled.

(f) For the jury sessions, jurors shall be provided by the office of the jury commissioner in accordance with the provisions of chapter two hundred and thirty-four A.

(g) The district attorney for the district in which the alleged offense or offenses occurred shall appear for the commonwealth in the trial of all cases in which the right to jury trial has not been waived and may appear in any other case. The chief justices for the district court department and the Boston municipal court department shall arrange for the sittings of the jury sessions of their respective departments and shall assign justices thereto, to the end that speedy trials may be provided. Review may be had directly by the appeals court, by appeals, report or otherwise in the same manner provided for trials of criminal cases in the superior court.

(h) The justice presiding at such jury session in the Boston municipal court department or district court department shall, upon the request of the defendant, appoint a stenographer; provided, however, that where the defendant claims indigency, such appointment is determined to be reasonably necessary in accordance with the provisions of chapter two hundred and sixty-one. Such stenographer shall be sworn, and shall take stenographic notes of all the testimony given at the trial, and shall provide the parties thereto with a transcript of his notes or any part thereof taken at the trial or hearing for which he shall be paid by the party requesting it at the rate fixed by the chief justice for the department where the case is tried; and provided, further, that such rate shall not exceed the rate provided by section eighty-eight of chapter two hundred and twenty-one. Said chief justice may make regulations not inconsistent with law relative to the assignments, duties and services of stenographers appointed for sessions in his department and any other matter relative to stenographers. The compensation and expenses of a stenographer shall be paid by the commonwealth.

The request for the appointment of a stenographer to preserve the testimony at a trial shall be given to the clerk of the court by the defendant in writing no later than forty-eight hours prior to the proceeding for which the stenographer has been

requested. In the Boston municipal court department or the district court department, the defendant shall file with such request an affidavit of indigency and request for payment by the commonwealth of the cost of the transcript and the court shall hold a hearing on such request prior to appointing a stenographer, in those cases where the defendant alleges that he will be unable to pay said cost. Said hearing shall be governed by the provisions of sections twenty-seven A to twenty-seven G, inclusive, of chapter two hundred and sixty-one, and the cost of such transcript shall be considered an extra cost as provided therein. If the court is unable, for any reason, to provide a stenographer, the proceedings may be recorded by electronic means. The original recording of proceedings in the Boston municipal court department or the district court department made with a recording device under the exclusive control of the court shall be the official record of such proceedings. Said record or a copy of all or a part thereof, certified by the chief justices for the Boston municipal court department or the district court department, or his designee, to be an accurate electronic reproduction of said record or part thereof, or a typewritten transcript of all or a part of said record or copy thereof, certified to be accurate by the court or by the preparer of said transcript, or stipulated to by the parties, shall be admissible in any court as evidence of testimony given whenever proof of such testimony is otherwise competent. The defendant may request payment by the commonwealth of the cost of said transcript subject to the same provisions regarding a transcript of a stenographer as provided hereinbefore.

(i) In any case heard in a jury session where a defendant is found guilty and placed on probation, he shall thereafter be supervised by the probation officer of the court in which the case originated, unless the trial justice shall order otherwise and unless the regulations of the commissioner of probation provide otherwise.

SECTION 142. Section thirty-one of said chapter two hundred and eighteen is hereby repealed.

SECTION 143. Section 35 of said chapter 218, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 16, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 144. Section 39 of said chapter 218, as so appearing, is hereby amended by striking out, in line 10, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 145. Section 40 of said chapter 218, as so appearing, is hereby amended by striking out, in line 16, both times it appears, the word "administrative" and inserting in place thereof, in each instance, the following word:- chief.

SECTION 146. Said chapter 218 is hereby further amended by striking out section 42A, as so appearing, and inserting in place thereof the following section:-

Section 42A. The justice, as provided under section one of chapter two hundred and eleven B, as the chief justice for the district court department, in addition to

his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court as provided in section three of chapter two hundred and eleven and the administrative authority of the chief justice for administration and management be the administrative head of the district court department.

In addition to the powers conferred in section ten of said chapter two hundred and eleven B, said chief justice shall have the powers and duties prescribed in sections forty-three to forty-three D, inclusive, of this chapter and in such other provision of statute. A chief justice shall hold said office for a term of five years, and shall be eligible to be reappointed for additional five-year terms. A chief justice, so appointed, may be removed from that office prior to the expiration of his term upon a determination by the chief justice for administration and management that such removal is in the best interests of the administration of justice.

SECTION 147. Section 43 of said chapter 218, as so appearing, is hereby amended by striking out, in line 1, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 148. Said chapter 218 is hereby further amended by striking out section 43A, as so appearing, and inserting in place thereof the following section:-

Section 43A. The chief justice shall be authorized to require uniform practices, to prescribe forms of blanks and records, and to superintend the keeping of records by clerks. He may authorize any justice or special justice to hold a session of any division at another division or elsewhere, in order to promote the speedy dispatch of the court's business.

SECTION 149. Said chapter 218 is hereby further amended by striking out section 43B, as so appearing, and inserting in place thereof the following section:-

Section 43B. In addition to the powers set forth in section forty-three A, the chief justice for the district court department shall prescribe official forms to be used in all divisions of said department. Nothing in this section shall be construed as affecting the provisions of section one hundred and one A of chapter two hundred and seventy-six.

SECTION 150. Said chapter 218 is hereby further amended by striking out section 43D, as so appearing, and inserting in place thereof the following section:-

Section 43D. Subject to the approval of the supreme judicial court, the chief justice for the district court department shall make uniform rules applicable to all the divisions of said department, and the chief justice for the Boston municipal court department shall make rules applicable to that department, providing for a simple, informal and inexpensive procedure for the determination of claims for compensation of victims of violent crimes, as provided under chapter two hundred and fifty-eight A.

SECTION 151. Said chapter 218 is hereby further amended by striking out section 43E, as so appearing, and inserting in place thereof the following section:-

Section 43E. There shall be established a district court community mediation

advisory board. The board shall be advisory to the chief justice of the district court department on matters pertaining to the utilization and role of community mediation in the district court department, including but not limited to the education and training of community mediators and the establishment of standards for persons and organizations engaged in community mediation in the district court department, and shall perform such other duties as the chief justice may request. Said board shall also advise the chief justice on the utilization of funds that may be appropriated for the purpose of supporting the use of community mediation in the district court department. Said board shall consist of five members to be appointed by the chief justice for such terms as he may establish. Members shall be eligible for reappointment. They shall be knowledgeable and experienced in the utilization of community mediation in the courts and shall serve without compensation.

Said chief justice shall appoint, subject to appropriation, a coordinator of community mediation, who shall serve at his pleasure and at a salary to be fixed by the chief justice of the district court department. Said coordinator shall perform such duties with regard to community mediation as the chief justice of the district court department shall determine.

SECTION 152. Section 44 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 4 and 5, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 153. Section 49 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 8 and 9, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 154. Section 50 of chapter 218, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The chief justice of the department, subject to the approval of the supreme judicial court and the chief justice for administration and management, may make, from time to time, rules for regulating the practice and conducting the business therein in all cases not expressly provided for by law.

SECTION 155. Section 51A of said chapter 218, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences:- The justice provided for under section one of chapter two hundred and eleven B as the chief justice of the Boston municipal court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court as provided in section three of chapter two hundred and eleven and the administrative authority of the chief justice for administration and management be the administrative head of the Boston municipal court department, and shall also have the powers and responsibilities of a chief justice as set forth in section ten of chapter two hundred and

eleven B. Said chief justice shall hold office for a term of five years, and shall be eligible to be reappointed for additional five year terms. Said chief justice may be removed from his position as chief justice when it is determined by the chief justice for administration and management to be in the best interests of the administration of justice.

SECTION 156. Said section 51A of said chapter 218, as so appearing, is hereby further amended by striking out, in line 8, the words "administrative justice" and inserting in place thereof the following words:- chief justice of the Boston municipal court department.

SECTION 157. Section 52 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 2, 5, 9 and 11, the word "administrative" and inserting in place thereof, in each instance, the following word:- chief.

SECTION 158. Section 53 of said chapter 218, as so appearing, is hereby amended by striking out, in line 5, the words "justices or a majority of them" and inserting in place thereof the following words:- chief justice for administration and management with respect to compliance with the personnel standards promulgated under section eight of chapter two hundred and eleven B.

SECTION 159. Said section 53 of said chapter 218, as so appearing, is hereby further amended by striking out, in lines 9 and 10, lines 24 and 28, the words "administrative justice" and inserting in place thereof, in each instance, the following words:- justice for administration and management.

SECTION 160. Section 53A of said chapter 218, as so appearing, is hereby amended by striking out, in line 5, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 161. Section 55 of said chapter 218, as so appearing, is hereby amended by striking out, in line 1, the words "justices of said", and inserting in place thereof the following words:- chief justice of the Boston municipal court,- and by striking out the second and third sentences and inserting in place thereof the following two sentences:- Said department may secure for its criminal business medical service, and the equipment necessary therefor, and for this purpose may expend annually such sum, not exceeding fifteen thousand dollars, as the chief justice of the Boston municipal court department may from time to time determine, subject to the approval of the chief justice for administration and management. Sums so expended shall be paid by the commonwealth upon vouchers approved by the chief justice of the Boston municipal court department.

SECTION 162. Said chapter 218 is hereby further amended by striking out section 57, as so appearing, and inserting in place thereof the following section:-

Section 57. The juvenile court department established under section one of chapter two hundred and eleven B as of July first, nineteen hundred and ninety-three shall be composed of divisions, in each of the judicial districts hereinafter enumerated, which shall continue to have and exercise jurisdiction over

the following cities, towns and territory, in the following counties, respectively:

Suffolk County

held at Dorchester district court, within the same territorial limits as are prescribed for the criminal jurisdiction of the Dorchester division of the district court department, as the chief justice of the juvenile court department may determine.

held at West Roxbury district court, within the same territorial limits as are prescribed for the criminal jurisdiction of the West Roxbury division of the district court department, as the chief justice of the juvenile court department may determine.

held at Boston, within the same territorial limits as are prescribed for the criminal jurisdiction of the Boston municipal court department,

the Roxbury division of the district court department,

the Brighton division of the district court department,

the Charlestown division of the district court department,

the East Boston division of the district court department,

and the South Boston division of the district court department,

as the chief justice of the juvenile court department may determine.

Barnstable County and Town of Plymouth

held at Orleans, within the same territorial limits as are prescribed for the criminal jurisdiction of the Orleans division of the district court department, as the chief justice of the juvenile court department may determine.

held at Barnstable, within the same territorial limits as are prescribed for the criminal jurisdiction of the Barnstable division of the district court department, as the chief justice of the juvenile court department may determine.

held at Plymouth, within the same territorial limits as are prescribed for the criminal jurisdiction of the Plymouth division of the district court department, as the chief justice of the juvenile court department may determine.

held at Nantucket, within the same territorial limits as are prescribed for the criminal jurisdiction of the Nantucket division of the district court department, and at Edgartown, within the same territorial limits as are prescribed for the criminal jurisdiction of the Edgartown division of the district court department, as the chief justice of the juvenile court department may determine.

Plymouth County

held at Brockton, within the same territorial limits as are prescribed for the criminal jurisdiction of the Brockton division of the district court department, as the chief justice of the juvenile court department may determine.

held at Hingham, within the same territorial limits as are prescribed for the criminal jurisdiction of the Hingham division of the district court department, as the chief justice of the juvenile court department may determine.

held at Wareham, within the same territorial limits as are prescribed for the

criminal jurisdiction of the Wareham division of the district court department, as the chief justice of the juvenile court department may determine.

Norfolk County

held at Quincy, within the same territorial limits as are prescribed for the criminal jurisdiction of the Quincy and Stoughton divisions of the district court department, as the chief justice of the juvenile court department may determine.

held at Dedham, within the same territorial limits as are prescribed for the criminal jurisdiction of the Dedham and Wrentham divisions of the district court department, as the chief justice of the juvenile court department may determine.

held at Brookline, within the same territorial limits as are prescribed for the criminal jurisdiction of the Brookline division of the district court department, as the chief justice of the juvenile court department may determine.

Middlesex County

held at Cambridge, within the same territorial limits as are prescribed for the criminal jurisdiction of the Cambridge, Somerville and Malden divisions of the district court department, as the chief justice of the juvenile court department may determine.

held at Framingham, within the same territorial limits as are prescribed for the criminal jurisdiction of the Framingham, Natick, and Marlboro divisions of the district court department, as the chief justice of the juvenile court department may determine.

held at Lowell, within the same territorial limits as are prescribed for the criminal jurisdiction of the Lowell and Ayer divisions of the district court department, as the chief justice of the juvenile court department may determine.

held at Woburn, within the same territorial limits as are prescribed for the criminal jurisdiction of the Woburn division of the district court department as the chief justice of the juvenile court department may determine.

held at Waltham, within the same territorial limits as are prescribed for the criminal jurisdiction of the Waltham, Newton and Concord divisions of the district court department, as the chief justice of the juvenile court department may determine.

Essex County

held at Lynn, within the same territorial limits as are prescribed for the criminal jurisdiction of the Lynn and Peabody divisions of the district court department, as the chief justice of the juvenile court department may determine.

held at Salem, within the same territorial limits as are prescribed for the criminal jurisdiction of the Salem division of the district court department, as the chief justice of the juvenile court department may determine.

held at Newburyport, within the same territorial limits as are prescribed for the criminal jurisdiction of the Newburyport, Ipswich and Gloucester divisions of the district court department, as the chief justice of the juvenile court department may

determine.

held at Lawrence, within the same territorial limits as are prescribed for the criminal jurisdiction of the Lawrence and Haverhill divisions of the district court department, as the chief justice of the juvenile court department may determine.

Worcester County

held at Fitchburg, within the same territorial limits as are prescribed for the criminal jurisdiction of the Fitchburg, Leominster, Gardner, and Winchendon divisions of the district court department, as the chief justice of the juvenile court department may determine.

held at Dudley, within the same territorial limits as are prescribed for the criminal jurisdiction of the Dudley division of the district court department, as the chief justice of the juvenile court department may determine.

held at Uxbridge, within the same territorial limits as are prescribed for the criminal jurisdiction of the Uxbridge and Milford divisions of the district court department, as the chief justice of the juvenile court department may determine.

held at Worcester, within the same territorial limits as are prescribed for the criminal jurisdiction of the Worcester, Clinton, Westboro and Spencer divisions of the district court department, as the chief justice of the juvenile court department may determine.

Franklin and Hampden Counties

held at Greenfield, within the same territorial limits as are prescribed for the criminal jurisdiction of the Greenfield and Orange divisions of the district court department, as the chief justice of the juvenile court department may determine.

held at Holyoke, within the same territorial limits as are prescribed for the criminal jurisdiction of the Holyoke and Westfield divisions of the district court department, as the chief justice of the juvenile court department may determine.

held at Springfield, within the same territorial limits as are prescribed for the criminal jurisdiction of the Springfield, Palmer and Chicopee divisions of the district court department, as the chief justice of the juvenile court department may determine.

Bristol County

held at New Bedford, Taunton, Fall River and Attleboro, within the same territorial limits as are prescribed for the criminal jurisdiction of all the Bristol county divisions of the district court department, as the chief justice of the juvenile court department may determine.

Appeals provided under sections thirty-nine I and fifty-six of chapter one hundred and nineteen, when taken from a court of the Suffolk county division of the juvenile court department, shall be to the appeals session of the Boston court of the Suffolk county division of the juvenile court department, and such appeals from the courts of the Bristol county division of the juvenile court department shall be to the juvenile appeals session in said division. Appeals from courts of the

Worcester county division of the juvenile court department shall be taken to the appeals sessions of the Worcester court of the Worcester county division of the juvenile court department. Appeals in cases heard in the courts of the Barnstable county and town of Plymouth division of the juvenile court department shall be heard in the jury of six session held at the Barnstable division of the district court department or in the juvenile appeals session of the Bristol county division of the juvenile court department, as determined by the chief justice of the juvenile court department. Appeals in cases heard in the courts of the Plymouth county division of the juvenile court department shall be heard in the jury of six session held in the Wareham division of the district court department. Appeals in cases heard in the courts of the Norfolk county division of the juvenile court department shall be heard in the jury of six session held in the Dedham division of the district court department. Appeals in cases heard in the courts of the Middlesex county division of the juvenile court department shall be heard in the jury of six sessions held in the Cambridge, Framingham and Lowell divisions of the district court department, as determined by the chief justice of the juvenile court department. Appeals in cases heard in the courts of the Essex county division of the juvenile court department shall be heard in the jury of six session held in the Peabody division of the district court department. Appeals in cases heard in the courts of the Franklin and Hampden counties division of the juvenile court department shall be heard in the juvenile appeals session of the Springfield court of said division. Appeals in cases heard in the courts of the Berkshire and Hampshire counties division of the juvenile court department shall be heard in the jury of six sessions held in the Northampton and Pittsfield divisions of the district court department, as determined by the chief justice of the juvenile court department.

Whenever the words "juvenile court" or "court", when the context indicates a juvenile court, are used in this chapter, they shall refer to a division of the juvenile court department. And when the context indicates personnel appointed to a division of the juvenile court department, the word "justice" shall mean an associate justice of the trial court appointed to a division of the juvenile court department; and the words "clerk" or "clerk of court" shall mean the clerk of said division; and the words "assistant clerk", "deputy assistant clerk", "temporary clerk", or "temporary assistant clerk" shall mean, respectively, an assistant clerk, a deputy assistant clerk, temporary clerk or temporary assistant clerk of said division.

SECTION 163. Said chapter 218 is hereby further amended by striking out section 57A, as so appearing, and inserting in place thereof the following section:-

Section 57A. The justice provided for under section one of chapter two hundred and eleven B as the chief justice for the juvenile court department, in addition to his judicial powers and duties, shall, subject to the superintendence authority of the supreme judicial court as provided in section three of chapter two hundred and eleven and the administrative authority of the chief justice for administration and

management, be the administrative head of the juvenile court department, and shall also have the powers and responsibilities set forth in section ten of chapter two hundred and eleven B; provided, however, that the clerk of such court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping.

Said chief justice may appoint an executive secretary and, for the purpose of coordinating the business of the department, said chief justice shall define his or her duties. Said executive secretary shall be a member of the bar and shall receive from the commonwealth a salary equal to seventy percent of the salary of said chief justice. Said executive secretary shall devote full time during business hours to his or her duties and shall not, directly or indirectly, engage in the practice of law.

Said chief justice may require uniform practices, may prescribe forms of blanks and records. He shall have general superintendence of all the courts of the juvenile court department, and their clerks and other offices, but except as otherwise provided by law, shall have no power to appoint any such officers. A chief justice shall hold said office for a term of five years, and shall be eligible to be reappointed for additional five-year terms. A chief justice, so appointed, may be removed from that office prior to the expiration of his term upon a determination by the chief justice for administration and management that such removal is in the best interests of the administration of justice.

Said chief justice shall also prescribe official forms to be used in all courts of the juvenile court department and in juvenile sessions of the district court department.

SECTION 164. Said chapter 218 is hereby further amended by striking out section 58, as so appearing, and inserting in place thereof the following section:-

Section 58. The Suffolk county division of the juvenile court department shall consist of seven justices, the Middlesex county division shall consist of five justices, the Worcester county division shall consist of four justices, the Franklin and Hampden counties division shall consist of four justices, the Bristol county division shall consist of three justices, the Essex county division shall consist of three justices, the Norfolk county division shall consist of two justices, the Plymouth county division shall consist of three justices, the Barnstable county and town of Plymouth division shall consist of one justice, and the Berkshire and Hampshire counties division shall consist of one justice, all of whom shall be members of the bar. The chief justice of the district court department may, upon request of the chief justice of the juvenile court department, assign a special justice who is not serving full-time under the provisions of section six A from the district court department to sit in any court of the juvenile court department. The chief justice of the juvenile court department shall have the power to define the duties of said first justices, and shall appoint, from among the justices of the juvenile court department, a first justice for each of the divisions within said department; provided, that appropriate

consideration shall be given to seniority, length of service at that particular division, and managerial ability. Each first justice so appointed shall serve as the first justice of that particular division for a five-year term, and shall be eligible to be reappointed for additional five-year terms at that particular division. Any first justice may be removed from his position as first justice by the chief justice of the juvenile court department, when it is determined by the said chief justice to be in the best interests of the administration of justice. Any first justice who is removed from his position as first justice by the chief justice of the juvenile court department may appeal the removal to the chief justice for administration and management, who shall hear and determine the matter.

Citations, orders of notice, writs, executions and all other processes issued by the clerk of each division shall bear the teste of the first justice thereof. The first justice shall be the administrative head of his division; provided, however, that clerks shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping. A first justice or a clerk of the court may submit any dispute that arises between said first justice and said clerk concerning the management and administration of the office of the clerk, the duties, powers and obligations of the clerk, or a member of their staff, or the interpretation of the personnel standards provided for under section eight of chapter two hundred and eleven B, to the chief justice of the department. Any person aggrieved by a decision of a chief justice under this paragraph may appeal said decision to the chief justice for administration and management, who shall, within thirty days, hear and determine the matter.

In the case of the absence, death or removal of a clerk of a division of the juvenile court department, or a vacancy in the position of clerk for any other reason, the chief justice of the juvenile court department may appoint a temporary clerk, to act until the clerk resumes his duties, or until the vacancy is filled. The clerk of the court shall appoint assistant clerks and support personnel in his division, with all of such appointments subject to approval by the chief justice for administration and management with respect to personnel standards as provided in section eight of chapter two hundred and eleven B. In the case of the absence, death or removal of an assistant clerk of a division of the juvenile court department, or a vacancy in the position of assistant clerk for any other reason, the clerk may appoint a temporary assistant clerk, to act until such assistant clerk resumes his duties, or until the vacancy is filled.

Each division shall have a clerk, who shall be appointed by the governor, with the advice and consent of the council and who shall hold office during good behavior, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. The Boston court of the Suffolk county division of the juvenile court department shall have a first assistant clerk and five assistant clerks, who shall, with the approval of the chief justice of

the juvenile court department, be appointed by the clerk of the Suffolk county division of said department, with all such appointments subject to approval by the chief justice for administration and management with respect to personnel standards promulgated under section eight of chapter two hundred and eleven B.

The salaries of the clerks and assistant clerks in the juvenile court department shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice for administration and management.

The clerks and assistant clerks of the juvenile court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

Each clerk and assistant clerk of the juvenile court department appointed to such position prior to January first, nineteen hundred and eighty-seven and serving continuously in such position thereafter shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Each such clerk and assistant clerk may accumulate vacation leave and sick leave not used in any such year; provided, however, that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days; and provided, further, that no additional such days shall be accumulated on or after said January first except in accordance with the policies and procedures established by the chief justice for administration and management pursuant to section eight of chapter two hundred and eleven B. Any other clerk and assistant clerk of said department shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief justice for administration and management pursuant to said section eight.

The first justice of each division of the juvenile court department may, with the approval of the chief justice for administration and management, appoint such official interpreters, or enter into service contracts for telephone-based interpretation services, as he may deem necessary for the sessions of his division. Any such interpreter shall hold his position at the pleasure of said first justice, and shall render such additional services as said first justice may require. Said first justice shall forthwith discharge any such interpreter who is found by him to have requested or received, directly or indirectly, any gratuity, bonus or fee in connection with any case pending or in the course of preparation for presentation to any court. Other interpreters may be employed by the first justice when the services of the official interpreter are not available.

SECTION 165. Section 58C of said chapter 218, as so appearing, is hereby amended by striking out, in line 8, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 166. Said chapter 218 is hereby further amended by striking out section 59, as so appearing, and inserting in place thereof the following section:-

Section 59. Except as otherwise provided by law, the divisions of the juvenile court department shall have and exercise, within their respective jurisdictions, the same powers, duties, and procedure as the divisions of the district court department; and all laws relating to district courts or municipal courts in their respective counties or officials thereof or proceedings therein, shall, so far as applicable, apply to said divisions of the juvenile court department.

The divisions of the juvenile court department shall also have jurisdiction in equity concurrent with the supreme judicial court and with the superior court department in all cases and matters arising under the provisions of chapter one hundred and nineteen.

SECTION 167. Said chapter 218 is hereby further amended by striking out section 60, as so appearing, and inserting in place thereof the following section:-

Section 60. Within the territorial limits prescribed in section fifty-seven, the divisions of the juvenile court department shall have and exercise jurisdiction, exclusive of all municipal and district courts, over cases of juvenile offenders under age seventeen and cases of neglected or delinquent children, and over proceedings referred to it under the provisions of section four A of chapter two hundred and eleven. In addition to the powers conferred in section ten of chapter two hundred and eleven B, the chief justice for the juvenile court department may, from time to time, provide procedural forms and make general rules and issue standing orders in reference to practice and procedure for the conducting of business in the juvenile court department, subject to the approval of the supreme judicial court. Notwithstanding any provision of law to the contrary, said chief justice may make and promulgate rules providing for the transfer of petitions brought in the Boston court of the Suffolk county division of the juvenile court department under sections thirty-nine E to thirty-nine I of chapter one hundred and nineteen for hearing in other courts of the Suffolk county division of the juvenile court department as may be appropriate.

SECTION 168. Sections sixty-one to sixty-five, inclusive, of said chapter two hundred and eighteen are hereby repealed.

SECTION 169. Said chapter 218 is hereby further amended by striking out section 67, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 67. The chief justice of the Boston municipal court department may appoint such official court interpreters, or enter into such service contracts for the provision of telephone-based interpretation services, as he may deem necessary for the criminal and the civil sessions of the court, subject to the approval of the chief justice for administration and management. Official interpreters shall hold their positions at the pleasure of said department chief justice and shall render such additional services as said chief justice may require. Said department chief justice shall forthwith discharge any such official interpreter who shall be found by him

to have requested or received, directly or indirectly, any gratuity, bonus or fee in connection with any criminal or civil case pending or in course of preparation for presentation to any court. Other official interpreters, or a telephone-based interpretation service, may be employed when the services of the official court interpreter are not available.

SECTION 170. Said chapter 218 is hereby further amended by striking out section 69, as so appearing, and inserting in place thereof the following section:-

Section 69. Clerks of the divisions of the district court department shall be allowed annually for clerical assistance such amounts as shall be approved by the chief justice for said department.

SECTION 171. Section 70 of said chapter 218, as so appearing, is hereby amended by striking out, in line 4, the word "administrative" and inserting in place thereof the following word:- chief.

SECTION 172. Said chapter 218 is hereby further amended by striking out section 79, as so appearing, and inserting in place thereof the following section:-

Section 79. (1) The salary of the clerks of the following district court divisions shall be paid by the commonwealth in accordance with the schedule as set forth in paragraph (2):

Class I.

first district court of Barnstable
second district court of Barnstable
first district court of Bristol
second district court of Bristol
third district court of Bristol
fourth district court of Bristol
municipal court of Brookline
district court of Brockton
district court of Chelsea
district court of Chicopee
district court of Dukes County
first district court of Essex
district court of eastern Essex
district court of southern Essex
central district court of northern Essex
district court of Fitchburg
district court of Franklin
district court of eastern Franklin
district court of eastern Hampden
district court of western Hampden
district court of Hampshire
district court of Holyoke

district court of Lawrence
district court of Leominster
district court of Lowell
district court of central Berkshire
district court of Marlborough
district court of central Middlesex
first district court of eastern Middlesex
second district court of eastern Middlesex
third district court of eastern Middlesex
fourth district court of eastern Middlesex
first district court of northern Middlesex
first district court of southern Middlesex
district court of Newburyport
district court of Newton
district court of Natick
district court of eastern Norfolk
district court of northern Norfolk
district court of southern Norfolk
district court of western Norfolk
district court of Peabody
second district court of Plymouth
third district court of Plymouth
fourth district court of Plymouth
first district court of northern Worcester
first district court of southern Worcester
municipal court of the Brighton district
municipal court of the Charlestown district
municipal court of the Dorchester district
municipal court of the East Boston district
municipal court of the Roxbury district
municipal court of the South Boston district
municipal court of the West Roxbury district
district court of Somerville
district court of Springfield
first district court of eastern Worcester
second district court of eastern Worcester
second district court of southern Worcester
third district court of southern Worcester
central district court of Worcester
district court of western Worcester

Class II.
district court of northern Berkshire
district court of southern Berkshire
district court of eastern Hampshire
Class III.
third district court of Essex
district court of Winchendon
district court of Nantucket

(2) The salaries of the clerks of the district court division shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice for administration and management.

The clerks in the district court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The clerks in the district court department appointed to said position prior to January first, nineteen hundred and eighty-seven, and serving continuously thereafter shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Any such clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days; and provided, further, that no additional such days shall be accumulated after said January first except in accordance with the policies and procedures established by the chief justice for administration and management pursuant to section eight of chapter two hundred and eleven B. All other clerks in the district court department shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief justice for administration and management pursuant to said section eight.

SECTION 173. Said chapter 218 is hereby further amended by striking out section 80, as so appearing, and inserting in place thereof the following section:-

Section 80. The salaries of the assistant clerks of the district court divisions shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, pursuant to section eight of chapter two hundred and eleven B.

The assistant clerks of the district court department shall devote their entire time during ordinary business hours to their respective duties and shall not, directly or indirectly, engage in the practice of law.

The assistant clerks of the district court department appointed to said position prior to January first, nineteen hundred and eighty-seven and serving continuously thereafter shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Any such clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the number of vacation days so accumu-

lated shall not exceed sixty and total amount of sick leave shall not exceed one hundred and eighty days; and provided, further, that no additional sick days shall be accumulated after said January first except in accordance with the policies and procedures established by the chief justice for administration and management pursuant to section eight of chapter two hundred and eleven B. All other assistant clerks of said department shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief justice for administration and management pursuant to said section eight.

SECTION 174. Said chapter 218 is hereby further amended by striking out section 81, as so appearing, and inserting in place thereof the following section:-

Section 81. A justice of a division of the district court department upon certificate of the chief justice for the district court department shall quarterly be reimbursed by the commonwealth for the traveling expenses incurred by him when sitting at the order of said chief justice in a division other than the division to which he was appointed.

If sessions of a division of the district court department are held in more than one town in its district, the chief justice of the district court shall designate in which town the clerk's main office shall be established, and the justices, clerk, assistant clerks, court officers and probation officers of such division shall each be allowed by the commonwealth traveling expenses necessarily incurred when required to hold or attend sessions of said division at any town in the district other than the town in which said main office is so established, such expenses to be computed either from the town where such office is established to such other town, or from his place of residence within such district to such other town, whichever is the shorter distance; provided, however, that a justice or a special justice appointed to the district court in Dukes county or the district court in Nantucket county shall receive his actual expenses for travel by land, sea or air from his residence on the mainland to such county office.

SECTION 175. Section 5 of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "appoint" and inserting in place thereof the following words:- , subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section eight of chapter two hundred and eleven B, appoint.

SECTION 176. Section 69 of said chapter 221, as so appearing, is hereby amended by striking out, in lines 7, 12, 16 and 19, the words "administrative justice" and inserting in place thereof, in each instance, the following words:- justice for administration and management.

SECTION 177. Section 70 of said chapter 221, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "administrative justice" and inserting in place thereof the following words:- justice for administration and

management.

SECTION 178. Section 71 of said chapter 221, as so appearing, is hereby further amended by striking out, in lines 1, 6, and 9, the words "administrative justice" and inserting in place thereof, in each instance, the words:- justice for administration and management.

SECTION 179. Section 80 of said chapter 221, as so appearing, is hereby amended by striking out, in line 5, the words "administrative justice" and inserting in place thereof the following words:- justice for administration and management.

SECTION 180. The last paragraph of section 4 of chapter 263 of the General Laws, added by section 10 of chapter 488 of the acts of 1991, is hereby amended by striking out, in line 1, the words "juvenile court or in a juvenile session of a district court" and inserting in place thereof the following words:- a division of the juvenile court department.

SECTION 181. Section 6 of said chapter 263, as appearing in the 1990 Official Edition, is hereby amended by adding the following sentence:- Except where there is more than one defendant involved as aforesaid, consent to said waiver shall not be denied in the district court or the Boston municipal court if the waiver is filed before the case is transferred for jury trial to the appropriate jury session, as provided in section twenty-seven A of chapter two hundred and eighteen.

SECTION 182. Section 4 of chapter 275 of the General Laws, as so appearing, is hereby amended by striking out the second sentence.

SECTION 183. Said chapter 275 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. Whoever having waived jury trial in accordance with the provisions of section twenty-six A of chapter two hundred and eighteen is aggrieved by an order of the Boston municipal court or the district court, requiring him to recognize as provided aforesaid, may, upon giving the security required, appeal to the jury session designated pursuant to section twenty-seven A of chapter two hundred and eighteen for the conduct of jury trials in cases brought in the court wherein said order was made.

SECTION 184. Section 11 of said chapter 275, as so appearing, is hereby amended by inserting after the word "appeal", in line 1, the following words:- of an order of recognizance.

SECTION 185. Said chapter 275 is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. Upon a breach of the condition of a recognizance taken pursuant to the provisions of sections four to eleven, inclusive, an action thereon shall be commenced by the district attorney in the court in which the recognizance is then on file.

SECTION 186. Section 58 of chapter 276 of the General Laws is hereby amended by striking out, in line 151, as so appearing, the words "either because

the defendant has appealed or" and inserting in place thereof the following words:- because the defendant.

SECTION 187. Section 65 of said chapter 276, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words "and before the jury session to prosecute an appeal on said charge".

SECTION 188. Said chapter 276 is hereby further amended by striking out section 83, as so appearing, and inserting in place thereof the following section:-

Section 83. Subject to appropriation, the chief justice for administration and management may appoint, dismiss and assign such probation officers to the several sessions of the trial court as he deems necessary. In any court having two or more probation officers, the first justice, subject to the approval of the chief justice for administration and management, may designate one probation officer to serve as chief probation officer and may designate other probation officers to serve as assistant chief probation officers, as he deems necessary for the effective administration of justice; provided, however, that a first justice may suspend or discipline any such probation officer who may appeal such suspension or discipline to the chief justice for administration and management; or said first justice may recommend the discharge of any said probation officer to the chief justice for administration and management who may discharge said probation officer after a hearing. The compensation of probation officers in the trial court shall be paid by the commonwealth according to schedules established in section ninety-nine B or in a provision of an applicable collective bargaining agreement.

SECTION 189. Section eighty-three A of said chapter two hundred and seventy-six is hereby repealed.

SECTION 190. Section 89A of said chapter 276, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 11, the words "administrative justice of the district courts" and inserting in place thereof the following words:- chief justice for administration and management.

SECTION 191. Said chapter 276 is hereby further amended by striking out sections 98 and 99, as so appearing, and inserting in place thereof the following two sections:-

Section 98. There shall be a commissioner of probation appointed by the chief justice for administration and management, who shall have executive control and supervision of the probation service and who shall devote his full-time during business hours to the duties of his office. Subject to the approval and consent of the chief justice for administration and management, the commissioner may appoint deputies, supervisors and assistants necessary for the performance of his duties. Said commissioner, deputies, supervisors and assistants, shall receive a salary to be fixed by the chief justice for administration and management and subject to appropriation. Subject to the approval and direction of the chief justice for administration and management, the commissioner shall perform such duties

and responsibilities as otherwise provided by law or as designated from time to time by the chief justice for administration and management, and shall be responsible for: making recommendations to the first justice and the chief justice for administration and management on the appointment of chief probation officers, assistant chief probation officers and probation officers; the supervision and evaluation of all probation programs within the trial court; the evaluation of the probation service in each court of the commonwealth; the compilation, evaluation, and dissemination of statistical information on crime, delinquency, and appropriate family service matters available in his records; the recruitment, training, and educational development of probation officers; the evaluation of the work performance of probation officers; planning, initiating, and developing volunteer, diversion, and other programs in consultation with probation officers throughout the commonwealth.

Section 99. The commissioner of probation shall supervise the probation work in all of the courts of the commonwealth and for such purposes he and his staff shall have access to all probation records of said courts. Subject to the approval of the chief justice for administration and management, the commissioner shall establish reports and forms to be maintained by probation officers; procedures to be followed by probation officers; standards and rules of probation work, including methods and procedures of investigation, mediation, supervision, case work, record keeping, accounting, caseload and case management. The commissioner shall promulgate rules and regulations concerning probation officers or offices provided said rules and regulations have been approved in writing by the chief justice for administration and management subject to chapter one hundred and fifty E. The commissioner shall assist the chief justice for administration and management in developing standards and procedures for the performance evaluation of probation officers, and shall assist each first justice in evaluating the work performance of probation officers. The commissioner shall receive all notices of intended disciplinary action against a probation officer or supervising probation officer including reprimand, fine, suspension, demotion or discharge, that may be initiated by a first justice, supervisor or chief probation officer. The commissioner shall develop and conduct basic orientation and in-service training programs for probation officers, such programs to be held at such times and for such periods as he shall determine. He shall conduct research studies relating to crime and delinquency, and may participate with other public and private agencies in joint research studies. The commissioner shall have the responsibility for assessing the needs of probation offices and assisting the first justices in this effort. He may recommend to first justices, or the chief justice for administration and management the appointment and assignment of additional probation or clerical personnel or both. The commissioner shall annually submit written budget recommendations for the probation service to the chief justice for administration and management.

These recommendations shall be in addition to the budget requests submitted by the first justices on behalf of their respective courthouse or courthouses, including probation offices. The commissioner shall annually conduct regional meetings with chief probation officers to discuss the budget needs of the local probation offices. The commissioner may hold conferences on probation throughout the commonwealth. The traveling expenses of trial court justices or probation officers authorized by the chief justice for administration and management to attend any such conference shall be paid by the commonwealth.

SECTION 192. Section ninety-nine A of said chapter two hundred and seventy-six is hereby repealed.

SECTION 193. Chapter 278 of the General Laws is hereby amended by striking out section 18, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 18. A defendant who is before the Boston municipal court or a district court on a criminal offense within the court's final jurisdiction shall plead not guilty or guilty, or with the consent of the court, nolo contendere. Such plea of guilty shall be submitted by the defendant and acted upon by the court; provided, however, that a defendant with whom the commonwealth cannot reach agreement for a recommended disposition shall be allowed to tender a plea of guilty together with a request for a specific disposition. Such request may include any disposition or dispositional terms within the court's jurisdiction, including, unless otherwise prohibited by law, a dispositional request that a guilty finding not be entered, but rather the case be continued without a finding to a specific date thereupon to be dismissed, such continuance conditioned upon compliance with specific terms and conditions or that the defendant be placed on probation pursuant to the provisions of section eighty-seven of chapter two hundred and seventy-six. If such a plea, with an agreed upon recommendation or with a dispositional request by the defendant, is tendered, the court shall inform the defendant that it will not impose a disposition that exceeds the terms of the agreed upon recommendation or the dispositional request by the defendant, whichever is applicable, without giving the defendant the right to withdraw the plea.

If a defendant, notwithstanding the requirements set forth hereinbefore, attempts to enter a plea or statement consisting of an admission of facts sufficient for finding of guilt, or some similar statement, such admission shall be deemed a tender of a plea of guilty for purposes of the procedures set forth in this section.

Any pretrial motion filed in a criminal case pending in the Boston municipal court or district court and decided before entry of defendant's decision on waiver of the right to jury trial shall not be refiled or reheard thereafter, except in the discretion of the court as substantial justice requires. Any such pretrial motion not filed or filed but not decided prior to entry of the defendant's decision on waiver of the right to jury trial may be filed thereafter but not later than twenty-one days

after entry of said decision on waiver of the right to jury trial, except for good cause shown.

SECTION 194. Sections nineteen to twenty-two, inclusive, of said chapter two hundred and seventy-eight are hereby repealed.

SECTION 195. Section 23 of said chapter 278, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 2, the words "jury-of-six session in a".

SECTION 196. Sections twenty-four to twenty-six, inclusive, of said chapter two hundred and seventy-eight are hereby repealed.

SECTION 197. Section 28 of said chapter 278, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 2, the words "in jury session".

SECTION 198. Section 1A of chapter 279 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 199. Section 26 of chapter 537 of the acts of 1986 is hereby amended by striking out the word "four", inserted by section 1 of chapter 188 of the acts of 1989, and inserting in place thereof the following words:- six and one-half.

SECTION 200. Section 27 of said chapter 537 is hereby amended by striking out, in line 4, the word "ninety-three", inserted by section 581 of chapter 133 of the acts of 1992, and inserting in place thereof the following word:- ninety-four.

SECTION 201. The first sentence of section 17 of chapter 203 of the acts of 1988 is hereby amended by striking out, in line 1, the word "ninety" and inserting in place thereof the word:- ninety-six.

SECTION 202. The justice who is the chief administrative justice of the trial court on the effective date of this act shall continue to serve as the chief justice for administration and management, as provided by section one of chapter two hundred and eleven B of the General Laws, for five years from the effective date of this act and he shall be eligible to be reappointed for additional five-year terms.

The justices who are the administrative or chief justices of the superior, district, probate and family, juvenile, housing, Boston municipal and land court departments of the trial court on the effective date of this act shall continue to serve as chief justice of their respective department, as provided by section one of chapter two hundred and eleven B, for five years from the effective date of this act and they shall each be eligible for reappointment to the position of chief justice for additional five-year terms. Any of said justices may be removed from their position as chief justices when it is determined to be in the best interests of the administration of justice by the chief justice for administration and management. A chief justice, so appointed, may be removed from that office upon a determination by the chief justice for administration and management that such removal is in the best interests of the administration of justice. Any chief justice so removed may appeal such removal to the supreme judicial court and a majority of the justices of said court shall determine the matter.

Any justice who is serving as the first or presiding justice of a division on the effective date of this act shall each continue to serve in said position for a term of five years from the effective date of this act and shall be eligible to be reappointed for additional five-year terms. A first justice, so appointed, may be removed from that office upon a determination by the chief justice of his department that such removal is in the best interests of the administration of justice. Any first justice so removed may appeal such removal to the chief justice for administration and management who shall determine the matter.

Any clerk who has been appointed to said position by the governor, prior to the effective date of this act shall continue to serve as clerk for a term consistent with the commission by which he was originally appointed, subject, however, to good behavior and to retirement under the provisions of any general or special law relative to retirement systems.

SECTION 203. Notwithstanding the provisions in section one of chapter two hundred and eighteen of the General Laws, excepting from the jurisdiction of the divisions of the district court department cases of delinquent children and petitions brought under sections twenty-four and thirty-nine E of chapter one hundred and nineteen of the General Laws, each division of the district court department having jurisdiction over such cases and petitions as of the effective date of this act, shall continue to exercise jurisdiction over such cases and petitions, and shall continue to accept such cases and petitions for filing and issue process therein, until such time as a division of the juvenile court department having territorial jurisdiction corresponding to that of such division of the district court department is established or January first, nineteen hundred and ninety-six, whichever shall first occur. Notwithstanding the aforementioned provisions of section one of chapter two hundred and eighteen of the General Laws, at any time on or after the effective date of July first, nineteen hundred and ninety-three a clerk or assistant clerk of any division of the district court department shall accept for filing, and issue process in, any case or matter as to which the juvenile court department has jurisdiction, and such process shall have the same force and effect as if issued by a clerk of a division of the juvenile court department, until such time as a clerk takes office in the corresponding division of the juvenile court department.

SECTION 204. Except as otherwise provided in this act, all personnel employed in the judicial system of the commonwealth shall continue to serve therein without reduction in compensation or loss of seniority, vacation, benefits or retirement rights, notwithstanding the enactment of any other section of this act, provided that the provisions of this section shall not be interpreted so as to prevent any person employed by the judicial branch from being removed, demoted or disciplined, or to prevent any change in the position, title, compensation or vacation or other rights of such an employee, in the manner provided by law on the effective date of the other sections of this act.

SECTION 205. The chief justice for administration and management shall prepare a report on trial court unification. In preparing said study, said chief justice may consult with the justices of the supreme judicial court, the appeals court and the trial court, and nonjudicial court personnel, members of the general court, members of the executive department, the attorney general, representatives of the bar, academic experts in the field and members of the general public. Said report shall study the issue of unification of the departments of the trial court, review the experience of the regional pilot trial court unification projects, and may investigate the experience of other states with consolidation, review the work of academic experts and others on the topic, and make recommendations for legislative or judicial action. The report shall be submitted to the supreme judicial court, the governor, the joint committee on the judiciary and the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and ninety-three.

SECTION 206. Notwithstanding any general or special law, the chief justice for administration and management is hereby authorized to establish pilot trial court unification projects in two geographic areas of the commonwealth. Said chief justice, with the approval of the supreme judicial court, shall determine the boundaries of said areas, within which the various departments of the trial court shall be considered consolidated into one court under uniform management; provided, however, that said areas shall not be established within the counties of Suffolk or Middlesex. Within each area, notwithstanding any general or special law or rule to the contrary, said chief justice, or his designee, with the approval of the supreme judicial court, may determine matters of court administration and management, jurisdiction, procedure, venue, assignment of cases, assignment and supervision of justices and other judicial and non-judicial personnel, facility usage, rules and standards of practice, or other similar matters necessary to achieve the unification of the various trial court departments within said area. Said determinations need not be uniform between said areas. Said chief justice shall report quarterly to the joint committee on the judiciary and the house and senate committees on ways and means on said pilot areas.

SECTION 207. Criminal actions commenced in Essex and Hampden counties prior to July first, nineteen hundred and ninety-three shall be governed to conclusion by the provisions of chapter five hundred and thirty-seven of the acts of nineteen hundred and eighty-six.

SECTION 208. Notwithstanding the provisions of chapter thirty-two of the General Laws or of any general law to the contrary, the state retirement board, established under the provisions of section eighteen of chapter ten of the General Laws, shall establish and implement a retirement incentive for judicial employees, hereinafter referred to as the retirement incentive program, in accordance with the provision of this act; provided, that, in order to be deemed eligible by said board

for any of the benefit options under the retirement incentive program, an employee (*i*) shall be an employee of the judicial branch of the commonwealth on the effective date of this act, (*ii*) shall have been a member in active service of the state retirement system on July first, nineteen hundred and ninety-two, (*iii*) shall be classified in Group 1 or Group 2 of said retirement system in accordance with the provisions of paragraph (*g*) of subdivision (2) of section three of said chapter thirty-two, (*iv*) shall be eligible to receive a superannuation retirement allowance in accordance with the provision of subdivision (1) of section five of said chapter thirty-two or of subdivision (1) of section ten of said chapter thirty-two upon the date of his written application with said board, (*v*) shall not be serving as a chief justice or an associate of the supreme judicial court, a chief justice or any associate justice of the appeals court, or any justice of the trial court, and (*vi*) shall have filed such written application with said board in accordance with section two of this act. Said retirement incentive shall be limited to three hundred eligible employees as defined by this section. The state board of retirement shall stamp the date and time of receipt on each application filed for retirement under this act and process early retirement approvals in order of receipt of such application, from the earliest date to the latest date; provided, however, that said application may be delivered in person or by mail. No employee shall be eligible for more than one of the incentives offered herein; and no employee may become eligible for one incentive by virtue of the application of a different incentive.

For the purposes of the provisions of this act relative to the retirement incentive for the judicial employees, words shall have the same meaning as in chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly requires otherwise. Any employee of the commonwealth who retires and receives an additional benefit in accordance with the provisions of this act shall be deemed to be retired for superannuation under the provision of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two.

SECTION 209. Notwithstanding so much of the provisions of section five of chapter thirty-two of the General Laws that requires a retirement date within four months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by this act, an eligible employee, shall file this application for retirement under the provisions of this act with the state retirement board on or after February twelfth, nineteen hundred and ninety-three but no later than March fifth, nineteen hundred and ninety-three; provided, however, that the retirement date requested shall be March twenty-sixth, nineteen hundred and ninety-three.

SECTION 210. Any employee who is eligible for the retirement incentive program in accordance with the provisions of this act may request in his application for retirement that the state retirement board credit him with an additional

retirement benefit in accordance with the provision of this section; provided, however, that each such employee shall request and receive a combination of years of creditable service and years of age, the sum of which shall not be greater than five years,for the purposes of determining his superannuation retirement allowance pursuant to the provisions of paragraph (*a*) of subdivision (2) of section five of chapter thirty-two of the General Laws.

Notwithstanding such credit, the total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of said section five of said chapter thirty-two, of any employee who retires and receives the retirement benefit provided by this act shall not exceed four-fifths of the average annual rate of his regular compensation as determined in accordance with said section five of said chapter thirty-two.

SECTION 211. For any married employee who retires and receives an additional benefit under the retirement incentive program, an election of a retirement option under the provisions of section twelve of chapter thirty-two of the General Laws shall not be valid unless (*i*) it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option selected, or (*ii*) the spouse has received notice of such election. If any member who is married files an election which is not so accompanied the state retirement board shall within fifteen days notify the member's spouse by registered mail of the option election, and the election shall not take effect until thirty days following the date on which such notification is sent, and such election may be changed by the member at any time within said thirty days, or at any other time permitted under said chapter thirty-two. Nothing in this section shall be deemed to affect the effective date of any retirement allowance, but in the event of any election having been filed which is not so accompanied, the payment of any allowance so elected shall not be commenced earlier than thirty days after the sending by the retirement board of the notice required hereunder.

SECTION 212. The state retirement board, established under the provisions of section eighteen of chapter ten shall provide retirement counseling services to employees who choose to retire under the retirement incentive program. Said counseling shall include, but not be limited to, the following provisions: (*i*) the additional benefit options available under the retirement incentive program; (*ii*) the election of a retirement option under the provisions of section twelve of chapter thirty-two of the General Laws; (*iii*) restrictions on employment after retirement; (*iv*) the provision of health care benefits under the provisions of chapter thirty-two A of the General Laws; (*v*) the payment of cost of living adjustments; (*vi*) the effect of federal and state income taxation. Each such employee shall sign a sworn statement that he has received such counseling prior to the approval by the state retirement board of such employees' application for superannuation retirement and additional benefits under said retirement incentive program.

SECTION 213. The commissioner of public employee retirement administration shall analyze, study, and evaluate the costs attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this act; provided that said commissioner shall file the report with the joint committee on public service and the house and senate committees on ways and means on or before May thirtieth, nineteen hundred and ninety-three.

SECTION 214. The secretary of administration and finance shall prepare a funding schedule to reflect the costs and liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this act which shall be designed to reduce the commonwealth's additional pension liability attributable to such costs and liabilities to zero on or before June thirtieth, two thousand; provided, that in preparing such schedule, said secretary shall consider the analysis of the commissioner of public employee retirement administration filed in accordance with the provisions of this act; and provided further, that said secretary shall annually update such schedule until said June thirtieth, two thousand. Said secretary shall file such funding schedule with the joint committee on public service and the house and senate on ways and means committees on or before July first, nineteen hundred and ninety-three and shall file updates thereto annually on or before March first of each year; provided that if within forty-five days of each such filing, none of the committees shall have taken action to disapprove such schedule or update thereto, such schedule or update shall be deemed to be approved; provided further, however, if such schedule is not so approved, said secretary shall review any comments made by such committees and prepare and submit another schedule in accordance with the provisions of this section; provided, further, that such other schedule shall be filed with the joint committee on public service and the house and senate ways and means committees within thirty days of such disapproval.

SECTION 215. A person who retires under the provisions of this act and is eligible to receive payment in lieu of accrued vacation time, unused sick leave or any other severance payment program shall receive fifty percent of the total amount of such payments due during the fiscal year ending June thirtieth, nineteen hundred and ninety-three, and the remaining fifty percent before July thirty-first, nineteen hundred and ninety-three.

SECTION 215A. The ancillary costs attributable to any employee of the judiciary who retires under the optional retirement plan established by this act, limited to the payment of accrued vacation, unused sick leave or any other severance payment, shall be paid out of the sums appropriated or otherwise made available to the judiciary for the fiscal year nineteen hundred and ninety-three; provided, that the judiciary shall not receive additional supplemental funds for the payment of said ancillary costs. Fifty percent of the total premium cost for health insurance provided to any employee who so retires shall also be paid out of the

sums appropriated or otherwise made available to the judiciary for the fiscal year nineteen hundred and ninety-three; provided, that any employee who so retires shall not pay more than the percentage contribution charged to any other retiree of the judiciary with comparable health insurance coverage; and provided further that the judiciary shall not receive additional supplemental funds to pay said insurance costs.

SECTION 216. The chief administrative justice shall list each position made vacant by the retirement of an employee under the retirement incentive program and receiving an additional benefit in accordance with the provisions of this act and shall file such list with the joint committee on public service, the joint committee on judiciary, and the house and senate ways and means committees on or before May first, nineteen hundred and ninety-three; provided that, for each such position, such list shall include the line-item of section two, two A or two B of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two in which such position is funded, the classification title of such position, the salary range for such title and the salary payable to the person who so retired from such position.

SECTION 217. The chief administrative justice shall prepare a report listing which of the positions made vacant by the retirement of any employee under the retirement incentive program and receiving an additional benefit in accordance with the provisions of this act that he shall have determined to be critical and essential to the operations of the services provided by the judiciary and to be necessary to fill during the fiscal years ending June thirtieth, nineteen hundred and ninety-three and June thirtieth, nineteen hundred and ninety-four; provided that such report shall include the following: (*i*) the classified title of each such position, (*ii*) the number of such positions listed in such report with such title, and (*iii*) the salary range payable to each such position that said chief administrative justice shall have determined that such position shall be filed. Such report shall be filed with the joint committee on public service, the joint committee on judiciary, and the house and senate ways and means committees on or before May first, nineteen hundred and ninety-three.

The chief administrative justice may also prepare one or more supplementary reports to the first report in the same form if he shall determine that any such supplementary report shall be necessary and shall file such a supplementary report with the joint committee on public service, the joint committee on judiciary, and the house and senate ways and means committees from time to time as is necessary.

SECTION 218. On or after the filing by the chief administrative justice of the first report on critical and essential positions but before July first, nineteen hundred and ninety-four, no position made vacant by the retirement of any employee under the retirement incentive program shall be filled by the judiciary on a permanent or temporary basis and the controller shall not authorize the payment of any regular compensation, including paid leave, vacations, salary in lieu of vacation, payments

in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation in section two, section two A or section two B of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two until such position shall be included on such list of positions in the first or supplementary report that shall have been submitted by said chief administrative justice to the joint committee on public service, the joint committee on judiciary, and the house and senate ways and means committees in accordance with the provisions of this act.

SECTION 219. Any nonjudicial employee of the judicial branch who retires from active service in accordance with the provisions of this act or the provisions of chapter thirty-two of the General Laws may be employed on a part-time basis by the judicial branch in accordance with the provisions of section ninety-one of said chapter thirty-two.

SECTION 220. The chief justice for administration and management shall prepare a study on regional management of the court system. In preparing said study, said chief justice may establish a task force to study methods of strengthening regional management of the court system and consider the appropriate role of regional administrative justices, the needs and resources of the various regions of the commonwealth, and the most effective management system to maximize appropriate regional authority. The task force may include judges of the trial court, members of the general court, representatives of the attorney general and district attorneys, and lawyers in private practice. In establishing the task force, said chief justice shall try to achieve geographic balance among the various regions of the state other than the Boston area.

Said chief justice shall submit his report to the joint committee on the judiciary and the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and ninety-three.

SECTION 221. The chief justice for administration and management shall prepare a study on civil trial practice in the courts of the commonwealth and on eliminating the two-trial system for civil cases in the trial court. In preparing said study, said chief justice may establish a task force to study methods of improving the efficient management of civil matters in the court system. The task force shall consider the elimination of the civil remand-removal system, the appropriate filing fee for civil matters and the appropriateness of basing said filing fee on the nature of the cause of action and the election of a trial by jury. Said study shall include recommendations for legislative or judicial action. The study shall be submitted to the governor, the supreme judicial court, the joint committee on the judiciary and the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and ninety-three.

SECTION 222. The chief justice for administration and management shall study the feasibility of establishing a night court program. Said study shall be completed

and recommendations on the implementation of such night court program shall be reported to the house and senate committees on ways and means on or before October first, nineteen hundred and ninety-three.

SECTION 223. The chief justice for administration and management shall study the relocation and modification of district court jurisdictional lines in an attempt to establish parity to caseloads. Said chief justice shall prepare a plan for said relocation and modification with the assistance of the court facilities council and with access to any and all information to prepare a comprehensive plan. Said plan shall include recommendations for legislative action. The plan shall be submitted to the Governor, the supreme judicial court, the joint committee on the judiciary, and house and senate committees on ways and means on or before December thirty-first, nineteen hundred and ninety-three.

SECTION 224. There shall be established a task force to prepare technical corrections to this act, composed of the chief justice for administration and management, or his designee, and the chairmen of the joint committee on the judiciary, or their designees. Said task force shall examine this act and recommend proposed corrective and technical amendments as may be necessary to effectuate the purpose of this act.

SECTION 225. If any part of this act conflicts with the terms of a collective bargaining agreement in effect on the effective date of this act, the terms of such collective bargaining agreement shall prevail until its expiration.

SECTION 226. Section one hundred and ninety-one of this act shall take effect upon its passage and sections six, seven, twenty, twenty-one, twenty-three, twenty-four, sixty, one hundred thirty-five through one hundred thirty-seven, one hundred seventy-eight through one hundred ninety, inclusive, shall take effect on January first, nineteen hundred and ninety-four and shall apply to criminal actions commenced on or after said date. For the purposes of this section and section two hundred commencement of a criminal action shall be defined as the date of arrest, or in cases not initiated by arrest, the date of the issuance of a criminal complaint.

SECTION 227. Notwithstanding the provisions of sections one and two of chapter two hundred and eleven B of the General Laws, from the period January first, nineteen hundred and ninety-four to June thirtieth, nineteen hundred and ninety-four, there shall be three hundred and twenty-seven justices and special justices of the trial court, including nineteen justices appointed to the juvenile court department; and from the period July first, nineteen hundred and ninety-four to June thirtieth, nineteen hundred and ninety-five, there shall be three hundred and thirty-four justices and special justices of the trial court including twenty-six justices appointed to the juvenile court department.

SECTION 227A. It is the intention of the legislature that the provisions of this act, shall take effect and operate as a whole, and, therefore, notwithstanding any general or special law to the contrary, if any provision, or any part of any provision,

with the exception of sections eighteen, nineteen, twenty-three, sixty-six, one hundred and thirty-nine, one hundred and forty-one, one hundred and forty-two, one hundred and eighty-one, one hundred and eighty-two to one hundred and eighty-seven, inclusive, one hundred and ninety-three to two hundred, inclusive, two hundred and seven, sections one B, one C and section twenty A of this act is declared to be unconstitutional, or otherwise without legal effect, by the supreme judicial court in a case or by any form of court order, then this entire act shall cease to be effective and any general or special law which is amended or repealed by this act shall be deemed to be revived in the form that it appeared prior to the effective date of this act; provided, that the supreme judicial court shall have original and exclusive jurisdiction of all causes or actions challenging the constitutionality of any provision of this act.

CONFERENCE REPORT CONTAINED NO SECTION 228, 229, 230 OR 231

SECTION 232. Sections sixty-nine, seventy, and one hundred and sixty-four shall be effective on the first of July, nineteen hundred and ninety-five.

SECTION 233. Sections seven to seventeen, inclusive, twenty to twenty-two, inclusive, twenty-four to thirty, inclusive, one hundred and forty, one hundred and sixty-two, one hundred and sixty-six, one hundred and sixty-seven and two hundred and three shall take effect on July first, nineteen hundred and ninety-three.

Approved January 13, 1993.

Chapter 380. AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN STATE OWNED PROPERTY AT THE "PONKAPOAG OUTDOOR CENTER", SO-CALLED, AT THE BLUE HILLS RESERVATION IN THE TOWN OF CANTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the metropolitan district commission is hereby authorized, in consultation with the inspector general, subject to section forty J of chapter seven of the General Laws, to execute and deliver in the name and on behalf of the commonwealth one or more instruments to lease the property under the jurisdiction and control of the metropolitan district commission now known as the Ponkapoag Outdoor Center and situated in the Blue Hills Reservation in the town of Canton, to any and all public and private entities, organizations and institutions as deemed appropriate by said commission, for a rental period not to exceed thirty years, for recreational, educational and all other purposes consistent and compatible with the protection, restoration, preservation, enhancement, use and enjoyment of said property by the public, and the operation of the Ponkapoag Outdoor

Center or any other facility to be established within the metropolitan parks district at said property, said property being a portion of that property shown on a plan entitled "United States Department of the Interior National Park Service Cooperating with the Commonwealth of Massachusetts Metropolitan District Commission, Blue Hills Reservation Base Map", dated April 1917, which plan is on file with said commission; the more exact location and configuration of the property or properties to be leased to be shown on a plan or plans of land to be surveyed and prepared at the sole expense of the lessee or lessees in conjunction with transfers permitted by this act. No lease or leases shall be executed by said commission, unless it contains a declaration by the lessee or the lessees therein, that it is a private, public, or nonprofit entity, organization, or institution expressly recognized as having programs for the advancement and protection of the environment and benefit of youths.

The commission shall provide the clerk of the house of representatives, who shall forward copies to the joint committee on state administration of the general court and the inspector general of the commonwealth, a copy of any such lease at least twenty business days prior to the execution thereof by said commission. The inspector general shall review and make recommendations within fifteen business days of the receipt of any such lease and a copy of said review and any such recommendations thereon shall thereupon be forwarded to said clerk. Any such lease, when executed by the commission, shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with the provisions of this act. The commissioner of the metropolitan district commission from time to time is hereby authorized to execute and deliver, in the name and on behalf of the commonwealth, a notice of any such lease for recording and any and all other agreements and instruments related to any such lease authorized hereunder. Any lease authorized by this act shall not be valid unless it contains a certification by the commissioner that a competitive proposal process developed with the inspector general pursuant to this section, has been implemented and followed.

A lease executed by the commission, shall contain a declaration by the lessee therein, that it is a private, public or nonprofit entity, organization or institution expressly recognized for and with a proven record of commitment to the advancement and protection of the environment.

A lease authorized hereunder shall provide that all capital improvements to the leased premises shall become the property of the commonwealth upon termination of same, without payment of compensation of any kind by the commonwealth. A lease authorized hereunder shall provide that the commonwealth may repossess the leased premises if payment of the rent or any other sum is not timely paid, or if the lessee otherwise defaults and that notwithstanding such default, the lessee will continue to owe rent and any other sums due the commonwealth under the

provisions of such lease. The lessee shall carry comprehensive general and public liability insurance, with the commonwealth as co-insured, protecting the lessee and the commonwealth against personal injuries and property damage occurring on said leased premises or within any structure or building thereon, and such fire and extended risk insurance as deemed appropriate by the commission.

No lease other than that provided for by this section, nor any sale, transfer, conveyance or other disposition of said land and buildings, exclusive of access and utilities easements for park operations, may be made without the prior approval of the general court.

All payments, proceeds and other sums received by the metropolitan district commission under the leases and agreements authorized hereunder, shall be deposited in the Metropolitan Parks Trust Fund for the benefit of the Blue Hills reservation.

SECTION 2. All transfers of interest authorized by this act, shall be subject to such terms and conditions as prescribed by the metropolitan district commission, and all costs, fees and expenses relating to such transfers, including appraisal and survey costs, shall be paid in full by the lessee or recipient of such interest in each transaction.

SECTION 2A. In the event that the lease terms outlined in section one and two of this act are not met, as determined by the metropolitan district commission, by the lessor of the property, said property and any interests therein shall revert to the commonwealth upon such terms and conditions as the commissioner of the division of capital planning and operations, in consultation with said commission, may determine.

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

Approved January 14, 1993.

Chapter 381. AN ACT ESTABLISHING A SICK LEAVE BANK FOR AN EMPLOYEE OF THE DISTRICT COURT DEPARTMENT 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 employee of the district court department of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation

to the contrary, the district court department of the trial court is hereby authorized and directed to establish a sick leave bank for Mary Ann Healy, a procedures clerk I in the Holyoke division of said trial court. Any employee of said trial court may voluntarily contribute one or more of his sick, personal or vacation days to said sick leave bank for use by said Mary Ann Healy.

Approved January 14, 1993.

Chapter 382. **AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN LAND AND IMPROVEMENTS TO THE NEW BEDFORD HARBOR DEVELOPMENT COMMISSION.**

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital planning and operations, in consultation with the department of environmental management, is hereby authorized and directed to lease to the New Bedford harbor development commission a certain area in and over the waters of the Acushnet river in the city of New Bedford, together with improvements thereon and all easements, rights, privileges and appurtenances thereto, said area being shown and details indicated on the department of environmental protection license Plan No. 1882 issued October twenty-sixth, nineteen hundred and eighty-nine and recorded in the Bristol registry of deeds, southern division Book 2431, page 330, Plan Book 124, page 100. The leased premises shall be used for the purpose of construction, development, operation and maintenance of a marina and appurtenant recreational area. Said lease shall be for a term of five years and the lessee shall have a right, at its sole option, to renew said lease for an additional five years.

Said lease shall contain a provision wherein the lessee agrees to pay to the department of environmental management annually by March first, fifteen percent of the lessee's annual gross revenues received from the operation of the marina on the leased premises for the prior calendar year. Two-thirds of the gross revenues so paid shall be deposited by the department of environmental management into the Harbors and Inland Waters Maintenance Fund established under the provisions of section ten A 1/2 of chapter ninety-one of the General Laws. The remaining one-third of such gross revenues shall be retained by the department of environmental management for its own use. All other terms of said lease shall be agreed upon by the parties thereto and the form of said lease shall be approved by the attorney general.

SECTION 2. Section 21 of chapter 564 of the acts of 1987 is hereby amended by adding the following paragraph:-

Said commissioner is hereby authorized to reimburse the New Bedford harbor development commission, pursuant to a written agreement, a sum not to exceed fifty thousand dollars for the construction of a playground, landscaping, parking and other related upland access and recreational improvements.

Approved January 14, 1993.

Chapter 383. AN ACT RELATIVE TO LAND IN THE TOWN OF BELCHERTOWN.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital planning and operations is hereby authorized, notwithstanding the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to sell and convey by deed, three parcels of land or portions thereof located in the town of Belchertown, along with easements for the benefit of such parcel for access, drainage, and utilities as deemed necessary by the commissioner to the town of Belchertown, subject to the requirements of sections two to five and to such additional terms and conditions as the commissioner may prescribe in consultation with the department of mental retardation. Said parcels are described as follows:

Parcel Number One contains approximately 13.35 acres and is shown as Lot 66A on Assessors Map 9, prepared by Cartographic Associates, Inc., December 31, 1987 and on file in the assessors office in the town of Belchertown.

Parcel Number Two contains approximately 6.69 acres and is shown as Lot 64A on Assessors Map 9, prepared by Cartographic Associates, Inc., December 31, 1987 and on file in the assessors office in the town of Belchertown.

Parcel Number Three contains approximately 3.81 acres and is shown as Lot 65 on Assessors Map 9, prepared by Cartographic Associates, Inc., December 31, 1987 and on file in the assessors office in the town of Belchertown.

SECTION 2. The recipient of said conveyance shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the commissioner for the disposition of this property.

SECTION 3. No deed conveying by or on behalf of the commonwealth the property described in section one as Parcel Number One shall be valid unless such deed provides that said property shall be used for municipal public works purposes.

SECTION 4. No deed conveying by or on behalf of the commonwealth the property described in section one as Parcel Number Two shall be valid unless such deed provides that said property shall be used for municipal recreational purposes.

SECTION 5. No deed conveying by or on behalf of the commonwealth the

property described in section one as Parcel Number Three shall be valid unless such deed provides that said property shall be used for municipal purposes.

SECTION 6. In the event that a particular parcel of land described in section one is not used for the purposes described in sections three to five within five years of the effective date of this act, said respective parcel of land shall revert to the commonwealth under such terms and conditions as the commissioner may prescribe.

Approved January 14, 1993.

Chapter 384. AN ACT PROTECTING THE BOSTON PUBLIC GARDEN.

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 in effect on May 1, 1990.

"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 Zoning Code as in effect on May 1, 1990. New shadow shall not include a de minimis shadow cast by an antenna, fence, flagpole, sign or other similar structure.

"Permit-granting authority", the Boston Zoning Board of Appeal, the Boston Zoning Commission, the Boston Redevelopment Authority or other public body authorized to grant permits or approvals pursuant to chapter 121A or chapter 121B of the General Laws, chapter 665 of the acts of 1956, as amended, or the Boston Zoning Code. Permit-granting authority shall not include the Boston Inspectional Services Department, or any body or department succeeding to the duties thereof.

"Public Garden", the land in the city of Boston bounded by Charles Street, Boylston Street, Arlington Street and Beacon Street and under the care, custody, management and control of the city Parks and Recreation Commission, excluding therefrom the perimeter sidewalk areas located between the perimeter fence and the curbstones of the aforementioned streets.

"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 Public Garden.

SECTION 2. Notwithstanding any provisions of chapter 121A or chapter 121B of the General Laws, or chapter 665 of the acts of 1956, 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 Public Garden; provided, however, that the provisions of this section shall not apply to actions authorizing:

(a) Any structure which casts a new shadow upon the Public Garden 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 within the Midtown Cultural District established by Article 38 which casts no new shadow upon the Public Garden after ten o'clock in the morning on any day from March 21 to October 21, inclusive, in any calendar year; or

(c) 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 1, 1990, by the Boston Zoning Commission in accordance with chapter 665 of the acts of 1956, 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 Public Garden.

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

Approved January 14, 1993.

Chapter 385. AN ACT REQUIRING A REPORT OF CARBON DIOXIDE EMISSIONS FROM POWER GENERATING FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. All power generating facilities shall provide a report indicating the amount or carbon dioxide emissions released from each facility and the installation of continuous emission monitors for carbon dioxide shall not be required. Fuel sampling coupled with unit operating data or any scientifically feasible method may be used.

SECTION 2. The report required pursuant to section 1 shall commence on January first, nineteen hundred and ninety-three and terminate December thirty-first, nineteen hundred and ninety-three and shall include carbon dioxide emissions released during said time period along with the previous two years' emissions so that a three year average of carbon dioxide emissions can be calculated. Said report shall be submitted to the house and senate chairmen of the joint committee on energy, the director of the department of environmental protection, and the Director of Air Quality, Environmental Protection Agency, Region I, on or before, March thirty-first, nineteen hundred and ninety-four.

Approved January 14, 1993.

Chapter 386. AN ACT FURTHER REGULATING EMPLOYMENT AND ENCOURAGING THE SITING OF CERTAIN FEDERAL FACILITIES IN THE COMMONWEALTH.

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

Be it enacted, etc., as follows:

SECTION 1. Chapter 300 of the acts of 1992 is hereby amended by striking out section 1A and inserting in place thereof the following section:-

Section 1A. To provide for the projects and expenditures provided for in section two the sum set forth in said section two for the several purposes and subject to the conditions specified under the provisions of this act are hereby made available, and the secretary for administration and finance is hereby authorized and directed to expend such sums, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2. Said chapter 300 is hereby further amended by inserting after section 8 the following two sections:-

Section 8A. To meet the expenditures necessary to carry out the provisions of section two of this act, 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 to exceed, in the aggregate, the sum of one hundred million dollars.

Said bonds shall only be issued and sold upon final approval by the United States Congress of the recommendation of Defense Base Closure and Realignment Commission to locate said Finance and Accounting Services Facility in the town of Southbridge.

All bonds issued by the commonwealth as aforesaid shall be designated on their face with the words "Federal Facilities Procurement Act of 1992" and shall be issued for such maximum term of years not exceeding thirty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than December thirty-first, two thousand and twenty-seven. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds issued under the authority of this section and the interest thereon shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

Section 8B. The state treasurer may borrow from time to time on the credit of

the commonwealth such sums of money as may be necessary for the purpose of meeting payments authorized by sections two to eight, inclusive, of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and five.

Notes and interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth. All payments on account of principal and interest on said notes shall be repaid from the General Fund.

Approved January 14, 1993.

Chapter 387. **AN ACT AUTHORIZING THE TOWN OF SAUGUS TO CONVEY CERTAIN OPEN-SPACE LAND.**

Be it enacted, etc., as follows:

The town of Saugus is hereby authorized to convey three parcels of open-space land located in said town for affordable housing purposes. Said parcels are designated as parcels C, Q and T on a deed to said town from the commonwealth dated August twelfth, nineteen hundred and eighty-seven recorded in the southern district of the Essex county registry of deeds, Book 9430, Pages 294-297. Said conveyance shall be free and clear of any restrictions placed in said deed by the commonwealth.

Approved January 14, 1993.

Chapter 388. **AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE CITY OF PITTSFIELD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO COZZI, INC. D/B/A RUFO'S VARIETY.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority in the city

of Pittsfield is hereby authorized to issue a license for the sale of all alcoholic beverages not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight to Cozzi, Inc., d/b/a Rufo's Variety. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except section seventeen; provided, however, that the seasonal all alcoholic beverage license held by Cozzi, Inc. d/b/a Rufo's Variety shall be surrendered; and provided, further, that the total number of seasonal licenses that the local licensing authority of the city of Pittsfield may issue pursuant to the provisions of said section seventeen shall be reduced by one.

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

Approved January 14, 1993.

Chapter 389. **AN ACT EXEMPTING THE POSITIONS OF SEALER OF WEIGHTS AND MEASURES, CHIEF DEPUTY SEALER OF WEIGHTS AND MEASURES AND DEPUTY SEALER OF WEIGHTS AND MEASURES IN THE CITY OF NEWTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The positions of sealer of weights and measures, chief deputy sealer of weights and measures and deputy sealer of weights and measures in the city of Newton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding a position as sealer of weights and measures, chief deputy sealer of weights and measures, or deputy sealer of weights and measures in the city of Newton on the effective date of this act.

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

Approved January 14, 1993.

Chapter 390. **AN ACT EXEMPTING THE POSITION OF POLICE CHIEF IN THE TOWN OF RANDOLPH FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The position of police chief of the town of Randolph shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed in the position of police chief of the town of Randolph on the effective date of this act.

Approved January 14, 1993.

Chapter 391. AN ACT EXEMPTING THE POSITION OF TOWN ACCOUNTANT IN THE TOWN OF RANDOLPH FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of town accountant of the town of Randolph shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed in the position of town accountant of the town of Randolph on the effective date of this act.

Approved January 14, 1993.

Chapter 392. AN ACT AUTHORIZING THE TOWN OF EASTON TO TRANSFER CONTROL OF CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

The town of Easton is hereby authorized, subject to the approval of the secretary of environmental affairs, to transfer care, custody and control of certain parcels of land in said town which were acquired for conservation purposes from the conservation commission to the water division of the department of public works for the construction of a pump house and the installation of four well sites. Said parcels are shown on a plan of land entitled, "Plan to Show Water Division Land at Wheaton Well Sites, Easton, Mass.", dated January seventeenth, nineteen hundred and ninety-two which is on file in the office of said water division.

Approved January 14, 1993.

Chapter 393. AN ACT RELATIVE TO THE BELCHERTOWN HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital planning and operations is hereby authorized, notwithstanding the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws to sell and convey by deed, a certain parcel of land or a portion thereof located in the town of Belchertown, along with easements for the benefit of such parcel for access, drainage and utilities as deemed necessary by the commissioner to the Belchertown Housing Authority, subject to the requirements of sections two to four and to such additional terms and conditions as the commissioner may prescribe in consultation with the department of mental retardation. Said parcel is shown as Lot 65A on Assessors Map 9, prepared by Cartographic Associates, Inc., December 31, 1987 and on file in the assessors office in the town of Belchertown.

SECTION 2. The Belchertown Housing Authority shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the commissioner for the disposition of this property.

SECTION 3. No deed conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such deed provides that said property shall be used for low income housing and housing for people with special needs.

SECTION 4. In the event that the property described in section one is not used for the purposes described in section three within five years of the effective date of this act, said property shall revert to the commonwealth under such terms and conditions as the commissioner may prescribe.

SECTION 5. Chapter 402 of the acts of 1990 is hereby amended by adding the following section:-

Section 5. The commissioner of the division of capital planning and operations is hereby authorized to grant access, drainage and utility easements for the benefit of the parcel of land described in section one, as deemed necessary by the commissioner, through a certain parcel of land located in the town of Belchertown to the Belchertown Housing Authority subject to such terms and conditions as the commissioner may prescribe in consultation with the department of mental retardation and, if deemed appropriate by the commissioner, subsequently to convey a fee interest in said parcel and in the land thirty feet on either side of said parcel as it currently exists, provided that the town of Belchertown has agreed to accept and maintain said parcel as a public way. All easement areas described herein are shown on a plan entitled "Plan of Proposed Easement And Right-Of-Way In Belchertown, Massachusetts Prepared For the Inhabitants Of The Town Of Belchertown" dated June 22, 1992 and prepared by Almer Huntley, Jr. & Associates, Inc.

Emergency Letter: January 14, 1993 @ 12:59 P.M. Approved January 14, 1993.

Chapter 394. AN ACT RELATIVE TO GARAGE KEEPER LIENS.

Be it enacted, etc., as follows:

Section 25 of chapter 255 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following two paragraphs:-

In any instance where a lien arises under this section for charges due that are to be paid or reimbursed by an insurance company licensed in the commonwealth, upon written notice by the holder of such lien to the insurance company, the check or draft issued by such insurance company for such charges shall name the holder of the lien, together with the holder of a security interest as defined by ARTICLE 9 of chapter one hundred and six, as a loss payee, unless otherwise provided by law. The holder of a security interest that does not have priority over the lien established under this section shall be required to endorse any check or draft issued for payment of such charges by such insurance company over to the holder of such lien, whether or not such lien has then been released by the holder; provided, however, that the holder of a security interest other than the lien provided by this section, may, within two business days of notice of a request to endorse any such check require the owner of the vehicle to make said vehicle available for inspection at a time and place convenient to the owner and lienholder, to reinspect the repaired vehicle, and, as a prerequisite for such endorsement, the holder of such security interest may require the holder of the lien established under this section to provide it with an itemized list of repairs and other services which it certifies, in writing, have been completed or provided, and a copy of any repair certification form required by law to be provided to the insurance company.

Nothing in this section shall affect or modify the provisions of any direct payment plans implemented by an insurer pursuant to section thirty-four O of chapter ninety.

Approved January 14, 1993.

Chapter 395. AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE CITY OF PITTSFIELD TO ISSUE A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO TRUFFLES AND SUCH, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority in the city of Pittsfield is hereby authorized to issue a license for the sale of all alcoholic

beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight to Truffles and Such, Inc. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight, except said section seventeen; provided, however, that the seasonal all alcoholic beverage license held by Truffles and Such, Inc. shall be surrenderd; and provided, further, that the total number of seasonal licenses that the local licensing authority of the city of Pittsfield may issue pursuant to the provisions of said section seventeen shall be reduced by one.

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

Approved January 14, 1993.

Chapter 396. AN ACT PROVIDING FOR A MANDATORY TERM OF IMPRISONMENT FOR CERTAIN DRUG OFFENSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 395 of the acts of 1991 is hereby amended by striking out, in line 3, the words "clause (2)" and inserting in place thereof the words:- clause (3).

SECTION 2. Section 32E of chapter 94C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 87 and 89, each time it appears, the word "twenty-eight" and inserting in place thereof, in each instance, the word:- fourteen.

SECTION 3. Paragraph (c) of said section 32E of said chapter 94C, as so appearing, is hereby further amended by striking out clauses 1 to 3, inclusive, and inserting in place thereof the following four clauses:-

(1) Fourteen grams or more but less than twenty-eight grams, be punished by a term of imprisonment in the state prison for not less than five nor more than twenty years. No sentence imposed under the provisions of this clause shall be for less than a mandatory minimum term of imprisonment of five years and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(2) Twenty-eight grams or more but less than one hundred grams, be punished by a term of imprisonment in the state prison for not less than seven nor more than twenty years. No sentence imposed under the provisions of this clause shall be for less than a mandatory minimum term of imprisonment of seven years and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed, but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(3) One hundred grams or more but less than two hundred grams, be punished by a term of imprisonment in the state prison for not less than ten nor more than twenty years. No sentence imposed under the provisions of this clause shall be for less than the mandatory minimum term of imprisonment of ten years, and a fine of not less than ten thousand nor more than one hundred thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established therein.

(4) Two hundred grams or more, be punished by a term of imprisonment in the state prison for not less than fifteen nor more than twenty years. No sentence imposed under the provisions of this clause shall be for less than a mandatory minimum term of imprisonment of fifteen years and a fine of not less than fifty thousand nor more than five hundred thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established therein.

Approved January 14, 1993.

Chapter 397. AN ACT RELATIVE TO REDUCTION IN RANK FOR EMPLOYEES OF THE POLICE FORCE IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-three of chapter thirty-one of the General Laws or the first sentence of section thirty-nine of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, if a permanent employee of the police force of the city of Quincy 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 such 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 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 any permanent employee from service on such force.

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

Approved January 14, 1993.

Chapter 398. AN ACT FURTHER REGULATING THE ADJUDICATION OF JUVENILES CHARGED WITH MURDER.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 58 of chapter 119 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If a child is adjudicated 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 it deems appropriate 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 attains the age of eighteen, or age nineteen in the case of a child whose case is disposed of after he has attained his eighteenth birthday; provided, however, that a child adjudicated a delinquent child by reason of having violated section one of chapter two hundred and sixty-five shall be committed in accordance with the provisions of section seventy-two.

SECTION 2. Section 60 of said chapter 119, as amended by section 1 of chapter 488 of the acts of 1991, is hereby amended by striking out, in lines 7 and 8, the words "in determining bail and in imposing sentence in any criminal proceeding".

SECTION 3. The fifth paragraph of section 61 of said chapter 119, as appearing in section 188 of chapter 286 of the acts of 1992, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the offense alleged is murder in the first or second degree, the commonwealth may proceed by filing a complaint in juvenile court or in a juvenile session of a district court, as the case may be, or by indictment as provided by chapter two hundred and seventy-seven.

SECTION 4. The third paragraph of section 72 of said chapter 119, as appearing in section 7 of chapter 488 of the acts of 1991, is hereby amended by inserting after the word "child", in line 1, the following words:- who has passed his fourteenth birthday.

SECTION 5. Said section 72 of said chapter 119, as so appearing, is hereby further amended by adding the following paragraph:-

The court shall not suspend the commitment of a child adjudicated to be a delinquent child by reason of having violated section one of chapter two hundred and sixty-five; nor shall the provisions of section one hundred and twenty-nine, one hundred and twenty-nine C or one hundred and twenty-nine D of chapter one hundred and twenty-seven apply to such commitment.

SECTION 6. Said chapter 119 is hereby further amended by striking out section 83, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 83. The indictment of any person bound over under section sixty-one shall be tried before the superior court in the same manner as any criminal proceeding and, upon conviction, such person may be sentenced to such punishment as is provided by law for the offense, or placed on probation, with or without a suspended sentence for such period of time and under such conditions as the court may order. If such person has not attained his eighteenth birthday prior to a finding or plea of guilty for an offense, other than a violation of section one of chapter two hundred and sixty-five, the superior court may, in its discretion and in lieu of a judgment of conviction and sentence, adjudicate such person as a delinquent child and make such disposition as may be made by a district court or a juvenile court under section fifty-eight.

SECTION 7. The last paragraph of section 4 of chapter 263 of the General Laws, added by section 10 of chapter 488 of the acts of 1991, is hereby amended by adding the following sentence:- The clerk of the superior court in which an indictment of such juvenile is returned shall promptly remit the indictment to the clerk of the juvenile court or the juvenile session of the district court, as the case may be, in which such indictment is to be tried.

Emergency Letter: January 14, 1993 @ 4:18 P.M. Approved January 14, 1993.

Chapter 399. AN ACT PROVIDING FOR AN EARLY RETIREMENT INCENTIVE PROGRAM FOR CERTAIN EMPLOYEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for an early retirement incentive program for employees of authorities and districts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 133 of the acts of 1992 is hereby amended by striking out section 48 and inserting in place thereof the following section:-

Section 48. Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special law to the contrary, and upon the acceptance of this section by the legislative and executive authority within a city, town, county or an authority or district within a city, town or county retirement system, the provisions of this section providing for a retirement program for city, town, or county members of a retirement system shall apply to a member who is a Group 1, Group 2, or Group 4 employee as defined in section three of said chapter thirty-two, who is a member of the appropriate city, town or county retirement

system and who (*i*) shall be an employee of the city, town, county, authority or district, or an active member-in-service of such retirement system on the effective date of this section, (*ii*) shall be eligible to receive a superannuation retirement allowance in accordance with the provisions of subdivision (1) of section five or subdivision (1) of section ten of said chapter thirty-two upon the effective retirement date specified in his written application to said board and (*iii*) shall have filed a written application after July first, nineteen hundred and ninety-two, but no later than July fifteenth, nineteen hundred and ninety-three to retire for superannuation as of the date which shall be specified in such application; provided, however, that said date for retirement shall be no earlier than September first, nineteen hundred and ninety-two and no later than forty-five days after the acceptance of this act by the city, town, county, authority or district. For the purposes of this section the legislative authority shall mean a town meeting in a town, the city council in a city, the county advisory board in a county other than the counties of Suffolk, Nantucket and Barnstable in which cases the county commissioners shall serve as the legislative authority or in the county of Hampshire in which case the county advisory council shall serve as the legislative authority, the governing body of the authority in an authority, and the district meeting in a district; and the executive authority shall mean the board of selectmen in a town, the mayor in a city, and the county commissioners in a county. Said program shall be administered by the appropriate city, town or county retirement system, which shall also promulgate regulations to implement the provisions of said program.

Notwithstanding the foregoing, no city, town, county, authority or district within a city, town or county may adopt the provisions of this section unless said city, town or county has established a retirement system funding schedule pursuant to the provisions of section twenty-two D of chapter thirty-two of the General Laws or subdivision (6A) of section twenty-two of said chapter thirty-two prior to December thirty-first, nineteen hundred and ninety-two or adopts the provisions of section twenty-two D of said chapter thirty-two after December thirty-first, nineteen hundred and ninety-two.

Notwithstanding any provisions of said chapter thirty-two to the contrary, the normal yearly amount of the retirement allowance for an eligible employee who is employed by a city, town, county, authority or district which accepts the applicable provisions of this act and who has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (*a*) of subdivision (2) of section five of said chapter thirty-two, shall be based on the average annual rate of regular compensation as determined under said paragraph (*a*) and shall be computed according to the table contained in said paragraph (*a*) based on the age of such member and his number of years and full months of creditable service at the time of his retirement increased by up to five years of age or by up to five years of creditable service or by a combination of

additional years of age and service the sum of which shall not be greater than five; provided, however that the executive authority in a city, town, county, authority or district may limit the amount of additional credit for service or age or a combination of service or age offered and the number of employees for whom it will approve a retirement calculated under the provisions of this section; provided, further that if participation is limited, the retirement of employees with greater creditable service shall be approved before approval is given to employees with lesser creditable service.

For the purpose of this section words shall have the same meanings as in chapter thirty-two of the General Laws, unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with the provisions of this section shall be deemed to be retired for superannuation under the provision of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two.

The total normal yearly amount of the retirement allowance, as determined in accordance with the provisions of section five of said chapter thirty-two, of any employee who retires and receives an additional benefit under the retirement incentive program in accordance with the provisions of this section shall not exceed four-fifths of the average annual rate of his regular compensation received during any period of three consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater.

The commissioner of the public employee retirement administration shall analyze, study, and valuate the costs and the actuarial liabilities attributable to the additional benefits payable in accordance with the provisions of this section of the retirement incentive program established by this section for each retirement system; provided, however, that said commissioner shall file a report in writing of his findings to the board on or before December thirty-first, nineteen hundred and ninety-three, and shall send a copy thereof to the county commissioners, the mayor, the board of selectmen, the governing body of an authority, or the district committee as the case may be; provided, further, that said reports shall be filed with the joint committee on public service on or before December thirty-first, nineteen hundred and ninety-three.

The applicable retirement board shall prepare a funding schedule which shall reflect the costs and the actuarial liabilities attributable to the additional benefits payable under the retirement incentive program in accordance with the provisions of this section and said schedule shall be designed to reduce the applicable retirement system's additional pension liability attributable to such costs and

liabilities to zero on or before June thirtieth, two thousand and eight; provided, however, that in preparing such schedule, the board shall consider the analysis of the commissioner of public employee retirement administration filed in accordance with the provisions of this section; and provided, further, that said board shall triennially update such schedule until said June thirtieth, two thousand and eight. Said board shall file such funding schedule with the joint committee on public service and the house and senate committees on ways and means on or before March first, nineteen hundred and ninety-four, and shall file updates thereto triennially on or before March first of each year. In each of the fiscal years until the actuarial liability determined under this section shall be reduced to zero, it shall be deemed an obligation of the applicable city, town, county, authority or district to fund such liability and there shall be appropriated to the applicable pension reserve fund in each such fiscal year the amount required by the funding schedule and the updates thereto.

SECTION 2. Section 22D of chapter 32 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 8 to 13, inclusive, the words ", that no such funding schedule shall be adopted which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; provided further".

SECTION 3. Said section 22D of said chapter 32, as so appearing, is hereby further amended by striking out, in line 39, the word "ninety-one" and inserting in place thereof the following word:- ninety-five.

SECTION 4. Said section 22D of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 71 and 72, the words "December thirty-first, nineteen hundred and ninety" and inserting in place thereof the following words:- June thirtieth, nineteen hundred and ninety-four.

SECTION 5. Subdivision (4) of said section 22D of said chapter 32, as so appearing, is hereby amended by striking out paragraph (e).

SECTION 6. Notwithstanding the provisions of clause (*i*) of paragraph (*c*) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws or any other general or special law to the contrary, in any retirement system having accepted the provisions of section twenty-two D of said chapter thirty-two prior to December thirty-first, nineteen hundred and ninety-two, the amount determined by the actuary of the public employee retirement administration on or before December fifteenth, nineteen hundred and ninety-one as the required payments into the pension fund of such retirement system for the fiscal year commencing July first, nineteen hundred and ninety-two, in accordance with said clause (*i*), shall be revised in accordance with the amount required in an actuarial funding schedule which fulfills the requirements of subdivision (1) of said section twenty-two D of said chapter thirty-two and has been approved by said actuary. Such revised

amount shall be in accordance with such approved actuarial funding schedule; provided, however, that any such schedule shall be submitted to said actuary on or before January fifteenth, nineteen hundred and ninety-three and the resulting revised appropriations shall be issued by said actuary no later than January thirty-first, nineteen hundred and ninety-three.

Approved January 14, 1993.

Chapter 400. AN ACT RELATIVE TO THE PROTECTION OF CONDOMINIUM RESIDENTS.

Be it enacted, etc., as follows:

SECTION 1. It is hereby found and declared by the general court that a serious public emergency exists within the commonwealth with respect to the housing of a substantial number of residents of condominiums, created pursuant to chapter one hundred and eighty-three A. This emergency has been created by a policy of disinvestment by unit owners who are no longer paying their lawfully assessed share of the common expenses. Without the payment of these common expenses, condominium buildings are falling into physical and financial disrepair, causing neighborhood blight, and jeopardizing the public health, safety, and welfare. It is therefore necessary that the general court take action to aid condominium associations.

SECTION 2. Section 1 of chapter 183A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the definition of "Condominium", the following three definitions:-

"Declarant", the person or any other entity and its successors or assigns who submits land or the lessee's interest in any lease in land to this chapter pursuant to section two hereof.

"Leasehold condominium", a condominium created by the submission of a lessee's interest in a lease pursuant to this chapter.

"Manager", the managing agent, the trustees in a self-managed condominium, or any other person or entity who performs or renders management or administrative services to the organization of unit owners, including but not limited to preparation of budgets and other financial documents; the collecting, controlling, disbursing, accounting or custody of common funds; obtaining insurance; conducting meetings of the organization of unit owners; arranging for and coordinating maintenance and repair; or otherwise overseeing the day to day operations of the condominium for the organization of unit owners.

SECTION 3. Said section 1 of said chapter 183A, as so appearing, is hereby further amended by inserting after the definition of "Organization of unit owners",

the following definition:

"Replacement reserve fund", a separate and segregated portion of the common funds of the organization of unit owners which shall be used to replace, restore, or rebuild common areas and facilities.

SECTION 4. Said section 1 of said chapter 183A, as so appearing, is hereby further amended by striking out the definition of "Unit owner", and inserting in place thereof the following definition:-

"Unit owner", the person or other entity owning a unit, including the declarant.

SECTION 5. Said chapter 183A is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. This chapter shall apply only when the owner of the land or the lessee of the land submits such owner's or lessee's interest in the land hereof by duly executing and recording a master deed with an assent by the lessor in the case of a leasehold condominium, containing a statement to the effect that the owner or lessee proposes to create a condominium to be governed by the provisions of this chapter, provided that, in the case of a leasehold condominium, the term of such lease shall not be less than sixty years, from the date on which the condominium was submitted to the provisions of this chapter. The provisions of this chapter shall not be deemed to preclude or regulate the creation or maintenance of other interests in real property not expressly declared by the owner or lessee to be subject thereto. For purposes of this section, the holder of a license granted by the department of environmental protection under the provisions of chapter ninety-one for development of commonwealth tidelands shall be deemed the owner of the land, and the licensee shall be deemed the holder of a sufficient interest in real estate to be submitted to and governed by the provisions of this chapter. The provisions of this chapter relating to the creation of leasehold condominiums shall apply only to leasehold condominiums created after April sixth, nineteen hundred and ninety-three.

SECTION 6. Section 4 of said chapter 183A, as so appearing, is hereby amended by adding the following three subsections:

(4) Each unit owner shall provide to the organization of unit owners and to each mortgagee holding a recorded mortgage upon the unit, within sixty days of the effective date of this subsection or at the time of acquisition of title to the unit, whichever comes later, written notice of the unit owner's name and mailing address. Thereafter, the unit owner shall provide written notice to the organization and said mortgagees of any changes in the name or mailing address previously provided by the unit owner. The organization and mortgagees may rely in good faith upon the most recent notice of name and address for the purpose of providing notices to the unit owner under this chapter or under provisions of the loan documents or condominium documents, and such notices sent in writing to the address listed in the most recent notice of name and address, if relied upon in good

faith, shall be deemed sufficiently given, provided that the organization or mortgagee, as the case may be, has complied with other requirements, if any, of this chapter and the loan or condominium documents.

(5) The organization of unit owners shall provide to each mortgagee holding a recorded mortgage upon a unit, within sixty days of the effective date of this subsection or at the time the unit owner acquires title to the unit, whichever comes later, written notice of the organization's name and mailing address. Thereafter, the organization shall provide written notice to each mortgagee of any changes in the name or mailing address previously provided by the organization. Each mortgagee shall provide to the organization, within sixty days of the effective date of this section, or at the time of acquisition of title to a unit upon which the mortgagee has a recorded mortgage, whichever comes later, written notice of the mortgagee's name and mailing address. Thereafter, each mortgagee shall provide written notice to the organization of any changes in the name or mailing address previously provided by the mortgagee. The organization and mortgagees may rely in good faith upon the most recent notice of name and address for the purpose of providing notices to the organization and mortgagees, as the case may be, under this chapter or under the provisions of the loan documents or condominium documents, and such notices sent in writing to the address listed in the most recent notice of name and address, if relied upon in good faith, shall be deemed sufficiently given, provided that the organization or mortgagee, as the case may be, has complied with other requirements, if any, of this chapter and the loan or condominium documents.

(6) Each unit owner shall provide in writing to the organization of unit owners the name or names of any tenants or occupants of the unit, other than visitors for less than thirty days.

SECTION 7. Section 6 of said chapter 183A, as most recently amended by chapter 8 of the acts of 1992, is hereby further amended by striking out subsections (a) and (b) and inserting in place thereof the following two subsections:-

(a) (i) Except as provided in clause (ii) herein, all common expenses must be assessed against all units in accordance with their respective percentages of undivided interest in the common areas and facilities. The organization of unit owners shall have a lien on a unit for any common expense assessment levied against that unit from the time the assessment becomes due. Common expense assessments must be made at least annually, based on a budget adopted at least annually in accordance with the master deed, trust, or by-laws.

(ii) If any expense is incurred by the organization of unit owners as a result of the unit owner's failure to abide by the requirements of this chapter or the requirements of the master deed, trust, by-laws, restrictions, rules or regulations, or by the misconduct of any unit owner, or his family members, tenants, or invitees, the organization of unit owners may assess that expense exclusively against the unit

owner and such assessment shall constitute a lien against that unit from the time the assessment is due, and such assessment shall be enforceable as a common expense assessment under this chapter. The organization of unit owners may also assess any fees, attorneys' fees, charges, late charges, fines, costs of collection and enforcement, court costs, and interest charged pursuant to this chapter against the unit owner and such assessment shall constitute a lien against the unit from the time the assessment is due, and shall be enforceable as common expense assessments under this chapter.

(iii) Common profits shall be distributed among unit owners in the same manner as common expenses are charged to the unit owners.

(b) The unit owner shall be personally liable for all sums assessed for his share of the common expenses including late charges, fines, penalties, and interest assessed by the organization of unit owners and all costs of collection including attorneys' fees, costs, and charges.

SECTION 8. Subsection (c) of said section 6 of said chapter 183A is hereby amended by striking out the first paragraph and inserting in place thereof the following two paragraphs:-

A lien under this section shall be enforced in the manner provided in sections five and five A of chapter two hundred and fifty-four. Such lien is prior to all other liens and encumbrances on a unit except (i) liens and encumbrances recorded before the recordation of the master deed, (ii) a first mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent, and (iii) liens for real estate taxes and other municipal assessments or charges against the unit. This lien is also prior to the mortgages described in clause (ii) above to the extent of the common expense assessments based on the budget adopted pursuant to subsection (a) which would have become due in the absence of acceleration during the six months immediately preceding institution of an action to enforce the lien and to the extent of any costs and reasonable attorneys' fees incurred in the action to enforce the lien, provided however, that the amount of attorneys' fees incurred prior to January first, nineteen hundred and ninety-three which shall be prior to the mortgage described in clause (ii) above shall be limited to no more than two thousand and five hundred dollars; provided, however, that the organization of unit owners which brings an action to enforce its lien shall have informed the first mortgagee of the organization's intent to bring said action at least thirty days prior to the date upon which said action was filed; and, provided further, that payment of the assessments with respect to such six month period, and to the extent of any costs or reasonable attorneys' fees incurred in said action, shall serve to discharge such lien to the extent that such lien is prior to such mortgages described in clause (ii) above. This subsection shall not affect the priority of mechanics' or materialmen's liens, or the priority of liens or other assessments made by the organization of unit owners. Recording of the master deed constitutes

record notice and perfection of this lien; no further recordation of any claim of lien for assessment under this section is required.

Neither this section nor anything contained in sections five or five A of chapter two hundred and fifty-four shall be deemed to prohibit actions to recover sums for which this subsection creates a lien or to prohibit an organization of unit owners from taking a deed in lieu of enforcement of the lien created by this section.

SECTION 9. Subsection (c) of said section 6 of said chapter 183A is hereby amended by striking out the first paragraph, as appearing therein, and inserting in place thereof the following three paragraphs:-

When any portion of the unit owner's share of the common expenses has been delinquent for at least sixty days subsequent to April 1, 1993, the organization of unit owners shall send a notice stating the amount of the delinquency to the unit owner by certified and first class mail. The organization of unit owners shall also send a notice stating the amount of the delinquency to the first mortgagee by certified and first class mail, provided, that the first mortgagee has informed the organization of unit owners of its name and mailing address. Futhermore, thirty days prior to the filing of an action by the organization of unit owners to enforce its lien for delinquent common expenses, the organization of unit owners shall send a notice stating its intention to file said action to the first mortgagee by certified and first class mail, provided that the first mortgagee has informed the organization of unit owners of its name and mailing address.

A lien under this section shall be enforced in the manner provided in sections five and five A of chapter two hundred and fifty-four. Such lien is prior to all other liens and encumbrances on a unit except (i) liens and encumbrances recorded before the recordation of the master deed, (ii) a first mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent, and (iii) liens for real estate taxes and other municipal assessments or charges against the unit. This lien is also prior to the mortgages described in clause (ii) above to the extent of the common expense assessments based on the budget adopted pursuant to subsection (a) above which would have become due in the absence of acceleration during the six months immediately preceding institution of an action to enforce the lien and to the extent of any costs and reasonable attorneys' fees incurred in the action to enforce the lien, provided however, that the amount of attorneys' fees incurred prior to January 1, 1993 which shall be prior to the mortgage described in clause (ii) above shall be limited to no more than two thousand and five hundred dollars, and provided further, that payment of the assessments with respect to such six month period, and to the extent of any costs or reasonable attorneys' fees incurred in said action, shall serve to discharge such lien to the extent that such lien is prior to such mortgages described in clause (ii) above. The priority amount shall not include any amounts attributable to special assessments, late charges, fines, penalties, and interest assessed by the organization

of unit owners. The failure of the organization of unit owners to send the first mortgagee either the notice of sixty day delinquency of common expenses, as described above, or the thirty day notice of intent to file an action to enforce the lien for delinquent common expenses, as described above, shall not affect the priority lien of the organization of unit owners for up to six months' common expenses, but the priority amount shall not include any costs or attorneys' fees incurred in the action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens or other assessments made by the organization of unit owners. Recording of the master deed constitutes record notice and perfection of this lien; no further recordation of any claim of lien for assessment under this section is required.

Neither this section nor anything contained in sections five or five A of chapter two hundred and fifty-four shall be deemed to prohibit actions to recover sums for which this subsection creates a lien or to prohibit an organization of unit owners from taking a deed in lieu of enforcement of the lien created by this section.

SECTION 10. Said section 6 of said chapter 183A is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) A statement from the organization of unit owners setting forth the amount of unpaid common expenses and any other sums which have been assessed against a unit owner, including a statement of the amount which the organization of unit owners claims is entitled to priority with respect to any mortgage under subsection (c), shall operate to discharge the unit from any lien for other sums then unpaid when recorded in the appropriate registry of deeds; provided, however, that any statement or document issuing from an unincorporated organization of unit owners may be recorded in a registry of deeds and if so recorded shall indicate and specify therein the book and page, or document number if registered land, within such registry of the instrument from which the signatory or signatories of the statement obtained authority to sign on behalf of the unincorporated organization. The statement shall be furnished within ten business days after receipt of a written request and shall be binding on the organization of unit owners, the governing body of the organization of unit owners, and every unit owner.

SECTION 11. Said chapter 183A is hereby amended by striking out section 7, and inserting in place thereof the following section:-

Section 7. No unit owner may exempt himself from liability for his contribution toward the common expenses by waiver of the use or enjoyment of any of the common areas and facilities or by abandonment of the unit or otherwise; and no unit owner shall be entitled to an offset, deduction, or waiver of common expenses or other charges levied or lawfully assessed by the organization of unit owners.

SECTION 12. Subsection (i) of section 8 of said chapter 183A is hereby amended by adding the following three sentences:- Changes in the trustees or members of the managing board, as the case may be, or changes in the mailing

address of the organization of unit owners subsequent to the recording of the master deed, shall be stated in a certificate signed and acknowledged by at least one trustee or member of the managing board then appearing of record, or by a vote of the unit owners, and signed and acknowledged by one of them, and such certificate or vote shall be recorded in the registry of deeds or land registration office where the real estate is located. Persons may rely in good faith upon the master deed, declaration of trust, or the most recently recorded certificate or vote as to the names of the trustees or members of the managing board and the address of the organization of unit owners. Notices under this chapter sent in writing to the address listed in the master deed, declaration of trust, or the most recently recorded certificate or vote, if relied upon in good faith, shall be deemed sufficiently given; provided, however, that the person or entity sending the notice has complied with other requirements, if any, of this chapter.

SECTION 13. Subsection (b) of section 10 of said chapter 183A is hereby amended by inserting after paragraph (4) the following paragraph:-

(5) To impose charges or to charge interest for the late payment of common expense assessments or other charges, and to levy reasonable fines for violations of the master deed, trust, by-laws, restrictions, rules or regulations of the organization of unit owners.

SECTION 14. Said section 10 of said chapter 183A is hereby further amended by striking out subsections (c) to (e), inclusive, and inserting in place thereof the following twelve subsections:-

(c) The organization of unit owners may appoint a manager or managing agent or be self-managed by their elected trustees or managing board. The organization of units owners shall keep a complete copy of the following items, except when the organization shall appoint a manager or managing agent who has responsibility for the collection of assessments, payment of common expenses, or the accounting or custody of common funds, in which case the manager or managing agent shall be responsible, without limitation, for keeping the records in item (4) below:

(1) a true and accurate copy of the master deed as recorded and amended;

(2) the by-laws, including amendments thereto, as recorded;

(3) the minute book, as maintained by the organization of unit owners, to the extent such minutes are kept; and

(4) financial records, including the following:

(i) records of all receipts and expenditures, invoices and vouchers authorizing payments, receivables, and bank statements relating thereto;

(ii) records regarding the replacement reserve fund or any other funds of the organization of unit owners and bank statements relating thereto;

(iii) audits, reviews, accounting statements, and financial reports relating to the finances of the organization of unit owners;

(iv) contracts for work to be performed for or services to be provided to the

organization of unit owners; and

(v) all current insurance policies of the organization of unit owners, or policies which name the organization as insured or obligee.

Such records shall be kept in an up-to-date manner within the commonwealth and shall be available for reasonable inspection by any unit owner or by any mortgagee holding a recorded first mortgage on a unit during regular business hours and at such other times as may be provided in the agreement between the manager or managing agent and the organization of unit owners. Access to said records shall include the right to photocopy said records at the expense of the person or entity making the request.

Such records, and all other records to be maintained by the manager or managing agent in accordance with any agreement between the organization of unit owners and said manager or managing agent, shall be the property of the organization of unit owners. The organization shall be entitled, during regular business hours, to receive and review such records, upon request, at any time during the term of the agreement. The manager or managing agent shall give to the organization of unit owners all books, records, funds, and accounts in the possession of the manager or managing agent upon termination of the agreement. All records shall be retained for a period of at least seven years.

(d) The party responsible for keeping the records in clause (4) of subsection (c) shall be responsible for preparing a financial report to be completed within one hundred and twenty days of the end of the fiscal year, including without limitation a balance sheet, income and expense statement, and a statement of funds available in the various funds of the organization. A copy of such financial report shall be made available to all unit owners within thirty days of its completion, and shall be made available upon request to any mortgagee holding a recorded mortgage on a unit in the condominium.

An independent certified public accountant shall conduct, according to the standards of the American Institute of Certified Public Accountants, a review of the financial report for any condominium comprising fifty or more units, except as provided in subsection (m).

In the case of condominiums comprising fewer than fifty units, an independent certified public accountant shall conduct, according to the standards of the American Institute of Certified Public Accountants, a review of the financial report, if so voted by a majority in beneficial interest of the unit owners at a meeting duly convened in accordance with the by-laws of the condominium, and the cost of said review shall be paid as a common expense of the organization.

A unit owner or mortgagee holding a recorded mortgage on a unit in the condominium shall be allowed to have a review or audit prepared at its own expense, such expense to include, but not be limited to, reasonable expenses incurred by the manager directly related to the preparation of the review or audit.

The organization of unit owners and the manager or managing agent shall fully cooperate in providing the information needed to perform the review or audit.

A not-for-profit community development corporation, housing partnership, or other not-for-profit entity established for the purpose of creating or establishing affordable housing may request a copy of the financial report described earlier in this subsection by making such request in writing to the owner of a unit with whom said community development corporation, housing partnership, or other entity entered into a legally enforceable, good faith and bona fide offer to purchase said unit, which offer grants said community development corporation, housing partnership, or other entity the right to inspect said documentation as a condition to the purchase of said unit. In such case, said unit owner may obtain said documentation from the organization of unit owners, the manager, or managing agent of the condominium, and may transmit the documents to said community development corporation, housing partnership, or other entity.

(e) In any contract between a manager or managing agent and an organization of unit owners, the organization shall have a right to terminate the contract for cause with ten days' notice, during which time the manager or managing agent shall have an opportunity to cure. The organization shall in no case be required to provide more than ninety days' notice if the contract is terminated without cause.

(f) If the organization of unit owners appoints a manager or managing agent who has responsibility for the collection of assessments, payment of common expenses, or the accounting or custody of common funds, then the manager or managing agent shall be responsible for keeping the records listed in clause (4) of subsection (c), and shall:

(1) render at least monthly, or less frequently in accordance with subsection (m), but in no case less frequently than quarterly, a written report to the trustees or the managing board of the organization of unit owners detailing all receipts and expenditures on behalf of the organization, including beginning and ending balances and copies of all relevant bank statements and reconciliations for the replacement reserve fund and any other funds of the organization for which the manager or managing agent has responsibility; and

(2) maintain a separate and distinct account or accounts for each of the following: the replacement reserve fund and any other fund of the organization for which the manager or managing agent has responsibility. These funds shall not be commingled with the assets of the manager or managing agent or with the assets of any other person or any other entity. These funds shall not be subject to the claims of any creditor of the manager or managing agent or its successor in interest including a secured creditor or trustee in bankruptcy, and shall not be subject to the claims of any creditor of any other person or any other entity.

(g) Any reserve account of the organization of unit owners shall require all checks to be signed by one member of the governing board or the organization

in addition to the managing agent, if one exists, unless there is a written agreement to the contrary between the organization of unit owners and the managing agent. The governing board shall designate a member or members to be the approved signatories on such checks. The requirements of this subsection may be modified pursuant to subsection (m).

(h) The organization of unit owners in condominiums of more than ten units must secure and maintain, at its own cost and expense, blanket fidelity insurance coverage insuring against the dishonest acts of any person, trustee, manager, managing agent or employee, or the organization of unit owners who is responsible for handling organizational funds, in an amount equal to at least one-fourth of the annual assessments, excluding special assessments. Such fidelity insurance policy per its definition of employee must specifically include the manager or managing agent or provide for same by an endorsement to the fidelity policy. Such fidelity insurance must name the organization of unit owners as the insured and include a provision requiring ten days' written notice to the organization or manager, in the event of cancellation or substantial modification.

The manager or managing agent shall be the designated agent on the fidelity insurance policy, and the fidelity insurance policy shall be the property and for the sole benefit of the organization of unit owners.

The manager or managing agent must maintain, at its sole cost and expense, its own fidelity insurance with substantially the same form of coverage.

The requirements of this subsection may be modified pursuant to subsection (m) of this section.

(i) All condominiums shall be required to maintain an adequate replacement reserve fund, collected as part of the common expenses and deposited in an account or accounts separate and segregated from operating funds. The requirements of this subsection may be modified pursuant to subsection (m) of this section.

(j) The declarant shall not use any funds of the organization to fund expenses relating to the initial construction, development, and marketing of the project, to pay the declarant's share of common expenses, or to pay for any costs that are not directly related to the operation of the condominium.

(k) The organization of unit owners shall designate a person or entity who shall oversee the maintenance and repair of the common areas of the condominium. The organization of unit owners shall notify all unit owners in writing of the name and phone number of the person or entity designated to oversee maintenance and repair of the common areas, and shall notify all unit owners whenever there is a change in said person or entity.

In cases where a unit owner rents a unit to a tenant, the owner of said unit shall designate a person or entity who shall oversee the maintenance and repair of said unit. At the commencement of any tenancy, the unit owner shall notify the tenant

and the organization of unit owners in writing of the name and phone number of said person or entity, and shall notify the tenant in writing of the name and phone number of the person or entity designated to oversee maintenance and repair of the common areas. The unit owner shall notify the tenant and the organization of unit owners in writing whenever there is a change in the person or entity designated to oversee maintenance and repair of the unit, and shall notify the tenant in writing whenever the unit owner is notified of a change in the person or entity designated to oversee maintenance and repair of the common areas.

(l) The manager or managing agent, the president, the chairperson, or a majority of the governing board of the condominium may, when so empowered, act for the organization of unit owners and references herein to the organization of unit owners shall include such person or persons when so empowered.

(m) After control of the condominium has been transferred from the declarant to the organization of unit owners, the organization may by an annual vote of sixty-seven percent in beneficial interest or more of the unit owners modify any or all of the following provisions: the requirement regarding the review of financial records for condominiums comprising fifty or more units in the second paragraph of subsection (d); the frequency with which written reports must be prepared by the manager or management agent pursuant to clause (1) of subsection (f); the signature requirements in subsection (g); the requirement for fidelity insurance coverage in subsection (h); and the reserve fund requirement of subsection (i); provided, however, that any such modification may be rescinded at any time by the vote of a majority in beneficial interest of the unit owners.

(n) If the organization of unit owners is a trust or unincorporated association, an instrument signed by a majority of the trustees or of the managing board named in the master deed and duly attested as the act of such trust or association may be relied on as conclusively establishing that such instrument was the free act of the trust or association, and shall be binding upon such trust or association when recorded. No purchaser, mortgagee, lender, or other person dealing with the trustees or managing board of the association, as they appear of record, shall be bound to ascertain or inquire further as to the persons who are then trustees or members of the managing board nor be affected by any notice, implied or actual, relative thereto, other than a recorded certificate thereof, and such recorded certificate shall be conclusive evidence of the personnel of said trustees or members of the managing board and of any changes therein.

SECTION 15. Paragraph (a) of section 21 of said chapter 183A, as most recently amended by chapter 554 of the acts of 1991, is hereby further amended by striking out clause (6) and inserting in place thereof the following clause:-

(6) Terms and conditions differing from or exempting the condominium from subsection (c) of section six, subsections (c) to (k), inclusive, and (m) of section ten, and sections seventeen, eighteen, and nineteen, or any of them, regarding

limited lien priority for outstanding common expenses, payment of outstanding common expenses by tenants, rebuilding made necessary by fire or other casualty loss, the making of improvements and the allocations of the costs of such rebuilding or improvements, and the removal of the condominium or portion thereof from the provisions of this chapter; and in such case such terms and conditions so provided in the by-laws shall take precedence over such provisions of said subsection (c) of section six, subsections (c) to (k), inclusive, and (m) of section ten, and sections seventeen, eighteen, or nineteen to the extent inconsistent therewith.

SECTION 16. Chapter 167D of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after section 32 the following section:-

Section 32A. Any bank or federally chartered bank may establish an account or accounts to receive deposits from a manager or managing agent acting as a trustee for funds received and held by such trustee pursuant to paragraph (2) of subsection (f) of section ten of chapter one hundred and eighty-three A. Such account or accounts may be established as required by said section ten for the purpose of holding condominium funds taken by a manager or managing agent, but the terms of said account or accounts shall be such as to place said deposit beyond the claim of a creditor of the manager or managing agent, including a foreclosing mortgagee or trustee in bankruptcy, and as will provide for the transfer of said deposit to the organization of unit owners or subsequent manager or managing agent, as determined by the organization of unit owners. Interest accruing on said deposit shall be paid to the organization of unit owners pursuant to the terms of the deposit. Withdrawals and payments made by the bank or federally chartered bank from said account or accounts shall discharge the liability of said bank or federally chartered bank to all persons.

SECTION 17. The third paragraph of section 5A of chapter 254 of the General Laws, as so appearing, is hereby amended by adding the following two sentences:- Notwithstanding the foregoing, the premises shall be deemed to have been sold, and the deed thereunder shall convey the premises, as otherwise provided above but free of said first mortgages, if as of the date of such sale there are unpaid common expense assessments, costs, or reasonable attorneys' fees the lien for which is given priority over said first mortgages in subsection (c) of section six of chapter one hundred and eighty-three A. Any sale pursuant to this section shall convey the premises free of any right of redemption.

SECTION 18. Within ninety days after the effective date of this act, the organization of unit owners shall record in the registry of deeds or land registration office where the real estate is located, a certificate, signed and acknowledged by a majority of the trustees or members of the managing board or a vote of the unit owners signed and acknowledged by a majority of the trustees or members of the managing board, stating the names of the trustees or members of the managing

board and the mailing address of the organization of unit owners, if such information differs from the information most recently recorded.

SECTION 19. This act shall take effect on April sixth, nineteen hundred and ninety-three.

Approved January 14, 1993.

Chapter 401. AN ACT EXEMPTING THE POSITION OF DIRECTOR OF VETERANS' SERVICES OF THE CITY OF PITTSFIELD FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the position of director of veterans' services of the city of Pittsfield shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved January 14, 1993.

Chapter 402. AN ACT RELATIVE TO PUBLIC REPORTING OF CORPORATE TAX INFORMATION AND ANALYSIS OF CERTAIN TAX EXPENDITURES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the public reporting of corporate tax information and analysis of certain tax expenditures, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Subsection (b) of section 5 of chapter 29 of the General Laws, is hereby amended by striking out the paragraph added by section 5 of chapter 255 of the acts of 1992.

SECTION 2. Section twelve A of chapter sixty-two C of the General Laws, inserted by section one of said chapter two hundred and fifty-five, is hereby repealed.

SECTION 3. Subsection (b) of section 21 of said chapter 62C, as most recently amended by section 2 of said chapter 255, is hereby further amended by striking

out clause (15).

SECTION 4. Section twenty-one A of said chapter sixty-two C, inserted by section three hundred and ninety-four of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two, is hereby repealed.

SECTION 5. Said chapter 62C is hereby further amended by inserting after section 81 the following two sections:-

Section 82. (a) The commissioner annually shall prepare and publish an aggregate statistical report of taxes collected from corporations and other businesses, other than marine insurance companies, taxable under section twenty-nine A of chapter sixty-three, that are (i) taxable under any provision of chapter sixty-three and (ii) required to file a return under section eleven or twelve of this chapter.

(b) The report shall contain the following tax return information:

(1) the aggregate amount of tax collected under chapter sixty-three;

(2) the aggregate amount of each credit, deduction, exemption and exclusion allowed under chapter sixty-three that results in a tax expenditure by the commonwealth, provided that the report need not contain such information with respect to (i) any deduction, exemption, or exclusion, allowed under the Internal Revenue Code and adopted by the commonwealth, that results in a tax expenditure by the commonwealth of less than five million dollars for the calendar year to which the report relates or (ii) any credit, deduction, exemption, or exclusion, that is determined separately from any credit, deduction, exemption, or exclusion allowed under the Internal Revenue Code that results in a tax expenditure by the commonwealth of less than one million dollars for the calendar year to which the report relates.

(3) such other aggregate information as the commissioner deems appropriate.

(c) For purposes of the report, the relevant aggregate tax return information designated under subsection (b) shall be stated separately for taxpayers within each of several major industry groups determined by the commissioner. In addition, such information shall be stated separately for each of the ranges of amounts of relevant items included in the reports required under section eighty-three as such ranges are determined by the commissioner.

(d) Each report shall be based on a period of one calendar year and shall include returns for the taxable years beginning during that calendar year. The report for each period shall be issued within three calendar years of the end of such period; provided, however, that the initial report required by this section shall be issued by December thirty-first, nineteen hundred and ninety-three and shall be based on tax return information relating to taxable years beginning during the calendar year nineteen hundred and ninety. Notwithstanding any other provision of this section, information not required to be reported on Massachusetts tax returns need not be included in reports relating to taxable years beginning before January first, nineteen

hundred and ninety-three, and information regarding the amount of any excess tax credit or credits subject to carry-over to future taxable years and the amount of domestic life insurance company income subject to apportionment need not be included in reports relating to taxable years beginning before January first, nineteen hundred and ninety-two.

(e) Nothing in this section shall allow or require the commissioner to disclose the identity of any taxpayer that provides tax return information included in the report required by this section.

Section 83. (a) (i) Every corporation that is required to file both a report pursuant to section thirteen or section fifteen of the Securities and Exchange Act of 1934 and successor acts and a tax return pursuant to section eleven of this chapter and (ii) every bank and every insurance company that is required to file both a report pursuant to the Securities and Exchange Act of 1934 and successor acts or Title 12 of the United States Code or under section seven of chapter one hundred and sixty-seven or section twenty-six of chapter one hundred and sixty-eight or section eighteen of chapter one hundred and seventy or section twenty-two of chapter one hundred and seventy-two or section twenty-five of chapter one hundred and seventy-five and a tax return pursuant to paragraphs (a), (d), or (e) of section twelve of this chapter shall report on March first, nineteen hundred and ninety-five and on March first of each year thereafter to the state secretary certain information as specified herein from such tax return or other document on a form prepared by the state secretary containing information as specified herein from its most recently filed tax return or other document filed on or before the prior June thirtieth. Such form shall be treated as a report for the purpose of section one hundred and twelve of chapter one hundred and fifty-six B, section nine of chapter one hundred and eighty-one, and sections seven and eight of chapter one hundred and sixty-seven and as part of the annual report for purposes of section twenty-six of chapter one hundred and seventy-five, and such report or amended report shall be maintained by the state secretary as a public record.

(b) The forms of report prepared by the state secretary shall be made available to tax payers required to report under this section no later than November first, nineteen hundred and ninety-three and on November first of each year thereafter.

(c) In the case of corporations that are required to report under this section, such form shall require the reporting of the following information, provided that where two or more corporations file a combined return of income all numerical information shall be reported on a combined basis and the names and addresses of all such corporations shall be listed:

(1) the name of the taxpayer;

(2) the location, including street address, of the principal office;

(3) gross receipts or sales, as reported on item 1 of schedule E of form 355A or 355B, or the sum of items 1 of schedule E of form 355C-A or 355C-B;

(4) either (a) gross profit, as reported on item 2 of schedule E of form 355A or 355B, or the sum of items 2 of schedule E of form 355C-A or 355C-B, or (b) any excess tax credit or credits subject to carry-over to future years, as determined by adding the amount reported on item 28 of schedule H of form 355A or 355B and the amount reported on item 25 of schedule RC of form 355A or 355B, or the sum of items 28 of schedule H of form 355C-A or 355C-B and the sum of items 30 of schedule RC-A of form 355C-A or 355C-B;

(5) income subject to apportionment, as reported on item 13 of schedule E of form 355A or 355B, or the sum of items 13 of schedule E of form 355C-A or 355C-B;

(6) income taxable in Massachusetts as reported on item 18 of schedule E of form 355A or 355B, or column g of item 18 of schedule E of form 355C-A, or 355C-B;

(7) total non-income tax excise as reported on item 3 of form 355A or 355B, or the sum of items 3 of form 355C-A or 355C-B; and

(8) the excise due, as reported on item 15 of form 355A or 355B, or the sum of items 15 of form 355C-A or 355C-B.

(d) In the case of banks required to report under this section, such form shall require the reporting of:

(1) the name of the taxpayer;

(2) the location, including street address, of the principal office;

(3) net interest income as reported on line 3 of schedule RI-Income Statement of the Report of Condition and Income filed with the federal financial institutions examination council or comparable reports filed with the office of thrift supervision;

(4) income taxable in Massachusetts as reported on item 7 on form 63 B.T.C.; and

(5) total Massachusetts excise or tax due, as reported on item 8 on form 63 B.T.C.

(e) In the case of domestic life insurance companies required to report under this section, such form shall require the reporting of:

(1) the name of the taxpayer;

(2) the location, including street address, of the principal office;

(3) gross receipts or sales as reported on the company's National Association of Insurance Commissioners Annual Statement, determined by adding the amounts reported in columns 3, 4 and 5 of line 98 of schedule T of said statement and the amounts reported on the summary of operations on lines 2 and 6 of page 4 of said statement;

(4) income subject to apportionment as reported on item 7 of schedule C of form DL-2;

(5) premiums and income taxable in Massachusetts as determined by adding (i) items 10 and 11 of part 1 of form DL-1 or item 12 of part 2 of schedule DL-1A and (ii) item 2 of form DL-2; and

(6) total Massachusetts excise or tax due as determined by adding item 8 of form

DL-1 and item 4 of form DL-2.

(f) In the case of domestic property and casualty insurance companies required to report under this section, such form shall require the reporting of:

(1) the name of the taxpayer;

(2) the location, including street address, of the company's principal office;

(3) gross receipts or sales as reported on the company's National Association of Insurance Commissioners Annual Statement, determined by adding the amounts reported in columns 2 and 8 of line 98 of schedule T of said Annual Statement and the amounts reported on the Underwriting and Investment Exhibit Statement of Income on line 12 of page 4 of said Annual Statement;

(4) premiums and income taxable in Massachusetts as determined by adding item 5 of part I of form 63-22 and item 10 of part II of form 63-22; and

(5) total Massachusetts excise or tax due as reported on item 6 of form 63-22.

(g) In the case of foreign life insurance companies required to report under this section, such form shall require the reporting of:

(1) the name of the taxpayer;

(2) the location, including street address of the principal office;

(3) gross receipts or sales as reported on the company's National Association of Insurance Commissioners Annual Statement, determined by adding the amounts reported in columns 3, 4 and 5 of line 98 of schedule T of said Annual Statement and the amounts reported on the Summary of Operations on lines 2 and 6 of page 4 of said Annual Statement;

(4) premiums taxable in Massachusetts as determined by adding (i) the larger of item 7 of part 1 or column A of part 2 of form 63-20-23 and (ii) the larger of item 12 of part 1 or column B of part 2 of form 63-20-23; and

(5) total Massachusetts excise or tax due as reported on item 9 of form 63-20-23.

(h) In the case of foreign property and casualty insurance companies required to report under this section, such form shall require the reporting of:

(1) the name of the taxpayer;

(2) the location, including street address of the principal office;

(3) gross receipts or sales as reported on its National Association of Insurance Commissioners Annual Statement, determined by adding the amounts reported in columns 2 and 8 of line 98 of Schedule T of said Annual Statement and the amounts reported on the Underwriting and Investment Exhibit Statement of Income on line 12 of page 4 of said Annual Statement;

(4) premiums taxable in Massachusetts as reported on item 5 of form 63-23; and

(5) total Massachusetts excise or tax due as reported on item 10 of form 63-23.

(i) In the case of preferred provider companies required to report under this section, such form shall require the reporting of:

(1) the name of the taxpayer;

(2) the location, including street address of the principal office;

(3) gross receipts or sales as reported on line 1 of schedule A, of Internal Revenue Service form 1120-PC;

(4) income taxable in Massachusetts as reported on item 3 of form 176-I; and

(5) total Massachusetts excise or tax due as reported on item 4 of form 176-I.

(j) Any taxpayer required to report under this section which chooses to supplement the foregoing information with additional information may do so on the form provided by the state secretary.

(k) For purposes of this section, all references to tax return or other forms, schedules and items are to the Massachusetts department of revenue or other forms, schedules and items used for taxable or other reporting years beginning during calendar year nineteen hundred and ninety-one. Should any such tax return or other form, schedule or item change for any subsequent taxable year, the state secretary, in consultation with the department of revenue, shall amend the form of report to require the reporting of the amount contained in the form, schedule or item used for such subsequent year that corresponds to the form, schedule and item referenced herein.

(l) Where the amount of any item reported under this section changes, the taxpayer shall, within thirty days of the final determination of such change, file an amended report in a form prescribed by the state secretary.

(m) The state secretary shall make available for public inspection by April first, nineteen hundred and ninety-four and by April first of each year thereafter a list of all taxpayers which are required to file under subsection (a).

SECTION 6. Notwithstanding the provisions of section eighty-three of chapter sixty-two C of the General Laws, inserted by section five of this act, every corporation, bank and insurance company required to report to the state secretary pursuant to said section eighty-three, shall file an initial report in accordance with the provisions of said section eighty-three on or before December thirty-first, nineteen hundred and ninety-three.

Approved January 14, 1993.

Chapter 403. AN ACT CONFORMING THE GENERAL LAWS TO THE CONSTITUTIONAL AMENDMENT ABOLISHING THE STATE CENSUS.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 237, the words "state or".

SECTION 2. Sections 7, 7A and 9 of chapter 9 of the General Laws are hereby repealed.

SECTION 3. Section 6 of chapter 34A of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in line 27, the words "or state".

SECTION 4. Section 18 of chapter 40B of the General Laws, as so appearing, is hereby amended by striking out, in line 71, the words "state or".

SECTION 5. Section 20 of said chapter 40B, as so appearing, is hereby amended by inserting after the word "latest", in line 34, the word:- federal.

SECTION 6. Section 1 of chapter 40F of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the word "appropriate" and inserting in place thereof the word:- federal.

SECTION 7. Section 70 of chapter 41 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "or state".

SECTION 8. Section 2 of chapter 43 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word "state" and inserting in place thereof the word:- federal.

SECTION 9. Section 128 of said chapter 43, as so appearing, is hereby amended by striking out, in line 4, the word "state" and inserting in place thereof the word:- federal.

SECTION 10. Section 6 of chapter 51 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words "or state".

SECTION 11. Chapter 54 of the General Laws is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. In the year nineteen hundred and ninety-two, and every tenth year thereafter, no later than June fifteenth, a city, by vote of its city council may, or if the existing wards in such city do not contain, as nearly as can be ascertained, an equal number of inhabitants, shall make a new division of its territory into such number of wards as may be fixed by law. Any such vote of a city council hereunder dividing a city into wards shall, at the same time, divide each ward into such number of precincts as is required by section two. Not later than July first in such year the city clerk shall give written notice to the state secretary of the number and designation of wards and precincts provided for in this section and in section two, together with an official map and description of said wards and precincts indicating, as nearly as can be ascertained, the numbers of inhabitants residing therein. The provisions of this section and section two shall not apply to any city which has a special law to the contrary covering the procedure for the division of wards and precincts.

The state secretary shall make available to the local election districts review commission, for its scrutiny, the written notices, maps and descriptive information submitted to him by city clerks in reference to the new or unrevised wards and precincts of their respective cities under this section. If the said commission shall find that any such plan of new or unrevised wards or precincts of any city conflicts

with the applicable requirements of this chapter, or is of questionable constitutionality, it shall transmit a written notice of such findings, with a clear indication of the deficiencies of such plan, to the mayor of such city, or in a city having a council-manager form of government to the city manager, not later than September first immediately following. Said mayor or city manager shall, within fifteen days following his receipt of such notice, present to the city council of such city his recommendations for a division of the city into wards and precincts free of the defects cited by the commission. If the city council shall fail to ordain such division, or a substitute division, conformable to this chapter within twenty days after said presentation by said mayor or city manager, he shall issue forthwith, not later than October fifteenth immediately following, an executive order making a division of said city into wards and precincts subject to the approval of the local election districts review commission which shall take effect according to the provisions of this chapter, as though it had been ordained by the city council.

SECTION 12. Said chapter 54 is hereby further amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Each city shall be divided into convenient voting precincts, designated by numbers or letters and containing not more than four thousand inhabitants. Every ward shall constitute a voting precinct by itself, or shall be divided into precincts containing as nearly as may be an equal number of inhabitants, consisting of compact and contiguous territory entirely within the ward, and bounded, so far as possible, by the center line of known streets or ways or by other well defined limits that constitute block boundaries recognized by the United States bureau of the census. If a ward constituting one precinct contains more than four thousand inhabitants, the aldermen shall divide it into two or more voting precincts. They may so divide a ward or precinct containing less than four thousand inhabitants. Except as provided in section one, when new precincts are established, the new division shall take effect on the thirty-first day of December next following.

Notwithstanding any authorization or requirement of this chapter, any precinct established or remaining unchanged following the decennial federal census shall remain unchanged for the purpose of forming congressional, representative, senatorial or councillor districts based on said census until the formation thereof as aforesaid, and if such precinct is within a ward the territory of which in such formation is included in two or more congressional, representative, senatorial or councillor districts, shall remain unchanged for the purpose of electing such officers so long as such districts are required by the constitution to be used for such purpose.

SECTION 13. Section 4 of said chapter 54, as appearing in the 1990 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

All regular municipal elections and primaries held in any city after it has been redivided into wards or into any districts for electing city officers shall be held in such city as redivided.

SECTION 14. Said chapter 54 is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. In the year nineteen hundred and ninety-two and every tenth year thereafter, no later than June fifteenth, the board of selectmen of every town of less than six thousand, two hundred inhabitants may, on their own motion, or shall, when so directed by the town meeting, and the board of selectmen of every town having six thousand, two hundred or more inhabitants shall, divide the town in the manner hereinafter provided into convenient voting precincts. Any voting precincts so established hereunder shall be composed of compact and contiguous territory. The selectmen shall, so far as possible, make the center line of streets or ways, or other well defined limits that constitute block boundaries recognized by the United States bureau of the census, the boundaries of such precincts, and shall designate them by numbers or letters.

In any town of six thousand, two hundred or more inhabitants, each precinct established hereunder shall contain, as nearly as may be, an equal number of inhabitants, but not more than four thousand inhabitants. The times and procedures required by this section for precincts shall also apply to any district for electing town councillors, school committee members, representative town meeting members, or other town officers, notwithstanding any general or special law or charter to the contrary.

Such division of a town into precincts shall be made by the board of selectmen setting forth an official description of the precincts so established, together with a statement of the number of inhabitants residing in each precinct as nearly as such number may be determined. The board of selectmen shall also cause an official map of the precincts established by them hereunder to be prepared. Upon the adoption by the board of selectmen of a town of such a division, the town clerk shall transmit forthwith to the state secretary, not later than July first of the year in which such division is authorized or required to be made under this section, a copy of said division, together with an official map of said precincts and a statement by the board of selectmen of the number of inhabitants in each such precinct, as nearly as such number may be determined. The state secretary shall make the same available to the local election districts review commission for its scrutiny. If said commission shall find that any plan of town precincts established under this section conflicts with the applicable provisions of this chapter, or is of questionable constitutionality, it shall transmit a written notice of such findings, with a clear indication of the deficiencies of such plan, to the board of selectmen of the town not later September first of said year. The board of selectmen of such town shall make a new or revised division of the town into precincts in the manner and within

the time prescribed by said commission, but not later than September twentieth of said year.

If any town consisting of one precinct and having six thousand, two hundred or more inhabitants, which is required to be divided into precincts under this section shall not be so divided within the time specified above, the local election districts review commission shall, no later than October fifteenth make such division of the town into precincts conforming with the standards set forth in this section. The commission may appoint a master who shall, within fifteen days, make such division of the town into precincts, said division to be subject to approval by the commission and to amendment by it.

SECTION 15. Section 9 of said chapter 54, as appearing in the 1990 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Any such discontinuance shall be subject to the second paragraph of section nine A.

SECTION 16. Said chapter 54 is hereby further amended by striking out section 9A and inserting in place thereof the following section:-

Section 9A. All regular municipal elections and primaries held in any town after it has been redivided into precincts or into any districts for electing town officers shall be held in such town as redivided.

Any precinct established or remaining unchanged following the decennial federal census shall remain unchanged for the purpose of forming congressional, representative, senatorial or councillor districts based on said census until the formation of the districts aforesaid, and, if such precinct is in a town the territory of which in such formation is included in two or more congressional, representative or senatorial districts, shall remain unchanged for the purpose of electing such officers as long as such districts are required by the constitution to be used for such purpose.

SECTION 17. Section 24 of said chapter 54, as most recently amended by section 9 of chapter 234 of the acts of 1991, is hereby further amended by inserting after the third sentence the following sentence:- In any city or town, if the polling places for two or more precincts are located in the same building and the total number of registered voters in any such two or more precincts does not exceed three thousand, only one set of election officers need be appointed for such precincts, but separate ballot boxes and voting lists for each precinct shall be used.

SECTION 18. Section 23 of chapter 60 of the General Laws, as appearing in the 1990 Official Edition, is hereby further amended by striking out, in line 26, the words "or state".

SECTION 19. Section 2 of chapter 70 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out the paragraph in lines 100 to 105 and inserting in place thereof the following paragraph:-

"Persons who reside in a city or town", the population of the city or town as

enumerated in the most recent official federal census.

SECTION 20. Section 4 of chapter 71 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "census, state or national" and inserting in place thereof the words:- federal census.

SECTION 21. Section 33A of chapter 98 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the word "state" and inserting in place thereof the word:- federal.

SECTION 22. Section 22 of chapter 101 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 and 19, the words "census, state or national" and inserting in place thereof the words:- federal census.

SECTION 23. Section 25A of said chapter 111, as so appearing, is hereby amended by striking out, in line 19, the words "and state".

SECTION 24. Section 27C of said chapter 111, as so appearing, is hereby amended by striking out, in line 5, the words "state or".

SECTION 25. Section 1 of chapter 111H of the General Laws, as so appearing, is hereby amended by striking out, in lines 119 and 120, the words "decennial census conducted pursuant to section seven of chapter nine" and inserting in place thereof the words:- federal census.

SECTION 26. Section 11 of chapter 115 of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the words "state or".

SECTION 27. Section 18D of chapter 121A of the General Laws, as so appearing, is hereby amended by inserting, in line 76, after the word "latest" the word:- federal.

SECTION 28. Section 17 of chapter 138 of the General Laws, as so appearing, is hereby amended by striking out the paragraph in lines 121 to 124, and inserting in place thereof the following paragraph:-

The population of any city or town for the purposes of this section shall be that enumerated in the most recent federal census.

SECTION 29. Section 18 of chapter 147 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "census, state or national" and inserting in place thereof the words:- federal census.

SECTION 30. Section 63 of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out, in line 26, the words "or state".

SECTION 31. The first paragraph of section 10 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in line 35, the words "or state".

SECTION 32. Section 39 of said chapter 218, as so appearing, is hereby amended by striking out, in line 9, the words "or state".

SECTION 33. Section 4 of chapter 234 of the General Laws, as so appearing, is hereby amended by striking out, in line 50, the words "census, state or national" and inserting in place thereof the words:- federal census.

SECTION 34. Any reference to the state census in any statute, charter, regulation, agreement, or other document shall be taken to mean the most recent federal census.

SECTION 35. Notwithstanding section 11 of this act, in the year nineteen hundred and ninety-three, no later than February first, a city, by vote of its city council may, or if the existing wards in such city do not contain, as nearly as can be ascertained, an equal number of inhabitants, shall make a new division of its territory into such number of wards as may be fixed by law. Any such vote of a city council hereunder dividing a city into wards shall, at the same time, divide each ward into such number of precincts as is required by section two of chapter fifty-four. Not later than February first in such year the city clerk shall give written notice to the state secretary of the number and designation of wards and precincts provided for in this section and in section two of chapter fifty-four, together with an official map and description of said wards and precincts indicating, as nearly as can be ascertained, the numbers of inhabitants residing therein. The provisions of this section shall not apply to any city which has a special law to the contrary covering the procedures for the division of wards and precincts.

The state secretary shall make available to the local election districts review commission, for its scrutiny, the written notices, maps descriptive information submitted to him by city clerks in reference to the new or unrevised wards and precincts of their respective cities under this section. If the said commission shall find that any such plan of new or unrevised wards or precincts of any city conflicts with the applicable requirements of this chapter, or is of questionable constitutionality, it shall transit a written notice of such findings, with a clear indication of the deficiencies of such plan, to the mayor of such city, or in a city having a council-manager form of government to the city manager, not later than February twenty-second. Said mayor or city manager shall, within seven days following his receipt of such notice, present to the city council of such city his recommendations for a division of the city into wards and precincts free of the defects cited by the commission. If the city council shall fail to ordain such division, or a substitute division, conformable to this chapter within ten days after said presentation by said mayor or city manager, he shall issue forthwith, not later than March thirty-first immediately following, an executive order making a division of said city into wards and precincts subject to the approval of the local election districts review commission which shall take effect according to the provisions of this chapter, as though it had been ordained by the city council. The provisions of this section shall not apply to any city which has a special law to the contrary covering the procedures for the division of wards and precincts.

SECTION 36. Notwithstanding section 14 of this act, in the year nineteen hundred and ninety-three no later than February first, the board of selectmen of every town of less than six thousand, two hundred inhabitants may, on their own

motion, or shall, when so directed by the town meeting, and the board of selectmen of every town having six thousand, two hundred or more inhabitants shall, divide the town in the manner hereinafter provided into convenient voting precincts. Any voting precincts so established hereunder shall be composed of compact and contiguous territory. The selectmen shall, so far as possible, make the center line of streets or ways, or other well defined limits that constitute block boundaries recognized by the United States bureau of the census, the boundaries of such precincts, and shall designate them by numbers or letters.

In any town of six thousand, two hundred or more inhabitants, each precinct established hereunder shall contain, as nearly as may be, an equal number of inhabitants, but not more than four thousand inhabitants. The times and procedures required by this section for precincts shall also apply to any district for electing town councillors, school committee members, representative town meeting members, or other town officers, notwithstanding any general or special law or charter to the contrary.

Such division of a town into precincts shall be made by the board of selectmen setting forth an official description of the precincts so established, together with a statement of the number of inhabitants residing in each precinct as nearly as such number may be determined. The board of selectmen shall also cause an official map of the precincts established by them hereunder to be prepared. Upon the adoption by the board of selectmen of a towns of such a division, the town clerk shall transmit forthwith to the state secretary, not later than February first of the year in which such division is authorized or required to be made under this section, a copy of said division, together with an official map of said precincts and a statement by the board of selectmen of the number of inhabitants in each such precinct, as nearly as such number may be determined. The state secretary shall make the same available to the local election districts review commission for its scrutiny. If said commission shall find that any plan of town precincts established under this section conflicts with the applicable provisions of this chapter, or is of questionable constitutionality, it shall transmit a written notice of such findings, with a clear indication of the deficiencies of such plan, to the board of selectmen of the town not later than February twenty-second of said year. The board of selectmen of such town shall make a new or revised division of the town into precincts in the manner and within the time prescribed by said commission, but not later than March ninth of said year.

If any town consisting of one precinct and having six thousand, two hundred or more inhabitants, which is required to be divided into precincts under this section shall not be so divided within the time specified above, the local election districts review commission shall, no later than March thirty-first make such division of the town into precincts conforming with the standards set forth in this section. The commission may appoint a master who shall, not later than March thirty-first,

make such division of the town into precincts, said division to be subject to approval by the commission and to amendment by it.

Approved January 14, 1993.

Chapter 404. AN ACT RELATIVE TO CERTAIN INSURANCE COVERAGE FOR OFF-LABEL USES OF PRESCRIPTION DRUGS USED FOR THE TREATMENT OF CANCER.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 47J, inserted by section 509 of chapter 133 of the acts of 1992, the following two sections:-

Section 47K. No individual policy of accident and sickness insurance issued pursuant to section one hundred and eight which provides coverage for prescription drugs, nor any group blanket policy of accident and sickness insurance issued pursuant to section one hundred and ten which provides coverage for prescription drugs, shall exclude coverage of any such drug used for the treatment of cancer on the grounds that the off-label use of the drug has not been approved by the United States Food and Drug Administration for that indication; provided, however, that such drug is recognized for treatment of such indication in one of the standard reference compendia, or in the medical literature, or by the commissioner under the provisions of section forty-seven L.

Any coverage of a drug required by this section shall also include medically necessary services associated with the administration of the drug.

This section shall not be construed to alter existing law with regard to provisions limiting the coverage of drugs that have not been fully licensed or approved by the United States Food and Drug Administration nor shall this section create an exclusionary presumption or inference concerning other appropriate medically accepted indications.

This section shall not be construed to require coverage for any drug when the United States Food and Drug Administration has determined its use to be contraindicated for cancer.

This section shall not be construed to require coverage for experimental drugs not otherwise approved for any indication by the United States Food and Drug Administration.

For the purpose of this section, and section forty-seven L, the following words shall have the following meanings unless the context clearly requires otherwise:-

"Medical literature", published scientific studies appearing in any peer-reviewed national professional journal.

"Off-label use", a prescription drug used in the treatment of cancer which has been approved by the United States Food and Drug Administration and such drug is used for indications other than those approved by said Food and Drug Administration.

"Standard reference compendia", (a) the United States Pharmacopoeia Drug Information; (b) the American Medical Association Drug Evaluations; or (c), the American Hospital Formulary Service Drug Information.

Section 47L. The commissioner shall establish a panel of six medical experts to review off-label uses, so-called, for prescription drugs for the treatment of cancer not included in any of the standard reference compendia or in the medical literature and to advise said commissioner in such instances whether a particular off-label use is medically appropriate. The panel shall make such recommendations from time to time and whenever a particular dispute about payment for such off-label use is referred to the panel by the commissioner. The members of said panel shall include: (a) three medical oncologists selected by the state medical oncology association, (b) a physician selected by the Massachusetts medical association, (c) a physician selected by a hospital and medical service corporation and (d), a physician selected by the Massachusetts association of health maintenance organizations from a member plan.

The commissioner shall have the authority to direct any insurer to make payments, consistent with the recommendations of the panel, required by section forty-seven K, section eight N of chapter one hundred and seventy-six A, section four N of chapter one hundred and seventy-six B and section four E of chapter one hundred and seventy-six G.

SECTION 2. Chapter 176A of the General Laws is hereby amended by inserting after section 8M the following section:-

Section 8N. 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, which provides coverage for prescription drugs, shall provide as benefits to all individual subscribers and members and to all groups having a principal place of employment within the commonwealth, coverage for off-label uses of prescription drugs used in the treatment of cancer as defined in, and subject to the restrictions of, sections forty-seven K and forty-seven L of chapter one hundred and seventy-five.

SECTION 3. Chapter 176B of the General Laws is hereby amended by inserting after section 4M the following section:-

Section 4N. Any subscription certificate under an individual or group medical service agreement that shall be delivered, issued or renewed in the commonwealth which provides coverage for prescription drugs, shall provide as benefits to all individual subscribers and members and to all group members having a principal place of employment within the commonwealth, coverage for off-label uses of

prescription drugs used in the treatment of cancer as defined in, and subject to the restrictions of, sections forty-seven K and forty-seven L of chapter one hundred and seventy-five.

SECTION 4. Chapter 176G of the General Laws is hereby amended by inserting after section 4D the following section:-

Section 4E. A group health maintenance contract shall provide coverage for off-label uses of prescription drugs used in the treatment of cancer as set forth in sections forty-seven K and forty-seven L of chapter one hundred and seventy-five; provided, however, that neither the attending physician nor the health maintenance organization shall be liable in a suit for damages as a result of the acts or omissions of the attending physician or the health maintenance organization in connection with compliance with this section.

Approved January 14, 1993.

Chapter 405. AN ACT RELATIVE TO REDEMPTION OF EMPTY BEVERAGE CONTAINERS.

Be it enacted, etc., as follows:

SECTION 1. Section 323 of chapter 94 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following paragraph:-

(i) The obligations to accept or take empty beverage containers and to pay the refund value and handling fees for such containers as described in paragraphs (b), (c), (d) and (e) shall apply only to containers originally sold in the commonwealth as filled beverage containers. Any person who tenders to a dealer, distributor, redemption center or bottler more than ten cases of twenty-four empty beverage containers each, which he knows or has reason to know were not originally sold in the commonwealth as filled beverage containers, for the purpose of obtaining a refund value or handling fee, shall be subject to the enforcement action and civil penalties set forth in section three hundred and twenty-seven. For the purpose of this section and section three hundred and twenty-seven, the term person shall include any individual, partnership, corporation, or other combination or entity.

SECTION 2. Section 327 of said chapter 94, as so appearing, is hereby amended by inserting after the word "full", in line 11, the following words:- ; provided, however, that any person, including a bottler, distributor, redemption center or dealer, who violates the provisions of paragraph (i) of section three hundred and twenty-three shall be subject to a civil penalty of the greater of one hundred dollars for each container or twenty-five thousand dollars for each tender of containers.

Approved January 14, 1993.

Chapter 406. **AN ACTAFURTHER REGULATING THE RETIREMENT ALLOWANCE FOR THE SURVIVORS OF DONNA DEVLIN.**

Be it enacted, etc., as follows:

Section 1 of chapter 440 of the acts of 1991 is hereby amended by adding the following sentence:- Said retirement allowance shall be equal to the retirement allowance paid under sections twelve B and twenty-six of said chapter thirty-two.

Approved January 14, 1993.

Chapter 407. **AN ACT CLARIFYING THE POWERS OF HOUSING RECEIVERS.**

Be it enacted, etc., as follows:

SECTION 1. Section 127B of chapter 111 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by inserting after the word "mortgagee", in line 15, the following words:- or lienor.

SECTION 2. Said section 127B of said chapter 111, as so appearing, is hereby further amended by striking out, in lines 26 and 27, the words "by injunction or otherwise, to enforce the requirements of the board of health" and inserting in place thereof the following words:- to enforce the requirements of the board of health, by appointment of a receiver in accordance with the provisions of section one hundred and twenty-seven I, or by providing other equitable or legal relief.

SECTION 3. Said section 127B of said chapter 111, as so appearing, is hereby further amended by inserting after the word "mortgagee", in line 28, the following words:- or lienor.

SECTION 4. Said section 127B of said chapter 111, as so appearing, is hereby further amended by inserting after the word "court", in line 89, the following words:- , housing court, and district court.

SECTION 5. Section 127C of said chapter 111, as so appearing, is hereby amended by striking out, in line 8 and 9, the words "within the judicial district of which such building is situated" and inserting in place thereof the following words:- , housing court, or superior court.

SECTION 6. Said section 127C of said chapter 111, as so appearing, is hereby further amended by striking out, in line 16, the word "district".

SECTION 7. Section 127F of said chapter 111, as so appearing, is hereby amended by adding the following paragraph:-

In lieu of or in addition to any relief that may be provided under this section, the court may appoint a receiver under section one hundred and twenty-seven I.

SECTION 8. Said chapter 111 is hereby amended by striking out section 127G, as so appearing, and inserting in place thereof the following section:-

Section 127G. At any time after thirty days from the date of a district court's order authorizing the making of rental payments into court under section one hundred and twenty-seven F, upon application of any party and upon payment of a removal fee of five dollars, the clerk of the district court shall remove the case to the superior or housing court for further proceedings therein in the same manner and to the same extent as if the petition had originally been brought in said court. The clerk of court shall forthwith transmit any rents held by him, as the result of a written order issued under section one hundred and twenty-seven F together with the removal fee, to the clerk of the superior or housing court.

SECTION 9. Section one hundred and twenty-seven H of said chapter one hundred and eleven is hereby repealed.

SECTION 10. Said chapter 111 is hereby amended by striking out section 127I, as appearing in the 1990 Official Edition, and inserting in place thereof the following section:-

Section 127I. Upon the filing of a petition to enforce the provisions of the sanitary code, or any civil action concerning violations of the sanitary code by any affected occupants or a public agency, whether begun in the district, housing or superior court, and whether brought under section one hundred and twenty-seven C or otherwise, the court may: issue temporary restraining orders, preliminary or permanent injunctions; order payment by any affected occupants to the clerk of court, in accordance with the provisions of section one hundred and twenty-seven F; or appoint a receiver whose rights, duties and powers shall be specified by the court in accordance with the provisions of this section.

Upon receipt of service of any petition in which the appointment of a receiver is sought, the owner shall provide to the petitioner, within three days, a written list of all mortgagees and lienors of record. At least fourteen days prior to any hearing in any such proceeding, the petitioner shall send by certified or registered mail a copy of the petition to all mortgagees and lienors included in the owner's list as well as to all other mortgagees and lienors of which the petitioner may be aware, and shall notify them of the time and place of the hearing. Upon motion of the petitioner, the court may order such shorter periods of prior notice as may be justified by the facts of the case.

Whenever a petitioner shows that violations of the sanitary code will not be promptly remedied unless a receiver is appointed and the court determines that such appointment is in the best interest of occupants residing in the property, the court shall appoint a receiver of the property. Any receiver appointed under this paragraph may be removed by the court upon a showing that the receiver is not diligently carrying out the work necessary to bring the property into compliance with the code, or that it is in the best interest of any tenants residing in the property

that removal occur.

No receiver shall be appointed until the receiver furnishes a bond or such other surety and provides proof of such liability insurance as the court deems sufficient in the circumstances of the case. Upon appointment, the receiver shall promptly repair the property and maintain it in a safe and healthful condition. The receiver shall have full power to borrow funds and to grant security interests or liens on the affected property, to make such contracts as the receiver may deem necessary, and, notwithstanding any special or general law to the contrary, shall not be subject to any public bidding law nor considered a state, county or municipal employee for any purpose. In order to secure payment of any costs incurred and repayment of any loans for repair, operation, maintenance or management of the property, the receiver shall have a lien with priority over all other liens or mortgages except municipal liens, and such lien priority may be assigned to lenders for the purpose of securing loans for repair, operation, maintenance or management of the property. No such lien shall be effective unless recorded in the registry for the county in which the property is located.

The receiver shall be authorized to collect rents and shall apply the rents to payment of any repairs necessary to bring the property into compliance with the sanitary code and to necessary expenses of operation, maintenance, and management of the property, including insurance expenses and reasonable fees of the receiver, and then to payment of any unpaid taxes, assessments, penalties or interest. Any excess of income in the hands of the receiver shall then be applied to payments due any mortgagee or lienor of record.

Nothing in this section shall be deemed to relieve the owner of property of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner, nor shall appointment of a receiver suspend any obligation the owner or any other person may have for payment of taxes, of any operating or maintenance expense, or of mortgages or liens, or for repair of the premises.

The receiver shall be liable for injuries to persons and property to the same extent as the owner would have been liable; however, such liability shall be limited to the assets and income of the receivership, including any proceeds of insurance purchased by the receiver in its capacity as receiver. The receiver shall in no instance be personally liable for actions or inactions within the scope of the receiver's capacity as receiver. No suit shall be brought against the receiver except as approved by the court which appointed the receiver. Nothing herein shall be construed to limit the right of tenants to raise any counterclaims or defenses in any summary process or other action regarding possession brought by a receiver.

The remedies set forth herein shall be available to condominium unit owners and tenants in condominium units. Whenever used in this section, the term "petitioner" shall include a condominium unit owner or tenant, the term "owner" shall include a condominium association, the terms "mortgagees" and "lienors"

shall include mortgagees and lienors of individual condominium units, and the term "rents" shall include condominium fees. The receiver shall have the right to impose assessments upon individual condominium units for payment of expenses incurred in the exercise of his powers, which liens shall have priority over all other liens and mortgages, except municipal liens.

The receiver shall file with the court and with all parties of record, on a bimonthly basis, an accounting of all funds received by and owed to the receiver, and all funds disbursed, and shall comply with such other reporting requirements mandated by court, unless, for cause shown, the court determines that less frequent or less detailed reports are appropriate; provided that said notice shall not be less than five days.

SECTION 11. The first paragraph of paragraph (c) of section 6 of chapter 183A of the General Laws, as amended by chapter 8 of the acts of 1992, is hereby further amended by adding the following sentence:- In the event of the appointment of a receiver for the condominium pursuant to the provisions of chapter one hundred and eleven, the lien for charges imposed for the payment of expenses incurred by the receiver shall have priority over all other liens and mortgages, except municipal liens.

Approved January 14, 1993.

Chapter 408. AN ACT ESTABLISHING A WATER PRIVILEGE FEE IN THE TOWN OF MERRIMAC.

Be it enacted, etc., as follows:

SECTION 1. The town of Merrimac is hereby authorized to charge a permanent water privilege fee as established by this act. Said fee may be changed from time to time by vote of the water commissioners.

SECTION 2. Whenever a connection is made either directly or indirectly to the town water system or whenever the use of a waterline previously connected is subsequently changed as hereinafter provided, a permanent water privilege fee shall be assessed. Such fee shall be that which is in effect at the time the connection is made; or in the case of a change in use of a waterline previously connected, then the fee shall be that which is in effect at the time an application for a building permit is filed; or if no such permit is required, then the fee shall be that which is in effect at the time an occupancy permit is issued; otherwise the fee shall be that which is in effect at the time the new use begins.

SECTION 3. The permanent water privilege fee shall be at the rate of two thousand four hundred dollars per unit. The number of units to be assessed on each such connection shall be as follows:

(A) *Residential use.*

(1) Each single-family building connected directly to the town water main shall be assessed as one unit.

(2) Each dwelling unit in a multiple-family dwelling, whether connected to the town water main directly or indirectly and whether in one or more buildings, shall be one unit for the first dwelling unit and one-third unit for each additional dwelling unit. For the purpose of this section, multiple-family dwellings shall be deemed to include but not be limited to more than single-family residences and apartment houses, complexes, townhouses, condominiums, motels and hotels.

(3) In the case of approved subdivisions, when branch or secondary mains are installed and paid for by persons other than the town of Merrimac, each single-family dwelling connected to the town water system shall be assessed one-third unit for a period of five years from the date of the original subdivision plan approval by the planning board. Clause (1) shall apply to all connections made after the original five-year period.

(B) *Other uses.*

(1) For uses other than residential, there shall be an assessment of a minimum of one unit and an additional one-third unit for every ten thousand square feet of floor space or major portion thereof exceeding an initial ten thousand square feet up to a total of fifty thousand square feet of floor space, and an additional one-third unit for every twenty-five thousand square feet of floor space or major portion thereof exceeding the initial fifty thousand square feet.

(2) In the case of approved commercial or industrial subdivisions, when branch or secondary mains are installed and paid for by persons other than the town of Merrimac, the charges assessed shall be one-half of the charges described in clause (1) for a period of five years from the date of the original subdivision plan approval. Said clause (1) shall apply to all connections made after the original five-year period.

SECTION 4. The fee shall be assessed by the water commissioners of the town of Merrimac upon the estate benefitted thereby. Such assessment shall be made by filing with the board of assessors of said town a certificate designating the way on which the premises connected lie and giving the name or names of the owners of the estate for which such connection has been made and the amount of the assessment to be paid by such owner or owners. A copy or duplicate of this certificate shall, within thirty days after the filing of the same with the board of assessors, be recorded in the Essex county registry of deeds, southern district or, in the case of registered land, filed in the office of the assistant recorder for the Essex county registry district, southern district. The board of assessors of said town shall, upon receipt of such certificate, forthwith commit such assessment, with a warrant, to the tax collector of said town, who shall forthwith make a demand in writing for the payment of such assessment, and every owner shall, within three months

after such demand is served upon him or upon the occupant of such estate or sent by mail to the last address of the owner known to said tax collector, pay to said tax collector the sum so assessed or charged.

SECTION 5. Except as herein provided, the provisions of the General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of water assessments, to liens thereof and to interest thereon shall apply to assessments made under this act. In applying said provisions to assessments made under this act, the notice referred to herein shall be deemed to be the demand of the tax collector. The lien for any assessment made under this act shall attach upon the recording or filing for registration of the copy or duplicate of the certificate of assessment.

SECTION 6. In addition to the fees prescribed herein, the owner shall pay the rates established from time to time for water usage and shall also pay for all service work, materials, and inspection from the main to the building or buildings serviced.

SECTION 7. Notwithstanding the provisions of any general or special law to the contrary, the town of Merrimac is hereby authorized to collect water privilege fees from the users of the Merrimac water system and to establish in the town treasury a special fund in which shall be deposited said fees, which shall be kept separate from other monies, funds, and properties of said town. The principal and interest of said special fund shall be appropriated for the purpose of operating, maintaining, and improving said town water system.

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

Approved January 14, 1993.

Chapter 409. AN ACT RELATIVE TO CERTAIN SCHOOL DEPARTMENT TRANSPORTATION IN A TOWN.

Be it enacted, etc., as follows:

Chapter 159A of the General Laws is hereby amended by adding the following section:-

Section 32. Notwithstanding other provisions of this chapter, the school department of a town may make vehicles under its control available to transport a community group, including, but not limited to, senior citizens, little league teams, and a town recreation group, and may charge such group for such transportation an amount sufficient to cover the cost thereof.

Approved January 14, 1993.

Chapter 410. AN ACT FURTHER REGULATING THE EXECUTION OF MORTGAGE DISCHARGES AND RELATED INSTRUMENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 183 of the General Laws is hereby amended by inserting after section 54A the following section:-

Section 54B. A deed of release or written acknowledgment of payment or satisfaction of the debt thereby secured or a release, partial release or assignment of mortgage executed before a notary public, justice of the peace or other officer entitled by law to acknowledge instruments, whether executed within or without the commonwealth, by a person purporting to hold the position of president, vice president, treasurer, clerk, secretary, cashier, loan representative, principal, investment, mortgage or other officer, agent, asset manager, or other similar office or position, including assistant to any such office or position, of the entity holding record title thereto on behalf of such entity acting in its own capacity or as a general partner or co-venturer of the entity holding record title, shall be binding upon such entity and shall be entitled to be recorded or filed, and no vote of the entity affirming such authority shall be required to permit recording or filing.

SECTION 2. The provisions of section one shall apply to deeds of release, acknowledgements, assignments or releases executed prior to, on or after the effective date of this act.

Approved January 14, 1993.

Chapter 411. AN ACT RELATIVE TO THE MEMBERSHIP OF THE ADVISORY COUNCIL FOR THE DEAF AND HARD OF HEARING.

Be it enacted, etc., as follows:

SECTION 1. Section 191 of chapter 6 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following definition:-

"Late-deafened deaf", a deaf person for whom spoken language is the primary and preferred mode of communication where supplemented by other visual or auditory enhancement modes. The term "Late-deafened" shall mean that the onset of hearing loss occurred after the individual acquired full spoken language competence.

SECTION 2. The first paragraph of section 195 of said chapter 6, as so appearing, is hereby amended by striking out the third, fourth, and fifth sentences and inserting in place thereof the following three sentences:- The majority of the

council members shall be persons who, for purposes of this section self-identify as deaf community members, late-deafened deaf, deaf or hard of hearing. Every reasonable effort shall be made to include an equal number of deaf community members, late-deafened deaf, deaf and hard of hearing members. Each member shall serve for a term of two years.

SECTION 3. Said section 195 of said chapter 6, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The commissioner shall nominate persons whose service will assure representation of the interests of parents, interpreters, the deaf community, late-deafened deaf persons, deaf and hard of hearing persons from all geographic areas of the commonwealth. The commissioner's nominations shall be from a list provided by consumer groups and individuals representing such late-deafened deaf, deaf and hard of hearing persons, as well as parents and interpreters.

SECTION 4. Item 2200-0103 of section 2 of chapter 153 of the acts of 1992 is hereby amended by striking out, in line 1, the word "dredging" and inserting in place thereof the following words:- completing a feasibility assessment on.

SECTION 5. The department of medical security is hereby authorized and directed to conduct a study of prescription drug expense assistance for persons age sixty-five or older receiving medicare benefits and whose income is not higher than two hundred percent of the federal poverty level and who are not eligible for medical assistance pursuant to chapter one hundred and eighteen E of the General Laws. Said department shall recommend a sliding fee scale, eligibility standards, and application and verification programs.

Said department shall recommend a schedule of benefits, copayments, covered drugs, covered diagnoses and other requirements, and may recommend incentives or requirements for the purchase of generic drugs, drugs provided by specified vendors, or other requirements to increase the cost effectiveness.

Said department shall report the results of its study by filing the same with the clerk of the senate, the joint committee on insurance and joint committee on health care and the house and senate committees on ways and means within twenty-one days after the effective date of this act. Said report shall include recommendations and a plan for their implementation.

Approved January 14, 1993.

Chapter 412. AN ACT RELATIVE TO CARJACKING.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 218 of the General Laws, as appearing in the

1990 Official Edition, is hereby amended by striking out, in line 14, the words "section fifteen A" and inserting in place thereof the following words:- sections fifteen A and twenty-one A.

SECTION 2. Chapter 265 of the General Laws is hereby amended by inserting after section 21 the following section:-

Section 21A. Whoever, with intent to steal a motor vehicle, assaults, confines, maims or puts any person in fear for the purpose of stealing a motor vehicle shall, whether he succeeds or fails in the perpetration of stealing the motor vehicle be punished by imprisonment in the state prison for not more than fifteen years or in a jail or house of correction for not more than two and one-half years and a fine of not less than one thousand nor more than fifteen thousand dollars; provided, however, that any person who commits any offense described herein while being armed with a dangerous weapon shall be punished by imprisonment in the state prison for not more than twenty years or in a jail or house of correction for not less than one year nor more than two and one-half years and a fine of not less than five nor more than fifteen thousand dollars.

Approved January 14, 1993.

Chapter 413. AN ACT FURTHER REGULATING THE LIQUOR LIABILITY JOINT UNDERWRITING ASSOCIATION, THE MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION AND THE JOINT REINVESTMENT ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Section 8E of chapter 26 of the General Laws, as amended by section 1 of chapter 399 of the acts of 1991, is hereby further amended by adding the following two paragraphs:-

There shall be within the rating bureau at least the following persons who shall perform the duties of the rating bureau relating to medical malpractice liability insurance: an actuary, a rate attorney, and a researcher. The actuary shall be a member of the Casualty Actuarial Society or shall have attained a doctoral degree in a related discipline. Such actuary, rate attorney, and researcher shall be appointed by the commissioner and shall be exempt from the provisions of chapters thirty and thirty-one.

The commissioner is authorized to make an assessment against the Joint Underwriting Association established pursuant to chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five, any successor organization to it, and any other insurer subject to section five A of chapter one hundred and seventy-five A, to pay for the rating bureau's expenses as they relate

to medical malpractice liability insurance. Such assessment shall be deposited into the Rating Bureau's Medical Malpractice Insurance Trust Fund. All monies deposited into the trust fund shall be expended, without appropriation, exclusively by the rating bureau. Such assessment shall be made at a rate sufficient to produce three hundred thousand dollars in the first twelve months, and may be increased annually thereafter by a rate not to exceed the most recent annual consumer price index calculated by the Bureau of Labor Statistics of the United States Department of Labor for the northeast region for all urban consumers. In addition to such assessment, the commissioner of insurance shall also collect, for the persons within the rating bureau who perform the duties relating to medical malpractice liability insurance, an amount equal to the cost of fringe benefits as established by the commissioner of administration pursuant to section five D of chapter twenty-nine to be credited to the General Fund. Said amount shall be expended, without appropriation, to pay for such persons' fringe benefits. If the commissioner shall fail to expend any money collected under this paragraph in any fiscal year, such unexpended amount shall be credited against the assessment to be made in the following year and the assessment in the following year shall be reduced accordingly. Funds collected under this section may be used to compensate consultants retained by the rating bureau and to defray its reasonable operating expenses and administrative overhead costs. The assessment, including the collection for fringe benefits, shall be collected by the commissioner of insurance. Any entity assessed shall pay the amount assessed within thirty days after the date of the notice of assessment from the commissioner. The rating bureau shall regularly perform market conduct examinations as often as the commissioner deems appropriate.

SECTION 2. Chapter 175C of the General Laws is hereby amended by inserting after section 6 the following section:-

Section 6A. No person who serves as a director, officer, trustee or agent of the association shall be held liable solely by reason of such service as a director, officer, trustee or agent for any act or omission resulting in damage or injury to another, if such person was acting in good faith and within the scope of his official functions and duties, unless such damage or injury was caused by willful or wanton misconduct.

SECTION 3. Section 6 of chapter 362 of the acts of 1975, as most recently amended by chapter 65 of the acts of 1992, is hereby further amended by inserting after the fourth paragraph the following paragraph:-

The commissioner shall have the authority to oversee the implementation by the board of directors of all aspects of the plan of operation. In construing said authority, the commissioner shall be afforded broad discretion to accomplish the objectives set forth herein, and in the plan of operation.

SECTION 4. The seventh paragraph of said section 6 of said chapter 362, as

most recently amended by chapter 92 of the acts of 1991, is hereby further amended by adding the following sentence:- Any deficit directly related to the doctor of dental science category of insured may be recouped by means of an assessment by the association, so long as such assessment is levied only against the doctors of dental science who were insured by the association under an assessable policy during the period with respect to which any such deficit was incurred.

SECTION 5. Said section 6 of said chapter 362 is hereby further amended by adding the following three paragraphs:-

With respect to the Joint Underwriting Association, established herein, and any successor organization to it, the commissioner may institute a rehabilitation proceeding against the association if after examination of the affairs of the association, the commissioner determines that the association: *(i)* is unable to meet its obligations in the normal course of business, assuming reasonable rates of investment income on its assets, or *(ii)* is operating in violation of its plan of operation or law, by making application to the supreme judicial court for Suffolk county for appointment as receiver to rehabilitate the association and conserve its assets. The court may on such application issue a temporary injunction restraining the association in whole or in part from further proceeding with its business and may appoint the commissioner as temporary receiver forthwith, and, after notice and a hearing, may appoint the commissioner as permanent receiver and authorize the commissioner to take possession of the association and to conduct its business for the purpose of rehabilitating it by taking such measures as may be proper to eliminate the causes or the conditions which caused the institution of such proceeding, subject to the order of the court, or may dismiss the petition.

The receiver may at any time make application to the court for the termination of the rehabilitation proceeding and for the return to the association of all its property and effects, with authority to resume the conduct of its business. The court, if satisfied after notice and a hearing that the purposes of the rehabilitation proceeding have been substantially completed, shall grant such application.

In the rehabilitation proceeding the court may authorize the receiver to employ such counsel and other assistants as may be necessary for the proper conduct of such proceeding. The compensation of such counsel and assistants and all other necessary expenses of conducting such a proceeding shall be paid out of the funds or assets of the association in the possession of the receiver.

SECTION 6. Said chapter 362 is hereby further amended by inserting after section 6 the following section:-

Section 6A. No person who serves as a director, officer, trustee or agent of the Joint Underwriting Association, established pursuant to section six, shall be held liable solely by reason of such service as a director, officer, trustee or agent for any act or omission resulting in damage or injury to another, if such person was acting in good faith and within the scope of his official functions and duties, unless such

damage or injury was caused by willful or wanton misconduct.

SECTION 7. Chapter 223 of the acts of 1985 is hereby amended by inserting after section 8 the following section:-

Section 8A. No person who serves as a director, officer, trustee or agent of the association shall be held liable solely by reason of such service as a director, officer, trustee or agent for any act or omission resulting in damage or injury to another, if such person was acting in good faith and within the scope of his official functions and duties, unless such damage or injury was caused by willful or wanton misconduct.

Approved January 14, 1993.

Chapter 414. AN ACT ESTABLISHING SCHOOL BASED NUTRITION AND CHILDHOOD HUNGER RELIEF PROGRAMS.

Be it enacted, etc., as follows:

SECTION 1. Section 1G of Chapter 15 of the General Laws, as appearing in the 1990 Official Edition is hereby amended by inserting after paragraph 15 the following paragraphs:-

The board shall further establish a school breakfast and summer food service outreach program through the bureau of nutrition education and school food services in the department. Said program or elements of said program shall be operated directly through the department or contracted out.

a) Said program shall be designed to:

(i) increase the participation of low-income children in existing school breakfast programs and secondarily to encourage other schools to start a breakfast program. The target of said program is to bring the participation level of children who qualify for free or reduced price breakfasts under federal income eligibility guidelines to at least eighty-five percent of those eligible;

(ii) increase the number of summer food service programs offered across the state, with particular emphasis on needy communities, and to ensure that at least eighty-five percent of the children eligible under federal income guidelines participate in these programs.

b) The school breakfast related outreach program activities shall include, but not be limited to:

(i) development of an outreach campaign to promote the link between a nutritious breakfast and the ability to learn; to make the school breakfast program attractive to all children; and to create a positive picture of school as a basic source of breakfast for all income groups. The efforts should be particularly targeted toward communities with the highest need and should include outreach to

linguistic minorities;

(ii) technical assistance shall be provided and technical assistance materials shall be produced including, but not be limited to, facts and guidelines on USDA requirements; ideas for increasing participation; ideas for safeguarding confidentiality; ways to involve parents and other members of the community; and suggestions for creative menus; and

(iii) technical assistance shall be provided for the development of new and innovative proposals including a "school breakfast period" during existing school hours in schools in which a majority of children are program eligible, and a universal breakfast program in school systems with eighty percent of the students eligible.

c) The summer food service related outreach program activities shall include, but not be limited to:

(i) an outreach effort to public schools, public entities and private non-profit agencies which would be eligible to provide the summer food services program. Said outreach shall include information and incentives to encourage eligible organizations to be local sponsors or meal preparation sites for the federal summer food service program;

(ii) ongoing support and technical assistance shall be made available to existing programs year round to ensure that they continue to offer the program and to assist in increasing participation levels;

(iii) reviewing and developing training methods and materials provided however that particular attention be given to providing appropriate training for first time sponsors;

(iv) targeting communities and schools which have the highest percentage of program eligible children and establishing an order of descending priorities based on the percentage of program eligible children; provided, however, that there should be a concerted effort to outreach potential participants who are linguistic minorities; and

(v) establishing start up grants not to exceed $2500.00 to encourage the participation of first time summer food service sponsors.

d) In all activities of this school breakfast and summer food service outreach program, local communities shall be encouraged and assisted in maximizing the use of federal resources.

(e) Said school breakfast and summer food service outreach program shall work to ensure that local programs are carried out in a manner which protects the confidentiality of those children receiving subsidized meals.

(f) The bureau shall submit a report to the clerk of the house of representatives who shall forward the same to the joint committee on education and the Massachusetts nutrition board on or before December thirty-first, nineteen hundred and ninety-three and on December thirty-first of each year thereafter. The

report shall include, but not be limited to: the percentage of eligible children participating in school breakfast programs statewide during the previous school year; the amount of additional federal dollars brought into the state by all school breakfast and summer food service outreach program activities; the number of additional school breakfast and summer food service programs started in the preceding year; and the increase in participation in summer food services and school breakfast programs.

SECTION 2. a) There shall be established, within the department of public welfare, a food stamp outreach program. Said program shall be operated by the department or contracted out.

b) The responsibilities of the program shall include, but not be limited to:

(i) development and implementation of a statewide information program to encourage expanded program participation in the food stamp program provided, however, that said information program shall have as a goal to increase program participation by eligible families to eighty-five percent;

(ii) development and dissemination of information regarding eligibility criteria and application procedures for the food stamp program to target populations, including but not limited to such groups as the working poor, unemployed, non-English speaking persons, and the elderly;

(iii) provision of informational materials and training programs to institutions and organizations across the state serving targeted populations; and

(iv) operation of a state-wide toll-free hotline to provide food stamp information and preparation of monthly reports on hotline statistics and outreach activities.

SECTION 3. The General Laws are hereby amended by inserting, after Chapter 111H, the following chapter:-

CHAPTER 111I.

Women's, Infants and Children Program.

Section 1. The department of public health, in this chapter called the department, shall administer a program to be called the WIC program, funded by the commonwealth and the United States department of agriculture or other successor federal agency authorized to fund this program, to provide supplemental foods and nutrition education to pregnant, postpartum, and breastfeeding women, infants and young children. The WIC program shall be administered in a manner consistent with applicable federal law (forty-two United States Code section one thousand seven hundred and eighty-six, as amended) and the provisions of this chapter. To the extent that the provisions of this chapter conflict with the applicable federal law and regulations, the program shall be administered in a manner consistent with federal law.

Section 2. The WIC program shall serve all those eligible under the Federal WIC program eligibility standards. It is the intent of this program that by July first, nineteen hundred and ninety-four all of those eligible for the program shall be

served. The words all those eligible shall mean serving eighty-five percent of all federally eligible women, infants and children.

Federal and state funds appropriated to implement this section shall be allocated to expand program operations in areas most in need of supplemental foods as determined by a methodology which shall be included in the state plan, and to fund related administrative services necessary for expansion.

It is the intent of this section that state funds provided under this act will supplement federal funds to enable all those eligible as defined above to be served through the WIC program.

Section 3. The director of the WIC program, in this chapter called the director, shall ensure that a state plan is developed annually as required by federal law. In so doing, the director shall ensure that a public hearing is held not less than twenty-one days after a draft state plan is made available for review to members of the public and not less than thirty days before a final state plan must be submitted to the federal government. Notice of the time and place of said public hearing, and of the availability for review of the draft state plan, shall be provided to each person who has previously requested the receipt of such notices, as well as to individuals and organizations known to the department to have an interest in issues regarding maternal and child health care and child hunger. Notice to the above-described individuals and organizations shall be in addition to publication of such notices in newspapers of general circulation throughout the state.

Section 4. An advisory board shall be established by the director, the purpose of which shall be to advise the director on all policies relating to the WIC program. The advisory board shall be composed of at least sixteen individuals each of whom shall serve a term of two years. Members of the advisory board shall be selected by the director, subject to the following requirements: four members of the advisory board shall be current or former WIC program participants chosen from geographically diverse parts of the state; six members of the advisory board shall be individuals who provide services or goods to WIC program participants, such as medical professionals, nurse practitioners, and food vendors; six members of the advisory board shall be representatives of the general court, the Massachusetts nutrition board or family health services advisory council, the office for children, the department of public welfare, the WIC directors association, the nutritionists association and a non-profit hunger relief organization.

Members of the advisory board shall not be compensated. Necessary expenses incurred by members of the advisory board to carry out their duties as such shall be reimbursed by the WIC program, and adequate staff shall be provided to the advisory board so that it can perform its functions effectively.

Section 5. In determining the financial eligibility of an applicant for WIC benefits, only such income as is available for the support and maintenance of the applicant shall be counted.

A monthly food package shall be provided to each participant and shall be prescribed by a competent professional authority at the local WIC program based solely on the participant's dietary needs. Such competent professional authorities shall be allowed to choose from the full range of types and amounts of food authorized by federal rules in developing food packages for program participants.

Each local WIC agency shall, in accordance with guidelines set forth in the state plan, mail or otherwise deliver food instruments to an individual on the basis of difficulties of the participant and his or her proxy in obtaining the food instruments, for reasons such as illness, imminent childbirth, or difficulty of access to the local agency.

All participants shall receive a written statement of their rights and obligations as participants, including all of the rights and obligations set forth in this chapter, at the time they are certified, and such statement shall be written in language calculated to be understood by the average participant.

Section 6. The director shall ensure that adequate funds are available to each local WIC agency to perform outreach activities designed to identify and encourage the participation of individuals who are eligible to participate.

Section 7. Adequate funds to implement this chapter shall be appropriated on an annual basis.

Approved January 14, 1993.

Chapter 1. **RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO PAIN MANAGEMENT PROCEDURES.**

RESOLVED, That a special commission to consist of two members of the senate, two members of the house of representatives, the commissioner of the department of public health or his designee, and four persons to be appointed by the governor, one of whom shall be a nurse employed by a hospice program, and one of whom shall be a representative of the Massachusetts Medical Society, is hereby established for the purpose of making an investigation and study relative to medical pain management procedures and the care and treatment of patients in the commonwealth. Said commission shall seek to identify any substantial disparity and the success of techniques used in different health care settings. Said commission shall report to the general court the results of its investigation and study, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the senate on or before June thirtieth, nineteen hundred and ninety-three.

Approved September 3, 1992.

Chapter 2. **RESOLVE IN FAVOR OF PACITA BRADFORD AND PEARL JACKSON-HOLDER.**

RESOLVED, For the purpose of discharging a moral obligation, there shall be allowed and paid out of the state treasury, subject to appropriation, to Pacita Bradford of the city of Boston the sum of thirty-eight thousand one hundred eighty-nine dollars and seventy-eight cents and to Pearl Jackson-Holder of said city of Boston the sum of eighty-nine thousand six hundred forty-seven dollars and fifty cents which represents back pay for the period from the date of their termination from their positions as field parole officers on March thirtieth, nineteen hundred and eighty-six to the date of their rehire by the parole board of June twenty-fifth, nineteen hundred and eighty-nine. Said award includes all contractual increases Pacita Bradford and Pearl Jackson-Holder would have received if they had not been terminated, and is reduced by actual interim earnings they received through primary employment during the period they were not employed by the parole board.

Approved January 14, 1993.

Chapter 3. **RESOLVE EXTENDING THE TIME WITHIN WHICH THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY OF FINANCIAL SERVICES OFFERED TO CONSUMERS BY DEPOSITORY AND NON-DEPOSITORY INSTITUTIONS SHALL FILE ITS FINAL REPORT AND INCREASING ITS SCOPE.**

RESOLVED, That the time within which 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 and continued by chapter four of the resolves of nineteen hundred and ninety, shall file its final report is hereby extended to the last Wednesday in December, nineteen hundred and ninety-three. The commission shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 2229, 4043, 4044 and 4800.

Approved January 14, 1993.

NUMBER OF ACTS AND RESOLVES APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HIS VETO AND ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER AUTHORITY OF THE CONSTITUTION.

The General Court during its first session held in 1992 passed 411 Acts and Three Resolves of which 394 Acts and all Resolves received Executive approval.

Chapter 141, "An Act Reorganizing the Department of Public Utilities to Include the Functions of the Energy Facilities Siting Council" was adopted under Article LXXXVII of the Amendments to the Constitution, not having been disapproved by the General Court, and has been so certified.

Four Acts were vetoed by the Governor but the vetoes were overridden in the General Court, the objections of the Governor notwithstanding; being Chapters 26, 28, 70 and 267.

13 Acts were not returned to the General Court with the Governor's objections within ten days as provided in the Constitution and as the General Court had not prorogued they became law without his signature, being respectively Chapters 80, 81, 116, 117, 131, 156, 181, 225, 266, 290, 299, 316, and 317.

Two Acts, Chapters 254 and 255 were adopted by the people at the November 3, 1992 election.

18 Acts were declared to be emergency laws by the Governor under Article XLVIII of the Amendments to the Constitution; being respectively Chapters 31, 37, 80, 97, 98, 105, 199, 201, 245, 273, 274, 281, 310, 318, 324, 368, 393, and 398.

The 1992 session of the General Court was disolved at midnight on Tuesday January 5, 1992.

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

INDEX

ABANDONED PROPERTY
Agreements to pay compensation to recover abandoned property, further regulating, **133:551**
Bequest presumed abandoned if not claimed within three years of decedent's death, **133:529**
Business Associations, intangible interest in, presumed to be abandoned if no activity on file for three years, **133:537**
Business Associations, sums held or owing by, not claimed for three years, presumed to be,**133:536**
Deposit, property on, three years without activity presumed to be, **133:531**
Employee benefit trust distributions, presumed abandoned if not taken within three years after becoming payable, **133:538**
Intangible personal property, three years unclaimed after being entitled thereto shall be presumed to be, **133:533**
Life insurance policy, proceeds due from, unclaimed for three years presumed to be, **133:534**
Missing persons, property of presumed abandoned if neither he nor heirs located for three years, **133:530**
Monies paid into court for distribution, if not distributed within three years after becoming payable, presumed to be, **133:539**
Notice to owner of, prior to filing annual report to treasurer, requirements of amended, **133:542**
Security, property deposited as, three years unclaimed after being entitled thereto, presumed to be, **133:532**
Treasurer, annual report to, requirement amended, **133:540, 541**
Delivery of, or payment to, by holder of, requirements for amended, **133:547-550**
Notice by publication, required contents amended, **133:543-546**

ACCELERATED TRANSPORTATION DEVELOPMENT AND IMPROVEMENT PROGRAM
Amendments thereto, **148:2**

ADJUTANT GENERAL
Interagency agreements, authorized to enter into with other state agencies, **133:368**

ADOPTION
Care and protection, children in need of, relative to proceedings for, **303**
Parental consent to, further regulating, **303**

AIDS
Task force to develop policy and program for children with, or affected by, relative to, **133:156**

ALCOHOLIC BEVERAGES
in general
Liquor purchase identification cards, relative to, **133:493**
Sundays, sale on further regulated, **133:490**
Temporary licenses for wine auctions, authorizing, **282**
provisions for particular cities and towns
Boston, emergency exemption for the delivery of on July 12, 1992, in the city of, **114**
Sundays, sales of for off-premise consumption further regulated on, **202**
Bourne, additional license for the sale of, issued to Grey Gables Country Market, Inc., authorizing, **365**
Pittsfield, Cozzi, Inc., d/b/a Rufo's Variety, authorizing the city to issue a license for the sale of, to, **388**
Pittsfield, Truffles and Such, Inc., authorizing the city to issue a license for the sale of, to, **395**
Cozzi, Inc., d/b/a Rufo's Variety, authorizing the city to issue a license for the sale of, to, **388**

AMATEUR BOXING
Matches and exhibitions, further regulating the conduct of, **324**

ANGUS REALTY CORPORATION
North Andover, authorizing the town to issue bonds to purchase a private sewer system from, **230**

ANIMALS
Guide Dogs, restraint and control by owner required when in the vicinity of, on a way, **329:1**

APPROPRIATIONS (see also BUDGETS)
in general
General appropriation act to contain a revenue budget to show revenues expected to be available, **153:71**
General appropriations bill for fiscal year, 1993, **133**
General appropriation bill for fiscal year ending June 30, 1993, amendment to, **198**

APPROPRIATIONS continued
In general continued
Southbridge, capitol projects for the establishment of a U.S. D.O.D. Financing and Accounting Service Facility in the town of, **300:2**
supplemental
Activities and projects, new and existing for fiscal year ending June 30, 1992, funding of, **23**
Activities, new and existing, for fiscal year ending June 30, 1992, funding of, **3**
Activities, new and existing, for fiscal year ending June 30, 1993, funding of, **289**
Collective bargaining agreement between commonwealth and the Massachusetts Correctional Officers Federated Union-Unit 4, funding for, **248**
For certain appropriations for fiscal year ending June 30, 1992, and for certain other activities and projects, **69**
For certain existing appropriations and other activities and projects for fiscal year ending June 30, 1992, **153**
For certain other activities and projects for fiscal year ending June 30, 1993, **165**
Salary increases for employees of the commonwealth covered by certain collective bargaining agreements, appropriations for, **267**

ARBITRATION
Private sector grievance, filing fee, relative to, **133:505**
Public sector grievance, filing fee, relative to, **133:505**

ASHFIELD WATER DISTRICT
Increasing the term of loans, **84**

ASSAULT AND BATTERY
Mentally retarded, criminal penalties, providing for, on, **374**

AUTHORITIES AND COMMISSIONS
specific
Belchertown Housing Authority, conveyance of the commonwealth to, authorizing, **393**
City or town commission on disabilities, authorizing the allocation of funds received from fines for violations of handicapped parking to, **241**
Community Antenna Television commission, assessment for fiscal year 1993 against certain licensees authorized, **133:32**

AUTHORITIES AND COMMISSIONS continued
Specific continued
Concord Housing Authority, relative to the use of a particular parcel of land for housing, **252**
Hospital Payment System Advisory Commission, relative to, **153:38**
Local water and sewer commissions, cost of water and sewer services to, relative to, **343:5, 6**
Liability of, relative to, **343:4, 5**
Martha's Vineyard Commission, further regulating the operations of, **97**
Marine Fisheries Advisory Commission, lobster licenses, authorized to promulgate regulation,m relative to, **369:2**
Massachusetts Water Resources Authority, relative to certain bonding authorization, **137:5, 6**
Directed to pay the commonwealth 80 million dollars in consideration for costs borne by the commonwealth on behalf of said authority, **133:59**
Methuen Commission on Disability, increasing the membership on, **277**
Model Water and Sewer Commission, establishing, **343:2**
Nantucket, town of and county of, consolidated charter commission, authorizing, **328**
Somerset, board of water and sewer commissioners, establishing, **330**
Student loan authority, supplemental education loan program, authorized to establish and develop, **133:12**

BAIL
Release on of certain persons, further regulated, **201**
Release on for certain persons, director of public safety shall study certain problems relative to and report to the clerk of the house of representatives his findings, **201:6**

BALLOT QUESTIONS
State secretary, 1992 state election, authorizing submission and acceptance of certain questions late, **200**
Worcester, directing the state secretary to place a certain question on the ballot, in the city of, **172**

BALLOW, GRACE PICNIC AREA
Uxbridge, designating a portion of the Blackstone River and Canal Heritage State Park in the town of, as the, **159**

BANKS AND BANKING
in general
Home improvement loans, relative to, **268**
Investments in bank premises, relative to, **166**
Merger or consolidation of certain banks, relative to, **219**
Merger, relative to the savings banks and cooperative banks with credit unions, **75**
Mortgages, terms of, revision of, relative to, **272**
Public reporting of certain tax information, relative to, **255**
Trust departments, investment powers, relative to, **319**

BARNSTABLE COUNTY
Homelessness, pilot program to reduce, in, authorizing, **133:9**
Amending, **310**

BAXENDALE, LEONARD J.
Sick leave bank, establishment of, and authorizing contributions to, for **28**

BEANO TAX
General fund, certain receipts to go to the, **133:193**

BEES
Colonies, regulation of by registration authorized, **376:1**
Hives, colonies or packages of, regulation of importation of authorized, **376:2**

BEVERAGE CONTAINERS
Redemption of empty containers, relative to, **405**

BEVERLY-SALEM BRIDGE COORDINATING COMMITTEE
Relative to, **133:111**

BICYCLE
Law violations, subject to the civil infraction procedure, **133:442**

BLACKSTONE RIVER AND CANAL HERITAGE STATE PARK
The Grace Ballow Picnic Area, designating a portion of, in the town of Uxbridge as, **159**

BLIND PEDESTRIANS
Ways, crossing or attempting to cross, further protecting, **329**

BOARD OF BUILDING REGULATIONS AND STANDARDS
Qualification and certification of inspectors of buildings, building commissioners, and local inspectors by, **168**

BOARD OF REGISTRATION IN MEDICINE TRUST FUND
Establishing, **133:192**

BOARD OF LIBRARY COMMISSIONERS
Waiver of local funds requirement for communities under receivership, **153:63**

BOSTON FESTIVAL
Funding earmarked for from tourism fund, **153:43**

BOSTON PUBLIC GARDEN
Protection from "new shadows" being cast on, relative to, **384**

BOXING
Further regulating the practie thereof, **74**

BOYLE, BEVERLY
Retirement disability pension, authorizing and directing state board of retirement to retire her with, **178**

BRADFORD, PACITA AND JACKSON-HOLDER, PEARL
Moral obligation in favor of, **Resolve....2**

BRIDGES
special provisions
Beverly-Salem Bridge Coordinating Committee, relative to, **133:111**

BROWN, STEPHEN T.
Sick leave bank, establishment of, and authorizing contributions to, for, **81**

BUILDING CODE, STATE
Liability for certain violations of, **66**

BUILDINGS
Numbers must be affixed thereto to represent the address thereof, **336**

BUNGEE JUMPING
Rules and regulations relative to, providing for, **177**

INDEX

BUSINESS TAX POLICY OF THE COMMONWEALTH
Special commission to investigate and study the, **218**

CABLE TELEVISION
Installers, licensing of, relative to, **135**

CADDICK, PATRICIA
Sick leave bank, authorizing and directing the establishment of, for, **216**

CAHEN, JAMES P., MEDICAL FUND
Dukes county commissioners authorized to petition probate court for appointment of trustees for, **243**

CANCER
Prescription drugs, off-label uses of in the treatment of, relative to, **404**

CANDIDATES FOR PUBLIC OFFICE
Death, withdrawal or ineligibility of, further regulating replacement of, **133;378**
Restrictions on expenditures, further defining the term "personal use", **133:379**

CAPE COD RAIL TRAIL
Orleans, authorizing the town to grant easements to be a part of the, **232**

CAPITAL OUTLAY
Major information technology systems, for the acquisition and upgrading of, **194;226**

CAPITOL PLANNING AND OPERATIONS, DIVISION OF
To evaluate the potential for energy efficiency in all state and authority owned or leased buildings, **133:188**

CARBON DIOXIDE EMISSIONS
Power generating facilities, requiring report on, from, **385**

CARDIAC DEFIBRILLATION
Authorizing the training of certain employees in the administration of, **39**

CARJACKING
Criminal jurisdiction and penalties for, providing, **412**

CARVEN, JOSEPH F., SR. BOAT RAMP
Weymouth, designating the reconstructed state boat ramp on the Back River in the town of, as the, **228**

CENTRAL ARTERY/TUNNEL, BOSTON
Fort Point Channel, harbor lines authorizing changes in, and fill and structures necessary for, to extend into, **367**

CENTRAL CREDIT UNION FUND, INC.
Relative to, **157**

CHARITABLE ORGANIZATIONS
Professional fund raising counsel, commercial venturer or professional solicitor for, annual fee established, **133:424**
Solicitation of funds, relative to, **133:423**

CHARTERS
Acushnet, town of, relative to, **320**
Dedham, town of, relative to, **134**
Easthampton, town of, relative to, **58**
Greenfield, town of, relative to, **327**
Holyoke, city of, relative to, **189**
Methuen, town of, relative to, **332**
Nantucket county, relative to, **328**
Town of, relative to, **328**
Newton, city of, relative to, **173;174**
Norwell, town of, relative to, **270**
Provincetown, town of, relative to, **352**
Rockland, town of, relative to, **269**
Waltham, city of, relative to, **55**
Worcester, ballot question, relative to, **172**

CHILDREN
Care and protection, proceedings involving, relative to, **303**

CHILDREN'S MUSEUM OF WORCESTER, INC.
Worcester, authorizing the city to lease a certain building to the Children's Museum of Worcester, Inc., **263**

CHILD SUPPORT
Enforcement of, further strengthened, **133:479; 289:11, 12; 480**
Enforcement of, relative to, **289:4, 5**

CICCHETTI, CARMEN
Sick leave bank established for, and voluntary contributions to authorized, **290**

CITIES AND TOWNS
in general
Revolving Fund, authorizing cities and towns to establish a self-supporting recreation and park service, **42**
State Lottery Fund, distribution capped, **23:48**
Taxes, real and personal property, quarterly preliminary tax notices for fiscal year 1993, relative to, **291**
Wards and precincts, apportionment of, relative to, **281**
special provisions relative to particular cities
Attleboro, designating a certain bridge in, as the Firefighter Richard A. Simkins Memorial Bridge, **51**
Boston, authorizing the city of, to take an easement in two parcels of MDC park lands and convey a certain parcel to the MDC as compensation therefor, **236**
Boston Public Garden, protection from "new shadows" being cast on, relative to, **384**
Contracts, further regulating procedures for, in the city of, **373**
Namibia, removing certain prohibitions regarding transactions between the city and, **233**
Park land, authorizing the conveyance of a certain parcel of, **193**
Park land, authorizing the use of a certain parcel of for a visitor information center, **195**
Police officer, civil service placement for Stephen J. Ridge on eligibility list for, **83**
Cambridge, designating a certain intersection in as the Major General John F. Cremins Park, **12**
Relative to the retirement contributions of John Sheehan to the retirement system of the city of, **179**
Chelsea, receiver to report to senate and house committees on ways and means monthly by detail expenditures of all state funds, **3**
Repeal of civil service requirements for certain positions, **220**
Supplementary reserve fund to ensure fiscal stability, establishment of, **17**
Finance Advisory Fund, establishment of, **17**
Everett, city treasurer, relative to the position of, **275**

CITIES AND TOWNS continued
special provisions relative to particular cities continued
Fitchburg, establishing a funding schedule for the retirement system of, **294**
Gloucester, authorizing payment of certain unpaid compensation to Fred J. Kyrouz, **222**
Unpaid bill of the city of, authorizing payment, **322**
Holyoke, charter of the city of, relative to, **189**
Lawrence, public lands in the city of, and the town of Andover, authorizing the commonwealth to acquire certain parcels on behalf of said city or town, **274**
Lawrence, certain financial provisions, relative to, **377**
Relative to the tax rate of, **82**
Leominster, authorizing payment of a certain bill to Montachusetts Construction Co., Inc., **223**
Lowell, authorizing late application for reimbursement for losses suffered under the school choice law, **23:63**
Election commissions, city council to prescribe salaries for, **30**
Establishing a funding schedule for the retirement system of, **85**
Malden, relative to reduction in rank of permanent employees of the fire force for lack of money or abolition of position, **89**
Medford, mayor of, increasing the salary of, **229**
Melrose, establishing a funding schedule for the retirement system of, **354**
New Bedford, water pollution abatement trust directed to make certain loans and grants to the city of, **203:27**
Newburyport, elections, further regulating in the city of, **130**
Newton, civil service laws, certain positions in the city of, exempting from, **389**
Civil service laws, position of chief of police, exempting from, **279**
Employee disability insurance policy, authorizing, **341**
Recreational land, authorizing the city to accept and act upon late application for classification as, by Woodland Golf Club, **86**
Northampton, pension to Axel Diaz, authorizing the city to grant, **261**
Peabody, authorizing certain state aid for certain libraries, **133:158**
Establishing a funding schedule for the retirement system of, **353**
Pittsfield, alcoholic beverages, Cozzi, Inc., d/b/a Rufo's Variety, authorizing the city to issue a license for the sale of, to, **388**
Pittsfield, alcoholic beverages, Truffles and Such, Inc., authorizing the city to issue a license for the sale of, to, **395**
Civil service laws, position of director of veterans' services, exempting from, **401**
Placing office of chief of police under civil service law, **11**

CITIES AND TOWNS continued
special provisions relative to particular cities *continued*
Quincy, police department, reduction in rank because of lack of money or abolition of position, relative to, **397**
U.S. Naval Shipbuilding Museum Corporation, establishing in the city of, **339**
Salem, economic development and industrial corporation of, establishing, **205**
Retirement system of, establishing a funding schedule for, **321**
Somerville, designating a certain baseball field, in the city of, as the Frank Oliveto, jr. Baseball Field, **278**
Springfield, authorizing the city to lease the former Howard Street Armory to the south End Community Center of Springfield, Inc., **27**
City Council and school committee vacancies in the offices of, relative to the filling of, **308**
Park land, authorizing the transfer of a particular parcel of, for development purposes, **295**
Taunton, retirement system of, establishing a funding schedule for, **185**
Worcester, authorizing the city to lease a certain building to the Children's Museum of Worcester, Inc., **263**
special provisions relative to particular towns
Acushnet, charter, relative to, **320**
Amesbury, Woodson Farm, authorizing the lease thereof, **127**
Andover, public lands, in the town of, and the city of Lawrence, authorizing the commonwealth to acquire certain parcels on behalf of said town or city, **274**
Ashfield, wastewater treatment facility, authorizing a certain contract for the providing and operating of a solar aquatic, **181**
Ashland, authorizing late application for reimbursements for losses suffered under the school choice law, **23:63**
Belchertown, authorizing the conveyance of certain commonwealth land with easements in the town of, to the said town for municipal purposes, **383**
Bellingham, group insurances, elected officials, relative to, **314**
Reimbursement of certain real estate taxes paid in error, authorizing, **298**
Blackstone, wastewater, treatment and disposal of, authorizing the town to contract with the city of Woonsocket in the state of Rhode Island, for, **227**
Bourne, alcoholic beverages, additional license for issued to Grey Gables Market, Inc., authorizing, **365**

CITIES AND TOWNS continued
special provisions relative to particular towns continued
Brewster, certain bonds, relative to the proceeds of, **363**
Brookline, authorizing a funding schedule for the contributory retirement system of, **264**
Civil service laws, exempting certain building department positions from, **302**
Civil service laws, exempting certain school department positions from, **301**
Town meeting member vacancies, relative to the procedure for filling, **187**
Chatham and Orleans, Nauset Beach, orders of condition for recreational activities at, within the towns of, relative to, **316**
Chilmark, conservation land, authorizing the town of, to convey a certain interest in to the Martha's Vineyard land bank, **293**
Concord, authorizing the town of, to change the permitted use of certain lands abutting state highway route 2, **235**
Housing, relative to the use of a particular parcel of land in, for, **252**
Dartmouth, executive administrator, establishing the position of, **358**
Precincts, relative to the establishment of, in the town of, **375**
Dedham, charter amendment, **134**
Old Norfolk County Jail, authorizing the conveyance of with certain restrictions, **137:3**
East Brookfield, public land in the town of, authorizing the commonwealth to acquire a certain parcel and transfer control to the department of highways, **273**
Easton, authorizing the town to transfer certain bond funds, **190**
Conservation land, authorizing transfer of, **392**
Relative to the membership of the finance committee and appointment of tree warden, **14**
Falmouth, authorizing residents only parking areas, **160**
Florida, authorizing the town of, to pay certain bills, **155**
Foxborough, conservation land, authorizing the town to convey a certain parcel of, **349**
Granby, bond anticipation notes, relative to the authorization of, **296**
Great Barrington, Board of Selectmen/Town Manager form of administration, establishing, **184**
Greenfield, charter, relative to, **327**
Groveland, tax collector, providing for the appointment of by the board of selectmen, **306**

CITIES AND TOWNS continued
special provisions relative to particular towns continued
Town treasurer, providing for the appointment of by the board of selectmen, **307**
Hanson, water system, relative to the operation of the town, **221**
Harwich, payment of a certain unpaid bill, authorizing the town, to make **242**
Hingham, designating a certain corner in as Muzzi's Corner, **145**
Hudson, authorizing conveyance of a certain parcel of park land, **346**
Authorizing late application for reimbursement for losses suffered under the school choice law, **23:63**
Lakeville, authorizing certain sewer improvements, **23:27**
Lexington, certain special town meetings, relative to, **158**
Lincoln, authorizing the town of, to pay certain unpaid bills, **276**
Manchester by-the-Sea, authorizing reimbursement to Wilbur Stanley for certain injuries sustained as a firefighter, **180**
Marblehead, authorizing extension of lease of land at Devereux Beach, **19**
Marion, establishing a board of health in the town of, **271**
Mendon, recall election, providing for, **1**
Methuen, charter, relative to, **332**
Civil service laws, position of administrative assistant to the executive director of the council on aging, exempting from, **113**
Commission on disability, increasing the membership on, **277**
Designating a certain bridge in, as the Honorable Frank S. Giles Memorial Bridge, **29**
Millbury, authorizing late application for losses suffered under the school choice law, **23:63**
Recall elections, providing for, **335**
Referendum petitions and elections, providing for, **337**
Milford, designating an area of route 16 in the town of, as the Louis "Burke" Rizoli Walkway, **192**
Town meeting members further regulating the filling of vacancies, **297**
Millis, Norfolk county dog officer's program, authorizing the town of, to withdraw from, **351**
Recall elections, providing for, **251**
Millville, Timothy F. Ryan, Chief of Police, providing tenure for, **338**
Nahant, establishing the position of town administrator for, **13**
Nantucket, charter, authorizing adoption of a consolidated, with the county of Nantucket, **328**
Public water supply, providing for, **355**

CITIES AND TOWNS continued
special provisions relative to particular towns continued
Relative to the special fund for the propagation, cultivation and study of shellfish, **244**
Natick, authorizing betterment assessments for removal of underground fuel storage tanks, **9**
Authorizing borrowing for removal of underground fuel storage tanks, **9**
Retirement system, establishing a funding schedule for, **68**
North Attelborough, preliminary elections, further regulating, **208**
Norwell, charter of, relative to, **270**
Norwood, conservation commission authorized to grant a utility easement to the town of, **370**
Orleans and Chatham, Nauset Beach, orders of condition for recreational activities at, within the towns of, relative to, **316**
Orleans, easement, authorizing the town to grant to the commonwealth an, **232**
Septic systems, authorizing the town to adopt a by-law relative to the upgrading of, **239**
Oxford, exempting the transfer of a certain parcel, in the town of, from certain bidding laws, **280**
Randolph, civil service laws, position of town accountant, exempting from, **391**
Selectmen, authorizing appointment of a member to the town position of Executive Secretary of the Board of Selectmen, **305**
Reading, authorized to transfer certain park land to highway purposes, **40**
Rochester, recall elections, providing for, **325**
Rockland, charter of, relative to, **269**
Rockport, watershed land, easement over to Quarrytown Realty Trust, authorizing, **147**
Salisbury, validating certain actions taken at a special town meeting and authorizing amortization of a portion of the town's deficit, **32**
Saugus, open-space land, authorizing the conveyance of certain parcels of, by the town of, **387**
Sharon, conservation land, authorizing the conveyance of a certain parcel of, **197**
Sherborne, authorizing the town of, to use certain public domain land for a communication system, **43**
Life experience school in, authorizing tuition reimbursement, **23**
Shirley, police station and public works facility, relative to the construction of, **204**
Somerset, board of water and sewer commissioners, establishing, **330**

CITIES AND TOWNS continued
special provisions relative to particular towns continued
South Hadley, selectmen directed to appoint a superintendent of public works, **34**
Sutton, authorizing late application for reimbursement for losses suffered under the school choice law, **23;63**
Swampscott, civil service laws, position of field coordinator in the department of public works, exempting from, **183**
Civil service laws, position of head custodian in the administration building, exempting from, **182**
Templeton, authorizing the highway department to pay the town in accordance with a former agreement with the department of public works, **68**
Designating a certain bridge in the town of, as the Second Lt. William D. Ordway/ Vietnam Veterans Memorial Bridge, **344**
Tisbury, authorizing the establishment of a special trust fund using certain income, **162**
Topsfield, validating the acts and proceedings of the annual and special towns meetings held on May 5, 1992 and May 6, 1992 in the town of, **99**
Uxbridge, designating a portion of the Blackstone River and Canal Heritage State Park in the town of, as the Grace Ballow Picnic Area, **159**
Validating certain town actions relative to certain zoning by-laws, **163**
Wareham, designating a certain bridge in the town of as the Joseph R. Grascia Bridge, **259**
Designating a certain rest area as the Reginald F. Washburn Memorial Rest Area, **35**
Unpaid bill, authorizing the town to pay to Ann DeMelo, **260**
Warwick, recall elections, providing for in the town of, **345**
Wayland, conservation restriction, authorizing the town to release a certain, **283**
Webster, designating a certain traffic island as the Anthony Dauksz Memorial Square, **33**
West Bridgewater, providing for the appointment of the Treasurer-Tax Collector, in the town of, **347**
Relative to the discontinuance of mobile home parks, authorizing by-laws to regulate rents, evictions and establish standards for use and occupancy, **15**
Westford, authorizing certain repairs, **23;30**
Westwood, establishing a department of public works in the town of, **140**
Recall elections, providing for in the town of, **246**
Weymouth, retirement system, authorizing funding schedule for,**6**
Budget, extending fiscal year 1992 for, **146**

CITIES AND TOWNS continued
special provisions relative to particular towns continued
Joseph F. Carven, Sr. Boat Ramp, designating the reconstructed state boat ramp on the back river in the town of, as the, **228**
Winthrop, retirement system of, establishing a funding schedule for, **331**

CIVIL INFRACTION PROCEDURES
Applicability, **133:452 (2)**
Citation, process relative to, **133:452 (4), (5), (6), (7)**
Default by violator, loss of license to operate motor vehicle authorized, **133:452 (9)**
Civil assessment, payment of no admission of responsibility or negligence, **133:452 (12)**
Findings required, **133:452 (7)**
Fine schedule, available at each district court and registry of motor vehicles office, **133:452 (2)**
Jury trial, absence of right to in, **133:452 (7)**
Law, questions of, appealable to appellate division of district court, **133:452 (8)**
Noncriminal disposition of certain violations, **133:452 (1)**
Service of process on registrant of motor vehicle or motor boat, relative to, **133:452 (13)**

CIVIL SERVICE
in general
Judicial review of final orders and decisions of the commission, procedure for amended, **133:351**
provisions for particular cities and towns
Brookline, exempting certain building department positions from, **302**
Exempting certain school department positions from, **301**
Position of Chief of Police, exempting from, **262**
Chelsea, repeal of requirements for positions of city clerk and chief of police, **220**
Hingham, position of chief of fire department, exempting from, **217**
Methuen, position of administrative Assistant to the Executive Director of the Council on Aging, exempting from, **113**
Newton, certain positions in the city of, exempting from, **389**
Position of chief of police, exempting from, **279**
Pittsfield, placing office of chief of police under, **11**
Position of Director of veterans' services, exempting from, **401**
Randolph, position of police chief, exempting from, **390**

CIVIL SERVICE continued
provisions for particular cities and towns continued
Position of town accountant, exempting from, **391**
Swampscott, exempting the position of head custodian in the administration building from the provisions of, **182**
Position of field coordinator in the department of public works, exempting from, **183**
Taunton, civil service status, providing same for certain employees of the municipal light plant of the city of, **117**
provisions for particular individuals
Ridge, Stephen J. relative to placement on eligibility list for Boston Police Officer, **83**

CODDICK, PATRICIA
Sick leave bank, establishment of, and authorizing contributions to, **216**

COLLEGES, UNIVERSITIES AND INSTITUTES
Agreement between commonwealth and Tufts University dated September 29, 1878, modification of authorized, **315**
Roxbury Community College, Massachusetts State Track Facility authorizing construction of at, **167**
State and community colleges, agreements for practice teaching, relative to, **153:20**
Travel policy of state colleges, further regulating, **133:436**
Travel policy of University of Massachusetts, further regulated, **133:439**
University of Massachusetts authorized to form a chapter 190 Corporation to perform health services in the Worcester area, **138:14**
University of Massachusetts Research Foundation, establishing, **153:21**
University of Massachusetts, tuition retention fund and infrastructure and capitol investment fund established for, **133:119**

COMMERCIAL DISPOSAL CONTAINERS
Relative to the unlawful use of, **64**

COMMISSIONS
(see Authorities and Commissions)

COMMISSIONS, SPECIAL
Business tax policy of the commonwealth, providing for an investigation and study of, by a special commission, **218**

COMMISSIONS, SPECIAL continued
City or town commission on disabilities, authorizing the allocation of funds received from fines for violations of handicapped parking to, **241**
Depository and non-depository institutions, financial services offered to consumers, by, extending the time within which to file its report and increasing its scope, **Resolve....3**
Local historical, relative to certain records of, **136**
Medical pain management procedures, investigation and study of, by, providing for, **Resolve....1**
To make an investigation and study relative to improving the equity and efficiency of the unemployment system, **26:30**
To monitor and review the implementation of this act, **36:10**

COMMON NUISANCE
Structures, demolition or removal, by municipality, lien, relative to, **133:494**
Tenants, certain actions of, may void or annul lease, **133:495**

COMMONWEALTH
land
Barnstable, relative to the conveyance of, **372**
Belchertown, authorizing the conveyance of certain land and easements in the town of, to said town for municipal use, **383**
Land in the town of, conveyance by the commonwealth to the Belchertown Housing Authority, authorizing, **393**
Brockton, right of way in the city of, providing for abandonment and conveyance of to 843 Crescent Street Corp., **256**
Canton, MDC Blue Hills Reservation, Ponkapoag Outdoor Center, authorizing the lease of with certain restrictions, **380**
Chelsea, conveyance of certain land in the city of, to said city, **137:2**
Concord, land in the town of, authorizing the conveyance of, **253**
Dedham, Old Norfolk County Jail, authorizing the conveyance of with certain restrictions, **137:3**
East Brookfield, land in the town of, authorizing the commonwealth to acquire a certain parcel and transfer control of to the department of highways, **273**
Easton, land in the town of, authorizing the grant of a drainage easement in to said town, **245**
Foxborough, land in the town of, authorizing the conveyance of, **148:4**
Groton and Pepperell, land in the towns of, authorizing conveyance of to the town of Groton, **154**
Granby, authorizing the lease of certain state land to the town of, **356**

COMMONWEALTH continued
land continued
Hadley, land in the town of, authorizing the conveyance of to John F. Koloski and Phyllis P. Koloski, **238**
Lowell, authority to grant easements and air rights over certain parcels to the USA pursuant to the Lowell National Historic Park Act, **149**
Lynn, authorizing the grant of certain easements to the town of Swampscott, in land in the city of, **359**
Nantucket, authorizing the conveyance of a certain parcel for a public water supply, **355**
New Bedford, authorizing the lease of certain public land in the city of, to the New Bedford harbor development commission, and authorizing reimbursement of certain capital expenditures, **382**
North Attleborough, all revesionary interests held by, in certain land in, to be conveyed to United States of America, authorizing, **199**
Regulation, relative to the conveyance of, **372**
Salisbury, Salisbury State Reservation, right of first refusal to the town established for any transfer thereof, **137:4**
Shrewsbury, authorizing grant of utility and access easements over land in, **371**
Somerville, authorizing the conveyance of certain land in the city of, to the MBTA, **364**
Southbridge, relative to the possible conveyance of the Southbridge Armory to the town of, **137:1**
Westminster, land in the town of, authorizing the commonwealth to grant an easement to the town of, **357**
Weymouth, designating a certain area of Webb State Park, in the town of, as the Domenic J. Sansone Memorial Promontory, **196**

COMMUNITY AFFAIRS, DEPARTMENT OF
Urban revitalization and development grants, authorization of funds for increased, **153:27, 27A**
North Attleborough, all revisionary interests held by, in certain land in, to be conveyed to United States of America, authorizing, **199**

COMPUTER SYSTEMS
Bonds, relative to the terms of for the acquisition and upgrading of certain major, **226**

CONDOMINIUMS
Common expenses, lien for unpaid, relative to, **400**

CONDOMINIUMS continued
Common expense liens, given priority over all other liens except municipal and first mortgages, **8; 407:11**
Residents, protection of, relative to, **400**

CONGRESS
Districts, establishing new boundaries based on 1990 U.S. census, **7**

CONGRESS, CANDIDATES FOR
Authorizing state secretary to print primary ballots for party candidates for 1992 primary election and for 1992 general election for unenrolled candidates, **25**
Nomination papers, 1992, state secretary to count all certified signatures regardless of which district they are obtained in or from which district the candidate seeks election, **25**
Required to make irrevocable declaration of district they seek election from or withdrawal from nomination within 7 days of enactment of a congressional redistricting plan in accordance with court decision or June 5, 1992 whichever is later, **25**

CONLIN, MICHAEL AND JUDITH
Marriage record, authorizing the secretary of state to issue an amended one for, **350**

CONSERVATION LAND
Amherst, authorizing the conveyance of the town of, **125**
Barnstable, conservation land, authorizing the town to convey a certain parcel of, to Recall Management Corporation, **98**
Chilmark, authorizing the town of, to convey a certain interest in, to the Martha's Vineyard land bank, **293**
Easton, transfer of, authorizing, **392**
Foxborough, authorization to convey a certain parcel of, **349**
Norwood, conservation commission authorized to grant a utility easement to the town of, in certain, **370**
Orleans, conservation land, authorizing the town to convey a certain parcel of, to Gertrude Cutter, **103**
Sharon, authorizing conveyance of a certain parcel of, **197**

CONTROLLED SUBSTANCES
Analysis of by department of public health, certificate of result of, relative to, **378**

CONTROLLED SUBSTANCES continued
Forfeiture of property, relative to, **133:455-459**
Heroin or any solt thereof, reducing the weight requirement for certain mandatory imprisonment for trafficking in, providing for, **396:2**
Nurse practitioner and psychiatric nurse mental health clinical specialist authorized to dispense and prescribe, **10**
Phenmetrazine and its salts, mandatory imprisonment for trafficking in, providing for, **396:1**

CONTROLLED SUBSTANCES ACT
Forfeiture of property, relative to, **289:6, 7**
Seized property management, office of, creation of, **289:7**

CORPORATIONS
provisions relative to particular corporations
Publicly traded corporations, public reporting of certain tax information, relative to, **255**
Quincy 2000 Corporation, establishing the, **102**
United States Naval Shipbuilding Museum Corporation, establishing in the city of Quincy, **339**

CORRECTION, DEPARTMENT OF
Retirement benefits, further regulating, of certain employees, **164**

CORRECTIVE CHANGE
General and special laws, certain, making corrective changes in, **286**

COUNTIES
in general
Agricultural schools, relative to, **265**
County government review board amendments relative to, **133:410**
special provisions relative to particular counties
Barnstable county, homelessness, pilot program to reduce in, authorizing, **133:9**
Route 6A designated as a scenic road, and that portion within said county subject to certain conditions, **61**
Dukes county, authorizing the establishment of funds financing the airport commission, sewage treatment facilities and water connections, **57**
Dukes county commissioners authorized to petition probate court for appointment of trustees for the James P. Cahen Medical Fund, **243**
State grant, authorizing borrowing in anticipation of, **326**

COUNTIES continued
special provisions relative to particular counties continued
Payment of past due bills, relative to, **153:74**
Middlesex county court house, refunding certain bonds, relative to, **148:3**
Nantucket county, charter, authorizing adoption of a consolidated, with the town of Nantucket, **328**
Worcester, retirement system, establishing a funding schedule for the, **76**

COUNTY CORRECTION FUND
Establishment of, **133:411**

COURTS
in general
Administrative Justice, authority to order a single fund collection and disbursement point within the courthouse, **133:570**
Courthouses, extending the time counties and municipalities may convey to the commonwealth, **379:201**
Electronic access and retrieval to trial court and appeals court records, fee-based schedule for, authorized, **133:347**
Indigent persons, denial by court of waiver of, appeal from court costs, **133:563**
Personnel, employment rights retained, **379:204**
Retirement incentive plan for judicial employees, relative to, **379:208 - 219**
Rental of quarters and space, relative to, **379:1A**
Reorganization, **379**
Stenographers, temporary official, relative to appointment of, **133:560**
Superintendence of inferior courts, relative to, **379:1**
appeals court
Concurrent appellate jurisdiction with supreme judicial court, relative to, **379:66**
Justices, leaves of absence, relative to, **379:68**
Temporary disability, relative to, **379:67**
supreme judicial court
Justice's leaves of absence, relative to, **379:65**
Performance evaluation for judges, relative to, **379:63, 64**

COURT, TRIAL
in general
Administrator, relative to, **379:81**
Assistant clerks, relative to, **379:126**

COURT, TRIAL continued
in general continued
Chief administrative justice, administrative or chief justices, first justices and clerks, continued service, relative to, **379:202**
Present incumbent's term extended to August 5, 1994, **23:58**
Chief justice for administration and management, powers and duties, **379:77**
relative to, **379:73**
To appoint a chief security officer, **133:553**
Chief justice of a department, relative to, **379:72**
Relative to vacancies, **379:74, 75**
Chief justices, powers and duties, relative to, **379:79**
Chief security officer for trial court, authorizing and enumerating purposes and duties, **133:553**
Civil trial practice and elimination of the two-trial system for civil cases, study of mandated, **379:221**
Court facilities, operation and management of, relative to, **379:87**
Court officers, relative to, **379:78**
First justices, powers and duties, relative to, **379:80**
Interlocutory orders regarding discovery, appeal from, relative to, **133:562**
Judicial institute, relative to, **379:86**
Justices, leaves of absence, relative to, **379:89**
Relative to, **379:227**
Mandatory alternative dispute resolution program for civil actions, relative to, **379:90**
Night court program, study of feasibility of mandated, **379:222**
Organization of, relative to, **379:69**
Personnel standards, advisory committee on, relative to, **379:76**
Probation, commissioner of appointment of, powers and duties, **379:191**
Probation officers, appointment and removal, **379:188**
Regional management plan of the court system, relative to, **379:220**
Trial court unification, chief justice for administration and management to prepare a report on, **379:205**
Trial court unification, pilot projects, chief justice for administration and management authorized to establish two, **379:206**
special provisions
Brockton, district court of, chief court officer designation authorized, **133:558**
Essex and Hampden counties, extending the one trial system for criminal cases, **133:581;379:199, 200, 207**

Boston Municipal Court Department
Chief justice, relative to, **379:155**
Criminal, defendants' pleadings, relative to, **379:193**
Interpreters, relative to, **379:169**
Recording systems, medical services and equipment, relative to, **379:161**

District Court Department
Appeals, jury-of-six sessions, relative to, **379:141**
Chief justice, relative to, **379:146, 148**
Clerks and assistant clerks, vacation and sick leave, relative to, **379:124**
Criminal defendants' pleadings, relative to, **379:193**
Entry fee increased, **133:564**
First justice, special justices, associate justices, clerks and assistant clerks, relative to, **379:122**
Housing specialists, relative to, **379:134**
Jury-of-six sessions, relative to, **133:557**
Minors, adoption of, relative to, **379:59**
Guardians appointed for, relative to, **379:58**
Relocation and modification of jurisdictional lines, study of mandated, **379:223**
Small claims procedure, relative to, **379:135 - 137**
Special justices, relative to, **379:123**
Temporary clerks, relative to, **379:125**
Territorial jurisdiction and place of holding court, relative to, **379:121**
Trial by jury of six, waiver of, relative to, **379:139, 193**

Housing Court Departments
Bonds of receiver, relative to, **379:57**
Chief justice, relative to, **379:46**
Clerks, relative to, **379:47 - 53**
Housing specialists, relative to, **379:54**
Justices, relative to, **379:45**
Transfer of civil actions, relative to, **379:56**

Juvenile Court Department
Justices of, increase in the number of, **379:70**
Minors, adoption of, relative to, **379:59**
Guardians appointed for, relative to, **379:58**
Relative to, **379:7 - 30;162- 164, 203**

Land Court Department
Fee amendments, **133:566**
Justices, relative to, **379:33**
Papers and documents, care and custody, relative to, **379:35**
Recorder, powers and duties increased, **133:521**
Relative to, **379:34**
Supplies and equipment, relative to, **379:55**

Probate and Family Court Department
Assistant registers, relative to, **379:111, 112**
Chief justice, powers and duties, relative to, **379:106**
Clerk and deputy assistant registers, relative to, **379:11**
Dukes county, clerk and assistant deputy registrar, **379:115**
First assistant registers, relative to, **379:109, 110**
First justices, relative to, **379:102**
Middlesex county, clerk and deputy assistant registers, relative to, **379:114**
Nantucket county, clerk and assistant deputy register, relative to, **379:116**
Prohibitions and restrictions on justices, relative to, **379:105**
Suffolk county, clerk and deputy assistant registers, relative to, **379:113**

Superior court department
Administrative head, relative to, **379:91**
Entry fee increased, **133:565**
First justices, relative to, **379:94**

COZZI, INC. d/b/a RUFO'S VARIETY
Pittsfield, alcoholic beverages, authorizing the city of, to issue a license to, for the sale of, **388**

CREMINS, JOHN F., MAJOR GENERAL
Designating a certain intersection in Cambridge as the Major General John F. Cremins Park, **12**

CRIMES
Hate crimes, definition of amended, **59**
Recognizance, relative to, **379:182 - 187**
Stalking, established as a crime and penalties provided for, **31**

CRIMINAL OFFENDERS
Foster care placements prohibited in homes with adults with certain criminal records, **106**

DAIRY EQUALIZATION FUND
Establishment of, **23:7**

DAMOLIN, THOMAS J.
Sick leave bank, establishment of and authorizing contributions to, for, **4**

DANGEROUS OR ABANDONED STRUCTURES
Local inspector, removed or made safe by, obligation to the municipality for, **133:499**

DAUKSZ, ANTHONY, MEMORIAL SQUARE
Webster, designating a certain traffic island in the town of, as the, **33**

DAVIDOVICH, VIVIAN
Sick leave bank, establishment of and authorizing contributions to, for, **156**

DAY CARE PROVIDERS
Licensure, further regulating the issuance thereof, **109**

DEAF AND HARD OF HEARING
Advisory Council for the deaf and hard of hearing, membership of, relative to, **411**

DECEDENT'S ESTATES
Bequest presumed abandoned if not claimed within three years of decedent's death, **133:529**
Payment of debts, order of changed, **133:528**
Small debts owed to, increasing the amount that may be paid to next of kin, informally, **161**
Voluntary administration welfare, department of, copies of statement and death certificate to be furnished to, **133:526**
Voluntary executor welfare, department of, copies of statement and death certificate to be furnished to, **133:527**
Welfare, department of, claims against, relative to, **133:468, 526**
Welfare, department, copies of petition and death certificate to be furnished to, **133:468**

DEED'S EXCISE FUND
Establishment of, **133:409**

DEMELO, ANN
Wareham, unpaid bill, authorizing the town to pay to, **260**

DEVLIN, DONNA
Survivors of, retirement allowance for, further regulating, **406**

DIAZ, AXEL
Northampton, authorizing the city to grant a pension to, **261**

DISTRICT ATTORNEYS
Domestic Violence Prosecution Program, ordered to develop a plan for, **133:39**

DISTRICTS
in general
Bonds, notes and certificates of indebtedness, relative to, **143**
special classes of districts
Fire and water district, Millers Falls, relative to, **249**
Fire and water district, Thorndike Fire and Water District (Palmer) increasing the amount of money that may be borrowed and extend the time limit to pay same, **24**
Fire District, Wareham, authorizing recision of a certain vote, **258**
Regional School District, Mendon-Upton, authorizing conveyance of certain parcel of land to the town of Upton, **150**
Plymouth-Carver, dissolution of, relative to, **288**
Sewerage district, South Essex, relative to the maturities of bonds and notes, **2**
Water district, Ashfield water district, increasing the term of loans, **84**
Grafton Water District, authorizing transfer by state of the "Grafton Water Line", to, **304**
Montague Center Water District, increasing the borrowing capacity of, **53**

DIVISION OF ENERGY RESOURCES
Residential conservation service program, certain costs thereof to be assessed upon utility companies, **133:31**

DIVISION OF INSURANCE FUND
Establishing, **133;191**
Relative to, **153:5**

DIVORCE
Orders to vacate marital home and orders of restraint, relative to, **188:1**

DOG RACING
Conduct of, further regulating, **101**
Parimutual provisions, further regulating, **101:7**
Simulcast wagering of, providing for, **101:5, 13**

DOGS
Licensing and restraining of, penalties for violation of increased, **133:496**
Licensing and restraining, violations subject to civil procedures act, **133:497**
Millis, relative to the licensing and keeping of, in the town of, **351**

DOMESTIC ABUSE
Complaints of, further regulating the processing of, **188**

DOMESTIC VIOLENCE OFFENSES
Statewide registration of, authorizing and directing the commissioner of probation to develop and implement, **188:7**

DONOVAN, MICHAEL
Sick leave bank, establishment of, and authorizing contributions to, **317**

DRIVING UNDER THE INFLUENCE
Trial "de novo", right to eliminated, **379:1B**

DUKES COUNTY
Finances, authorizing the establishment of funds for the airport commission, sewage treatment facilities and water connections, **57**
State grant, authorizing borrowing in anticipation of, **326**

DUPRE, DOLORES
Sick leave bank, establishment of, and authorizing contributions to, **317**

843 CRESCENT STREET CORP.
Right of way in the city of Brockton, providing for commonwealth's abandonment and conveyance of, to, **256**

EARLY RETIREMENT INCENTIVE PROGRAM
Vacation pay, unused and not reimbursed through June 1992, authorizing payment for not exceeding twenty thousand dollars, **289:21A**

EASTERN MASSACHUSETTS MEDICAL EXAMINER & STATE CRIME LABORATORY
Further amending appropriations and authorization for, **69:8**

ECOLOGICAL ENGINEERING ASSOCIATES OF THE TOWN OF MARION
Ashfield, authorizing a contract for the providing and operating of a solar aquatic wastewater treatment facility in the town of, **181**

EDUCATION
in general
Equal educational opportunity grants, amending certain requirements for, **44**
higher
Equal educational opportunity grants, waiver of requirements for eligibility, relative to for fiscal year 1993, **153:73**
Equal educational opportunity grants, relative to, **133:112**
Foundations, each public institution of higher education authorized to establish, **133:211**
Travel policy of state colleges, further regulating, **133:436**
Tuitions collected by state institutions of higher education, excluding University of Massachusetts, to be deposited into the general fund, **133:120**
University of Massachusetts Medical Center, pay back learning contracts for students, relative to, **133:133**
vocational education
Tuition payment of non-residents, relative to, **133:437**

EDUCATION, DEPARTMENT OF
County houses of correction, special needs school aged children incarcerated in, special education to be provided to, **133:435**
Refugees and immigrants, relative to certain rights, powers, duties and obligations to, **133:425**
School breakfast and summer food service outreach program, establishing, in the, **414:1**

EDUCATION, SECRETARY OF
Powers and duties enlarged, **133:209**

EDWARDS, WARREN L. MEMORIAL SQUARE
Avon, designating a certain intersection in the town of, as the, **45**

ELECTIONS
(see RECALL ELECTIONS)
special provisions for particular cities and towns
Millbury, referendum petitions and elections, providing for, **337**
Newburyport, further regulating in the city of, **130**
North Attleborough, preliminary elections, further regulating, **208**
Southampton, stabilization fund, relative to, **360**
West Boylston, authorizing, **362**
Westford, authorizing the town to borrow money to update its master plan, **361**
wards and precincts
certain polling places in the same building, relative to, **403:17**
decennial division of cities into wards and precincts, relative to, **403**
discontinuance of voting precincts, relative to, **403:15**
division of cities and wards into voting precints and effect on senatorial, representative or councillor districts, relative to, **403:11, 12, 35**
division of cities and wards into voting precincts and effect on senatorial, representative or councillor districts, relative to, **403:11, 12, 35**
municipal elections, relative to, **403:12, 14, 36**
representative, senatorial or councillor districts, relative to, **403:16**

ELECTRIC COMPANIES
Special assessment on certain ones, **133:13**

ELECTRICITY
in general
Cogeneration facility, further defined, **289:13**
Theft of, relative to the proof of, **112**

EMPLOYERS AND EMPLOYEES
Wages, payment of, relative to, **133:502, 503, 504**

EMPLOYMENT
Stimulation, and encouraging the siting of certain federal facilities in the Commonwealth, relative to, **300**

EMPLOYMENT INSURANCE TRUST FUND
Restoring solvency to, **118**

EMPLOYMENT AND TRAINING, DEPARTMENT OF
"Base Period" re-defined, **26:6**
Commissioner of, directed to promulgate regulations in accordance with amendments of this act, **26:33**
Commissioner of, directed to study and evaluate the effect of this act on temporary technical placement or contact firms and report to joint committees on commerce and labor and ways and means, **26:32**
Commissioner of, directed to make a study of employment and training programs available to unemployed and report to the house and senate with recommendations, **26:31**

ENERGY FACILITIES SITING COUNCIL
Functions of transferred to the department of public utilities, **141**

ENERGY RESOURCES, DIVISION OF
Residential conservation service program, certain costs thereof to be assessed upon utility companies, **133:31**

ENHANCED 911 SERVICES
Electronic data base, all street numbers to be entered into, for use in, **336**

ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF
Ice rinks, privatization, consolidation or closure study to be conducted for by the secretary of administration and finance, providing for, **289:21**
Noncriminal disposition of certain violations, relative to, **133:256-259**
Park ranger, civil infraction procedure, authority to act under, **133:489**

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Proposed rules and regulations regarding prevention of pollution and securing sanitary protection of all waters, direction to produce before December 1, 1992, **36:14**
Salem-Beverly water supply, directed to expend up to four million dollars to protect, **36:6**
Sewer system extension connection permits, directed to amend regulations to further protect watersheds by July 1, 1992, **36:5**

EQUINE ACTIVITIES
Person involved in, further regulating liability of, **212**

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS
Authorized to establish a temporary loan program for businesses disapportionately impacted by increases in unemployment compensation contributions, **26:29**

EX-PRISONERS OF WAR
Plaque in honor of, superintendent authorized and directed to install in state house, **142**

FAIRHAVEN CHOWDER HOUSE, INC.
Fairhaven, alcoholic beverages, authorizing the town to issue a license for the sale of, to the, **96**

FALLON, JOHN T. PIER
University of Massachusetts, Boston, designating the pier at, as the, **191**

FARM EQUIPMENT
Public ways, relative to the operation of, on, **257**

FARMER
Chapter 90, further defining, for the purposes of, **128**

FARRELL COURT
Salem, designating a certain family housing project in the city of, as, **210**

FEDERAL FACILITIES
Encouraging the siting of certain, in the commonwealth, **300:386**

FEDERAL GRANT FUNDS
Relative to certain grants, **153:39**

FIRE DEPARTMENT AND FIREFIGHTERS
in general
Open burning, local fire chief may authorize in certain situations, **340**
provisions for particular cities and towns
Hingham, civil service laws, position of chief of fire department, exempting from, **217**
Lynn, relative to reduction in rank for lack of money or abolition of position, **108**
Malden, relative to reduction in rank because of lack of money or abolition of position, **89**

FIRE DEPARTMENT AND FIREFIGHTERS continued
provisions for particular cities and towns continued
Manchester-by-the-Sea, authorizing reimbursement to Wilbur Stanley for certain injuries sustained as a firefighter, **180**

FIRE HAZARDS
Remedy of conditions, obligation to cleaner, **133:500**

FIRST CONGREGATIONAL SOCIETY IN THE TOWN OF BECKET
Income from property, increase authorized, **348**

FISHER, RUSSELL F.
State-Boston, retirement system authorized and directed to retire and pay a certain pension to, **240**

FISHERIES AND WILDLIFE
Coastal waters, further defining, **133:486**
Marine Fisheries, jurisdictional boundaries, relative to, **133:487**

FOLEY, FRANCIS X.
Police officer, Boston, directing the State-Boston retirement board to retire, **78**

FORT POINT CHANNEL, BOSTON
Harbor lines, authorizing changes in, and fill and structures for the Central Artery/Tunnel to extend into, **367**

FOSTER CARE
Further regulating placement of children in, **69:5, 6**

FUNDS, REVOLVING
Public school transportation and certain financial matters, relative to, **224**

FUNDS, SPECIAL
Asbestos Cost Recovery Fund, establishing, **133:40**
Board of Registration in Medicine Trust Fund, establishing, **133:192**
Cahen, James P. Medical Fund, relative to the appointment of trustees of, **243**
County Correction Fund, establishing, **133:411**
Dairy Equalization Fund, establishing, **23:7**
Deed's Excise Fund, establishing, **133:409**
Division of Insurance Fund, establishing, **133:191**
Division of Insurance Trust Fund, relative to, **153:5**

FUNDS, SPECIAL continued
Greyhound Humane Disposition and Adoption Trust Fund, establishment of, **101:5, 13**
Hazardous Waste Insolvency Fund, relative to, **133:578, 579, 580**
Head Injury Treatment Services, the Trust Fund for, establishing, **133:71**
Health Care Access Fund, further regulating qualifications for, **133:478**
Health Protection Fund, establishing, **254:2**
Highway Fund, local aid portion, relative to distribution in fiscal year 1993, **153:72**
Highway Fund, to be reimbursed for any transfers of monies to other funds to cover deficiencies in fiscal year 1992, **153:67**
Highway Fund, transfer of funds credited to prohibited, **133:109**
Infrastructure and Capital Investment Fund, establishing for University of Massachusetts, **133:119**
Inland Fisheries and Game Fund, division of law enforcement to pay over to, all certain fines and penalties, **133:262**
Labor Shortage Trust Fund, relative to, **133:583**
Local Aid Fund, established, **133:334**
Marine Fisheries Fund, enlarging revenue sources, **133:484**
Martin Luther King Commission Trust Fund, establishing, **153:5A**
Massachusetts Insurers Insolvency Fund, relative to, **318:1-3**
Massachusetts Tourism Fund, relative to, **153:4**
Appropriation from for certain tourism activities, **152**
Medicaid Trust Fund, establishing and authorizing regulations for, **133:93**
Natural Heritage and Endangered Species Fund, certain fines and penalties to be credited to, **133:488**
Additional revenue source for, **133:190**
Projects Administration Fund, establishing for water pollution abatement, **203**
Propagation, Cultivation and Study of Shellfish in the Town of Nantucket, relative to, **244**
Public school transportation and certain financial matters, relative to, **224**
State Lottery Fund, expenditures therefrom amended, **133:189**
Tax Reduction Fund, relative to, **133:335**
Thoroughbred and standard bred horse and greyhound sweepstakes lottery fund, establishment of, **101:5, 13**
Tuition Retention Fund, establishing for University of Massachusetts, **133:119**
Underground Storage Tank Petroleum Product Cleanup Fund, state fire marshall replaces secretary of administration and finance, **133:323- 326**
Uncompensated care pool, hospital debts to, relative to, **289:18**
Uncompensated Care Trust Fund further regulating for fiscal year 1993, **289:17**

FUNDS, SPECIAL continued
Unemployment Insurance Trust Fund, providing funds for, **26:7-28**
Restoring solvency to, **118**
Urban Initiative Fund, establishing, **133:137**
Water Pollution Projects Abatement Administration Fund, establishing, **203:4**
Watershed Management Fund, credits, powers and duties amended, **133:340**
Relative to, **133:454**

GAS
Theft of, relative to the proof of, **112**

GENERAL MARQUIS DELAFAYETTE
Superintendent of State Office Buildings to install and maintain a plaque honoring, **37**

GILES, FRANK S., MEMORIAL BRIDGE
Methuen, designating a certain bridge in, as the Honorable, **29**

GOVERNMENT LAND BANK
Relative to, **133:576**

GOVERNMENTAL UNITS
Joint operation of public activities, further regulated, **133:369**

GOVERNOR'S ADVISORY COUNCIL FOR REFUGEES AND IMMIGRANTS
Establishment of, **133:171**
Executive office for human services, placed into, **133:180**

GRACE BALLOW PICNIC AREA
Designating a portion of the Blackstone River and Canal Heritage State Park in the town of Uxbridge as, **159**

GRAFTON WATER DISTRICT
Grafton Water line, authorizing transfer by state to, **304**

GRAFTON WATER LINE
Grafton Water District, authorizing the state to transfer to, **304**

GRANBY DINOSAUR MUSEUM
Lease, authorizing the commonwealth to, in the town of Granby, **356**

GRASSIO, JOSEPH R., BRIDGE
Wareham, designating a certain bridge in the town of, as the **259**

GREAT BARRINGTON
Board of Selectmen/Town Manager form of administration, establishing, **184**

GREY GABLES MARKET, INC.
Bourne, alcoholic beverages, authorizing the town to issue an additional license for the sale of, to the, **365**

GREYHOUND HUMANE DISPOSITION AND ADOPTION TRUST FUND
Establishment of, **101:5, 13**

GRIFFIN, DANIEL
Sick leave bank, establishment of, and authorizing contributions to, for **131**

GROUP INSURANCE COMMISSION
Administrative service contracts, authority to enter broadened, **133:361**
Bellingham, elected officials relative to, **314**
Joint purchase agreements, relative to, for health care coverage, **133:366**
Public employees, election to forego coverage, alternative benefits in lieu of, **133:363, 364, 365**
Reimbursement for expenses for non-state funded agencies and authorities, **133:362**

GUARDIANS
District or juvenile courts appointed of for minors, relative to, **379:58**

HARNESS HORSE RACING
Conduct of, further regulating, **292**

HAZARDOUS MATERIAL
Relative to the further control of and liability for mishandling of, **133:271-314**

HAZARDOUS WASTE SITE CLEAN-UP PROFESSIONALS, BOARD OF
Establishment of within the executive office of environmental affairs, duties and functions enumerated, **133:270, 315, 316**

HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL FACILITIES
Amending law relative to, **23:4, 18**
Further amending the law relative to, **69:4**

HEAD INJURY
Treatment services, the trust fund for, establishment of, **133:71**

HEALTH INSURANCE
Public school teachers, relative to, **250**

HEALTH CARE PROVIDERS
Professional liability insurance, further regulating for, **65**

HEALTH MAINTENANCE INSURANCE
Contracts, group, further regulating the cancellation of, **72**

HEALTH MAINTENANCE ORGANIZATIONS
Clinical pharmacies operated by, refill of certain prescriptions, relative to, **133:454**

HEALY, MARY ANN
Sick leave bank, establishment of, and authorizing contributions to, for, **381**

HIGH SCHOOLS
Graduations, relative to scheduling of, **20**

HIGHER EDUCATION COORDINATING COUNCIL
No interest loans to students, relative to a program for, **133:122**

HIGHWAY FUND
Local aid portion, relative to distribution in fiscal year 1993, **153:72**
To be reimbursed for any transfers of monies to other funds to cover deficiencies in fiscal year 1992, **156:67**
Revenue credited to shall not be transferred, **133:109**

HIGHWAYS
State, emergency excavation of, relative to notification of by municipality, **334**
State highway Route 6A, designating same as a scenic road, **61**
Vietnam Veterans Memorial highway, designating a certain portion of state highway, route 114, as the, **111**

HOLIDAYS
Relative to the operation of certain establishments on July 4, 1992, **88**

HOME IMPROVEMENT CONTRACTORS
Further regulating the business of, **16**

HOME IMPROVEMENT LOANS
Relative to, **268**

HOMELESSNESS
Barnstable County, pilot program to reduce in, authorizing, **133:9**
Amending, **310**

HORSE RACING
Conduct of, further regulating, **101**
Parimutual provisions, further regulating, **101:8, 9, 10**
Simulcast wagering of, providing for, **101:5, 13**

HOSPITALS
in general
Records of medical providers, rights of persons seeking benefits under the Social Security Act and federal or state needs- based benefit programs, relative to, **311**
Uncompensated care pool, relative to, **289:18**
special provisions
Federal financial participation, in the expenses, relative to, **133:99**
Rate Setting Commission, authorized to adjust hospital allowance in certain instances, **133:69**
St. John's Hospital and St. Joseph's Hospital, merger or consolidation, relative to, **133:67**

HOSPITALS, ACUTE
Care and services to recipients of the healthy start program, relative to, **133:95**

HOSPITALS, PUBLIC HEALTH
Closing or consolidation, relative to, **133:98**

HOUSING ASSISTANCE CORPORATION
Barnstable County, pilot program to reduce homelessness in, providing for contract for, **310**

HOUSING AUTHORITIES
Elderly, preference for vacant units to certain applicants, **133:65**
Material, supplies or services, purchase of, relative to, **133:64**

HOUSING RECEIVERS
Powers of, clarifying, **407**

HUSBAND AND WIFE
Order prohibiting restraint of personal liberty of spouse, relative to, **188:2**

ICE RINKS
Environmental Management, Department of, privatization, consolidation or closure study for by the secretary of administration and finance, **289:21**

INDEPENDENT CHILD CARE SERVICE
Authorizing funds for, **23:36**

INDIAN AFFAIRS, COMMISSION ON
Executive office of community and development, transferred into, **133:174, 175**

INFRASTRUCTURE AND CAPITOL INVESTMENT FUND
Establishing for University of Massachusetts, **133:119**

INSPECTOR GENERAL
Motor vehicles used by the office of, authority to control granted, **133:206**
Salary relative to, **133:207**

INSURANCE
in general
Agents' license fee increased, **153:58**
companies
Accident and sickness, cancer, treatment of, prescription drugs, off-label uses of, relative to, **404**
Assessments, increasing certain state, **133:331**
Attorney General, assessments levied on motor vehicle policies for certain expenses of, **8**
Increasing funds available to, for certain actions against, **133:322**
Domestic companies, capital investment, relative to, **133:516**
Fire insurance companies, relative to commercial property, **133:515**
relative to dwelling houses, **133:514**
Life insurers licensed to do business in the commonwealth, special division of insurance maintenance assessment on, providing for, **153:9**
Public reporting of certain tax information, relative to, **255**

INSURANCE continued
specific classes of insurance
Life insurance, further regulating certain beneficiary's requirements in policies thereof, **107**
Life insurance policy, deemed matured and payable if no action on file for three years, **133:535**
Life insurance, savings bank relative to, **133:584**
Long term care insurance, relative to, **133:471**
Professional liability insurance for health care providers, further regulating, **65**
Small group health insurance, exemptions for certain groups, **153:78**
Motor vehicle, relative to, **133:582**
Worker's compensation, self insurance, relative to, **318:4**

INSURANCE, COMMISSIONER OF
Standardized claim form for health insurance billing, directed to produce, **133:509-513**

INSURANCE, DEPARTMENT OF
Rating bureau, further regulating the Liquor Liability Joint Underwriting Association, the Medical Malpractice Joint Underwriting Association and the Joint Re-Investment Association, by the, **413**

INSURANCE TRUST FUND, DIVISION OF
Relative to, **153:5**

INTERNATIONAL FINANCE CORPORATION
Domestic insurance companies authorized to invest their capital in obligations of the, **133:516**

INVOLUNTARY UNEMPLOYMENT
Authorizing insurance for, **118**

JOINT RE-INVESTMENT ASSOCIATION
Insurance Department Rating Bureau, further regulating the, by the, **413**

JUDICIAL SYSTEM IMPROVEMENT ACT
Collective bargaining agreements shall prevail over, **379:225**
Effective dates, **379:226, 232, 233**
Task force to prepare technical corrections to, establishing, **379:224**
To operate as a whole, effect of successful challenges to carry part of, **379:227A**

JURY TRIAL
Relative to, **379:139, 141, 181, 193**

JUSTICES
Pensions for certain ones, relative to, **133:34**
Retired justices, cap on compensation for recall services, **133:552(4)**
Retired justices of Appeals Court, temporary recall, compensation for, **133:552(2)(6)**
Retired justices of Supreme Judicial Court, temporary compensation for, **133:552(1)(5)**
Retired justices of trial court, temporary recall, compensation for, **133:552(3)(7)**

JUVENILE COURT DEPARTMENT
(see TRIAL COURT)
Relative to, **379:7 - 17; 20 - 30**

JUVENILE OFFENDERS
Murder, further regulating the adjudication of, charged with, **398**

KELLY, NANCY A.
Sick leave bank, establishment of, and authorizing contributions to, for, **21**

KOLOSKI, JOHN F. AND PHYLLIS P.
Commonwealth land in the town of Hadley, authorizing the conveyance of, to, **238**

KOREAN WAR MEMORIAL
Matching funds for construction, commonwealth to provide up to $175,000, **133:161**

KOREAN WAR VETERANS DAY
Changing date from June 27 to June 25, **38**

KYROUZ, FRED J.
Gloucester, unpaid compensation, authorizing payment of by the city of, to, **222**

LABOR AND LABOR LAWS
AFL-CIO, in any form, replaced by Mass Trades Building Council in certain General Laws, **133:170**

LABOR AND LABOR LAWS Continued
Apprentice agreements, further regulating, **133:328**
Personnel records, relative to the maintenance of, **284**

LAWRENCE, CITY OF
Fiscal Stability Fund, establishment of, **377:4**
Supplemental reserve fund to ensure fiscal stability, establishment of, **377:5**

LEASES
Tenants, certain actions of, may void or annul lease, **133:45**

LESTER, BOBBY JOE
Treasurer directed to purchase annuity for, to discharge a moral obligation, **153:65**

LIBRARY COMMISSIONERS, BOARD OF
Waiver of local funds requirement for communities under receivership, **153:63**

LICENSES AND PERMITS
Dogs, relative to, **133:496**
Pipefitters and refrigeration technicians, further regulating the licensing of, **144**

LIENS
Common nuisances, removal or demolition of by municipalities, relative to enforcement of, **133:494**
Condominiums, unpaid common expenses, further regulating the priority of liens therefor, **400**
Garage keeper, payment of, relative to, **394**
Housing receivers expenses, relative to, **407:10, 11**
Further regulating, condominium common expense liens' priority, **8**

LIQUOR LIABILITY JOINT UNDERWRITING ASSOCIATION
Insurance department rating bureau, further regulating the, by the, **413**

LOANS
Home improvement, relative to, **268**

LOBSTER LICENSES
Renewal and transfer, relative to, **369:1**

LOCAL AID
Distribution of for fiscal year 93, further regulating, **133:3**

LOCAL REIMBURSEMENT OR ASSISTANCE
1990 Federal Census, distribution of to be based on, **133:4**
Advance payments, relative to, **133:5**

LOWELL NATIONAL PARK ACT
Easements and air rights, authority to grant in compliance with, **149**

LUNORDINI, JOHN T.
Sick leave bank, establishment of and authorizing contributions to, for, **80**

MAGISTRATES
Powers and duties enlarged, **133:559**

MAGUIRE, BEATRICE L.
Sick leave bank, establishment of and authorizing contributions to, for, **5**

MAMMOGRAPHY EXAMINATIONS
Standards for, establishing and licensing of facilities and physicians, **132:6, 7**

MAMMOGRAPHY FACILITIES
Defined, **132:6**
Licensing, providing for by the department of public health, **132:6**
Rules and regulations, authorizing promulgation of for licensing, **132:6**

MARINE FISHERIES
Coastal waters, further defining, **133:482**
Fisheries and wildlife, jurisdictional boundaries, relative to, **133:485**

MARINE FISHERIES ADVISORY COMMISSION
Lobster licenses, authorized to promulgate regulations relative to, **369:2**

MARRIAGE
Secretary of state, authorized to issue a certain amended record of, **350**

MARSHFIELD AGRICULTURAL AND HORTICULTURAL SOCIETY
Racing days for 1992, further regulating, **101:12**

MARTHA'S VINEYARD COMMISSION
Further regulating the operations of, **97**

MARTHA'S VINEYARD LAND BANK
Chilmark, conservation land, authorizing the town of, to convey a certain interest in the, **293**

MARTIN LUTHER KING COMMISSION TRUST FUND
Establishing, **153:5A**

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
Somerville, commonwealth land in the city of, authorizing the conveyance of, to the, **364**

MASSACHUSETTS CORRECTIONAL INSTITUTIONS
Employees of, assaults on, relative to the penalty for, **323**

MASSACHUSETTS CULTURAL COUNCIL
Membership, qualifications for amended, **133:194**
Powers, functions and duties amended, **133:195-202**

MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY
Funding for amended, **23:49**

MASSACHUSETTS FIREFIGHTING ACADEMY
Certain cost of operation to be apportioned among certain insurers, **133:27**

MASSACHUSETTS HOUSING FINANCE AGENCY
Relative to, **366**

MASSACHUSETTS INSURERS INSOLVENCY FUND
Relative to, **318:1-3**

MASSACHUSETTS STATE SCHOLARSHIP OFFICE
Scholarship program, needs based, relative to, **133:123**

MASS WATER RESOURCES AUTHORITY
Neponset sole source aquifer relative to, **133:585**

MASSACHUSETTS TOURISM FUND
Appropriation from for certain tourism activities, **152**
Relative to, **153:4**

MASSACHUSETTS WATER RESOURCES AUTHORITY
Bond limit increased, **151**
Commonwealth, directed to pay 80 million dollars to, in consideration for costs borne by the commonwealth on behalf of said authority, **133:59**
Division of watershed management, metropolitan district commission, assessment for operating costs, relative to, **133:453**
Neponset sole source aquifer relative to, **133:585**

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM
Department of revenue authorized to share wage reporting data with department of employment and training and department of education, **26**

MASSBAY TRANSPORTATION AUTHORITY
Notes, regulating the terms of certain, **73**

MATARESE, ROBERT
Sick leave bank, establishment of and authorizing contributions to, for, **81**

MEDFIELD DEVELOPMENT CORPORATION
Authorizing and directing the town of Medfield to convey certain town owned land to, **94**

MEDIATION
Grievance, filing fee, relative to, **133:505**

MEDICAID TRUST FUND
Establishment of and authority to promulgate regulations for, **133:93**

MEDICAL CARE AND ASSISTANCE
Liens for, no recording fees to be charged by registry of deeds, **133:472**

MEDICAL EXAMINERS
Relative to, **368:2**

MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION
Insurance, department rating bureau, further regulating the, by the **413**
Relative to, **65**

MEDICAL PAIN MANAGEMENT PROCEDURES
Special commission to investigate and study, providing for, **Resolve....1**

MEDICAL SECURITY, DEPARTMENT OF
Amending the duties of, **26:2, 3, 4, 5**
Group insurance for certain commonwealth residents, further regulating, **133:473**
Prescription drugs expense assistance for persons over sixty-five receiving medicare benefits, study of by, authorizing, **411:5**

MEDICARE
Department of medical security, prescription drugs for certain sixty-five and older recipients of, authorizing a study of, **411:5**

MEDICOLEGAL INVESTIGATION, COMMISSION OF
Relative to, **368:1**

MENDON-UPTON REGIONAL SCHOOL DISTRICT
Authorizing conveyances of a certain parcel of land to the town of Upton, **150**

MENTAL HEALTH, DEPARTMENT OF
Mental health facilities closing or consolidating, relative to, **133:104**

MENTAL RETARDATION
Children born or diagnosed with, relative to, **87**
Criminal penalties for assault and battery on a mentally retarded person, relative to, **374**
Residential or day care services, patients' rights, further regulating, **313**

METROPOLITAN DISTRICT COMMISSION
Canton, Blue Hills Reservation, Ponkapoag Outdoor Center, authorizing the lease of with certain restrictions, **380**

METROPOLITAN WATER SUPPLY
Protection thereof by restricting the use of certain lands, **36**

MILLERS FALLS FIRE AND WATER DISTRICT
Relative to, **249**

MINORS
Alcoholic beverages, relative to the possession of, by, **110**

MOBILE HOMES
Taunton, mobile home park eviction and discontinuance review board, authorizing establishment of, **207**
West Bridgewater, authorizing by-laws to regulate rents, evictions, discontinuances of mobile home parks and establishing standards for use and occupancy, **15**

MONTACHUSETT CONSTRUCTION CO., INC.
Leominster, unpaid bill, authorizing payment of, by the city of, to, **223**

MONTAGUE CENTER WATER DISTRICT
Increasing the borrowing capacity of, **53**

MORTGAGES
Discharges and related instruments, further regulating the execution of, **410**
First, further regulating priority of those of record, **8**
Foreclosure of mortgages, further regulating notice requirements, **285**
Foreclosure sales, form for notice of, **287**
Home improvement loans, relative to, **268**
Terms, revision of, relative to, **272**

MOTOR BOATS AND OTHER VESSELS
Fines for violations of certain laws, rules and regulations, relative to, **133:450**
Violations of certain laws, rules and regulations, civil infraction procedure, relative to, **133:451**

MOTOR VEHICLES
Blind pedestrians crossing ways, further regulating the operation of, **329:2**
Commercial, learner's permit, issuance of further regulated, **18**
Commercial, license to operate further regulated, **18**
Commercial, transportation of certain hazardous material further regulated, **18**
Driving under the influence, surcharge of one hundred dollars in fine assessed for, to be deposited in the Fund for Head Injury Treatment Services, **133:447**
Farm equipment, relative to the operation of on public ways, **257**
Fees, paid by bad check, registrar to withhold certificate of title, prohibit transfer of vehicle, revoke or suspend license, certificate of title or registration, plates, sticker, decal or other item for which the check was tendered and order the return forthwith, **133:448**
Fines, handicapped parking violations, authorizing funds received from to be allocated to the city or town commission on disability, **241**

MOTOR VEHICLES continued
Insurance policies, assessments levied on for certain expenses of attorney general, **153:8**
License or right to operate, reinstatement of, relative to, **133:449**
Parking, resident only areas authorized in the town of Falmouth, **160**
Parking violations, failure to appear in court after notice of, penalty for increased, **133:445, 446; 153:22**
Registrar, authorized to issue a warrant of distress against corporations for civil violations, relative to, **133:571**
Registration, further regulations relative to, **133:444**
Remote entry processing systems, relative to, **133:134**

MUNICIPAL ADMINISTRATION
Optional forms of, relative to, **133:373**

MUNICIPAL FINANCES
Bonds, amending the restrictions on the use of proceeds from the sale of, **133:374**
Bonds, notes or certificates of indebtedness, relative to, **143**
Damages, further regulating the use of certain sums received as payment for, **62**
Consolidated departments of, restrictions imposed on, **50**
Federal government reimbursements or other revenues or resources, authority to enter into contracts for subject to guidelines of commissioner of revenue, **133:377**

MUNICIPAL LAND
Andover, public lands, in the town of, and the city of Lawrence, authorizing the commonwealth to acquire certain parcels of on behalf of said town or city, **274**
Boston, authorizing the conveyance of a certain parcel of park land, **193**
Boston, authorizing the use of a certain parcel of park land as a visitor information center, **195**
Chilmark, conservation land, authorizing the town of, to convey a certain interest in, to the Martha's Vineyard Land Bank, **293**
East Brookfield, public land in the town of, authorizing the commonwealth to acquire a certain parcel and transfer control to the department of highways, **273**
Hudson, authorizing the conveyance of a certain parcel of park land in the town of, **346**

MUNICIPAL LAND continued
Lawrence, public lands in the city of, and the town of Andover, authorizing the commonwealth to acquire certain parcels on behalf of said city or town, **274**
Orleans, authorizing the town to grant an easement to the Commonwealth, **232**
Oxford, exempting the transfer of a certain parcel in the town of, from certain bidding laws, **280**
Rockport, watershed land, easement over to Quarrytown Realty Trust, authorizing, **147**
Saugus, open-space land, authorizing the conveyance of certain parcels of, **387**
Sharon, conservation land, authorizing the conveyance of a certain parcel of, **197**
Springfield, authorizing the city to lease the former Howard Street Armory to the South End Community Center of Springfield, Inc., **27**
Transfer of a certain parcel of park land for development purposes, authorizing the city to, **295**
Wayland, conservation restriction, authorizing the town to release a certain, **283**
Worcester, authorizing the city to lease a certain building to the Children's Museum of Worcester, Inc., **263**

MUNICIPAL LIENS
Further regulating priority of, **8**

MUNICIPAL OFFICERS AND EMPLOYEES
Consolidation of certain functions of school committees and municipalities authorized, **133:431**
Early retirement, relative to, **133:48**

MUNICIPAL SERVICES
Fees or charges for insufficient funds checks for, amended, **133:376**

MUTUAL SAVINGS CENTRAL FUND, INC.
Merger or consolidation of member banks, relative to, **219**

MUZZI'S CORNER
Hingham, designating a certain corner in the town of, as, **145**

NAMIBIA
Boston, removing certain prohibitions regarding transactions between the city and, **233**

NATURAL HERITAGE AND ENDANGERED SPECIES FUND
Additional revenue source for, **133:190**

NAVOROLI, ANN
Sick leave bank, establishment of and authorizing contributions to, for, **266**

NEW BEDFORD HARBOR DEVELOPMENT COMMISSION
New Bedford, authorizing the lease of certain public land in the city of, to the, and authorizing reimbursement of certain capital expenditures, **382**

NONPROFIT ORGANIZATIONS
Life insurance beneficiaries, further regulating provisions of policies of life insurance for, as, **107**

NORFOLK COUNTY DOG OFFICER'S PROGRAM
Millis, authorizing the town of, to withdraw from, **351**

NORTHLAND RESIDENTIAL CORPORATION
Wayland, conservation restriction, authorizing the town to release a certain one granted by, **283**

NURSE-PRACTITIONER
Authorized to dispense and prescribe controlled substances, **10**

NURSING HOMES
Beds, temporary absence from, relative to, **133:89, 467**
Rates of reimbursement for rate year beginning January 1, 1993, relative to, **289:20**
Reservation of beds for temporary absences, relative to, **133:89, 467**

OFFICE FOR CHILDREN
Appropriation for fiscal year, 1992, **41**

OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT COMMITTEE
State Route 6A within Barnstable County, subject to certain conditions, **61**

OLIVETO, FRANK, JR. BASEBALL FIELD
Somerville, designating a certain baseball field, in the city of, as the, **278**

OPEN BURNING
Trees, bushes and other growths, resulting from the commercial pursuit of agriculture, relative to, **340**

ORDINANCES AND BY-LAWS
Noncriminal disposition of, further regulation thereof in compliance with the civil infraction procedure, **133:370**

ORDWAY, WILLIAM D. SECOND LT./ VIETNAM VETERANS MEMORIAL BRIDGE
Templeton, designating a certain bridge in the town of, as the, **344**

OXFORD INDUSTRIAL PARK EAST
Exempting the transfer of land described as, from certain bidding laws, **280**

PARKING
(see MOTOR VEHICLES)

PARK LAND
Boston, authorizing the conveyance of a certain parcel of in the city of, **193**
Authorizing the use of a certain parcel of for a visitor information center, **195**
Hudson, authorizing the conveyance of a certain parcel of park land in the town of, **346**
Springfield, transfer of a certain parcel of land for development purposes, authorizing the city to, **295**
Weymouth, Webb State Park, designating a certain area of, as the Domenic J. Sansone Memorial Promontory, **196**

PARKING METERS
Advertising ban thereon discontinued, **133:371**

PAROLE BOARD
Certificate of termination of sentence, further expanding applicability of, **133:483**

PATIENT'S RIGHTS
Mental retardation, residential or day care services, further regulating, **313**

PEDESTRIANS
Use of ways by, subject to civil infraction procedure, **133:443**

PENSIONS
(see RETIREMENT SYSTEMS AND PENSIONS)

PENSION RESERVES INVESTMENT MANAGEMENT BOARD
Reporting required of certain personnel information, through the Personnel Administrative Reporting and Information System, **153:62**
Reporting required of all expenditures on the Massachusetts Management Accounting and Reporting System, **153:61**

PHARMACISTS
New prescriptions, counseling, relative to, **176**

PIPEFITTERS AND REFRIGERATION TECHNICIANS
Licensing of, further regulating, **144**

PLANNING BOARDS
Rules and regulations, further regulating the effective dates thereof, **133:372**

PLYMOUTH-CARVER REGIONAL SCHOOL DISTRICT
Dissolution of, relative to, **288**

POCUMTUCK VALLEY MEMORIAL ASSOCIATION (IN DEERFIELD)
Corporate powers, amending, **209**

POLICE DEPARTMENTS AND POLICE OFFICERS
provisions for particular cities and towns
Boston, directing State-Boston Retirement Board to retire Francis X. Foley, police officer city of Boston, **78**
Boston, relative to civil service placement for Stephen J. Ridge, **83**
Brookline, police chief, exempting the position from the provisions of the civil service law, **262**
Cambridge, relative to the retirement contributions of John Sheehan to the retirement system of the city of, **179**
Medford, Medford Police Relief Association, Incorporated, increasing the amount of death benefits that may be paid to members, **211**
Melrose, civil service laws, exempting the position of chief of police the provisions of, **71**
Millville, Timothy F. Ryan, Chief of Police, providing tenure for, **338**
Newton, civil service laws, exempting, the position of chief of police from, **279**

POLICE DEPARTMENTS AND POLICE OFFICERS continued
provisions for particular cities and towns continued
Pittsfield civil service laws, placing the police chief under the provisions of, **11**
Randolph, civil service laws, exempting the position of chief of police from the provisions of, **390**
Quincy, reduction in rank because of lack of money or abolition of position, relative to, **397**
Worcester, Raymond McGrath, relative to certain creditable service for retirement, **186**

POMPEO, ADELINE
Sick leave bank, establishment of and authorizing contributions to, for, **231**

PONKAPOAG OUTDOOR CENTER
Canton, Blue Hills Reservation, authorizing the lease of with certain restrictions, **380**

PRIVATE MEDICAL SECURITY
Private sector charges, defined, **289:8**
Uncompensated care pool, administration of, further regulating, **289**

PROCUREMENT AND GENERAL SERVICES, DEPARTMENT OF
Division of purchased services established within department, and duties enumerated, **133:113**

PSYCHIATRIC NURSE MENTAL HEALTH CLINICAL SPECIALIST
Authorized to dispense and prescribe controlled substances, **10**

PUBLIC ACCOUNTING
Quality review of, relative to, **342**

PUBLIC ADMINISTRATOR
Public Welfare, Department of, power to designate in certain estates, **133:523, 524, 525**

PUBLIC ASSISTANCE
Benefits termination, relative to reinstatement, **133:85**
Housing units, leases authorized to provide temporary shelter for recipients of emergency assistance, **133:86**

PUBLIC ASSISTANCE continued
Medicaid provider rates, increases subject to Title XIX of the Social Security Act, **133:81**
Welfare, department of medicaid, reimbursement for certain providers' prior years obligations authorized out of 1993 fiscal year funds, **289:21B**

PUBLIC ASSISTANCE PROGRAMS
Benefits termination, relative to reinstatement, **133:85**
Cost containment, relative to, **133:92**

PUBLIC CHARITIES
New fee schedule established for annual reports to the attorney general's office, **133:204**

PUBLIC COUNSEL
Indigent defendants, fee for increased, **133:555**
Private counsel division, payment of services, relative to, **133:556**

PUBLIC DOMAIN
Sherburn, authorizing certain land held in, to be used for a communication system, **43**

PUBLIC EMPLOYEES
Abuse of persons with disabilities in the care of the commonwealth, relative to, **133:255**
Salary increases for employees of the commonwealth covered by certain collective bargaining agreements, appropriations for, **267**
Workers' compensation, relative to the funding of, **133:14**

PUBLIC HEALTH
Abuse of patients, reports of, civil suits against reporting party, relative to, **133:461**
Analysis of controlled substances, certificate of result of, relative to, **378**
Dwellings unfit for, human habitation, relative to, **133:462;407**
Marion, board of health, establishing in the town of, **271**

PUBLIC HEALTH, DEPARTMENT OF
Analysis of controlled substances, certificate of result of, relative to, **378**
Women, infants and children program WIC program, providing for, in the, **414:3**

PUBLIC OFFICERS AND EMPLOYEES
Travel and travel-related services, state purchasing agent to coordinate the purchase of, **133:186, 187**

PUBLIC RECORDS
Definition, adding exceptions to, **133:169**

PUBLIC UTILITIES, DEPARTMENT OF
Powers of, certain, extending, **309**
Reorganization of to includes the functions of the Energy Facility Siting Council, **141**

PUBLIC WELFARE, DEPARTMENT OF
Disaster Assistance payments authorized by, **23:56**

QUARRYTOWN REALTY TRUST
Rockport, authorizing grant of easement over watershed land to, **147**

QUINCY 2000 CORPORATION
Establishing the, **102**

QUIRK, ALFRED
Early retirement incentive program, relative to, **133:142**

RABIES
Vaccination for, requiring the owner or keeper of a dog or cat, six months or older, to submit to and keep current, **237**

RACING
Harness horse racing, further regulating, **292**
Horse and dog racing, conduct of, further regulating, **101**
Simulcast wagering of, providing for, **101:5, 13**
Norfolk County, further regulating, **101:6**
Running horse racing, further regulating, **292**

RATE SETTING COMMISSION
Appeal from decision, restriction on admissible evidence, **133:181**
Hospital allowance, authorized to adjust in certain instances, **133:69**
Nursing homes, rates of reimbursement for rate year beginning January 1, 1993, relative to, **289:20**

REAL ESTATE
(see also MORTGAGES)
(see also COMMONWEALTH, LAND)
(see also MUNICIPAL LAND)
Brokers license, authorizing the re-issuance of to William G. Riley of Lowell, **116**
Deeds and other instruments transferring land for a price, increasing the excise tax on, **133:408**
Divided by sale, mortgage, petition for partition or otherwise, date for apportionment of tax, January first, **133:386**
Mortgages, foreclosure of, further regulating notice requirements, **285**
Mortgage foreclosure sales, form for notice of, **287**

RECALL ELECTIONS
Mendon, providing for, **1**
Millbury, providing for, **335**
Millis, providing for, **251**
Rochester, providing for, **325**
Warwick, providing for, **345**
West Boylston, authorizing, **362**
Westwood, providing for, **246**

RECORDS
Hospitals and medical providers, rights of persons seeking benefits under the social security act and federal or state needs based benefit programs, relative to, **311**

REFUGEES AND IMMIGRANTS, OFFICE FOR
Established, purpose set out, duties and powers enumerated, **133:171**
Executive office of human services, placed into, **133:180**

REGIONAL AIRPORTS
Secretary of Environmental Affairs and Department of Environmental Protection directed not to issue construction permits within ten miles of the Quabin, Ware or Wachusett Resevoirs for, **36:18**

REGIONAL AND LOCAL CULTURAL COUNCILS
Local arts councils, replacing with new duties and functions, **133:203**

REGISTRATION IN MEDICINE TRUST FUND, BOARD OF
Establishing, **133:192**

RENTAL ASSISTANCE PROGRAM
Rental amount, relative to, **153:26**

RETAIL DRUG BUSINESS
Further regulating the transaction of, **153:24, 25**

RETIREMENT SYSTEMS AND PENSIONS
in general
Pensions, annuities and other retirement plans and individual retirement plans and individual retirement accounts, providing protection from certain attachments, **153:30, 31**
Public employees, pensions, methods of financing amended, **133:354**
State and municipal retirees, cost of living adjustment, providing for, **70**
Systems other than the state employees' and teachers', funding schedules, relative to, **399:2 - 6**
special provisions
Boston, directing the State-Boston Retirement Board to retire Frances X. Foley, police officer city of Boston, **78**
Braintree, establishing a funding schedule for the retirement system of, **120**
Correction, department of, further regulating retirement benefits of certain employees of the, **164**
Donna Devlin, survivors of, retirement allowance for, further regulating, **406**
Judges pension benefits amended, **133:359, 360**
Judiciary, those appointed prior to January 2, 1975, and attained the age of 55 by December 31, 1991, eligible for a seventy-five percent pension, **133:34**
Municipal and county employees, early retirement, relative to, **133:48;399:1**
New Bedford, establishing a funding schedule for, **119**
Northampton, pension to Axel Diaz, authorizing the city to grant, **261**
State-Boston retirement systems authorizing and directing that Russell F. Fisher, a police officer in the city of Boston be retired and paid a certain pension, **240**
State employees', retirement incentive program authorized for certain members (Early Retirement), **22**
State employees' retirement system, the teachers' retirement system, and the Pension Reserve Investment Trust Fund shall not loan or pledge funds to the commonwealth, **133:46**
State Retirement Board, directed to accept applications for the early retirement incentive program submitted by the beneficiaries of Alfred Quirk, **133:142**

RETIREMENT SYSTEMS AND PENSIONS continued
special provisions continued
State Retirement Board, directed to recalculate the pension of Ellen Schiff, **312**
State Retirement Board, directed to retire Beverly Doyle due to disability, **178**
Teachers' retirement system, certain teachers to be credited with service to nonpublic schools, **333**
Worcester, Raymond McGrath, relative to certain creditable service for retirement as a police officer for the city of, **186**

REVOLVING FUND
in general
Authorizing cities and towns to establish certain, **42**

RIDGE, STEPHEN J.
Civil service placement, eligibility as Boston police officer for, **83**

RILEY, WILLIAM G.
Brokers license, authorizing the re-issuance of to, **116**

RIZOLI, LOUIS "BURKE" MEMORIAL WALKWAY
Designating an area of route 16 in the town of Milford as, **192**

ROGERS, JEFF
Sick leave bank, establishment of and authorizing contributions to, for, **225**

ROXBURY COMMUNITY COLLEGE
Massachusetts State Track Facility, authorizing construction of at, **167**

RUBBISH DISPOSAL
Alternative noncriminal disposition of violations of, **133:569**
Penalties for unauthorized amended, **133:568**

RUNNING HORSE RACING
Conduct of, further regulating, **292**

SAFETY, DEPARTMENT OF
Bungee jumping, rules and regulations relative to, directed to promulgate, **177**

SALEM AND BEVERLY WATER SUPPLY BOARD
Borrowing authority enlarged, **169**

SALEM, ECONOMIC DEVELOP. AND IND. CORP. OF THE CITY OF
Establishment of, **205**

SANSONE, DOMENIC J. MEMORIAL PROMONTORY
Webb State Park, Weymouth, designating a certain area of, as the **196**

SCHIFF, ELLEN
Pension, authorizing and directing the state retirement board to recalculate, **312**

SCHOOL ATTENDANCE
Towns other than in town of residence, relative to, **133:6**

SCHOOLS
public
County agricultural, relative to, **265**
Principals or headmasters, authority to suspend students for certain activities, **133:430**
Psychotropic and other medications administered to students, relative to, **133:433**
Regional and consolidated financial assistance, relative to, **133:572, 573**
Special needs students, pediatric nursing home placement, relative to, **133;434**
Superintendent may address the local appropriating authority relative to school budget regardless of residence, **234**
Teachers, health insurance, relative to, **250**
Transportation, further regulating the use of certain vehicles, **409**
Transportation revolving funds and certain financial matters, relative to, **224**

SECRETARY, STATE
Ballot questions, 1992 state election, authorizing submission and acceptance of certain questions late, **200**
Ballot question, Worcester, directing the state secretary to place a certain question on the ballot, in the city of, **172**
Marriage record authorizing the issuance of a certain amended one by the, **350**

SEPTIC SYSTEMS
Orleans, authorizing the town of to adopt a by-law relative to the upgrading of, **239**

SEWER DEPARTMENTS
Inter-municipal or district contracts, authorizing, **343:3**

SEWER SYSTEM PROPOSALS, COSTS OF
Re-design required because of this at to be borned by commonwealth, **36:9**

SHEEHAN, JOHN
Cambridge, relative to retirement contributions of, to the retirement system of the city of, **179**

SICK LEAVE BANK
Establishment of, and authorizing contributions to, for
Baxendale, Leonard J., **28**
Brown, Stephen T. and Matarese, Robert, **81**
Cocchetti, Carmen, **290**
Coddick, Patricia, **216**
Dalmolin, Thomas J., **4**
Davidovich, Vivian, **156**
Dupre, Dolores and Donovan, Michael, **317**
Griffin, Daniel, **131**
Healy, Mary Ann, **381**
Kelly, Nancy A., **21**
Lunardini, John T., **80**
Navaroli, Ann, **266**
Maguire, Beatrice L., **5**
Pompeo, Adeline, **231**
Rogers, Jeff, **225**
Sirois, Mary Rae, **299**

SIMKINS, RICHARD A. MEMORIAL BRIDGE
Attleboro, designating a certain bridge in, as the firefighter, **51**

SIROIS, MARY RAE
Sick leave bank, authorizing and directing the establishment of, for, **299**

SMALL CLAIMS PROCEDURE
Relative to, **349:135 - 137**

SMALL GROUP HEALTH INSURANCE
Exemptions for certain groups, **153:78**

SOCIAL SERVICE POLICY ADVISORY BOARD
Establishment of and duties enumerated, **133:113**

SOCIAL SERVICES, DEPARTMENT OF
Frivolous abuse or neglect reports to be declared "allegation invalid" and not placed in central registry, **115**
Investigations, duty to notify all persons interviewed if allegations causing investigation unsubstantiated, **133:100**
Out of home placement services, sliding fee copayment, relative to, **133:101**

SOLID WASTE DISPOSAL FACILITIES
Landfills without liners, relative to, **153:23**

SOUTH END COMMUNITY CENTER OF SPRINGFIELD, INC.
Authorizing the city of Springfield to lease the former Howard Street Armory to the, **27**

SOUTH ESSEX SEWERAGE DISTRICT
Bonds and notes issued by, relative to maturities, **2**

SPECIAL ELECTION
Pittsfield, authorizing acceptance of certain statutes at, **46**

SPRINGFIELD STATE OFFICE BUILDING MANAGEMENT FUND, THE
Relative to, **133:8**

ST. JOSEPH'S HOSPITAL
Saint John's Hospital, merger consolidation with, relative to, **133:67**

ST. JOHN'S HOSPITAL
St. Joseph's Hospital, merger or consolidation with, relative to, **133:67**

STALKING
Establishing the crime of, **31**

STANLEY, WILBUR
Manchester-by-the-Sea, authorizing reimbursement to, for certain injuries sustained as a firefighter, **180**

STATE AGENCIES
Utility expenses, recoupment of overcharges for, relative to, **153:10**

STATE CENSUS
General Laws, conforming to the constitutional amendment abolishing the, **403**

STATE EMPLOYEES
(see PUBLIC EMPLOYEES)
Early retirement - retirement incentive program authorized for certain members, **22**

STATEHOUSE
Authorizing division of capitol planning and operations to perform studies, plans, repairs, renovations and upgrading of same, **69:18**
Elevator inspections, relative to, **133:498**

STATE LOTTERY FUND
Expenditures therefrom amended, **133:189**

STATE POLICE
Promotions of members, amending authority of colonel, and amending weight of factors considered for certain promotions, **23:6, 6A**

STATE RACING COMMISSION
Reorganization of, **23:3**

STATEWIDE EMERGENCY TELECOMMUNICATIONS BOARD
Enhanced 911 services, all street numbers to be entered into the electronic data base by the board, for, **336**

STUDENT LOANS
Real and personal property lien, relative to a plan for, **133:125**

SUNDAYS
Alcoholic beverage, off premise consumption, license rights extended, **133:490**
Sales of for off-premise consumption further regulated, **202**
Automotive service facilities, authorized to work on, **133:492**
The business of cosmetological and beauty services authorized on, **153:28**

SUPERINTENDENT OF STATE OFFICE BUILDINGS
Directed to install and maintain a plaque to honor General Marquis DeLafayette and the Franco American Community, **37**

TAUBMAN REALTY GROUP LIMITED PARTNERSHIP, THE
Merger or consolidation authorized, **139**

TAUNTON
Mobile home park eviction and discontinuance review board, authorizing establishment of, **207**

TAXATION
in general
Commissioner of revenue to publish and prepare annual statistical report of revenues collected from corporations and businesses under chapter 63, **133:394**
Electric transfer of funds and electronic data submission, commissioner authorized to establish procedures for, **133:397**
Late payment, interest due on, and penalties for, **133:395**
Refund of overpayment of, interest on, relative to, **133:396**
special classes of taxes
corporate
Domestic corporations, definition amended, **133:398**
Estimated tax, underpayment of, interest thereon, relative to, **133:406A**
Excise tax, definition amended, **133:405, 406**
Foreign corporations, definition amended, **133:399**
Losses sustained in other taxable years, definition amended, **133:402**
Massachusetts net operating loss incurred in a taxable year, defined, **133:403**
Security corporation, definition amended for excise tax, **133:405, 406**
estate
Amendments thereto **133:417-422**
excise
Cigarettes and smokeless tobacco, increasing, **254:3**
Cigarette, disposition of sums received amended, **133:407**
Deeds and other instruments transferring land for a price, increasing, **133:408**
Motor vehicle, increasing the charge for nonpayment of, **133:388**
Room occupancy excise, local portion to be paid to municipalities quarterly, **133:416**

TAXATION continued
income
Estimated tax, underpayment of, interest thereon, relative to, **133:393**
Gross income, deductions from, relative to, **133:390, 391**
real and personal property
Bellingham, reimbursement of certain real estate taxes paid in error, authorizing, **298**
Further regulating quarterly preliminary tax notices for the fiscal year, 1993, **291**
sales
Motor vehicle sales tax paid by bad check, registrar to withhold certificate of title, prohibit transfer of vehicle, revoke or suspend registration, no new license, certificates of title or registration, number plates, stickers, decals until check paid, **133:415**

TEACHERS
Retirement system, certain teachers to be credited with service to nonpublic schools, **333**

TENANT
Rent in advance for last month of tenancy and security deposits, interest thereon, relative to, **133:522**

THOROUGHBRED AND STANDARD BRED HORSE AND GREYHOUND SWEEPSTAKES LOTTERY FUND
Establishment of, **101:5, 13**

TREASURER, STATE
Directed to pay on July first annually all municipal tax revenues lost due to restrictive provisions of this act on land use, **36:1**

TRIALS AND EXAMINATIONS
Adjournment, authority of court amended, **23:22**

TRUSTEE PROCESS
Wages and pensions, certain exempting and exemptions from, **153:31**

TUFTS UNIVERSITY
Agreement between commonwealth and, modification of authorized, **315**

TUITION RETENTION FUND
Establishing for University of Massachusetts, **133:119**

UNCOMPENSATED CARE TRUST FUND
Further regulating for fiscal year 1993, **289:17**

UNIFORM PROCUREMENT ACT
Further regulating, **153:11-15**
Solid waste, sewage, septage or sludge, disposal, recycling, composting or treatment of, relative to, **153:12-15**

UNIVERSITIES
(see COLLEGES, UNIVERSITIES AND INSTITUTES)

UNIVERSITY OF MASSACHUSETTS, BOSTON
Pier, designating as John T. Fallon, **191**

UNIVERSITY OF MASSACHUSETTS RESEARCH FOUNDATION
Establishing, **153:21**

URBAN AREA INSURANCE PLACEMENT FACILITY
Directors, officers, trustees or agents, liability of, relative to, **413:2**

URBAN INITIATIVE FUND
Establishing, **133:137**

U.S.D.O.D. FINANCING AND ACCOUNTING SERVICE FACILITY
Southbridge, relative to the proposed siting of, in the town of, **300;386**

U.S. NAVAL SHIPBUILDING MUSEUM CORPORATION
Establishing in the city of Quincy, **339**

UTILITY COMPANIES
Attorney general, increase of assessment on for expenses of, **133:177, 178**
Energy forecasting program, expenses of, relative to, **133:140**

VIETNAM VETERANS MEMORIAL HIGHWAY
Designating a certain portion of state highway 114, as the, **111**

WAGES
Reporting of, further regulated, **289:4, 5**

WAREHAM FIRE DISTRICT
Rescission of a 1976 vote, authorizing, **258**

WASHBURN, REGINALD F.
Designating a certain rest area in the town of Wareham as the Reginald F. Washburn memorial Rest Area, **36**

WATER POLLUTION ABATEMENT
Projects Administration Fund, establishing, **203**

WATER POLLUTION ABATEMENT PROJECTS
Revolving trust created to finance, **203**

WATER RESOURCES, DIVISION OF
U.S. Soil Conservation Service, authorized to be designated agent for in certain projects, **23**

WATERSHED MANAGEMENT, DIVISION OF (MDC)
Authorized to acquire land interests that may adversely affect the metropolitan watershed, **36:6, 12**
Directed to provide technical assistance to communities impacted by this act, **36:15**
Rules and regulations for protection of watersheds, directed to consult with department of environmental protection and make same by July 1, 1992, **36:4**

WATER SUPPLY
Hanson, relative to the operation of the town water system, **221**
Merrimac, water privilege fee, establishing, **408**
Inter-municipal or district contracts, authorizing, **343:1**
Nantucket, providing for a public, **355**
State owned water line known as the "Grafton Water Line", authorizing the transfer of the, to the Grafton Water District, **304**

WAYS
Blind pedestrians, crossing or attempting to cross, relative to, **329**

WELFARE, DEPARTMENT OF
Food stamp outreach program, establishing, in the, **414:2**
Public Administrator, power to designate one in certain estates, **133:23, 24, 25**

WESTOVER METROPOLITAN DEVELOPMENT CORPORATION
Further regulating, **247**

WHARF MUSEUM, INC.
Environmental Protection, Department of, authorized to grant a certain license in Fort Point Channel, **148:5**

WINE AUCTIONS
Temporary licenses for, authorizing, **282**

WOODSON FARM
Amesbury, authorizing the town to enter a lease thereof, **127**

WOODLAND GOLF CLUB
Recreational land, authorizing the city of Newton to accept and act upon late application for classification as, by the, **86**

WORKERS' COMPENSATION
Executive office for administration and finance authorized and directed to establish a litigation unit to defend state agencies in claims under, **23:65**
Public employees, relative to the financing of, **133:14**
Public program, relative to, **133:589**
Self-insurance, relative to, **318:4**

TABLE OF CHANGES
SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE 1990 OFFICIAL EDITION, HAVE BEEN AFFECTED BY THE LEGISLATION PASSED BY THE GENERAL COURT SINCE JANUARY FIRST, NINETEEN HUNDRED AND NINETY-ONE.

CHAPTER 1 - Jurisdiction of the Commonwealth and of the United States.

Sect. 3, first paragraph amended, 1991, 552 1.
Sect. 4 amended, 1991, 552 2.

CHAPTER 2 - Arms, Great Seal and Other Emblems of the Commonwealth.

Sect. 36 added, 1991, 406.

CHAPTER 3 - The General Court.

Sect. 46 revised, 1991, 310.

CHAPTER 4 -Statutes.

Sect. 7, clause Twenty-sixth, paragraph (m) added, 1992, 133 169; clause Forty-third, definition of "Wartime Service" revised, 1991,109 1; definition of "Panamanian intervention force veteran" and "Persian Gulf Veteran" inserted, 1991, 109 2; section amended, 1992, 286 1; section amended, 1992, 403 1. (See 1992, 133 599; 286 278, 279.)

CHAPTER 5 - Printing and Distribution of Laws and Public Documents.

CHAPTER 6 - The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

Sect. 12MM amended, 1992, 38.
Sect. 12TT added, 1991, 207.
Sect. 12UU added, 1991, 327.
Sect. 15QQQ added, 1991, 187.
Sect. 17 amended, 1991, 142 1; 481 1; section amended, 1992, 286 2. (See 1991, 142 49, 50; 1992, 286 278, 279.)
Sect. 17A amended, 1991, 142 2. (See 1991, 142 49, 50.)
Sects. 18A & 18B, stricken out and two sections inserted, 1991, 142 3.

(See 1991, 142 49, 50.)
Sect. 48 revised, 1992, 23 3.
Sect. 91 amended, 1991, 552 3.
Sect. 108, caption inserted, 1991, 481, 2; first two sentences revised, 1991, 481 3.
Sect. 115 amended, 1992, 133 170 (See 1992, 133 599.)
Sect. 116, caption revised, 1992, 286 3. (See 1992, 286 278, 279.)
Sect. 116B amended, 1991, 412 2A (See 1991, 412 139.)
Sect. 124A amended, 1991, 58 1.
Sect. 124A amended, 1991, 58 2.
Sect. 156 amended, 1991, 412 3. (See 1991, 412 139.)
Sect. 168, third paragraph, last two sentences revised, 1991, 14 1. (See 1991, 14 2).
Sect. 183A amended, 1991, 552 4.
Sect. 184 revised, 1992, 368 1.
Sect. 191, definition of "Late-deafened deaf" added, 1992, 411 1.
Sect. 195, first paragraph, third, fourth, and fifth sentences revised, 1992, 411 2; second paragraph revised, 1992, 411 3.
Sect. 204 amended, 1992, 133 170. (See 1992, 133 599.)
Sects. 205-208 added, 1992, 133 171. (See 1992, 133 599.)

CHAPTER 6A - Executive Offices.

Sect. 2 amended, 1991, 142 4; 1992, 133 172. (See 1991, 142 49, 50; 1992, 133 597-599.)
Sect. 4A added, 1992, 133 173. (See 1992, 133 597-599.)
Sect. 8 amended, 1991, 481 4; first sentence amended, 1992, 133 174. (See 1992, 133 599.)
Sect. 8A added, 1992, 133 175. (See 1992, 133 597-599.)
Sect. 9 amended, 1991, 193 1; first paragraph amended, 1991, 552 5.
Sect. 9A amended, 1991, 138 95; 1992, 133 177. (See 1991, 138 393; 1992, 133 597-599.)
Sect. 16 amended, 1991, 138 248, 251, 252, 253; 1992, 133 180; 286 4. (See 1991, 138 393; 1992, 133 597-599; 286 278, 279.)
Sect. 17 amended, 1991, 193 2. (See 1991, 193 18.)
Sect. 18 amended, 1991, 138 253; section revised, 1991, 412 4. (See 1991, 138 393; 412 139.)
Sect. 18 1/2 added, 1991, 138 249. (See 1991, 138 393.)
Sect. 18B amended, 1991, 412 5; section amended, 1992, 286 5. (See 1991, 412 139; 1992, 286 278-279.)
Sect. 19, first paragraph amended, 1992, 286 6 (See 1992, 286 278-279.)
Sect. 31 revised, 1991, 495 1.(See 1991, 495 65.)
Sect. 32 amended, 1991, 495 2; third paragraph, third sentence amended, 1992, 133 181. (See 1991, 495 65; 1992, 133 597-599.)
Sect. 32B, paragraph (g) added, 1991, 6 3; section repealed, 1991 495 3. (See 1991, 6 95-97; 495 65.)
Sect. 32C repealed, 1991, 495 4. (See 1991, 495 65.)
Sect. 32D added, 1991, 138 96. (See 1991, 138 393.)
Sect. 34 amended, 1992, 133 170. (See 1992, 133 599.)

Sect. 36 amended, 1991, 495 5. (See 1991, 495 65.)
Sects. 59-64 repealed, 1991, 495 6. (See 1991, 495 65.)
Sect. 65, first paragraph, second and third sentences stricken out, 1991, 495 7; last paragraph stricken out, 1991, 495 8. (See 1991, 495 65,)
Sects. 65A-70 repealed, 1991, 495 9. (See 1991, 495 65.)
Sect. 76 repealed, 1991, 495 10. (See 1991, 495 65.)
Sect. 82A, subsection (d) amended, 1991, 138 97 (See 1991, 138 393.)
Sect. 100, last paragraph revised, 1991, 138 246. (See 1991, 138 393.)
Sect. 78-102 repealed, 1991, 495 11. (See 1991, 495 65.)

CHAPTER 6B - ACUTE HOSPITAL FINANCE.

New chapter inserted, 1991, 495 I 12.

CHAPTER 7- Executive Office for Administration and Finance. (Former title, Commission on Administration and Finance).

Sect. 1, definition of "Commission" revised, 1992, 286 1. (See 1992, 286 278, 279.)
Sect. 3B, fourth paragraph revised, 1991, 6 4; section amended, 1992, 133 183; paragraph added, 1992, 133 184; 133 185. (See 1991, 6 95-97; 1992, 133 597-599.)
Sect. 4A, first paragraph revised, 1992, 286 8. (See 1992, 286 278, 279.)
Sect. 4G, first paragraph first sentence revised, 1991, 6 5. (See 1991, 6 95-97.)
Sect. 22 amended, 1991, 477 1.
Sect. 27A added, 1992, 133 186. (See 1992, 133 597-599.)
Sect. 28 amended, 1992, 133 187. (See 1992, 133 597-599.)
Sects. 30Q-30T repealed, 1991, 412 6. (See 1991, 412 139.)
Sect. 38 repealed, 1992, 133 176. (See 1992, 133 599.)
Sect. 38A 1/2 amended, 1992, 286 9; definition of "Commissioner" and "Division" revised, 1992, 286 10. (See 1992, 286 278, 279.)
Sect. 38B amended, 1992, 286 11. (See 1992, 286 278, 279.) .
Sect. 39B, first and second paragraphs revised, 1992, 286 12. (See 1992, 286 278, 279.)
Sect. 39C revised, 1992, 286 13. (See 1992, 286 278, 279.)
Sect. 40B, amended, 1992, 286 14. (See 1992, 286 278, 279.)
Sect. 40C amended, 1992, 286 15. (See 1992, 286 278, 279.)
Sect. 40F amended, 1992, 286 16. (See 1992, 286 278, 279.)
Sect. 40G, first paragraph, first sentence revised, 1991, 145 28; section amended, 1992, 286 18, 19. (See 1991, 6 95-97; 145 47; 1992, 286 278, 279.)
Sect. 40H amended, 1992, 286 20, 21. (See 1992, 286 278, 279.)
Sect. 40I amended, 1992, 286 22. (See 1992, 286 278, 279.)
Sect. 40J amended, 1992, 286 23. (See 1992, 286 278, 279.)
Sect. 40L amended, 1992, 286 24. (See 1992, 286 278, 279.)
Sect. 40M amended, 1992, 286 25, 26. (See 1992, 286 278, 279.)
Sect. 41A amended, 1992, 286 27, 28. (See 1992, 286 278, 279.)
Sect. 41B amended, 1992, 286 29, 30, 31, 32. (See 1992, 286 278, 279.)
Sect. 41C amended, 1992, 379 1. (See 1992, 379 232, 233.)
Sect. 42A amended, 1992, 286 33, 34. (See 1992, 28 278, 279.)

Sect. 42B amended, 1992, 286 35, 36. (See 1992, 286 278, 279.)
Sect. 42C amended, 1992, 286 37. (See 1992, 286 278, 279.)
Sect. 42D amended, 1992, 286 38, 39. (See 1992, 286 278, 279.)
Sect. 42H amended, 1992, 286 40, 41. (1992, 286 278, 279.)
Sect. 42I amended, 1992, 286 42 (See 1992, 286 278, 279.)
Sect. 42J amended, 1992, 286 43, 44. (See 1992, 286 278, 279.)
Sect. 43A amended, 1992, 286 45. (See 1992, 286 278, 279.)
Sect. 43C amended, 1992, 286 46, 47. (See 1992, 286 278, 279.)
Sect. 50 amended, 1991, 558.

CHAPTER 7A - OFFICE OF THE COMPTROLLER.

CHAPTER 7B - ASSET MANAGEMENT BOARD.

New chapter added, 1990, 150 220A.

CHAPTER 8 - State Superintendant of Buildings, and State House.

Sect. 1 amended, 1992, 286 48, 49. (See 1992, 286 278, 279.)

CHAPTER 9 - Department of the State Secretary.

Sect. 1 amended, 1992, 286 48, 49. (See 1992, 286 278-279.)
Sect. 7 repealed, 1992, 403 2.
Sect. 7A repealed, 1992, 403 2.
Sect. 9 repealed, 1992, 403 2.

CHAPTER 10 - Department of the State Treasurer.

Sect. 13 amended, 1992, 286 52. (See 1992, 286 278, 279.)
Sect. 24, last paragraph stricken out, 1991, 461 1. (See 1991, 461 4.)
Sect. 25, paragraph added, 1991, 461 2; last paragraph revised, 1991, 461 3. (See 1991, 461 4.)
Sect. 35 amended, 1992, 133 189. (See 1992, 133 597-599.)
Sect. 35D amended, 1992, 133 190. (See 1992, 133 597-599.)
Sect. 35J added, 1990, 121 2; stricken out, 1992, 286 50. (See 1992, 121 : 108; 1992, 286 278-279.)
Sect. 35J added, 1991, 138 305; clause (a) revised, 1992, 153 4. (See 1991, 138 393; 1992, 133 597-599; 153 85.)
Sect. 35K added, 1992, 286 50; section repealed, 1992, 286 51. (See 1992, 286 278-279.)
Sect. 35M added, 1992, 133 192. (See 1992, 133 597-599.)
Sect. 39 amended, 1992, 133 193. (See 1992, 133 597-599.)
Sect. 52, first sentence revised, 1992, 133 194. (See 1992, 133 597-599.)
Sect. 53, first sentence revised, 1992, 133 195. (See 1992, 133 597-599.
Sect. 56 amended, 1992, 133 196; first sentence revised, 1992, 133 255; section amended, 1992, 133 198; last sentence revised, 1992, 133 199; section amended, 1992, 133 200, 201; last sentence stricken out and one

sentence inserted, 1992, 133 202. (See 1992, 133 597-599.)
Sect. 58 revised, 1992, 133 203. (See 1992, 133 597-599.)

CHAPTER 11 - Department of the State Auditor

Chapter 12 - Department of the Attorney General, and the District Attorneys

Sect. 4A, inserted, 1991, 138 380. (See 1991, 138 393.).
Sect. 8F amended, 1992, 133 204. (See 1992, 133 597-599.)
Sect. 8N added, 1992, 133 205. (See 1992, 133 597-599.)
Sect. 11C, second paragraph stricken out, 1991, 412 7. (See 1991, 412 139.)
Sect. 11E amended, 1992, 133 178. (See 1992, 133 597-599.)
Sect. 11F amended, 1992, 133 332. (See 1992, 133 597-599.)
Sect. 20D added, 1991, 138 100. (See 1991, 138 393.)

CHAPTER 12A -OFFICE OF THE INSPECTOR GENERAL.

Sect. 4, second paragraph, sentence added, 1992, 133 206. (See 1992, 133 597-599.)
Sect. 5 amended, 1992, 133 207. (See 1992, 133 597-599.)

CHAPTER 13 - Department of Civil Service and Registration.

Sect. 10 amended, 1992, 286 52. (See 1992, 286 278, 279.)
Sect. 10B stricken out, 1992, 286 53. (See 1992, 286 278, 279.)
Sect. 11C added, 1992, 286 53. (See 1992, 286 278, 279.)
Sects. 42-44 revised, 1991, 348.
Sect. 89 amended, 1992, 286 54. (See 1992, 286 278, 279.)
Sect. 92 added, 1991, 168 1.

CHAPTER 14 - Department of Revenue.

Sect. 6, subparagraphs 3 and 4 stricken out and subparagraphs 4 and 5 inserted, 1992, 286 55. (See 1992, 286 278, 279.)

CHAPTER 15 - Department of Education.

Sect. 1E, first paragraph, first two sentences stricken out and three sentences inserted, 1991, 142 5; first two sentences revised, 1991, 142 6A; section amended, 1992, 133 170. (See 1991, 142 49, 50; 1992, 133 599.)
Sect. 1G amended, 1992, 133 208; paragraph inserted, 1992, 414 1. (See 1992, 133 597-599.)
Sect. 1H amended, 1992, 133 170. (See 1992, 133 599.)
Sect. 1L repealed, 1991, 138 319 (See 1991, 138 393.)
Sect. 18A amended, 1991, 142 (See 1991, 142 49, 50.)

CHANGES IN THE

CHAPTER 15A - PUBLIC EDUCATION

Chapter revised, 1991, 142 7. (See 1991, 142 49, 50.)
New title inserted, 1992, 286 56. (See 1992, 286 278, 279.)
Sect. 3, paragraph (g) added, 1992, 133 209. (See 1992, 133 597-599.)
Sect. 4, first paragraph, first sentence revised, 1991, 222 1;second paragraph, first sentence revised, 1991, 222 2.
Sect. 6, second paragraph, last sentence stricken out, 1991, 138 101; section revised, 1991, 142 7. (See 1991, 138 393; 1991, 142 49, 50.)
Sect. 8 repealed, 1991, 142 7. (See 1991, 142 49.)
Sect. 9 added, 1991, 142 7; clause (i) revised, 1992, 69 3. (See 1991, 142 49; 1992, 69 22.)
Sect. 19, second paragraph revised, 1992, 133 210 (See 1992, 133 597-599.)
Sect. 22 added, 1991, 145 29. (See 1991, 145 47.)
Sect. 29, subsection (a), definition of "Optional fee" added, 1991, 462 1; section amended, 1991, 462 2B (See 1991, 462 3.)
Sect. 37 added, 1992, 133 211. (See 1992, 133 597-599.)
Sect. 38 added, 1992, 286 57. (See 1992, 286 278, 279.

CHAPTER 15-- THE NEW ENGLAND EDUCATIONAL LOAN MARKETING CORPORATION ACT.

Chapter repealed, 1982, 356 2.

CHAPTER 15 - MASSACHUSETTS COLLEGE STUDENT LOAN AUTHORITY.

Sect. 4, Paragraph (a), ninth sentence revised, 1992, 286 58. (See 1992, 286 278-279.)

CHAPTER 16 - DEPARTMENT OF HIGHWAYS. (Formerly, DEPARTMENT OF PUBLIC WORKS.)

New title inserted, 1992, 286 I 59. (See 1992, 286 I I 278, 279.)
Sect. 1 revised, 1991, 6 7; first sentence revised, 1991, 33 79; seventh sentence revised, 1991, 33 80; section revised, 1991, 552 6; second sentence revised, 1992, 286 60. (See 1991, 6 95-97; 33 155; 1991, 286 278-279.)
Sect. 2, fourth sentence stricken out, 1991, 6 8; fifth sentence stricken out, 1991, 33 81. (See 1991, 6 95-97.)
Sect. 4, first paragraph amended, 1991, 552 8.
Sect. 4A amended, 1991, 552 9.
Sect. 4B amended, 1991, 552 10.
Sect. 5, paragraph (b), third sentence stricken out and three sentences inserted, 1991, 33 82. (See 1991, 33 155.)
Sect. 9 amended, 1991, 412 8. (See 1991, 412 139.)
Sects. 10, 11, 11A repealed, 1991, 412 9. (See 1991, 412 139.)
Sect. 14 amended, 1991, 552 11.

GENERAL LAWS

CHAPTER 17 - DEPARTMENT OF PUBLIC HEALTH

Sect. 16 added, 1991, 138 236 (See 1991, 138 393.)

CHAPTER 18- Department of Public Welfare.

Sect. 2, subsection (b), clause (i) added, 1991, 6 9. (See 1991, 6 95-97.)
Sect. 16, fifth paragraph revised, 1991, 138 102. (See 1991, 138 393.)

CHAPTER 18A - Department of Youth Services.

CHAPTER 18B - Department of Social Services.

CHAPTER 19 - DEPARTMENT OF MENTAL HEALTH.

Sect. 1, sixth paragraph amended, 1991, 552 12.

CHAPTER 19A - Department of Elder Affairs.

Sect. 37 added, 1991, 138 320. (See 1991, 138 393.)

CHAPTER 19B - Department of Mental Health. (Former title, Department of Mental Diseases.)

Sect. 1, fifth paragraph amended, 1991, 552 13.
Sect. 15, paragraph (f) revised, 1992, 313.

CHAPTER 19C - DISABLED PERSONS PROTECTION COMMISSION.

New chapter inserted, 1987, 465 11.
Sect. 2 amended, 1991, 138 103. (See 1991, 138 393.)

CHAPTER 20 - DEPARTMENT OF FOOD AND AGRICULTURE.

Sect. 6, section revised, 1991, 138 104;amended, 1992, 286 61. (See 1991, 138 393; 1992, 286 278, 279.)

CHAPTER 21 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

Sect. 6F, first six paragraphs stricken out and one paragraph inserted, 1992, 133 256; seventh paragraph revised, 1992, 133 257; ninth paragraph revised, 1992, 133 258; tenth paragraph, sentence inserted after first sentence, 1992, 133 259. (See 1992, 133 597-599.)
Sect. 6G stricken out, 1992, 133 260 (See 1992, 133 597-599.)
Sect. 6I added, 1991, 33 83; section amended, 1992, 133 261; paragraph added, 1992, 133 262 (See 1991, 33 155; 1992, 133 597-599.)
Sect. 17B, seventh paragraph amended, 1991, 552 14.
Sect. 17C, sentence added, 1991, 372.

Sect. 17F added, 1991, 33 84. (See 1991, 33 155.)
Sect. 27A, paragraph (b) revised, 1992, 203 1; paragraph (e), third sentence stricken out, 1992, 203 2.
Sect. 33E amended, 1992, 203 3.
Sect. 37 amended, 1992, 133 263, 264. (See 1992, 133 597-599.)
Sect. 43 amended, 1992, 133 267, 268. (See 1992, 133 597-599.)
Sect. 54, second paragraph amended, 1991, 552 15.

CHAPTER 21 - Executive Office of Environmental Affairs.

Sect. 11A amended, 1991, 552 16.

CHAPTER 21B - MINING REGULATION AND RECLAMATION.

CHAPTER 21C - Massachusett Hazardous Waste Management Act.

Sect. 5, two paragraphs added, 1992, 23 4.
Sect. 15, definition of "Covered claim" amended, 1991, 138 351; 1992, 133 317 (See 1991, 138, 393; 1992, 133 597-599.)
Sect. 19, first sentence amended, 1991, 138 352; 1992 133 318. (See 1991, 138 393; 1992, 133 597-599.)

CHAPTER 21D - Massachusetts Hazardous Waste Facility Citing Act.

Sect. 12 amended, 1992, 133 319. (See 1992, 133 597-599.)

CHAPTER 21E - MASSACHUSETTS OIL AND HAZARDOUS MATERIAL RELEASE PREVENTION AND RESPONSE ACT.

Sect. 2 amended, 1991, 476 1; definition of "Fiduciary" inserted, 1992, 133 271; definition of "Offshore oil facility"inserted, 1991, 476 2; definitions of "Oil facility", "Oil pollution act", and "Onshore oil facility" inserted, 1991, 476 3; definition of "Owner" or "Operator", first sent revised, 1991, 476 4; definition of "Person" amended, 1991, 476 5; definition of "Priority disposal site" revised, 1991, 476 5A; definition of "Public vessel" inserted, 1991, 476 6; section amended, 1992 133 272, 273; definition of "Owner or operator" revised, 1992, 133 274; definition of "Person" revised, 1992, 286 62; definition of "Secured lender" inserted, 1992, 133 275; definition of "Statement of claim" or "statement" revised, 1992, 133 276; definition of "Substantial hazard" amended, 1992, 133 277 (See 1992, 133 597-599; 1992, 286 278, 279.)
Sect. 3 amended, 1991, 476 7; subsection (d) inserted, 1992, 133 278. (See 1992, 133 597-599.)
Sect. 3A, subsection (b), first paragraph revised, 1992, 133 279; fourth paragraph revised, 1992, 133 280; subsection (c) revised, 1992, 133 281; subsection (d) revised, 1992, 133 282; subsection (f) revised, 1992, 133 283; subsection (g) revised, 1992, 133 284; subsection (i) revised, 1992,

133 285; subsection (j) revised, 1992, 133 286; subsection (l) stricken out, 1992, 133 287; subsection (m) revised, 1992, 133 288; subsection (n) revised, 1992, 133 289. (See 1992, 133 597-599.)
Sect. 3B added, 1992, 133 290. (See 1992, 133 597-599.)
Sect. 4, paragraph added, 1991, 476 8; first paragraph, third sentence amended, 1992, 133 291; third and fourth sentences revised, 1992, 133 292; third paragraph stricken out and two paragraphs inserted, 1992, 133 293. (See 1992, 133 597-599.)
Sect. 4A added, 1992, 133 294. (See 1992, 133 597-599.)
Sect. 5, subsection (a) amended, 1992, 133 295; paragraph inserted after first paragraph, 1992, 133 296; paragraph (a) amended, 1991, 476 9; paragraph (b) amended, 1991, 476 10; subsection (d) revised, 1992, 133 297; subsection (e) revised, 1992, 133 298; subsection (g) inserted, 1992, 133 299. (See 1992, 133 597-599.)
Sect. 5A added, 1992, 133 300. (See 1992, 133 597-599.)
Sect. 5B added, 1992, 133 300. (See 1992, 133 597-599.)
Sect. 6, three paragraphs added, 1992, 133 301. (See 1992, 133 597-599.)
Sect. 7, first sentence revised, 1992, 133 302; paragraph added, 1992, 133 303. (See 1992, 133 597-599)
Sect. 8 revised, 1992, 133 304. (See 1992, 133 597-599.)
Sect. 9, first paragraph, first sentence revised, 1992, 133 305; second paragraph revised, 1992, 133 306. (See 1992, 133 597-599.)
Sect. 10 revised, 1992, 133 307. (See 1992, 133 597-599.)
Sect. 11, third paragraph, last sentence revised, 1992, 133 308 (See 1992, 133 597-599.)
Sect. 11A added, 1992, 133 309. (See 1992, 133 597-599.)
Sect. 13 revised, 1992, 133 310. (See 1992, 133 597-599.)
Sect. 14 revised, 1992, 133 311 (See 1992, 133 597-599.)

CHAPTER 21F -Coastal Facilities Improvement.

CHAPTER 21G - MASSACHUSETTS WATER MANAGEMENT ACT.

Sect. 5 amended, 1992, 286 63. (See 1992, 286 278, 279.)

CHAPTER 21H - SOLID WASTE FACILITIES.

New chapter added, 1987, 584 3.
Sect. 3, paragraph (k) revised, 1991, 549 1; section amended, 1992, 133 320. (See 1992, 133 597-599.)
Sect. 6, subsections (b) and (c) stricken out, 1992, 23 5.

CHAPTER 21I - MASSACHUSETTS TOXICS USE REDUCTION ACT.

New chapter inserted, 1989, 265 3.
Sect. 2, definition of "Toxics users" revised, 1991, 6 10; definition of "Toxic or hazardous substance" amended, 1991, 6 11. (See 1991, 6 95-97.)
Sect. 9, Introductory paragraph revised, 1992, 286 64. (See 1992, 286 278, 279.)

Sect. 19, paragraph (C) revised, 1991, 6 12; paragraph (G), second sentence revised, 1991, 6 13. (See 1991, 6 95-97.)

CHAPTER 21J - UNDERGROUND STORAGE TANK PETROLEUM PRODUCT CLEANUP FUND.

New chapter added, 1990, 524 1.
Sect. 1 amended, 1992, 133 321, 322; amended, 1992, 286 65. (See 1992, 133 597-599; 1992, 286 278, 279.)
Sect. 4 amended, 1992, 133 323. (See 1992, 133 597-599.)
Sect. 6, second sentence revised, 1992, 133 324 (See 1992, 133 597-599.)
Sect. 8 amended, 1992, 133 325. (See 1992, 133 597-599.)
Sect. 9 amended, 1992, 286 66. (See 1992, 286 278, 279.)
Sect. 10 amended, 1992, 133 326. (See 1992, 133 597-599.)

CHAPTER 22 - Department of Public Safety.

Sect. 3 amended, 1991, 412 10; second paragraph stricken out, 1991, 412 11. (See 1991, 412 139.)
Sect. 3A, 3B repealed, 1991, 412 11A. (See 1991, 412 139.)
Sect. 6 amended, 1991, 412 11B, 11C, 11D (See 1991, 412 139.)
Sect. 6A amended, 1991, 412 12. (See 1991, 412 139.)
Sect. 7 amended, 1991, 412 13, 14. (See 1991, 412 139.)
Sect. 7A amended, 1991, 412 15 (See 1991, 412 139.)
Sect. 7B amended, 1991, 412 16 (See 1991, 412 139.)
Sect. 7C repealed, 1991, 412 17. (See 1991, 412 139.)
Sect. 8 amended, 1991, 412 18. (See 1991, 412 139.)
Sect. 9P amended, 1991, 6 14. (See 1991, 6 95-97.)
Sects. 9-9U repealed, 1991, 412 19.(See 1991, 412 139.)
Sect. 11B added, 1992, 177 1.
Sect. 15A added, 1991, 412 20. (See 1991, 412 139.)
Sect. 15A added, 1992, 286 67 (See 1992, 286 278, 279.)
Sect. 15B added, 1991, 412 20. (See 1991, 412 139.)
Sect. 15C added, 1991, 412 20 (See 1991, 412 139.)
Sect. 15D added, 1991, 412 20; first sentence revised, 1992, 133 327. (See 1992, 133 597-599.)
Sects. 16-19 repealed, 1991, 412 19A (See 1991, 412 139.)
Sect. 16 stricken out, 1992, 286 67. (See 1990, 475 1; 1992, 286 278, 279.)

CHAPTER 22A - CENTRAL REGISTER FOR MISSING CHILDREN.

CHAPTER 22B - CAPITOL POLICE.

Chapter repealed, 1991, 412 I 21. (See 1991, 412 I 139.)

CHAPTER 22C - THE DEPARTMENT OF STATE POLICE.

New chapter added, 1991, 412 I 22. (See 1991, 412 I 139.)

GENERAL LAWS

CHAPTER 23 - Department of Labor and Industries.

Sect. 13A added, 1991, 6 15 (See 1991, 6 95-97.)

CHAPTER 23A - Department of Commerce and Development. (Former title, Department of Commerce.)

Sect. 32, paragraph (f) amended, 1991, 472 5.

CHAPTER 23B - Department of Community Affairs.

CHAPTER 23C - BOARD OF CONCILIATION AND ARBITRATION.

CHAPTER 23D - MASSACHUSETTS INDUSTRIAL SERVICE PROGRAM.

Sect. 4 amended, 1992, 286 68. (See 1992, 286 278, 279.)
Sect. 18 amended, 1992, 286 69. (See 1992, 286 278, 279.)

CHAPTER 23 - DEPARTMENT OF INDUSTRIAL ACCIDENTS.

Sect. 3 revised, 1991, 398 1. (See 1991, 398 111.)
Sect. 5, first sentence revised, 1991, 398 2.(See 1991, 398. 111.)
Sect. 6, first four sentences revised, 1991, 398 3; six paragraphs added, 1991, 398 4.
Sect. 8, first paragraph revised, 1991, 398 5.(See 1991, 398 111.)
Sects. 9-11 revised, 1991, 398 6.) (See 1991, 398 111.)
Sect. 12 Repealed, 1991, 398 7 (See 1991, 398 111.)
Sect. 13 repealed, 1991, 398 7.(See 1991, 398 111.)
Sect. 17 amended, 1991, 398 8. (See 1991, 398 111).

CHAPTER 23F - THE ECONOMIC DIVERSIFICATION PROGRAM.

New chapter added, 1990, 525.

CHAPTER 24 - Departmeent of Industrial Accideents

Chapter repealed, 1953, 314 14.

CHAPTER 24 - Department of Industrial Accidents

Sect. 2A amended, 1992, 133 170.See 1992, 133 599.)
Sect. 4 amended, 1992, 141 1.(See 1992, 141 55.)
Sect. 12A, caption stricken out, 1992, 286 70.
(See 1992, 286 278, 279.)
Sect. 12M amended, 1991, 138 106; 1992, 141 2.)
(See 1991, 138 393; 1992, 141 55.)
Sect. 12N added, 1992, 141 2. (See 1992, 141 55.)

Sect. 18 amended, 1991, 138 107; 1992, 141 4; 153 7.
(See 1991, 138 393; 1992, 141 55; 153 85.)

CHAPTER - 25A DIVISION OF ENERGY RESOURCES. (Formerly, Executive Office of Energy Resources.)

(Title revised, 1992, 286 I 71.)
Sect. 1 revised, 1991, 193 3. (See 1991, 193 18.
Sect. 2, third paragraph stricken out, 1991, 193 4. (See 1991, 193 18.)
Sect. 3, definition of "Secretary" stricken out, 1991, 193 5; (See 1991, 193 18.)
Sect. 7, first paragraph revised, 1991, 455.
Sect. 11B added, 1991, 520.

CHAPTER 25B - MASSACHUSETTS APPLIANCE EFFICIENCY STANDARDS ACT.

Sect. 3 amended, 1991, 481 5.

CHAPTER 26 - Department of Banking and Insurance.

Sect. 8E, three paragraphs added, 1991, 399 1; two paragraphs added, 1992, 413 1.
Sect. 8F amended, 1992, 133 331; section revised, 1992, 153 8. (See 1992, 133 597-599; 153 85.)
Sect. 8G, sixth paragraph, sentence added, 1991, 430; amended, 1992, 286 72-77. (See 1992, 286 278, 279.)
Sect. 8J added, 1992, 153 9 (See 1992, 153 85.)

CHAPTER 27 - Department of Correction.

Sect. 1 amended, 1991, 138 254. (See 1991, 138 226, 393.)
Sect. 2 amended, 1991, 138 255 (See 1991, 138 393.)
Sect. 3 amended, 1991, 138 256. (See 1991, 138 226, 393.)
Sect. 4 amended, 1991, 138 257. (See 1991, 138 226, 393.)
Sect. 7 amended, 1991, 138 258. (See 1991, 138 226, 393.)

CHAPTER 28 - Metropolitan District Commission.

Sect. 3, third sentence revised, 1992, 286 78. (See 1992, 286 278, 279.)

CHAPTER 28A - Office For Children.

Sect. 10, paragraph (a) amended, 1992, 109.
Sect. 10A added, 1992, 106.

CHAPTER 29 - State Finance.

Sect. 1 amended, 1992 133 333 (See 1992, 133 597-599.)
Sect. 2C 1/2 added, 1992, 133 334. (See 1992, 133 597-599.)

Sect. 2F amended, 1992, 286 79-81. (See 1992, 286 278, 279.)
Sect. 2I, second paragraph revised, 1992, 133 335. (See 1992, 133 597-599).
Sect. 2J, clause (a) revised, 1992, 133 336. (See 1992, 133 597-599.)
Sect. 2M repealed, 1992, 133 337. (See 1992, 133 597-599.)
Sect. 2N repealed, 1992, 133 337. (See 1992, 133 597-599.)
Sect. 2O amended, 1992, 286 82. (See 1992, 286 278, 279.)
Sect. 2P stricken out, 1992, 286 83 (See 1992, 286 278, 279.)
Sect. 2Q, third sentence revised, 1992, 133 338. (See 1992, 133 597-599.)
Sect. 2T added, 1991, 138 108; section revised, 1992, 133 340; 1992, 254 2. (See 1991, 138 393; 1992, 133 597-599; 254 8.)
Sect. 2U revised, 1991, 375.
Sect. 2V added, 1992, 23 7.
Sect. 2W added, 1992, 203 4.
Sect. 5, first paragraph amended, 1991, 371; subsection (b), paragraph added, 1992, 255 5; last paragraph stricken out, 1992, 402 1.
Sect. 5C, first paragraph amended, 1991, 138 372; section amended, 1992, 133 341. (See 1991, 138 393; 1992, 133 597-599.)
Sect. 5D revised, 1991, 6 16. (See 1991, 6 95-97.)
Sect. 5E repealed, 1991, 6 17.
Sect. 6D amended, 1992, 133 342. (See 1992, 133 597-599.)
Sect. 7A amended, 1992, 286 84-87. (See 1992, 286 278, 279.)
Sect. 7B amended, 1992, 286 88. (See 1992, 286 278, 279.)
Sect. 7C amended, 1992, 286 89, 90. (See 1992, 286 278, 279.)
Sect. 7D revised, 1992, 286 91. (See 1992, 286 278, 279.)
Sect. 7H, paragraph added, 1991, 138 370; amended, 1992, 286 92, 93. (See 1991, 138 393; 1992, 286 278, 279.)
Sect. 7I amended, 1992, 286 94-96. (See 1992, 286 278, 279.)
Sect. 7K amended, 1992, 286 97. (See 1992, 286 278, 279.)
Sect. 7M added, 1991, 138 277. See 1991, 138 393.)
Sect. 8B amended, 1991, 552 17.
Sect. 8C amended, 1991, 552 18.
Sect. 10 added, 1991, 138 368. (See 1991, 138 393.)
Sect. 13, first paragraph revised, 1991, 138 19. (See 1991, 138 393.)
Sect. 27 amended, 1992, 133 343; last sentence amended, 1992, 133 344. (See 1992, 133 597-599.)
Sect. 29E revised, 1991, 6 18 (See 1991, 6 95-97.)
Sect. 29F added, 1991, 550 1.
Sect. 29G added, 1992, 153 10 (See 1992, 153 85.)
Sect. 60A, second pargraph amended, 1992, 133 345 (See 1992, 133 597-599.)
Sect. 64, three paragraphs added, 1991, 494 1 (See 1992, 133 597-599.)
Sect. 64D added, 1991, 494 2.
Sects. 67-70 repealed, 1992, 133 346. (See 1992, 133 597-599.)

CHAPTER 29A - Financing the Judicial System.

Sect. 3A added, 1992, 122 347 (See 1992, 133 597-599.)
Sect. 4, first and second sentences revised, 1992, 379 1A. (See 1992, 379 232, 233.)
Sect. 6 amended, 1992, 133 170. (See 1992, 133 599.)

CHANGES IN THE

CHAPTER 29B - STATE REVENUE GROWTH CONTROL.

Sect. 1 amended, 1992, 133 348 (See 1992, 133 597-599.)

CHAPTER 29C - WATER POLLUTION ABATEMENT REVOLVING LOAN PROGRAM.

New chapter inserted, 1989, 275 8.
Sect. 1 amended, 1992, 203 5; definition of "Loan agreement" amended, 1992, 203 6.
Sect. 2, paragraph (b), sentence inserted after second sentence, 1992, 203 7; paragraph (b) amended, 1992, 203 8.
Sect. 5, clause (iii) revised, 1992, 203 9.
Sect. 6, clause (i) amended, 1992, 203 10; section amended, 1992, 203 11.
Sect. 6A added, 1992, 203 12.
Sect. 8, three sentences added, 1992, 203 13.
Sect. 9, paragraph (a), eighth sentence stricken out, 1992, 203 14.
Sect. 10, paragraph (a), first sentence stricken out and two sentences inserted, 1992, 203 15.

CHAPTER 30 - General Provisions Relative to State Departments, Commissions, Officers and Employee.

Sect. 36A amended, 1991, 477 2, 3, 4
Sect. 1, subsection (b) clause (12) revised, 1991, 138 110; clause (13) amended, 1991, 138 111; clauses (15) to (26), inclusive, added, 1991, 138 112; clause (15) added, 1991, 404; clauses (27) and (28) added, 1991, 495 13; section amended, 1991, 552 20; subsection (b), clause (13) amended, 1992, 286 105; clause (14) amended, 1992, 286 106; clause (15) stricken out, 1992, 286 107; clause (24) revised, 1992, 286 108; clause (28) revised, 1992, 286 109; clause (29) inserted, 1992, 186 109; clause (30) added, 1992, 153 11; subsection (e) added, 1992, 153 12. (See 1991, 138 393; 1992, 153 85; 286 278, 279.)
Sect. 6, paragraph (j) added, 1992, 153 13. (See 1992, 153 85.)
Sect. 9B, paragraph added, 1992, 133 255. (See 1992, 133 597-599.
Sect. 12, paragraph (f) amended, 1992, 153 14; section amended, 1992, 286 110. (See 1992, 153 85; 286 278, 279.)
Sect. 13A added, 1992, 153 15. (See 1992, 153 85.)

CHAPTER 31 - Civil Service.

Sect. 1 amended, 1991, 412 23. (See 1991, 412 139.)
Sect. 7 amended, 1991, 412 24. (See 1991, 412 139.)
Sect. 44 revised, 1991, 138 113; 1992, 133 351.
(See 1991, 138 393; 1992, 133 597-599.) Sect. 48, first paragraph amended, 1991, 138 380; 552 21; revised, 1992,
286 111 (See 1991, 138 393; 1992, 286 278, 279.)

Sect. 64 amended, 1991, 412 25, 26, 27, 28. (See 1991, 412 139.)
Sect. 65 amended, 1991, 412 29, 30. (See 1991, 412 139.)
Sect. 66, first paragraph amended, 1991, 552 22.
Sect. 67, third paragraph amended, 1991, 552 23.
Sect. 94C, subsection (a), Class B, four clauses added, 1991, 341.

CHAPTER 31A - MUNICIPAL PERSONNEL SYSTEMS.

CHAPTER 32 - Retirement Systems and Pensions.

Sect. 1 amended, 1992, 286 112 (See 1992, 286 278, 279.)
Sect. 3 amended, 1991, 412 31, 32; subdivision (4A) inserted, 1992, 333 1. (See 1991, 412 139.)
Sect. 3A added, 1991, 3.
Sect. 4, subdivision (1), paragraph (f 1/2) inserted, 1992, 333 2.
Sect. 5, subdivision (1), paragraph (m) amended, 1991, 138 385. (See 1991, 138 393.)
Sect. 12, third paragraph, option (c), subdivision (2) amended, 1991, 297.
Sect. 14, subdivision (1), paragraph (a), sentence added, 1991, 398 9; paragraph (c) amended, 1991, 398 10; subdivision (2), paragraph (a) amended, 1991, 398 11; paragraph (b) amended, 1991, 398 12 (See 1991, 398 111.)
Sect. 22, subdivision (1), paragraph (b 1/2) amended, 1991, 138 364; subdivision (1), paragraph (b 1/2) amended, 1991, 138 365; subdivision (6), paragraph (a), subparagraphs (iv) and (v) inserted, 1992, 133 354; subdivision (7), clause (a) amended, 1991, 138 114; 1992, 133 355; paragraph (c) ,clause (i), second sentence amended, 1991, 138 366; section amended, 1992, 286 113 (See 1991, 138 393; 1992, 133 597-599; 286 278, 279.)
Sect. 22C, second paragraph amended, 1992, 133 356; fourth sentence amended, 1992, 133 357 (See 1992, 133 597-599.)
Sect. 22D, subdivision (1), second paragraph amended, 1991, 138 115; fourth paragraph amended, 1991, 138 116; subsection (11) amended, 1991, 6 19.
Sect. 26 revised, 1991, 412 33 (See 1991, 412 139.)
Sect. 28A, first paragraph revised, 1991, 412 34. (See 1991, 412 139.)
Sect. 28B repealed, 1991, 412 35. (See 1991, 412 139.)
Sect. 28K revised, 1991, 499 16. (See 1991, 499 45, 46.)
Sect. 28L repealed, 1991, 412 35A. (See 1991, 412 139.)
Sect. 28M added, 1992, 164.
Sect. 65C, first paragraph amended, 1992, 133 359. (See 1992, 133 597-599.)
Sect. 65H, first paragraph amended, 1992, 133 360. (See 1992, 133 597-599.)
Sect. 65I, first paragraph amended, 1992, 133 360. (See 1992, 133 597-599.)
Sect. 68 repealed, 1991, 412 35B. (See 1991, 412 139.)
Sect. 69 repealed, 1991, 412 35B.
Sect. 71 amended, 1991, 412 36, 36A. (See 1991, 412 139.)
Sect. 72 amended, 1991, 412 36B. (See 1991, 412 139.)
Sect. 89, fifth paragraph amended, 1991, 552 24; section amended, 1991, 412 37; sixth paragraph stricken out, 1991, 412 38. (See 1991, 412 139.)
Sect. 89A, fourth paragraph amended, 1991, 552 25; section amended, 1991,

412 39, 40. (See 1991, 412 139.)
Sect. 90A amended, 1991, 412 41. (See 1991, 412 139.)
Sect. 90I amended, 1992, 286 114 (See 1992, 286 278, 279.)
Sect. 91A amended, 1992, 23 8.
Sect. 94, first paragraph amended, 1991, 552 26; section amended, 1991, 412 42, 43, 44 (See 1991, 412 139.)

CHAPTER 32A - Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

Sect. 3 amended, 1992, 133 170. (See 1992, 133 599.)
Sect. 8, third paragraph after second sentence, sentence inserted, 1991, 110 1; third paragraph, sentence added, 1991, 110 2; fourth paragraph, sixth sentence revised, 1992, 133 362. (See 1991, 110 7; 1992, 133 597-599.)
Sect. 11 amended, 1991, 138 117. (See 1991, 138 393.)
Sect. 18 added, 1991, 138 118. (See 1991, 138 393.)
Sect. 19 added, 1991, 138 119. (See 1991, 138 393.

CHAPTER 32B - Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and their Dependents.

Sect. 2, paragraph (d), sentence inserted after sixth sentence, 1992, 250.
Sect. 3A, first sentence stricken out, two sentences inserted, 1991, 138 120. (See 1991, 138 393.)
Sect. 4 amended, 1991, 138 384; third sentence revised, 1992, 133 363; fifth sentence revised, 1992, 133 364; eighth sentence stricken out and three sentences inserted, 1992, 133 365. (See 1991, 138 393; 1992, 133 597-599.)
Sect. 9I added, 1991, 110 3. (See 1991, 110 7.)
Sect. 11C, clause (e) added, 1991, 138 121. (See 1991, 138 393.)
Sect. 12, pargraph added, 1992, 133 366. (See 1992, 133 557-599.)
Sect. 18 added, 1991, 138 122. (See 1991, 138 393.)

CHAPTER 33 - Militia.

Sect. 14, third paragraph revised, 1991, 138 383. (See 1991, 138 393.)
Sect. 15, subsection (b), first paragraph revised, 1991, 315 1.
Sect. 31 amended, 1991, 363.
Sect. 111 amended, 1991, 412 45.
Sect. 122, subsection (g) added, 1992, 133 368. (See 1991, 412 139; 1992, 133 597-599.)

CHAPTER 34 - Counties and County Commissioners.

Sect. 14B added, 1991, 311.

CHAPTER 34A - COUNTY CHARTER PROCEDURES.

Sect. 6 amended, 1992, 403 4; 1992, 403 4.

GENERAL LAWS

CHAPTER 35 - County Treasurers, State Supervision of County Accounts and County Finances.

Sect. 26 amended, 1991, 552 27.

CHAPTER 36 - Registers of Deeds.

CHAPTER 37 - Sheriffs.

Chapter 38 - Medical Examiners

Sect. 1B, second paragraph, fifth sentence revised, 1991, 499 17. (See 1991, 45, 46.)
Sect. 8 amended, 1991, 552, 28.
Chapter revised, 1992, 368 2

CHAPTER 39 - Municipal Government.

CHAPTER 40 - Powers and Duties of Cities and Towns.

Sect. 4A, first paragraph stricken out and two paragraphs inserted, 1992, 133 369. (See 1992, 133 597-599.)
Sect. 5, first paragraph amended, 1991, 138 381. (See 1991, 138 393.)
Sect. 5B, third paragraph amended, 1991, 138 333. (See 1991, 138 393.)
Sect. 8D, sentence inserted after fourth sentence, 1992, 136.
Sect. 8J revised, 1991, 390.
Sect. 21, last paragraph revised, 1991, 468.
Sect. 21D revised, 1992, 133 370. (See 1992, 133 597-599.)
Sect. 22A, fifth sentence stricken out, 1992, 133 371. (See 1992, 133 597-599.)
Sect. 22B amended, 1991, 552 29.
Sect. 22F added, 1991, 138 123.
Sect. 22G added, 1992, 241.
Sect. 36B amended, 1991, 412 46; first sentence revised, 1992 286 115 (See 1991, 412 139; 1992, 286 278, 279.)
Sect. 36C amended, 1991, 412 47, 47C, 48. (See 1991, 412 139.)
Sect. 39C amended, 1991, 552 30. (See 1991, 138 393.)
Sect. 39H revised, 1992, 343 1.
Sect. 39K amended, 1992, 286 116. (See 1992, 286 278, 279.)
Sect. 57 amended, 1992, 286 117 (See 1992, 286 278, 279.)
Sect. 49 amended, 1991, 212.

CHAPTER 40A - Zoning Regulations.

Sect. 3, section amended, 1991, 481 6.
Sect. 5, seventh paragraph, sentence added, 1991, 515 1; eighth paragraph, first sentence stricken out, 1991, 515 2.

CHANGES IN THE

CHAPTER 40 - Regional Planning

Sect. 12 amended, 1991, 199
Sect. 18 amended, 1992, 403 5.
Sect. 24 amended, 1991, 552 31.

CHAPTER - 40C Historic Districts.

CHAPTER 40D - Industrial Development of Cities and Towns.

Sect. 21 amended, 1991, 552 32.

CHAPTER 40E - Massachusetts Industrial Development Authority.

Sect. 3 amended, 1992, 133 170. (See 1992, 133 599.)

CHAPTER 40F - Community Development Finance Corporation.

Sect. 1 amended, 1992, 403 6.

CHAPTER 40G - Massachusetts Technology Development Corporation.

CHAPTER 40H - Community Economic Development Assistance Corporation.

CHAPTER 40I - THE BAY STATE SKILLS CORPORATION ACT.

CHAPTER 40J - Massachusetts Technology Park Corporation.

Sect. 1A added, 1991, 138 298; section amended, 1992, 286 118. (See 1991, 138 393; 1992, 286 278, 279.)
Sect. 2, definitions of "Director"and "Operational" inserted, 1991, 138 299; definition of "Director" revised, 1992, 286 119 (See 1991, 138 393; 1992, 286 278, 279.)
Sect. 4A added, 1991, 138 300; paragraph (a) amended, 1992, 286 120; section amended, 1992, 286 121. (See 1991, 138 393; 1992, 286 278, 279.)
Sect. 4B added, 1991, 138 300. (See 1991, 138 393.)
Sect. 4C added, 1991, 138 300. (See 1991, 138 393.)
Sect. 4D added, 1991, 138 300. (See 1991, 138 393.)
Sect. 5, sixth paragraph stricken out, 1991, 138 301 (See 1991, 138 393.)

CHAPTER 40K - MASSACHUSETTS PRODUCT DEVELOPMENT CORPORATION.

CHAPTER 40L - AGRICULTURAL INCENTIVE AREAS.

GENERAL LAWS

CHAPTER 40M - GOVERNMENTAL UNITS POOLED INSURANCE.

CHAPTER 40N - MODEL WATER AND SEWER COMMISSION .

Chapter inserted, 1992, 343 1 2.

CHAPTER 41 - Officers and Employees of Cities, Towns and Districts.

Sect. 2, last sentence revised, 1991, 234 1.
Sect. 10, fifth paragraph revised, 1991, 278.
Sect. 67 amended, 1991, 552 33.
Sect. 70 amended, 1992, 403 7.
Sect. 81Q amended, 1992, 133 372 (See 1992, 133 597-599.
Sect. 87A revised, 1991, 412 48. (See 1991, 412 139.)
Sect. 96B, first paragraph, first sentence revised, 1991, 412 49; second paragraph, first sentence revised, 1991, 412 50. (See 1991, 412 139.)
Sect. 98F amended 1991, 125; first sentence amended, 1992, 286 122. (See 1992, 286 278, 279.)
Sect. 99I, fourth paragraph amended, 1991, 552 34.
Sect. 108L, first paragraph amended, 1991, 138 124; revised, 1991, 412 51; fifth paragraph amended, 1991, 138 125; third sentence revised, 1991, 412 52 (See 1991, 138 393; 412 139.)

CHAPTER 42 - Boundaries of Cities and Towns.

Sect. 7 amended, 1991, 552 35.

CHAPTER 43 - City Charters.

Sect. 2 amended, 1992, 403 8.
Sect. 128 amended, 1992, 403 9.

CHAPTER 43A - Standard Form of Representative Town Meeting Government.

CHAPTER 43B - Home Rule Procedures.

CHAPTER 43C - OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.

New chapter inserted, 1987, 756.
Sect. 11, third paragraph, clause (ii) revised, 1992, 50.
Sect. 14 added, 1992, 133 373. - (See 1992, 133 597-599.)
Sect. 15 added, 1992, 133 373. - (See 1992, 133 597-599.)

CHAPTER 44 - Municipal Finance.

Sect. 4, sentence added, 1992, 143 1.
Sect. 6 amended, 1991, 552 36.

Sect. 7 amended, 1991, 552 37.
Sect. 8 amended, 1992, 286 123 (See 1992, 286 278, 279.)
Sect. 17 revised, 1992, 143 2.
Sect. 17A repealed, 1992, 143 3.
Sect. 20A added, 1992, 143 4.
Sect. 22C added, 1992, 143 5.
Sects. 23-27 stricken out and seven sections 23 to 27A, inclusive, inserted, 1991, 541 1.
Sect. 31 amended, 1991, 544 2.
Sect. 53 amended, 1992, 62.
Sect. 53D revised, 1992, 42.
Sect. 56 amended, 1991, 138 228; section revised, 1991, 223 1. (See 1991, 138 393; 223 5.)
Sect. 56A amended, 1991, 138 229; section revised, 1991, 223 2 (See 1991, 138 393; 223 5.)
Sect. 69, first paragraph revised, 1991, 226.

CHAPTER 44A - QUALIFIED BOND ACT.

CHAPTER 45 - Public Parks, Playgrounds and the Public Domain.

CHAPTER 46 - Return and Registry of Births, Marriages and Death.

CHAPTER 47 - Infirmaries.

CHAPTER 48 - Fires, Fire Departments and Fire Districts.

Sect. 16 amended, 1991, 552 38.
Sect. 57G amended, 1991, 412 53. (See 1991, 412 139.)

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", two sentences added, 1991, 483 1; definition of "Political party", first sentence stricken out, 1991, 483 2.

CHAPTER 51 - Voters

Sect. 4, third sentence revised, 1991, 431.
Sect. 6 amended, 1992, 403 10.
Sect. 25 second sentence revised, 1991, 295.
Sect. 28 amended, 1991, 203.
Sect. 36 section revised, 1991, 483 3.

Sect. 42A, first paragraph, first sentence revised , 1991, 234 3; second sentence revised, 1991, 234 2.
Sect. 44 amended, 1991, 483 4.
Sect. 50 qmended, 1992, 286 124 (See 1992, 286 278, 279.)
Sect. 91A, third sentence revised, 1992, 23 9.

CHAPTER 52 - Political Committees.

Sect. 8 amended, 1991, 234 4.

Chapter 53 - Nominations, Questions to be Submitted to the Voters, Primaries and Caucuses.

Sect. 2, first sentence revised, 1991, 483 5.
Sect. 6, first paragraph, first and second sentences revised, 1991, 483 6.
Sect. 7, first paragraph amended, 1991, 483 7.
Sect. 14 amended, 1992, 133 37 (See 1992, 133 597-599.)
Sect. 18A amended, 1991, 234 5.
Sect. 32, sentence inserted after first sentence, 1991, 483 8.
Sect. 34A, subsection (c) revised, 1991, 234 7.
Sect. 38A revised, 1991, 234 8; 483 9.
Sect. 44, last sentence revised, 1992, 286 125 (See 1992, 286 278, 279.)
Sect. 45, second paragraph revised, 1992, 286 126. (See 1992, 286 278, 279.)
Sect. 47 amended, 1992, 286 127. (See 1992, 286 278, 279.)

CHAPTER 54 - Elections.

Sect. 1 revised, 1992, 403 11.
Sect. 2 revised ,1992, 403 12; first paragraph, last sentence stricken out, 1992, 281 1.
Sect. 4, first paragraph revised, 1992, 403 13.
Sect. 6 revised, 1992, 403 14; second paragraph, last sentence stricken out, 1992, 281 2.
Sect. 9, second sentence revised, 1992, 403 15.
Sect. 9A revised, 1992, 403 16.
Sect. 24, sentence inserted after third sentence, 1992, 281 3; sentence inserted after third sentence, 1992, 403 17; last sentence revised, 1991, 234 9.
Sect. 41, fifth paragraph amended, 1992, 286 128 (See 1992, 286 278, 279.)
Sect. 42 amended, 1991, 234 10.
Sects. 55-58 repealed, 1991, 234 11.
Sect. 58A, paragraph added, 1991, 234 12.
Sect. 65 amended, 1992, 286 129 (See 1992, 286 278, 279.)
Sect. 93, revised, 1991, 234 13.
Sect. 95, second paragraph, fourth sentence stricken out and two sentences inserted, 1991, 234 14.
Sect. 135 amended, 1992, 286 130. (See 1992, 286, 278, 279.)

CHAPTER 54A - Election of City and Town Officers by Proportional Representation and Preferential Voting.

CHAPTER 55 - Disclosure of Campaign Expenditures and Contributions and Election Inquests.

Sect. 6, paragraph inserted after fourth paragraph, 1992, 133 379. (See 1992, 133 597-599.)
Sect. 18, thirteenth paragraph, last sentence stricken out, 1991, 175 1; three paragraphs inserted after thirteenth paragraph, 1991, 175 2.

CHAPTER 55A - Limited Public Financing of Campaigns for Statewide Elective Office.

CHAPTER 55B - The State Ballot Law Commission.

CHAPTER 56 - Violations of Elections Laws.

CHAPTER 57 - Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives.

Sect. 1 revised, 1992, 7 2; 105 2. (See 1992, 7 5; 105 6.)

CHAPTER 58 - General Provisions relative to Taxation.

Sect. 17C added, 1991, 138 234. (See 1991, 138 393.)
Sect. 18B amended, 1991, 552 39.
Sect. 20A revised, 1992, 133 381. (See 1992, 133 597-599.)

CHAPTER 58A - Appellate Tax Board.
(Former title, Board of Tax Appeals.)

CHAPTER 59 - Assessment of Local Taxes.

Sect. 2A amended, 1991, 481 7.
Sect. 5 amended, 1991, 7 1A; clause Eighteenth revised, 1991, 405 1; clause Thirty-sixth revised, 1991, 481 8; clause Fortieth, first paragraph amended, 1991, 138 380; clause revised, 1992, 286 131; clause Forty-first A, first paragraph, sentence added, 1991, 138 126. (See 1991, 7 2; 138 393; 1992, 286 278, 279.)
Sect. 5H added, 1992, 36 1.
Sect. 21C, paragraph (f) amended 1991, 6 20; paragraph (i) revised, 1992, 286 133; paragraph (k 1/2) added, 1991, 138 243; stricken out, 1992, 286 132. (See 1991, 6 95-97; 138 393; 1992, 286 278, 279.)
Sect. 25 revised, 1991, 138 127. (See 1991, 138 393.)
Sect. 78A amended, 1992, 133 386. (See 1992, 133 597-599.

CHAPTER 59A - Classification of Real Property.

CHAPTER 60 - Collection of Local Taxes.

Sect. 23 amended, 1992, 403 18.

CHAPTER 60A - Excise Tax on Registered Motor Vehicles in Lieu of Local Property Tax.

Sect. 1, first sentence revised, 1991, 138 128. (See 1991, 138 393.)
Sect. 2, first paragraph, seventh sentence revised, 1992, 286 134. (See 1992, 286 278, 279.) Sect. 2A amended, 1992, 133 388. (See 1992, 133 597-599.)

CHAPTER 60B - Excise on Boats, Ships and Vessels in Lieu of Local Property Tax.

CHAPTER 61 - classification and Taxation of Forest Lands and Forest Products.

(Former title, Taxation of Forest Products and Classification and 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. 2, paragraph (a), Part 1, subparagraph A amended, 1992, 133 389; Part 2, subparagraph A amended, 1992, 133 390; Part 2, paragraph (l) added, 1992, 133 391 (See 1992, 133 597-599.) Sect. 6D amended, 1992, 286 135, 136. (See 1992, 286 278, 279.)
Sect. 6G amended, 1992, 286 137. (See 1992, 286 278, 279.)

CHAPTER 62A - Simplified Method of Computing Individual Income Taxes.

CHAPTER 62B - Withholding of Taxes on Wages and Declaration of Estimated Income Tax.

Sect. 14, subsection (a) amended, 1992, 133 393. (See 1992, 133 597-599.)

CHAPTER 62C - Administrative Provisions Relative to State Taxation.

Sect. 12A added, 1992, 255 1; section repealed, 1992, 402 2.
Sect. 21, clause (11), first paragraph revised, 1991, 138 129; subsection (b), clause (15) stricken out, 1992, 402 3; paragraph 15 added, 1992, 2. (See 1991, 138 393.)

Sect. 21A added, 1992, 133 394; section repealed, 1992, 402 4 (See 1992, 133 597-599.)
Sect. 26 amended, 1991, 412 54.
Sect. 32 revised, 1992, 133 395. (22See 1992, 133 597-599.)
Sect. 40, first pargraph stricken out and two paragraphs inserted, 1992, 133 396 (See 1992, 133 597-599.)
Sect. 78 added, 1992, 133 397. (See 1992, 133 597-599.)
Sect. 81 added, 1991, 7 1
Sect. 82 added, 1992, 4402 5,
Sect. 83 added, 1992, 402 5. (See 1991, 7 2.)

CHAPTER 62D - SET-OFF DEBT COLLECTION.

CHAPTER 62 E - WAGE REPORTING SYSTEM.

Sect. 1 amended, 1991, 412 53A. (See 1991, 412 139.)
Sect. 12, paragraph added, 1992, 26 1.

CHAPTER 62F - LIMITATION ON THE GROWTH OF STATE TAX REVENUES.

CHAPTER 63 - Taxation of Corporations.

Sect. 30, paragraph 1 amended, 1992, 133 398; paragraph (2) amended, 1992, 133 399; paragraph (5) amended, 1992, 133 400, 401, 402; paragraph added, 1992, 133 403 (See 1992, 133 597-599.)
Sect. 31C amended, 1992, 286 138. (See 1992, 286 278, 279.)
Sect. 38B, paragraph (a) amended, 1992, 133 405; paragraph (b) amended, 1992, 133 406. (See 1992, 133 597-599.)
Sect. 38M added, 1991, 138 130; section revised, 1991, 176 6. (See 1991, 138 393; 176 7.)

CHAPTER 63A - Taxation of Certain Corporations, Associations and Organizations Engaged in the Sale of Alcoholic Beverages.

CHAPTER 63B - Declaration of Estimated Tax by Corporations.

Sect. 3, subsection (a) amended, 1992, 133 406A (See 1992, 133 597-599.)

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. 13, paragraphs (a) and (b) revised, 1991, 33 85; paragraph (b) revised, 1992, 286 139. (See 1992, 286 278, 279. (See 1991, 33 155.)

CHAPTER 64B - Excise upon Charges for Meals served to the Public.

CHAPTER 64C - Cigarette Excise.

Sect. 6 amended, 1992, 254 4. (See 1992, 254 8.)
Sect. 7 added, 1992, 254 3. (See 1992, 254 8.)
Sect. 13 amended, 1991, 138 377; 1992, 286 140. (See 1992, 286 278, 279.) (See 1991, 138 393 226.)
Sect. 26 amended, 1991, 412 54. (See 1991, 412 139.)
Sect. 28 revised, 1991, 495 14; paragraph (c) revised, 1992, 133 407; paragraph (d) stricken out, 1992, 133 407; section amended, 1992, 254 5. (See 1992, 254 8) (See 1992, 133 597-599.)

CHAPTER 64D - Excise on Deeds, Instruments and Writings.

Sect. 1 revised, 1992, 133 408. (See 1992, 133 597-599.)
Sect. 12 revised, 1992, 133 410; first paragraph amended, 1992, 133 412; fifth paragraph amended, 1992, 133 413, 414. (See 1992, 133 597-599.)
Sect. 13 amended, 1992, 23 10.(See 1992, 23 77.)

CHAPTER 64E - Taxation of Special Fuels Used in the Propulsion of Motor Vehicles.

CHAPTER 64F - Taxation of Fuel and Special Fuels Acquired Outside and used within the Commonwealth.

CHAPTER 64G - Room Occupancy Excise.

Sect. 3A, fourth sentence amended, 1992, 133 416 (See 1992, 597-599.)

CHAPTER 64H - Tax on Retail Sales of Certain Tangible Personal Property.

Sect. 1, definitions of "Sale" and "Selling" amended, 1991, 4 1; definition of "Sale at retail" or "Retail sale", fourth sentence revised, 1991, 4 2; definition of "Sales price" revised, 1991 4 3; definition "Costs of performance" stricken out, 1991, 4 4; definition of "Services" revised, 1991, 4 5; definition of "Sic" stricken out, 1991, 4 6; definition of "Business" revised, 1992, 286 141; section amended, 1992, 286 142. (See 1992, 286 278, 279.)
Sect. 2A repealed, 1991, 4 7.
Sect. 3, paragraph (a) amended, 1991, 4 7A; paragraph (b) stricken out, 1991, 4 8.

Sect. 6, paragraphs (mm), (nn) and (oo) stricken out,1991, 4 9; paragraph (qq), first sentence revised, 1991, 4 10.
Sect. 8, paragraphs (f), (g), (h), and (i) revised, 1991, 4 11; paragraph (e) revised, 1992, 286 143 (See 1992, 286 278, 279
)ect. 25, third paragraph stricken out, 1991,
489 1; fourth paragraph revised, 1992, 133 415. (See 1991, 489 20; 1992, 133 597-599.)
Sect. 27A added, 1991, 4

CHAPTER 64I -- Tax on storage, Use or Other Consuumption of Certtain Tangible Peersonal Property

Sect. 2A repealed 1991, 4 13.
Sect. 4, second paragraph, two sentences added, 1991, 6 21; last sentence amended, 1992, 23 11; sentence added, 1992, 23 12. (See 1991, 6 95-97.)
Sect. 8, paragraphs (a) and (b) stricken out, paragraph (a) inserted, 1991, 4 14; paragraphs (h), (i), (j), (k), revised, 1991, 4 15; paragraph (g) revised, 1992, 286 144.(See 1992, 286 278, 279.
Sect. 26, third paragraph stricken out, 1991, 489 2 (See 1991, 489 20.)

CHAPTER 64J - TAXATION OF FUELS USED IN THE PROPULSION OF AIRCRAFT.

Sect. 12, two paragraphs added, 1991, 510.

CHAPTER 65 - Taxation of Legacies and Successions.

CHAPTER 65A - Taxation of Transfers of Certain Estates.

CHAPTER 65B - Settlement of Disputes respecting the Domicile of Decedents for Death Tax Purposes.

CHAPTER 65C - Massachusetts Estate Tax.

Sect. 2, subsection (a) amended, 1992, 133 417; subsection (c) inserted, 1992, 133 418. (See 1992, 133 597-599.)
Sect. 2A added, 1992, 133 419. (See 1992, 133 597.)
Sect. 3, subsection (a) revised, 1992, 133 420; subsection (b) amended, 1992, 133 421 (See 1992, 133 597.)
Sect. 3A, subsection (a) amended, 1992, 133 422 (See 1992, 133 597.)

Chapter 66 - Public Records

Sect. 10 amended, 1991, 412 55; section amended, 1992, 286 145. (See 1991, 412 139; 1992, 286 278, 279.)

CHAPTER 66A - Fair Information Practices.

CHAPTER 67 - Parishes and Religious Societies.

Sect. 41 amended, 1991, 134.

CHAPTER 68 - Donations and Conveyances for Pious and Charitable Uses.

Sect. 19, sixth and seventh sentences revised, 1992, 133 423 (See 1992, 133 598-599.)
Sect. 24 amended, 1992, 133 424. (See 1992, 133 598-599.)

CHAPTER 68A - Limitations Upon the Conduct of Certain Trusts and Corporations Having Charitable Interests.

CHAPTER 69 - Powers and Duties of the Department of Education.

Sect. 30 amended, 1991, 142 8, 9, 10. (See 1991, 142 49-50.)
Sect. 30A amended, 1991, 142 11, 12. (See 1991, 142 49-50.)
Sect. 31 amended, 1991, 142 13. (See 1991, 142 49-50.)
Sect. 31A amended, 1991, 142 14. (See 1991, 142 49-50.)
Sect. 31B amended, 1991, 142 15. (See 1991, 142 49-50.)

CHAPTER 70 - School Funds and State Aid for Public Schools. (Former title, School Funds and Other State Aid for Public Schools.)

Sect. 2 amended, 1992, 403 19.

CHAPTER 70A - EQUAL EDUCATIONAL OPPORTUNITY GRANTS.

Sect. 5 revised, 1991, 138 131. (See 1991, 138 393.)

CHAPTER 71 - Public Schools.

Sect. 4 amended, 1992, 403 20.
Sect. 7A, first paragraph, first sentence, clause (d) revised, 1991, 138 335; amended, 1991, 145 31; last paragraph, sentence added, 1991, 145 32; first paragraph, first sentence revised, 1992, 286 14 (See 1991, 138 393; 145 47; 1992, 286 278, 279.)
Sect. 7B, first paragraph amended, 1991, 145 33; last paragraph, sentence added, 1991, 145 34.) (See 1991, 145 47.)
Sect. 16, subsection (d) amended, 1991, 138 134. (See 1991, 138 393.)
Sect. 16B, paragraph inserted after sixth paragraph, 1991, 6 22; sixth paragraph, paragraph added, 1991, 138 374. (See 1991, 6 95-97; 138 393.)
Sect. 16C amended, 1991, 138 132 (See 1991, 138 393.)
Sect. 17 repealed, 1991, 138 336. (See 1991, 138 393.)
Sect. 20A added, 1991, 275.
Sect. 37H, second paragraph, two sentences inserted after first sentence, 1992, 133 430 (See 1992, 133 597-599.)
Sect. 37M added, 1992, 133 431 (See 1992, 133 597-599.)

Sect. 38G, paragraph added, 1991, 151.
Sect. 40, first paragraph, third and fourth sentences stricken out and three sentences inserted, 1991, 138 230; first paragraph revised, 1991, 223 3. (See 1991, 138 393; 223 5.)
Sect. 41A amended, 1991, 54.
Sect. 54B revised, 1991, 138 135; 1992, 133 433. (See 1991, 138 393; 1992, 133 597-599.)
Sect. 57, inserted, 1992 286 148. (See 1992, 286 278, 279.)
Sect. 68, second and third sentences stricken out and three sentences inserted, 1991, 138 133. (See 1991, 138 393.)
Sect. 88 added, 1991, 145 35 (See 1991, 145 47.)

CHAPTER 71B - CHILDREN WITH SPECIAL NEEDS.

Sect. 1, definition of "School age child with special needs" revised, 1991, 138 136; revised, 1991, 514 1; definiton of " Least restrictive environment" added, 1991, 138 137; section amended, 1992, 286 149. (See 1991, 138 393; 514 4; 1992, 286 278, 279.)
Sect. 2, three sentences inserted after first sentence, 1991, 138 138 (See 1991, 138 393.)
Sect. 3, second paragraph revised, 1991, 138 139; twelfth paragraph, third and fourth sentences stricken out and four sentences inserted, 1991, 138 140; thirteenth paragraph revised, 1991, 138 340. (See 1991, 138 393.)
Sect. 3A added, 1991, 138 141. (See 1991, 138 393.)
Sect. 5, first paragraph amended, 1991, 138 142; first paragraph, third and fourth sentences stricken out and one paragraph inserted, 1991, 138 143; first paragraph, first sentence amended, 1992, 286 150; second paragraph, first sentence revised, 1992, 133 434. (See 1991, 138 393; 1992, 133 597-599; 1992, 286 278, 279.)
Sect. 11 repealed, 1991, 138 144. (See 1991, 138 393.)
Sect. 11A added, 1992, 133 435 (See 1992, 133 597-599.)
Sect. 12, fifth paragraph, third and fourth sentences stricken out, 1991, 138 145 (See 1991, 138 393.)

CHAPTER 72 - School Registers and Returns.

CHAPTER 73 - State Colleges and Community Colleges. (Former title, State Teachers Colleges and Community Colleges.)

Sect. 1F, first paragraph revised, 1991, 462 2.
Sect. 3, last sentence revised, 1992, 153 20. (See 1991, 462 3; 1992, 153 85.)
Sect. 17 amended, 1992, 133 436. (See 1992, 133 599.)

CHAPTER 74 - Vocational Education.

Sect. 8 amended, 1991, 138 146; paragraph added, 1992, 133 437. (See 1991, 138 393; 1992, 133 599.)
Sect. 30 amended, 1992, 265.
Sect. 33, second sentence stricken out and three sentences inserted, 1991,

386.
Sect. 37B, second paragraph revised, 1991, 138 147 (See 1991, 138 393.)
Sect. 37C, third sentence revised, 1991, 138 148. (See 1991, 138 393.)
Sect. 37D repealed, 1991, 138 149. (See 1991, 138 393.)
Sect. 37E repealed, 1991, 138 150 (See 1991, 138 393.)

CHAPTER 75 - University of Massachusetts.
(Former title, Massachusetts State College.)

Sect. 1 revised, 1991, 142 16; section amended, 1992, 133 170. (See 1991, 142 49, 50; 1992, 133 599.)
Sect. 1A added, 1991, 142 17; fourth paragraph, fourth sentence revised, 1991, 222 3. (See 1991, 142 49, 50.)
Sect. 2 revised, 1991, 142 18. (See 1991, 142 49, 50.)
Sect. 11A amended, 1991, 462 2A (See 1991, 462 3.)
Sect. 13 revised, 1991, 142 19. (See 1991, 142 49, 50.)
Sect. 14, second and third paragraphs stricken out and one paragraph inserted, 1991, 142 20; definition of "General salary schedule" stricken out, 1991, 142 21. (See 1991, 142 49, 50.)
Sects. 14A and 14B added, 1991, 142 22 (See 1991, 142 49, 50.)
Sect. 14C added, 1992, 153 21. (See 1992, 153 85.)
Sect. 32, paragraph added, 1992, 122 439. (See 1992, 133 599.)

CHAPTER 75A - University of Lowell.
(Former title, Lowell Technological Institute of Massachusetts.)

Chapter repealed, 1991, 142 23. (See 1991, 142 49, 50.)

CHAPTER 75B - Southeastern Massachusetts University.
(Former title, South Eastern M assachusetts University.)
(Former title Southeastern Massachusetts Te chnological Institute.)

Chapter repealed, 1991, 142 24. (See 1991, 142 49, 50.)

CHAPTER 75C - Private Correspondence Schools.

CHAPTER 75D - Private Business Schools.

CHAPTER 76 - School Attendence.

Sect. 12, first paragraph revised, 1991, 6 23 (See 1991, 6 95-97.)

CHAPTER 77 - School Offenders and County Training Schools.

CHAPTER 78 - Libraries.

Sect. 19A amended, 1992, 133 441. (See 1992, 133 599.)

CHANGES IN THE

CHAPTER 79 - Eminent Domain.

Sect. 3, first paragraph amended, 1991, 552 40.
Sect. 22, last sentence revised, 1991, 401 1.

CHAPTER 79A - Relocation Assistance.

Sect. 1 amended, 1991, 481 9.
Sect. 7 amended, 1991, 552 41.

CHAPTER 80 - Betterments.

CHAPTER 80 - AEminent Domain Takings and Betterment Assessments by Judicial Proceedings.

CHAPTER 81 - State Highways.

Sect. 1, caption "PUBLIC WORKS" stricken out and caption "HIGHWAYS" inserted, 1991, 552 42; section amended, 1991, 552 43.
Sect. 7I amended, 1991, 552 44.
Sect. 7J amended, 1991, 552 45.
Sect. 21 amended, 1992, 334.
Sect. 26 amended, 1991, 552 46.
Sect. 31 amended, 1991, 552 47.
Sect. 32 amended, 1991, 552 48.
Sect. 71 stricken out, 1992, 286 151. (See 1992, 286 278, 279.)

CHAPTER 82 - The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

Sect. 1, second paragraph amended, 1991, 552 49.
Sect. 8 amended, 1991, 552 50.

CHAPTER 83 - Sewers Drains and Sidewalks.

Sect. 1 paragraph added, 1992, 343 3.
Sect. 4 amended, 1991, 552 51.
Sect. 15B added, 1991, 387.

CHAPTER 84 - Repair of Ways and Bridges.

Sect. 1 amended, 1991, 552 52.
Sect. 11 amended, 1991, 552 53.
Sect. 15 amended, 1992, 343 4.

CHAPTER 85 - Regulations and By Laws to Ways and Bridges.

Sect. 2 amended, 1991, 552 54.
Sect. 2C amended, 1991, 412 56 (See 1991, 412 139.)

Sect. 7A amended, 1991, 33 86; 552 55. (See 1991, 33 155.)
Sect. 11C revised, 1992, revised, 1992, 133 442. (See 1992, 133 598.)
Sect. 30 amended, 1991, 552 56.
Sect. 30A amended, 1991, 552 57; first sentence revised, 1992, 286 152. (See 1992, 286 278, 279.)

CHAPTER 86 - Boundaries of Highways and Other Public Places, and Encroachments Thereon.

CHAPTER 87 - Shade Trees.

Sect. 8 amended, 1991, 552 58.

CHAPTER 88 - Ferries, Canals and Public Landings.

Sect. 12 amended, 1991, 552 59.
Sect. 14 amended, 1991, 552 60.

CHAPTER 89 - Law of the Road.

Sect. 1, first paragraph amended, 1991, 552 61.
Sect. 4 amended, 1991, 552 62.
Sect. 4B amended, 1991, 552 63.
Sect. 8, first paragraph amended, 1991, 552 64; second paragraph amended, 1991, 552 65.
Sect. 9, first paragraph amended, 1991, 552 66.
Sect. 11, first paragraph amended, 1991, 552 67.

CHAPTER 90 - Motor Vehicles and Aircraft.

Sect. 1, definition of "Boat transporter"inserted, 1991, 129 5; definition of "B-train assembly unit" inserted 1991, 129 4; definition of "House trailer" inserted, 1991, 129 4A; definition of "Low-boy boat transporter" inserted, 1991, 129 8; definition of "Motorized bicycle" revised ,1991, 33 87; 138 388; 1992, 286 153; definition of "Routes of reasonable access" revised, 1991, 129 2; definition of "Specific business location" stricken out, 1991, 129 1; definition of "Specific manufacturing facility" stricken out, 1991, 129 6; definition of "Stinger steered boat transporter" inserted, 1991, 129 7; definition of "Terminal " revised, 1991, 129 3; definition of "Truck trailer" inserted, 1991, 129 3; section amended, 1991, 552 68; definition of "Dealer" revised, 1991, 489 3; definition of "Established place of business" revised, 1991, 489 4; definition of "Farmer" revised, 1991, 489 5; 1992, 128; definition of "Manufacturer" revised,1991, 489 6; definition of "Owner-contractor" revised, 1991, 489 7; definition of "Repairman" revised, 1991, 489 8; definition of "Repossessor" stricken out, 1991, 489 11; definition of "Special mobile equipment" revised, 1991, 489 9; definition of "Tow truck operator" stricken out, 1991, 489 12; definition of "Transporter" revised, 1991, 489 10. (See 1991, 33 155; 138 393; 489 20; 1992, 286 278, 279.)

Sect. 1A amended, 1992, 133 444. (See 1992, 133 598.)
Sect. 2, seventh paragraph, second sentence revised, 1991, 317; paragraph added, 1991, 138 151; section amended, 1991, 424; thirteenth paragraph stricken out, 1991, 489 13; section amended, 1992, 286 154. (See 1991, 138 393; 489 20; 1992, 286 278, 279.)
Sect. 5 revised, 1991, 489 14. (See 1991, 489 20.)
Sect. 7, second paragraph, sentence added, 1991, 129 8A.
Sect. 7E amended, 1991, 52; section amended, 1992, 286 155. (See 1992, 286 278, 279.)
Sect. 8 amended, 1991, 138 267. (See 1991, 138 393.)
Sect. 9 amended, 1991, 552 69; sentence inserted after first sentence, 1991, 489 15; section amended, 1992, 257. (See 1991, 489 20.)
Sect. 9D amended, 1992, 286 156. (See 1992, 286 278, 279.)
Sect. 14A, sentence inserted after first sentence, 1992, 329 1; last sentence revised, 1992, 329 2.
Sect. 15 revised, 1991, 201.
Sect. 18A, first paragraph, third sentence stricken out, 1992, 133 443; second, fourth, fifth and sixth paragraphs stricken out and one paragraph inserted, 1992, 133 443. (See 1992, 133 598.)
Sect. 19, first paragraph revised, 1991, 129 8B; first sentence amended, 1991, 552 70; section amended, 1991, 552 71.
Sect. 19A amended, 1991, 552 72.
Sect. 19D amended, 1991, 552 73.
Sect. 19F revised, 1991, 129 9; second paragraph amended, 1992, 286 158. (See 1992, 286 278, 279.)
Sect. 19G revised 1991, 129 10.
Sect. 19H repealed, 1991 129 11.
Sect. 20, fourth paragraph, first sentence stricken out, 1991, 138 153. (See 1991, 138 393.)
Sect. 20A amended, 1992, 133 445, 446. (See 1992, 133 598, 599.)
Sect. 20A 1/2 amended, 1992, 153 22. (See 1992, 153 85.)
Sect. 22C amended, 1991, 412 57; revised, 1992, 286 157. (See 1991, 412 139; 1992, 286 278, 279.)
Sect. 23 amended, 1992, 286 159. (See 1992, 286 278, 279.)
Sect. 24 amended, 1991, 138 287; section amended, 1991, 460 1; subdivision (2), paragraph (a 1/2) inserted, 1991, 460 2; section amended, 1991, 460 3; paragraph (c) revised, 1991, 460 4; paragraph inserted, 1992, 133 447; amended, 1992, 379 1B, 1C. (See 1991, 138 393; 460 5; 1992, 133 599; 1992, 379 232, 233.)
Sect. 27 revised, 1991, 138 154. (See 1991, 138 393.)
Sect. 29 revised, 1991, 412 58. (See 1991, 412 139.)
Sect. 32I repealed, 1991, 489 16. (See 1991, 489 20.)
Sect. 33, subdivision (7), seventh and eighth paragraphs stricken out, 1991, 489 17; section amended, 1992, 133 448; last paragraph revised, 1992, 133 449. (See 1991, 489 20; 1992, 133 599.)
Sect. 34, first paragraph amended, 1991, 552 74; paragraph added, 1991, 138 156; paragrap (2), clause (h) revised, 1991, 412 59. (See 1991, 138 393; 412 139.)

GENERAL LAWS

CHAPTER 90A - The Highway Safety Act.

Sect. 1 amended, 1991, 552 75.

CHAPTER 90B - Motorboats and Other Vessels.

Sect. 12 amended, 1991, 412 60. (See 1991, 412 139.)
Sect. 14 amended, 1992, 286 160. (See 1992, 286 278, 279.)
Sect. 20, definition of "Law enforcement officer" amended, 1991, 412 61. (See 1991, 412 139.)
Sect. 32 amended, 1991, 412 62. (See 1991, 412 139.)

CHAPTER 90C - Procedure against Violators of Motor Vehicle Laws.

Sect. 1, definition of "Audit sheet" stricken out and definitions of "Appellate division" and "Audit sheet" inserted, 1991, 138 155; definition of "Appellate division amended, 1992, 379 2; definition of "Audit sheet amended, 1992, 286 161; definition of "Citation" revised, 1991, 138 157; definition of "Civil Motor Vehicle Infraction", "Criminal", "District Court", "Division", and "Magistrate" inserted, 1991, 138 158; definition of "Police chief" amended, 1991, 412 63; definitions of "Registrar", "Scheduled assessment" and "Violator" inserted, 1991, 138 159; definition of "scheduled assessment amended, 1992, 379 3; section amended, 1991, 412 63, 63A, 64. (See 1991, 138 393; 412 139; 1992, 379 232, 233.)
Sect. 2, fifth paragraph stricken out and two paragraphs inserted, 1991, 138 160; fifth paragraph, clause (b) amended, 1992, 379 4. (See 1991, 138 393; 1992, 379 232, 233.)
Sect. 3 revised, 1991, 138 161. (See 1991, 138 393.)
Sect. 4, first paragraph revised, 1991, 138 162. (See 1991, 138 393.)
Sects. 6-7 stricken out and sections 6, 7 and 7A added, 1991, 138 163.
Sect. 7A amended, 1992, 379 5. (See 1992, 379 232, 233.) (See 1991, 138 393.)

CHAPTER 90D - Motor Vehicle Certificate of Title.

Sect. 2 amended, 1991, 481 10, 11.
Sect. 20B amended, 1991, 481 11.

Chapter 90E - Bikeways

Sect. 1 amended, 1991, 552 76; definition of "Commissioner" revised, 1992, 286 162. (See 1992, 286 278, 279.)

CHAPTER 90F - UNIFORM OPERATION OF COMMERCIAL MOTOR VEHICLES ACT.

New chapter inserted, 1990, 246 2.
Sect. 1, definition of "Commerce" revised, 1992, 18 1.
Sect. 8 amended, 1992, 286 163. (See 1992, 286 278, 279.)

Sect. 9 amended, 1992, 286 164. (See 1992, 286 278, 279.)
Sect. 11, seventh paragraph revised, 1992, 18 2; paragraph (E), first two sentences revised, 1992, 18 3.

CHAPTER 90G - CIVIL INFRACTIONS.

New chapter inserted, 1992, 133 | 452 (See 1992, 133 |598).

CHAPTER 91 - Waterways.

Sect. 10A 1/2 added, 1991, 33 88. (See 1991, 33 155.) Sect. 11A added, 1991, 33 89. (See 1991, 33 155.)

CHAPTER 91A - Port of Boston Commission. (Former title, Port of Boston Authority.)

CHAPTER 92 - Metropolitan Sewers, Water and Parks.

Sects. 60B-63B repealed, 1991, 412 65. (See 1991, 412 139.)
Sect. 72 amended, 1991, 552 77.
Sect. 73 amended, 1991, 552 78.
Sect. 104 revised, 1992, 36 2.
Sect. 107A added, 1992, 36 3.
Sect. 108, first sentence stricken out and five sentences inserted, 1992, 36 4.
Sect. 113 revised, 1991, 138 165; 1992, 133 453. (See 1992, 133 599.)
Sect. 113A added, 1992, 133 453. (See 1992, 133 599.)

CHAPTER 92A - Commonwealth Zoological Corporation

New chapter inserted, 1991, 6 | 24. (See 1991, 6 | 58.)
Sect. 5, clause (p) amended, 1991, 412 66. (See 1991, 412 139.)

CHAPTER 92B - COMMONWEALTH ZOOLOGICAL CORPORATION.

New chapter inserted, 1992, 286 | 165

CHAPTER 93 - Regulation of Trade and Certain Enterprises.

Sect. 30A amended, 1991, 552 79.
Sect. 52A, first sentence amended, 1991, 138 235; amended, 1992, 286 167. (See 1991, 138 393; 1992, 286 278, 279.)
Sect. 104 added, 1991, 414 1.
Sect. 105 added, 1991, 414 1.

CHAPTER 93A - Regulation of Business Practices for Consumers Protection.

CHAPTER 93B - Regulation of Business Practices Between Motor Vehicle Manufactures, Distributors and Dealers.

Sect. 5A amended, 1991, 481 12.

CHAPTER 93C - Protection of Consumers Against Careless and Erroneous Billings.

CHAPTER 93D - Control of Outdoor Advertising Adjacent to the Interstate and Primary Systems.

Sect. 1 amended, 1991, 552 80.

CHAPTER 93E - Regulation of Dealers' Agreements for the Sale of Gasoline.

CHAPTE 93F - Regulating Certain Business Practices Between Motion Picture Distributors and Exhibitors.

CHAPTER 93G - Inspection and Sale of Food, Drugs and Various Articles.

Sect. 123 amended, 1992, 133 170 (See 1992, 133 599.)
Sect. 184C added, 1991, 121.
Sect. 295CC, two sentences inserted after first sentence, 1991, 214.
Sect. 323, paragraph (i) added, 1992, 405 1.
Sect. 327 amended, 1992, 405 2.

CHAPTER 94A - MILK CONTROL.

CHAPTER 94B - Hazardous Substances.

CHAPTER 94C - Controlled Substances Act.

Sect. 2 amended, 1992, 286 168 (See 1992, 286 278, 279.)
Sect. 7, paragraph (g) revised, 1991, 445 1; second paragraph revised, 1992, 10 1; paragraph (g) amended, 1992, 10 2.
Sect. 9 revised, 1991, 445 2; paragraph (a) amended, 1992, 10 3; subsection (b), first paragraph revised, 1992, 10 4; two paragraphs added, 1991, 545; paragraph (c) revised, 1992, 10 5; paragraph (d) amended, 1992, 10 6; paragraph (e), first sentence revised, 1992, 10 6.
Sect. 21A added, 1992, 176. Sect. 31, Class B, subsection (a) amended, 1991, 341.
Sect. 32A, paragraph (c) amended, 1991, 391.
Sect. 32E, paragraph (b) amended, 1991, 395. (See 1991, 412 139.)
Sect. 47 amended, 1991, 412 66A, 67; subsection (d) amended, 1992, 133 455, 456; subsection (f) amended, 1992, 133 457, 458; paragraph (2) inserted, 1992, 133 459. (See 1991, 412 139; 1992, 133 599.)

CHAPTER 94D - Controlled Substances Therapeutic Research Act.

New chapter inserted, 1991, 480 | 1.

CHAPTER 95 - Measuring of Leather.

CHAPTER 96 - Measurement of Lumber.

CHAPTER 97 - Surveying of Land.

Sects. 8-17 stricken out and ten sections inserted, 1991, 248.

CHAPTER 98 - Weights and Measures.

Sect. 33A amended, 1992, 403 21.

CHAPTER 99 - The Metric System of Weights and Measures.

CHAPTER 100 - Auctioneers.

CHAPTER 100A - MOTOR VEHICLE DAMAGE REPAIR SHOPS.

New chapter inserted, 1988, 273 | 32. (See 1988, 273 | 77.)
Sect. 2, first sentence stricken out and two sentences inserted, 1991, 143 1.
Sect. 7, second paragraph stricken out, 1991, 143 2.
Sect. 8 revised, 1991, 143 3.
Sect. 9 amended, 1991, 143 4.

CHAPTER 101 - Transient Vendors, Hawkers and Peddlers.

Sect. 22 amended, 1992, 403 22.

CHAPTER 102 - Shipping and Seamen, Harbors and Harbor Masters.

Sect. 27 amended, 1991, 552 81.

CHAPTER 103 - Pilots.

Sect. 31 revised, 1991, 161 1; first paragraph revised, 1991, 161 2. (See 1991, 161 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. 1-105, subsection (2), paragraph added, 1991, 286 1; Article 4A inserted, 1991, 286 2. (See 1991, 286 3.)
Sect. 2-207 amended, 1991, 319.
Article 4A inserted, 1991, 286 2. (See 1991, 286 3.)
Sect. 9-301, paragraph (2) revised, 1991, 272 1.
Sect. 9-312, paragraph (4) amended, 1991, 272 2.
Sect. 9-410 amended, 1992, 286 169. (See 1992, 286 278, 279.)

CHAPTER 107 - Money and Registration, Issuance and Redemption of Bonds and other Securities, Facsimile Signatures. (Former title, Money and Negotiable Instruments.)

CHAPTER 107A - Assignments of Accounts Receivable.

CHAPTER 108 - Criminal Offences Relative to Bills of Lading. (Former title, Bills of Lading.)

CHAPTER 108A - Partnerships.

CHAPTER 109 - Limited Partnerships.

CHAPTER 109A - FRAUDULENT TRANSFERS OF REAL AND PERSONAL PROPERTY.

CHAPTER 110 - Labels, Trade Marks, Names and Registration thereof.

Sect. 401 amended, 1992, 157 1.

CHAPTER 110A - Uniform Securities Act.

Sect. 204 amended, 1991, 490 1; subsection (a), clauses (F) and (G) revised, 1991, 490 2.
Sect. 407A, caption revised, 1991, 490 3; subsection (a) revised, 490 4; subsection (d) added, 1991, 490 5; amended, 1992, 286 170. (See 1992, 286 278, 279.)
Sect. 408, second sentence revised, 1991, 490 6.
Sect. 410, subsection (e), first sentence revised, 1991, 490 7.

CHAPTER 110B - Registration and Protection of Trademarks.

CHAPTER 110C - Regulation of Take-over Bids in the Acquisition of Corporations.

CHANGES IN THE

CHAPTER 110D - REGULATION OF CONTROL SHARE ACQUISITIONS.

New chapter inserted, 1987, 272 1. (See 1987, 272 3.)

CHAPTER 110E - REGULATION OF CONTROL SHARE ACQUISITIONS OF FOREIGN CORPORATIONS.

New chapter inserted, 1987, 272 2.

CHAPTER 110F - BUSINESS COMBINATIONS WITH INTERESTED SHAREHOLDERS.

New chapter inserted, 1989, 242 8.

CHAPTER 111 - Public Health.

Sect. 2D amended, 1992, 286 173.
(See 1992, 286 278, 279.)
Sect. 5L amended, 1992, 132 1.
Sect. 5N, first paragraph amended, 1992, 132 2; section amended, 1992 132 3.
Sect. 5O amended, 1992, 132 4, 5; .
Sect. 5Q added, 1992, 132 6.
Sect. 13 amended, 378.
Sect. 25A amended, 1992, 403 23.
Sect. 25C, second paragraph, sentence inserted after second sentence, 1991, 495 15.
Sect. 27C amended, 1992, 403 24.
Sect. 31 amended, 1992, 23 13.
Sect. 31A, second paragraph amended, 1991, 552 82.
Sect. 31B amended, 1992, 23 14.
Sect. 31C, fourth paragraph, first sentence revised, 1992, 23 15.
Sect. 51 amended, 1991, 495 16.
Sect. 53C added, 1991, 509.
Sect. 67E, paragraph added, 1992, 87.
Sect. 69L amended, 1992, 286 171.
(See 1992, 286 278, 279.)
Sect. 70 amended, 1991, 408; first paragraph, fifth sentence stricken out and three sentences inserted, 1992, 311 1.
Sect. 70E, amended, 1992, 311 2.
Sect. 71A 1/2 revised, 1991, 138 343.
(See 1991, 138 393.)
Sect. 72G, second paragraph, sentence added, 1992, 133 461.
(See 1992, 133 599.)
Sect. 111C amended, 1992 286 172.
(See 1992, 286 278, 279.)
Sect. 122 amended, 1992, 23 16.
Sect. 123 amended, 1992, 23 17.
Sect. 127A amended, 1991, 402.

(See 1991, 412 139.)
Sect. 127B, second paragraph revised, 1992, 133 462; amended, 1992, 407 1-4.
Sect. 127C amended, 1992, 407 5, 6.
(See 1992, 133 462.)
Sect. 127F, paragraph inserted, 1992, 407 7.
Sect. 127G, revised, 1992, 407 8.
Sect. 127H repealed, 1992, 407 9.
Sect. 127I revised, 1992 407 10.
Sect. 142K amended, 1992 286 174.
(See 1992, 286 278, 279.)
Sect. 142L inserted, 1992, 340.
Sect. 150B, three paragraphs added, 1992, 23 18; last paragraph revised, 1992, 69 4; 1992, 286 175.
(See 1992, 69 22; 1992, 286 278, 279.)
Sect. 201 amended, 1991, 412 69; first paragraph revised, 1992, 39.
(See 1991, 412 139.)

CHAPTER 111A - Drug Addiction Rehabilitation.

Chapter repealed, 1969, 889 23A.

CHAPTER 111B - Alcoholism.

CHAPTER 111C - Emergency Medical Care.

Sect. 15 added, 1991, 206.

CHAPTER 111D - Clinical Laboratories.

CHAPTER 111E - DRUG REHABILITATION.

CHAPTER 111F - HAZARDOUS SUBSTANCES DISCLOSURE BY EMPLOYERS.

CHAPTER 111G - EARLY CHILDHOOD INTERVENTION SERVICES.

CHAPTER 111H - MASSACHUSETTS LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT ACT.

Sect. 1, amended, 1992, 403 25.
Sect. 2, first paragraph amended, 1991, 138 43. (See 1991, 138 393.)
Sects. 4A, 4B added, 1991, 138 166.
(See 1991, 138 393.)

CHAPTER 111I - WOMEN'S, INFANTS AND CHILDREN PROGRAM.

Chapter Inserted, 1992, 414 1 3.

CHANGES IN THE

CHAPTER 112 - Registration of Certain Professions and Occupations.

Sect. 5L added, 1992, 132 7.
Sect. 9E, third paragraph revised, 1991, 445 3.
Sect. 12A 1/2 added, 1991, 225.
Sect. 12T amended, 1992, 286 176.(See 1992, 286 278, 279.
Sect. 12U amended, 1992, 286 177. (See 1992, 286 278, 279.)
Sect. 12AA revised, 1991, 482 1.
Sect. 12CC, revised, 1992, 311 3.
Sect. 23E amended, 1991, 214 1; last paragraph stricken out, 1991, 214 2.
Sect. 23P 1/2 revised, 1991, 484 2.
Sect. 38 amended, 1992, 153 24. (See 1992, 153 85.)
Sect. 39 amended, 1992, 153 25. (See 1992, 153 85.)
Sect. 80B amended, 1992, 10 8; revised, 1992, 286 178. (See 1992, 286 278, 279.)
Sect. 80E revised, 1992, 10 9.
Sect. 87A, definition of "Reviewer" added, 1992, 342 1.
Sect. 87E 1/2 added, 1992, 342 2.
Sect. 87PP amended, 1991, 144 1,2.
Sect. 101, four paragraphs inserted after first paragraph, 1991, 367.
Sect. 132 amended, 1991, 6 25. (See 1991, 6 95-97.)
Sect. 135B amended, 1992, 286 179. (See 1992, 286 278, 279.)
Sects. 173-195, added, 1991, 168 2. Sect. 189 amended, 1992, 286 180. (See 1992, 286 278, 279.)

CHAPTER 113 - Promotion of Anatomical Science.

CHAPTER 114 - Cemeteries and Burials.

CHAPTER 115 - Veteran's Benefits. (Former title, State and Military Aid, Soldier's Relief, etc.)

Sect. 115, amended, 1992, 403 26.

CHAPTER 115A - Soldier's Homes.

CHAPTER 116 - Settlement.

CHAPTER 117 - Support by the Commonwealth. (Former title, Support by the Cities and Towns.)

Sect. 1 amended, 1992, 23 19.
Sect. 1A amended, 1991, 6 26. (See 1991, 6 95-97.)
Sect. 2, paragraph (d) amended, 1991, 6 27. (See 1991, 6 95-97.)
Sect. 4, paragraph added, 1991, 138 167. (See 1991, 138 393.)

CHAPTER 117A - SUPPORT BY THE COMMONWEALTH.

New chapter inserted, 1991, 255 I 4. (See 1991, 255 I 7.)

CHAPTER 118 - Aid to Families with Dependent Children. (Former title, Aid to Dependent Children.)

Sect. 2, first paragraph amended, 1991, 138 168; section amended, 1992, 133 466. (See 1991, 138 393; 1992, 133 599.)
Sect. 3 amended, 1991, 138 169. (See 1991, 138 393.)

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 18D - Assistance to Persons who are Disabled.

CHAPTER 118E - Medical Care and Assistance.

Sect. 1 revised, 1991, 138 170; second paragraph amended, 1991, 495 17; revised, 1992, 23 20.(See 1991, 138 393.)
Sect. 1A, paragraph added, 1991, 138 171.(See 1991, 138 393.)
Sect. 1B repealed, 1991, 138 172.(See 1991, 138 393.)
Sect. 2, paragraph (h) revised, 1991, 138 173; paragraph added, 1991, 138 174.(See 1991, 138 393.)
Sect. 4, first paragraph amended, 1991, 138 175.(See 1991, 138 393.)
Sect. 4B, clause (i) stricken out and clause (a)(1) inserted, 1992, 286 181; amended, 1992, 286 182, 183.(See 1992, 286 278, 279.
Sect. 5 repealed, 1991, 138 176.(See 1991, 138 393; 1992, 133 599.)
Sect. 6 revised, 1991, 138 177(See 1991, 138 393.)
Sect. 7, first two paragraphs revised, 1991, 138 178; second paragraph amended, 1992, 286 184(See 1991, 138 393; 1992, 286 278, 279.)
Sect. 8, second paragraph revised, 1991, 138 179.(See 1991, 138 393.)
Sect. 9 revised, 1991, 138 180(See 1991, 138 393.)
Sect. 10, paragraph added, 1991, 6 28; section revised, 1991, 138 181.(See 1991, 6 95-97; 138 393.)
Sect. 10A repealed, 1991, 138 182. (See 1991, 138 393. (See 1991, 138 393.)
Sect. 14, sentence inserted after first sentence, 1991, 138 183. (See 1991, 138 393.)
Sect. 15 repealed, 1991, 138 184 (See 1991, 138 393.)
Sect. 16, first paragraph revised, 1991, 6 29; section revised, 1991, 6 30(See 1991, 6 95-97.)
Sect. 16A, two paragraphs inserted before first paragraph, 1991, 6 31; section revised, 1992, 133 468.(See 1991, 6 95-97; 1992, 133 599.)
Sect. 16B repealed, 1992, 133 469(See 1992, 133 599.)
Sect. 16C, paragraph (a), first sentence revised, 1991, 6 32; paragraph (d), first sentence amended, 1991, 6 33; paragraph (g) inserted, 1991, 6 34; amended, 1991, 138 342; 499 18; section repealed, 1992, 133 470. (See 1991,

6 95-97; 138 393; 499 45, 46; 1992, 133 599.)
Sect. 16D revised, 1992, 133 471. (See 1992, 133 599.)
Sect. 17, sentence added, 1992, 133 472. (See 1992, 133 599.)
Sect. 20, paragraph inserted after first paragraph, 1991, 138 185; fourth paragraph stricken out, 1991, 138 186. (See 1991, 138 393.)
Sect. 21D revised, 1991, 230.
Sect. 22 revised, 1991, 138 187. (See 1991, 138 393.)

CHAPTER 118F - DEPARTMENT OF MEDICAL SECURITY.

New chapter added, 1988, 23 45. (See 1988, 23 92.)
Sect. 2 revised, 1991, 4945 18. (See 1991, 495 65.)
Sect. 8, second sentence revised, 1992, 26 2.
Sect. 9, first paragraph, clause (l) revised, 1992, 26 3; fourth paragraph stricken out, 1992, 26 4; section amended, 1992, 133 473. (See 1992, 133 599.)
Sect. 9A added, 1992, 26 5.
Sect. 9B added, 1992, 26 5.
Sect. 12A added, 1991, 494 20.
Sect. 14A added, 1991, 495 21.
Sect. 15, subdivision (1) revised, 1991, 138 188; subdivision (7) revised, 1991, 6 35; section revised, 1991 495 19; subsection (1) amended, 1992, 133 474; subsection (2) amended, 1992, 133 475; subsection (3) amended, 1992, 133 476; subsection (4) amended, 1992, 133 477; subdivisions (1) to (4) revised, 1992, 286 185. (See 1991, 138 393; 6 95-97; 1992, 133 599; 1992, 286 278, 279.
Sect. 17A added, 1991, 495 23; clause (1), first sentence revised, 1992, 133 478. (See 1992, 133 599.)
Sect. 19, subdivisions (7), (8), and (9) stricken out, and subdivisions (8) and (9) inserted, 1991, 6 36; section amended, 1991, 138 189, 190; 1992, 286 186, 187. (See 1991, 6 95-97; 138 393; 1992, 286 278, 279.)

CHAPTER 119 - Protection and Care of Children, and Proceedings against Them.

Sect. 23, four paragraphs inserted after first paragraph, 1991, 492; section (D) amended, 1992, 379 7. (See 1992, 379 232, 233.)
Sect. 24, three sentences inserted after first sentence, 1992, 303 1; amended, 1992, 379 8. (See 1992, 379 232, 233.) tfi1 Sect. 26, second paragraph, clause (4)
added, 1992, 303 2; last paragraph revised, 1992, 303 3.
Sect. 27 amended, 1992, 379 9. (See 1992, 379 232, 233.)
Sect. 29B, second paragraph, second sentence stricken out and two sentences inserted, 1992, 69 5. (See 1992, 69 22.) (See 1992, 69 22.)
Sect. 39D revised, 1991, 292.
Sect. 39E amended, 1992, 379 10. (See 1992, 379, 232, 233.)
Sect. 39H, three paragraphs inserted after first paragraph, 1991, 519 1; amended, 1992, 379 11. (See 1992, 379 232, 233.)
Sect. 39I amended, 1992, 379 12, 13. (See 1992, 379 232, 233.)

Sect. 51A amended, 1991, 280; sentence added, 1992, 115 1.
Sect. 51B, two sentences added, 1992, 115 2. (See 1992, 3 12.)
Sect. 51C amended, 1992, 379 14. (See 1992, 379 232, 233.)
Sect. 51F, two sentences added, 1992, 115 3.
Sect. 52, definition of "Court" revised, 1992, 379 15. (See 1992, 379 232, 233.
Sect. 55A amended, 1992, 379 16. (See 1992, 379 232, 233.)
Sect. 56 amended, 1992, 379 17-19. (See 1992, 379 232, 233.)
Sect. 58 amended. 1992, 379 20. (See 1992, 379 232, 233.)
Sect. 60 revised, 1991, 488 1; section amended, 1992, 398 2.
Sect. 61, second paragraph revised, 1991, 488 2; third and fourth paragraphs stricken out and three paragraphs inserted, 1991, 488 3; fourth paragraph, last sentence stricken out and three sentences inserted, 1991, 488 4; fifth paragraph, last sentence stricken out and three sentences inserted, 1991, 488 5; sixth paragraph amended, 1991, 488 6; fifth paragraph, first sentence revised, 1992, 398 3; amended, 1992, 379 20A; revised, 1992, 286 188. (See 1992, 379 232, 233; 1992, 286 278, 279.)
Sect. 63, fourth, fifth, sixth and seventh sentences stricken out and one sentence inserted, 1992, 379 21. (See 1992, 379 232, 233.)
Sect. 67 amended, 1991, 519 2.
Sect. 72 revised, 1991, 488 7; third paragraph amended, 1992, 398 4; paragraph added, 1992, 398 5; amended, 1992, 379 22. (See 1992, 379 232, 233.)
Sect. 83, revised, 1992, 398 6.

CHAPTER 119A - CHILD SUPPORT ENFORCEMENT.

Sect. 2, sentence added, 1992, 133 479. (See 1992, 133 599.)
Sect. 14 added, 1992, 133 480. (See 1992, 133 599.)

CHAPTER 120 - Department of Youth Services and Massachusetts Training Schools. (Former title, Youth Service Board and Massachusetts Training Schools.)

Sect. 10, subsection (a), first paragraph, sentence added, 1991, 488 8.
Sect. 50 amended, 1992, 379 23.(See 1992, 379 232, 233.)

CHAPTER 121 - Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

CHAPTER 121A - Urban Redevelopment Corporations.

Sect. 18D, amended, 1992, 403 27.

CHAPTER 121B - Housing and Urban Renewal.

Sect. 1, definition of "Veteran" revised, 1991, 405 2.
Sect. 26B amended, 1992, 286 189. (See 1992, 286 278, 279.)
Sect. 32, first paragraph revised, 1991, 6 37, 38. (See 1991, 6 95-97.)
Sect. 34, thirteenth paragraph revised, 1991, 138 191. (See 1991, 138 393.)

Sect. 40, paragraph (e) amended, 1991, 6 39, 40, 41, 42. (See 1991, 6 95-97.)
Sect. 44 amended, 1991, 6 43, 44, 45, 46; first paragraph, clause (b) stricken out, 1992, 153 26. (See 1991, 6 95-97; 1992, 153 84.)
Sect. 57 amended, 1992, 153 27, 27A. (See 1992, 153 85.)

CHAPTER 121C - Economic Development and Industrial Corporations.

CHAPTER 122 - Tewksbury Hospital.
(Former titles, Tewksbury State Hospital and (Former title, Tewksbury State Hospital and Infirmary and State Infirmary.)

CHAPTER 123 - Treatment and Commitment of Mentally Ill and Mentally Retarded Persons.

Sect. 8B amended, 1992, 379 26, 27. (See 1992, 379 232,233.)
Sect. 9, paragraph (b) amended, 1992, 379 28. (See 1992, 379 232,233.)
Sect. 12 amended, 1992, 379 29. (See 1992, 379 232, 233.)
Sect. 16 amended, 1992, 286 190. (See 1992, 286 278, 279.)
Sect. 18A added, 1991, 138 275. (See 1991, 138 393.)
Sect. 35 amended, 1992, 379 30. (See 1992, 379 232, 233.)

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. 9A added, 1991, 454.
Sect. 9B added, 1991, 454.

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. 1 amended, 1992, 286 191. (See 1992, 286 278, 279.)

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, amended, 1992, 323.

Sect. 49B amended, 1992, 286 192. (See 1992, 286 278, 279.)
Sect. 84 amended, 1991, 552 83.
Sect. 130A amended, 1992, 133 483. (See 1992, 133 599.)
Sect. 131A amended, 1991, 412 69. (See 1991, 412 139.)

CHAPTER 128 - Agriculture.

Sect. 2, subsection (g) revised, 1991, 114 1; last paragraph stricken out and six paragraphs inserted, 1992, 101 1.
Sect. 2D added, 1992, 212 1.
Sect. 32, amended, 1992, 374 1.
Sect. 35, first paragraph, two sentences inserted after first sentences, 1992, 376 2.

CHAPTER 128A - Horse and Dog Racing Meetings.

Sect. 5, second and third paragraphs revised, 1992, 101 2.
Sect. 7 amended, 1992, 101 3.
Sect. 8 amended, 1991, 412 70. (See 1991, 412 139.)
Sect. 9B, eighth and ninth paragraphs revised, 1992, 101 4.
Sect. 19 amended, 1992, 286 193. (See 1992, 286 278, 279.)
Sect. 20 amended, 1992, 286 194. (See 1992, 286 278, 279.)
Sect. 30 amended, 1992, 286 195, 196. (See 1992, 286 278, 279.)

CHAPTER 128B - Conservation of Soil and Soil Resources and Prevention and Control of Erosion

CHAPTER 128C - SIMULCAST WAGERING OF HORSE AND DOG RACING.

Chapter inserted, 1992, 101 | 5.

CHAPTER 129 - Livestock Disease Control.
(Former title, Animal Industry.)

Sect. 45 amended, 1992, 286 197. (See 1992, 286 278, 279.)

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, definition of "Coastal waters" revised, 1992, 133 482. (See 1992, 133 599.)
Sect. 2B added, 1991, 33 90; section amended, 1992, 133 484. (See 1991, 33 150; 1992, 133 599.)

Sect. 5 added, 1992, 133 485. (See 1992, 133 599.)
Sect. 38B, revised, 1992, 369 1.
Sect. 69 revised, 1991, 105.
Sect. 105 amended, 1991, 552 85.

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" revised, 1992, 133 486. (See 1992, 133 599.)
Sect. 4 amended, 1991, 412 71; 552 86; clause (12) revised, 1992, 133 487. (See 1991, 412 139; 1992, 133 599.)
Sect. 5C added, 1991, 364 1.
Sect. 40, paragraph inserted after paragraph (18), 1991, 141 2.
Sect. 40B added, 1991, 141 3; revised, 1992, 286 198. (See 1992, 286 278, 279.)
Sect. 59 amended, 1991, 412 72. (See 1991, 412 72.)
Sect. 63 amended, 1991, 412 73.
See 1991, 412 139
Sect. 82 amended, 1991, 412 74. (See 1991, 412 139.)
Sect. 87 amended, 1991, 412 75. (See 1991, 412 139.)
Sect. 88 amended, 1991, 412 76. (See 1991, 412 139.)
Sect. 89 amended, 1991, 412 77. (See 1991, 412 139.)
Sect. 90, paragraph added, 1991, 364 2.

CHAPTER 131A - MASSACHUSETTS ENDANGERED SPECIES ACT.

New chapter added, 1990, 408 4. (See 1990, 408 5.)
Sect. 4 amended, 1991, 552 87.
Sect. 5, paragraph (2), clause (vi) revised, 1992, 286 199. (See 1992, 286 278, 279.)
Sect. 6, paragraph (d) inserted, 1992, 133 488. (See 1992, 133 599.)

CHAPTER 132 - Forestry.

Sect. 7A, third, fourth, and fifth paragraphs revised, 1992, 133 489. (See 1992, 133 599.)

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, 1991, 138 192. (See 1991, 138 393.)
Sect. 2C amended, 1991, 552 88.
Sect. 16B amended, 1992, 286 203. (See 1992, 286 278, 279.)

CHAPTER 132B - Massachusetts Pesticide Control Act.

CHAPTER 133 - Disposition of Old and Infirm Animals.

Sect. 1 amended, 1992, 286 201. (See 1992, 286 278, 279.)

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, subparagraph (17) amended, 1992, 133 492; clause (52) amended, 1991, 378 1; revised, 1992, 202; clause (52) stricken out and clause (53) inserted, 1992, 88 1; clause (52), clause (a) revised, 1992, 133 490; clause (52) revised, 1992, 133 491; clause (54) added, 1992, 153 28. (See 1991, 378 2; 1992, 85; 1992, 133 599.)

CHAPTER 137 - Gaming.

CHAPTER 138 - Alcoholic Liquors.
(Former title, Intoxicating Liquors and Certain Non-intoxicating Beverages.)

Sect. 12, fourth paragraph, first sentence revised, 1991, 138 193; twelfth paragraph amended, 1991, 138 194. (See 1991, 138 393.)
Sect. 15, second paragraph, second sentence revised, 1991, 138 195. (See 1991, 138 393.)
Sect. 15C added, 1991, 1 1; repealed, 1991, 1 2. (See 1991, 1 3.)
Sect. 17, amended, 1992, 404 28.
Sect. 22 amended, 1991, 412 78. (See 1991, 412 139.)
Sect. 30A, last sentence stricken out, 1991, 138 196. (See 1991, 138 393.)
Sect. 34C, first sentence revised, 1992, 110.

CHAPTER 139 - Common Nuisances.

Sect. 3A, second paragraph, third, fourth and fifth sentences revised, 1992, 133 494 (See 1992, 133 599.)
Sect. 19 amended, 1992, 133 495. (See 1992, 133 599.

CHAPTER 140 - Licenses.

Sect. 27 amended, 1991, 481 13.
Sect. 32A amended, 1991, 481 14.
Sect. 32B amended, 1991, 481 15.
Sect. 32C revised, 1991, 481 16.
Sect. 32D revised, 1991, 481 17.
Sect. 32E revised, 1991, 481 18.
Sects. 32F-32R revised, 1991, 481 19.
Sect. 58, last two paragraphs stricken out, 1991, 489 18; section amended, 1992, 18 4. (See 1991, 489 20.)
Sect. 59A amended, 1991, 552 89, 90.

Sect. 66 amended, 1991, 412 79, 80. (See 1991, 412 139.)
Sect. 128A, first sentence revised, 1991, 82 1.
Sect. 129C amended, 1991, 82 2; clause (g) revised, 1991, 89; clause (t) added, 1991, 82 3.
Sect. 131B amended, 1991, 82 4.
Sect. 131H amended, 1991, 412 81. (See 1991, 412 139.)
Sect. 145B, revised, 1992, 237.
Sect. 147, second sentence revised, 1991, 436.
Sect. 173 amended, 1992, 133 496. (See 1992, 133 598.)
Sect. 173A revised, 1992, 133 497. (See 1992, 133 598.)

CHAPTER 140A - Regulation of Certain Credit Transactions.

CHAPTER 140B - Control of Certain Junkyards.

Sect. 1 amended, 1991, 552 91.

CHAPTER 140C - Consumer Credit Cost Disclosure.

Chapter repealed, 1981, 733 1.

CHAPTER 140D - CONSUMER CREDIT COST DISCLOSURE.

New chapter added, 1981, 733 2.
Sect. 4 amended, 1992, 118 11.

CHAPTER 140E - CONSUMER ACCOUNT DISCLOSURE.

CHAPTER 141 - Supervision of Electricians.

Sect. 7 amended, 1992, 135.

CHAPTER 142 - Supervision of Plumbing.

CHAPTER 142A - REGULATION OF HOME IMPROVEMENT CONTRACTORS.

New chapter inserted, 1991, 453.

CHAPTER 143 - Inspection and Regulation of, and Licenses for, Buildings, Elevators and Cinematographs.

Sect. 2A amended, 1992, 133 498. (See 1992, 133 599.)
Sect. 2C amended, 1991, 412 82. (See 1991, 412 139.)
Sect. 3, paragraph added, 1992, 168 1.
Sect. 3A, third paragraph amended, 1991, 552 92; third paragraph revised, 1992, 286 202. (See 1992, 286 278, 279.)
Sect. 9 amended, 1992, 133 499. (See 1992, 133 599.)
Sect. 51, two sentences inserted after first sentence, 1992, 66.
Sect. 94 amended, 1991, 552 93; two paragraphs added, 1992, 168 2.

CHAPTER 144 - Tenement Houses in Cities.

CHAPTER - 145 Tenement Houses in Town.

CHAPTER - 146 Inspection of Boilers, Air Tanks, etc., Licenses of Engineers, Firemen, and Operators of Hoisting Machinery.

Sect. 53 amended, 1991, 485 1; six paragraphs added, 1991, 485 2. (See 1991, 485 9.)
Sect. 54A added, 1991, 485 3.See 1991, 485 9.)
Sect. 55 revised, 1991, 485 4. (See 1991, 485 9.
Sect. 65 revised, 1991, 485, (See 1991, 485 9.)
Sect. 67 amended, 1991, 485 6.(See 1991, 485 9.)
Sect. 81, definition of "Pipefitting" revised, 1992, 144.

CHAPTER - 147 - State and Other Police, and Certain Power and Duties of the Department of Public Safety.

Sect. 1A repealed, 1991, 412 82A. (See 1991, 412 139.)
Sect. 2 revised, 1991, 412 8 (See 1991, 412 139.)
Sect. 3 amended, 1991, 412 84.(See 1991, 412 139.)
Sects. 4-7 repealed, 1991, 412 85.(See 1991, 412 139.)
Sects. 9-10E repealed, 1991, 412 85A (See 1991, 138 393.)
Sects. 10G-10M repealed, 1991, 412 85B. (See 1991, 412 139.)
Sect. 18, amended, 1992, 403 29.
Sect. 23, second paragraph, clause 8 revised, 1991, 326.
Sect. 29 amended, 1992, 286 203.(See 1992, 286 278, 279.)
Sect. 35A added, 1992, 324 1.(See 1992, 324 2.)
Sect. 49 revised, 1992, 74.

CHAPTER - 148 - Fire Prevention

Sect. 5, fifth sentence stricken out and three sentences inserted, 1992, 133 5HAA0 amended, 1991, 481 20.
Sect. 38D amended, 1992, 286 204. (See 1992, 286 278, 279.)
Sect. 56 amended, 1991, 202.
Sect. 59 added, 1992, 336

CHAPTER 149 - Labor and Industries

Sect. 26 amended, 1991, 552 94.
Sect. 27E amended, 1991, 552 95.
Sect. 30 amended, 1991, 552 96 (See 1991, 412 139.)
Sect. 30B amended, 1991, 412 8 (See 1991, 412 139.)
Sect. 30C amended, 1991, 412 88, 88A(See 1991, 412 139.)
Sect. 34 amended, 1991, 552 97.
Sect. 44A, subsection (1) paragraph added, 1991, 138 239; definition of "Deputy commissioner" revised, 1992, 286 205; subsection (5) added, 1991,

138 240; section amended, 1992, 286 206, 207.
(See 1991, 138 393; 1992, 286 278, 279.)
Sect. 44B amended, 1992, 286 208, 209. (See 1992, 286 278, 279.)
Sect. 44C revised, 1991, 550 2.
Sect. 44D amended, 1992, 286 210(See 1992, 286 278, 279.)
Sect. 44E, subsection (2), sentence inserted, 1991, 550 3; section amended, 1992, 286 211.See 1991, 550 5; 1992, 286 278, 279.)
Sect. 44F, subsection (4), sentence inserted, 1991, 550 4.
(See 1991, 550 5.)
Sect. 44G amended, 1992, 286 212, 213. (See 1992, 286 278, 279.)
Sect. 44M, third, fourth, and fifth paragraphs revised, 1991, 193 6.
(See 1991, 193 18.)
Sect. 60, last paragraph stricken out and two paragraphs inserted, 1991, 293.
Sect. 61 amended, 1991, 407.
Sect. 129D added, 1992, 177 2.
Sect. 148, paragraph inserted after third paragraph, 1991, 138 331; first paragraph revised, 1992, 133 502; section amended, 1992, 133 503; section amended, 1992, 133 504.(See 1991, 138 393; 1992, 133 599.)
Sect. 148B, first paragraph, first sentence revised, 1992, 286 214.
(See 1992, 286 278
Sect. 149 amended, 1992, 286 215. (See 1992, 286 278, 279.)

CHAPTER 150 - Conciliation and Arbitration of Industrial Disputes.

Sect. 6, second sentence stricken out and three sentences inserted, 1992, 133 505.(See 1992, 133 599.)

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. 1, definition of "Employer", third sentence revised, 1991, 142 25. (See 1991, 142 49-50.)
Sect. 3, third paragraph, first sentence revised, 1991, 412 89; fourth paragraph stricken out, 1991, 412 90. (See 1991, 412 139.)
Sect. 7, paragraph (b) amended, 1991, 142 26; paragraph (c) amended, 1991, 142 27; section amended, 1992, 379 31, 32. (See 1991, 142 49-50; 1992, 379 232, 233.)

CHAPTER 151 - Minimum Fair Wages.
(Former title, Minimum Fair Wages for Women and Minors.)

CHAPTER 151A - EMPLOYMENT AND TRAINING. (Former title, Employment Security.)

Title revised, 1990, 177 247.
Sect. 1, clause (a) revised, 1992, 26 6; subsection (r), clause (3) revised, 1992, 118 4; subsection (z), clauses (aa), (bb), and (cc) inserted, 1992, 118 10. (See 1992, 26 37.)
Sect. 12 revised, 1992, 118 5.
Sect. 14, clause (a) revised, 1992, 26 6; first paragraph revised, 1992, 26 7; subsection (a) amended, 1992, 26 8; paragraph (4) added, 1992, 26 9; paragraph (4) revised, 1992, 118 6; subsection (e), paragraph (1) revised, 1992, 26 10; paragraph (5) amended, 1992, 26 11; paragraph (6) amended, 1992, 26 12; subsection (h), paragraph (3) revised, 1992, 26 13; subsection (i) revised, 1992, 26 14; paragraph (l) added, 1992, 118 7. (See 1992, 26 35, 37.)
Sect. 14G, subsection (k) added, 1992, 26 15.
Sect. 14J added, 1992, 26 15.
Sect. 14J repealed, 1992, 26 17. (See 1992, 26 38.)
Sect. 24, clauses (a) and (b) revised, 1992, 26 18.
Sect. 24A added, 1992, 118 10A.
Sect. 25 amended, 1992, 286 217. (See 1992, 186 278, 279.)
Sect. 29D, subsection (i), first sentence revised, 1992, 118 8; section amended, 1992, 118 8A.
Sect. 30 revised, 1991, 9 2; subsection (c) revised, 1992, 118 9.
Sect. 38 amended, 1992, 286 218. (See 1992, 286 278, 279.)
Sect. 46 amended, 1991, 412 90A. (See 1991, 412 139.)
Sect. 58A amended, 1992, 286, 219. (See 1992, 286 278, 279.)
Sect. 62 amended, 1992, 286 220. (See 1992, 286 278, 279.)

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. 3, subsection 1 revised, 1992, 286 221; subsection 6 amended, 1991, 323 1. (See 1992, 286, 278, 279.)
Sect. 9, second paragraph amended, 1991, 323 2; sentence inserted after second sentence, 1991, 323 3; third paragraph, last sentence stricken out, 1991, 323 4.

CHAPTER 151C - Fair Education Practices.

CHAPTER 151D - Health, Welfare and Retirement Funds.

CHAPTER 151E - Prohibition of Certain Discrimination by Business.

CHAPTER 152 - Workmen's Compensation.

Sect. 1 amended, 1991, 552 98; subsection (1), paragraph added, 1991, 398 13; subsection (7A), third sentence stricken out and two sentences in serted, 1991,

398 14 subsection (12) revised, 1991, 398 15. (See 1991, 398 111.)
Sect. 2A amended, 1991, 398 16. (See 1991, 398 111.)
Sect. 5, paragraph added, 1991, 398 17. (See 1991, 398 111.)
Sect. 6, first paragraph stricken out and two paragraphs added, 1991, 398 18; last paragraph revised, 1991, 398 19. (See 1991, 398 111.)
Sect. 7 revised, 1991, 398 20. (See 1991, 398 111.)
Sect. 7A revised, 1991, 398 21. (See 1991, 398 111.)
Sect. 7C revised, 1991, 398 22. (See 1991, 398 111.)
Sect. 7G added, 1991, 398 22A. (See 1991, 398 111.)
Sect. 8, subsections (1) and (2) revised, 1991, 398 23; subsection (3) stricken put, 1991, 398 23; subsection (4) revised, 1991, 398 24; subsection (6) revised, 1991, 398 25. (See 1991, 398 110, 111.)
Sect. 10 revised, 1991, 398 26. (See 1991, 398 108, 111.)
Sect. 10A, subsection (1), sentence inserted after first sentence, 1991, 398 27; subsection (2), paragraph added, 1991, 398 28; last paragraph stricken out and two paragraphs inserted, 1992, 286 278, 279. (See 1991, 398 108, 111; 1992, 286 278, 279.)
Sects. 10B-10C added, 1991, 398 29. (See 1991, 398 108, 111.)
Sect. 11A revised, 1991, 398 30. (See 1991, 398 110, 111.)
Sect. 11C, fifth to eighth sentences, inclusive, revised, 1991 398 31. (See 1991, 398 111.)
Sect. 11D added, 1991, 398 32. (See 1991, 398 111.)
Sect. 12 amended, 1991, 398 32A. (See 1991, 398 111.)
Sect. 13, subsection (1), first and second paragraphs revised, 1991, 398 33; subsection (3), last sentence stricken out and eight sentences inserted, 1991, 398 34. (See 1991, 398 109, 111.)
Sect. 13A revised, 1991, 398 35. (See 1991, 398 111.)
Sect. 14, subsection (1) revised, 1991, 398 36; subsection (2) revised, 1991, 398 37; subsection (3) added, 1991, 398 38. (See 1991, 111.)
Sect. 14A added, 1991, 398 38A. (See 1991, 398 111.)
Sect. 15 revised, 1991, 398 39. (See 1991, 398 111.)
Sect. 19, subsection (1), last sentence stricken out, 1991, 398 41; last sentence stricken out and four sentences inserted, 1991, 398 42. (See 1991, 398 111.)
Sect. 24 revised, 1991, 398 43. (See 1991, 398 111.)
Sect. 25A, paragraph added, 1991, 398 44; paragraph (2)(b) revised, 1992, 318 4. (See 1991, 398 111.)
Sect. 25C, subsection (l) amended, 1991, 398 45; subsection (9) added, 1991, 398 45A; subsection (10) added, 1991, 398 45B. (See 1991, 398 111.)
Sect. 25D revised, 1991, 398 46. (See 1991, 398 111.)
Sect. 25E, paragraph inserted after first paragraph, 1991, 398 47; definition of "Worker's compensation self insurance group" amended, 1991, 398 48; section amended, 1991, 398 48A. (See 1991, 398 111.)
Sect. 25G, paragraph (c), subsection (2), paragraph added, 1991, 398 49. (See 1991, 398 111.)
Sect. 25J, subsection (2), paragraph (c) revised, 1991, 398 50. (See 1991, 398 111.)
Sect. 25K, subsection (6) added, 1991, 398 51. (See 1991, 398 111.)
Sect. 26, last paragraph revised, 1991, 398 40. (See 1991, 398 111.)
Sect. 27A added, 1991, 398 51A. (See 1991, 398 111.)

Sect. 29, second sentence revised, 1991, 398 52. (See 1991, 398 111.)
Sect. 30 revised, 1991, 398 53. (See 1991, 398 110, 111.)
Sect. 30G, first paragraph, three sentences added, 1991, 398 54. (See 1991, 398 111.)
Sect. 30H amended, 1991, 398 55; paragraph added, 1991, 398 56. (See 1991, 398 111.)
Sect. 33 revised, 1991, 398 58. (See 1991, 398 111.)
Sect. 34 revised, 1991, 398 59. (See 1991, 398 111.)
Sect. 34A revised, 1991, 398 60. (See 1991, 398 111.)
Sect. 34B revised, 1991, 398 61. (See 1991, 398 111.)
Sect. 35 revised, 1991, 398 63. (See 1991, 398 111.)
Sect. 35D, subsection (5), sentence added, 1991, 398 65. (See 1991, 398 111.)
Sect. 35E, first sentence revised, 1991, 398 66. (See 1991, 398 111).
Sect. 35F repealed, 1991, 398 67. (See 1991, 398 111.)
Sect. 36, subsection (1), introductory paragraph revised, 1991, 398 68; section amended, 1991, 398 69; paragraph (k), sentence added, 1991, 398 69A. (See 1991, 398 111.)
Sect. 36A, second paragraph, sentence added, 1991, 398 70. (See 1991, 398 111.)
Sect. 37 revised, 1991, 398 71. (See 1991, 398 111.)
Sect. 45, first paragraph, sentnece added, 1991, 398 72. (See 1991, 398 111.)
Sect. 46, sentence added, 1991, 398 73. (See 1991, 398 111.)
Sect. 48, subsectio (1) amended, 1991, 398 74; subsection (2) amended, 1991, 398 74A; subsections (3) to (6), inclusive, revised, 1991, 398 75. (See 1991, 398 111.)
Sect. 49 amended, 1991, 398 76. (See 1991, 398 111.)
Sect. 50, first sentence revised, 1991, 398 77. (See 1991, 398 111.)
Sect. 51 revised, 1991, 398 78. (See 1991, 398 111.)
Sect. 52C amended, 1991, 398 80. (See 1991, 398 111.)
Sect. 53A, subsection (2) revised, 1991, 398 81; section (4) revised, 1991, 398 82; subsections (12) to (17), inclusive, added, 1991, 398 83. (See 1991, 398 111.)
Sect. 55A added, 1991, 398 84. (See 1991, 398 111.)
Sect. 63 revised, 1991, 132 1.
Sect. 65, subsection (2) revised, 1991, 398 85; subsection (4), paragraph (d) revised, 1991, 398 86; subsection (5), first sentence revised, 1991, 398 87; subsection (8) revised, 1991, 398 88; subsection (13) revised,1991, 398 89. (See 1991, 398 111.)
Sect. 65A revised, 1991, 398 90. (See 1991, 398 111.)
Sect. 65B revised, 1991, 132 2; 398 90A. (See 1991, 398 111.)
Sect. 65O revised, 1991, 398 92. (See 1991, 398 111.)
Sect. 66, introductory paragraph revised, 1991, 398 93. (See 1991, 398 111.
Sect. 69, first paragraph amended, 1991, 552 99; section repealed, 1992, 133 507. (See 1992, 133 599.)
Sect. 69B, first sentence amended, 1992, 133 508. (See 1992, 133 599.) tfi1 Sect. 75B, subsection (4) added, 1991, 398 94. (See 1991, 398 111.)

CHAPTER 153 - Liability of Employers to Employees for Injuries not resulting in Death

CHANGES IN THE

CHAPTER 154 - Assignment of Wages.

CHAPTER 155 - General Provisions relative to Corporations.

CHAPTER 156 - Business Corporations.

CHAPTER 56A - Professional Corporations.

CHAPTER 156B - Certain Business Corporations.

Sect. 13, paragraph (c), clause (1) revised, 1991, 229 1.
Sect. 14 revised , 1991, 229 2.
Sect. 34, subsection (b) revised, 1991, 138 389. (See 1991, 138 393.)
Sect. 78, subsection (d), clause (1) amended, 1991, 229 3; clause 4 stricken out, 1991, 229 4; subsection (d) revised, 1992, 286 223. (See 1992, 286 278, 279.)
Sect. 79 amended, 1992, 286, 224. (See 1992, 286 278, 279.)
Sect. 100, subsection (c) clause (1) revised, 1991, 229 5; paragraph (d), last sentence stricken out, 1991, 529.
Sect. 109, paragraph (5) stricken out, 1991, 229 6; paragraph (6) added, 1992, 255 4.

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. 12C amended, 1991, 322.
Sect. 59 amended, 1991, 552 100.
Sect. 62 amended, 1991, 552 101.
Sect. 65 amended, 1991, 552 102.
Sect. 70 amended, 1991, 552 103.
Sect. 72 amended, 1991, 552 104.
Sect. 74 amended, 1991, 552 105.
Sect. 75 amended, 1991, 552 106.
Sect. 77 amended, 1991, 552 107.
Sect. 78 amended, 1991, 552 108.
Sect. 79 amended, 1991, 552 109.
Sect. 80 amended, 1991, 552 110.
Sect. 92 revised, 1991, 90; section amended, 1991, 412 90B; amended, 1992, 23 21. (See 1991, 412 139.)

CHAPTER 159A - Common Carriers of Passengers by Motor Vehicle.

Sect. 13 amended, 1991, 552 111.
Sect. 32 added, 1992, 409.

CHAPTER 159B - Carriers of Property by Motor Vehicle.

Sect. 3 amended, 1991, 552 112.
Sect. 14A amended, 1991, 412 91, 91A.
(See 1991, 412 139.)
Sect. 20 amended, 1991, 552 113.

CHAPTER 160 - Railroads.

Sect. 96 amended, 1991, 552 114.
Sect. 102 amended, 1991, 552 115.
Sect. 104 amended, 1991, 552 116.
Sect. 134A, second paragraph amended, 1991, 552 117.
Sect. 142 amended, 1991, 552 118.
Sect. 143 amended, 1991, 552 119.
Sect. 146 amended, 1991, 552 120.
Sect. 245 amended, 1991, 552 121.

CHAPTER 161 - Street Railways.

Sect. 50 amended, 1991, 552 122.
Sect. 81 amended, 1991, 552 123.
Sect. 82 amended, 1991, 552 124.
Sect. 85 amended, 1991, 552 125.
Sect. 131 amended, 1991, 552 126.
Sect. 152, second sentence stricken out, and three sentences inserted, 1991, 6 47. (See 1991, 6, 95-97.)

CHAPTER 61A - Massachusetts Bay Transit Authority.

Sect. 7, last paragraph revised, 1991, 145 36. (See 1991, 145 47.)
Sect. 19D, second paragraph revised, 1991, 138 197. (See 1991, 138 393.)
Sect. 19G, first paragraph revised, 1991, 138 198. (See 1991, 138 393.)
Sect. 19J revised, 1991, 138 199. (See 1991, 138 393.)
Sect. 23, third paragraph revised, 1991, 33 91. (See 1991, 91 155.)
Sect. 28, second sentence revised, 1991, 33 92. (See 1991, 93 155.)
Sect. 32 added, 1991, 33 93. (See 1991, 93 155.)

CHAPTER 161B - Transportation Facilities, Highway Systems and Urban Development Plan.

Sect. 1, definition of "Net cost of service" amended, 1991, 33 94; revised, 1992, 286 225. (See 1991, 33 155; 1992, 286 278, 279.)
Sect. 6, clause (d) amended, 1991, 138 200; paragraph (q) added, 1991, 33 95.

(See 1991, 33 155; 138 393.)
Sect. 17, second paragraph, last sentence revised, 1991, 33 96. (See 1991, 33 155.)

CHAPTER 161C - Rail Transportation in the Commonwealth.

Sect. 4, first paragraph amended, 1991, 552 127.
Sect. 5, first paragraph amended, 1991, 552 128.
Sect. 6 amended, 1991, 552 129.

CHAPTER 161D - THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM.

Sect. 5 amended, 1991, 33 97, 98; clauses (3) and (5) revised, 1992, 286 278, 279; clause (6) added, 1991, 33 99. (See 1991, 33 155; 1992 286 278, 279.)

CHAPTER 162 - Electric Railroads.

CHAPTER 163 - Trackless Trolley Companies.

CHAPTER 164 - Manufacture and Sale of Gas and Electricity.

Sect. 16 revised, 1991, 314.
Sect. 56B, first sentence revised, 1991, 283 1.
Sect. 56C, first sentence revised, 1991, 283 2.
Sect. 56D, first sentence revised, 1991, 283 3.
Sect. 69G, definition of "Applicant" revised, 1992, 141 5; definition of "Board" inserted, 1992, 141 6; definition of "Council" stricken out, 1992, 141 7; definition of "Long Range Forecast" stricken out, 1992, 141 8. (See 1992, 141 55.)
Sect. 69H, sixth paragraph amended, 1991, 138 201; first paragraph, sentence added, 1991, 193 7; section amended, 1991, 193 8; second paragraph, fifth sentence revised, 1991, 193 9; section amended, 1992, 133 170; section, revised, 1992, 141 9.
(See 1991, 138 393; 193 18; 1992, 133 599; 141 55.)
Sect. 69H 1/2 amended, 1992, 141 10; 141 11.
(See 1992, 141 55.)
Sect. 69I, first paragraph stricken out and three paragraphs inserted, 1992, 141 12; section amended, 1992, 141 13, 14. (See 1992, 141 55.)
Sect. 69J revised, 1992, 141 15. (See 1992, 141 55.)
Sect. 69J 1/2 amended, 1992, 141 16, 17, 18, 19. (See 1992, 141 55.)
Sect. 69K amended, 1992, 141 20, 21, 22. (See 1992, 141 55.)
Sect. 69L amended, 1992, 1441 23, 24, 25, 26. (See 1992, 141 55.)
Sect. 69M amended, 1992, 141 27, 28, 29. (See 1992, 141 55.)
Sect. 69N amended, 1992, 141 30, 31, 32. (See 1992, 141 55.)
Sect. 69O amended, 1992, 141 33, 34. (See 1992, 141 55.)
Sect. 69P amended, 1992, 141 35, 36. (See 1992, 141 55.)
Sect. 69Q amended, 1992, 141 37. (See 1992, 141 55.)
Sect. 69R amended, 1992, 141 38, 39. (See 1992, 141 55.)

Sect. 69S amended, 1992, 141 40, 41. (See 1992, 141 55.)
Sect. 75C amended, 1991, 552 130.
Sect. 126, paragraph added, 1992, 112 1.
Sect. 127, paragraph added, 1992, 112 2.

CHAPTER 164A - New England Power Pool.

Sect. 1 definition of "Domestic electric utility" revised, 1991, 33 100. (See 1991, 33 155.)

CHAPTER 165 - Water and Aqueduct Companies.

CHAPTER 166 - Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

CHAPTER 166A - Community Antenna Television Systems.

Sect. 19 amended, 1991, 437 1.
Sect. 22 revised, 1991, 437 2.

CHAPTER 167 - Supervision of Banks.

CHAPTER 167A - Bank Holding Companies.

CHAPTER 167B - ELECTRONIC BRANCHES AND ELECTRONIC FUND TRANSFERS.

Sect. 1, definition of "Merchant" inserted, 1991, 471 1; definitions of "Organization" and "Point of sale" revised, 1991, 471 2.
Sect. 8, clause (13) stricken out, 1991, 471 3.
Sect. 12 repealed, 1991, 471 4.

CHAPTER 167C - BANK LOCATIONS.

CHAPTER 167D - DEPOSITS AND ACCOUNTS.

Sect. 32A added, 1992, 400 16. (See 1992, 400 19.)

CHAPTER 167E - MORTGAGES AND LOANS.

Sect. 12, first paragraph revised, 1992, 268 1.
Sect. 12A repealed, 1992, 268 2.
Sect. 14, subsection A, paragraph 1, clause (e) stricken out, 1991, 265 1; subsection B, paragraph 1, clause (d) stricken out, 1991, 265 2; subsection C, two paragraphs added, 1991, 469; subsection D revised, 1991, 265 3.

CHAPTER 167F - INVESTMENTS AND OTHER POWERS.

Sect. 2, paragraph 9, first sentence revised, 1992, 166.

CHANGES IN THE

CHAPTER 167G - TRUST DEPARTMENT.

Sect. 3, paragraph 10A revised, 1991, 377; paragraph 11 revised, 1992, 319.

CHAPTER 167H - MUTUAL HOLDING COMPANIES.

New chapter added, 1987, 630

CHAPTER 168 - Savings Banks.

Sect. 34F added, 1992, 75 1.
Sect. 39 amended, 1991, 131 1.

CHAPTER 169 - Deposits with Others than Banks.

Chapter revised, 1991, 337 1.

CHAPTER 170 - Co-operative Banks.

Sect. 26F added, 1992, 75 2.
Sect. 30 amended, 1991, 131 2.

CHAPTER 171 - Credit Unions.

Sect. 32, second paragraph, clause (b) revised, 1991, 268.
Sect. 58 , third paragraph revised, 1991, 265 4. (See 1991, 265 5.)
Sect. 61, first paragraph revised, 1991, 481 21.
Sect. 62 revised, 1991, 267.
Sect. 67, paragraph (q), last sentence revised, 1991, 266 1; clauses (s) and (t) revised, 1991, 353; clause (u) inserted, 1991, 353; section revised, 1992, 286 227. (See 1992, 286 278, 279.)
Sect. 75 paragraph inserted after third paragraph, 266 2; section amended, 1992, 286 228. (See 1992, 286 278, 279.)
Sect. 78A added, 1992, 75 3.
Sect. 78B added, 1992, 75 3.

CHAPTER 172 - Trust Companies.

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. 19E added, 1991, 339.
Sect. 24B added, 1991, 495 24.
Sect. 24C added, 1992, 107.
Sect. 25A added, 1991, 398 94A. (See 1991, 398 111.)
Sect. 47, paragraph added, 1992, 118 12.
Sect. 47B, paragraph (a), two sentences added, 1991, 495 25.
Sect. 47K added, 1992, 404 1.
Sect. 47L added, 1992, 404 1.
Sect. 63, amended, 1992, 403 30.
Sect. 108F added, 1991, 478 1.
Sect. 110, subdivision (H), paragraph (a), two sentences added, 1991, 495 26.
Sect. 112A added, 1991, 498; section stricken out, 1992, 286 229. (See 1992, 286 278, 279
Sect. 113L, paragraph (2), sentence inserted after first sentence, 1991, 376.
Sect. 117D added, 1992, 118 13.
Sect. 146B amended, 1992 286 230. (See 1992, 286 230.
Sects. 149F added, 1991, 508.
Sect. 149G added, 1991, 508.
Sect. 149I added, 1991, 508.
Sect. 149J added, 1991, 508.
Sect. 149K added, 1991, 508.
Sect. 149L added, 1991, 508.
Sect. 177 amended, 1992, 118 14, 15.
Sect. 184 amended, 1992, 118 16, 17.
Sect. 187E amended, 1992, 161.
Sect. 205 added, 1991, 499 19. (See 1991, 45, 46.)

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.

CHAPTER 175B - Unauthorized Insurer's Process Act.

CHAPTER 175C - Urban Area Insurance Placement Facility.

Sect. 6A added, 1992, 413 2.

CHAPTER 175D - Massachusetts Insurers Insolvency Fund.

Sect. 1 amended, 1992, 65 1.
Sect. 5, amended, 1992, 318 1.
Sect. 9, amended, 1992, 318 2.

CHAPTER 175E - Regulation of Rates for Optional Motor Vehicle Insurance.

CHANGES IN THE

CHAPTER 175F - Medical Malpractice Self-Insurance Trust Funds.

CHAPTER 175G - POLLUTION LIABILITY REINSURANCE CORPORATION.

New chapter inserted, 1987, 650 2.

CHAPTER 175H - FALSE HEALTH CARE CLAIMS.

New chapter added, 1988, 295.

CHAPTER 175I - INSURANCE INFORMATION AND PRIVACY PROTECTION.

New chapter inserted, 1991, 516 I 1. (See 1991, 516 I 6.)

CHAPTER 176 - Fraternal Benefit Societies.

Sect. 7, clause (7) revised, 1992, 72.

CHAPTER 176A - Non Profit Hospital Service Corporations.

Sect. 1B added, 1991, 138 203.
(See 1991, 138 393.)
Sect. 5 amended, 1991, 495 27, 28; twelfth paragraph, first two sentences revised, 1991, 495 29; section amended, 1991, 495 30 to 35, inclusive; seventeenth paragraph revised, 1991, 495 36.
Sect. 6, paragraph added after first sentence, 1991, 478 2.
Sect. 8A, paragraph (a), two sentences added, 1991, 495 37.
Sect. 8N added, 1992, 404 2.
Sect. 10, fourth paragraph, paragraph (a), two sentences added, 1991, 495 38.

CHAPTER 176B - Medical Service Corporations.

Sect. 4A, paragraph (a), two sentences added, 1991, 495 39.
Sect. 4A 1/2, two sentences added, 1991, 495 40.
Sect. 4N added, 1992, 404 3.
Sect. 7B added, 1991, 138 204.
(See 1991, 138 393)
Sect. 9, paragraph added, 1991, 370.

CHAPTER 176C - Non-Profit Medical Service Plans.

CHAPTER 176D - UNFAIR PRACTICES AND UNFAIR DECEPTION ACTS AND PRACTICES IN THE BUSINESS OF INSURANCE.

Sect. 3A added, 1991, 495 41.
Sect. 7 amended, 1991, 398 93A.

CHAPTER 176E - Dental Service Corporations.

Sect. 3 amended, 1991, 46 1 fourth paragraph, sentence added, 1991, 46 2.

CHAPTER 176F - Optometric Service Corporations.

CHAPTER 176G - Health Maintenance Organizations.

Sect. 4E added, 1992, 404 4.
Sect. 18 added, 1991, 478 3.

CHAPTER 176H - Legal Service Plans.

CHAPTER 176I - PREFERRED PROVIDER ARRANGEMENTS.

New chapter inserted, 1988, 23 65. (See 1988, 23 92.)
Sect.1 amended, 1991, 398 94B; definition of "Organization" revised, 1992, 286 231. (See 1991, 398 111; 1992, 286 278, 279.)
Sect. 3 amended, 1991, 398 94C; introductory paragraph revised, 1992, 286 232. (See 1991, 398 111; 1992, 286 278, 279.)
Sect. 3A added, 1991, 398 94D. (See 1991, 398 111.)
Sect. 7 amended, 1991, 398 94E, 94F. (See 1991, 398 111.)
Sect. 9 amended, 1991, 398 94G. (See 1991, 398 111.)
Sect. 11 amended, 1991, 398 94H. (See 1991, 398 111.

CHAPTER 176J - SMALL GROUP HEALTH INSURANCE.

New chapter inserted, 1991, 495 | 42.

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.)

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.

CHANGES IN THE

CHAPTER 180 - Corporations for Charitable and Certain Other Purposes.

Sect. 4, clause (m) revised, 1991, 398 95; clause (n) inserted, 1991, 398 95. (See 1991, 398 111.)
Sect. 6, fourth paragraph stricken out and two paragraphs inserted, 1991, 229 7.
Sect. 6D added, 1991, 229 8.

CHAPTER 180A - Management of Institutional Funds.

CHAPTER 181 - Foreign Corporations.

Sect. 4 revised, 1991, 229 9; first paragraph, clause (1) amended, 1992, 286 233; second paragraph amended, 1992, 286 235; sixth paragraph, clause (1) amended, 1992, 234; paragraph (6) added, 1992, 255 3 (See 1992, 286 278, 279.
Sect. 4A added, 1991, 229 10.
Sect. 15 revised, 1991, 229 11.
Sect. 17 added, 1991, 229 12.

CHAPTER 182 - Voluntary Associations and Certain Trusts.

CHAPTER 183 - Alienation of Land.

Sect. 54B added, 1992, 410.
Sect. 63A added, 1992, 272.

CHAPTER 183A - Condominiums.

Sect. 1, definitions of "Declarant", "Leasehold condominium" and "Manager" inserted, 1992, 400 2; definition of "Replacement" inserted, 1992, 400 3; definition of "Unit owner" revised, 1992, 400 4. (See 1992, 400 19.)
Sect. 2 revised, 1992, 400 5. (See 1992, 400 19.)
Sect. 4, subsections (4) to (6), inclusive, inserted, 1992, 400 6. (See 1992, 400 19.)
Sect. 6, subsections (a) and (b) revised, 1992, 400 7; paragraph (c) revised, 1991, 554 1; first paragraph, second sentence revised, 1992, 8; first paragraph stricken out and two paragraphs inserted, 1992, 400 8; first paragraph stricken out and three paragarphs inserted, 1992, 400 9; subsection (d) revised, 1992, 400 10. (See 1991, 554 7; 1992, 400 19.)
Sect. 7 revised, 1992, 400 11. (See 1992, 400 19.)
Sect. 8, subsection (i), three sentences added, 1992, 400 12. (See 1992, 400 19.)
Sect. 10, subsection (b), paragraph (5) added, 1992, 400 13; subsedtions (c), (d) and (e) stricken out and subsections (f) to (n), inclusive inserted, 1992, 400 14 . (See 1992, 400 19.)
Sect. 21, paragraph (a), clause (6) revised, 1992, 400 15. (See 1992, 400 29.)

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. 17D, paragraph (e) amended, 1992, 286 236 (See 1992, 286 278, 279.
Sect. 29 amended, 1992, 286 237.

CHAPTER 184A - The Rule against Perpetuities.

Sect. 5, paragraph (d) added, 1991, 434.

CHAPTER 184B - SHORT FORM TERMS FOR WILLS AND TRUSTS.

CHAPTER 185 - The Land Court and Registration of Title to Land.

Sect. 2 revised, 1992, 379 33. (See 1992, 379 232,233.)
Sect. 6 revised, 1992, 379 34. (See 1992, 379 232, 233.)
Sect. 7 revised, 1992, 379 35 (See 1992, 379 232, 233.)
Sect. 10A amended, 1992, 379 36 (See 1992, 379 232, 233.)
Sect. 11 amended, 1992, 379 37. (See 1992, 379 232, 233.)
Sect. 12 amended, 1992, 379 38. (See 1992, 379 232, 233.
Sect. 13 revised, 1992, 379 39 (See 1992, 379 232, 233.)
Sect. 13A revised, 1992, 379 40 (See 1992, 379 232, 233.)
Sect. 14 revised, 1992, 379 41. (See 1992, 379 232, 233.)
Sect. 61A amended, 1992, 286 238. (See 1992, 286 278,279.)
Sect. 70, first sentence revised, 1991, 157 1 (See 1991, 157 8.)

CHAPTER 185A - Housing Court of the City of Boston, Jurisdiction and Powers.

CHAPTER 185B - Housing Court of the County of Hampden, Jurisdiction and Powers.

CHAPTER 185C - Housing Court Department.

Sect. 4 revised, 1992, 379 42. (See 1992, 379 232, 233.)
Sect. 5 revised, 1992, 379 43. (See 1992, 379 232, 233.
Sect. 7 revised, 1992, 379 44. (See 1992, 379 232, 233.)
Sect. 8 revised, 1992, 379 45. (See 1992, 379 232, 233.)
Sect. 8A revised, 1992, 379 46. (See 1992, 379, 232, 233.)
Sect. 9 revised, 1992, 379 47 (See 1992, 379 232, 233.)
Sect. 9A revised, 1992, 379 48 (See 1992, 379 232, 233.)
Sect. 10 revised, 1992, 379 49 (See 1992, 379 232, 233.)
Sect. 11 revised, 1992, 379 50. (See 1992, 379 232, 233.)
Sect. 12 revised, 1992, 379 51. (See 1992, 379 232, 233.)
Sect. 13 revised, 1992, 379 52 (See 1992, 379 232, 233.)
Sect. 14 revised, 1992, 379 53 (See 1992, 379 232, 233.)

Sect. 16 revised, 1992, 379 54 (See 1992, 379 232, 233.)
Sect. 18 revised, 1992, 379 55 (See 1992, 379 232, 233.)
Sect. 20 revised, 1992, 379 56. (See 1992, 379 232, 233.)
Sect. 23 revised, 1992, 379 57 (See 1992, 379 232, 233.)

CHAPTER 186 - Estates for Years and at Will.

Sect. 18 amended, 1991, 554 2 (See 1991, 554 7.)

CHAPTER 187 - Easements.

CHAPTER 188 - Homesteads.

Sect. 1 amended, 1992, 286 239. (See 1992, 286 278, 279.)
Sect. 1A revised, 1991, 481 23.
Sect. 2 amended, 1991, 481 24.

CHAPTER 189 - Dower and Curtesy.

Chapter 190 -Descent and Distribution of Real and Personal Property.

Sect. 35, clause (j) revised, 1991, 138 309; clause (n) amended, 1991, 138 310; clauses (u) and (v) stricken out and clauses (u), (v), (w), and (x) inserted, 1991, 138 311. (See 1991, 138 393.)
Sect. 35A added, 1991, 138 312 (See 1991, 138 393.)
Sect. 38K added, 1991, 138 31 (See 1991, 138 393.)
Sect. 38L added, 1991, 138 313. (See 1991, 138 393.
Sect. 38M added, 1991, 138 313 (See 1991, 138 393.)
Sect. 38N added, 1991, 138 313.
Sect. 39I, fourth paragraph revised, 1991, 138 314. (See 1991, 138 393.)

CHAPTER 190A - Effect of Apparently Simultaneous Deaths Upon Devolution and Disposition of Property, including Proceeds of Insurance.

CHAPTER 191 - Wills.

Sect. 15 amended, 1992, 286 239. (See 1992, 286 278, 279.)

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.

Sect. 9 revised, 1991, 320 1.

CHAPTER 193 - Appointment of Administrators.

CHAPTER 194 - Public Administrators.

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. 9, paragraph (d) revised, 1991, 6 48. (See 1991, 6 95-97.)

CHAPTER 198 - Insolvent Estates Of Deceased Persons.

CHAPTER 199 - Settlement of Estates of Deceased Non-residents.

CHAPTER 199A - General Provisions Regarding Certain Foreign Fiduciaries.

CHAPTER 200 - Settlement of Estates of Absentees.

CHAPTER 200A - Abandoned Property.

Sect. 1 amended, 1992, 241. (See 1992, 286 278, 279.)
Sect. 6B amended, 1992, 286 242, 243, 244. (See 1992, 286 278, 279.)
Sect. 6C amended, 1992, 245, 246, 247. (See 1992, 286 278, 279.)
Sect. 8 amended, 1992, 286 248. (See 1992, 286 278, 279.)
Sect. 8B amended, 1992, 286 249 (See 1992, 286 278, 279.)
Sect. 14 amended, 1992, 289 250 (See 1992, 286 278, 279.)

CHAPTER 201 - Guardians and Conservators.

Sect. 1, sentence inserted after first sentence, 1992, 379 58; paragraph added, 1992, 379 59. (See 1992, 379 232, 233.)

CHAPTER 201A - UNIFORM TRANSFER TO MINORS ACT.
(Former title, Uniform Gifts to Minors Act.)
(Title revised, 1987, 465 57.)

Sect. 8 amended, 1992, 286 251 (See 1992, 1992 278, 279.)

CHAPTER 201B - UNIFORM DURABLE POWER OF ATTORNEY ACT.

CHAPTER 201C - STATUTORY CUSTODIANSHIP TRUSTS.

CHANGES IN THE

CHAPTER 201D - HEALTH CARE PROXIES.

New chapter inserted, 1990, 332 1.
Title inserted, 1992, 286 252.
Sect. 1, definition of "Facility" revised, 1992, 286 253 (See 1992, 286 278, 279.)
Sect. 15, introductory paragraph revised, 1992, 286 254. (See 1992, 286 278, 279.)

CHAPTER 202 - Sales, Mortgages and Leases of Real Estate by Executors, Administrators, Guardians and Conservators.

Sect. 38 revised, 1991, 320 2.

CHAPTER 203 - Trusts.

Sect. 21B amended, 1992, 286 255 (See 1992, 286 278, 279.)
Sect. 25A revised, 1991, 347; section amended, 1992, 286 256 (See 1992, 286 278, 279.)

CHAPTER 203A - Uniform Common Trust Fund Act. (Former title, Collective Investment of Small Trust Funds.)

CHAPTER 204 - General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, etc.

CHAPTER 205 - Bonds of Executors, Administrators, Guardians, Conservators, Trustees, and Receivers.

CHAPTER 206 - Accounts and Settlements of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

CHAPTER 207 - Marriage.

Sect. 38, amended, 1991, 419.
Sect. 39, last paragraph revised, 1991, 249.

CHAPTER 208 - Divorce.

Sect. 28, sentence inserted after third sentence, 1991, 173 1.
Sect. 34D added, 1992, 188 1.

CHAPTER 209 - Husband and Wife.

Sect. 3 revised, 1992, 289 257. (See 1992, 286 278, 279.)
Sect. 32, two paragraphs inserted after first paragraph, 1992, 188 2.
Sect. 37, sentence inserted after second sentence, 1991, 173 2.

GENERAL LAWS

CHAPTER 209A - Abuse Prevention.

Sect. 3A added, 1992, 188 3.
Sect. 7, paragraph inserted before first paragraph, 1992, 188 4.

CHAPTER 209B - Massachusetts Child Custody Jurisdiction Act.

CHAPTER 209C - CHILDREN BORN OUT OF WEDLOCK.

Sect. 9 amended, 1992, 286 258. (See 1992, 286 278, 279.)
Sect. 13 amended, 1992, 286 259 (See 1992, 286, 278, 279.)
Sect. 15, two paragraphs added, 1992, 188 5.

CHAPTER 210 - Adoption of Children and Change of Names.

Sect. 3, paragraph (b), paragraph added, 1992, 303 4; paragraph (c), three paragraphs added after second sentence.

CHAPTER 211 - The Supreme Judicial Court.

Sect. 2A amended, 1992, 379 60 (See 1992, 379 232, 233.)
Sect. 3 amended, 1992, 379 61 (See 1992, 379 232,233.)
Sect. 4 amended, 1992, 379 62 (See 1992, 379 232, 233.)
Sect. 26 revised, 1992, 379 63. (See 1992, 379 232, 233.)
Sect. 26A added, 1992, 379 64. (See 1992, 379 232, 233.)
Sect. 26B added, 1992, 379 64. (See 1992, 379 232, 233.)
Sect. 28 added, 1992, 379 65. (See 1992, 379 232, 233.)

CHAPTER 211A - Appeals Court.

Sect. 10 amended, 1992, 379 66 (See 1992, 379 232, 233.)
Sect. 16, paragraph (d) added, 1992, 379 67 (See 1992, 379 232, 233.)
Sect. 17 amended, 1992, 379 68. (See 1992, 379 232, 233.)

CHAPTER 211B - Trial Court of the Commonwealth.

Sect. 1 revised, 1992, 379 69 (See 1992, 379 232, 233.)
Sect. 2 revised, 1992, 379 70. (See 1992, 379 232, 233.)
Sect. 5 revised, 1992, 379 72 (See 1992, 379 232, 233.)
Sect. 6 revised, 1992, 379 73 (See 1992, 379 232, 233.)
Sect. 7, first paragraph revised, 1992, 379 74; second paragraph amended, 1992, 379 75 (See 1992, 379 232, 233.)
Sect. 8 revised, 1992, 379 76. (See 1992, 379 232, 233.)
Sect. 9 revised, 1992, 379 77 (See 1992, 379 232, 233.)
Sect. 9A added, 1992, 379 78 (See 1992, 379 232, 233.)
Sect. 10 revised, 1992, 379 79 (See 1992, 379 232, 233.)
Sect. 10A added, 1992, 379 80 (See 1992, 379 232, 233.)
Sect. 11 repealed, 1992, 379 81. (See 1992, 379 232, 233.)
Sect. 12 revised, 1992, 379 82 (See 1992, 379 232, 233.)

Sect. 13 amended, 1992, 379 83 (See 1992, 379 232, 233.)
Sect. 14 amended, 1992, 379 84 (See 1992, 379 232, 233.)
Sect. 15 repealed, 1992, 379 85 (See 1992, 379 232, 233.)
Sect. 16 revised, 1992, 379 86. (See 1992, 379 232, 233.)
Sect. 17 revised, 1992, 379 87. (See 1992, 379 232, 233.)
Sect. 18 repealed, 1992, 379 88 (See 1992, 379 232, 233.)
Sect. 19 amended, 1991, 145 37; section revised, 1992, 379 89, 90; stricken out, 1992, 286 260 (See 1991, 145 45; 1992, 379 232, 233, 1992, 286 278, 279.)
Sect. 20 inserted, 1992, 286 261 (See 1992, 286 278, 279.)

CHAPTER 211C - Commission on Judicial Conduct.

CHAPTER 211D - Committee for Public Counsel Services.

Sect. 2A, paragraph inserted after first paragraph, 1991, 138 205 (See 1991, 138 393.)

CHAPTER 212 - The Superior Court.

Sect. 1 revised, 1992, 379 91. (See 1992, 379 232, 233.)
Sect. 2 amended, 1992, 379 92. 1tfi1 (See 1992, 379 232, 233).
Sect. 14A amended, 1992, 379 93; second paragraph amended, 1992, 379 94 (See 1992, 379 232, 233.)
Sect. 19 amended. 1992, 379 95. 1tfi1 (See 1992, 379 232, 233.)
Sect. 20A amended, 1992, 379 96. (See 1992, 379 232, 233.)
Sect. 21 amended, 1992, 379 97 (See 1992, 379 232, 233.)
Sect. 23 amended, 1992, 379 98 (See 1992, 379 232, 233.)

CHAPTER 213 - Provisions Common to the Supreme Judicial and Superior Courts.

CHAPTER 214 - Equity Jurisdiction.
(Former title, Equity Jurisdiction and Procedure in the Supreme Judicial and Superior Courts.)

Sect. 7B added, 1991, 373.

CHAPTER 215 - Probate Courts.

Sect. 54 amended, 1992, 379 99. (See 1992, 379 232, 233.)
Sect. 55 amended, 1992, 379 100. (See 1992, 379 232, 233.)
Sect. 62 revised, 1992, 379 101. (See 1992, 379 232, 233.)

CHAPTER 216 - Courts of Insolvency.

CHAPTER 217 - Judges and Registers of Probate and Insolvency.

Sect. 2, first sentenced revised, 1991, 409 1; section amended, 1992, 379 102 (See 1991, 409 3; 1992, 379 232, 233.)
Sect. 3B revised, 1992, 379 102 (See 1992, 379 232, 233.)
Sect. 3C amended, 1991, 409 2; 1992, 379 104 (See 1991, 409 3; 1992, 379 232, 233.)
Sect. 6B revised, 1992, 379 105 (See 1992, 279 232, 233.)
Sect. 8 revised, 1992, 379 106 (See 1992, 379 232, 233.)
Sect. 8A amended, 1992, 379 107. (See 1992, 379 232, 233.)
Sect. 15 amended, 1992, 379 108. (See 1992, 379 232,233.)
Sect. 15C revised, 1992, 286 262 (See 1992, 286 278, 279.)
Sect. 23, first sentence revised, 1992, 389 109; section amended, 1992, 379 110. (See 1992, 379 232,233.)
Sect. 23A, first sentence revised, 1992, 379 111. (See 1992, 379 232, 233.)
Sect. 27, first sentence revised, 1992, 379 112 (See 1992, 379 232, 233.)
Sect. 28, first two sentences revised, 1992, 379 113 (See 1992, 379 232, 233.)
Sect. 29, first two sentences revised, 1992, 379 114. (See 1992, 379 232, 233.
Sect. 29A, first two sentences revised, 1992, 379 115 (See 1992, 379, 232, 233.
Sect. 29B, first two sentences revised, 1992, 379 116 (See 1992, 379 232, 233.)
Sect. 31 repealed, 1992, 379 117 (See 1992, 379 232, 233.)
Sect. 35A amended, 1992, 379 118 (See 1992, 379 232, 233.)
Sect. 35B amended, 1992, 379 119. (See 1992, 379 232, 233.)
Sect. 42 amended, 1992, 379 120 (See 1992, 379 232, 233.)

CHAPTER 218 - District Courts.

Sect. 1 revised, 1992, 379 121. (see 1992, 379 232, 233.)
Sect. 6 revised, 1992, 379 122. (See 1992, 379 232, 233.)
Sect. 6A revised, 1992, 379 123 (See 1992, 379 232, 233.)
Sect. 8 revised, 1992, 379 124 (See 1992, 379 232, 233.)
Sect. 9 revised, 1992, 379 125 (See 1992, 379 232, 233.)
Sect. 10, first paragraph amended, 1992, 403 31; section revised, 1992, 379 125 (See 1992, 379 232, 233.)
Sect. 10A revised, 1992, 379 127 (See 1992, 379 232, 233.)
Sect. 11, first sentence revised, 1992, 379 128. (See 1992, 379 232, 233.
Sect. 15 amended, 1991, 6 49; revised, 1992, 379 129. (See 1991, 6 95-97; 1992, 379 232, 233.
Sect. 16 revised, 1992, 379 130 (See 1992, 379 232, 233.)
Sect. 17 revised, 1992, 379 131 (See 1992, 379 232, 233.)
Sect. 19B amended, 1992, 379 132 (See 1992, 379 232, 233.)
Sect. 19C revised, 1992, 379 133 (See 1992, 379 232, 233.)
Sect. 19D revised, 1992, 379 134. (See 1992, 379 232, 233.)
Sect. 21 revised, 1992, 379 135. (See 1992, 379 232, 233.)
Sect. 22, second paragraph revised, 1992, 379 136. (See 1992, 379 232,233.)
Sect. 23 revised, 1992, 379 137. (See 1992, 379 232, 233.)
Sect. 26 amended, 1992, 412 1; revised, 1992, 379 138 (See 1992, 379 232, 233.
Sect. 26A revised, 1992, 379 139 (See 1992, 379 232, 233.
Sect. 27 amended, 1991, 488 9; 1992, 379 140. (See 1992, 379 232, 233.

Sect. 27A revised, 1992, 379 141 (See 1992, 379 232, 233.)
Sect. 31 repealed, 1992, 379 142 (See 1992, 379 232, 233.)
Sect. 35 amended, 1992, 379 143. (See 1992, 379 232, 233.)
Sect. 35A, second paragraph, sentence inserted after first sentence, 1992, 188 6.
Sect.39 amended, 1992, 404 32; 1992, 379 144. (See 1992, 379 232, 233.)
Sect. 40 amended, 1992, 379 145. (See 1992, 379 232, 233.)
Sect. 42A revised, 1992, 379 146 (See 1992, 379 232, 233.)
Sect. 43 amended, 1992, 379 147. (See 1992, 379 232, 233.)
Sect. 43A revised, 1992, 379 148 (See 1992, 379 232, 233.)
Sect. 43B revised, 1992, 379 149. (See 1992, 379 232, 233.)
Sect. 43D revised, 1992, 379 150. (See 1992, 379 232, 233.)
Sect. 43E revised, 1992, 379 151 (See 1992, 379 232, 233.)
Sect. 44 revised, 1992, 379 152 (See 1992, 379 232, 233.)
Sect. 49 revised, 1992, 379 153 (See 1992, 370 232, 233.)
Sect. 50, second paragraph revised, 1992, 379 154 (See 1992, 379 232, 233.)
Sect. 51A, first sentence stricken out and three sentences inserted, 1992, 379 155; section amended, 1992, 379 156 (See 1992, 379 232, 233.)
Sect. 52 amended, 1992, 379 157. (See 1992, 379 232, 233.)
Sect. 53 amended, 1992, 379, 158-159 (See 1992, 379 232, 233.
Sect. 53A amended, 1992, 379 160. (See 1992, 379 232, 233.)
Sect. 55 amended, 1992, 379 161. (See 1992, 379 232, 233.)
Sect. 57 revised, 1992, 379 162. (See 1992, 379 232, 233.)
Sect. 57A revised, 1992, 379 163 (See 1992, 379 232, 233.)
(Sect. 58. revised, 1992, 379 164 (See 1992, 379 232, 233.)
Sect. 58C amended, 1992, 379 165 (See 1992, 379 232, 233.)
Sect. 59 revised, 1992, 379 166. (See 1992, 379 232, 233.)
Sect. 60 revised, 1992, 379 167.
Sects. 61-65, inclusive, repealed, 1992, 379 168. (See 1992, 379 232, 233.)
Sect. 67 revised, 1992, 379 169 (See 1992, 379 232, 233.)
Sect. 69 revised, 1992, 379 170 (See 1992, 379 232, 233.)
Sect. 70 amended, 1992, 379 171 (See 1992, 379 232, 233.)
Sect. 79 amended, 1992, 379 172 (See 1992, 379 232, 233.)
Sect. 80 revised, 1992, 379 173. (See 1992, 379 232, 233.)
Sect. 81 revised, 1992, 379 174. (See 1992, 379 232, 233.)

CHAPTER 219 - Trial Justices.

CHAPTER 220 - Courts and Naturalization.

CHAPTER 221 - Clerks, Attorneys and Other Officers of Judicial Court.

Sect. 5 amended, 1992, 379 175 (See 1992, 379 232, 233.)
Sect. 37 amended, 1991, 138 206, 207. (See 1991, 138 393.)
Sect. 69 amended, 1992, 379 176 (See 1992, 379 232, 233. Sect. 70 amended, 1992, 379 177 (See 1992, 379 232, 233.)
Sect. 71 amended, 1992, 379 179. (See 1992, 379 232, 233.)
Sect. 80 amended, 1992, 379 179 (See 1992, 379 232, 233.)

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.

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.

CHAPTER 230 - Actions By and Against Executors and Administrators.

CHAPTER 231 - Pleading and Practice.

Sect. 60G, paragraph (a) revised, 1991, 398 95A. (See 1991, 398 111.)
Sect. 85P 1/2 added, 1991, 275.
Sect. 140C 1/2 added, 1991, 470.

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.

CHANGES IN THE

CHAPTER 234 - Juries.

Sect. 4 amended, 1992, 403 33.

CHAPTER 234A - Office Of Jury Commissioner For The Commonwealth.

CHAPTER 235 - Judgement and Execution.

Sect. 34A amended, 1991, 494 4,5; section revised, 1992, 153 30. (See 1992, 153 85.)

CHAPTER 236 - Levy of Executions on Land.

CHAPTER 237 - Writs of Entry.

CHAPTER 238 - Writs of Dower.

CHAPTER 239 - Summary Process for Possession of Land.

Sect. 2A amended, 1991, 554 3; second sentence revised, 1991, 554 4. (See 1991, 554 7.)

CHAPTER 240 - Proceedings for Settlement of Title to Land.

CHAPTER 241 - Partition of Land.

CHAPTER 242 - Waste and Trespass.

CHAPTER 243 - Actions for Private Nuisances.

CHAPTER 244 - Foreclosure and Redemption of Mortgages.

Sect. 1 revised, 1991, 157 2. (See 1991, 157 8.)
Sect. 2, second sentence revised, 1991, 157 3. (See 1991, 157 8.)
Sect. 14, first sentence amended, 1991, 157 4; sentence inserted after first sentence, 1991, 157 5; amended, 1992, 285; second paragraph revised, 1992, 287 (See 1991, 157 8.)
Sect. 15, first sentence revised, 1991, 157 6; third sentence stricken out, 1991, 157 7 (See 1991, 157 8.)

CHAPTER 245 -Informations by the Commonwealth.

CHAPTER 246 - Trustee Process.

Sect. 28, third sentence revised, 1992, 153 31 (See 1992, 153 85.)

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.)

Sect. 1 amended, 1991, 398 96 (See 1991, 398 111.)

CHAPTER 252 - Improvement of Low Land and Swamps.

CHAPTER 253 - Mills, Dams and Reservoirs.

Sect. 39 amended, 1991, 552 131. (See 1991, 552 131.

CHAPTER 254 - Liens on Buildings and Land.

Sect. 5A, third and fourth paragraphs stricken out and three paragraphs inserted, 1991, 153; third paragraph, two sentences added, 1992, 400 17 (See 1992, 400 19.)

CHAPTER 255 - Mortgages, Conditional Sales and Pledges of Personal Property, and Liens Thereon.

Sect. 12G, first paragraph revised, 1992, 118 18; section amended, 1992, 118 19, 20; sentence added, 1992, 118 21; section amended, 1992, 118 22, 23, 24, 25; paragraph inserted after seventh paragraph, 1992, 118 26; eighth paragraph, second sentence revised, 1992, 118 27.
Sect. 25, two paragraphs added, 1992, 394.
Sect. 25A revised, 1991, 481 25.

CHAPTER 255A - Trust Receipts and Pledges without Possession in the Pledgee.

CHAPTER 255B - Retail Installment Sales of Motor Vehicles.

Sect. 10 amended, 1992, 118 28, 29, 30; fourth paragraph, sentence added, 1992, 118 31; section amended, 1992, 118 32, 33, 34, 35; paragraph inserted after eighth paragraph, 1992, 118 36.

CHAPTER 255C - Insurance Premium Finance Agencies.

Sect. 14A amended, 1992, 118 37; paragraph inserted after second paragraph, 1992, 118 38; section amended, 1992, 118 39; fifth paragraph revised, 1992, 118 40; two paragraphs inserted after sixth paragraph, 1992, 118 41.

CHAPTER 255D - Retail Installment Sales and Services.

Sect. 26 amended, 1992, 118 42-49; paragraph inserted after seventh paragraph, 1992, 118 50; section amended, 1992, 286 262 (See 1992, 286 278, 279.)

CHAPTER 255E - LICENSING OF CERTAIN MORTGAGE LENDERS AND BROKERS.

New chapter inserted, 1991, 144 I 3. (See 1991, 144 I 5.)

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. 1 amended, 1992, 343 5.
Sect. 9A amended, 1991, 412 92. (See 1991, 412 139.)

CHAPTER 258A - Compensation of Victims of Violent Crimes.

CHAPTER 258B - Rights of Victims and Witnesses of Crime.

Sect. 4 revised, 1991, 138 274 (See 1991, 138 393.)
Sect. 6 amended, 1991, 138 208. (See 1991, 138 393.)
Sect. 8, first paragraph, fourth sentence revised, 1991, 138 209; second paragraph, first paragraph revised, 1991, 138 210. (See 1991, 138 393.)
Sect. 9, second sentence revised, 1991, 138 212. (See 1991, 138 393.)

CHAPTER 259 - Prevention of Frauds and Perjuries.

CHAPTER 260 - Limitation of Actions.

Sect. 21 amended, 1991, 310 1. (See 1991, 310 2.)

CHAPTER 261 - Costs in Civil Actions.

(See 1992, 286 278, 279.)
Sect. 53 amended, 1991, 412 93.
(See 1991, 412 139.)
Sect. 53B amended, 1991, 412 94.
Sect. 53C amended, 1991, 412 95.
(See 1991, 412 139.)

CHAPTER 263 - Rights of Persons Accused of Crime.

Sect. 1A revised, 1991, 412 96. (See 1991, 412 139.)
Sect. 4, paragraph added, 1991, 488 10; last paragraph, sentence added, 1992, 398 7; last paragraph amended, 1992, 379 180 (See 1992, 379 232, 233.)

Sect. 6, *sentence added*, 1992, 379 181 (See 1992, 379 232, 233.)

CHAPTER 264 - Crimes against Governments.

CHAPTER 265 - Crimes against the Person.

Sect. 13F, paragraph added, 1992, 374.
Sect. 21A added, 1992, 412 2.
Sect. 42 added, 1991, 33 101 (See 1991, 33 155.)
Sect. 43 added, 1992, 31.

CHAPTER 266 - Crimes Against Property.

Sect. 98A amended, 1991, 350.
Sect. 146 added, 1992, 64.

CHAPTER 267 - Forgery and Crimes against the Currency.

CHAPTER 268 - Crimes against Public Justice.

Sect. 6 amended, 1991, 552 132.

CHAPTER 268A - Conduct of Public Officials and Employees. (Former title, Code of Ethics.)

CHAPTER 268B - Financial Disclosure by certain Public Officials and Employees.

Sect. 1 amended, 1992, 286 264 (See 1992, 286 278, 279.)
Sect. 2 amended, 1991, 412 97. (See 1991, 412 139.)
Sect. 5 amended, 1992, 286 265 (See 1992, 286 278, 279.)

CHAPTER 269 - Crimes Against Public Peace.

Sect. 1 amended, 1991, 412 98 (See 1991, 412 139.)

CHAPTER 270 - Crimes Against Public Health.

Sect. 16 amended, 1991, 412 99 (See 1991, 412 139.)

CHAPTER 271 - Crimes against Public Policy.

CHAPTER 272 - Crimes against Chastity, Morality, Decency and Good Order.

Sect. 98A amended, 1992, 286 266. (See 1992, 286 278, 279.)

CHANGES IN THE

CHAPTER 273 - Desertion, Non-support and Illegitimacy.

Sect. 64, second paragraph amended, 1991, 138 213 (See 1991, 138 393.)

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.

Sect. 4, second sentence stricken out, 1992, 379 182 (See 1992, 379 232, 233.)
Sect. 8 revised, 1992, 379 183 (See 1992, 379 232, 233.)
Sect. 11 amended, 1992, 379 184. (See 1992, 379 232, 233.)
Sect. 13 revised, s992, 379 185 (See 1992, 379 232, 233.)
Sect. 15, paragraph (a), first sentence amended, 1991, 138 216 (See 1991, 138 225, 393.)
Sect. 18, third sentence revised, 1991, 138 217 (See 1991, 138 393.)

CHAPTER 276 - Search Warrents, Rewards, Fugitives from Justice, Arrest, Examina tion, Committment and Bail, Probation Officers and Board of Probation.

Sect. 35 revised, 1991, 138 268; section revised, 1992, 23 22. (See 1991, 138 393.)
Sect. 57 amended, 1992, 201 1; paragraph inserted after first paragraph, 1992, 201 2.
Sect. 58 amended, 1992, 201 3, 4, 5; 1992, 379 186. (See 1992, 379 232, 233.)
Sect. 65 amended, 1992, 379 187. (See 1992, 379 232, 233.)
Sect. 83 revised, 1992, 379 188 (See 1992, 379 232, 233.)
Sect. 83A repealed, 1992, 379 189. (See 1992, 379 232, 233.)
Sect. 89A amended, 1992, 379 190. (See 1992, 379 232, 233.)
Sect. 98, first paragraph, last two sentences stricken out, 1991, 138 296; second paragraph, second sentence amended, 1991, 138 297; section revised, 1992, 379 191. (See 1991, 138 393; 1992, 379 232, 233.)
Sect. 99 revised, 1992, 379 191. (See 1992, 379 232, 233.)
Sect. 99A repealed, 1992, 379 192 (See 1992, 379 232, 233.)

CHAPTER 276A - District Court Pretrial Diversion of Selected Offenders.

CHAPTER 277 - Indictments and Proceedings before Trial.

CHAPTER 278 - Trials and Proceedings before Judgment.

Sect. 28E amended, 1991, 488 11, 12.
Sect. 18 revised, 1992, 379 193. (See 1992, 379 232, 233.) Sect. 19-22, inclusive, repealed, 1992, 379 194. (See 1992, 379 232, 233.)
Sect. 23 amended, 1992, 379 195. (See 1992, 379 232, 233.)
(Sect. 24-26, inclusive, repealed, 1992, 379 196. (See 1992, 379 232, 233.)/Sect.

28 amended, 1992, 379 197. (See 1992, 379 232, 233.)

CHAPTER 279 - Judgment and Execution.

Sect. 1A, second paragraph stricken out, 1992, 379 198 (See 1992, 379 232, 233.)
Sect. 42 revised, 1991, 138 211 (See 1991, 138 393.)

CHAPTER 280 - Fines and Forfeitures.

Sect. 6, second and third paragraphs revised, 1991, 138 214 (See 1991, 214 393.)
Sect. 82, second and third paragraphs revised, 1991, 138 215 (See 1991, 138 393.)

CHAPTER 281 - The General Laws And Their Effect.