

ACTS AND RESOLVES

PASSED BY THE
General Court of Massachusetts
IN THE YEAR

1994

PUBLISHED BY
William Francis Galvin
SECRETARY OF THE COMMONWEALTH



The General Court, which was chosen November 3, 1992 assembled on Wednesday, the fifth day of January, 1994 for the second session.

His excellency William F. Weld and his Honor Argeo Paul Cellucci served as Governor and Lieutenant Governor respectively for the political year of 1994.

1994 ACTS AND RESOLVES

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Chapter 1. AN ACT AUTHORIZING THE TOWN OF HANOVER TO PAY CERTAIN BILLS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Hanover is hereby authorized to pay bills from funds authorized or approved to:

John Hoadley, the sum of six thousand seven hundred fifteen dollars and thirty-five cents; Steven R. Montgomery, the sum of one thousand five hundred ninety-one dollars and ten cents; John Hoadley, the sum of one hundred ninety-three thousand four hundred twenty-seven dollars and fifty-nine cents; John Hoadley, the sum of forty-two thousand four hundred thirty-four dollars and eleven cents; Kingston Turf Farms, the sum of twenty-eight thousand six hundred sixty-five dollars from school athletic revolving account; Louis T. Pompeo & Son, Inc., the sum of twenty-one thousand seventeen dollars and fifty cents from school athletic revolving account; Bisco Irrigation Environmental, the sum of six thousand one hundred dollars and fifty-one cents from school athletic revolving account; APUMPCO, the sum of one thousand eight hundred fifty-eight dollars and seventy-two cents; Ray Precast, Inc., the sum of eight hundred sixty-five dollars; Joseph A. McCue, the sum of three thousand seven hundred sixty dollars; and J&J Electrical Company, the sum of one thousand fifty-seven dollars. Said payments shall be made for work and materials supplied for the repair of the Hanover high school septic system and for work and materials supplied for the reconstruction of the athletic field, notwithstanding the failure of said school department of said town to comply with the provisions of law relative to competitive bidding in the awarding of said contracts.

SECTION 2. All payments made to persons or entities set forth in section one are hereby ratified, validated and confirmed in all respects as though this act had been in full force and effect at the time of said payments.

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

Approved February 18, 1994.

Chapter 2. AN ACT PROVIDING FOR A SPECIAL ELECTION IN THE CITY OF SALEM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law of the charter of the city of Salem to the contrary, the city of Salem is hereby authorized to hold a special election on March fifteenth, nineteen hundred and ninety-four to fill a vacancy in the office of city councillor for ward one.

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

Approved March 7, 1994.

Chapter 3. AN ACT PROVIDING FOR A CHARTER FOR THE TOWN OF SWAMPSCOTT.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Swampscott is hereby amended by adding the following thirteen chapters:-

Chapter 7.

BOARD OF SELECTMEN.

Section 1. (a) Powers and duties in general - The board of selectmen shall serve as the chief policy making agency of the town. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple member bodies, the development and promulgation of policy guidelines.

(b) Licensing authority - The board of selectmen shall be the licensing board for the town and shall have a power to issue licenses as otherwise authorized by law.

(c) Appointment - The board of selectmen shall appoint a town administrator, constables, the members of the zoning board of appeals, the registrars of voters and other election officers, the conservation commission, members of multiple member bodies the functions of which do not involve direct operating responsibilities but are primarily policy making or advisory in nature, other than those enumerated herein, and individuals who are to serve as representatives or delegates of the town to the governing or advisory boards of regional or district authorities.

(d) Investigations - The board of selectmen may make investigations and may authorize the town administrator to investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. The report of the results of such investigation shall be placed on file in the office of the board of selectmen and a report summarizing the results of such investigation shall be printed in the next annual town report.

Chapter 8.

TOWN ADMINISTRATOR.

Section 1. The board of selectmen shall appoint a town administrator from a list prepared by a screening committee. The board of selectmen shall appoint the town administrator to serve for a three-year renewable contract and shall fix the compensation for such person annually within the amount appropriated by the town. The town administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The town administrator shall be a person especially fitted by education, training and previous experience in public administration to perform the duties of the office. A town administrator need not be a resident of the town. The town administrator shall not have served in an elective office in the town government for at least twelve months prior to appointment, with the exception of town meeting member.

The town administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during such service, unless such action is approved in advance and in writing by the board of selectmen.

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The board of selectmen shall provide for an annual review of the job performance of the town administrator which shall, at least in summary form, be a public record.

Any vacancy in the office of the town administrator shall be filled as soon as possible by the board of selectmen, and in the interim they shall appoint a qualified town administrative officer or employee to serve as temporary town administrator to perform the duties of the office. Such temporary appointment may not exceed three months, but one renewal may be voted by the board of selectmen to extend for a second three months. Compensation for such person shall be set by the board of selectmen.

Section 2. The town administrator shall be the chief administrative and financial officer of the town, directly responsible to the board of selectmen for the administration of all town affairs not specifically reserved to another elected body. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

(a) to supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of town administrator is given authority, responsibility or control by the town charter, by by-laws, by town meeting vote, by vote of the board of selectmen, or otherwise;

(b) to recommend for appointment and in appropriate circumstances to remove subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, officers, members of boards and commissions and employees for whom no other method of selection is provided. Such recommendations become effective upon approval of appointment by the majority of the board of selectmen. Recommendations of removal become effective upon concurrence of a majority of board of selectmen. Copies of the notices of all such appointments shall be posted on the town bulletin board when submitted to the board of selectmen;

(c) to be entrusted with the administration of a town personnel system, including but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school department;

(d) to attend all regular and special meetings of the board of selectmen, unless unavailable for reasonable cause, and shall have a voice, but not vote, in all of its proceedings;

(e) to assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the board of selectmen, but not less than once in each year, a full report of all town administrative operations during the period reported on, which report shall be made available to the public;

(f) to keep the board of selectmen fully advised as to the needs of the town and shall recommend to the board of selectmen and to other elected town officers and agencies for adoption such measures requiring action by them or by the town meeting as the town administrator may deem necessary or expedient;

(g) to have full jurisdiction over the rental and use of all town facilities and property

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except school property and property under the control of the conservation commission, recreation commission and the public library. The town administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town administrator's control by by-law or by vote of the town or otherwise;

(h) the town administrator shall prepare and present an annual operating balanced budget for the town and a proposed capital outlay program for the five fiscal years next ensuing in accordance with existing by-laws;

(i) to assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the school committee;

(j) to negotiate all contracts involving any subject within the jurisdiction of the office of town administrator, including contracts with town employees, except employees of the school department, involving wages, hours and other terms and conditions of employment;

(k) to be responsible for purchasing all supplies, material and equipment for all departments and activities of the town, but not including food for schools, school books, and other instructional material, supplies and equipment, unless otherwise specifically requested by the school committee. The town administrator shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency, except schools. The town administrator shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any town agency;

(l) to see that all of the provisions of the General Laws, the town's charter and by-laws and other votes of the town meeting, and votes of the board of selectmen which require enforcement by the town administrator or officers subject to the direction and supervision of the town administrator are faithfully executed, performed or otherwise carried out;

(m) to inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other town agency, excluding schools;

(n) to attend all sessions of all town meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the town administrator exercises any supervision;

(o) to recommend to the board of selectmen the reorganization, consolidation or abolishment of town agencies serving under the supervision of the town administrator, in whole or in part, provide for new town agencies, or providing, or to recommend providing, for a reassignment of powers, duties and responsibilities among such agencies so established or existing;

(p) to coordinate the activities of all town agencies serving under the office of the town administrator and the office of the board of selectmen with those under the control of other officers and multiple members bodies elected directly by the voters. For this purpose, the town administrator shall have authority to require the persons so elected or their representatives, to meet with the town administrator at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the town; and

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(q) to perform any other duties as are required to be performed by the town administrator by by-laws, administrative code, votes of the town meeting, or votes of the board of selectmen, or otherwise.

Section 3. (a) Temporary absence - By letter filed with the town clerk, the town administrator shall recommend a qualified town administrative officer or employee who, with the approval of the board of selectmen, shall exercise the powers and perform the duties of town administrator during a temporary absence. During a temporary absence the board of selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the town administrator shall return.

(b) Vacancy - Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen, but, pending such regular appointment the board of selectmen shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis.

(c) Powers and Duties - The powers of temporary or acting town administrator under paragraphs (a) and (b) shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations.

Section 4. The board of selectmen may, by a four-fifths vote of the full board, terminate and remove, or suspend, the town administrator from office in accordance with the following procedure.

(a) The board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of four-fifths of all its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town administrator for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town administrator forthwith.

(b) Within five days after receipt of the preliminary resolution the town administrator may request a public hearing by filing a written request for such hearing with the board of selectmen. This hearing shall be held at a meeting of the board of selectmen not later than thirty days after the request is filed nor earlier than twenty days. The town administrator may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen provided the same is received at its office more than forty-eight hours in advance of the public hearing.

(c) The board of selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of a four-fifths vote of all of its members not less than ten nor more than twenty-one days following the date of delivery of a copy of the preliminary resolution to the town administrator, if the town administrator has not requested a public hearing; or within ten days following the close of the public hearing if the town administrator has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the administrator shall, at the expiration of said time, forthwith resume the duties of the office.

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The town administrator shall continue to receive a salary until the effective date of a final resolution of removal.

The action of the board of selectmen in suspending or removing the town administrator shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal in the board of selectmen.

Chapter 9.

FINANCE AND FISCAL PROCEDURES.

Section 1. The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by the General Laws.

Section 2. Submission to town administrator - The budget as adopted by the school committee shall be submitted to the town administrator in sufficient time, but no later than March first, to enable the town administrator to consider the effect of the school department's requested appropriation upon the total town operating budget which is required to be submitted under this chapter.

Section 3. Within the time fixed by by-law, before the town meeting is to convene, the town administrator, after consultation with the board of selectmen, shall submit to the board of selectmen a proposed town operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The summary shall specifically indicate any major variations from the current operating budget and reason for such changes. Complete copies of the proposed operating budget shall be made available for examination by the public. The board of selectmen shall by a majority vote approve a balanced budget and submit said budget to the finance committee no later than the tenth day of March for the ensuing fiscal year. The selectmen shall submit to the town meeting their voted budget and budget summary.

Section 4. The budget message of the town administrator shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other materials as the town administrator deems desirable, or the selectmen may reasonably require.

Section 5. The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

(a) proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the method of financing such expenditures;

(b) proposed capital expenditures for current operations during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital ex-

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penditure; and

(c) estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 6. Action by town meeting - The finance committee shall file a report containing its recommendations for action on the proposed operating budget, which report shall be available at least seven days before the date on which the town meeting acts on the proposed budget. When the budget proposed by the town administrator and the board of selectmen is before the town meeting for action, it shall first be subject to amendments, if any, proposed by the finance committee before any other amendments shall be proposed.

Section 7. The town administrator and the capital improvement committee shall submit a capital improvement program to the board of selectmen and the finance committee at least sixty days before the start of each fiscal year. It shall be based on material prepared by the capital improvement committee including:

- (a) a clear and concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement.

This information is to be annually revised by the town administrator and the capital improvement committee with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

Section 8. 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 provisions of the General Laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer, but the board of selectmen shall approve all warrants in the event of the absence of the town administrator or a vacancy in the office of town administrator.

Section 9. The town administrator shall report to the board of selectmen, the finance committee, and the school committee no later than November fifteenth of each year and present a financial forecast for the next fiscal year detailing anticipated revenues and expenditures.

Section 10. The town administrator shall submit to town meeting a five-year budget plan detailing anticipated revenues and expenditures for the ensuing five fiscal years.

Chapter 10.

TRANSITIONAL PROVISIONS.

Section 1. (a) Screening committee - Forthwith following the election at which this government change is adopted, a screening committee shall be established for the purpose of soliciting, receiving, and evaluating applications for the position of town administrator.

The screening committee shall consist of five persons who shall be chosen as follows: one member or designee of the board of selectmen, the school committee, the finance committee, and two persons appointed by the town moderator. Persons designated

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by the said agencies may, but need not, be members of the agency by which they are designated. Appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town.

Not more than thirty days following the election at which this is adopted, the several persons chosen as aforesaid shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications received by it, screen all such applicants by checking and verifying work records and other credentials, and interview such number of candidates as it deems to be necessary, desirable or expedient.

Not more than one hundred and fifty days following the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than five nor more than ten persons whom it believes to be best suited to perform the duties of the office of town administrator.

Within thirty days following the date the list of nominees is submitted to it, the board of selectmen shall choose, by a majority vote, one of the said nominees to serve as town administrator.

Upon the appointment of a town administrator the committee established hereunder shall be considered discharged.

Until such time as some other provision is made by by-law for another screening committee, a committee as above shall be established whenever the office of town administrator shall become vacant.

(b) Town administrator qualifications - Until such time as the town meeting may act, by by-law, to establish different qualifications for the office, the town administrator shall have the following specific qualifications:

(1) have at least earned a bachelor's level degree from a recognized, accredited college or university;

(2) have served full time as an administrative officer of a city or town for not less than three years, or have demonstrated executive and administrative qualifications and be fitted by education, training and previous experience in public administration to perform the duties of the office.

(c) Town administrator salary - Until such time as the salary of the town administrator is otherwise established, and to provide a range within which candidates can be recruited, the salary range for the office is hereby determined not to be more than one hundred and twenty percent of the base salary of the highest town employee excluding schools.

(d) First town administrator - Notwithstanding any provisions of chapters five, six and seven to the contrary, it is not expected that the first person to serve as town administrator shall forthwith upon appointment begin at once to perform all of the duties and exercise all of the powers, duties and responsibilities assigned by chapters five, six and seven

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to the office. It is recognized that in the best long-range interest of the town of Swampscott that such assumption must be gradual and on a phased-in basis.

Chapter 11.

BOARD OF ASSESSORS.

Section 1. There shall be a board of assessors consisting of three members appointed by the board of selectmen, upon the recommendation by the town administrator, for terms of three years each, so arranged so that the term of office of one member shall expire each year.

Section 2. The board of assessors shall annually make a valuation of all property, both real and personal within the town. It shall have all the powers and duties given to a board of assessors under the Constitution of the commonwealth and the General Laws, and such addition of powers and duties as may be authorized by the charter, by by-law or by other town meeting vote.

Section 3. Full-time or part-time assistant assessors shall be recommended by the town administrator for appointment by the board of selectmen. Those appointed shall be especially fitted by education, training, or previous experience to perform the duties of the office.

Chapter 12.

DEPARTMENT OF PUBLIC WORKS.

Section 1. There shall be a department of public works, headed by a director of public works appointed by the board of selectmen upon the recommendation of the town administrator. The director of public works so appointed shall be a person especially fitted by education, training, or previous experience to perform the duties of the office.

The director of public works shall be responsible for the supervision and coordination of all public works operations of the town. Other activities and functions which are related to a department of public works may from time to time be assigned to the department.

The board of selectmen, acting through the town administrator, shall be responsible for the overall supervision of the department of public works and for the establishment of policies and other guidelines to govern the operation of the department.

Section 2. (a) Composition, term of office - There shall be a public works advisory committee consisting of three members appointed by the board of selectmen for terms of three years each, so arranged that the term of office of one member shall expire each year.

(b) Powers and duties - The public works advisory committee shall be responsible for advising the town administrator and the board of selectmen on all aspects of public works operations and policy. The advisory committee shall assist in the preparation of long range comprehensive or master plans for the town in public works related matters including, but not limited to, street and road improvement and maintenance programs, water and sewer extension, improvement and development programs.

Chapter 13.

BOARD OF HEALTH.

Section 1. (a) Composition, term of office - There shall be a board of health advisory committee consisting of three members appointed by the board of selectmen for

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terms of three years each, so arranged that the term of office of one member shall expire each year.

(b) Powers and duties - The board of health advisory committee shall be responsible for advising the health officer, town administrator and board of selectmen on all aspects relating to health issues, including operations and policies of the health department.

(c) Appointment of health agent - The Swampscott health agent shall be appointed by the board of selectmen upon the recommendation of the town administrator. The health agent shall be a person especially fitted by education, training, or previous experience to perform the duties of the office.

Chapter 14.

TOWN TREASURER/COLLECTOR.

Section 1. The town treasurer/collector shall be appointed by the board of selectmen upon the recommendation of the town administrator. The town treasurer/collector shall be a person especially fitted by education, training, or previous experience to perform the duties of the office.

Chapter 15.

FIRE CHIEF.

Section 1. The fire chief shall be appointed by the board of selectmen upon the recommendation of the town administrator. The town hereby adopts the provisions of sections forty-two A, forty-three and forty-four of chapter forty-eight of the General Laws, to become effective coincidently with the termination of service of the incumbent fire chief.

Chapter 16.

APPOINTMENT SUMMARY.

Section 1. The board of selectmen shall appoint: a town administrator to serve for a three year renewable term; a board of health advisory committee to consist of three members appointed for terms of three years each; a conservation commission to consist of seven members appointed for terms of three years each; a zoning board of appeals to consist of five regular members, appointed for terms of five years each, and two associate members, appointed for terms of two years each; a council on aging, as provided by by-law; a cable television oversight committee; constables; an arts lottery council; a Swampscott historical commission; a building code board of appeals; a harbor advisory board; a public works advisory committee; a recreation commission; an affirmative action committee (diversity committee); a 4th of July committee; a Veteran's Day committee; a Memorial Day committee; a War Memorial Scholarship Fund committee; a board of assessors; an election commission.

Section 2. The town administrator shall recommend and the board of selectmen shall appoint: a director of public works and all other employees of a department of public works; a police chief and other police officers to serve for indefinite terms; a fire chief and other firefighters, to serve for indefinite terms; a town accountant to serve for a term of three years; an inspector of buildings to serve for an indefinite term; a wire inspector to serve for an indefinite term; an inspector of gas appliances and gas fittings to serve for an indefinite

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term; a plumbing inspector to serve for an indefinite term; an animal control officer to serve for an indefinite term; a sealer of weights and measures to serve for an indefinite term; a parking clerk; a town counsel; a town engineer; a tree warden; a veteran's services director, veteran's agent, veteran's graves officer and burial agent; a health agent, animal inspector and other personnel of department of public health; a town treasurer/collector; a civil defense director and related civil defense personnel; full-time or part-time assistant assessors; a harbor master.

Chapter 17.

TERMS.

Section 1. All town officers and all members of all boards, commissions and committees who have heretofore been elected and who will henceforth be appointed under the provisions of this charter shall serve for the balance of the term for which they were elected, subject to their retirement or resignation, but their successors shall be appointed.

Boards and committees not specifically mentioned herein shall continue as is.

Chapter 18.

CONTINUATION OF GOVERNMENT.

Section 1. All town agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this charter.

Chapter 19.

REVIEW COMMITTEE TO BE APPOINTED.

Section 1. The town moderator shall appoint a committee consisting of one member of each of six precincts and one member at large which will prepare a report to be presented at the annual town meeting four years after the enactment of these articles of amendment to the town charter, to evaluate the position of town administrator. A majority vote will be required by town meeting to continue the position as is. The review committee will also have the power to make any recommendations deemed necessary in the interest of good town government.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Swampscott at the annual town elections to be held in the year nineteen hundred and ninety-four in the form of the following question, which shall be placed upon the official ballot:- "Shall an act passed by the general court in the year nineteen hundred and ninety-four, entitled 'An Act providing for a charter for 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.

SECTION 3. Chapter eighteen of the charter of the town of Swampscott shall take effect on July first, nineteen hundred and ninety-four.

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

Approved March 11, 1994.

Chapter 4. AN ACT AUTHORIZING THE TOWN OF BERLIN TO HOLD A TOWN MEETING IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Berlin, with the approval of the Assabet Valley regional vocational school committee, is hereby authorized to hold its special town meeting on March twenty-sixth, nineteen hundred and ninety-four and any adjournments thereof in the Assabet Valley regional vocational school building in the city of Marlborough.

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

Approved March 15, 1994.

Chapter 5. AN ACT PROVIDING FOR THE ANNEXATION OF THE MILLERS FALLS FIRE AND WATER DISTRICT BY THE TURNERS FALLS FIRE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Upon the dissolution of the Millers Falls Fire and Water District the territory described in section two shall be annexed to the Turners Falls Fire District.

SECTION 2. The boundaries of the Millers Falls Fire and Water District territory are as follows:

The parcels described herein are in accordance with the Montague assessor's maps as revised on December thirty-first, nineteen hundred and ninety-two.

Beginning at a point in the Millers River, being the intersection of the Montague, Erving, and Wendell town lines; thence proceeding along the Montague-Erving town line (Millers River) to the Mineral Road Bridge crossing the Millers River between the towns of Erving and Montague; thence proceeding in a generally southerly direction along Mineral Road to Millers Falls Road; thence proceeding by a straight line in a southerly direction to a point, being the intersection of the Vermont Central Railroad and the Boston and Maine Railroad; thence proceeding in a generally southerly direction to the north-most corner of Parcel 52 as shown on the Montague Assessor's Map 34; thence proceeding along the westerly and southerly boundaries of said Parcel 52 and crossing Federal Street to Parcel 51 as shown on the Montague Assessor's Map 34; thence proceeding westerly along the northern boundary of said Parcel 51; thence along the southern and eastern boundaries of the said Parcel 51; thence proceeding easterly along the southern boundary of Parcel 50 as shown on the Montague Assessor's Map 34; thence crossing the land of the Vermont Central Railroad to the northwestern-most corner of Parcel 6 as shown on the Montague Assessor's Map 45; thence proceeding southerly along the western boundary of said Lot 6 and then in a generally easterly direction along the southern boundaries of the following parcels as shown on the Montague Assessor's Map 45: Parcel 6, Parcel 7, and Parcel 8; thence continuing along the southern boundaries of the following parcels as shown on the Montague

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Assessor's Map 46: Parcel 1, Parcel 2, Parcel 7, Parcel 8, and Parcel 9; thence continuing along the southern boundary of Parcel 26 as shown on the Montague Assessor's Map 35; thence continuing along the southern boundaries of the following parcels as shown on the Montague Assessor's Map 46: Parcel 15, Parcel 16, crossing Dry Hill Road to the northwest corner of Parcel 78; thence southerly along the western boundary of said Parcel 78; thence easterly along the boundaries of Parcel 78 and Parcel 31 to Wendell Road; thence continuing along the western boundary of Wendell Road to Parcel 34; thence continuing along the western, southern, and eastern boundaries of the Parcel 34 and the eastern boundary of Parcel 74 to Wendell Road; thence continuing along the western boundary of Wendell Road in a generally southeasterly direction to a point on the Montague-Wendell town line; thence proceeding in a generally northern direction along the Montague-Wendell town line to the point of beginning.

Also included shall be all land that lies between the above described area to be annexed and the Turners Falls Fire District, between the Mineral Road Bridge over the Millers River and where the above described area to be annexed intersects with Federal street, in order to form a contiguous district.

SECTION 3. Such annexation shall be effective upon acceptance of this act at a district meeting of the Millers Falls Fire and Water District, and at a district meeting of the Turners Falls Fire District.

SECTION 4. Upon acceptance as provided for in section three of this act, the Turners Falls Fire District shall succeed to all property, rights, and privileges held or enjoyed by the Millers Falls Fire and Water District at the time of such acceptance.

SECTION 5. In the event that this act is not accepted, by either or both districts before July first, nineteen hundred and ninety-four, the dissolution date of the Millers Falls Fire and Water District set forth in section seven of chapter three hundred and four of the acts of nineteen hundred and ninety-one shall be extended until June thirtieth, nineteen hundred and ninety-six.

Emergency Letter: March 16, 1994 @ 4:43 P.M.

Approved March 16, 1994.

Chapter 6. AN ACT PROVIDING FOR NONPARTISAN PRELIMINARY ELECTIONS IN THE TOWN OF GRANBY.

Be it enacted, etc., as follows:

SECTION 1. Any person who is qualified to vote for town officers in the town of Granby may be a candidate for an elective town office therein and shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election; provided, however, that he files nomination papers provided by the town clerk containing not less than fifty signatures certified as voters of said town.

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

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

SECTION 4. Nomination papers shall be filed with the town clerk not later than five o'clock in the afternoon of the thirty-fifth day preceding the preliminary election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it shall be filed with the clerk.

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

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

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

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

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

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

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SECTION 9. This act shall be submitted to the voters of the town of Granby in the form of the following question which shall be placed on the ballot for the town election to be held in the year nineteen hundred and ninety-four:- "Shall an act passed by the General Court in the year nineteen hundred and ninety-four, entitled 'An Act providing for non-partisan preliminary elections in the town of Granby', be accepted?"

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

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

Approved April 5, 1994.

Chapter 7. **AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN EMPLOYEE OF THE DEPARTMENT OF EDUCATION.**

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the department of education is hereby authorized and directed to establish a sick leave bank for Regina M. Lawless, an employee of said department. 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 Regina M. Lawless.

The foregoing was laid before the Governor on the twenty-fourth day of March, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 8. **AN ACT ESTABLISHING A SICK LEAVE BANK FOR ELEANOR ANDRADE-CRUZ, AN EMPLOYEE OF THE DEPARTMENT OF EDUCATION.**

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

Be it enacted, etc., as follows:

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Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of education is hereby authorized and directed to establish a sick leave bank for Eleanor Andrade-Cruz, an employee of said department. Any employee of the department of education may voluntarily contribute one or more of his sick, personal or vacation days to said sick leave bank for use by said Eleanor Andrade-Cruz.

The foregoing was laid before the Governor on the twenty-fourth day of March, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 9. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JACQUELINE SAWYER, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.

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 mental retardation, therefore 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 mental retardation is hereby authorized and directed to establish a sick leave bank for Jacqueline Sawyer, an employee of said department. 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 Jacqueline Sawyer.

The foregoing was laid before the Governor on the twenty-fourth day of March, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 10. AN ACT FURTHER REGULATING THE RECALL OF CERTAIN OFFICERS IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 503 of the acts of 1952 is hereby amended by striking out section 38 and inserting in place thereof the following section:-

Section 38. Removal and Election. - If the petition shall be found and certified by the town clerk to be sufficient, said clerk shall submit the same with his certificate to the selectmen without delay, and said selectmen shall forthwith give written notice of the receipt

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of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than sixty nor more than seventy days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within one hundred days after the date of the certificate, said selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in such office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

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

Approved April 14, 1994.

Chapter 11. AN ACT RELATIVE TO THE ORDER OF PLACEMENT OF A CERTAIN PERSON ON THE CIVIL SERVICE ELIGIBILITY LIST.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately make a certain person eligible for appointment to the fire service, therefore 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 twenty-six of chapter thirty-one of the General Laws or any other general or special law to the contrary, any son of Raymond McNamara, a fire lieutenant of the city of Newton who was severely burned in the performance of his duty at a fire and explosion on October twenty-fifth, nineteen hundred and ninety-three, who passes the required written and physical examinations for entrance to the fire service shall have his name certified for original appointment to the fire service before all other persons on the eligible list for such appointment; provided, however, that if more than one person is deemed to be eligible pursuant to the provisions of this act, the names of such persons shall be certified in the order of their respective scores on the open competitive civil service examination for such fire service.

Approved April 14, 1994.

Chapter 12. AN ACT RELATIVE TO THE EXECUTIVE COUNCILLOR DISTRICTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately make certain changes in the executive councillor districts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 57 of the General Laws, as amended by section 2 of chapter 274 of the acts of 1993, is hereby further amended by striking out clause Second and inserting in place thereof the following clause:-

Second.- Consisting of the Middlesex, Norfolk and Worcester, the Norfolk, Bristol and Middlesex, the Norfolk, Bristol and Plymouth, the Second Plymouth and Bristol, and the Norfolk and Suffolk senatorial districts.

SECTION 2. Said section 2 of said chapter 57, as amended by said section 2 of said chapter 274, is hereby further amended by striking out clause Fourth and inserting in place thereof the following clause:-

Fourth.- Consisting of the Norfolk and Plymouth, the Plymouth and Norfolk, the First Suffolk, the Second Suffolk, and the Suffolk and Norfolk senatorial districts.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, local registrars of voters shall not refuse to certify resident signatures or nomination papers of candidates for the Second executive councillor district in the nineteen hundred and ninety-four primary or general election solely on the basis that the district designation on said nomination papers is the Fourth executive councillor district nor shall said local registrars of voters refuse to certify resident signatures on nomination papers of candidates for the Fourth executive councillor district in the nineteen hundred and ninety-four primary or general election solely on the basis that the district designation on said nomination papers is the Second executive councillor district.

SECTION 4. This act shall take effect as of December third, nineteen hundred and ninety-three.

Approved April 14, 1994.

Chapter 13. 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 John Dixon, an employee of said department. Any employee of said department may voluntarily contribute one or more of his sick, personal or vacation days to

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said sick leave bank for use by said John Dixon.

The foregoing was laid before the Governor on the seventh day of April, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 14. AN ACT EXEMPTING THE POSITION OF THE CHIEF OF POLICE OF THE POLICE DEPARTMENT IN THE CITY OF HAVERHILL FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of chief of police of the police department in the city of Haverhill 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 on a permanent basis in the position of chief of police of the police department in the city of Haverhill on the effective date of this act.

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

Approved April 27, 1994.

Chapter 15. AN ACT RELATIVE TO PROCEDURES FOR CITY BUDGETS IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of the first sentence of section thirty-two of chapter forty-four of the General Laws or any other general or special law to the contrary, within one hundred and 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-five.

SECTION 2. Notwithstanding the provisions of 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-four, the mayor shall not have submitted to the city council the annual budget for the fiscal year ending June thirtieth, nineteen hundred and ninety-five, the city council shall, upon its own initiative, prepare such annual budget by June thirtieth, nineteen hundred and ninety-four, and such budget preparation shall be where applicable subject to the provisions governing the annual budget of the mayor.

SECTION 3. Notwithstanding the provisions of said section thirty-two of said chap-

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

Emergency Letter: April 28, 1994 @ 3:10 P.M.

Approved April 28, 1994.

Chapter 16. AN ACT AUTHORIZING THE CITY OF REVERE TO GRANT A CERTAIN PENSION TO JOSEPH R. MARSHALL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule to the contrary, the retirement board of the city of Revere is hereby authorized and directed to increase the pension payable to Joseph R. Marshall, a retired police officer in the police department of the city of Revere who, as a result of injuries sustained by him while in the performance of his duties as a police officer, is totally and permanently disabled for further service as a police officer. The annual amount of pension payable to Joseph R. Marshall under the provisions of this act shall be fixed at an amount equal to the regular rate of compensation which he would have been paid had he continued in service as a police officer of said city at the grade held by him at the time of his retirement. The annual pension payable to said Joseph R. Marshall under the provisions of this act shall be reduced by the amount of any compensation he may receive from any gainful employment after the effective date of this act. Said Joseph R. Marshall shall be entitled to receive and shall receive all annual cost of living adjustments in his annual pension granted under the provisions of any general or special law. Upon the effective date of this act, the retirement board of said city shall forthwith pay to him all the amounts standing to his credit in the annuity savings or annuity reserve funds for the retirement system of said city.

SECTION 2. The provisions of section one hundred of chapter forty-one of the General Laws shall apply to Joseph R. Marshall, relative to his indemnification by the city of Revere, for any hospital, medical and related expenses which may be incurred by him after the effective date of this act as a result of the aforementioned incapacity.

SECTION 3. Upon the death of said Joseph R. Marshall, if he leaves a wife surviving him and as long as she remains unmarried, the city of Revere shall pay to her an annual annuity equal to the amount of three-fourths of the amount of the pension payable to said Joseph R. Marshall at the time of his death. Upon the death or remarriage of the survivor wife of said Joseph R. Marshall, said city shall pay to the surviving children of Joseph R. Marshall and his survivor wife, until the age of eighteen, a pension of equal proportion to each child which shall total three-fourths of the amount of the pension payable

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to Joseph R. Marshall at the time of his death. If said Joseph R. Marshall is unmarried at the time of the effective date of this act, any determinations as to the right of survivorship shall be determined by the retirement board of the city of Revere.

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

Approved April 28, 1994.

Chapter 17. AN ACT AUTHORIZING THE SCHOOL DEPARTMENT OF THE CITY OF BOSTON TO BE OPEN FOR BUSINESS ON JUNE SEVENTEENTH, NINETEEN HUNDRED AND NINETY-FOUR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections twelve and thirteen of chapter one hundred and thirty-six and chapter seventy-one of the General Laws or any other general or special law to the contrary, the school department of the city of Boston is hereby authorized to be open for business for all purposes including the instruction of students in classrooms on Friday, June seventeenth, nineteen hundred and ninety-four.

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

Approved April 29, 1994.

Chapter 18. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-FOUR 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 appropriations 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 ten of the acts of nineteen hundred and ninety-three, including fund designations in said chapter one hundred and ten, 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 ten, for the fiscal year ending June thirtieth, nineteen hundred and ninety-four, the sums so appropriated shall be in addition to any amounts available for the purpose.

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SECTION 2.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Metropolitan District Commission.

Item

2440-2000 \$1,151,220

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6030-7201 \$10,051,616

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, 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 ten of the acts of nineteen hundred and ninety-three for the fiscal year ending June thirtieth, nineteen hundred and ninety-four.

TREASURER AND RECEIVER GENERAL.

Office of the Treasurer and Receiver General.

Item

0611-5502 For a payment of additional municipal stabilization local aid, to be distributed from the Local Aid Fund in accordance with the schedule included in section three of this act; provided, that, notwithstanding the provisions of any general or special law to the contrary, receipt of additional municipal stabilization local aid shall in no way affect a municipality's obligations regarding education financing and shall be available for unrestricted use by the municipalities \$15,000,000
Local Aid Fund 100.0%

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6030-7203 For payments to hired equipment vendors used in the removal of snow and ice on state highways; provided, that no funds appropriated herein shall be expended for the compensation of state personnel, or for the costs of sand, salt, or any other control chemicals or for any other costs which are not directly related to payment of hired equipment vendors; provided further, that the department of highways shall make all payments owed to hired equipment vendors within thirty days of the effective date of this act \$37,574,171

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Highway Fund 100.0%

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the funds appropriated in item 0611-5502 of section two A of this act shall be distributed according to the schedule listed below:

<i>Municipality/Town</i>	<i>Distribution</i>
Abington	\$38,408
Acton	\$30,561
Acushnet	\$28,358
Adams	\$33,734
Agawam	\$72,598
Alford	\$260
Amesbury	\$35,743
Amherst	\$161,688
Andover	\$39,902
Arlington	\$95,715
Ashburnham	\$14,577
Ashby	\$7,833
Ashfield	\$3,479
Ashland	\$23,331
Athol	\$48,166
Attleboro	\$107,523
Auburn	\$33,661
Avon	\$7,022
Ayer	\$11,479
Barnstable	\$46,294
Barre	\$15,508
Becket	\$1,303
Bedford	\$16,783
Belchertown	\$29,522
Bellingham	\$34,628
Belmont	\$37,135
Berkley	\$10,300
Berlin	\$4,665
Bernardston	\$5,161
Beverly	\$79,710
Billerica	\$81,968
Blackstone	\$25,722
Blandford	\$2,384
Bolton	\$4,325
Boston	\$1,371,666

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<i>Municipality/Town</i>	<i>Distribution</i>
Bourne	\$22,278
Boxborough	\$4,702
Boxford	\$8,186
Boylston	\$6,430
Braintree	\$58,172
Brewster	\$8,936
Bridgewater	\$63,653
Brimfield	\$7,118
Brockton	\$323,848
Brookfield	\$10,462
Brookline	\$87,918
Buckland	\$5,540
Burlington	\$36,409
Cambridge	\$155,207
Canton	\$28,020
Carlisle	\$5,536
Carver	\$33,600
Charlemont	\$3,378
Charlton	\$27,090
Chatham	\$3,293
Chelmsford	\$67,248
Chelsea	\$106,502
Cheshire	\$9,756
Chester	\$3,421
Chesterfield	\$2,463
Chicopee	\$192,084
Chilmark	\$85
Clarksburg	\$7,190
Clinton	\$41,976
Cohasset	\$8,244
Colrain	\$5,010
Concord	\$21,471
Conway	\$3,553
Cummington	\$1,487
Dalton	\$20,995
Danvers	\$41,144
Dartmouth	\$49,801
Dedham	\$44,226
Deerfield	\$10,127
Dennis	\$10,752

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<i>Municipality/Town</i>	<i>Distribution</i>
Dighton	\$13,261
Douglas	\$14,387
Dover	\$4,296
Dracut	\$69,904
Dudley	\$28,665
Dunstable	\$3,906
Duxbury	\$21,663
East Bridgewater	\$27,783
East Brookfield	\$5,437
East Longmeadow	\$25,326
Eastham	\$3,254
Easthampton	\$52,626
Easton	\$48,643
Edgartown	\$1,079
Egremont	\$1,279
Erving	\$1,497
Essex	\$4,706
Everett	\$79,267
Fairhaven	\$37,448
Fall River	\$404,244
Falmouth	\$27,025
Fitchburg	\$157,903
Florida	\$1,335
Foxborough	\$30,412
Framingham	\$146,925
Franklin	\$48,157
Freetown	\$20,187
Gardner	\$72,120
Gay Head	\$24
Georgetown	\$14,586
Gill	\$4,851
Gloucester	\$47,856
Goshen	\$1,435
Gosnold	\$14
Grafton	\$33,800
Granby	\$15,739
Granville	\$3,072
Great Barrington	\$15,743
Greenfield	\$55,151
Groton	\$15,659

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<i>Municipality/Town</i>	<i>Distribution</i>
Groveland	\$13,566
Hadley	\$6,466
Halifax	\$18,134
Hamilton	\$12,473
Hampden	\$10,470
Hancock	\$707
Hanover	\$20,568
Hanson	\$22,594
Hardwick	\$6,278
Harvard	\$38,760
Harwich	\$8,741
Hatfield	\$6,778
Haverhill	\$147,150
Hawley	\$618
Heath	\$1,372
Hingham	\$27,655
Hinsdale	\$4,695
Holbrook	\$29,772
Holden	\$35,657
Holland	\$3,797
Holliston	\$26,668
Holyoke	\$166,084
Hopedale	\$16,781
Hopkinton	\$14,093
Hubbardston	\$7,252
Hudson	\$42,819
Hull	\$23,787
Huntington	\$6,215
Ipswich	\$22,000
Kingston	\$19,291
Lakeville	\$13,627
Lancaster	\$17,383
Lanesborough	\$5,337
Lawrence	\$313,607
Lee	\$11,738
Leicester	\$31,816
Lenox	\$7,266
Leominster	\$107,178
Leverett	\$3,908
Lexington	\$37,293

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<i>Municipality/Town</i>	<i>Distribution</i>
Leyden	\$1,538
Lincoln	\$10,487
Littleton	\$11,562
Longmeadow	\$26,491
Lowell	\$376,763
Ludlow	\$50,082
Lunenburg	\$20,441
Lynn	\$277,153
Lynnfield	\$17,956
Malden	\$172,912
Manchester	\$5,183
Mansfield	\$31,635
Marblehead	\$28,629
Marion	\$4,268
Marlborough	\$59,187
Marshfield	\$39,828
Mashpee	\$6,189
Mattapoisett	\$7,070
Maynard	\$25,990
Medfield	\$19,707
Medford	\$147,666
Medway	\$21,419
Melrose	\$62,753
Mendon	\$8,569
Merrimac	\$16,485
Methuen	\$101,728
Middleborough	\$46,395
Middlefield	\$730
Middleton	\$6,971
Milford	\$62,660
Millbury	\$33,451
Millis	\$17,102
Millville	\$6,588
Milton	\$48,688
Monroe	\$153
Monson	\$22,820
Montague	\$22,721
Monterey	\$505
Montgomery	\$1,742
Mount Washington	\$83

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<i>Municipality/Town</i>	<i>Distribution</i>
Nahant	\$5,926
Nantucket	\$1,566
Natick	\$53,676
Needham	\$34,107
New Ashford	\$238
New Bedford	\$434,467
New Braintree	\$2,259
New Marlborough	\$1,023
New Salem	\$1,385
Newbury	\$10,517
Newburyport	\$30,475
Newton	\$107,203
Norfolk	\$23,319
North Adams	\$84,930
North Andover	\$43,312
North Attleborough	\$58,712
North Brookfield	\$16,643
North Reading	\$21,374
Northampton	\$75,285
Northborough	\$23,334
Northbridge	\$47,653
Northfield	\$7,007
Norton	\$40,312
Norwell	\$13,560
Norwood	\$49,810
Oak Bluffs	\$1,608
Oakham	\$3,823
Orange	\$27,397
Orleans	\$3,539
Otis	\$616
Oxford	\$36,868
Palmer	\$35,531
Paxton	\$9,571
Peabody	\$108,477
Pelham	\$2,925
Pembroke	\$31,950
Pepperell	\$26,181
Peru	\$2,101
Petersham	\$2,190
Phillipston	\$3,360

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<i>Municipality/Town</i>	<i>Distribution</i>
Pittsfield	\$134,584
Plainfield	\$842
Plainville	\$13,968
Plymouth	\$84,167
Plympton	\$4,072
Princeton	\$5,646
Provincetown	\$3,069
Quincy	\$204,017
Randolph	\$77,143
Raynham	\$19,552
Reading	\$49,225
Rehoboth	\$18,695
Revere	\$115,458
Richmond	\$2,573
Rochester	\$7,158
Rockland	\$41,821
Rockport	\$10,764
Rowe	\$118
Rowley	\$8,835
Royalston	\$2,488
Russell	\$5,233
Rutland	\$14,028
Salem	\$85,836
Salisbury	\$11,217
Sandisfield	\$527
Sandwich	\$22,046
Saugus	\$49,859
Savoy	\$1,730
Scituate	\$26,217
Seekonk	\$22,845
Sharon	\$30,676
Sheffield	\$4,293
Shelburne	\$4,953
Sherborn	\$4,146
Shirley	\$21,105
Shrewsbury	\$51,292
Shutesbury	\$3,396
Somerset	\$30,314
Somerville	\$255,090
South Hadley	\$51,201

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<i>Municipality/Town</i>	<i>Distribution</i>
Southampton	\$10,425
Southborough	\$9,000
Southbridge	\$65,384
Southwick	\$21,341
Spencer	\$40,884
Springfield	\$630,911
Sterling	\$14,547
Stockbridge	\$2,188
Stoneham	\$48,213
Stoughton	\$63,321
Stow	\$9,594
Sturbridge	\$16,154
Sudbury	\$19,867
Sunderland	\$8,801
Sutton	\$13,074
Swampscott	\$21,540
Swansea	\$34,191
Taunton	\$164,627
Templeton	\$22,774
Tewksbury	\$61,371
Tisbury	\$1,967
Tolland	\$117
Topsfield	\$9,768
Townsend	\$23,095
Truro	\$511
Tyngsborough	\$20,071
Tyringham	\$231
Upton	\$9,434
Uxbridge	\$31,025
Wakefield	\$49,208
Wales	\$4,242
Walpole	\$36,462
Waltham	\$108,038
Ware	\$31,155
Wareham	\$35,013
Warren	\$14,458
Warwick	\$1,688
Washington	\$1,347
Watertown	\$68,218
Wayland	\$15,116

<i>Municipality/Town</i>	<i>Distribution</i>
Webster	\$47,071
Wellesley	\$29,195
Wellfleet	\$1,269
Wendell	\$2,580
Wenham	\$8,214
West Boylston	\$10,383
West Bridgewater	\$9,706
West Brookfield	\$9,134
West Newbury	\$6,622
West Springfield	\$58,901
West Stockbridge	\$1,931
West Tisbury	\$744
Westborough	\$18,776
Westfield	\$122,879
Westford	\$28,920
Westhampton	\$2,709
Westminster	\$12,746
Weston	\$7,766
Westport	\$21,821
Westwood	\$15,726
Weymouth	\$150,340
Whately	\$2,293
Whitman	\$38,693
Wilbraham	\$25,957
Williamsburg	\$6,477
Williamstown	\$17,803
Wilmington	\$28,730
Winchendon	\$30,362
Winchester	\$27,160
Windsor	\$1,365
Winthrop	\$50,139
Woburn	\$62,740
Worcester	\$564,977
Worthington	\$2,110
Wrentham	\$22,196
Yarmouth	\$25,983

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, the highway department is hereby authorized and directed to conduct a cost benefit analysis comparison of snow and ice removal in other states, including, but not limited to,

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Connecticut, Maine, Rhode Island, New Hampshire, New York, and Vermont. Said analysis shall include, but not be limited to, a comparison of the total costs of snow and ice removal per lane mile in each said state, and a comparison of the direct and indirect cost of said states' use of state employees versus hired equipment vendors, so-called, for snow and ice removal per lane mile, including the cost effectiveness of said states' worker deployment plans and capital expenditures associated with equipment. Said department shall consider and review other snow and ice removal services in the commonwealth, including, but not limited to, the Massachusetts Turnpike Authority and the metropolitan district commission. Said analysis, including any findings and recommendations shall be submitted to the house and senate committees on ways and means not later than June thirtieth, nineteen hundred and ninety-four.

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

Approved May 5, 1994.

Chapter 19. AN ACT AUTHORIZING THE CITY OF CHELSEA TO USE CERTAIN PARK AND RECREATION LAND AS A SCHOOL CAMPUS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Chelsea is hereby authorized to change the use of a certain parcel of land located in and owned by said city of Chelsea, currently used for recreation and park purposes. Said parcel was acquired by the city of Chelsea by deed of the Revere Rubber Company dated March 28, 1913 and is shown on a plan entitled "City of Chelsea, Plan of Proposed Park", dated March 1913, by James A. O'Brien, city engineer, and John Macdonald, assistant city engineer, both of which are recorded with the Suffolk county registry of deeds in Book 3718, Page 17.

Said city of Chelsea is hereby authorized to use said parcel for the construction and use of educational facilities, facilities for community programs and activities and recreational uses. Ancillary uses of said parcel may include access, parking and circulation, support facilities, and replacement park land.

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

Approved May 12, 1994.

Chapter 20. AN ACT PROVIDING FOR A SPECIAL ELECTION IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or provi-

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sions of the charter of the city of Newton to the contrary, there shall be held in the city of Newton a preliminary election, if necessary, and a special election for the remainder of the unexpired term of the office of mayor as follows:

the preliminary election, if necessary, shall be held on September twentieth, nineteen hundred and ninety-four;

the special election shall be held on November eighth, nineteen hundred and ninety-four.

SECTION 2. Notwithstanding the provisions of section twenty-six of chapter fifty-one of the General Laws or any other general or special law to the contrary, the dates and times for voter registration for the preliminary and special election referred to in section one shall coincide with the dates and times for voter registration for the primary and biennial state elections to be held in the year nineteen hundred and ninety-four.

SECTION 3. The state secretary shall cause the names and addresses of the two final candidates for the office of mayor to be placed on the official ballot to be used in the city of Newton at the biennial state election to be held in the year nineteen hundred and ninety-four.

SECTION 4. All other provisions of state and local law, not otherwise inconsistent herewith, shall be applicable to the elections referred to in this act.

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

Approved May 16, 1994.

Chapter 21. AN ACT RELATIVE TO THE POSITION OF TOWN ADMINISTRATOR IN THE TOWN OF STONEHAM.

Be it enacted, etc., as follows:

Section 5 of chapter 26 of the acts of 1981, as amended by section 1 of chapter 120 of the acts of 1987, is hereby further amended by striking out, in line 8, the words "town during the first year of his appointment" and inserting in place thereof the following words:- commonwealth and live within a reasonable distance from the town of Stoneham.

Approved May 16, 1994.

Chapter 22. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MARY ELLEN MCGREGGS, AN EMPLOYEE OF THE DEPARTMENT OF EDUCATION.

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

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Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule, or regulation to the contrary, the department of education is hereby authorized and directed to establish a sick leave bank for Mary Ellen McGreggs, an employee of said department. 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 Mary Ellen McGreggs.

The foregoing was laid before the Governor on the fifth day of May, 1994 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 23. AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO LEASE A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B of the General Laws, the city of Pittsfield is hereby authorized to lease a certain parcel of land, located in said city and presently used as a parking lot, to Bradford Arms Associates. Said parcel is shown as parcel 13 on block 2 on assessors map H-10 of said city.

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

Approved May 20, 1994.

Chapter 24. AN ACT RELATIVE TO FIREARMS.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and twenty-nine B of chapter one hundred forty of the general laws, as appearing in the 1992 official edition, is hereby amended by inserting after the word "alien" in line 29, the following words:- "or, (g) is currently the subject of an order issued pursuant to section three B of chapter two-hundred and nine A."

SECTION 2. Said section one hundred and twenty-nine B of said chapter one hundred and forty, as so appearing, is hereby amended by inserting after the word "card" in line 46, the following words:- unless a hearing has previously been held pursuant to section three B of chapter two hundred and nine A.

SECTION 3. Section one hundred and thirty-one of said chapter one-hundred and forty, as so appearing, is hereby amended by inserting after the word "drugs," in line 28, the following words:- "a person who is currently the subject of an order issued pursuant to section three B of chapter two-hundred and nine A."

SECTION 4. Section one hundred and thirty-one E of said chapter one hundred and

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forty, as so appearing, is hereby amended by striking out, in lines 22-25, inclusive, the words "five hundred nor more than one thousand dollars, or by imprisonment for not less than six months nor more than two years in a jail or house of correction" and inserting in place thereof the following words: one thousand nor more than fifty thousand dollars, or by imprisonment for not less than two and one-half years nor more than ten years in a state prison.

SECTION 5. Section twenty-six of chapter two hundred and eighteen of the General Laws, as so appearing, is hereby amended by inserting after the words "ninety-four C", in line 39, the following words:- "section one hundred and thirty-one E of chapter one hundred and forty".

SECTION 6. Chapter 209A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after section 3A the following two sections:-

Section 3B. "Upon issuance of a temporary or emergency order under section four or five of this chapter, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, order the immediate suspension and surrender of any license to carry firearms and or firearms identification card which the defendant may hold and order the defendant to surrender all firearms, rifles, shotguns, machine guns and ammunition which he then possesses in accordance with the provisions of this chapter and any license to carry firearms or firearms identification cards which the defendant may hold shall be surrendered to the appropriate law enforcement officials in accordance with the provisions of this chapter. Notice of such suspension and ordered surrender shall be appended to the copy of abuse prevention order served on the defendant pursuant to section seven. Law enforcement officials, upon the service of said orders, shall immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership, or possession of said defendant. Any violation of such orders shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment.

Any defendant aggrieved by an order of surrender or suspension as described in the first sentence of this section may petition the court which issued such suspension or surrender order for a review of such action and such petition shall be heard no later than ten court business days after the receipt of the notice of the petition by the court. If said license to carry firearms or firearms identification card has been suspended upon the issuance of an order issued pursuant to section four or five, said petition may be heard contemporaneously with the hearing specified in the second sentence of the second paragraph of section four. Upon the filing of an affidavit by the defendant that a firearm, rifle, shotgun, machine gun or ammunition is required in the performance of the defendant's employment, and upon a request for an expedited hearing, the court shall order said hearing within two business days of receipt of such affidavit and request but only on the issue of surrender and suspension pursuant to this section.

Section 3C. Upon the continuation and/or modification of an order issued pursuant to section four of this chapter or upon a petition for review described in section 3B of this

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chapter, the court shall also order or continue to order the immediate suspension and surrender of the defendant's license to carry firearms and firearms identification card and the surrender of all firearms, rifles, shotguns, machine guns and ammunition which he then possesses if the court makes a determination that the return of said license to carry, firearms identification card or firearms, rifles, shotguns, machine guns and ammunition presents a likelihood of abuse to the plaintiff. A suspension and surrender order issued pursuant to this section shall continue so long as the restraining order to which it relates is in effect.

SECTION 7. Section seven of said chapter two hundred and nine A, as so appearing, is hereby amended by inserting after the word "summons", in line 29, the following words:- and notice of any suspension or surrender ordered pursuant to section three B of this chapter.

SECTION 8. Chapter 269 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after section 10D the following new section:-

Section 10E. Whoever, except as provided by law, in a single transaction or occurrence or in a series of transactions within a twelve month period, knowingly or intentionally distributes, sells, or transfers possession of a quantity of firearms, rifles, shotguns, machine guns, or any combination thereof, shall, if the quantity of firearms, rifles, shotguns, machine guns, or any combination thereof is:

(1) Three or more, but less than ten, be punished by a term of imprisonment of not more than ten years in the state prison. No sentence imposed under the provisions of this paragraph shall be for less than a mandatory minimum term of imprisonment of three years and a fine of not more than fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(2) Ten or more, but less than twenty, be punished by a term of imprisonment of not more than ten years in the state prison. No sentence imposed under the provisions of this paragraph shall be for less than a mandatory minimum term of imprisonment of five years and a fine of not more than one hundred thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(3) Twenty or more, be punished by a term of imprisonment not less than ten years up to life imprisonment in the state prison. No sentence imposed under the provisions of this paragraph shall be for less than a mandatory minimum term of imprisonment of ten years and a fine of not more than one hundred and fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

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

A person convicted of violating any provision of this section 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

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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 corrections may, on the recommendation of the warden, superintendent, or other person in charge of the correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes: to attend the funeral of a relative, to visit a critically ill relative, or to obtain emergency medical or psychiatric services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person, seventeen years of age or over, charged with a violation of said sections, or to any child between the age of fourteen and seventeen, so charged, if the court is of the opinion that the interests of the public require that he shall be tried for such offense instead of being dealt with as a child.

SECTION 9. Notwithstanding the provisions of any general or special law to the contrary, a licensing authority as defined in section 121 of chapter one hundred and forty of the General Laws who receives or takes possession of any firearm, rifle, shotgun, machine gun, ammunition, firearms identification card or license to carry firearms surrendered pursuant to the provisions of section three B of chapter two hundred and nine A may transport and present to the State Police all said items or store and maintain said items in the care and custody of said licensing authority. The State Police or the local licensing authority shall immediately issue a receipt to the owner of said items specifying where said items will be held. In all cases where the State Police is charged with the care and custody of said items they shall also forward a duplicate receipt to the local licensing authority. The State Police or a local licensing authority shall store and keep all said items safely and securely in accordance with standards set forth by the Executive Office of Public Safety relative to the storage of such items until an item is returned to its owner; provided that such owner shall have the right, at any time up to one year after any such order has been issued, to transfer such firearms, rifles, shotguns, machine guns and ammunition to any licensed dealer and upon notification in writing by the licensed dealer and the owner, the licensing authority shall within ten days deliver such firearms, rifles, shotguns, machine guns and ammunition to the licensed dealer. Any item stored by the State Police or the local licensing authority pursuant to such order which is not lawfully reclaimed by its owner within one year after such order has been vacated or has expired shall be destroyed. The Secretary of the Executive Office of Public Safety is hereby authorized and directed to promulgate rules and regulations necessary to carry out the provisions of this section.

SECTION 10: The secretary of the executive office of public safety and the colonel of the State Police are hereby directed to report to the joint committee on public safety and the house and senate committees on ways and means by June first, nineteen hundred and ninety-four on their plans to store and secure any item surrendered pursuant to this act without further appropriation to carry out the provisions of this act.

SECTION 11. Sections one, two, three, four, five, six, seven and eight of this act shall take effect on July first, nineteen hundred and ninety-four.

Emergency Letter: June 7, 1994 @ 2:40 P.M.

Approved May 25, 1994.

Chapter 25. AN ACT INCREASING THE PENALTIES FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to alleviate a serious public safety problem relative to the operation of motor vehicles under the influence of alcoholic beverages in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 23 of chapter 90 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 19, the word "ten" and inserting in place thereof the word:- sixty.

SECTION 2. Said first paragraph of said section 23 of said chapter 90, as so appearing, is hereby further amended by adding the following sentence:- In no case shall a person be prosecuted for operating after suspension or revocation of a license upon a failure to pay an administrative reinstatement fee without a prior written notice from the registrar mandating payment thereof.

SECTION 3. Subdivision (1) of section 24 of said chapter 90, as so appearing, is hereby amended by striking out paragraphs (a) and (b) and inserting in place thereof the following two paragraphs:-

(a) (1) Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or of marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C, or the vapors of glue shall be punished by a fine of not less than five hundred nor more than five thousand dollars or by imprisonment for not more than two and one-half years, or both such fine and imprisonment.

There shall be a surcharge of one hundred dollars on a 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 Trust Fund for the Head Injury Treatment Services. 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.

If the defendant has been previously convicted or assigned to an alcohol or controlled substance education, treatment, or rehabilitation program by a court of the commonwealth or any other jurisdiction because of a like violation within ten years preceding the date of the commission of the offense for which he has been convicted, the defendant shall be punished by a fine of not less than six hundred nor more than ten thousand dollars and by imprisonment for not less than sixty days nor more than two and one-half years; provided,

however, that the sentence imposed upon such person shall not be reduced to less than thirty days, nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until such person has served thirty days of such sentence, unless otherwise sentenced to an intermediate sanction as promulgated by the sentencing commission established in chapter four hundred and thirty-two of the acts of nineteen hundred and ninety-three; provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this subdivision a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; to engage in employment pursuant to a work release program; or for the purposes of an aftercare program designed to support the recovery of an offender who has completed an alcohol or controlled substance education, treatment or rehabilitation program operated by the department of correction; and provided, further, that the defendant may serve all or part of such thirty day sentence to the extent such resources are available in a correctional facility specifically designated by the department of correction for the incarceration and rehabilitation of drinking drivers.

If the defendant has been previously convicted or assigned to an alcohol or controlled substance education, treatment, or rehabilitation program by a court of the commonwealth, or any other jurisdiction because of a like offense two times within ten years preceding the date of the commission of the offense for which he has been convicted, the defendant shall be punished by a fine of not less than one thousand nor more than fifteen thousand dollars and by imprisonment for not less than one hundred and eighty days nor more than two and one-half years or by a fine of not less than one thousand nor more than fifteen thousand dollars and by imprisonment in the state prison for not less than two and one-half years nor more than five years; provided, however, that the sentence imposed upon such person shall not be reduced to less than one hundred and fifty days, nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served one hundred and fifty days of such sentence, unless otherwise sentenced to an intermediate sanction as promulgated by the sentencing commission established in chapter four hundred and thirty-two of the acts of nineteen hundred and ninety-three; provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this subdivision a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative, to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; to engage in employment pursuant to a work release program; or for the purposes of an aftercare program designed to support the recovery of an offender who has completed an alcohol or controlled substance education, treatment or rehabilitation program operated by the department of correction; and provided, further, that the defendant may serve

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all or part of such one hundred and fifty days sentence to the extent such resources are available in a correctional facility specifically designated by the department of correction for the incarceration and rehabilitation of drinking drivers.

If the defendant has been previously convicted or assigned to an alcohol or controlled substance education, treatment, or rehabilitation program by a court of the commonwealth or any other jurisdiction because of a like offense three times within ten years preceding the date of the commission of the offense for which he has been convicted the defendant shall be punished by a fine of not less than one thousand five hundred nor more than twenty-five thousand dollars and by imprisonment for not less than two years nor more than two and one-half years, or by a fine of not less than one thousand five hundred nor more than twenty-five thousand dollars and by imprisonment in the state prison for not less than two and one-half years nor more than five years; provided, however, that the sentence imposed upon such person shall not be reduced to less than twelve months, nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until such person has served twelve months of such sentence, unless otherwise sentenced to an intermediate sanction as promulgated by the sentencing commission established in chapter four hundred and thirty-two of the acts of nineteen hundred and ninety-three; provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this subdivision a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; to engage in employment pursuant to a work release program; or for the purposes of an aftercare program designed to support the recovery of an offender who has completed an alcohol or controlled substance education, treatment or rehabilitation program operated by the department of correction; and provided, further, that the defendant may serve all or part of such twelve months sentence to the extent that resources are available in a correctional facility specifically designated by the department of correction for the incarceration and rehabilitation of drinking drivers.

If the defendant has been previously convicted or assigned to an alcohol or controlled substance education, treatment or rehabilitation program by a court of the commonwealth or any other jurisdiction because of a like offense four or more times within ten years preceding the date of the commission of the offense for which he has been convicted, the defendant shall be punished by a fine of not less than two thousand nor more than fifty thousand dollars and by imprisonment for not less than two and one-half years or by a fine of not less than two thousand nor more than fifty thousand dollars and by imprisonment in the state prison for not less than two and one-half years nor more than five years; provided, however, that the sentence imposed upon such person shall not be reduced to less than twenty-four months, nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served twenty-four months of such sentence, unless otherwise sentenced to an in-

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intermediate sanction as promulgated by the sentencing commission established in chapter four hundred and thirty-two of the acts of nineteen hundred and ninety-three; provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this subdivision a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; to engage in employment pursuant to a work release program; or for the purposes of an aftercare program designed to support the recovery of an offender who has completed an alcohol or controlled substance education, treatment or rehabilitation program operated by the department of correction; and provided, further, that the defendant may serve all or part of such twenty-four months sentence to the extent that resources are available in a correctional facility specifically designated by the department of correction for the incarceration and rehabilitation of drinking drivers.

A prosecution commenced under the provisions of this subparagraph shall not be placed on file or continued without a finding except for dispositions under section twenty-four D. No trial shall be commenced on a complaint alleging a violation of this subparagraph, nor shall any plea be accepted on such complaint, nor shall the prosecution on such complaint be transferred to another division of the district court or to a jury-of-six session, until the court receives a report from the commissioner of probation pertaining to the defendant's record, if any, of prior convictions of such violations or of assignment to an alcohol or controlled substance education, treatment, or rehabilitation program because of a like offense; provided, however, that the provisions of this paragraph shall not justify the postponement of any such trial or of the acceptance of any such plea for more than five working days after the date of the defendant's arraignment. The commissioner of probation shall give priority to requests for such records.

At any time before the commencement of a trial or acceptance of a plea on a complaint alleging a violation of this subparagraph, the prosecutor may apply for the issuance of a new complaint pursuant to section thirty-five A of chapter two hundred and eighteen alleging a violation of this subparagraph and one or more prior like violations. If such application is made, upon motion of the prosecutor, the court shall stay further proceedings on the original complaint pending the determination of the application for the new complaint. If a new complaint is issued, the court shall dismiss the original complaint and order that further proceedings on the new complaint be postponed until the defendant has had sufficient time to prepare a defense.

If a defendant waives right to a jury trial pursuant to section twenty-six A of chapter two hundred and eighteen on a complaint under this subdivision he shall be deemed to have waived his right to a jury trial on all elements of said complaint.

(2) Except as provided in subparagraph (4) the provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person charged with a violation of subparagraph (1) and if said person has been convicted of or assigned to an al-

cohol or controlled substance education, treatment or rehabilitation program because of a like offense by a court of the commonwealth or any other jurisdiction within a period of ten years immediately preceding the commission of the offense with which he is charged.

(3) Notwithstanding the provisions of section six A of chapter two hundred and seventy-nine, the court may order that a defendant convicted of a violation of subparagraph (1) be imprisoned only on designated weekends, evenings or holidays; provided, however, that the provisions of this subparagraph shall apply only to a defendant who has not been convicted previously of such violation or assigned to an alcohol or controlled substance education, treatment or rehabilitation program within ten years preceding the date of the commission of the offense for which he has been convicted.

(4) Notwithstanding the provisions of subparagraphs (1) and (2), a judge, before imposing a sentence on a defendant who pleads guilty to or is found guilty of a violation of subparagraph (1) and who has not been convicted or assigned to an alcohol or controlled substance education, treatment or rehabilitation program by a court of the commonwealth or any other jurisdiction because of a like offense two or more times within ten years of the date of the commission of the offense for which he has been convicted, shall receive a report from the probation department of a copy of the defendant's driving record, the criminal record of the defendant, if any, and such information as may be available as to the defendant's use of alcohol and may, upon a written finding that appropriate and adequate treatment is available to the defendant and the defendant would benefit from such treatment and that the safety of the public would not be endangered, with the defendant's consent place a defendant on probation for two years; provided, however, that a condition for such probation shall be that the defendant be confined for no less than fourteen days in a residential alcohol treatment program and to participate in an out patient counseling program designed for such offenders as provided or sanctioned by the division of alcoholism, pursuant to regulations to be promulgated by said division in consultation with the department of correction and with the approval of the secretary of human services or at any other facility so sanctioned or regulated as may be established by the commonwealth or any political subdivision thereof for the purpose of alcohol or drug treatment or rehabilitation, and comply with all conditions of said residential alcohol treatment program. Such condition of probation shall specify a date before which such residential alcohol treatment program shall be attended and completed.

Failure of the defendant to comply with said conditions and any other terms of probation as imposed under this section shall be reported forthwith to the court and proceedings under the provisions of section three of chapter two hundred and seventy-nine shall be commenced. In such proceedings, such defendant shall be taken before the court and if the court finds that he has failed to attend or complete the residential alcohol treatment program before the date specified in the conditions of probation, the court shall forthwith specify a second date before which such defendant shall attend or complete such program, and unless such defendant shows extraordinary and compelling reasons for such failure, shall forthwith sentence him to imprisonment for not less than two days; provided, however, that such sentence shall not be reduced to less than two days, nor suspended, nor shall such per-

son be eligible for furlough or receive any reduction from his sentence for good conduct until such person has served two days of such sentence; and provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this subdivision a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program. If such defendant fails to attend or complete the residential alcohol treatment program before the second date specified by the court, further proceedings pursuant to said section three of said chapter two hundred and seventy-nine shall be commenced, and the court shall forthwith sentence the defendant to imprisonment for not less than thirty days as provided in subparagraph (1) for such a defendant.

The defendant shall pay for the cost of the services provided by the residential alcohol treatment program; provided, however, that no person shall be excluded from said programs for inability to pay; and provided, further, that such person files with the court, an affidavit of indigency or inability to pay and that investigation by the probation officer confirms such indigency or establishes that payment of such fee would cause a grave and serious hardship to such individual or to the family of such individual, and that the court enters a written finding thereof. In lieu of waiver of the entire amount of said fee, the court may direct such individual to make partial or installment payments of the cost of said program.

(b) A conviction of a violation of subparagraph (1) of paragraph (a) shall revoke the license or right to operate of the person so convicted unless such person has not been convicted of or assigned to an alcohol or controlled substance education, treatment or rehabilitation program because of a like offense by a court of the commonwealth or any other jurisdiction within a period of ten years preceding the date of the commission of the offense for which he has been convicted, and said person qualifies for disposition under section twenty-four D and has consented to probation as provided for in said section twenty-four D; provided, however, that no appeal, motion for new trial or exceptions shall operate to stay the revocation of the license or the right to operate. Such revoked license shall immediately be surrendered to the prosecuting officer who shall forward the same to the registrar. The court shall report immediately any revocation, under this section, of a license or right to operate to the registrar and to the police department of the municipality in which the defendant is domiciled. Notwithstanding the provisions of section twenty-two, the revocation, reinstatement or issuance of a license or right to operate by reason of a violation of paragraph (a) shall be controlled by the provisions of this section and sections twenty-four D and twenty-four E.

SECTION 4. Paragraph (c) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by striking out subparagraphs (1), (2), (3), and (3½), and inserting in place thereof the following five subparagraphs:-

(1) Where the license or right to operate has been revoked under section twenty-

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four D or twenty-four E, or revoked under paragraph (b) and such person has not been convicted of a like offense or has not been assigned to an alcohol or controlled substance education, treatment or rehabilitation program because of a like offense by a court of the commonwealth or any other jurisdiction within a period of ten years preceding the date of the commission of the offense for which he has been convicted, the registrar shall not restore the license or reinstate the right to operate to such person unless the prosecution of such person has been terminated in favor of the defendant, until one year after the date of conviction; provided, however, that such person may, after the expiration of three months from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license for employment or educational purposes, which license shall be effective for not more than an identical twelve hour period every day on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control, and the registrar may, in his discretion, issue such license under such terms and conditions as he deems appropriate and necessary; and provided, further, that such person may, after the expiration of six months from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary.

(2) Where the license or the right to operate of a person has been revoked under paragraph (b) and such person has been previously convicted of or assigned to an alcohol or controlled substance education, treatment or rehabilitation program by a court of the commonwealth or any other jurisdiction because of a like violation within a period of ten years preceding the date of the commission of the offense for which such person has been convicted, the registrar shall not restore the license or reinstate the right to operate of such person unless the prosecution of such person has been terminated in favor of the defendant, until two years after the date of the conviction; provided, however, that such person may, after the expiration of six months from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license for employment or education purposes, which license shall be effective for not more than an identical twelve hour period every day on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and that such person shall have successfully completed the residential treatment program in subparagraph (4) of paragraph (a) of subdivision (1), or such treatment program mandated by section twenty-four D, and the registrar may, in his discretion, issue such license under such terms and conditions as he deems appropriate and necessary; and provided, further, that such person may, after the expiration of one year from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt

with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary.

(3) Where the license or right to operate of any person has been revoked under paragraph (b) and such person has been previously convicted or assigned to an alcohol or controlled substance education, treatment or rehabilitation program because of a like offense by a court of the commonwealth or any other jurisdiction two times within a period of ten years preceding the date of the commission of the crime for which he has been convicted or where the license or right to operate has been revoked pursuant to section twenty-three due to a violation of said section due to a prior revocation under paragraph (b) or under section twenty-four D or twenty-four E, the registrar shall not restore the license or reinstate the right to operate to such person, unless the prosecution of such person has terminated in favor of the defendant, until eight years after the date of conviction; provided however, that such person may, after the expiration of two years from the date of the conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license for employment or education purposes, which license shall be effective for not more than an identical twelve hour period every day, on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such license under such terms and conditions as he deems appropriate and necessary; and provided, further, that such person may, after the expiration of four years from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary.

(3½) Where the license or the right to operate of a person has been revoked under paragraph (b) and such person has been previously convicted of or assigned to an alcohol or controlled substance education, treatment or rehabilitation program by a court of the commonwealth or any other jurisdiction because of a like violation three times within a period of ten years preceding the date of the commission of the offense for which such person has been convicted, the registrar shall not restore the license or reinstate the right to operate of such person unless the prosecution of such person has been terminated in favor of the defendant, until ten years after the date of the conviction; provided, however, that such person may, after the expiration of five years from the date of the conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license for employment or education purposes which license shall be effective for an identical twelve hour period every day on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such license under such terms and conditions as he deems appropriate and necessary; and provided, further, that such person may, after the expiration of eight years from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of

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a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under the terms and conditions as he deems appropriate and necessary.

(3¼) Where the license or the right to operate of a person has been revoked under paragraph (b) and such person has been previously convicted of or assigned to an alcohol or controlled substance education, treatment or rehabilitation program by a court of the commonwealth or any other jurisdiction because of a like violation four or more times within a period of ten years preceding the date of the commission of the offense for which such person has been convicted, such person's license or right to operate a motor vehicle shall be revoked for the life of such person, and such person shall not be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship; provided, however, that such license shall be restored or such right to operate shall be reinstated if the prosecution of such person has been terminated in favor of such person. An aggrieved party may appeal, in accordance with the provisions of chapter thirty A, from any order of the registrar of motor vehicles under the provisions of this section.

SECTION 5. Said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby further amended by striking out paragraphs (e), (f) and (g) and inserting in place thereof the following three paragraphs:-

(e) In any prosecution for a violation of paragraph (a), evidence of the percentage, by weight, of alcohol in the defendant's blood at the time of the alleged offense, as shown by chemical test or analysis of his blood or as indicated by a chemical test or analysis of his breath, shall be admissible and deemed relevant to the determination of the question of whether such defendant was at such time under the influence of intoxicating liquor; provided, however, that if such test or analysis was made by or at the direction of a police officer, it was made with the consent of the defendant, the results thereof were made available to him upon his request and the defendant was afforded a reasonable opportunity, at his request and at his expense, to have another such test or analysis made by a person or physician selected by him; and provided, further, that blood shall not be withdrawn from any party for the purpose of such test or analysis except by a physician, registered nurse or certified medical technician. Evidence that the defendant failed or refused to consent to such test or analysis shall not be admissible against him in a civil or criminal proceeding, but shall be admissible in any action by the registrar under paragraph (f) or in any proceedings provided for in section twenty-four N. When there is no evidence presented at a civil or criminal proceeding of the percentage, by weight, of alcohol in the defendant's blood, the presiding judge at a trial before a jury shall include in his instructions to the jury a statement of an arresting officer's responsibilities upon arrest of a person suspected to be operating a motor vehicle under the influence of alcohol and a statement that a blood alcohol test may only be administered with a person's consent; that a person has a legal right to take or not take such a test; that there may be a number of reasons why a person would or would not take such a test; that there may be a number of reasons why such test was not administered;

that there shall be no speculation as to the reason for the absence of the test and no inference can be drawn from the fact that there was no evidence of a blood alcohol test; and that a finding of guilty or not guilty must be based solely on the evidence that was presented in the case. If such evidence is that such percentage was five one-hundredths or less, there shall be a permissible inference that such defendant was not under the influence of intoxicating liquor, and he shall be released from custody forthwith, but the officer who placed him under arrest shall not be liable for false arrest if such police officer had reasonable grounds to believe that the person arrested had been operating a motor vehicle upon any such way or place while under the influence of intoxicating liquor, if such evidence is that such percentage was more than five one-hundredths but less than eight one-hundredths there shall be no permissible inference; and if such evidence is that such percentage was eight one-hundredths or more, there shall be a permissible inference that such defendant was under the influence of intoxicating liquor. A certificate, signed and sworn to, by a chemist of the department of public safety or by a chemist of a laboratory certified by said department, which contains the results of an analysis made by such chemist of the percentage of alcohol in such blood shall be prima facie evidence of the percentage of alcohol in such blood.

(f) (1) Whoever operates a motor vehicle upon any way or in any place to which the public has right to access, or upon any way or in any place to which the public has access as invitees or licensees, shall be deemed to have consented to submit to a chemical test or analysis of his breath or blood in the event that he is arrested for operating a motor vehicle while under the influence of intoxicating liquor; provided, however, that no such person shall be deemed to have consented to a blood test unless such person has been brought for treatment to a medical facility licensed under the provisions of section fifty-one of chapter one hundred and eleven; and provided, further, that no person who is afflicted with hemophilia, diabetes or any other condition requiring the use of anticoagulants shall be deemed to have consented to a withdrawal of blood. Such test shall be administered at the direction of a police officer, as defined in section one of chapter ninety C, having reasonable grounds to believe that the person arrested has been operating a motor vehicle upon such way or place while under the influence of intoxicating liquor. If the person arrested refuses to submit to such test or analysis, after having been informed that his license or permit to operate motor vehicles or right to operate motor vehicles in the commonwealth shall be suspended for at least a period of one hundred and twenty days, but not more than one year for such refusal, no such test or analysis shall be made and he shall have his license or right to operate suspended in accordance with this paragraph for a period of one hundred and twenty days; provided, however, that any person who is under the age of twenty-one or who has been previously convicted of a violation under this section or a like violation by a court of any other jurisdiction within ten years of the date of the charge in question shall have his license or right to operate suspended forthwith for a period of one hundred and eighty days for such refusal; and provided, further, that any person previously convicted two or more times for a violation under this section or a like violation by a court of any other jurisdiction within ten years of the date of the charge in question, shall have his license or right to operate suspended forthwith for a period of one year for such refusal. If a person refuses to

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take a test under this section, the police officer shall do all of the following:

- (i) immediately and on behalf of the registrar take custody of such person's driver license or permit issued by the commonwealth;
- (ii) provide such person, on behalf of the registrar, with a written notice of intent to suspend, on forms prepared and provided by the registrar;
- (iii) issue to such person, on behalf of the registrar, a temporary driving permit, unless: (1) driving privileges of the person were suspended, revoked, or canceled at the time the person was arrested; (2) the person whose license was taken into custody was operating on an invalid license; (3) the person was not entitled to driving privileges at the time of the arrest for any other reason; or (4) the person holds a license or permit granting driving privileges that was issued by another state or jurisdiction.

The police officer before whom such refusal was made shall immediately prepare a written report of such refusal. Such written report of refusal shall be endorsed by a third person who shall have witnessed such refusal. Each such report shall be made on a form approved by the registrar, and shall be sworn to under the penalties of perjury by the police officer before whom such refusal was made. Each such report shall set forth the grounds for the officer's belief that the person arrested had been operating a motor vehicle on any such way or place while under the influence of intoxicating liquor, and shall state that such person had refused to submit to such chemical test or analysis when requested by such police officer to do so. Each such report shall be endorsed by the police chief, as defined in section one of chapter ninety C, or by the person authorized by him and shall be sent forthwith to the registrar along with the confiscated license or permit and a copy of the notice of intent to suspend.

The license suspension shall become effective fifteen days after the offender has received the notice of intent to suspend from the police officer. No license shall be restored under any circumstances and no restricted or hardship permits shall be issued during the suspension period imposed by this paragraph; provided, however, that the defendant may immediately, upon the entry of a not guilty finding or dismissal of all charges under this section, section twenty-four G or twenty-four L, and in the absence of any other alcohol related charges pending against said defendant, apply for and be immediately granted a hearing before the court which took final action on the charges for the purpose of requesting the restoration of said license. At said hearing, there shall be a rebuttable presumption that said license be restored, unless the commonwealth shall establish, by a fair preponderance of the evidence, that restoration of said license would likely endanger the public safety. In all such instances, the court shall issue written findings of fact with its decision.

The registrar shall provide police departments and agencies with permits for issuance as required by this subparagraph. The registrar shall establish the form and content of permits described in this section as the registrar determines appropriate, but in a manner consistent with this section. A temporary driving permit described in this section shall become effective twelve hours after the stated time of such issuance and shall remain valid until the fifteenth day after the date of arrest; shall be issued without payment fee; and, except as otherwise provided, such permit shall grant the same driving privileges as those

granted by the person's license taken into possession under this subparagraph.

(2) If a person's blood alcohol percentage is not less than eight one-hundredths or the person is under twenty-one years of age and his blood alcohol percentage is not less than two one-hundredths, such police officer shall do the following:

(i) immediately and on behalf of the registrar take custody of such person's drivers license or permit issued by the commonwealth;

(ii) provide such person, on behalf of the registrar, with a written notice of intent to suspend, on forms prepared and provided by the registrar;

(iii) issue to such person, on behalf of the registrar, a temporary driving permit, unless: (1) driving privileges of the person were suspended, revoked, or canceled at the time the person was arrested; (2) the person whose license was taken into custody was operating on an invalid license; (3) the person was not entitled to driving privileges at the time of the arrest for any other reason; or (4) the person holds a license or permit granting driving privileges that was issued by another state or jurisdiction;

(iv) immediately report action taken under this paragraph to the registrar. Each such report shall be made on a form approved by the registrar, and shall be sworn to under the penalties of perjury by the police officer. Each such report shall set forth the grounds for the officer's belief that the person arrested has been operating a motor vehicle on any such way or place while under the influence of intoxicating liquor and that said person's blood alcohol percentage was not less than eight one-hundredths or that said person was under twenty-one years of age at the time of the arrest and whose blood alcohol percentage was not less than two one-hundredths. Said report shall also state that the person was administered such a test or analysis, that the operator administering the test or analysis was trained and certified in the administration of such test, that the test was performed in accordance with the regulations and standards promulgated by the secretary of public safety, that the equipment used for such test was regularly serviced and maintained, and that the person administering the test had every reason to believe the equipment was functioning properly at the time the test was administered. Each such report shall be endorsed by the police chief, as defined in section one of chapter ninety C, or by the person authorized by him and shall be sent forthwith to the registrar along with the confiscated license or permit and a copy of the notice of intent to suspend.

The license suspension shall become effective fifteen days after the offender has received the notice of intent to suspend from the police officer. The license to operate a motor vehicle shall remain suspended until the disposition of the offense for which the person is being prosecuted, but in no event shall such suspension pursuant to this subparagraph exceed ninety days.

The registrar shall provide police departments and agencies with permits for issuance as required by this subparagraph. The registrar shall establish the form and content of permits described in this section as the registrar determines appropriate, but in a manner consistent with this section. A temporary driving permit described in this section shall become effective twelve hours after the stated time of such issuance and shall remain valid until the fifteenth day after the date of issuance; shall be issued without payment of any fee;

and except as otherwise provided, such permit shall grant the same driving privileges as those granted by the person's license taken into possession under this subparagraph.

(g) Any person whose license, permit or right to operate has been suspended under subparagraph (1) of paragraph (f) shall, within fifteen days of suspension, be entitled to a hearing before the registrar which shall be limited to the following issues: (i) did the police officer have reasonable grounds to believe that such person had been operating a motor vehicle while under the influence of intoxicating liquor upon any way or in any place to which members of the public have a right of access or upon any way to which members of the public have a right of access as invitees or licensees, (ii) was such person placed under arrest, and (iii) did such person refuse to submit to such test or analysis. If, after such hearing, the registrar finds on any one of the said issues in the negative, the registrar shall forthwith reinstate such license, permit or right to operate. The registrar shall create and preserve a record at said hearing for judicial review. Within thirty days of the issuance of the final determination by the registrar following a hearing under this paragraph, a person aggrieved by the determination shall have the right to file a petition in the district court for the judicial district in which the offense occurred for judicial review. The filing of a petition for judicial review shall not stay the revocation or suspension. The filing of a petition for judicial review shall be had as soon as possible following the submission of said request, but not later than thirty days following the submission thereof. Review by the court shall be on the record established at the hearing before the registrar. If the court finds that the department exceeded its constitutional or statutory authority, made an erroneous interpretation of the law, acted in an arbitrary and capricious manner, or made a determination which is unsupported by the evidence in the record, the court may reverse the registrar's determination.

Any person whose license or right to operate has been suspended pursuant to subparagraph (2) of paragraph (f) on the basis of chemical analysis of his breath may within ten days of such suspension request a hearing and upon such request shall be entitled to a hearing before the court in which the underlying charges are pending, which hearing shall be limited to the following issue; whether a blood test administered pursuant to paragraph (e) within a reasonable period of time after such chemical analysis of his breath, shows that the percentage, by weight, of alcohol in such person's blood was less than eight one-hundredths or, relative to such person under the age of twenty-one was less than two one-hundredths. If the court finds that such a blood test shows that such percentage was less than eight one-hundredths or, relative to such person under the age of twenty-one, that such percentage was less than two one-hundredths, the court shall restore such person's license, permit or right to operate and shall direct the prosecuting officer to forthwith notify the criminal history systems board and the registrar of such restoration.

SECTION 6. Said section 24 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 569 to 571, inclusive, the words "alcohol education or rehabilitation program because of a like offense by a court of the commonwealth one or more times within a period of six" and inserting in place thereof the following words:- alcohol or controlled substance education, treatment, or rehabilitation program be-

cause of a like offense by a court of the commonwealth one or more times within a period of ten.

SECTION 7. Section 24D of said chapter 90, as so appearing, is hereby amended by striking out the first three paragraphs and inserting in place thereof the following two paragraphs:-

Any person convicted of or charged with operating a motor vehicle while under the influence of intoxicating liquor, may if such person consents, be placed on probation for not more than two years and shall, as a condition of probation, be assigned to a driver alcohol education program as provided herein and, if deemed necessary by the court, to an alcohol treatment or rehabilitation program or to both, and such person's license or right to operate shall be suspended for a period of no less than forty-five nor more than ninety days; provided, however, that if such person was under the age of twenty-one when the offense was committed, the person's license or right to operate shall be suspended for two hundred and ten days, and such person shall be assigned to a program specifically designed by the department of public health for the education and treatment of underage drinking drivers. Such order of probation shall be in addition to any penalties imposed as provided in subparagraph (1) of paragraph (a) of subdivision (1) of section twenty-four and shall be in addition to any requirements imposed as a condition for any suspension of sentence. Said person shall cooperate in an investigation conducted by the probation staff of the court for supervision of cases of operating under the influence of intoxicating liquor in such manner as the commissioner of probation shall determine. A defendant not otherwise prohibited by this section, upon conviction after a trial on the merits, shall be presumed to be an appropriate candidate for the above mentioned programs; provided, however, that a judge who deems that the defendant is not a suitable candidate for said programs shall make such findings in writing.

The provisions of this section shall not, except as otherwise provided herein, apply to any person convicted or assigned to an alcohol or controlled substance education, treatment or rehabilitation program because of a like offense by a court of the commonwealth or any other jurisdiction within a period of ten years preceding the date of the commission of the offense with which he is charged, nor shall the provisions of this section apply to any person who during the events that gave rise to the complaint under paragraph (a) of subdivision (1) of section twenty-four caused serious personal injury to or the death of another person. Any person convicted of or charged with operating a motor vehicle while under the influence of intoxicating liquor, who has been convicted or assigned to an alcohol or controlled substance education, treatment or rehabilitation program because of a single like offense by a court of the commonwealth or any other jurisdiction more than six years, but less than ten years preceding the date of the commission of the offense with which he is charged may, upon a written finding of fact which shall be made part of the record, that appropriate and adequate treatment is available to such person and the person would benefit from such treatment and the safety of the public would not be endangered, with the person's consent, be placed on probation for not more than two years and shall, as a condition of probation, be assigned to a driver alcohol education program as provided here-

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in, and, if deemed necessary by the court, to an alcohol treatment or education program or both, and the person's drivers license or right to operate a motor vehicle shall be suspended for a period consistent with the provisions of subparagraph (2) of paragraph (c) of subdivision (1) of section twenty-four. Such order of probation shall be in addition to any penalties imposed as provided in subparagraph (1) of paragraph (a) of subdivision (1) of section twenty-four and shall be in addition to any requirements imposed as a condition for any suspension of sentence. Said person shall cooperate in an investigation conducted by the probation staff of the court for supervision of cases of operating under the influence of intoxicating liquor in such manner as the commissioner of probation shall determine. The provisions of this section shall not apply to any person convicted or assigned to an alcohol or controlled substance education, treatment or rehabilitation program because of a like offense two or more times by a court of the commonwealth or any other jurisdiction within ten years preceding the date of the commission of the offense for which such person has been charged.

SECTION 8. Said section 24D of said chapter 90, as so appearing, is hereby further amended by striking out, in line 106, the words "for the apprehension" and inserting in place thereof the following words:- operated by the secretary of public safety, the alcohol beverage control commission, and the department of public health for the investigation, enforcement.

SECTION 9. Said chapter 90 is hereby further amended by striking out section 24J, as so appearing, and inserting in place thereof the following section:-

Section 24J. In every case of a conviction of or a plea of guilty to a violation of subdivision (1) of section twenty-four involving driving under the influence of intoxicating liquors or a disposition under section twenty-four D, the court shall inquire of the defendant, before sentencing, regarding whether he was served alcohol prior to his violation of said section at an establishment licensed to serve alcohol on the premises and the name and location of said establishment.

Any information so acquired by the court shall be transmitted by the clerk's office to the alcohol beverage control commission, the office of the attorney general, the office of the district attorney for the district in which the establishment is located, and such establishment.

SECTION 10. Said chapter 90 is hereby further amended by striking out section 24N, as so appearing, and inserting in place thereof the following section:-

Section 24N. Upon the issuance of a complaint alleging a violation of paragraph (a) of subdivision (1) of section twenty-four or a violation of section twenty-four G or twenty-four L, the judge, in addition to any other terms of bail or recognizance, shall, upon the failure of any police officer to suspend or take custody of the drivers license or permit issued by the commonwealth of any such defendant under paragraph (f) of subdivision (1) of section twenty-four, immediately suspend the defendant's license or right to operate a motor vehicle in the following instances: (i) if the prosecutor makes a prima facie showing at the arraignment that said defendant was operating a motor vehicle while the percentage, by weight, of alcohol in his blood was eight one-hundredths or more, or, relative to any de-

fendant under the age of twenty-one, while the percentage by weight, of alcohol in his blood was two one-hundredths or more, as shown by chemical test or analysis of his blood or breath, and presents written certification of oral testimony from the person administering to the defendant such chemical test or analysis of his blood or breath that the defendant was administered such a test or analysis, that the operator administering the test or analysis of his blood or breath that the defendant was administered such a test or analysis, that the operator administering the test or analysis was trained and certified in the administration of such tests, that the test was performed in accordance with regulations and standards promulgated by the secretary of public safety, that the equipment used for such test was regularly serviced and maintained, and that the person administering the test had every reason to believe the equipment was functioning properly at the time the test was administered. Such certification shall be prima facie evidence of the facts so certified. Upon such a showing and presentation, the judge shall take immediate physical possession of such defendant's license or permit issued by the commonwealth to operate a motor vehicle, and shall direct the prosecuting officer to forthwith notify the criminal history systems board and the registrar of such suspension by the most expeditious means available. The defendant's license or permit to operate a motor vehicle shall remain suspended until the disposition of the offense for which said defendant is being prosecuted, but in no event shall such suspension pursuant to this section exceed ninety days; or (ii) if the prosecutor makes a prima facie showing at arraignment that said defendant was arrested on the charge of driving a motor vehicle on any such way or place while under the influence of intoxicating liquor, and said defendant refused to submit to a chemical test or analysis of his breath or blood. Upon such a showing and presentation, the judge shall take immediate physical possession of such defendant's license or permit issued by the commonwealth to operate a motor vehicle, and shall direct the prosecuting officer to forthwith notify the criminal history systems board and the registrar of such suspension by the most expeditious means available. The defendant's license or permit to operate a motor vehicle shall remain suspended for a period of one hundred and twenty days; provided, however, that any person who is under the age of twenty-one or who has been previously convicted of a violation under section twenty-four or a like violation by a court of any other jurisdiction within ten years of the date of the charge in question shall have his license or right to operate suspended forthwith for a period of one hundred and eighty days for such refusal; provided, further, that any person previously convicted two or more times of a violation under section twenty-four of a like violation by a court of any other jurisdiction within ten years of the date of the charge in question, shall have his license or right to operate suspended forthwith for a period of one year for such refusal. No license shall be restored under any circumstances and no restricted or hardship permits shall be issued during the suspension period imposed by this paragraph; provided, however, that the defendant may immediately, upon entry of a not guilty finding or dismissal of all charges under section twenty-four, sections twenty-four G and twenty-four L, and in the absence of any other alcohol related charges pending against said defendant, apply for and be granted a hearing forthwith before the court which shall have entered said finding for the purpose of requesting the restoration of said license. At said

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hearing, there shall be a rebuttable presumption that said license be restored, unless the commonwealth shall establish, by a fair preponderance of the evidence that restoration of said license would likely endanger the public safety. In all such instances, the court shall issue written findings of fact with its decision.

Any person whose license or right to operate has been suspended pursuant to this section on the basis of chemical analysis of his breath may within ten days of such suspension request a hearing and upon such request shall be entitled to a hearing before the court in which the underlying charge is pending, which hearing shall be limited to the following issue: whether a blood test administered pursuant to paragraph (e) of subdivision (1) of section twenty-four, within a reasonable period of time after such chemical analysis of his breath, shows that the percentage, by weight, of alcohol in such person's blood was less than eight one-hundredths, or, relative to such person under the age of twenty-one was less than two one-hundredths. If the court finds that such a blood test shows that such percentage was less than eight one-hundredths, or, relative to such person under the age of twenty-one, that such percentage was less than two one-hundredths, the court shall restore such person's license or right to operate and shall direct the prosecuting officer to forthwith notify the criminal history systems board and the registrar of such restoration.

Any person whose right to operate has been suspended pursuant to this section on the basis of the failure of such person to submit to a chemical test or analysis of his breath or blood may within ten days of his suspension request a hearing and upon such request shall be entitled to a hearing before the court in which the underlying charges are pending, which hearing shall be limited to the following issues: (1) did the police officer have reasonable grounds to believe that such person had been operating a motor vehicle while under the influence of intoxicating liquor upon any way or in any place to which members of the public have a right of access or upon any way to which members of the public have a right of access as invitees or licensees, (2) was such person placed under arrest, and (3) did such person refuse to submit to such test or analysis. If, after such hearing, the court finds on any one of the said issues in the negative, the court shall restore such person's license or right to operate and shall direct the prosecuting officer to forthwith notify the criminal history systems board and the registrar of such restoration.

SECTION 11. Said chapter 90 is hereby further amended by striking out section 24 O, as so appearing, and inserting in place thereof the following two sections:-

Section 24 O. Upon conviction of any violation of the provisions of this chapter, the defendant shall be provided by the probation office in the court in which said conviction was entered a statement in writing prepared by the secretary of public safety of the statutory provisions that apply to any further violation of this chapter.

Section 24P. Upon evidence a person under the age of twenty-one, after having been charged with any violation under section twenty-four, twenty-four G or twenty-four L, had a blood alcohol percentage of two one-hundredths or greater, or upon evidence that said person refused to submit to a chemical test or analysis of his breath or blood under section twenty-four, notwithstanding the finding upon any such charges, shall have his license or

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permit to operate suspended by the registrar of motor vehicles for a period of one hundred and eighty days. Said suspension by the registrar shall be in addition to any penalty, license suspension or revocation imposed upon such person by the court as required by section twenty-four, twenty-four G or twenty-four L.

If such person has not been previously charged with any violation under section twenty-four, twenty-four G or twenty-four L, such person shall, if he consents, be assigned to a program specifically designed by the department of public health for the education and treatment of underage drinking drivers; provided, however, that said assignment is not prevented by any finding or disposition upon any charges against said person under said section twenty-four, twenty-four G or twenty-four L. Upon the entry into such program, as specified in this section, or as otherwise required under any disposition pursuant to section twenty-four D, the suspension of license or permit to operate as required by this section shall be waived by the registrar. Upon failure of any such person to successfully complete said program, the registrar shall forthwith suspend said license or permit to operate for said one hundred and eighty day period.

SECTION 12. The first paragraph of section 34A of chapter 138 of the General Laws, as so appearing, is hereby amended by adding the following two sentences:- A conviction of a violation of this section shall be reported forthwith to the registrar of motor vehicles by the court. Upon receipt of such notice the registrar shall thereupon suspend for ninety days the defendant's license or right to operate a motor vehicle.

SECTION 13. Section 34C of said chapter 138, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A conviction of a violation of this section shall be reported forthwith to the registrar of motor vehicles by the court, and said registrar shall thereupon suspend for a period of ninety days the license of such person to operate a motor vehicle.

SECTION 14. The secretary of public safety shall submit a correctional resources impact study to the joint committee on criminal justice, the joint committee on public safety, and the house and senate committees on ways and means, respectively, assessing the effect of this act on current correctional resources. Said secretary shall certify the extent of the impact, if any, and his plans to respond to it, with current correctional resources available to him in the current fiscal year, and for four fiscal years thereafter. The secretary shall certify whether other inmates will be transferred out of jail or prison to absorb the impact of this act. In addition, the secretary shall not make reference, as included in his calculations, estimations or projections to any proposed capital expansion plan contained in any pending legislation. The secretary shall submit said report no later than December thirty-first, nineteen hundred and ninety-four.

SECTION 15. The chief justice for administration and management of the trial court, the Massachusetts sentencing commission and the secretary of public safety are hereby authorized and directed to make an investigation and study relative to evaluating the effectiveness of this act and shall file a report with the clerk of the house of representatives who shall forward the same to the house and senate committees on ways and means, no earlier than twelve months but no later than twenty-four months after the effective date of

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this act. Said investigation and study shall include:

(a) whether the act shows a quantifiable improvement relative to motor vehicle accidents whose proximate cause is the operator being statutorily under the influence of intoxicating liquor; (b) whether a reduction from ten one-hundredths to eight one-hundredths alcohol content to attach the presumption of operating under the influence of intoxicating liquor creates any statistical significance concerning property damage or personal injury motor vehicle accidents on the highways of the commonwealth; (c) whether the sanctions imposed on minors operating while generating a two one-hundredths blood alcohol content measurably reduces underage drinking and driving in the commonwealth; (d) effectiveness and costs arising from the imposition of mandatory minimum sentencing; (e) the effectiveness and costs of alcohol or controlled substance education, treatment or rehabilitation programs to reduce recidivism of driving under the influence; and (f) the additional costs, if any, that the lower standard of blood alcohol content level proscribed in this act will have on the law enforcement community with regard to increased use of roadblocks, as well as the additional costs to the judiciary with regard to the prosecution of individuals arrested under the said lower blood alcohol content level.

SECTION 16. Notwithstanding the provisions of paragraph (f) of subdivision (1) of section twenty-four of chapter ninety of the General Laws, inserted by section five of this act, to the contrary, no police officer shall take custody of a person's driver's license or permit, nor provide a written notice of intent to suspend nor issue a temporary driving permit concerning any violation under said section twenty-four which shall occur within thirty days of the effective date of section five of this act; provided, however, that such person's license or permit shall be taken by the court in accordance with section twenty-four N of said chapter ninety at the time of the person's arraignment.

Approved May 27, 1994.

Chapter 26. AN ACT RELATIVE TO THE REPORT OF THE FINANCE COMMITTEE OF THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

Section 38 of chapter 17 of the acts of 1947, as amended by chapter 141 of the acts of 1984, is hereby further amended by adding the following sentence:- The report of the finance committee together with the annual budget for the subsequent fiscal year shall be transmitted to each member of the town meeting not later than the third Monday of April.

Approved May 27, 1994.

Chapter 27. AN ACT RELATIVE TO THE ELECTIONS IN THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

Section 1 of chapter 17 of the acts of 1947 is hereby amended by striking out the first sentence, as amended by section 1 of chapter 606 of the acts of 1951, and inserting in place thereof the following sentence:- Upon acceptance of this act by the town of Saugus, as hereinafter provided, beginning with the year nineteen hundred and fifty-three, the regular town election of said town for the purpose of electing town officers, including town meeting members, and for the submission of questions to the voters of the town if required to be submitted thereat shall be held biennially on the Tuesday next after the first Monday in November between the hours of seven ante meridian and eight post meridian in every odd-numbered year.

Approved May 27, 1994.

Chapter 28. AN ACT VALIDATING CERTAIN ACTIONS OF THE PLANNING BOARD OF THE TOWN OF LEE.

Be it enacted, etc., as follows:

SECTION 1. All actions taken by the planning board of the town of Lee in granting variances for bed and breakfast uses prior to November first, nineteen hundred and ninety-three are hereby ratified, validated and confirmed notwithstanding the failure of said town to adopt zoning by-laws permitting such actions.

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

Approved May 27, 1994.

Chapter 29. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF BRAINTREE AS THE SERGEANT JOSEPH T. SHEA BRIDGE.

Be it enacted, etc., as follows:

The bridge on Plain street over the railroad tracks in the town of Braintree shall be designated and known as the Sergeant Joseph T. Shea Bridge, in honor of Sergeant Joseph T. Shea. The department of highways shall erect suitable markers bearing such designation in compliance with the standards of said department.

Emergency Letter: May 27, 1994 @ 4:23 P.M.

Approved May 27, 1994.

Chapter 30. AN ACT RELATIVE TO THE TERMS OF OFFICE IN THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. Section 2-1 of the charter of the town of Barnstable which is on file with the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(c) Election and Term

The term of office of all members of the town council shall be for four years beginning on the second Monday following election and continuing until their successors are qualified. Councilors shall serve four year overlapping terms, so arranged that the terms of as nearly half of the councilors as may be shall expire at each biennial town election.

SECTION 2. Subsection (b) of section 3-3 of said charter is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The terms of school committee members shall be four years beginning on the second Monday following election and continuing until a successor is qualified.

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

(b) Term of Office

The town clerk shall serve for a term of four years beginning on the second Monday following election and continuing until a successor is qualified.

SECTION 4. Section 3-5 of said charter is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Term of Office

The town collector shall serve for a term of four years beginning on the second Monday following election and continuing until a successor is qualified.

SECTION 5. Section 3-6 of said charter is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Term of Office

The terms of the housing authority members shall be four years beginning on the second Monday following election and continuing until their successors are qualified. Terms of office shall be so arranged that the terms of two members shall expire at each regular town election.

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

Approved May 31, 1994.

Chapter 31. AN ACT ESTABLISHING THE GOOSE POND MAINTENANCE DISTRICT IN THE TOWNS OF LEE AND TYRINGHAM.

Be it enacted, etc., as follows:

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SECTION 1. There is hereby established a district within the towns of Lee and Tyringham, to be known as the Goose Pond Maintenance District which, upon its establishment in the manner hereinafter set forth, shall constitute a body politic and corporate.

SECTION 2. The district within said towns of Lee and Tyringham generally encompasses Goose Pond which is situated in part in a southeasterly portion of the town of Lee, southerly of U.S. Route 20 and the Massachusetts turnpike and easterly of Forest street. The remaining southerly portion of Goose pond is located in the north part of the town of Tyringham, northerly of Goose pond road.

At the general location above described, the actual boundaries and composition of the district shall be deemed to include only those separately assessed parcels within each said town, including any tax exempt parcels, as shown from time to time on the maps maintained by the board of assessors for each town, except only as the same are otherwise determined based upon recorded survey plan or deed, and which parcels:

- (a) abut directly on the shoreline of Goose pond; or
- (b) have a recorded private right of access to and upon land which abuts the shoreline of Goose pond in such manner that the owner or proprietor of such parcel, is afforded by such recorded rights access to Goose pond, either individually or in common with the owners or proprietors of other such parcels, for bathing, boating or other lake recreational activities where the general public may lawfully be excluded from such use; or
- (c) as an incident of ownership of said parcels, the owners thereof are entitled or required to become members of an incorporated or unincorporated association, other corporation, partnership, trust or any other entity owning land abutting directly on the shoreline of Goose pond and who, by virtue of such membership or ownership in any such entity are entitled, upon the payment of dues, assessments or other charges, to the use and enjoyment of said shoreline parcel for bathing, boating or other lake recreational activities in common with other such members or owners and where the general public may lawfully be excluded therefrom.

SECTION 3. Membership in the district shall consist of the record owners from time to time of one or more separately assessed parcels of land lying within the district as defined in section two. Such owners are hereinafter referred to as a "proprietor" or collectively as "proprietors". For all purposes hereunder, a proprietor shall be deemed to include not only natural persons, but also all manner of other entities owning land within the district as aforesaid, including profit or nonprofit corporations, partnerships, trusts and unincorporated associations. Federal, state, county and local governments, together with any agencies or departments thereof, and also conservation land trusts and other similar nonprofit entities owning unimproved land for environmental, conservation or other similar purpose, which own lands abutting or having a record right of access to Goose pond, shall not be deemed as proprietors for the purposes of this act but shall be entitled to participate in the affairs of the district as hereinafter set forth. Any mortgagee of record in possession of any one or more separately assessed parcels within the district shall be deemed a proprietor under this act. Any number or combination of persons and entities who share ownership of one or

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more separately assessed but contiguous parcels within the district, shall collectively constitute a proprietor.

SECTION 4. The district, upon establishment in the manner hereafter set forth, shall have the following powers:

(a) To initiate and coordinate research and surveys for the purpose of gathering data on Goose pond, its related shore lands, watershed, its downstream drainage basin and other matters directly pertaining to the preservation, maintenance and enhancement of Goose pond for general recreational use.

(b) To plan rehabilitation, enhancement, maintenance and preservation projects for Goose pond, and also public recreational projects.

(c) To implement such projects and to conduct, coordinate and supervise the implementation thereof at all times subject to the obtaining of necessary approvals and permits from and, where required, under the supervision of appropriate federal, state and local governmental agencies including, but not limited to, the towns of Lee and Tyringham, the department of environmental management, the department of environmental protection, the department of fisheries, wildlife and recreational vehicles, the National Park Service and all other now or hereafter existing, funding and regulatory agencies of the federal, state, county and local governments.

(d) To negotiate and enter into all manner of contracts, leases and agreements necessary or incidental to the exercise of any power permitted to the district by this act.

(e) To adopt an annual budget and to raise and appropriate funds in amounts necessary to carry out the purposes for which the district is formed, including the power to raise funds by assessment of taxes upon the land of district proprietors in the manner hereinafter set forth.

(f) To acquire by lease, purchase, gift, grant, or by the exercise of the power of eminent domain pursuant to chapter seventy-nine of the General Laws, real property required from time to time for the purposes of the district, including the existing dam, flowage rights and all manner of easements required to maintain, operate and control the dam and the water level at Goose pond and the outflow therefrom; provided, however, that the power of the district to acquire by eminent domain such title or lesser rights in real estate shall be subject, in each separate instance, to prior approval by a two-thirds vote at a special or annual town meeting in the towns of Lee and Tyringham.

(g) To construct, acquire by lease, purchase, gift or grant, maintain, operate, control and supervise all manner of equipment and facilities necessary or appropriate in the accomplishment of one or more of the purposes of this act, including, but not limited to, maintenance, operation and improvement of and to the dam and its related water level control facilities and equipment so as to permit either temporary, seasonal or permanent water level control; the acquisition and utilization of all manner of technologies and systems as may from time to time be required to plan or implement a lake rehabilitation, enhancement, maintenance or preservation project or other public recreational project, all to the same extent and subject to the same limitations as shall apply to towns in the commonwealth from time to time under the General Laws.

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(h) To apply for, accept and expend financial assistance from the federal government, the commonwealth, Berkshire county and the towns of Lee and Tyringham either directly or jointly with and through said towns, or either of them.

(i) To apply for, receive and expend funds from charitable foundations or other private entities and individuals in the form of grants, gifts, loans and advances for or in aid of the purposes of the district.

(j) To employ such persons, including consultant experts as may be deemed necessary in its judgement, and to fix their compensation.

(k) To adopt by-laws for the regulation of its affairs and the conduct of its business, which by-laws shall be consistent with the powers conferred by this act and with other applicable provisions of the General Laws.

(l) To reimburse any person or entity owning an interest, direct or otherwise, in any separately assessed parcel within the district who shall have advanced funds to the unincorporated association known as Save Goose Pond Association for its legal and other expenditures for the formation of the district and which funds were advanced to Save Goose Pond Association for such purpose on or after July first, nineteen hundred and ninety-two.

(m) To borrow at the first or any subsequent meeting of the district for the purpose of meeting preliminary or current expenses such sums as may be necessary and to issue therefore general obligation temporary notes for a period of not more than two years; provided, however that such notes shall be issued only in anticipation of assessments and other revenues of the district of the year in which such notes are issued or in anticipation of money to be received from the sale of longer term bonds or notes for such purposes as are otherwise hereafter permitted in this act.

(n) To sue and be sued in its own name and to plead and be impleaded; provided, however, that neither the district nor any officer or employee thereof shall be liable in tort or by reason of any other act or omission to an extent greater than the limits set by the provisions of chapter two hundred and fifty-eight of the General Laws; and provided, further, that the district shall have the right to indemnify its officers and employees to the extent provided for public employees under section nine of said chapter two hundred and fifty-eight.

(o) To invest any funds not required for the immediate use of the district in such manner and to the extent permitted under the General Laws for the investment of such funds by the town treasurer of a town.

(p) To procure insurance against any loss or liability which may be sustained or incurred by the district or by its elected or appointed officials in the carrying out of the purposes of this act in such amount as the district shall deem necessary and appropriate and with one or more insurers who shall be licensed to furnish such insurance in the commonwealth.

(q) To perform generally all acts which are necessary or convenient to implement the powers which are expressly or by necessary implication conferred upon the district by this act and which are not otherwise prohibited under any provision of the General Laws, except that the district shall conduct its meetings and elections and shall raise its funds in the

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manner expressly provided for in this act except where the act shall make reference to a General Law with respect thereto.

SECTION 5. The board of selectmen of the towns of Lee and Tyringham shall, within one hundred and eighty days of the effective date of this act, call a meeting of the proprietors of the lands to be included in the district as set forth under section two. For the purposes of establishing an initial list of proprietors, the board of selectmen of each town shall consult with its respective boards of assessors who shall furnish its board of selectmen with a listing of all record property owners as of January first in the year in which this act shall take effect who, within the reasonable knowledge of belief of the assessors, are the record owners of one or more separately assessed parcels includable within the district under section two. Each board of selectmen upon receiving such list shall prepare and mail by certified mail a notice to each such record owner or proprietor signed by the board of selectmen and setting forth a time and place of a meeting to occur within said one hundred and eighty day period but not less than fourteen days from the date of mailing of said notice. The notice shall be in the form of a warrant specifying the matters upon which action is to be taken at the meeting and shall further clearly state that the purpose of the meeting is to consider the organization of the district. Each board of selectmen shall not later than fourteen days prior to the date of such meeting cause a copy of the notice to be posted in one or more public access locations within its town in the same manner as the posting of a warrant for a special or annual town meeting. The meeting shall be held at a public or a public access building in either the town of Lee or Tyringham to be jointly agreed upon by the respective board of selectmen.

Prior to the first meeting of the district, the board of selectmen shall jointly determine the total number of proprietors eligible to vote from both towns.

At the initial meeting of the district, one member of each board of selectmen from the towns of Lee and Tyringham shall jointly preside and shall call the meeting to order. Said presiding members shall thereupon determine whether or not a quorum exists which, for the purposes of the initial district meeting, shall be that number of proprietors determined by said board of selectmen members as eligible to cast not less than two-thirds of the total number of eligible votes, determined as above set forth in this section. A quorum shall be determined with reference not only to the eligible votes to be cast by proprietors in attendance at such meeting, but also by including the eligible votes of all proprietors who are represented at the meeting by written proxies, prepared and executed as set forth in section five, and placed in the hands of other proprietors prior to said meeting.

Lacking such a quorum, the meeting shall have no power to act, but the members of the board of selectmen of said towns shall, in the manner above provided, and upon the written request of at least ten proprietors, call up to two additional meetings for the same purpose within said one hundred and eighty day period.

Provided that a quorum has been determined to be present in the manner above specified, the meeting shall then proceed to the following order of business:

(a) Election of a temporary clerk, who shall be sworn by one of the members of the board of selectmen present, and a moderator who shall thereupon preside.

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(b) The taking of a vote to determine whether or not the district authorized by this act shall be established and organized, which vote shall require an affirmative vote of two-thirds of the eligible votes determined to be present either in person or by proxy. If such vote shall be in the negative, the meeting shall be adjourned, upon motion duly made, seconded and adopted by a majority of the quorum of eligible votes so determined to a date in time not more than sixty days from the date of the initial meeting or, in the absence of the making and of such motion, the meeting shall thereupon finally adjourn and the authority granted under this act shall terminate. If the motion and vote to adjourn the initial meeting shall be made and carried as provided in this section, the quorum and voting requirements shall remain unchanged at said further meeting and, if the vote to organize the district at such further meeting shall likewise be in the negative, the meeting shall thereupon finally adjourn and the authority granted under this act shall likewise terminate.

If such vote shall be in the affirmative and upon the above required majority, the meeting shall next proceed to consider the order of business set forth in paragraphs (c) to (f), inclusive.

(c) The adoption of district by-laws and a form of district seal.

(d) The election by ballot of a district clerk and a district treasurer, who may be the same person, and who shall be legal residents of the commonwealth, to hold office until one year from the next succeeding annual meeting and at each annual meeting after the first a clerk and treasurer shall be elected by ballot for one year. There shall also be elected by ballot three members of the prudential committee, and meeting the individual requirements as are hereinafter set forth, said three members to hold office, one for three years, one for two years, and one for one year, from the next succeeding annual meeting. At each annual meeting after the first, a member of the committee shall be elected by ballot for three years. The aforesaid officers of the district shall hold office until their successors are elected and qualified. Persons eligible for nomination and election to the prudential committee shall be at least eighteen years of age and shall include all persons who individually or collectively constitute a proprietor for the purposes of this act as defined in section two, or with respect to proprietor under paragraph (c) of said section two, are member, owner or co-owner of the proprietor entity.

(e) The adoption of an initial budget for the remainder of the fiscal year and the appropriation of monies to be raised by assessment upon the proprietors in support thereof.

(f) The consideration of such other business as shall be consistent with the power and authority conferred by this act.

The district clerk shall retain all proxy votes cast at the initial meeting, together with the minutes of the meeting and as part of the permanent record of the district. The clerk shall further prepare a certificate of the vote taken to organize the district and shall affix the form of seal thereto as adopted by the initial district meeting and shall obtain the endorsement of the members of the boards of selectmen initially presiding at the initial meeting thereon. Such certificate shall be attested to by the clerk and shall be forwarded to the attorney general within thirty days following the adjournment of the meeting.

SECTION 6. At the initial district meeting, and at all subsequent annual and special

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district meetings, voting by proprietors shall be governed by the requirements of this section. Except as hereinafter set forth in this section, each proprietor as defined in section three, shall be entitled to cast one vote with respect to any matter or issue to be voted upon at any such meeting. Proprietors who are joint owners or entities shall designate in writing prior to the commencement of the initial meeting or any annual or special meeting of the district thereafter, the person authorized to vote on behalf of such proprietors at the meeting and such person shall be presumed as qualified and authorized to represent the proprietor at said meeting and any subsequent meeting if:

(a) Such person is named as an individual co-owner of record in the records of the board of assessors as of January first of the year in which the meeting shall occur or, with respect to any meeting other than the initial district meeting, is listed as a co-owner of record in a deed recorded in the common or land court records of the Berkshire middle district registry of deeds following January first of the year in which the meeting shall occur, and the written instruments designating said co-owner shall be signed by all other co-owners so listed or shown; or

(b) With respect to a corporation, whether profit or nonprofit, an attested certificate of vote naming the person to vote on behalf of the corporation, and granting such person full authority to vote on all matters properly considered by any district meeting and confirming that the appointment and authorization is in full conformity with the articles of incorporation and by-laws of the corporation. With respect to trusts and other entities, the writing shall be in a form that would be acceptable for recording at the Berkshire middle district registry of deeds of an instrument authorizing the named person to convey the real estate owned by the entity. A person owning one or more parcels together with his spouse shall not be required to submit a written designation from his spouse and either shall be presumed to be qualified to vote. All written designations or certificates of vote submitted to the district as evidence of authority to vote under this section, shall be maintained in the files of the district clerk and, in the absence of a limit on the duration of such person's authority set forth in such document, the same shall be presumed to be valid at all subsequent district meetings unless or until revoked by the persons or entity granting same by written instrument submitted to the district clerk or like instrument debating a new person authorized to vote on behalf of such proprietor or which indicates that such person is no longer a co-owner or proprietor, including an original, duly executed and recorded deed or a registry certified photocopy thereof.

The authority of a proprietor to cast a proxy vote on behalf of another proprietor shall likewise be determined by the clerk. All proxies shall be tendered in writing prior to the commencement of any district meeting and shall clearly set forth the name and address of the proprietor giving the proxy, the name and address of the person who is to exercise the proxy, the signatures of the proprietor granting same and the date of execution. The district, may, if it so elects, adopt in its by-laws an approved form of proxy to satisfy the requirements of this section. The duration of a proxy shall be as established by district by-law.

SECTION 7. Annual meetings of the district shall be held on the last Saturday in

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June in each year or at such other time as the district shall establish from time to time in its by-laws. Annual and other special meetings of the district shall be called by warrant under the hands of the prudential committee, notice of which shall be given fourteen days at least before such meeting. The warrant shall be mailed first class, postage prepaid, to each proprietor of record in the district and copy of the same shall be directed to a constable of the towns of Lee and Tyringham or to some other person who shall cause a copy of said notice to be posted in one or more public places within each town or by advertising in a newspaper published at least weekly within Berkshire county and having a general circulation within both towns. The warrant for all district meetings shall state the time and place of the meeting and the subjects to be acted upon thereat. The prudential committee shall insert in the warrant of the annual meeting all subjects, the insertion of which shall be required of them in writing by ten or more proprietors of the district and in the warrant for every special district meeting all subjects the insertion of which shall be requested of them in writing by twenty or more proprietors. The prudential committee shall call a special district meeting at its behest or upon request in writing signed by not less than that number of proprietors as shall constitute at least twenty percent of the total votes eligible to be cast by the proprietors as of January first of the year which said special meeting is to be held. Special meetings so requested shall be held not later than sixty days after the receipt of such request. No action taken at the annual or any special district meeting shall be valid unless the subject matter thereof shall have been set forth in the warrant for such meeting. Two or more district meetings for distinct purposes may be called for by the same warrant. At the annual district meeting a moderator shall be chosen by ballot and shall serve as moderator until a new moderator shall likewise be elected at the next annual meeting. The moderator shall have all of the powers of a moderator at a town meeting within the commonwealth.

District meetings shall be governed by chapter thirty-nine of the General Laws except as otherwise expressly provided in this act.

The board of assessors of the towns of Lee and Tyringham shall, at least thirty days prior to the annual district meeting, prepare and forward to the district clerk a true and complete alphabetical listing with addresses of the proprietors reflected in their records as of January first of that year and from the records maintained by the assessors pursuant to chapter fifty-nine and other related provisions of the General Laws. A copy of such list shall be maintained by the district clerk in a manner accessible to the proprietors and the general public at all reasonable times and shall further be available for inspection at the annual meeting and any special meeting of the district. The boards of assessors shall likewise maintain a list of proprietors and their lands in the district within their town by separate list or special designation on their list of all assessed parcels within each town.

Quorum requirements for annual meetings and special meetings of the district shall be as specified for the initial district meeting or otherwise as the district shall determine from time to time in its by-laws; provided, however, that the quorum requirements at any such meeting shall not be reduced below that number of proprietors entitled to cast at least one-third of the total district votes, whether voting in person or by proxy, as aforesaid.

Any matter to be voted upon at an annual or special meeting of the district shall re-

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quire only a majority of proprietors present in person or by proxy and constitute the required quorum, except for the following actions which shall require a two-thirds vote of such quorum:

(a) A vote to petition for dissolution of the district.

(b) A vote to purchase or otherwise acquire or to dispose of real property of any value or likewise with respect to tangible personal property, having a value of fifteen thousand dollars or more except as such sum may, from time to time, be amended by district by-law.

(c) A vote to finance any undertaking which is authorized by this act to be financed in whole or in part by the issuance by the district of long term notes or bonds.

(d) A vote taken pursuant to section thirteen.

SECTION 8. In addition to the three members elected by the district and such additional elected members provided for in this section, the prudential committee shall comprise the following additional persons:

(a) One member each from the board of selectmen of the towns of Lee and Tyringham or such other resident voter of each town as shall be appointed by its board of selectmen, to serve on the prudential committee. Such member of the board of selectmen or other person shall serve at the pleasure of the board of selectmen appointing same and each shall be a full voting member of the committee.

(b) One representative each, to serve ex-officio, as shall be designated from time to time in writing by the Berkshire county commissioners, the commissioner of the department of environmental protection; the commissioner of the department of environmental management; the director of fisheries, wildlife and recreational vehicles; the director of the National Park Service under the United States Department of the Interior; and the Trustees of Reservations, a Massachusetts charitable corporation created by special act.

The above county, state and federal agencies, together with the Trustees of Reservations shall continue, together with their successors, to have the right to appoint a member to the district prudential committee while they shall continue to either own land abutting the shoreline of Goose pond or shall continue to have jurisdiction over Goose pond and its dam for the purpose of either environmental protection or public safety.

Appointed members shall serve for an indefinite term at the pleasure of their appointing authorities and shall be non-voting members of the prudential committee but shall nonetheless be permitted and encouraged to participate fully in all discussions and deliberations of the prudential committee and shall further be entitled to be heard at the annual and any special meeting of the district to the same extent as a proprietor thereof.

In the event that either town or any one or more of the above agencies or private entity, or their respective successors, shall fail from time to time to so designate its member, or if such member shall resign and no replacement shall have been designated in like manner, the prudential committee shall nonetheless be legally constituted with full power to carry out its duties and responsibilities as set forth herein. At any regular or special meeting of the prudential committee, a majority of its voting members shall constitute a quorum for the conduct of all business.

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If the district shall so provide by duly adopted by-law, the voting membership of the prudential committee may be expanded to not more than seven members; provided, however, that any such additional members shall be elected by the district in the same manner as provided at paragraph (d) of section four except as follows:

(a) the terms of such additional members may range from one year to three years; and

(b) one or both of such additional members may be required to be a person who is a member or owner of one or more proprietor entities owning real estate included within the district pursuant to paragraph (c) of section two.

The prudential committee shall have and shall exercise, the following powers and duties:

(a) To expend for the purposes permitted to the district, of the money raised and borrowed by the district.

(b) To prepare an annual budget for the management and operation of the district and the submission of such budget to the annual district meeting for its approval. Such budget shall include the committees estimate of monies required to be raised and appropriated by means of assessment upon the district proprietors, by borrowing, or otherwise to be received.

(c) To apply in the name of the district for grants, loans, and other assistance from both governmental and non-governmental entities.

(d) Subject to prior appropriation therefor, to enter into agreements and contracts involving the purchase or lease of services, equipment and supplies consistent with the powers granted by this act.

(e) Subject to prior appropriation therefor, to hire, supervise, terminate, suspend and discharge such employees and consultants as the committee shall deem necessary or appropriate for the conduct and performance of district work including, but not limited to, one or more employees and consultants responsible for the day to day and periodic inspection and maintenance of the dam facility at Goose pond. Compensation and benefits for such employees and consultants shall, subject to prior appropriation therefor, be as determined from time to time by vote of the prudential committee.

Any and all purchases of goods or services by the prudential committee shall be conducted in accordance with all state and public bidding laws applicable from time to time to towns and other districts established under General Laws and, where applicable, all federal public bidding statutes.

SECTION 9. The prudential committee shall meet as necessary, but in no event less frequently than every three months. The initial meeting of the prudential committee shall be not later than thirty days following the establishment of the district. Thereafter the committee shall schedule one meeting to occur in each year immediately following the adjournment of the annual district meeting. At such initial meeting and at all subsequent meetings following the annual district meeting, the committee shall elect from its members a chairperson who shall preside at all committee meetings and who shall serve until his successor shall be elected at the meeting following the annual district meeting. The committee shall also elect a vice-chairperson who shall be empowered to preside over com-

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mittee meetings in the absence of the chairperson and who shall serve for like term. The district, may, subject to a prior appropriation therefor, establish compensation for district officers including members of the prudential committee, and payment to such officers and committee members for direct out-of-pocket expenses related to the district such as toll calls and postage as well as the expense of travel, meals and lodging for such officers and committee members who shall reside outside of the district.

SECTION 10. Without limiting its powers as set forth in this act, the prudential committee shall have charge of expenditures on account of the district, duly budgeted and appropriated pursuant to this act, and shall perform the duties conferred upon it by the district by-laws, except as otherwise expressly required in this act.

SECTION 11. The district treasurer shall receive and take charge of all money belonging to the district, and pay over and account for the same according to the order of the district or of its prudential committee. No other persons shall pay any district bill; provided, however, that this provision shall not prohibit the treasurer from paying such bill by the use of a bank treasurer's or cashier's check. He shall further have the authority given to an auditor by section fifty-one of chapter forty-one of the General Laws, and shall annually render a true account of his receipts and disbursements and report of his official acts to the district. The treasurer shall give bond annually for the performance of his duties in a form approved by the department of revenue and in such sum, not less than the amount established by said department, as shall be fixed by the prudential committee, and, if he fails to give such bond within ten days after his election or appointment, or if within ten days after the expiration of said bond or any renewal of said bond he fails to file a renewal thereof, the prudential committee shall declare the office vacant and the vacancies shall be filled by the committee in the manner set forth in section twelve.

SECTION 12. The district clerk shall, in addition to the other duties specified herein, take all minutes at district meetings and at meetings of the prudential committee and maintain a record of such minutes in a manner provided for the maintenance of records of minutes of town meetings and of meetings of boards of selectmen. The clerk shall be the official responsible for certain copies of any and all votes taken at a district meeting or a meeting of the prudential committee.

SECTION 13. Any vacancy occurring in the office of clerk, treasurer or member of the prudential committee elected by the district may be filled by the district for the remainder of the unexpired term at any special meeting called for such purpose, or in the case of a vacancy in the office of clerk or treasurer or disability effecting either of said officers, the prudential committee may appoint a person to fill said vacancy until an election can be held or the disability is removed. Such temporary appointee shall be sworn and shall perform the duties of the office to which he is appointed during his tenure thereof. A temporary treasurer appointed to fill a vacancy shall give bond in the same manner as the treasurer.

SECTION 14. At its initial meeting and at each annual meeting thereafter, immediately following the adoption of the annual district budget for the ensuing fiscal year, there shall be taken a separate vote or votes with respect to each separate source of funding

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proposed by the prudential committee to be used to fund all or any portion of the budget so approved except with respect to funding carried over from a previous fiscal year to the extent permitted under the laws of the commonwealth and previously appointed by the district. The separate funding methods that may be voted upon and utilized by the district are as follows:

(a) Gifts or other voluntary contributions from the proprietors or from any other person or entity.

(b) All manner of governmental grants or intergovernmental loans.

(c) Tax assessments upon those separately assessed lands and improvements of the proprietors comprising the district which are not exempt from real estate taxation under the laws of the commonwealth or the laws of the United States.

(d) District notes issued in anticipation of the collection of taxes to be levied upon the proprietors lands and improvements, as aforesaid, or the receipt of revenue from other approved funding sources during the fiscal year in which said debt is incurred or the fiscal year next following and except as further modified for the initial fiscal year of the district as provided at paragraph (m) of section three.

(e) Long term notes or bonds to be issued or tendered with respect to expenses set forth in the budget that relate solely to approved long-term district improvements and major equipment purchases as hereafter set forth in section fifteen.

Votes taken by the district to fund all or any portion of the annual budget under paragraph (b), (c) or (d), shall require an affirmative two-thirds vote pursuant to section seven.

Votes to fund all or any portion of the budget under paragraphs (b), (c), and (e), shall require a two-thirds vote of a meeting quorum.

SECTION 15. Long term notes or bonds as provided for under section fourteen, may be tendered or issued on the condition that the first payment on account of the principal shall not be deferred for a period of more than five years from the date of issuance thereof and with the whole amount of such debt to be payable within a period of not more than twenty-five years from the date of such issuance or the reasonably estimated useful life or of the improvements, facilities and equipment to be so funded, whichever is lesser.

All indebtedness issued or incurred by the district under the provisions of this section or under section fourteen set forth, shall be subject to chapter forty-four and to all other provisions of the General Laws applicable to notes and bonds of districts except as otherwise provided in this act. If the district shall issue or tender notes or bonds and shall thereafter receive a grant or other transfer of funds from another governmental entity to cover all or any portion of the budgeted expense for which the district notes or bonds were tendered or issued, the district shall, unless otherwise mandated by the terms and conditions of the grant or other funding from such governmental unit, make all of such grant or funding available to redeem said notes or bonds of the district. Bonds or notes tendered or issued under this section and section fourteen, shall be general obligations of the district.

SECTION 16. If the district shall vote to raise and appropriate funds for the initial or subsequent fiscal year budget by means of tax assessment upon the land and improvements of the proprietors as provided in paragraph (c) of section fourteen, the sche-

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dule of assessed valuations of such land and improvements, as established by the boards of assessors in each town for the same fiscal year under the provisions of chapter fifty-nine of the General Laws shall be relied upon as the basis for determining the pro-rata share to be paid by each proprietor of all or that portion of such fiscal year budget that the district shall have voted to so fund.

Following the adjournment of the initial district meeting and each annual district meeting thereafter, the clerk of the district shall certify to the assessors of the towns of Lee and Tyringham all sums of money voted to be raised by real estate tax assessment upon the lands and improvements of the proprietors. The assessors of both towns shall, without further vote, assess and levy such amounts upon the land and improvements of the proprietors in the same manner provided for the assessment and levy of general real estate taxes under chapter fifty-nine of the General Laws and shall commit same to the collector of taxes of their respective town who thereupon shall have and exercise the same powers and duties in relation to the collection of such taxes as he has and exercises relative to the collection of town real estate taxes. Each tax collector shall remit at least monthly to the district treasurer all sums so collected. District taxes assessed hereunder shall constitute a lien upon the land and improvements assessed therefor, in the same manner as a lien for the payment for real estate taxes assessed by the town under the provisions of section thirty-seven of chapter sixty, and all other related provisions of the General Laws.

SECTION 17. The fiscal year of the district shall be the same fiscal year as established by the General Laws for cities and towns in the commonwealth.

SECTION 18. Unless otherwise specified in this act, or otherwise required by General Law, all actions permitted to be taken at annual or special districts meetings shall require a majority vote of those proprietors present in person or by proxy at said meeting and entitled to vote thereat, who shall constitute a quorum in accordance with this act or otherwise by by-law of the district. All actions permitted to be taken by the prudential committee shall require a majority vote of the committee members present at said meeting who shall constitute a quorum in accordance with this act.

SECTION 19. The district shall include in its initial and in all subsequent annual appropriations, compensation for the board of assessors and the tax collector of the towns of Lee and Tyringham, pursuant to the provisions of section one hundred and eight B of chapter forty-one of the General Laws, with respect to their duties and expenses hereunder.

SECTION 20. Notwithstanding their membership on the prudential committee, neither the town of Lee nor the town of Tyringham, nor any agency or department of Berkshire county, the commonwealth or the federal government shall be obligated for any debts of the district, nor shall they by virtue of this act be required to pay for any liability, obligation or expense made, suffered or incurred by the district. In like manner, the proprietors of the district shall not be individually liable or obligated with respect to debts or other obligations made, suffered or incurred by the district except with respect to the payment of district taxes assessed upon their real estate, as provided for in this act.

SECTION 21. No provision of this act shall be deemed to modify or amend any power, authority or jurisdiction now or hereafter vested in any agency, department or unit

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of town, county, state, or federal government as it relates to regulate the use, operation or enjoyment of Goose pond for any lawful public purpose including, but not limited to, its use by either town as an emergency public water resource.

SECTION 22. The district shall establish in its initial budget and in all subsequent fiscal year budgets an overlay account and a reserve fund as provided for towns under the provisions of section twenty-five of chapter fifty-nine and section five C of chapter forty of the General Laws and, except for the initial fiscal year, or portion thereof, of the operation of the district, the district may add to the amount to be raised by district assessment a sum voted by the district for not more than twenty percent thereof for the purposes of and subject to the limitations as set forth in said section twenty-five of said chapter fifty-nine. The district is further authorized to establish and maintain a stabilization fund under the provisions of section five B of chapter forty of the General Laws. The district shall further be subject to an audit of its accounts in the manner provided in section forty of chapter forty-four of the General Laws.

SECTION 23. The district clerk, shall, in addition to the other duties to be performed, cause a review to be made each year at least sixty days prior to the date of the annual meeting of the records required to be maintained by the boards of assessors for the towns of Lee and Tyngham, including copies of deeds furnished to said boards by the Berkshire middle district registry of deeds, and shall otherwise take such actions as shall be reasonably necessary to verify the list of proprietors and their lands and improvements to be included within the district as furnished by said boards of assessors to the district in each year pursuant to this act. If the clerk shall determine any discrepancy with respect to the list submitted by the boards of assessors for either town, the clerk shall forthwith notify the prudential committee and also the boards of assessors. Upon receipt of such information, the prudential committee shall include a separate warrant article to the annual district meeting proposing the inclusion of such additional separately assessed parcels determined by them to be includable within the district under section two and shall give written notice in the manner provided for the furnishing of notice to the proprietor of a district meeting to the record owners of such parcels. At the annual meeting, the district shall, by its vote, determine whether or not such parcel or parcels shall be included within the district and shall furnish the record owners thereof with full opportunity to be heard prior to such vote as though such persons were proprietors of record, entitled to vote thereon.

Any original proprietor of the district and any record owner of real estate hereafter included within the district as a proprietor in the manner set forth in this section, shall have the right to petition the district through its prudential committee for exclusion from the district based upon an alleged lack of sufficient direct benefit to said proprietor's land with respect to the purposes for which the district has established. Such petition shall be in writing and shall set forth in summary form the reasons relied upon in support thereof. Said committee shall, upon receipt of such petition, conduct such investigation thereof as it shall deem appropriate, and shall, at its next regular meeting, or sooner at a special meeting, and upon at least seven days written notice to the petitioner, consider the petition and vote thereon. A vote by the prudential committee to exclude the land of the petitioner from the

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district shall be final except where it thereafter determines that the property no longer qualifies for exclusion, in which event the property shall again be proposed for inclusion within the district in the manner provided for above in this section. In the event that the prudential committee shall vote to disapprove the petition or shall fail to act thereon prior to the next annual meeting of the district, the petition shall be included in the warrant for said meeting and the district shall vote on same at that time. If the district shall vote to disallow the petition, the petitioner may appeal to the superior court department of the trial court within the county in which the district is located for a remedy. Upon such appeal, said court shall, if the reasons set forth by the petitioner shall be satisfactory to the court, grant such exclusion. Such exclusion, if the petition shall have been filed in writing therefor prior to December thirty-first of the then current fiscal year, result in an abatement of district assessment from the commencement of such fiscal year; otherwise, such abatement shall not be effective until the commencement of the next year.

The district may, from time to time, provide in its by-laws further detailed provisions concerning grounds for exclusion from the district and procedures for the handling of exclusion petitions; provided, however, that the same shall not be inconsistent with any express provision of this act.

SECTION 24. Once established pursuant to this act, the district shall not dissolve without specific authorization by the general court, which shall not be given until provision has been made for the payment of the obligations of said district. Such dissolution may be initiated by the general court, or by two-thirds vote at a regular or special district meeting or by joint petition by the towns of Lee and Tyringham.

SECTION 25. This act shall take effect upon its passage; provided, however, that if the initial meeting of the district shall not occur and the certified vote evidencing the establishment of the district shall not be filed with the attorney general within one year after enactment, all authority granted herein shall terminate and the provisions of this act shall no longer be operative.

Approved June 1, 1994.

Chapter 32. **AN ACT ESTABLISHING A SICK LEAVE BANK FOR DONNA HUNTER-SMITH, 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

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the contrary, the department of social services is hereby authorized and directed to establish a sick leave bank for Donna Hunter-Smith, an employee of said department. 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 Donna Hunter-Smith.

The foregoing was laid before the Governor on the nineteenth day of May, 1994 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 33. AN ACT RELATIVE TO MOTORCYCLE INSPECTIONS.

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

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 7A of chapter 90 of the General Laws, as appearing in section 3 of chapter 490 of the acts of 1993, is hereby amended by adding the following: - ; provided, however, that the periodic annual inspection for motorcycles shall not be staggered and shall run from June first, nineteen hundred and ninety-four until April thirtieth, nineteen hundred and ninety-five, inclusive, and thereafter shall run from May first of each year until April thirtieth of the following year, inclusive.

SECTION 2. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, motorcycles with valid inspections which occurred between January first, nineteen hundred and ninety-four and April thirtieth, nineteen hundred and ninety-four, inclusive, shall be valid and shall not expire until April thirtieth, nineteen hundred and ninety-five, and any such inspections occurring between May first, nineteen hundred and ninety-four and May thirty-first, nineteen hundred and ninety-four, inclusive, shall be valid and shall not expire until May thirty-first, nineteen hundred and ninety-five.

Approved June 2, 1994.

Chapter 34. AN ACT AUTHORIZING THE CITY OF CHELSEA TO HOLD A SPECIAL CITY ELECTION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provision of any general or special law, ordinance or charter provision to the contrary, there shall be a special election in the city of Chelsea to be held no later than June twenty-eighth, nineteen hundred and ninety-four, for the purpose of submitting to the voters of said city for the expression of their opinion a ballot

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question prepared by the receiver of said city on the proposed form of governance for said city of Chelsea. The question, as prepared by the receiver, shall be placed on a written or printed ballot, which ballot shall be prepared by the city clerk, and at public expense. The receiver shall cause a copy of the ballot question and a brief summary of the basic provisions pertaining to the proposed form of governance, including the proposed composition and mode of selection of the legislative and executive branches and the school committee to be printed and a copy distributed to each residence of one or more registered voters.

SECTION 2. The votes cast shall be received, sorted, declared and transmitted by the city clerk to the receiver for said city. The receiver shall, pursuant to chapter two hundred of the acts of nineteen hundred and ninety-one and as directed by voters of said city, submit a proposed charter to the general court along with his recommendations.

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

Approved June 2, 1994.

Chapter 35. AN ACT ESTABLISHING A SICK LEAVE BANK FOR EDWARD CAVALLARI, AN EMPLOYEE OF THE WRENTHAM STATE SCHOOL.

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 Wrentham state school, therefore 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 Wrentham state school is hereby authorized and directed to establish a sick leave bank for Edward Cavallari, an employee of said school. Any employee of said school may voluntarily contribute one or more of his sick, personal or vacation days to said sick leave bank for use by said Edward Cavallari.

The foregoing was laid before the Governor on the twenty-third day of May, 1994 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 36. AN ACT RELATIVE TO PROVIDING COUNTY CORRECTION OFFICERS WITH CERTAIN RETIREMENT BENEFITS AFTER TWENTY YEARS OF SERVICE.

Be it enacted, etc., as follows:

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Chapter 32 of the General Laws is hereby amended by inserting after section 28M the following section:-

Section 28N. Notwithstanding the provisions of sections one to twenty-eight, inclusive, to the contrary, any correction or jail officer employed by county sheriffs' offices who has performed services in said office 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 sections twelve and thirteen and the normal yearly amount thereof shall be equal to one-half of the annual average rate of his regular compensation 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 June 7, 1994.

Chapter 37. AN ACT EMPOWERING THE BOSTON FAIR HOUSING COMMISSION TO IMPOSE CIVIL PENALTIES AND ENFORCE BY JUDICIAL POWER THE PROVISIONS OF TITLE VIII.

Be it enacted, etc., as follows:

SECTION 1. The following words used in this act shall have the following meanings:

"Aggrieved person", any person who claims to have been injured by a discriminatory housing practice or believes such person will be injured by a discriminatory housing practice that is about to occur.

"Commission", the Boston Fair Housing Commission.

"Housing accommodations", any building, structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more human beings and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

"Person", includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and the commonwealth and all political subdivisions and boards or commissions thereof.

"Source of income", shall not include income derived from criminal activity.

SECTION 2. Subject to the provisions of section five, classes protected by this act shall include race, color, religious creed, marital status, handicap, military status, children, national origin, sex, age, ancestry, sexual orientation and source of income.

SECTION 3. All housing accommodations in the city of Boston shall be subject to this act, except as hereinafter provided. Nothing in this act shall apply to housing accommodations which are specifically exempted from coverage by this act, Title VIII of the Civil Rights Act of 1988, as amended, 42 U.S.C. Sections 3601 et seq. or chapter one hundred and fifty-one B of the General Laws. Nothing in this act shall apply to the leasing or rental to two or fewer roomers, boarders, or lodgers who rent a unit in a licensed lodging house.

SECTION 4. Nothing in this act shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of housing accommodations which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, marital status, handicap, military status, children, national origin, sex, age, ancestry, sexual orientation or source of income.

SECTION 5. In the city of Boston, discriminatory housing practices are prohibited; provided, however, that no practice shall be prohibited hereunder unless such practice is also prohibited by the federal Fair Housing Act or chapter one hundred and fifty-one B of the General Laws.

SECTION 6. Any person who violates the provisions of this act as to discriminatory housing practices shall, pursuant to the provisions of section seven, be subject to orders, temporary, equitable and legal, including compensatory damages, punitive damages or civil penalties and attorney's fees and costs.

SECTION 7. The commission, established pursuant to chapter ten of the city of Boston Ordinances of 1982, as amended, shall, in addition to every other power heretofore or hereafter provided by statute or ordinance, have jurisdiction of all housing accommodations subject to this act. The commission shall have the following powers and duties as to such housing accommodations, except as to those housing accommodations in any building or structure containing one, two, three or four dwelling units, one of which is occupied by the owner thereof as his permanent residence.

At any time after the filing of a complaint, and before or after the final disposition of a complaint, the commission may file a petition in Suffolk superior court or the Boston housing court departments of the trial court of the commonwealth seeking appropriate preliminary, temporary and/or injunctive relief against such respondent including orders or decrees restraining and enjoining the selling, renting or otherwise making unavailable to the complainant any housing accommodations with respect to which the complaint is made, pending the final determination of proceedings under this act.

If the commission, after hearing, finds that a respondent has engaged in any unlawful practice as set forth in section five, it shall state its findings of fact and shall issue and cause

to be served on such respondent an order requiring such respondent to cease and desist from such unlawful practice or violation. Such cease and desist orders and orders for affirmative relief may be issued to operate prospectively. Any such cease and desist order shall be subject to judicial review pursuant to section eight of this act.

If the commission, after hearing, shall find that a respondent has engaged in any unlawful practice relative to housing or real estate, as set forth in section five, in addition to any other action it may take under this act, the commission may:

(1) Award damages to the aggrieved party which damages shall include, but shall not be limited to, the expense incurred by the aggrieved party for obtaining alternate housing or space, for storage of goods and effects, for moving and for other costs actually incurred as a result of such unlawful practice or violation. Damages for emotional distress may also be awarded to the aggrieved party. Any respondent aggrieved by such an award of damages may, within ten days of notice of such award, bring a petition in Suffolk superior court or the Boston housing court departments of the trial court of the commonwealth addressed to the justice of the court, praying that the action of the commission in awarding damages be reviewed by said court;

(2) Assess a civil penalty against the respondent, (a) in an amount not to exceed ten thousand dollars if the respondent has not been adjudged to have committed a prior discriminatory housing practice; (b) in an amount not to exceed twenty-five thousand dollars if the respondent has been adjudged to have committed one other discriminatory housing practice during the five year period ending on the date of the filing of the complaint; and (c) in an amount not to exceed fifty thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices during the seven year period ending on the date of the filing of the complaint. Any such penalties assessed hereunder shall be deposited in a trust fund to be administered by the city of Boston to be used solely for programs that benefit publicly assisted housing residents in the city of Boston;

(3) Arrange to have adjudicated in court, at the commission's expense, the award of punitive damages against such respondent; and

(4) Arrange to have adjudicated in court, the allowance of reasonable attorney's fees and costs to any prevailing aggrieved person unless special circumstances make the recovery of such fees and costs unjust. The complainant alleging violations of this act shall be liable for attorney's fees and costs to the extent that his participation was frivolous, vexatious or for the purpose of harassment.

The commission shall promulgate rules and regulations consistent with those of the Massachusetts commission against discrimination to effectuate the goals, policies and provisions of this act. The Massachusetts law of evidence shall apply in all proceedings before the commission.

SECTION 8. The actions of the commission shall be subject to judicial review upon application as provided herein by any party aggrieved by a final order of the commission. Judicial review of a final commission order shall be in Suffolk superior court or the Boston housing court departments of the trial court of the commonwealth which shall have the authority to grant to any party, such temporary relief, restraining order, or other order as the

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court determines is just and proper. The reviewing court shall affirm, modify, or set aside, in whole or in part, the order, or remand the order for further proceedings and enforce the order to the extent that the order is affirmed or modified.

SECTION 9. An aggrieved person, with or without filing a complaint at the commission and without regard to the status of such complaint, may commence a civil action in a court of competent jurisdiction not later than two years after the occurrence or termination of a discriminatory housing practice, or the breach of a conciliation agreement entered into with the commission, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach; provided, however, that if an aggrieved person has consented to a conciliation agreement, such aggrieved person may not file a civil action with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing such agreement; and provided, further, that an aggrieved person may not commence a civil action with respect to an alleged discriminatory housing practice if a hearing commissioner determines that probable cause exists and a hearing has commenced before the commission. The computation of such two-year period as to an alleged discriminatory housing practice, but not as to a breach of a conciliation agreement, shall not include any time during which an administrative proceeding is pending with respect to a complaint based upon such discriminatory housing practice. If the court finds that a discriminatory housing practice has occurred or is about to occur, an aggrieved person shall have available any and all remedies pursuant to this act. This section does not preclude the right of any aggrieved person to seek relief under chapter one hundred and fifty-one B of the General Laws.

SECTION 10. This act is to be interpreted consistent with the provisions of Title VIII of the Civil Rights Act of 1988, as amended, 42 U.S.C. Sections 3601 et seq. and chapter one hundred and fifty-one B of the General Laws.

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

Approved June 7, 1994.

Chapter 38. AN ACT AUTHORIZING THE TOWN OF SUTTON TO REFUND SEWER PRIVILEGE FEES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule, regulation or bylaw to the contrary, the town of Sutton, acting by and through its board of selectmen, is hereby authorized to refund sewer privilege fees assessed and collected prior to the effective date of this act under the provisions of sections seventeen to twenty-four, inclusive, of chapter eighty-three of the General Laws, the amount and recipients of such refunds to be determined by said board.

Approved June 7, 1994.

Chapter 39. AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF THE E.K. WILCOX POST NO. 16, DEPARTMENT OF MASSACHUSETTS, GRAND ARMY OF THE REPUBLIC OF THE CITY OF SPRINGFIELD TO USE INTEREST FROM FUNDS INVESTED FOR MAINTENANCE OF THE GRAND ARMY HALL IN SAID CITY OF SPRINGFIELD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the board of trustees of the E.K. Wilcox Post No. 16, Department of Massachusetts, Grand Army of the Republic to use certain interest from funds invested for maintenance of the Grand Army Hall in the city of Springfield, therefore 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 two of chapter two hundred and ninety-three of the acts of nineteen hundred and thirty-one or any other general or special law to the contrary, the board of trustees of the E.K. Wilcox Post No. 16, Department of Massachusetts, Grand Army of the Republic of the city of Springfield are hereby authorized to use the interest from funds invested from an eminent domain taking for the general maintenance and repairs of the building located at 68 Court street, in said city of Springfield.

Approved June 7, 1994.

Chapter 40. AN ACT AUTHORIZING THE STATE SECRETARY TO PLACE A CERTAIN QUESTION ON THE BIENNIAL STATE ELECTION BALLOT IN THE TOWN OF YARMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The state secretary shall cause the following question to be placed on the official ballot to be used in the town of Yarmouth at the biennial state election to be held in the year, nineteen hundred and ninety-four:-

"Shall the board of selectmen of the town of Yarmouth be directed to petition the general court to amend the provisions of chapter seven hundred and sixteen of the acts of nineteen hundred and eighty-nine to exempt and remove the town of Yarmouth from the provisions of said chapter seven hundred and sixteen establishing the Cape Cod commission?" If a majority of the votes cast in answer to said question are in the affirmative then said board shall prepare said petition and submit the same to the general court on behalf of said town.

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

Approved June 7, 1994.

Chapter 41. AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN EMPLOYEE OF THE DEPARTMENT OF MENTAL HEALTH.

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 mental health, therefore 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 mental health is hereby authorized and directed to establish a sick leave bank for Debra Breton, an employee of said department. 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 Debra Breton.

The foregoing was laid before the Governor on the twenty-fourth day of May, 1994 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 42. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF PLYMOUTH AS THE GILBERT FREEMAN, JAMES F. MANSFIELD, AMERIGO SCAGLIARINI, AND JOSEPH J. SIRRICO MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge located on state highway route 3 over South street in the town of Plymouth shall be designated and known as the Gilbert Freeman, James F. Mansfield, Amerigo Scagliarini and Joseph J. Sirrico Memorial Bridge in honor of these men who were residents of said South street and died in the service of their country during World War II. The department of highways shall erect a suitable marker at such bridge bearing said designation in compliance with the standards of said department.

Approved June 14, 1994.

Chapter 43. AN ACT FURTHER REGULATING PUBLIC FINANCING OF POLITICAL CAMPAIGNS.

Whereas,The deferred operation of this act would tend to defeat its purpose, which is in part, to immediately further regulate public financing of political campaigns, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 3 of the General Laws is hereby amended by striking out sections 39 to 44, inclusive, as appearing in the 1992 Official Edition, and inserting in place thereof the following six sections:-

Section 39. As used in sections thirty-nine to fifty, inclusive, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

"Authority", any public instrumentality of the commonwealth which is not subject to the supervision and control of either the legislative, executive or judicial departments of state government, or of any city, town, or county within the commonwealth, and which does not receive state appropriations either for operations or the payment of debt obligations. Notwithstanding the foregoing provisions, the following entities shall be considered to be authorities: Bay State Skills Corporation, Boston Metropolitan District, centers of excellence, Community Economic Development Assistance Corporation, Community Development Finance Corporation, Government Land Bank, Massachusetts Bay Transportation Authority, Massachusetts Business Development Corporation, Massachusetts Convention Center Authority, Massachusetts Corporations for Educational Telecommunications, Massachusetts Educational Loan Authority, Massachusetts Health and Educational Facilities Authority, Massachusetts Higher Education Assistance Corporation, Massachusetts Housing Finance Agency, Massachusetts Industrial Finance Agency, Massachusetts Industrial Service Program, Massachusetts Legal Assistance Corporation, Massachusetts Municipal Wholesale Electric Company, Massachusetts Port Authority, Massachusetts Product Development Corporation, Massachusetts Technology Development Corporation, Massachusetts Technology Park Corporation, Massachusetts Turnpike Authority, Massachusetts Water Resources Authority, Nantucket land bank, Pension Reserves Investment Management Board, State College Building Authority, Southeastern Massachusetts University Building Authority, Thrift Institutions Fund for Economic Development, University of Lowell Building Authority, University of Massachusetts Building Authority, Victim and Witness Board, Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, Worcester Business Development Corporation, the several regional transit authorities, the several regional school districts, the several solid waste districts, the several water, sewer, and fire districts, the several local housing authorities, the several local redevelopment authorities, and the several home care corporations.

"Executive agent", a person who for compensation or reward does any act to influence the decision of any employee of the executive branch or an authority, including but not limited to statewide constitutional officers and employees thereof, in the area of policy or procurement or where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto. The term "executive agent" shall include a person who, as part of his regular and usual employment and not simply incidental thereto, attempts to influence any such employee of the executive branch or an authority in decisions in the area of policy or procurement or where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or re-

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gulation pursuant thereto, whether or not any compensation in addition to the salary for such employment is received for such services; provided, however, that for purposes of this definition a person shall be presumed to engage in activity covered by this definition in a manner that is only incidental to his regular and usual employment if he spends less than five percent of his working hours on any matter or matters covered by this definition during any calendar year.

"Legislation", bills, resolutions and proposals of every kind, character or description considered by the general court or any committee thereof, or the governor.

"Legislative agent", a person who for compensation or reward does any act to promote, oppose or influence legislation, or to promote, oppose or influence the governor's approval or veto thereof. The term "legislative agent" shall include a person who, as part of his regular and usual employment and not simply incidental thereto, attempts to promote, oppose or influence legislation, or the governor's approval or veto thereof, whether or not any compensation in addition to the salary for such employment is received for such services; provided, however, that for purposes of this definition a person shall be presumed to engage in activity covered by this definition in a manner that is only incidental to his regular and usual employment if he spends less than five percent of his working hours on any matter or matters covered by this definition during any calendar year.

Section 40. A person employing or agreeing to employ an executive or legislative agent shall, within one week after such employment or agreement, cause the name of such agent to be entered in the docket as provided in section forty-one. The agent shall, within ten days, also enter his name upon such docket.

The termination of such employment shall be entered opposite the name of such agent either by such agent or by such employer.

Section 41. The state secretary shall keep a docket in which shall be entered the names of all persons who are employed as executive or legislative agents. Such entries shall include the name, business address and the employer's business interests which may be affected by decisions of employees of the executive branch or an authority, including but not limited to, statewide constitutional officers and employees thereof, or legislation; the name, business address and business interests which may be affected by decisions of such employees of the executive branch or an authority or legislation, in whose behalf the executive or legislative agent is retained or employed if said person is not the direct employer, the name and residence of the executive or legislative agent, the date of the employment or agreement therefor and the duration of the employment status, if ascertainable.

The state secretary shall assess each executive and legislative agent a reasonable filing fee upon entering said agent's name upon the docket. Said fee shall be determined by the costs of maintaining said docket. The state secretary shall apply said fee to the costs of maintaining said docket.

Every executive and legislative agent shall, within ten days after entering his name upon the docket, file with the state secretary a written authorization to act as such agent, signed by the employer on whose behalf the executive or legislative agent assumes to act and

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shall provide three photographs of said agent to the state secretary.

Upon receipt of said notification required in section forty from the employer of an executive or legislative agent, the state secretary shall issue to each executive and legislative agent a non-transferable identification card which shall include, but not be limited to, a photograph and the address and name of the employer or employers of said executive or legislative agent.

All information required to be filed under the provisions of this section shall be compiled by the state secretary and shall be organized alphabetically according to the name of the person whose name is entered upon the docket and such files shall be open and accessible for public inspection during normal business hours.

Section 42. No person shall make any agreement whereby any compensation or thing of value is to be paid to any person contingent upon the decision of any employee of the executive branch or an authority, including but not limited to, statewide constitutional officers and employees thereof, or the passage or defeat of any legislation or the approval or veto of any legislation by the governor. No person shall agree to undertake to influence the decision of such an employee of the executive branch or an authority or to communicate with such employees of the executive branch or an authority or to promote, oppose or influence legislation or to communicate with members of the legislature, or to advocate approval or veto by the governor for consideration to be paid upon the contingency of the outcome of a decision of such an employee of the executive branch or an authority or that any legislation is passed or defeated.

Section 43. On or before the fifteenth day of April, complete from January first through March thirty-first; the fifteenth day of July, complete from April first through June thirtieth; the fifteenth day of October, complete from July first through September thirtieth; and the fifteenth day of January, complete from October first through December thirty-first of the preceding year, every executive and legislative agent appearing on the docket shall render to the state secretary an itemized statement, under oath, listing all campaign contributions as defined in section one of chapter fifty-five; all expenditures, and the total amount thereof, incurred, contributed or paid during the reporting period in the course of his employment as an executive or legislative agent and all expenditures made for or on behalf of statewide constitutional officers, employees of such offices, members of the general court, employees of the general court, employees of the executive branch and employees of an authority, incurred or paid during the reporting period, except that the executive or legislative agent shall not be required to report such expenditures not in the course of his employment made for or on behalf of the immediate family of such executive or legislative agent or a relative within the third degree of consanguinity of the executive or legislative agent or of his spouse or the spouse of any such relative; and except that in the case of all expenditures the executive or legislative agent shall not be required to itemize the expenditures of any one day in which the amount incurred or paid did not total thirty-five dollars or more. Such itemized accounting shall include, but not be limited to, specific expenditures for meals, gifts, transportation, entertainment, advertising, public relations, printing, mailing and telephone; and shall also include the names of the payees and the a-

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mount paid to each payee and shall further include the names of the candidate or political committee to whom or to which the contribution was made, and the amount and date of each contribution.

When such expenditure is for meals, entertainment or transportation, said expenditure shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such meal, entertainment or transportation. No expenditure shall be split or divided for the purpose of evading any provision of the section. The state secretary shall, within thirty days of receipt of such accounting, notify persons whose names appear therein as having received campaign contributions, meals, transportation or entertainment, as to the nature of the contribution or expenditure claimed, the date and amount of the contribution or expenditure, and the person or persons who reported the contribution or expenditure.

Every executive and legislative agent shall include in the statement required by this section a list of all bill numbers of legislation the executive or legislative agent acted to promote, oppose or influence during the reporting period in the course of his employment. The disclosure shall only be required if the executive or legislative agent specifically referenced the bill number while acting to promote, oppose or influence legislation.

The state secretary shall assess a penalty for any statement which is filed by an executive or legislative agent later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. Said penalty shall be in the amount of two hundred and fifty dollars when such statement has been filed ten days late or less, and in the amount of five hundred dollars when such statement is more than ten days late; provided, however, that the state secretary may waive said penalty for good cause. A waiver for good cause shall not be granted for statements filed more than sixty days late by executive or legislative agents, or groups and organizations employing executive or legislative agents, which have never filed or have never been required to file such statements. In all other instances no waiver for good cause shall be granted when a statement has been filed more than thirty days late.

The state secretary shall prescribe and make available the appropriate statement forms which shall be open and accessible for public inspection during normal working hours.

Notwithstanding the provisions of any general or special law to the contrary, no executive or legislative agent shall knowingly offer or knowingly give to any public official or public employee, as defined in section one of chapter two hundred and sixty-eight B, or to a member of such person's immediate family any gift, as defined in said section one of said chapter two hundred and sixty-eight B, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such public official or employee, whether or not such gift or meal, beverage or other item to be consumed is offered, given or paid for in the course of such agent's business or in connection with a personal or social event; provided, however, that an executive or legislative agent shall not be prohibited from offering or giving to a public official or public employee who is a member of his immediate family or a relative within the third degree of consanguinity or of such agent's spouse or the spouse of any such relative any meal, beverage or item to be consumed.

Section 44. On or before the fifteenth day of April, complete from January first

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through March thirty-first; the fifteenth day of July, complete from April first through June thirtieth; the fifteenth day of October, complete from July first through September thirtieth; and the fifteenth day of January, complete from October first through December thirty-first of the preceding year, any group or organization, however constituted, not employing an executive or legislative agent which as part of an organized effort, expends in excess of two hundred and fifty dollars during any calendar year to promote, oppose, or influence legislation, or the governor's veto or approval thereof, or to influence the decision of any employee of the executive branch or an authority, including but not limited to statewide constitutional officers and employees thereof, in the area of policy or procurement or where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto shall register with the state secretary by rendering a statement, under oath, containing the names and addresses of the principals of such group or organization, the purposes of the organization, the decisions of such employees of the executive branch or an authority or legislation which affects those purposes, the total amount of expenditures, incurred or paid during the reporting period in furtherance of the foregoing objectives and an itemized statement containing all expenditures made for or on behalf of statewide constitutional officers, employees of such offices, members of the general court, employees of the general court, employees of the executive branch and employees of an authority. Such itemized accounting shall include, but shall not be limited to, specific expenditures for meals, transportation, entertainment, advertising, public relations, printing, mailing and telephone and the names of the payees and the amount paid to each payee. Where such expenditure is for meals, entertainment or transportation, said expenditure shall be identified by date, place, amount, and the names of all persons in the group partaking in, or of, such meal, entertainment or transportation. The itemized accounting shall also include a list of all campaign contributions, as defined in section one of chapter fifty-five, made by the group to a political candidate or committee, the name of each candidate or committee, the amount contributed and the date of the contribution. The statement of the group or organization shall also include a listing of the names and addresses of every person, group or organization from whom fifteen dollars or more was contributed during the year for the objectives hereinabove stated. No expenditure or contribution shall be split or divided for the purpose of evading any provision of this section. The state secretary shall prescribe and make available the appropriate statement forms which after being completed and filed with the secretary shall be organized alphabetically according to the name of the group and such files shall be open and accessible for public inspection during normal business hours.

The state secretary shall assess a penalty for any statement which is filed by such a group or organization later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. Said penalty shall be in the amount of one hundred dollars when such statement has been filed ten days late or less, and in the amount of two hundred and fifty dollars when such statement is more than ten days late; provided, however, that the state secretary may waive said penalty for good cause. A waiver for good cause shall not be granted for statements filed more than sixty days late by executive or legislative agents, or groups and organizations employing

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executive or legislative agents, which have never filed or have never been required to file such statements. In all other instances no waiver for good cause shall be granted when a statement has been filed more than thirty days late.

This section shall not apply to any group or organization that (i) does not employ an executive or legislative agent; (ii) is required to file under another section of this chapter; (iii) does not realize a profit; (iv) does not make a contribution, as defined in section one of chapter fifty-five, to a political candidate or committee; (v) does not pay a salary or fee to any member for any activities performed for the benefit of the group or organization; and (vi) expends two thousand dollars or less during any calendar year to promote, oppose, or influence legislation, or the governor's veto or approval thereof, or to influence the decision of any employee of the executive branch or an authority, including but not limited to statewide constitutional officers and employees thereof, in the area of policy or procurement or where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto.

SECTION 2. Section 45 of said chapter 3, as so appearing, is hereby amended by striking out, in line 2, the word "a", the second time it appears, and inserting in place thereof the words:- an executive or.

SECTION 3. Said section 45 of said chapter 3, as so appearing, is hereby amended by inserting after the word "as", in line 6, the following words:- an executive or.

SECTION 4. Section 46 of said chapter 3, as so appearing, is hereby further amended by inserting after the word "of", in line 1, the following words:- executive and.

SECTION 5. Said chapter 3 is hereby further amended by striking out section 47, as so appearing, and inserting in place thereof the following section:-

Section 47. On or before the fifteenth day of April, complete from January first through March thirty-first; the fifteenth day of July, complete from April first through June thirtieth; the fifteenth day of October, complete from July first through September thirtieth; and the fifteenth day of January, complete from October first through December thirty-first of the preceding year, every employer of an executive or legislative agent whose name appears upon the docket shall render to the state secretary a complete and detailed itemized statement, under oath, listing all expenditures incurred or paid separately by such employer during the reporting period in connection with promoting, opposing or influencing legislation, or the governor's approval or veto thereof, or to influence the decision of any employee of the executive branch or an authority, including but not limited to, statewide constitutional officers and employees thereof, in the area of policy or procurement or where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto and all expenditures for or on behalf of the statewide constitutional officers, employees of such offices, members of the general court, employees of the general court, employees of the executive branch and employees of an authority, and the total amount thereof incurred or paid separately by such employer during the reporting period; and except that in the case of all expenditures the employer shall not be required to itemize the expenditures of any one day in which the amount incurred or paid did not total thirty-five dollars or more. Such itemized accounting shall include, but shall not be limited

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to, specific expenditures for meals, gifts, transportation, entertainment, advertising, public relations, printing, mailing, and telephone; and the names of the payees and the amount paid to each payee; and shall further include the names of the candidate or political committee to whom or to which the contribution was made and the amount and date of each contribution. Where such expenditure is for meals, entertainment or transportation, said expenditure shall be identified by the date, place, amount, and names of all persons in the group partaking in, or of, such meal, entertainment, or transportation. When such compensation is included as part of a regular salary or retainer, the statement shall specify the amount of the agent's salary or retainer allocable to his legislative duties. If no such apportionment is possible, the statement shall indicate such impossibility and disclose the full salary or retainer. No expenditure shall be split or divided for the purpose of evading any provision of this section.

The state secretary shall assess a penalty for any statement which is filed by such an employer later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. Said penalty shall be in the amount of two hundred and fifty dollars when such statement has been filed ten days late or less, and in the amount of five hundred dollars when such statement is more than ten days late; provided, however that the state secretary may waive said penalty for good cause. A waiver for good cause shall not be granted for statements filed more than sixty days late by executive or legislative agents, or groups and organizations employing executive or legislative agents, which have never filed or have never been required to file such statements. In all other instances no waiver for good cause shall be granted when a statement has been filed more than thirty days late.

The state secretary shall prescribe and make available the appropriate statement forms which after being completed and filed with the secretary shall be organized alphabetically, according to the name of the employer and such files shall be open and accessible for public inspection during normal business hours.

SECTION 6. Section 48 of said chapter 3, as so appearing, is hereby amended by inserting after the word "as", in lines 4 and 6, in each instance, the following words:- an executive or.

SECTION 7. Section 43 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out subparagraphs (a) and (b) and inserting in place thereof the following two subparagraphs:-

(a) Fifty percent of the fund shall be allocated to the primary election account which shall be further subdivided into as many primary candidate accounts as there are candidates for statewide elective office who have been certified by the director of campaign and political finance as eligible for public financing pursuant to section four of chapter fifty-five A. Each primary candidate account of a candidate for governor so certified shall first be credited with seven hundred and fifty thousand dollars; provided, however, that if the primary election account does not contain sufficient funds, said amount shall be proportionately reduced accordingly. Thereafter, funds remaining in the primary election account shall be proportionately allocated in equal amounts to the remaining primary can-

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didate accounts.

(b) Fifty percent of the fund shall be allocated to the state election account. On or before the fourth Tuesday preceding the state election, the state election account shall be further subdivided into as many state election candidate accounts as there are candidates for statewide elective office who have been certified by the director of campaign and political finance as eligible for public financing pursuant to section six of chapter fifty-five A; provided, however, that one state election candidate account only shall be established for each governor and lieutenant governor team of candidates. Each state election candidate account for a team of candidates for governor and lieutenant governor so certified shall first be credited with seven hundred and fifty thousand dollars; provided, however, that if the state election account does not contain sufficient funds, said amount shall be proportionately reduced accordingly. Thereafter, funds remaining in the state election account shall be proportionately allocated in equal amounts to the remaining state election candidate accounts.

SECTION 8. Section 9 of chapter 53 of the General Laws, as so appearing, is hereby amended by adding the following two sentences:- No nomination paper for statewide elective office, as defined in section one of chapter fifty-five A, shall be received or be valid unless accompanied by a receipt from the director of campaign and political finance verifying the fact that the candidate has filed with said director the statement required by subsection (a) of section one A of said chapter fifty-five A. The name of a candidate who fails to file any statement within the time required by said section one A shall not appear on the state primary or state election ballot.

SECTION 9. Section 1 of chapter 55 of the General Laws, as so appearing, is hereby amended by inserting before the definition of "Candidate" the following definition:- "Ballot question committee", a political committee which receives or expends money or other things of value for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters including, without limitation, a charter change, an initiative or referendum question or a constitutional amendment.

SECTION 10. Said section 1 of said chapter 55, as so appearing, is hereby further amended by inserting after the definition of "Candidate" the following definition:-

"Candidate's committee", the political committee organized on behalf of a candidate, as provided in section five. The term "candidate's committee" shall also apply to the campaign fund of a candidate who has not organized a political committee for the purpose of carrying out the election campaign of such candidate or who receives contributions or makes expenditures independently of said committee.

SECTION 11. The definition of "Contribution" in said section 1 of said chapter 55, as so appearing, is hereby amended by inserting after the word "contribution", in line 54, the following words:- ; provided, further, that any transfer, payment or advance or any other thing of value from the national committee of a political party to the state committee of a political party, to be used for administrative, overhead, or party building activities, but not including any direct contributions or services to candidates shall not be considered to be a contribution.

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SECTION 12. Said section 1 of said chapter 55, as so appearing, is hereby further amended by inserting after the definition of "Election" the following definition:-

"Executive agent", an executive agent as defined in section thirty-nine of chapter three.

SECTION 13. Said section 1 of said chapter 55, as so appearing, is hereby further amended by inserting after the definition of "Expenditure" the following two definitions:-

"Legislative agent", a legislative agent as defined in section thirty-nine of chapter three.

"Political action committee", a political committee which is not a candidate's committee, a political party committee nor a ballot question committee; provided, however, that a political committee which does not receive contributions from any individual that exceed one hundred dollars in any calendar year, which has been in existence for six months or more and which contributes to five or more candidates shall not be a political action committee; provided, further, that said one hundred dollar amount shall be indexed biennially for inflation by the director, who, not later than December thirty-first of each odd numbered year, shall calculate and publish such index amount, using the federal consumer price index for the Boston statistical area.

SECTION 14. Said section 1 of said chapter 55, as so appearing, is hereby further amended by inserting after the definition of "Political committee" the following definition:-

"Political party committee", a political committee organized on behalf of a political party, as defined in section one of chapter fifty, whether elected or non-elected.

SECTION 15. Said section 1 of said chapter 55, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding any other provisions of this chapter, communications from a membership organization, not including a corporation subject to section eight, to its members and their families on any subject shall not be deemed to be a contribution or expenditure.

SECTION 16. Clause (1) of section 2 of said chapter 55, as so appearing, is hereby amended by striking out, in lines 15 to 22, inclusive, the words "provided, however, that any contribution resulting from any purchases from a candidate or a person acting on his behalf, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activities, including testimonials, held on behalf of said candidate, regardless of the purpose of said activity, shall not be included with the accounts of those contributions described herein, but shall be included with those accounts of contributions in clauses (2) and (4).

SECTION 17. Said section 2 of said chapter 55, as so appearing, is hereby further amended by striking out clauses (2) to (8), inclusive, and inserting in place thereof the following three clauses:-

(2) the amount or value and date of each contribution made in a reporting period, which is not otherwise included under clause (1);

(3) the full name and address of each person to whom an expenditure is made in excess of fifty dollars in a reporting period, a receipted bill stating the particulars of each such expenditure, including the amount or value, date and purpose of each such expenditure;

(4) the amount or value, date and purpose of each expenditure made in a reporting period, which is not otherwise included under clause (3).

SECTION 18. Said section 2 of said chapter 55, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:-

In addition to the information otherwise required by this section, a candidate shall keep and preserve accounts including the occupation and employer or employers of each person who has made a contribution in an amount or value of two hundred dollars or more in any one calendar year, and such information for each contribution of less than two hundred dollars, if the aggregate of all contributions received from such contributor within any one calendar year is two hundred dollars or more; provided, however, that a candidate shall satisfy such requirement of including said occupation and employer by requesting a contributor's occupation and employer at the time a contribution is solicited and making one additional written request. A candidate's committee shall be allowed to keep any such contribution if such candidate has complied with the provisions of this paragraph.

SECTION 19. Section 3 of said chapter 55, as so appearing, is hereby amended by adding the following paragraph:-

The director shall assess a civil penalty for any report, statement or affidavit required to be filed with him, or with any city or town clerk upon written notice to him from such clerk, pursuant to the provisions of this chapter which is filed later than the prescribed date. Said civil penalty shall be in the amount of ten dollars per day; provided, however, that the maximum penalty the director may assess shall be no greater than twenty-five hundred dollars for any one report, statement or affidavit which is filed later than the prescribed date. The director may waive all or part of any civil penalty for good cause; provided, however, that such finding and the reasons therefor are in writing. In the case of failure to file by a candidate or a candidate's committee, the civil penalty shall be assessed against the candidate; and in all other instances, the civil penalty shall be assessed against the treasurer of the political committee or other person or persons required to file such report, statement or affidavit.

SECTION 20. The second paragraph of section 5 of said chapter 55, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) the full name of the political committee, which, if organized on behalf of a candidate, shall include the name of the candidate in said name; which, if not organized on behalf of a candidate, shall include the full words represented by any abbreviations, initials or acronyms in said name; and which, if a political action committee, shall include the words "Political Action Committee" in said name;.

SECTION 21. Said second paragraph of said section 5 of said chapter 55, as so appearing, is hereby further amended by striking out clause (3) and inserting in place thereof the following clause:-

(3) a statement of the purpose for which the political committee is organized which shall include, except for political party committees and candidate's committees, a list of specific issues in which the committee takes an interest, and a list of specific interests, in-

cluding but not limited to business, charitable, educational, or other interests represented by the committee, or by a significant proportion of its officers, members or donors.

SECTION 22. Said chapter 55 is hereby further amended by inserting after section 5 the following two sections:-

Section 5A. No candidate or individual holding elective public office shall establish, finance, maintain, control or serve as a principal officer of a political action committee; provided, however, that each of the following may authorize one such political committee to which this section shall not apply: a majority of the members of each political party who are members of the house of representatives, and a majority of the members of each political party who are members of the senate.

Section 5B. (a) Every political committee, other than a political party committee or a candidate's committee, shall name and identify itself in its organizational statement pursuant to section five by using a name or phrase that:

(i) clearly identifies the economic or other special interest, if identifiable, of a majority of its contributors; and

(ii) if a majority of its contributors share a common employer, that identifies the employer.

(b) If the economic or other special interest or common employer are not identifiable under subsection (a), every such political committee shall name and identify itself in its organizational statement using a name or phrase:

(i) that clearly identifies the economic or other special interest, if identifiable, of a majority of its organizers; and

(ii) if a majority of its organizers share a common employer, that identifies the employer; and

(iii) if the committee is organized, financed, controlled or maintained by an individual, that identifies said individual.

(c) No political committee shall use any name other than the name included in its organizational statement.

SECTION 23. Section 6 of said chapter 55, as so appearing, is hereby amended by inserting after the word "candidate", in line 9, the following words:- , except that such committee may contribute to a political committee of a political party, provided that: (a) the aggregate of all contributions to any one such political committee shall not exceed the sum of one hundred dollars in any one calendar year; and (b) the aggregate of all such contributions shall not exceed the sum of fifteen hundred dollars in any one calendar year.

SECTION 24. The third paragraph of said section 6 of said chapter 55, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- Except as otherwise provided in section six A or six B, a political committee not organized on behalf of an individual candidate may contribute to another political committee not organized on behalf of an individual candidate; provided, however, that the aggregate of all such contributions for the benefit of the political committees of any one political party shall not exceed in any one calendar year the sum of five thousand dollars; and provided, further, that the aggregate of all such contributions for

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the benefit of any one such political committee other than a political party committee shall not exceed in any one calendar year the sum of five hundred dollars. A political committee not organized on behalf of an individual candidate, other than a political party committee, may contribute to the campaign fund of a candidate; provided, however, that the aggregate of all such contributions for the benefit of any one candidate and such candidate's committee shall not exceed the sum of five hundred dollars in any one calendar year.

SECTION 25. Said section 6 of said chapter 55, as so appearing, is hereby further amended by inserting after the word "section", in line 65, the following words:- or section six A or six B.

SECTION 26. Said chapter 55 is hereby further amended by inserting after said section 6 the following two sections:-

Section 6A. A candidate and such candidate's committee shall not accept any contribution from a political action committee if such contribution would result in such candidate and such committee together receiving from all political action committees aggregate contributions in any calendar year in excess of the following amounts:

(a) a candidate for governor, including contributions jointly to such candidate for governor and a candidate for lieutenant governor in a state election - one hundred and fifty thousand dollars;

(b) a candidate for lieutenant governor - thirty-one thousand, two hundred and fifty dollars;

(c) a candidate for attorney general - sixty-two thousand, five hundred dollars;

(d) a candidate for state secretary, state treasurer, and state auditor - thirty-seven thousand, five hundred dollars;

(e) a candidate for state senator, county commissioner, governor's councillor, district attorney, clerk of courts, register of probate, registrar of deeds or any other county officer - eighteen thousand, seven hundred and fifty dollars;

(f) a candidate for state representative - seven thousand, five hundred dollars.

Section 6B. A ballot question committee may receive, pay and expend money or other things of value solely for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters. A ballot question committee shall not contribute to any other political committee, except that it may contribute to another ballot question committee if such contribution is consistent with the purpose for which it was organized. A ballot question committee shall not make any expenditure that is primarily for the personal use of any candidate or other person, nor shall it make any expenditure inconsistent with the purpose for which it was organized. A ballot question committee shall not receive, pay or expend money or other things of value for the purpose of influencing the nomination or election of a candidate or for the purpose of aiding or promoting or antagonizing the interest of any political party.

SECTION 27. Said chapter 55 is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following two sections:-

Section 7. No person or combination of persons, including a corporation formed under the provisions of chapter one hundred and eighty, shall in connection with any nom-

ination or election receive money or its equivalent, expend or disburse or promise to expend or disburse the same, except as authorized by this chapter. A political committee or a person acting under the authority or on behalf of such a committee may receive money or its equivalent, or expend or disburse or promise to expend or disburse the same for the purpose of aiding or promoting the success or defeat of a candidate at a primary or election or a political party or principle in public election or favoring or opposing the adoption or rejection of a question submitted to the voters, and for other purposes expressly authorized by this chapter subject, however, to the provisions thereof. A candidate may make expenditures without limitation for the purposes of his own campaign and may make campaign contributions without limitation for the benefit of the non-elected political committee organized on his behalf.

Notwithstanding the provisions of any law to the contrary, a candidate shall not loan, per election, more than the following amounts to his candidate's committee:

Governor, lieutenant governor	\$200,000
Secretary of state, treasurer, auditor, attorney general	150,000
State senator	50,000
State representative	30,000

Notwithstanding the provisions of this section and section seven A, an individual of less than eighteen years of age shall not make campaign contributions in an amount in excess of twenty-five dollars in the aggregate during any one calendar year. A candidate required to designate a depository for campaign funds by section nineteen and a person acting for such a candidate or such a political committee shall pay for services rendered or goods sold in excess of the sum of fifty dollars only through or by the means of a check drawn upon such depository and bearing the legend "Campaign Account - (name of candidate or political committee)", and shall secure the signature of the person receiving such check to the following certificate to be printed on all such checks: "The undersigned affirms under the penalties of perjury that he is the named payee of this check or an authorized officer thereof, that he or it performed the services or delivered the goods indicated hereon, that the payment is for the sole purpose of paying for such goods or services and that no person other than the named payee has any interest, direct or indirect, in this payment".

Violation of any provision of this section or section seven A shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

Section 7A. (a)(1) An individual may make campaign contributions to candidates or candidate's committees; provided, however, that the aggregate of all such contributions for the benefit of any one candidate and that candidate's committee shall not exceed the sum of five hundred dollars in any calendar year.

(2) An individual may in addition make campaign contributions for the benefit of elected political committees or non-elected political committees organized on behalf of a political party; provided, however, that the aggregate of such campaign contributions for the benefit of the political committees of any one political party shall not exceed in any one calendar year the sum of five thousand dollars.

(3) An individual may in addition make campaign contributions to any political committee not specified in paragraph (1), (2) or (4); provided, however, that the aggregate of such campaign contributions to any one such political committee shall not exceed in any one calendar year the sum of five hundred dollars.

(4) An individual may in addition make contributions without limitation to ballot question committees.

(5) Notwithstanding any other provision of this subsection, the aggregate of all contributions from any one individual to all candidates and candidate's committees shall not exceed the sum of twelve thousand five hundred dollars in any one calendar year.

(b) Notwithstanding any other provision of this chapter, the aggregate of all contributions by a legislative or executive agent for the benefit of any one candidate and such candidate's committee shall not exceed the sum of two hundred dollars in any one calendar year. Notwithstanding any other provision of this chapter, the aggregate of all contributions by a legislative or executive agent to any other political committee, other than a ballot question committee, shall not exceed the sum of two hundred dollars in any one calendar year.

SECTION 28. Said chapter 55 is hereby further amended by inserting after section 8 the following section:-

Section 8A. (1) As used in this section the following words shall have the following meanings:-

"Media organization", any corporation, partnership or trust which owns or controls a television station, including without limitation cable television, a radio station or any other such electronic broadcast media outlet or a newspaper, periodical or any other such print outlet.

"Qualified candidate", any candidate who qualifies to have his name appear on the ballot at an election, whether primary, general, or special election.

(2) A media organization may make time or space available to a qualified candidate at no cost or at reduced cost for the purpose of presentation of the candidate's own political advertising; provided, however, that:-

(a) time of the same duration and the same market value or the same amount of space and the same market value is made available to all other qualified candidates for the same office for the same election; and

(b) the media corporation makes disclosure of its conduct under this section in conformance with rules and regulations promulgated by the director of the office of campaign and political finance.

(3) A media organization acting in conformance with this section shall not be deemed to be in violation of section eight and shall not be deemed to be making a contribution within the meaning of this chapter.

SECTION 29. Said chapter 55 is hereby further amended by inserting after section 10 the following section:-

Section 10A. (a) Contributions made by a person to or on behalf of a particular candidate, including contributions made through an intermediary or conduit, shall be treated

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as contributions from such person to such candidate.

(b) Contributions made to a candidate, such candidate's agent, such candidate's committee or such candidate's committee's agent, through an intermediary or conduit shall also be treated as contributions from the intermediary or conduit to the candidate, if the intermediary or conduit is:

(1) a political action committee, or an officer, employee or other agent of such political committee;

(2) a legislative or executive agent registered pursuant to section forty-one of chapter three, or a lobbying group or organization registered pursuant to section forty-four of chapter three, or an officer, employee, or agent of such legislative or executive agent or lobbying group or organization acting in its behalf; or

(3) a corporation prohibited by section eight from making contributions or an officer, employee, or agent of such a corporation, acting in its behalf.

(c) For purposes of this section, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

(1) "Contributions made through an intermediary or conduit", shall mean:

(i) contributions delivered, whether in person or by mail, to a particular candidate or such candidate's authorized committee or agent; and

(ii) contributions to a particular candidate, such candidate's authorized committee, such candidate's agent, or such candidate's committee's agent, in a manner that identifies in writing the person who arranged the making of the contributions.

(2) "Acting in its behalf", shall include using the name or resources of a person described in paragraph (b).

(d) Nothing in this section shall prohibit:

(1) a bona fide joint fund-raising effort conducted solely for the purpose of sponsorship of a fund-raising reception, dinner, or other event, in accordance with rules prescribed by the director by:

(i) two or more state or local committees of a political party acting on their own behalf; or

(ii) a special committee formed by one or more candidates and one or more state or local committees of a political party on their own behalf; or

(2) a fund-raising effort for the benefit of a candidate that is conducted by another candidate acting in his individual capacity.

(e) In all cases where contributions are made by a person either to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report in writing the original source and the intended recipient of such contribution along with other information required by this chapter to the director and to the intended recipient. A candidate or political committee that fails to receive such notice in writing, or equivalent actual notice of a violation of this section, shall not be civilly or criminally liable for any such violation, except to the extent of returning the excess of any contribution made in violation of this section.

(f) Nothing in this section shall be interpreted to permit a contribution which would

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otherwise violate the provisions of section ten.

(g) The limitations of this section regarding contributions made through an intermediary or conduit shall not apply when each contribution is one hundred dollars or less; provided, however, that said one hundred dollar amount shall be indexed biennially for inflation by the director, who, not later than December thirty-first of each odd numbered year, shall calculate and publish such indexed amount, using the federal consumer price index for the Boston statistical area.

SECTION 30. Said chapter 55 is hereby further amended by inserting after section 16A the following section:-

Section 16B. No person employed for compensation shall be under any obligation to contribute to any candidate or political committee, or to render any political service on account of, or as a consequence of, his employment, and such person shall not be removed or otherwise prejudiced for refusing to do so. This section shall not apply to a person employed by a candidate or political committee or other organization organized for the purpose of rendering political service. A violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months or both such fine and imprisonment. Each such violation shall constitute a separate offense.

SECTION 31. Section 18 of said chapter 55, as appearing in the 1992 Official Edition, is hereby amended by striking out the eleventh paragraph and inserting in place thereof the following paragraph:-

Each report required to be filed under the provisions of this section by a candidate or political committee shall disclose:

- (1) the amount of money on hand at the beginning of the reporting period;
- (2) the full name and residential address, listed alphabetically, of each person who has made a contribution, except for those contributions identified in clauses (4), (5) and (6) and which shall be reported therein, in an amount or value in excess of fifty dollars in the reporting period, and such information for each contribution of less than or equal to the sum of fifty dollars, if the aggregate of all contributions received from such contributor within said reporting period is in excess of fifty dollars, as the case may be, and the amount or value and date of the contribution and the total of all contributions listed;
- (3) the total amount or value of contributions made in the reporting period, and not otherwise reported under clause (2);
- (4) the name and address, listed alphabetically, of each candidate or political committee from which was received any money or anything of value in a reporting period, together with the amount or value thereof and the date received;
- (5) the name and address of the principal officers of any trust, foundation and association from which was received a contribution, as provided in section ten;
- (6) the amount or value and date of each loan to or from any person, in the reporting period, together with the name and residential address of the lender and endorser, if any, listed alphabetically;
- (7) the total sum of all contributions received, in the reporting period, which is the sum of clauses (2), (3), (4), (5) and (6);

(8) the full name and address, listed alphabetically, of each person to whom an expenditure is made, in the reporting period, except for those identified in clause (10) and which shall be reported therein, in an amount or value in excess of fifty dollars, the amount and value, date and purpose of each such expenditure and the total of all such expenditures listed, and in the case of a political committee supporting more than one candidate, the name and address, the elective office held, if any, and office sought by each candidate on whose behalf such expenditure was made;

(9) the total amount or value of expenditures made in the reporting period, and not otherwise reported under clause (8);

(10) in the case of a candidate or political committee, the name and address, listed alphabetically, of each candidate or political committee to which was transferred any money or anything of value, in the reporting period, together with the amount or value thereof and the date of such transfer;

(11) the total sum of expenditures made, in the reporting period, which is the sum of clauses (8), (9) and (10);

(12) the amount and date of each then existing liability remaining unfulfilled and in force when the report is made, the name and address of the person to whom the liability exists, and a clear statement of the purpose for which it was incurred;

(13) a listing of all banks or other financial institutions used; and

(14) in the event of a dissolution of a political committee, a statement of such dissolution detailing the intended or actual disposition of any residual funds.

SECTION 32. Said section 18 of said chapter 55, as so appearing, is hereby further amended by inserting after the twelfth paragraph the following paragraph:-

In addition, each report required to be filed under the provisions of this section shall also include the occupation and name of employer or employers for each person whose contribution or contributions in the aggregate equals or exceeds the sum of two hundred dollars within any one calendar year; provided, however, that no candidate or candidate's committee shall be required to include such occupation and employer, if upon compliance with the requirements of section two concerning the inclusion of such occupation and employer, said candidate or candidate's committee has not been able to obtain such information.

SECTION 33. Said chapter 55 is hereby further amended by inserting after section 18A the following section:-

Section 18B. Each candidate or elected official who sponsors a fund raising event in the commonwealth on behalf of a non-resident candidate shall file with the director reports of contributions received by the non-resident candidate as a result of said fund raising event on forms to be prescribed by the director except as noted herein in accordance with this section on or before the thirtieth day following said fund raising event.

(A) Each report required to be filed under the provisions of this section shall include:

(1) the name and address, listed alphabetically, of each person or corporation or other entity which has made a contribution to the non-resident candidate in connection with said fund raising event in an amount or value in excess of fifty dollars and the amount and

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value and date of such contribution;

(2) the name and address, listed alphabetically, of each candidate or political committee from which was received by the non-resident candidate or said candidate's political committee any transfer of money or anything of value in connection with said fund raising event in an amount or value in excess of fifty dollars, together with the amount or value and date of any such transfer;

(3) the name and address of the principal officers of any trust, foundation, corporation, association or other entity from which was received a contribution by the non-resident candidate or said candidates political committee in connection with said fund raising event in an amount or value in excess of fifty dollars, together with the amount or value and date of any such transfer;

(4) the amount or value and date of each loan to or from any person or entity, in connection with said fund raising event in an amount or value in excess of fifty dollars, together with the name and residential address of the lender and endorser, if any, listed alphabetically, and the amount and value of and date of each loan;

(5) the total amount of all contributions reported pursuant to clauses (1) to (4), inclusive, of paragraph (A) as well as the total amount of all contributions less than or equal to fifty dollars from any individual, political committee, trust, partnership, association or other organization other than a political committee received by the non-resident candidate in connection with said fund raising event; and

(6) in addition to the information required by clause (1), the occupation and employer or employers of each person who has made a contribution to the non-resident candidate in connection with said fund raising event in an amount or value of two hundred dollars or more pursuant to section two.

(B) A candidate or elected official sponsoring a fund raising event for a non-resident candidate may file a copy of any report required to be filed by the non-resident candidate in accordance with the laws of the state where said non-resident candidate seeks nomination or election instead of the report prescribed by the director, provided said report:

(1) contains the information required by this section;

(2) is attested by the candidate or elected official sponsoring said fund raising event under the penalties of perjury as a true and accurate copy of the report filed by the non-resident candidate; and

(3) is filed on or before the thirtieth day following said fund raising event.

(C) The provisions of this section shall not apply to any fund raising event unless said fund raising event raises in the aggregate more than one thousand dollars.

(D) For the purposes of this section the following words shall have the following meanings:-

"Non-resident candidate", any person seeking nomination or election to state or federal office in any state other than the commonwealth, who is a candidate in accordance with the laws of the state where said person is seeking nomination or election or would be a candidate under section one of this chapter except for the fact that said person is seeking public office in a state other than the commonwealth or any person who currently holds an

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elective office in any state other than the commonwealth.

"Fund raising event", any event the purpose of which is to raise funds through the device of tickets, advertisements, or otherwise, for a non-resident candidate including a testimonial, held on behalf of said non-resident candidate for the election campaign or political committee of a non-resident candidate as defined by this section and that is sponsored in whole or in part by a candidate as defined in section one.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

SECTION 34. Subsection (a) of section 19 of said chapter 55, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "sheriff", in line 5, the following words:- , mayor or other citywide office in a city with a total population, as determined by the most recent decennial federal census, of one hundred thousand or more persons.

SECTION 35. Said chapter 55 is hereby further amended by striking out section 29, as so appearing, and inserting in place thereof the following section:-

Section 29. Upon failure to file a statement, report or affidavit within ten days after receiving notice under section twenty-eight, the city or town clerk, as the case may be, shall notify the director thereof and shall furnish him with copies of all papers related thereto and the director, if satisfied there is cause, shall assess a penalty pursuant to the provisions of section three. If any statement filed with the city or town clerk, as the case may be, discloses any violation of any provisions of this chapter, such city or town clerk shall notify the attorney general thereof and shall furnish him with copies of all papers relating thereto. The attorney general shall examine every such case referred to him by such clerk. If satisfied that there is cause, he shall, in the name of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the proper district attorney for such actions as may be appropriate. Any city or town clerk shall at any time upon the request of the attorney general or the director forward any evidence or information received by such clerk to the attorney general or director for whatever action the attorney general or director deems appropriate pursuant to law.

SECTION 36. Chapter 55A of the General Laws is hereby amended by inserting after section 1 the following section:-

Section 1A. (a) On or before the last day for filing that candidate's nomination papers with the state secretary pursuant to chapter fifty-three, every candidate for statewide elective office shall file with the director a statement, in a form prescribed by the director, that the candidate does or does not agree:

(1) in the case of primary candidates, to abide by the following limits on expenditures for the following elective offices in the campaign for the state primary:

Governor	\$1,500,000
Lieutenant Governor	625,000
Attorney General	625,000
Secretary	375,000
Treasurer and Receiver General	375,000

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Auditor 375,000. ; and

(2) in the case of all candidates for statewide elective office, to abide by the following limits on expenditures for the following elective offices in the campaign for the state election:

Governor and Lieutenant Governor	\$1,500,000
Attorney General	625,000
Secretary	375,000
Treasurer and Receiver General	375,000
Auditor	375,000.

The name of a candidate who fails to file any statement within the time required by this subsection shall not appear on the state primary ballot nor on the state election ballot, and the director shall inform the state secretary of any such failure.

(b) On or before the last day for filing withdrawals of nominations for the state primary, every primary candidate for statewide office who has not agreed to abide by the expenditure limit under subsection (a), and who is opposed in said primary by one or more candidates who have agreed to said limit, shall file with the director a statement, in a form prescribed by the director, of the maximum amount of expenditures to be made in his campaign for said primary. The name of a candidate who fails to file a statement required by this subsection within the time so required shall not appear on the state primary, and the director shall inform the state secretary of any such failure. The state primary campaign expenditure limit agreed to under subsection (a) by any candidate shall be increased to the highest amount stated under this subsection by any opposing candidate who has not agreed to said limit.

(c) On or before the last day for filing withdrawals of nominations made at the state primary, every candidate for statewide office in the state election who has not agreed to abide by the expenditure limit under subsection (a), and who is opposed in said election by one or more candidates who have agreed to said limit, shall file with the director a statement, in a form prescribed by the director, of the maximum amount of expenditures to be made in his campaign for said primary. The name of a candidate who fails to file a statement required by this subsection within the time so required shall not appear on the state election ballot, and the director shall inform the state secretary of any such failure. The state election campaign expenditure limit agreed to under subsection (a) by any candidate shall be increased to the highest amount stated under this subsection by any opposing candidate who has not agreed to said limit.

(d) Any candidate appointed to fill a vacancy in a nomination for statewide elective office shall file the statement required by subsection (a) not later than the last day for filing the certificate of nomination to fill such vacancy. The time for opposing candidates to file the statements required by subsection (b) or (c), as the case may be, shall be extended accordingly.

(e) Any candidate who files a statement with the director under this section and who makes expenditures in excess of the limit established by this section, or in excess of the amount stated by said candidate pursuant to subsection (b) or (c), shall be punished by a fine

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of not more than the total of two times the amount of the expenditures in excess of said limit or said amount, as the case may be, in addition to the penalties provided by section twelve.

SECTION 37. Section 4 of said chapter 55A, as so appearing, is hereby amended by striking out, in line 8, the words "and (b)" and inserting in place thereof the following words:- ; (b) has filed with the director a statement under subsection (a) of section one A agreeing to abide by the expenditure limits provided thereby; and (c).

SECTION 38. The last paragraph of said section 4 of said chapter 55A, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Determination and certification of the eligibility of candidates shall be made by the director on the eighth Tuesday before the primary and shall be based solely upon information contained in such statements as have been filed on or before the Friday next preceding said eighth Tuesday.

SECTION 39: Section 5 of said chapter 55A, as so appearing, is hereby amended by striking out, in lines 11 to 16, inclusive, the words

"Governor	\$250,000
Lieutenant Governor	50,000
Attorney General	125,000
Secretary	50,000
Treasurer and Receiver General	50,000
Auditor	50,000."

and inserting in place thereof the following words:-

Governor	\$750,000
Lieutenant Governor	312,500
Attorney General	312,500
Secretary	187,500
Treasurer and Receiver General	187,500
Auditor	187,500.

SECTION 40. Section 6 of said chapter 55A, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "and (b)" and inserting in place thereof the following words:- ; (b) has filed with the director a statement under subsection (a) of section one A agreeing to abide by the expenditure limits provided thereby; and (c).

SECTION 41. The second paragraph of said section 6 of said chapter 55A, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Determination and certification of the eligibility of candidates shall be made by the director on the fourth Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed on or before the Friday next preceding said fourth Tuesday.

SECTION 42. Section 7 of said chapter 55A, as so appearing, is hereby amended by striking out, in lines 12 to 16, inclusive, the words

"Governor and Lieutenant Governor	\$250,000
Attorney General	125,000
Secretary	50,000

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Treasurer and Receiver General	50,000
Auditor	50,000."

and inserting in place thereof the following words:-

Governor and Lieutenant Governor	\$750,000
Attorney General	312,500
Secretary	187,500
Treasurer and Receiver General	187,500
Auditor	187,500.

SECTION 43. Section 8 of said chapter 55A, as so appearing, is hereby amended by striking out, in lines 9 to 16, inclusive, the words "and shall be in the following sums for the following statewide elective offices:

Governor	\$250,000
Lieutenant Governor	50,000
Attorney General	125,000
Secretary	50,000
Treasurer	50,000
Auditor	50,000"

and inserting in place thereof the following words:- and for the following calendar year. The bond deposited for the purpose of receiving public financing for the primary election campaign must be for the amount which the comptroller has credited to the account established on behalf of that candidate for the primary election campaign. The bond deposited for the purpose of receiving public financing for the state election campaign must be for the amount which the comptroller has credited to the account established on behalf of that candidate for the state election campaign, but in the case of a candidate for governor, the bond on behalf of said candidate shall be in the amount which the comptroller has credited to the account established on behalf of that governor and lieutenant governor team.

SECTION 44. Chapter 56 of the General Laws is hereby amended by striking out section 33, as so appearing, and inserting in place thereof the following section:-

Section 33. No person shall, by threatening to discharge a person from his employment, or threatening to reduce his wages, or otherwise threatening to adversely affect the terms and conditions of his employment, or promising to give him employment at higher wages, or otherwise promising to favorably affect the terms and conditions of his employment, attempt to influence a voter to give or to withhold his vote or political contribution. No person shall, because of the giving or withholding of a vote or a political contribution, discharge a person from his employment, reduce his wages or otherwise adversely affect the terms and conditions of his employment or give him employment at higher wages or otherwise favorably affect the terms and conditions of his employment.

Violation of any provision of this section shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than six months or both.

SECTION 45. Paragraph (1) of subsection (d) of section 2 of chapter 62 of the General Laws, as so appearing, is hereby amended by adding the following subparagraph:-

(L) The deduction for any amount paid or incurred in connection with:

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- (i) influencing legislation;
- (ii) participation in, or intervention in, any political campaign on behalf of or in opposition to any candidate for public office;
- (iii) any attempt to influence the general public, or segments thereof, with respect to elections, legislative matters, or referendums; or
- (iv) any direct communication with a covered executive branch official in an attempt to influence the official actions or positions of such official;

within the meaning of the code, as amended and in effect on January first, nineteen hundred and ninety-four and including the exceptions and definitions set forth in section 162(e) of said Code, as amended and in effect on January first, nineteen hundred and ninety-four.

SECTION 46. Section 6C of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out the first and second paragraph and inserting in place thereof the following paragraph:-

Every individual who files a separate return may voluntarily contribute one dollar to be paid over to the state election campaign fund, established by section forty-two of chapter ten. In the case of a joint return of husband and wife, each spouse may voluntarily contribute one dollar to said fund. A credit in the full amount of any contribution under this section shall be allowed against the tax imposed by this chapter; provided, that for any such return no such credit shall exceed the income tax liability for any taxable year.

SECTION 47. Said section 6C of said chapter 62, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

For purposes of this section the words "income tax liability for any taxable year" shall mean the amount of tax imposed by this chapter reduced by sum of the credits allowed by clause (a) of section six.

SECTION 48. There is hereby established a special commission to consist of three members of the senate, one of whom shall be the chairman of the joint committee on election laws who shall serve as co-chairman, one of whom shall be the chairman of the senate committee on ways and means, and one of whom shall be the minority leader, and three members of the house of representatives, one of whom shall be the chairman of the joint committee on election laws who shall serve as co-chairman, one of whom shall be the chairman of the committee on ways and means, and one of whom shall be the minority leader, the governor or his designee, the state secretary or his designee, the attorney general or his designee, the state treasurer or his designee, the commissioner of revenue or his designee, the comptroller or his designee, the director of campaign and political finance or his designee; and six persons to be appointed by the governor, for the purpose of making an investigation and study relative to additional or full public financing of political campaigns.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and the house of representatives on or before the first Wednesday of October, nineteen hundred and

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ninety-five.

SECTION 49. There is hereby established a special commission to consist of three members of the senate, one of whom shall be a nominee of the minority leader of the senate, and three members of the house of representatives, one of whom shall be a nominee of the minority leader of the house of representatives, and four persons to be appointed by the governor, one of whom shall be a member of the Massachusetts Municipal Association, and three persons to be appointed by the attorney general, for the purpose of making an investigation and study relative to amendments to chapters two hundred and sixty-eight A and two hundred and sixty-eight B of the General Laws. Said commission shall choose a chairman from among its members. No person shall serve on the special commission who is the subject of a preliminary inquiry or an adjudicatory proceeding pending before or with the ethics commission. The provisions of said chapters two hundred and sixty-eight A and two hundred and sixty-eight B shall not apply to the members of the special commission who are not otherwise subject to the provisions of said chapters two hundred and sixty-eight A and two hundred and sixty-eight B.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and the house of representatives on or before the first Wednesday of March, nineteen hundred and ninety-five.

SECTION 50. The provisions of section one A of chapter fifty-five A of the General Laws, inserted by section thirty-six of this act, shall be severable, and if any such provision or its application to any person or circumstance is held invalid, the remaining provisions of said section one A shall continue in effect.

SECTION 51. Section forty-five of this act shall be applicable to expenses incurred on or after January first, nineteen hundred and ninety-five. Sections forty-six and forty-seven shall be applicable to tax years ending on or after December thirty-first, nineteen hundred and ninety-four. Sections forty-eight and forty-nine shall take effect upon its passage. The remainder of this act shall take effect on January first, nineteen hundred and ninety-five.

Approved June 15, 1994.

Chapter 44. **AN ACT AUTHORIZING THE SALE OF CERTAIN LAND OF THE CITY OF LAWRENCE LOCATED IN THE TOWN OF NORTH ANDOVER.**

Be it enacted, etc., as follows:

SECTION 1. The provisions of the second paragraph of section fifteen of chapter forty of the General Laws shall not apply to the sale by the city of Lawrence of property situated within the territorial limits of the town of North Andover under a certain purchase

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and sale agreement, effective as of October twenty-seventh, nineteen hundred and ninety-three, by and between the city of Lawrence and Pencor, Inc., a Maryland corporation, as such agreement may be amended from time to time.

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

Approved June 16, 1994.

Chapter 45. AN ACT AUTHORIZING THE CITY OF LOWELL TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell is hereby authorized to appropriate for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, to Middlesex community college, an unpaid bill incurred by said city and totalling eleven thousand four hundred seventy-three dollars and seventy-seven cents, said bill being legally unenforceable against said city and as are certified for payment by the human resource department of said city wherein the bill was contracted; provided however that the money so appropriated to pay such bill shall be paid by the human resource department or made available from the unappropriated surplus funds of the city.

SECTION 2. No bill shall be approved by the auditor of said city for payment or paid by the treasurer thereof under the authority of this act unless and until certificates have been signed and filed with said auditor, stating under the penalties of perjury that the services and supplies for which said bill has been submitted were ordered by an official or an employee or agent of said city and that such services and supplies were rendered to said city or official or agent.

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

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

Approved June 16, 1994.

Chapter 46. AN ACT RELATIVE TO THE MAINTENANCE AND OPERATION OF A CIVIC CENTER IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (a) of section 8 of chapter 216 of the acts of 1976 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commission is hereby authorized to maintain and operate a civic center or

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to lease to any person corporate or otherwise, upon such terms and in such manner as it deems advisable, the operation of the civic center or any of the facilities thereof; provided, however, that any such lease shall not exceed a term of thirty years and shall be subject to the limitations and procedures established by section twenty-nine of chapter forty-three of the General Laws.

SECTION 2. The first sentence of paragraph (a) of section 9 of said chapter 216, as amended by section 1 of chapter 680 of the acts of 1977, is hereby further amended by striking out, in line 5, the word "seven" and inserting in place thereof the following word:- nineteen.

Approved June 16, 1994.

Chapter 47. AN ACT RELATIVE TO THE SOUTH ESSEX SEWERAGE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 516 of the acts of 1969, as appearing in section 1 of chapter 628 of the acts of 1989, is hereby amended by striking out, in line 2, the word "twenty" and inserting in place thereof the following word:- thirty-five.

SECTION 2. Section 3A of said chapter 516, as so appearing, is hereby amended by striking out, in line 6, the word "two" and inserting in place thereof the following word:- three.

SECTION 3. Section 5B of said chapter 516, as appearing in section 2 of said chapter 628, is hereby amended by striking out, in line 6, the word "ten" and inserting in place thereof the following word:- fifty-five.

SECTION 4. Section 5C of said chapter 516, as so appearing, is hereby amended by striking out, in line 8, the words "one hundred" and inserting in place thereof the following words:- two hundred and sixty.

SECTION 4A. The house ways and means committee is hereby authorized to study the capital needs and plans of the South Essex sewerage district. Said study shall include, but not be limited to, the needs as published and subsequently changed by said sewerage district and the discrepancies contained therein, the historical increases to said district's bonding authorization, the proposed construction spending as required by the consent decree in United States of America and Conservation Law Foundation v South Essex Sewerage District, et al, United States District Court Civil Action No. 83-2814-Y, any additional spending beyond said consent decree, and the proposed short-term and long-term financing mechanism.

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

Approved June 16, 1994.

Chapter 48. AN ACT RELATIVE TO PROOF OF AGE FOR THE PURCHASE OF ALCOHOLIC BEVERAGES

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately require certain proof of age for the purchase of alcoholic beverages, therefore 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 138 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "ninety", in line 14, the following words:- , or on a valid passport issued by the United States government, or by the government, recognized by the United States government, of a foreign country, or a valid United States issued military identification card.

SECTION 2. Said section 34B of said chapter 138, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:-

Any person in a licensed premises shall, upon request of an agent of the commission or the local licensing authorities, state his name, age, and address. Whoever, upon such request, refuses to state his name, age or address, or states a false name, age, or address, including a name or address which is not his name or address in ordinary use, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars.

SECTION 3. This act shall expire on September thirtieth, nineteen hundred and ninety-four.

Approved June 22, 1994.

Chapter 49. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-FOUR TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS.

SECTION 1. To provide for supplementing certain items in the general appropriation act for fiscal year nineteen hundred and ninety-four, 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 ten of the acts of nineteen hundred and ninety-three, and other fiscal year nineteen hundred and ninety-four appropriation acts, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in said chapter one hundred and ten and said other appropriation acts, for the fiscal year ending June thirtieth, nineteen hundred and ninety-four. The sums so appropriated shall be in addition to any amounts available for said purposes.

SECTION 2.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Youth Services.

4237-1010	\$414,926
4238-1000	\$870,404

Department of Social Services.

4800-1100	\$303,000
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EXECUTIVE OFFICE OF EDUCATION.

Department of Education.

7061-0012	\$1,292,678
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EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of State Police.

8100-0000	\$1,794,000
8100-0007	\$650,000

Department of Corrections.

8900-0001	\$658,000
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SECTION 3. Item 1108-5200 of section 2 of chapter 110 of the acts of 1993 is hereby amended by striking out the figure "432,094,166" and inserting in place thereof the following figure:- 436,394,166.

SECTION 4. Item 1108-5230 of said section 2 of said chapter 110 is hereby amended by striking out the figure "40,482,244" and inserting in place thereof the following figure:- 36,182,244.

SECTION 5. Item 4000-0500 of said section 2 of said chapter 110 is hereby amended by striking out the figure "808,567,000" and inserting in place thereof the following figure:- 858,174,000.

SECTION 6. Item 4000-0600 of said section 2 of said chapter 110 is hereby amended by striking out the figure "1,075,900,000" and inserting in place thereof the following figure:- 1,151,642,000.

SECTION 7. Item 4000-0700 of said section 2 of said chapter 110 is hereby amended by striking out the figure "401,187,000" and inserting in place thereof the following figure:- 346,201,000.

SECTION 8. Item 4000-0800 of said section 2 of said chapter 110 is hereby amended by striking out the figure "800,000,000" and inserting in place thereof the following figure:- 729,637,000.

SECTION 9. Notwithstanding the provisions of any general or special law to the contrary, the comptroller, upon the written request of the commissioner of the division of medical assistance, and subject to the availability of unexpended funds, is hereby authorized and directed to transfer an amount not exceeding ten million dollars between items 4000-0500, 4000-0600, 4000-0700 and 4000-0800 of section two of chapter one hundred and

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ten of the acts of nineteen hundred and ninety-three for the payment of unanticipated expenditures necessary to meet the purposes of said items as established in said chapter one hundred and ten. Said commissioner shall report to the house and senate committees on ways and means any amounts transferred pursuant to this section within ten days of making such payments.

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

Approved June 23, 1994.

Chapter 50. AN ACT AUTHORIZING THE CITY OF QUINCY TO LEASE A CERTAIN PARCEL OF LAND TO QUARRY HILL ASSOCIATES, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section four of chapter forty and chapter thirty B of the General Laws or any other general or special law to the contrary, the city of Quincy is hereby authorized to lease a certain parcel of land located at and known as the former municipal sanitary landfill and adjacent parcels thereto, to Quarry Hill Associates, Inc. for a period of up to fifty years.

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

Approved June 30, 1994.

Chapter 51. AN ACT FURTHER REGULATING SCHOOL SUSPENSIONS.

Be it enacted, etc., as follows:

Paragraph (c) of the fourth paragraph of section 37H of chapter 71 of the General Laws, as appearing in section 36 of chapter 71 of the acts of 1993, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

Emergency Letter: July 13, 1994 @ 3:52 P.M.

Approved July 1, 1994.

Chapter 52. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-FIVE 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 six hundred thirty million dollars is hereby appropriated for the fiscal year ending June thirtieth, nineteen hundred and ninety-five, to meet necessary expenditures prior to the enactment into law of the general appropriation act for said 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 the authorizations contained herein shall cease to be operative as of the effective date of the general appropriation act for said fiscal year and all actions taken under this section shall apply against said appropriations act; provided further, that all expenditures made under this authorization shall be consistent with appropriations made in said appropriation act.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, for the purpose of making available for expenditure in the fiscal year ending June thirtieth, nineteen hundred and ninety-five, the unexpended balances of all bond-funded items which would otherwise revert on June thirtieth, nineteen hundred and ninety-four, are hereby reauthorized through July sixteenth, nineteen hundred and ninety-four; provided, that only such balances as are necessary to fund bond-funded payroll obligations as set out in section three of this act for the period prior to enactment of the pending bond fund account extension bill, so-called, shall be so reauthorized; provided further, that the reauthorizations contained herein shall terminate upon enactment of said bond fund account extension bill.

SECTION 3. Notwithstanding the provision of any general or special law to the contrary, the sum of five million dollars is hereby made available in the fiscal year ending June thirtieth, nineteen hundred and ninety-five for payroll expenditures from bond funded items authorized for expenditure pursuant to section two of this act.

SECTION 4. Section two of this act shall take effect as of June thirtieth, nineteen hundred and ninety-four. The remainder of this act shall take effect on July first, nineteen hundred and ninety-four.

Approved July 1, 1994.

Chapter 53. AN ACT ESTABLISHING A NEW BOARD OF GOVERNORS FOR QUINCY COLLEGE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Quincy is hereby authorized to establish, in the place of the Quincy

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school committee, a board of governors to oversee and govern Quincy College as a municipal junior college and a department of the city of Quincy. The Quincy College board of governors shall appoint a president to act as chief operating officer. Said board shall manage and operate Quincy College pursuant to the terms of this act, chapter three hundred and thirteen of the acts of nineteen hundred and eighty-one and pursuant to chapter seventy-one of the General Laws, under the jurisdiction of the department of education and pursuant to section thirty of chapter sixty-nine of the General Laws, under the jurisdiction of the higher education coordinating council.

The board of governors shall exercise all powers heretofore or hereafter exercised by the school committee pursuant to chapter seventy-one of the General Laws as from time to time amended. The president of Quincy College shall exercise all powers heretofore or hereafter exercised by the superintendent or principals pursuant to chapter seventy-one of the General Laws as from time to time amended.

SECTION 2. The Quincy College board of governors shall consist of thirteen members appointed by a governor's appointing council in the following manner:

At least one governor shall be an alumna or alumnus of the college. No more than four governors shall reside outside Quincy, excluding any residential requirement for one alumna or alumnus. The initial board of governors shall include one member of the school committee chosen by the vice chair of the school committee, and one city councillor chosen by the council president, each to serve a two year term. At the end of their term they may be reappointed; provided, however, that their ex-officio status shall terminate on August thirty-first, nineteen hundred and ninety-six.

Nothing shall prevent any other elected or appointed official of the city of Quincy from serving on the board; provided, however, that no employee of Quincy College may serve as a governor.

The initial governor's appointing council shall consist of two members of the school committee selected by the vice chair of the school committee, two city councillors selected by the council president and one member of the current Quincy College board of trustees, chosen by the chair of said board. This governor's appointing council will appoint the remaining eleven governors who shall constitute the new governing board of governors of Quincy College and who shall commence their term on September first, nineteen hundred and ninety-four. After September first, nineteen hundred and ninety-four, all governors will be appointed by a governor's appointing council made up of two members of the school committee selected by the vice chair of the school committee, two city councillors selected by the council president and two governors appointed by the chair of the board of governors.

The initial board of governors shall consist of five governors, including the two ex-officio members, and shall be appointed to two year terms. Four shall be appointed to four year terms and four shall be appointed to six year terms. The length of such terms shall be as follows:

five governors from September first, nineteen hundred and ninety-four to August thirty-first, nineteen hundred and ninety-six

four governors from September first, nineteen hundred and ninety-four to August

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thirty-first, nineteen hundred and ninety-eight

four governors from September first, nineteen hundred and ninety-four to August thirty-first, two thousand.

Except for the two ex-officio members, the length of the term each governor is appointed to shall be determined by lottery. Commencing on September first, nineteen hundred and ninety-six, all reappointed or new trustees shall serve six year terms. Any trustees may be reappointed once; provided, however, that no one may serve more than two consecutive terms regardless of the length of his first term.

No governor shall be appointed who is an employee of Quincy College or who, as a result of his appointment, would violate the provisions of chapter two hundred and sixty-eight A of the General Laws.

Each nonelected governor shall file a statement of financial interest for the preceding calendar year with the city clerk's office in the city of Quincy within thirty days of his appointment and each year thereafter on or before May first that such person is a governor and on or before May first of the year after such person ceases to be a governor. No governor shall be allowed to continue in his duties unless said statement of financial interest has been filed with the city clerk's office as required.

The statement of financial interest filed pursuant to the provisions of this section shall be on a form similar to that prescribed by the state ethics commission pursuant to section five of chapter two hundred and sixty-eight A of the General Laws.

SECTION 3. Annually, the president of the college and the mayor of the city of Quincy shall negotiate an amount of compensation to be paid by the college to the city of Quincy for services rendered by any municipal department of the city.

SECTION 4. Annually, the president of the college and the superintendent of schools for the city of Quincy shall negotiate an amount of compensation to be paid by the college to the city of Quincy for services rendered by the school department of the city.

SECTION 5. The city of Quincy shall indemnify and save harmless governors and employees, elected or appointed as set forth in chapter two hundred and fifty-eight of the General Laws.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary, all administrators, faculty, professional and non-professional employees of the Quincy school committee who are staff members of Quincy College on the effective date of this act, except those employees appointed pursuant to chapter thirty-one of the General Laws, shall become employees of the Quincy College board of governors without loss of any existing seniority, professional status, retirement rights, benefits or creditable service without interruption of coverage for group life and health insurance benefits and without reduction in compensation or change in year of service for placement on the salary schedule. All rights of said employees under existing collective bargaining agreements shall be maintained pursuant to section eleven of this act.

SECTION 7. No teacher, librarian, associate dean, assistant dean, coordinator, or director of the development education center, employed by the college on or after the effective date of this act, who has held such position or combination of positions for three

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consecutive years, shall be suspended without pay or discharged without just cause. Any such employee may challenge such suspension or discharge through the grievance and arbitration procedures contained in their collective bargaining agreement, if any. In the absence of a collective bargaining agreement grievance and arbitration procedure, such employee may challenge such suspension or discharge by serving a written notice upon the chairperson of the board of governors within thirty days of receiving notice of such suspension or discharge. Within ten days after such notice has been served, the employee and the governors shall jointly petition the American Arbitration Association to appoint an arbitrator to resolve the dispute. Said association shall forward to the parties a list of three arbitrators. Each party shall have the right to strike one of the three arbitrators' names if they are unable to agree upon a single arbitrator from among the three. The arbitration procedures shall be conducted in accordance with the rules of the American Arbitration Association. The fee for the arbitration shall be split equally between the two parties involved. Any arbitration award thus rendered shall be reviewable in accordance with the provisions of chapter one hundred and fifty C of the General Laws.

SECTION 8. The professional certification provision of section thirty-eight G of chapter seventy-one of the General Laws shall not apply to Quincy College employees.

SECTION 9. Notwithstanding the provisions of any general or special law to the contrary, upon the effective date of this act, any employee appointed by the Quincy school committee pursuant to chapter thirty-one of the General Laws and currently working in such a chapter thirty-one position at Quincy College shall remain an employee of the Quincy school committee. The college shall pay the Quincy school committee an amount to be negotiated between the Quincy school committee and Quincy College, not to exceed the full cost of salary and benefits, for each said employee.

The positions at Quincy College staffed by such employees shall continue in effect and the services performed by the employees in those positions shall continue to be provided for by the Quincy school committee for as long as the Quincy school committee deems it feasible to provide such services. The employees who fill such positions shall do without loss of any existing seniority, civil service status, retirement rights, benefits or creditable service, without interruption of coverage for group life and health insurance benefits, and without reduction in compensation or change in years of service for placement on the salary schedule.

Any grievance initiated by or on behalf of said employee shall be processed according to the then current collective bargaining agreement between the Quincy school committee and the exclusive representative of said employee. The decision of the committee, or an arbitrator, on such grievance shall be binding on the governors who shall give said decision full force and effect.

SECTION 10. Notwithstanding the provisions of any general or special law to the contrary, any employee of the Quincy school committee who is a member of the teachers' retirement system and who becomes an employee of Quincy College pursuant to section five on the effective date of this act shall, for purposes of chapter thirty-two of the General Laws, retain all rights and responsibilities of membership in said system.

Notwithstanding the provisions of any general or special law to the contrary, any person who becomes an employee of Quincy College after the effective date of this act shall be eligible for membership in the teachers' retirement system; provided, however, that said person is employed on the basis of not less than half-time service as a professional teacher, administrator, including the president of Quincy College, psychologist, counsellor, social worker or guidance and placement professional, or said person is, on the effective date of this act, a member of the teachers' retirement system.

SECTION 11. The governors and their employees shall be subject to the provisions of chapter one hundred and fifty E of the General Laws. For purposes of said chapter one hundred and fifty E, the city of Quincy shall be deemed the public employer of the governors' employees. The city of Quincy may designate a representative, including any governors, to act in its interest in labor relations matters with its employees. After the effective date of this act, employees represented by their respective bargaining associations, units, organizations or affiliates shall continue to be represented by those associations, units, organizations or affiliates for collective bargaining purposes pursuant to said chapter one hundred and fifty E until such time as they elect otherwise or another unit is certified to represent the employees in accordance with the provisions of said chapter one hundred and fifty E.

Upon the effective date of this act, collective bargaining rights and obligations theretofore existing between the Quincy school committee and the respective bargaining associations, units, organizations or affiliates, including rights and obligations set forth in any collective bargaining agreement, shall be assumed by and imposed upon the city of Quincy and the governors of Quincy College. Any collective bargaining agreement in force on the effective date of this act, covering employees represented by the respective bargaining associations, units, organizations, and or affiliates shall remain in effect until a successor agreement is executed and ratified by the parties. If the collective bargaining agreement of any of the respective bargaining associations, units, organizations or affiliates has expired before the effective date of this act and no successor agreement has been negotiated, the terms and conditions of said expired agreement shall remain in full force and effective until the parties have executed and ratified an initial successor agreement.

SECTION 12. On or before April first of each and every year, the president of Quincy College shall submit to the Quincy College board of governors an annual itemized budget for Quincy College. Said budget shall contain estimates of college revenues and recommendations for proposed expenditures for the ensuing fiscal year.

The board of governors shall hold a public hearing on the annual budget as submitted by the college president at which time all interested persons shall be given an opportunity to be heard the proposed expenditures or any item thereof.

The approved budget shall govern the expenditures of Quincy College during the fiscal year. No expenditures shall be incurred in excess of those shown in the approved budget; provided, however, that the budget from time to time may be amended by the preparation and submission of a proposed supplementary budget by the college president to the Quincy College board of governors for said board's approval, rejection or amendment.

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No transfers from one line item to another line item shall be made in said budget without the approval of the Quincy College board of governors.

SECTION 13. Section 1 of chapter 313 of the acts of 1981 is hereby amended by striking out, in lines 4, 5 and 14, each time it appears, the word "Junior".

SECTION 14. Said section 1 of said chapter 313 is hereby further amended by striking out, in lines 14 and 15, and in lines 16 and 17, the words "superintendent of the Quincy public schools" and inserting in place thereof, in each instance, the following words:- college president.

SECTION 15. Said section 1 of said chapter 313 is hereby further amended by striking out, in lines 15 and 16, the words "school committee" and inserting in place thereof the following words:- Quincy college board of governors.

SECTION 16. Said section 1 of said chapter 313 is hereby further amended by striking out, in lines 17 and 18, the words "school committee of said city" and inserting in place thereof the following words:- Quincy college board of governors.

SECTION 17. Said section 1 of said chapter 313 is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Said city treasurer shall be authorized to invest the monies in said special account and the interest accruing shall inure to the benefit of Quincy College; provided, however, that if such account, after the payment of the annual expenses of the college, shall be in excess of one million dollars, said excess funds shall no longer be maintained by the city treasurer and the college president shall be authorized, upon recommendation of the board of trustees and upon approval of the mayor of the city of Quincy designate such excess funds for deposit on interest bearing account designated by a finance committee which committee shall include the president of Quincy College, two trustees, the city auditor and the city treasurer as members. Such special account shall be maintained in members. Such special account shall be maintained in accordance with generally accepted accounting principles and shall be audited annually by a certified public accountant.

SECTION 18. Said section 1 of said chapter 313 is hereby further amended by adding the following paragraph:-

Nothing in this act shall be construed to exempt Quincy College from the provisions of any general or special law applicable to any other department of the city of Quincy with regard to fiscal management, except as specifically provided herein, including but not limited to the provisions of section thirty-four of chapter seventy-one of the General Laws.

SECTION 19. Section two of said chapter three hundred and thirteen is hereby repealed.

SECTION 20. Section 3 of said chapter 313 is hereby amended by striking out, in line 1, the words "superintendent of the Quincy public schools" and inserting in place thereof the following words:- college president.

SECTION 21. Said section 3 of said chapter 313 is hereby further amended by striking out, in line 2, the word "Junior".

SECTION 22. Said section 3 of said chapter 313 is hereby further amended by striking out, in line 3, the words "school committee" and inserting in place thereof the fol-

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lowing words:- Quincy college board of governors.

SECTION 23. This act shall take effect upon its passage.

Approved July 1, 1994.

Chapter 54. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO CONSTRUCT AND EQUIP A CERTAIN COURT HOUSE.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampden county are hereby authorized to raise and expend a sum not exceeding six million dollars to construct and originally equip a court house, or purchase, renovate or refurbish a building or buildings to provide suitable and adequate facilities for the district court of Westfield, landscaping, parking and furnishing such sums as may be necessary. Sums received from the federal government for the purposes of this act shall be included in, and considered a part of, the total amount authorized to be expended hereunder.

SECTION 2. For the purposes authorized by section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, six million dollars and may issue bonds or notes of the county therefor, which shall bear on their face the words, Hampden County Court House Construction Loan, District Court at Westfield 1994. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

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

Approved July 7, 1994.

Chapter 55. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITIES OF BEVERLY AND SALEM AS THE VETERANS' MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge to be erected on Route 1A spanning the Danvers river and connecting the city of Beverly with the city of Salem shall be designated and known as the Veterans' Memo-

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

Approved July 7, 1994.

Chapter 56. AN ACT CONTINUING CERTAIN ACCOUNTS SUPPORTING CAPITAL PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the continuation of capital projects already in progress, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain proposed capital projects and the continuation of other capital projects already in progress, the items set forth in section two C of this act, are hereby authorized to continue, subject to the conditions set out in the original authorizations and any amendments thereto, and subject to the provisions of law regulating the disbursement of public funds.

SECTION 2C. For the purpose of making available for expenditures in fiscal year nineteen hundred and ninety-five certain balances of authorizations which otherwise would revert on June thirtieth, nineteen hundred and ninety-four, the expiration dates of the bond-funded items listed below are hereby extended through June thirtieth, nineteen hundred and ninety-five.

0121-7890	1100-1561	1102-7848	1102-7896
0330-7872	1100-7850	1102-7849	1102-7897
0330-7884	1100-8860	1102-7870	1102-7899
0330-7891	1100-8880	1102-7871	1102-8791
0330-8890	1101-7890	1102-7872	1102-8792
0330-8891	1101-7891	1102-7873	1102-8801
0331-8842	1101-7892	1102-7881	1102-8806
0332-7871	1101-7893	1102-7882	1102-8813
0332-7872	1102-0890	1102-7883	1102-8814
0332-8811	1102-6896	1102-7886	1102-8819
0332-8812	1102-7841	1102-7887	1102-8822
0333-8841	1102-7842	1102-7888	1102-8841
0431-8811	1102-7843	1102-7890	1102-8843
0431-8833	1102-7844	1102-7891	1102-8844
0431-8835	1102-7845	1102-7892	1102-8846
0610-8900	1102-7846	1102-7893	1102-8847
1100-1560	1102-7847	1102-7894	1102-8860

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1102-8861	1593-0382	2120-8825	2150-6847
1102-8862	1599-7882	2120-8841	2150-6849
1102-8869	2000-7881	2120-8844	2150-7841
1102-8871	2000-8830	2120-8848	2150-7871
1102-8873	2000-8840	2120-8861	2150-7872
1102-8874	2000-8842	2120-8871	2150-7873
1102-8875	2000-8844	2120-8881	2150-7874
1102-8877	2000-8846	2120-8882	2150-7875
1102-8878	2000-8881	2120-8883	2150-7876
1102-8880	2000-8882	2120-8884	2150-7878
1102-8881	2000-8883	2120-8885	2150-7879
1102-8882	2000-8884	2120-8886	2150-7880
1102-8883	2000-8885	2120-9841	2150-7882
1102-8888	2000-8886	2120-9842	2150-7883
1102-8889	2000-8887	2120-9843	2150-7885
1102-8890	2000-8888	2120-9844	2150-7888
1102-8891	2000-8889	2120-9845	2150-7890
1102-8892	2000-9841	2120-9847	2150-7891
1102-8893	2100-7871	2121-8881	2150-8831
1102-8894	2100-7890	2121-8882	2150-8845
1102-8895	2100-8840	2121-8883	2150-8848
1102-8896	2120-6882	2121-8884	2150-8881
1102-8897	2120-7848	2121-8885	2150-8884
1102-8898	2120-7849	2121-8886	2150-8885
1102-8899	2120-7871	2121-8887	2150-8886
1102-9841	2120-7873	2121-8888	2150-9845
1102-9845	2120-7875	2121-8889	2200-7880
1102-9880	2120-7876	2121-9881	2200-7883
1102-9881	2120-7878	2121-9882	2200-7884
1102-9882	2120-7880	2121-9883	2200-7886
1102-9884	2120-7881	2121-9884	2200-7887
1102-9890	2120-7882	2121-9885	2200-7888
1102-9891	2120-7883	2121-9886	2200-7890
1102-9892	2120-7884	2121-9887	2240-8801
1102-9893	2120-7885	2122-8840	2240-7883
1102-9896	2120-7886	2122-8842	2240-7884
1102-9897	2120-7887	2122-8844	2240-7890
1102-9898	2120-7891	2122-8846	2240-8820
1102-9899	2120-7892	2122-8848	2240-8860
1410-7890	2120-8803	2130-8771	2250-1001
1593-0058	2120-8805	2130-8772	2250-7874
1593-0379	2120-8812	2150-6844	2250-8820

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2250-8822	2410-8802	2440-8873	3722-7871
2250-8823	2420-7880	2440-8881	3722-8841
2250-8844	2420-7881	2440-8882	3722-8842
2250-8860	2420-7882	2440-8883	3722-8843
2250-8863	2420-7884	2440-8884	3722-8844
2250-8864	2420-8881	2440-8885	3722-8845
2250-8865	2420-8901	2440-8886	3722-8846
2250-8881	2440-7846	2440-8887	3722-8861
2260-8830	2440-7848	2440-8888	3722-8862
2260-8840	2440-7870	2440-8889	3722-8863
2260-8880	2440-7871	2440-8891	3722-8864
2260-9881	2440-7875	2440-9812	3722-8865
2260-9882	2440-7878	2440-9813	3722-8866
2260-9883	2440-7879	2440-9842	3722-8870
2260-9884	2440-7881	2440-9843	3722-8871
2260-9885	2440-7882	2440-9844	3722-8872
2260-9886	2440-7883	2440-9845	3722-8873
2270-8771	2440-7884	2440-9846	3722-8874
2270-8772	2440-7885	2440-9848	3722-8875
2270-8791	2440-7886	2440-9872	3722-8879
2270-8811	2440-7890	2441-8840	3722-9015
2270-8812	2440-7891	2443-7880	3722-9030
2270-8813	2440-7892	2444-7872	3722-9301
2300-8840	2440-7893	2444-8812	3724-9001
2300-8842	2440-7895	2444-8842	4000-7871
2300-8881	2440-7896	2449-7350	4000-7880
2310-7871	2440-7897	2449-7370	4000-7890
2310-7880	2440-7898	2449-8754	4000-8840
2310-7891	2440-7899	2449-8755	4000-8860
2310-7892	2440-8794	2490-0006	4001-8860
2310-8840	2440-8795	2490-0007	4010-8831
2310-8842	2440-8796	2490-0008	4043-8870
2320-7880	2440-8798	2490-0009	4170-7890
2320-7881	2440-8802	2490-0010	4180-7880
2320-8813	2440-8812	2490-0012	4180-7881
2320-8840	2440-8813	2490-0013	4180-7882
2320-8843	2440-8819	2511-8881	4180-7883
2320-8881	2440-8840	2511-8885	4180-7884
2320-9880	2440-8843	2681-8751	4180-7890
2350-7880	2440-8844	2681-9029	4180-7891
2410-7872	2440-8845	2685-9050	4180-7892
2410-8801	2440-8848	3722-7870	4190-7880

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4190-7884	4510-7881	5095-8874	7115-7880
4190-7890	4510-7890	5095-8875	7115-7890
4190-8801	4510-7895	5095-8876	7115-7891
4190-8811	4516-5890	5095-8877	7116-7890
4200-7880	4516-7890	5911-7894	7116-7891
4200-7890	4530-8401	6001-8800	7116-7892
4200-7891	4531-6605	6001-8835	7116-7893
4238-7881	4532-5872	6005-8880	7116-8842
4238-8841	4532-7872	6032-4037	7117-7890
4311-7880	4533-7886	6032-4038	7117-8771
4311-7881	4533-7890	6059-0000	7118-7893
4311-7882	4533-8891	7000-7890	7220-7871
4311-7890	4536-7880	7000-9881	7220-7893
4311-8813	4536-7890	7010-8880	7220-7894
4311-8830	4537-7887	7027-7888	7220-7896
4311-8835	4537-7890	7027-7890	7220-8803
4311-8841	4537-7891	7052-8860	7310-7872
4311-9841	4540-8881	7052-8881	7310-7881
4312-8831	4540-8882	7066-7890	7310-7891
4312-8843	4540-9010	7066-8843	7310-7892
4313-8841	4540-9881	7100-7871	7310-7893
4314-8751	5011-7880	7100-7880	7310-7895
4314-8812	5011-7890	7100-7881	7410-7873
4314-8872	5011-7891	7100-7882	7410-7880
4315-8841	5011-8801	7100-7891	7410-7881
4315-8891	5011-8802	7100-7892	7410-7892
4315-8892	5011-8811	7100-8881	7410-7894
4316-7871	5011-8812	7109-7871	7410-7896
4316-7880	5011-8841	7109-7880	7410-7898
4316-8813	5011-8842	7109-7891	7410-8772
4316-8843	5011-8874	7109-8846	7410-8845
4343-8831	5011-8875	7109-8848	7410-8848
4349-7881	5011-8876	7110-7880	7411-7880
4349-7882	5011-8877	7110-7890	7411-7892
4349-7883	5011-8878	7111-7880	7416-7871
4349-7884	5011-8879	7112-8842	7452-7872
4510-0620	5011-9873	7113-7892	7452-7873
4510-0881	5095-5870	7114-7871	7452-7880
4510-1887	5095-6870	7114-7880	7452-7891
4510-3890	5095-8870	7114-7891	7452-7892
4510-7871	5095-8871	7114-7893	7452-7893
4510-7880	5095-8872	7114-8842	7452-8841

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7502-7880	7510-7892	7518-7890	8800-7890
7502-7891	7511-8751	7518-7892	8800-7891
7503-7871	7511-8801	8000-8841	9110-7881
7503-7880	7511-8802	8200-7881	9200-8870
7503-7890	7511-8841	8200-8842	9300-2801
7504-7890	7511-8842	8312-7880	9300-3901
7504-8842	7514-7891	8350-7880	9300-3902
7505-7871	7515-7892	8350-7881	9300-3905
7505-7891	7516-7890	8700-7880	9300-3909
7508-7871	7516-7891	8700-7892	9801-7891
7508-7890	7516-8843		

Approved July 8, 1994.

Chapter 57. AN ACT RELATIVE TO THE BOARD OF ASSESSORS OF THE TOWN OF WAREHAM.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Wareham, which is on file in the office of the archivist of the commonwealth as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 3-5 and inserting in place thereof the following section:-

SECTION 3-5 BOARD OF ASSESSORS

(a) **COMPOSITION, TERM OF OFFICE** - There shall be a board of assessors consisting of five members elected for three year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

(b) **POWERS AND DUTIES** - The board of assessors shall act as the policy making board for the assessing department. The board of assessors shall annually make a fair cash valuation of all of the estate, both real and personal, subject to taxation within the town. The assessors shall determine the annual tax rate and shall hear and decide all applications for the abatement of such taxes. The board of assessors shall have all of the other powers and duties which are given to boards of assessors by general laws and such other powers, duties and responsibilities as may be provided by charter, by by-law or by other town meeting vote.

(c) **DIRECTOR OF ASSESSMENT** - The town administrator shall appoint a director of assessment for a term of three years and fix the director's compensation within the amount annually appropriated for that purpose. An appointment by the town administrator shall become effective on the fifteenth day following the date on which notice of the appointment is filed with the board of assessors, unless the board of assessors shall, within said period, by a majority vote of the full board, vote to reject any such appointment, or unless said board has sooner voted to affirm it. Notwithstanding any other provision of

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the charter, the town administrator shall appoint all other employees of the assessing department. The director of assessment shall be a person of proven professional ability, especially fitted by education, training, and previous experience in municipal assessment and taxation to perform the duties of the office. The director of assessment shall be responsible to the town administrator for the day to day operations of the assessing department, and shall be responsible for the efficient administration of all functions of that department, and shall perform such other duties as the board of assessors may require from time to time. The director of assessment shall keep the board of assessors fully informed as to the condition of the assessing department and matters relating to assessment, valuation, taxation, and abatement. The director of assessment shall implement votes of the board of assessors which require action.

SECTION 2. At the first annual town election to be held after the effective date of this act, two additional assessors shall be elected, one for a term of two years and one for a term of one year. At each annual town election thereafter the voters shall elect assessors equal in number to those whose terms are expiring for terms of three years. The incumbent members of the board of assessors on the effective date of this act shall complete the terms for which they were elected and shall receive such compensation as fixed by the town meeting subject to appropriation.

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

Approved July 8, 1994.

Chapter 58. AN ACT AUTHORIZING THE CITY OF GLOUCESTER TO CONVEY CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

The action of the conservation commission of the city of Gloucester taken on October twelfth, nineteen hundred and ninety-three transferring to the city council of said city care, custody and control of a certain parcel of conservation land shown on a plan of land entitled "Plan of Land in Gloucester, Massachusetts" dated December thirtieth, nineteen hundred and ninety-three, drawn by Donohue and Parkhurst, Inc., of S. Hamilton, Mass. is hereby ratified, validated and confirmed.

Said city of Gloucester, acting by and through its city council is hereby authorized to convey said parcel of conservation land to Doris H. Tasker in consideration for which said Doris H. Tasker shall discontinue her suit against the city of Gloucester, being Doris H. Tasker v. City of Gloucester, Essex Superior Court C.A. 88-1413.

Approved July 8, 1994.

**Chapter 59. AN ACT RELATIVE TO THE MATURITIES OF CERTAIN BONDS
AND NOTES ISSUED BY THE CITY OF FALL RIVER.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seven of chapter forty-four of the General Laws or any other general or special law to the contrary, each issue of bonds or notes issued by the city of Fall River for engineering and related preliminary costs of the city's combined sewer overflow project, including the bonds or notes authorized by city council order adopted on February fourteenth, nineteen hundred and ninety-four, may mature over a term not exceeding thirty years.

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

Approved July 8, 1994.

Chapter 60. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-FIVE 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, other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth as state appropriation(s) in sections two, two B, and two C for the several purposes and subject to the conditions specified in said sections two, two B, two C, and three are hereby appropriated from the General Fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending June thirtieth, nineteen hundred and ninety-five. The sums set forth as federal appropriation(s) in section two for the several purposes and subject to the conditions specified in said section two are hereby appropriated from the General Federal Grants Fund, subject to the provisions of law regulating the disbursement of public funds and the approval thereof. Federal funds received in excess of the amount appropriated in said section two shall be expended only in accordance with the provisions of section six B of chapter twenty-nine of the General Laws. The amounts of any unexpended balances of federal grant funds received prior to June thirtieth, nineteen hundred ninety-four, and not included as part of an appropriation item in section two, are hereby made available for expenditure during fiscal year nineteen hundred ninety-five, in addition to any amount appropriated in section two. 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.

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-four 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 and two C. 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 re-

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ceipts 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 1995 Revenue by Source and Budgetary Fund (In Millions)

Source	All Funds	General Fund	Highway Fund	Local Aid Fund	Other Funds
Alcoholic Beverages	60.0	60.0	-	-	-
Commercial Banks	145.0	145.0	-	-	-
Savings Institutions	70.0	70.0	-	-	-
Cigarette Corporations	238.0	106.3	-	-	131.7
Deeds	855.0	513.0	-	342.0	-
Estate/Inheritance	42.0	42.0	-	-	-
Income	225.0	225.0	-	-	-
Insurance	6,221.5	3,460.8	-	2,488.6	272.1
Motor Fuels	290.0	290.0	-	-	-
Utilities	560.0	76.2	476.7	-	7.1
Room Occupancy	78.0	78.0	-	-	-
Sales & Use: Regular	64.6	42.0	-	-	22.6
Sales & Use: Services	1,632.1	979.3	-	652.8	-
Sales & Use: Meals	140.0	84.0	-	56.0	-
Sales & Use: Motor Vehicle	342.9	205.7	-	137.2	-
Miscellaneous Department	335.0	201.0	-	134.0	-
Racing	1.0	1.0	-	-	-
Beano	13.0	13.0	-	-	-
Raffles/Bazaar	4.5	4.5	-	-	-
Division of Insurance	1.2	1.2	-	-	-
Total Consensus Taxes	9.3	9.3	-	-	-
Tax Relief for Families	11,328.1	6,607.3	476.7	3,810.6	433.5
Investment Tax Credit	(24.2)	(14.5)	-	(9.7)	-
Expansion	(2.8)	(1.7)	-	(1.1)	-
Total Taxes	11,301.1	6,591.1	476.7	3,799.8	433.5
Federal Reimbursements	2,949.1	2,936.7	8.4	0.2	3.8
Departmental Revenue	1,172.9	716.0	345.7	2.4	108.8
Transfers & Other Receipts	873.9	252.7	-	629.5	(8.3)
Total for Budget	16,297.0	10,496.5	830.8	4,431.9	537.8

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SECTION 1B. The comptroller is hereby authorized and directed to keep a distinct account of actual receipts of non-tax 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 projected receipts set forth herein, and to include a full statement comparing such receipts with the 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

Source	FY 1995 Unrestricted Non-Tax	FY 1995 Restricted Non-Tax	FY 1995 Total Non-Tax
Judiciary	55,576,187	5,000	55,581,187
District Attorneys	450	25,000	25,450
Executive	2,500	-	2,500
Secretary of State	35,773,550	-	35,773,550
Treasurer	496,537,473	391,600,000	888,137,473
State Auditor	200	-	200
Attorney General	6,324,653	-	6,324,653
State Ethics Commission	43,000	-	43,000
Inspector General	565	-	565
Office of Campaign and Political Finance	22,000	-	22,000
State Comptroller	3,362,473	-	3,362,473
Administration and Finance	215,040,404	13,757,486	228,797,890
Environmental Affairs	73,088,405	474,729	73,563,134
Communities and Development	2,712,622	470,000	3,182,622
Health and Human Services	2,824,103,253	245,602,299	3,069,705,552
Transportation and Construction	10,713,959	27,345	10,741,304
Board of Library Commissioners	1,500	-	1,500
Education	153,390,595	150,000	153,540,595
Public Safety	359,572,680	22,192,000	381,764,680
Economic Affairs	572,174	-	572,174
Elder Affairs	20,000	2,000,000	2,020,000
Consumer Affairs	63,966,728	-	63,966,728
Labor	18,766,759	-	18,766,759
Legislature	24,617	-	24,617
Total	4,319,616,747	676,303,859	4,955,920,606

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Source	FY 1995 Unrestricted Non-Tax	FY 1995 Restricted Non-Tax	FY 1995 Total Non-Tax
Judiciary			
Supreme Judicial Court	1,014,600	5,000	1,019,600
Appeals Court	301,000	-	301,000
Trial Court	<u>54,260,588</u>	-	<u>54,260,588</u>
Total, Judiciary	55,576,188	5,000	55,581,188
District Attorneys	450	25,000	25,450
Executive	2,500	-	2,500
Secretary of State	35,773,550	-	35,773,550
Treasurer			
Office of the Treasurer	175,863,773	-	175,863,773
Lottery Commission	310,837,569	391,600,000	702,437,569
Massachusetts Cultural Council	<u>9,836,131</u>	-	<u>9,836,131</u>
Total, Treasurer	496,537,473	391,600,000	888,137,473
State Auditor	200	-	200
Attorney General	6,324,653	-	6,324,653
State Ethics Commission	43,000	-	43,000
Inspector General	565	-	565
Office of Campaign and Political Finance	22,000	-	22,000
State Comptroller	3,362,473	-	3,362,473
Administration and Finance			
Office of the Secretary	226,336	-	226,336
Fiscal Affairs Division	37,801,144	-	37,801,144
Management Information Systems	375,000	225,000	600,000

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Source	FY 1995 Unrestricted Non-Tax	FY 1995 Restricted Non-Tax	FY 1995 Total Non-Tax
Division of Capital Planning and Operations	3,828,118	8,700,000	12,528,118
Bureau of State Buildings	99,366	-	99,366
Department of Procurement and General Services	224,165	968,016	1,192,181
Department of Personnel Administration	-	300,000	300,000
Teachers Retirement Board	1,556,381	-	1,556,381
Group Insurance Commission	107,412,913	2,211,200	109,624,113
Division of Administrative Law Appeals	90,000	-	90,000
George Fingold Library	2,200	-	2,200
Massachusetts Commission Against Discrimination	-	1,353,270	1,353,270
Department of Revenue	61,316,228	-	61,316,228
Appellate Tax Board	<u>2,108,553</u>	-	<u>2,108,553</u>
Total, Administration and Finance	215,040,404	13,757,486	228,797,890
Environmental Affairs			
Office of the Secretary	500,100	82,249	582,349
Department of Environmental Management	4,572,927	50,000	4,622,927
Department of Environmental Protection	32,446,871	-	32,446,871
Division of Fisheries and Wildlife Law Enforcement	14,419,622	-	14,419,622
Metropolitan District Commission	16,358,966	342,480	16,701,446
Department of Food and Agriculture	<u>4,789,919</u>	-	<u>4,789,919</u>
Total, Environmental Affairs	73,088,405	474,729	73,563,134
Communities and Development	2,712,622	470,000	3,182,622
Health and Human Services			
Office of the Secretary	56,401,362	6,000,000	62,401,362

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Source	FY 1995 Unrestricted Non-Tax	FY 1995 Restricted Non-Tax	FY 1995 Total Non-Tax
Division of Medical Assistance	1,883,217,709	65,000,000	1,948,217,709
Rate Setting Commission	12,115,794	-	12,115,794
Massachusetts Commission for the Blind	2,089,506	-	2,089,506
Massachusetts Rehabilitation Commission	14,250	-	14,250
Commission for the Deaf and Hard of Hearing	1,414	70,000	71,414
Office for Children	624,050	-	624,050
Soldiers' Homes	9,931,067	80,000	10,011,067
Department of Youth Services	44,400	-	44,400
Department of Public Welfare	436,914,856	70,000,000	506,914,856
Department of Public Health	1,565,871	84,327,299	85,893,170
Department of Medical Security	9,200,000	-	9,200,000
Department of Social Services	134,175,680	20,000,000	154,175,680
Department of Mental Health	53,162,854	125,000	53,287,854
Department of Mental Retardation	<u>224,644,440</u>	-	<u>224,644,440</u>
Total, Health and Human Services	2,824,103,253	245,602,299	3,069,705,552
Transportation and Construction			
Office of the Secretary	462,559	27,345	489,904
Massachusetts Aeronautics Commission	275,000	-	275,000
Highway Department	<u>9,976,400</u>	-	<u>9,976,400</u>
Total, Transportation and Construction	10,713,959	27,345	10,741,304
Board of Library Commissioners	1,500	-	1,500
Education			
Department of Education	2,898,000	-	2,898,000
Higher Education	<u>150,492,595</u>	<u>150,000</u>	<u>150,642,595</u>
Total, Education	153,390,595	150,000	153,540,595

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Source	FY 1995 Unrestricted Non-Tax	FY 1995 Restricted Non-Tax	FY 1995 Total Non-Tax
Public Safety			
Office of the Secretary	300,000	30,000	330,000
Criminal History Systems Board	400,000	-	400,000
Board of Building Regulations	200,000	-	200,000
Architectural Access Board	14,000	-	14,000
Department of Police	894,000	15,050,000	15,944,000
Criminal Justice Training Council	3,000	-	3,000
Department of Public Safety	21,105,292	-	21,105,292
Massachusetts Firefighting Academy	2,604,165	-	2,604,165
Registry of Motor Vehicles	328,849,744	2,300,000	331,149,744
Merit Rating Board	158,000	-	158,000
Military Division	28,000	185,000	213,000
Emergency Management Agency	681,019	-	681,019
Highway Safety Bureau	140,000	-	140,000
Department of Corrections	<u>4,195,460</u>	<u>4,627,000</u>	<u>8,822,460</u>
Total, Public Safety	359,572,680	22,192,000	381,764,680
Economic Affairs			
Office of the Secretary	50,000	-	50,000
Division of Energy Resources	<u>522,174</u>	-	<u>522,174</u>
Total, Economic Affairs	572,174	-	572,174
Elder Affairs	20,000	2,000,000	2,020,000
Consumer Affairs			
Office of the Secretary	96,274	-	96,274
State Racing Commission	2,583,893	-	2,583,893
Alcoholic Beverage Control Commission	1,546,112	-	1,546,112
Cable Television Commission	1,813,800	-	1,813,800
Division of Standards	1,150,300	-	1,150,300
Division of Banks	13,192,400	-	13,192,400
Division of Insurance	22,121,529	-	22,121,529

Chap. 60

Source	FY 1995 Unrestricted Non-Tax	FY 1995 Restricted Non-Tax	FY 1995 Total Non-Tax
Division of Registration	11,307,941	-	11,307,941
Board of Medicine	2,324,000	-	2,324,000
Department of Public Utilities	<u>7,830,479</u>	-	<u>7,830,479</u>
Total, Consumer Affairs	63,966,728	-	63,966,728
Labor	18,766,759	-	18,766,759
Legislature	24,617	-	24,617
Total	4,319,616,748	676,303,859	4,995,920,607

SECTION 1C. For the fiscal year ending June thirtieth, nineteen hundred and ninety-five, the chief operating officer of each department, board, agency, commission and institution for which funds are appropriated and performance measures are established in section two of this act shall file with the house and senate committees on ways and means reports on said performance measures. The group insurance commission and the division of medical assistance shall file said reports quarterly within sixty days of the end of each fiscal quarter. All other such reports shall be filed quarterly within thirty days of the end of each fiscal quarter, unless specifically required to be filed otherwise. Said reports shall include, but not be limited to, the statistical measures or other indicators of performance found under the column labeled "expected outputs" in said section two. The term "TBR" as used in said column shall mean "to be reported" and shall represent instances when (1) insufficient or unreliable information was available to establish a numerical or statistical performance measure; (2) the output to be reported involves more complex information than can be readily summarized by a single number or statistic; or (3) when the output to be reported consists of a plan, study, analysis, or other singular non-recurring expected output. Where a date is used as an expected output, the information to be reported or the action to be accomplished shall be reported or accomplished by said report date and notification shall be provided to said committees. Where a number or percentage is used as an expected output, said number or percentage shall, to the maximum extent feasible, be accompanied by an explanation of any qualifying conditions that limit or define the interpretation of each such number or percentage. The numerator and denominator used in the calculation of each such percentage shall be included in each such report. The mission statements, performance measures and expected outputs for each program established in section two shall not be construed as giving rise to enforceable legal rights in any party, but are strictly intended to serve as internal management tools for gauging the achievement of program objectives.

SECTION TWO FOLLOWS ON PAGE EIGHT (sic)

SECTION 2.

JUDICIARY

Notwithstanding the provisions of section one to the contrary, except as otherwise provided, items 0320-0001 to 0339-2100 are charged as follows:

Local Aid Fund	90.0%
General Fund	10.0%

SUPREME JUDICIAL COURT

State Appropriations

0320-0001	For the salaries, travel allowances, and expenses of the chief justice and the six associate justices	658,165
0320-0003	For the salaries and expenses of the supreme judicial court; provided, that forty-six thousand five hundred dollars be made available for the judicial youth corporation program, so called; provided further, that eighteen thousand dollars shall be made available for computer purchases including a back-up server, so called; provided further, that not less than one hundred and one thousand, four hundred and eight dollars of the amount appropriated herein shall be expended for the national center for state courts assessment; provided further, that the supreme judicial court shall administer a substance abuse program within the state courts; and provided further, that the supreme judicial court shall not charge the trial court for any assessments, services, educational training, or costs of any kind	3,494,295
0320-0010	For the salaries and expenses of the clerk of the supreme judicial court for Suffolk county	667,376
0321-0001	For salaries and expenses of the commission on judicial conduct	210,758
0321-0100	For the services of the board of bar examiners	603,412

COMMITTEE FOR PUBLIC COUNSEL SERVICES

AGENCY PROGRAM: 1) Committee for Public Counsel Services

PROGRAM 1: COMMITTEE FOR PUBLIC COUNSEL SERVICES

State Appropriations

- 0321-1500 For the expenses of the administration of 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; provided, that during fiscal year nineteen hundred and ninety-five, no new leases or lease extensions may be signed in which the rental rate increases from the existing rate 6,327,157
- 0321-1502 For the compensation to public counsel assigned cases under the provisions of subsection (a) of section six of chapter two hundred and eleven D of the General Laws, pursuant to section thirteen of chapter two hundred and eleven D of the General Laws, including compensation to the chief counsel, deputy chief counsels, and general counsel 5,529,412
- 0321-1510 For the compensation to private counsel assigned to criminal cases 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 chapter two hundred and eleven D of the General Laws; provided, that the amount appropriated herein shall be expended for services rendered in fiscal year nineteen hundred and ninety-five only; provided further, that the chief counsel may transfer funds to item 0321-1512 as necessary, pursuant to schedules submitted to the house and senate ways and means committees thirty days prior to any such transfer 31,119,651
- 0321-1512 For the compensation to private counsel assigned to family law and mental health cases 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 chapter two hundred and eleven D of the General Laws; provided, that the amount appropriated herein shall be expended for services rendered in fiscal year nineteen hundred and ninety-five only; provided further, that the chief counsel may transfer funds to item 0321-1510 as necessary, pursuant to schedules submitted to the house and senate ways and means committees thirty days prior to any such transfer 11,601,313
- 0321-1520 For the fees and costs, as defined in section twenty-seven A of chapter two hundred and sixty-one of the General Laws, as

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; provided, that the amount appropriated herein shall be expended for services rendered in fiscal year nineteen hundred and ninety-five only . . . 2,771,646

0321-1530 Notwithstanding the provisions of chapter two hundred and eleven D of the General Laws, or any general or special law to the contrary, the committee for public counsel services may accept and disburse royalty income from contracts entered into during current and prior fiscal years, up to a maximum of five thousand dollars 5,000

COMMITTEE FOR PUBLIC COUNSEL SERVICES
PROGRAM DETAIL
William J. Leahy, Chief Counsel

AGENCY MISSION: To provide legal representation to indigent defendants.
STATUTORY REFERENCES: M.G.L. c. 211D, M.G.L. c.261 § 27A
AGENCY PROGRAMS: 1) Committee for Public Counsel Services

PROGRAM 1: COMMITTEE FOR PUBLIC COUNSEL SERVICES
LINE ITEMS: 0321-1500, 0321-1502, 0321-1510, 0321-1512, 0321-1520, 0321-1530
STATE APPROPRIATION: \$57,354,179
PROGRAM MISSION: To provide legal representation to indigent defendants.

Program Objectives	Performance Measures	Expected Outputs
1. Represent indigent defendants.	1a. Total defendants represented by public counsel staff.	1a. TBR
	1b. Average caseload per month per public counsel staff attorney.	1b. TBR
	1c. Average cost per case.	1c. TBR
2. Represent indigent defendants through the public counsel division in the Superior Court	2a. Staff attorneys assigned to take superior court cases.	2a. TBR
	2b. Defendants represented.	2b. 19,746
	2c. Average cases assigned to each public attorney per year in the Superior Court.	2c. 179
3. Represent indigent defendant through the public counsel division in the Appellate Courts.	3a. Staff attorneys taking appellate court cases.	3a. TBR
	3b. Defendants represented in Appellate Courts.	3b. 401

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	3c.	Average cases assigned to each public attorney per year in direct appeal cases.	3c. 31
4. Represent indigent defendants through assignments to private counsel.	4a.	Total new cases assigned to private attorneys in FY95.	4a. 190,566
	4b.	Percentage growth in new cases over previous fiscal year.	4b. TBR
	4c.	Average cost per case.	4c. TBR
	4d.	Percentage growth in average cost per case over previous fiscal year.	4d. TBR
	4e.	Cases carried over from FY94 into FY95.	4e. TBR
	4f.	Number of cases per case type carried over from FY94 into FY95.	4f. TBR
	4g.	Total billings from cases carried over from FY94 and closed in FY95.	4g. TBR
	4h.	Cases carried into FY96.	4h. TBR
	4i.	Total billings in FY95 for cases carried into FY96.	4i. TBR
	4j.	Number of cases per case type carried over into the following fiscal year.	4j. TBR
	4k.	Private attorneys receiving assignments.	4k. 2,367
	4l.	Attorneys attaining their "case-load limit".	4l. 7
	4m.	Attorneys taking fewer than 25 cases.	4m. TBR
	4n.	Attorneys receiving compensation in the following ranges: -under \$10,000 -\$10,000-\$19,999 -\$20,000-\$29,999 -\$30,000-\$39,999 -\$40,000-\$49,999 -\$50,000-\$59,999 -\$60,000-\$69,999 -\$70,000-\$79,999 -\$80,000-\$89,999	4n. TBR
5. Represent indigent defendants through assignments to private counsel in the Superior Court.	5a.	New defendants represented in criminal cases in the Superior Court.	5a. 12,215
	5b.	Defendants represented in the Superior Court in cases carried over from previous fiscal year.	5b. TBR
	5c.	Average hours billed per Superior Court criminal case.	5c. 29.4 hours.

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	5d. Total billings for Superior Court criminal cases.	5d. TBR
	5e. Average cost per (closed) Superior Court criminal case.	5e. 749
6. Represent indigent defendants through assignments to private counsel in the District Court.	6a. Defendants represented in new criminal cases in the District Court.	6a. 160,855
	6b. Defendants represented in the District Court in cases carried over from previous fiscal year.	6b. TBR
	6c. Average hours billed per district court criminal case.	6c. 6.9
	6d. Total billings for district court criminal cases.	6d. 25,100,660
	6e. Average cost per district court criminal case.	6e. BR
7. Represent indigent defendants through assignments to private counsel in the Juvenile Court.	7a. New defendants represented in the Juvenile Court.	7a. 4,318
	7b. Defendants represented in the Juvenile Court in cases carried over from previous fiscal year.	7b. TBR
	7c. Average hours billed per (closed) Juvenile Court case.	7c. 8.08 hours
	7d. Average hours billed per juvenile delinquency case.	7d. 7.3
	7e. Total billings for juvenile delinquency cases.	7e. 470,873
	7g. Average cost per juvenile court criminal case.	7g. TBR
8. Represent indigent defendants through assignments to private counsel in homicide cases.	8a. Homicide defendants represented.	8a. TBR
	8b. Average hours billed per homicide case.	8b. 159.2
	8c. Total billings for (closed) cases.	8c. 1,761,728
	8d. Average cost per homicide case.	8d. TBR
9. Represent indigent defendants through assignments to Private counsel in the Appellate Courts.	9a. Defendants represented in the Appellate Courts.	9a. 331
	9b. Defendants represented in Appellate Court in cases carried over from previous fiscal year.	9b. TBR
	9c. Average hours billed per Appellate Court case.	9c. 64.24
	9d. Total billings for Appellate Court cases.	9d. 68,420
	9e. Average cost per Appellate Court case.	9e. TBR

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10. Represent indigent defendants through assignments to private counsel in non-criminal cases in non-criminal cases.	10a. Total billings for non-criminal cases	10a. 11,159,661
	10b. Average cost per non-criminal case.	10b. TBR
	10c. Percentage growth in average cost per non-criminal criminal case.	10c. TBR
	10d. Total defendants represented by assigned private counsel in new mental health cases.	10d. TBR
	10e. Percentage growth over previous fiscal year in number of defendants represented in new mental health cases.	10e. TBR
	10f. Defendants represented in mental health cases carried over from the previous fiscal year.	10f. TBR
	10g. Average hours billed per mental health case.	10g. TBR
	10h. Total billings for mental health cases.	10h. TBR
	10i. Average cost per mental health case.	10i. TBR
	10j. Total defendants represented in new family law cases.	10j. TBR
	10k. Defendants represented in family law cases carried over from the previous fiscal year.	10k. TBR
	10l. Average hours billed per family law case.	10l. TBR
	10m. Total billings for family law cases.	10m. TBR
	10n. Average cost per family law case.	10n. TBR
11. Represent indigent defendants in "children in need of services" (CHINS) cases.	11a. New clients represented in CHINS cases.	11a. 3,813
	11b. Clients represented in CHINS cases carried over from the previous fiscal year.	11b. TBR
	11c. Average hours billed per CHINS case.	11c. 10.1
	11d. Total billings for CHINS cases.	11d. 561,334
12. Represent indigent clients in care and protection cases.	11e. Average cost per CHINS case.	11e. TBR
	12a. Clients represented in care and protection cases.	12a. 6,688
	12b. Clients represented in care and protection cases carried over from the previous fiscal year.	12b. TBR

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	12c. Average hours billed per care and protection case.	12c. 22.6
	12d. Total billings for care and protection cases.	12d. TBR
	12e. Average cost per care and protection case.	12e. TBR
13. Represent indigent clients in civil commitment cases.	13a. Clients represented in civil commitment cases.	13a. 2,389
	13b. Average hours billed per civil commitment case.	13b. 5.8
	13c. Total billings for civil commitment cases.	13c. 10,735
	13d. Average cost per civil commitment case.	13d. 213.79
14. Represent indigent clients in "Rogers" hearings.	14a. Clients represented in "Rogers" hearings.	14a. 1,191
	14b. Average hours billed per "Rogers" case.	14b. 11.3
	14c. Total billings for "Rogers" cases.	14c. 163,729
	14d. Average cost per "Rogers" case.	14d. 137.47
15. Represent indigent clients in termination of parental rights.	15a. Clients represented in termination of parental rights.	15a. 1,158
	15b. Average hours billed per termination of parental rights.	15b. 39.4
	15c. Total billings for parental rights.	15c. 241,272
	15d. Average cost per termination of parental rights case.	15d. TBR
16. Represent indigent minors seeking judicial consent for abortion.	16a. Indigent minors seeking judicial consent for abortion represented.	16a. 676
	16b. Average hours billed for minors seeking judicial consent for abortion.	16b. 4
	16c. Total billings for minors seeking judicial consent for abortion.	16c. 52,713
	16d. Average cost per minors seeking judicial consent for abortion case.	16d. 77.98
17. Audit bills and case assignments to detect and prevent fraud, waste and abuse in the delivery and billing of private counsel services.	17a. Full audits conducted.	17a. TBR
	17b. Random audit reviews conducted in FY95.	17b. TBR
	17c. Audits resulting in reimbursements in FY95.	17c. TBR
	17d. Amount assessed to be paid to the commonwealth by attorneys due to over-billing in FY95.	17d. 58,893
	17e. Dollars generated FY95 in reimbursements and settlements from over-billings.	17e. 321,685

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	17f. Audits resulting in reprimand.	17f. TBR
	17g. Attorneys prohibited from receiving any new assignments in court or from being paid for prior services.	17g. 88
	17h. Attorneys referred to the Board of Bar Overseers for discipline and/or the Attorney General for prosecution.	17h. BR
	17i. Cases referred to the Board of Bar Overseers and/or the Attorney General and resulting in disciplinary action.	17i. 49
18. Process bills in a timely manner.	18a. Private attorney bills received within 30 days of case closure.	18a. 95%
	18b. Private attorney bills received more than 30 days after case closure.	18b. TBR
	18c. Private attorney bills refused payment due to late billing.	18c. TBR
	18d. Total amount of private attorney payments withheld due to late billing.	18d. TBR
	18e. Private attorney bills paid within 30 days of receipt.	18e. 25%
	18f. Average interval between receipt of bill and completion of processing.	18f. 50 Days
19. Process payments for fees and costs in proceedings for indigent defendants.	19. Total billings, number and average cost of fees and costs for indigents for: -filing or entry fees -service of process -issuance or service of a subpoena -witness fees for trial or deposition -jury trial fees -removal fees -costs assessed in a bill of costs in equity -fees for issuance of an injunction, restraining order, writ or other process -fees for an amendment of record in the probate and family court department. Extra fees and costs for: -costs of transcribing a deposition -expert assistance -appeal bonds and appeal bond premiums -interpreter services -other	19. TBR

SUPREME JUDICIAL COURT (Continued)
State Appropriations Continued

0321-1600	For the Massachusetts legal assistance corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth, including the disability benefits project, the Medicare advocacy project, and the battered women's legal assistance project; provided, that not less than one hundred fifty thousand dollars may be expended for a battered women's legal assistance project; provided further, that the first paragraph of section nine of chapter two hundred 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	1,710,073
0321-1606	For the Massachusetts legal assistance corporation for the purpose of distributing funds for the general operating costs of local and statewide civil legal service providers	2,300,000
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	261,777
0321-2100	For the Massachusetts correctional legal services committee	458,000
0321-2205	For expenses of the social law library located in Suffolk county; provided, that not less than one hundred ninety-two thousand dollars shall be made available for computerized legal research	1,080,800
0321-2206	For the Massachusetts administrative and substantive law database project, so-called, of the social law library	250,000

APPEALS COURT
State Appropriation

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; provided, that not less than one hundred thousand dollars shall be expended for the out of court "Conference Project," so called; provided further, that not less than forty thousand dollars shall be made available for a six percent increase to the salaries of non-union employees	4,299,407
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TRIAL COURT
State Appropriations

0330-0100	For the salaries of the justices of the trial court; provided, that notwithstanding the provisions of 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 justice for administration and management as enumerated in chapter two hundred and eleven B of the General Laws	24,941,619
0330-0300	For the salaries and expenses of the office of the chief justice for administration and management; provided however, that the supreme judicial court shall not charge the trial court for any assessments, services, education training, or costs of any kind	4,238,207
0330-0313	For an administrative assistant to a judicial impact office, pursuant to section 152 of this act	30,000
0330-0315	For the administration and operation of the Suffolk county courts' community service program, so-called	200,000
0330-0317	For the operations and expenses of the Massachusetts sentencing commission, pursuant to sub-section (a) of section one of chapter four hundred and thirty-two of the acts of nineteen hundred and ninety-three	250,000
0330-0380	For the administration and expenses of a trial court day care program, including Dorchester, Fall River, and Framingham; provided, that not less than two hundred and fifty thousand dollars shall be expended for the purposes of contracting with the Middlesex county commissioners for partial funding of the development of a drop-in child care facility in the superior courthouse building in Cambridge	350,000
0330-0400	For the non-employee services performed by private individuals and contracted services performed by agencies for the individual court divisions of the trial court to be expended as determined by the chief justice for administration and management; provided, that forty thousand dollars shall be expended for the CASA program, so-called, at Lawrence district court; provided further, that not less than one hundred thousand dollars shall be expended for the training of personnel and the implementation of a changing lives through literature program, so-called	9,396,259

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0330-0600	For dental and optical health plan trust agreements	1,720,699
0330-1000	For trial court jury expenses	3,068,052
0330-2000	For the trial court law libraries; provided, that not less than one hundred thousand dollars shall be expended for basic law books for the Norfolk county law library; provided further, that not less than forty thousand dollars shall be expended for the Fitchburg law library	3,488,016
0330-2010	For expenses related to computerized legal research	175,364
0330-2020	For centralized law book purchases	453,297
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 court-house maintenance costs in each county; 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; and provided further, that not less than one hundred and eight thousand dollars shall be expended for rental space for the Norfolk county law library	22,929,450
	Local Aid Fund	100.0%
0330-2205	For expenses to maintain and operate courthouse facilities owned by the commonwealth	9,001,173
0330-2300	For the costs of witness fees	600,073

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0330-2410	For the salaries and expenses of the judicial training institute; provided, that not less than one hundred thousand dollars shall be expended for the training of court personnel on domestic violence issues	311,200
0330-2600	For travel expenses of judicial personnel; provided, that the chief justice for administration and management 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 so that newly appointed justices shall be given first priority for such training . . .	800,531
0330-2700	For trial court printing expenses	1,425,485
0330-2800	For the cost of equipment maintenance and repair	2,810,144
0330-3000	For jury room furniture and equipment; provided, that said purchases and rentals may be allocated by the chief justice for administration and management; provided further, that in purchasing said equipment, the chief justice for administration and management shall utilize the approved vendor determined by the state purchasing agent for such equipment whenever the terms offered by said vendor are more favorable than those otherwise available; and provided further, that not less than sixty-nine thousand and one hundred dollars shall be expended for furnishings including shelving for the Norfolk county law library	569,100
0330-3200	For the 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-four shall be considered a full-time court officer for fiscal year nineteen hundred and ninety-five; and provided further, that all other per diem court officers shall be paid the daily rate in accordance with collective bargaining agreements	15,646,808
0330-3201	For the trial court security program including personnel and expenses; provided, that the chief justice for administration and management shall notify the house and senate committees on ways and means of all assignments and allocations	3,572,778
0330-3300	For the payment of office, administrative, and special expenses of the trial court, to be allocated by the chief justice for administration and management	545,620

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0330-3700	For the court interpreters program	137,499
0330-4100	For a trial court vacancy pool; provided, that the chief justice for administration and management shall notify the house and senate committees on ways and means of all assignments and allocations; provided further, that the comptroller is hereby authorized and directed to transfer funds from this item to other items of appropriation as appropriate and to adjust corresponding personnel caps as appropriate and shall submit to the house and senate committees on ways and means a report detailing all such transfers and adjustments by March first, nineteen hundred and ninety-five; and provided further, that the annualized cost of positions filled shall not exceed the amount appropriated herein	1,000,000
0330-4200	For a reserve to be expended for a six percent increase in the salaries of union exempt court employees	2,931,231
0330-4202	For the purpose of meeting the requirements of section eight A of chapter twelve of the Acts of nineteen hundred and ninety-three only; provided, however, that seven days in advance of said payment the chief justice for administration and management shall submit to the house and senate committees on ways and means a report detailing the payments in lieu paid to each individual, including the date of retirement, name, position, title, court and amount of payment to be paid out to each individual; provided further, that notwithstanding the provisions of any general or special law to the contrary, no funds shall be transferred or allocated from this item to any other item of appropriation	909,054
0330-4303	For the chargebacks costs of unemployment compensation, medicare tax, worker's compensation, universal health and group insurance assessed against the employees and justices of the trial court	3,645,051

SUPERIOR COURT DEPARTMENT*State Appropriations*

0331-0100	For the administrative office of the superior court department ..	4,073,995
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 superior court probation services	7,010,031

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0331-2100	For the Barnstable superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	367,789
0331-2200	For the Berkshire superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	215,031
0331-2300	For the Bristol superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	887,353
0331-2400	For the Dukes superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for	

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	the internal administration of his office, including personnel, staff services and record keeping	94,928
0331-2500	For the Essex superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	1,264,743
0331-2600	For the Franklin superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	208,787
0331-2700	For the Hampden superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	1,111,774

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0331-2800	For the Hampshire superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	292,624
0331-2900	For the Middlesex superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	2,844,247
0331-3000	For the Nantucket superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	95,727
0331-3100	For the Norfolk superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	1,060,880
0331-3200	For the Plymouth superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further; that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	919,435
0331-3300	For the Suffolk superior civil court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	2,751,092
0331-3400	For the Suffolk superior criminal court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; provided further, that not less	

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than sixty-five thousand dollars shall be expended on said clerk's duties as clerk of the appellate division for the superior court for the commonwealth; and provided further, that not 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 1,609,684

0331-3500 For the Worcester superior court; provided, that notwithstanding the provisions of any general or special law to the contrary, the first justice shall be the administrative head of the court and shall have the powers enumerated in section ten A of chapter two hundred and eleven B of the General Laws; and as administrative head, 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 further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping 1,237,858

DISTRICT COURT DEPARTMENT *State Appropriations*

0332-0100 For the administrative office of the district court department . . . 1,145,735
0332-1100 For the first district court of Barnstable 1,705,327
0332-1200 For the second district court of Barnstable (Orleans) 804,174
0332-1203 For the third district court of Barnstable (Falmouth) 750,000
0332-1300 For the district court of northern Berkshire (Adams, North Adams, Williamstown) 553,579
0332-1400 For the district court of central Berkshire (Pittsfield) 871,541
0332-1500 For the district court of southern Berkshire (Great Barrington, Lee) 370,620
0332-1600 For the first district court of Bristol (Taunton) 1,069,387
0332-1700 For the second district court of Bristol (Fall River) 1,760,674
0332-1800 For the third district court of Bristol (New Bedford) 1,812,860
0332-1900 For the fourth district court of Bristol (Attleboro) 803,446
0332-2000 For the district court of Edgartown 304,580
0332-2100 For the first district court of Essex (Salem) 1,390,269
0332-2300 For the third district court of Essex (Ipswich) 197,359
0332-2400 For the central district court of northern Essex (Haverhill) 1,308,180

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0332-2500	For the district court of eastern Essex (Gloucester)	669,394
0332-2600	For the district court of Lawrence	2,088,175
0332-2700	For the district court of southern Essex (Lynn)	1,741,059
0332-2800	For the district court of Newburyport	1,010,082
0332-2900	For the district court of Peabody	996,330
0332-3000	For the district court of Greenfield	728,565
0332-3100	For the district court of Orange	282,039
0332-3200	For the district court of Chicopee	782,507
0332-3300	For the district court of Holyoke	760,989
0332-3400	For the district court of eastern Hampden (Palmer)	601,717
0332-3500	For the district court of Springfield	3,377,657
0332-3600	For the district court of western Hampden (Westfield)	698,554
0332-3700	For the district court of Hampshire (Northampton); provided, that of the amount appropriated herein, fifty thousand dollars shall be expended for an alternative probation program "Honor Court", so called	1,347,587
0332-3800	For the district court of eastern Hampshire (Ware)	427,679
0332-3900	For the district court of Lowell	2,710,581
0332-4000	For the district court of Somerville	1,860,528
0332-4100	For the district court of Newton	798,699
0332-4200	For the district court of Marlborough	877,960
0332-4300	For the district court of Natick	772,324
0332-4400	For the district court of eastern Middlesex (Malden)	1,814,436
0332-4500	For the second district court of eastern Middlesex (Waltham) ..	1,295,063
0332-4600	For the third district court of eastern Middlesex (Cambridge) ..	3,035,887
0332-4700	For the fourth district court of eastern Middlesex (Woburn) ...	1,871,606
0332-4800	For the first district court of northern Middlesex (Ayer)	1,071,637
0332-4900	For the first district court of southern Middlesex (Framingham) ..	1,754,235
0332-5000	For the district court of central Middlesex (Concord)	1,069,361
0332-5100	For the district court of Nantucket	215,080
0332-5200	For the district court of northern Norfolk (Dedham)	1,670,768
0332-5300	For the district court of eastern Norfolk (Quincy)	3,356,416
0332-5400	For the district court of western Norfolk (Wrentham)	1,064,845
0332-5500	For the district court of southern Norfolk (Stoughton)	1,310,702
0332-5600	For the municipal court of Brookline	725,757
0332-5700	For the district court of Brockton	2,362,856
0332-5800	For the second district court of Plymouth (Hingham)	1,286,122
0332-5900	For the third district court of Plymouth (Plymouth); provided, that the assistant clerk being added hereby shall be chosen by the acting clerk magistrate of said third district court of Plymouth ..	1,591,707

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0332-6000	For the fourth district court of Plymouth (Wareham)	1,194,627
0332-6100	For the district court of Brighton	1,006,559
0332-6200	For the district court of Charlestown	688,966
0332-6300	For the district court of Chelsea	1,590,851
0332-6400	For the district court of Dorchester	3,712,355
0332-6500	For the district court of East Boston	1,229,607
0332-6600	For the district court of Roxbury	3,515,778
0332-6700	For the district court of South Boston	871,087
0332-6800	For the district court of West Roxbury	1,661,218
0332-6900	For the central district court of Worcester	2,851,530
0332-7000	For the district court of Fitchburg	1,126,762
0332-7100	For the district court of Leominster	528,675
0332-7200	For the district court of Winchendon	142,711
0332-7300	For the first district court of northern Worcester (Gardner)	833,549
0332-7400	For the first district court of eastern Worcester (Westborough)	835,922
0332-7500	For the second district court of eastern Worcester (Clinton)	424,692
0332-7600	For the first district court of southern Worcester (Dudley)	813,906
0332-7700	For the second district court of southern Worcester (Uxbridge)	496,444
0332-7800	For the third district court of southern Worcester (Milford)	811,511
0332-7900	For the district court of western Worcester (Spencer)	682,580
0332-8000	For funding of Project Intervention at the Cambridge District Court, Project Intervention will provide early intervention in Domestic Violence Cases by working with the defendants in 209-A Restraining Order Civil Cases. Counselor at the Project is trained and certified in addiction counseling, and in alternatives to violence intervention	60,000

PROBATE AND FAMILY COURT DEPARTMENT*State Appropriations*

0333-0002	For the administrative office of the probate and family court department	461,716
0333-0100	For the Barnstable probate court	715,941
0333-0200	For the Berkshire probate court	507,823
0333-0300	For the Bristol probate court	1,501,800
0333-0400	For the Dukes probate court	143,144
0333-0500	For the Essex probate court	1,776,608
0333-0600	For the Franklin probate court	342,572
0333-0700	For the Hampden probate court; provided, that twelve thousand dollars shall be made available for two deputy assistant registers designated by the chief justice of the probate court; pursuant to	

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section twenty-nine E of chapter two hundred and seventeen of the General Laws as added by this act		1,910,114
0333-0800	For the Hampshire probate court	545,057
0333-0900	For the Middlesex probate court	3,271,692
0333-0911	For the Middlesex probate court family services clinic	136,108
0333-1000	For the Nantucket probate court	109,292
0333-1100	For the Norfolk probate court	2,180,076
0333-1111	For the Norfolk probate court family services clinic	126,211
0333-1200	For the Plymouth probate court	1,589,875
0333-1300	For the Suffolk probate court	2,548,135
0333-1400	For the Worcester probate court	1,881,500

LAND COURT DEPARTMENT

State Appropriation

0334-0001	For the administration and expenses of the land court	2,127,145
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BOSTON MUNICIPAL COURT DEPARTMENT

State Appropriation

0335-0001	For the administration and expenses of the Boston municipal court	6,224,511
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HOUSING COURT DEPARTMENT

State Appropriations

0336-0002	For the administrative office of the housing court department	104,907
0336-0100	For the Boston housing court	778,029
0336-0200	For the Hampden housing court	381,622
0336-0300	For the Worcester housing court	335,838
0336-0400	For the Southeastern housing court	393,889
0336-0500	For the Northeastern housing court	345,814

JUVENILE COURT DEPARTMENT

State Appropriations

0337-0002	For the administrative office of the juvenile court department	363,283
0337-0003	For the personnel and expenses of juvenile court expansion, in- cluding the juvenile court of Barnstable and the town of Plymouth; provided that the chief justice for administration and	

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management shall notify the house and senate committees on ways and means of all assignments and allocations; provided further, that any amount appropriated herein shall be held in reserve pending submission to and approval by the chief justice for administration and management and the house and senate committees on ways and means of a plan of expenditure and implementation, pursuant to section 192 of this act; and provided further, that the annualized cost of personnel and expenses of said operations funded herein shall not exceed one million one hundred nineteen thousand five hundred and forty dollars

	dollars	1,119,540
0337-0100	For the Boston juvenile court	3,108,963
0337-0200	For the Bristol juvenile court	1,755,040
0337-0300	For the Springfield juvenile court	1,243,057
0337-0400	For the Worcester juvenile court	944,009

OFFICE OF THE COMMISSIONER OF PROBATION
State Appropriation

0339-1001	For the office of the commissioner of probation	2,921,946
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OFFICE OF THE JURY COMMISSIONER
State Appropriation

0339-2100	For the office of the jury commissioner, in accordance with chapter two hundred and thirty-four A of the General Laws, including jury expenses	2,006,675
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DISTRICT ATTORNEYS

Notwithstanding the provisions of section one to the contrary, except as otherwise provided, items 0340-0100 to 0340-2100 are charged as follows:

Local Aid Fund	100.0%
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SUFFOLK DISTRICT ATTORNEY
State Appropriations

0340-0100	For the salaries and expenses of the Suffolk district attorney's office	8,133,151
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0340-0102	For a community based juvenile justice program to be administered and operated in the city of Boston and in Suffolk county for priority prosecution of serious juvenile offenders and intervention through coordination and cooperation with local law enforcement, schools, probation and court representatives, and where appropriate the department of social services, department of youth services, and department of mental health, pursuant to section 212 of this act	262,649
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 salaries and expenses for litigation	530,404
	Victim and Witness Assistance Fund	100.0%
0340-0135	For the salaries and expenses of the Suffolk district attorney's child abuse litigation unit	188,663
	Victim and Witness Assistance Fund	100.0%
0340-0195	For the domestic violence prosecution program of the Suffolk district attorney's office	438,475
<i>Federal Appropriation</i>		
0340-0151	For the purposes of a federally funded grant entitled, Financial Investigations	50,000

NORTHERN DISTRICT ATTORNEY *State Appropriations*

0340-0200	For the salaries and expenses of the Northern district attorney's office	5,958,764
0340-0202	For a community based juvenile justice program to be administered and operated in Middlesex county in cities which shall include but not be limited to Lowell, Malden, Everett, Somerville, Medford, Cambridge and Woburn for priority prosecution of serious juvenile offenders and intervention through coordination and cooperation with local law enforcement, schools, probation and court representatives, and where appropriate the department of social services, department of youth services, and department of mental health, pursuant to section 212 of this act	322,124
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,	

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	including salaries and expenses for litigation	595,209
	Victim and Witness Assistance Fund	100.0%
0340-0235	For the salaries and expenses of the Northern district attorney's child abuse litigation unit	222,168
	Victim and Witness Assistance Fund	100.0%
0340-0295	For the domestic violence prosecution program of the Northern district attorney's office	422,289

EASTERN DISTRICT ATTORNEY
State Appropriations

0340-0300	For the salaries and expenses of the Eastern district attorney's office	3,716,722
0340-0302	For a community based juvenile justice program to be adminis- tered and operated in the cities of Lawrence and Lynn for priority prosecution of serious juvenile offenders and intervention through coordination and cooperation with local law enforcement, schools, probation and court representatives, and where appropriate the department of social services, department of youth services, and department of mental health, pursuant to section 212 of this act	147,622
0340-0330	For the victim and witness assistance program of the Eastern dis- trict attorney's office, in accordance with the provisions of chapter two hundred fifty-eight B of the General Laws, includ- ing salaries and expenses for litigation	440,703
	Victim and Witness Assistance Fund	100.0%
0340-0335	For the salaries and expenses of the child abuse litigation unit of the Eastern district attorney's office	119,707
	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	25,000
0340-0395	For the domestic violence prosecution program of the Eastern district attorney's office	274,921

MIDDLE DISTRICT ATTORNEY
State Appropriations

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0340-0400	For the salaries and expenses of the Middle district attorney's office	4,556,596
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 fifty-eight B of the General Laws, including salaries and expenses for litigation	272,564
	Victim and Witness Assistance Fund	100.0%
0340-0435	For the salaries and expenses of the Middle district attorney's child abuse litigation unit	151,118
	Victim and Witness Assistance Fund	100.0%
0340-0495	For the domestic violence prosecution program of the Middle district attorney's office	264,723

WESTERN DISTRICT ATTORNEY

State Appropriations

0340-0500	For the salaries and expenses of the Western district attorney's office	2,893,235
0340-0502	For a community based juvenile justice program to be administered and operated in the cities of Holyoke and Springfield for priority prosecution of serious juvenile offenders and intervention through coordination and cooperation with local law enforcement, schools, probation and court representatives, and where appropriate the department of social services, department of youth services, and department of mental health, pursuant to section 212 of this act	147,622
0340-0530	For the victim and witness assistance program of the Western district attorney's office, in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws, including salaries and expenses for litigation	432,019
	Victim and Witness Assistance Fund	100.0%
0340-0535	For the salaries and expenses of the Western district attorney's child abuse litigation unit	150,044
	Victim and Witness Assistance Fund	100.0%
0340-0595	For the domestic violence prosecution program of the Western district attorney's office	260,483

Federal Appropriation

0340-0526	For the purposes of a federally funded grant entitled, Gang Task Force	115,000
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NORTHWESTERN DISTRICT ATTORNEY

State Appropriations

0340-0600	For the salaries and expenses of the Northwestern district attorney's office	1,967,186
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 salaries and expenses for litigation	328,373
	Victim and Witness Assistance Fund	100.0%
0340-0635	For the salaries and expenses of the Northwestern district attorney's child abuse litigation unit	76,242
	Victim and Witness Assistance Fund	100.0%
0340-0695	For the domestic violence prosecution program of the Northwestern district attorney's office	171,731

NORFOLK DISTRICT ATTORNEY

State Appropriations

0340-0700	For the salaries and expenses of the Norfolk district attorney's office	3,668,128
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 salaries and expenses for litigation	442,167
	Victim and Witness Assistance Fund	100.0%
0340-0735	For the salaries and expenses of the child abuse litigation unit of the Norfolk district attorney's office	97,778
	Victim and Witness Assistance Fund	100.0%
0340-0795	For the domestic violence prosecution program of the Norfolk district attorney's office	264,409

PLYMOUTH DISTRICT ATTORNEY

State Appropriations

0340-0800	For the salaries and expenses of the Plymouth district attorney's office	2,895,342
0340-0802	For a community based juvenile justice program to be administered and operated in the city of Brockton for priority prosecution of serious juvenile offenders and intervention through	

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	coordination and cooperation with local law enforcement, schools, probation and court representatives, and where appropriate the department of social services, department of youth services, and department of mental health, pursuant to section 212 of this act	86,538
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 salaries and expenses for litigation	404,357
	Victim and Witness Assistance Fund 100.0%	
0340-0835	For the salaries and expenses of the Plymouth district attorney's child abuse litigation unit	99,780
	Victim and Witness Assistance Fund 100.0%	
0340-0895	For the domestic violence program of the Plymouth district attorney's office	231,221

BRISTOL DISTRICT ATTORNEY

State Appropriations

0340-0900	For the salaries and expenses of the Bristol district attorney's office	3,195,019
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 salaries and expenses for litigation	411,999
	Victim and Witness Assistance Fund 100.0%	
0340-0935	For the salaries and expenses of the child abuse litigation unit of the Bristol district attorney's office	126,401
	Victim and Witness Assistance Fund 100.0%	
0340-0995	For the domestic violence prosecution program of the Bristol district attorney's office	241,734

CAPE AND ISLANDS DISTRICT ATTORNEY

State Appropriations

0340-1000	For the salaries and expenses of the Cape and Islands district attorney's office	1,283,764
0340-1002	For a community based juvenile justice program to be administered and operated in Barnstable County for the priority prosecution of serious juvenile offenders and intervention through coordination and cooperation with local law enforcement, schools, probation and court representatives, and	

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	where appropriate the department of social services, department of youth services, and department of mental health, pursuant to section 212 of this act	85,000
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 salaries and expenses for litigation	305,202
	Victim and Witness Assistance Fund	100.0%
0340-1035	For the salaries and expenses of the child abuse litigation unit of the Cape and Islands district attorney's office	50,302
	Victim and Witness Assistance Fund	100.0%
0340-1095	For the domestic violence prosecution program of the Cape and Islands district attorney's office	206,464

BERKSHIRE DISTRICT ATTORNEY*State Appropriations*

0340-1100	For the salaries and expenses of the Berkshire district attorney's office	1,063,063
0340-1102	For a community based juvenile justice program to be administered and operated in the city of Pittsfield for priority prosecution of serious juvenile offenders and intervention through coordination and cooperation with local law enforcement, schools, probation and court representatives, and where appropriate the department of social services, department of youth services and department of mental health, pursuant to section 212 of this act	65,162
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 salaries and expenses for litigation	283,368
	Victim and Witness Assistance Fund	100.0%
0340-1135	For the salaries and expenses of the child abuse litigation unit of the Berkshire district attorney's office	33,820
	Victim and Witness Assistance Fund	100.0%
0340-1195	For the domestic violence prosecution program of the Berkshire district attorney's office	202,066

DISTRICT ATTORNEYS ASSOCIATION*State Appropriation*

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0340-2100 For a reserve for the implementation and related expenses of the prosecution management information system (PROMIS); provided, that funds may be transferred from this item to other items of appropriation; provided further, that the house and senate committees on ways and means shall be notified in writing of all transfers made from this item; provided further, that a report detailing all past expenditures from this item, 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-four; and provided further, that expenses may be charged directly to this item 1,044,816

EXECUTIVE
GOVERNOR
State Appropriation

0411-1000 For the salaries and expenses of the offices of the governor and lieutenant governor and 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; and for the payment of extraordinary expenses not otherwise provided for, and for transfer to appropriation accounts where the amounts otherwise available are insufficient 4,613,155

GOVERNOR'S COMMISSION ON MENTAL RETARDATION
State Appropriation

0411-1010 For the governor's commission on mental retardation 200,000

SECRETARY OF STATE
State Appropriations

0511-0000 For the administration and expenses of the office of the secretary; provided, that seventy-two thousand dollars shall be expended for review of corporate annual statements by the corporations division, including the costs of personnel; provided further, that one hundred thousand dollars shall be expended for the costs of

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notifying corporations of their obligation to file annual statements of condition with the office of the secretary; provided further, that one hundred three thousand dollars shall be expended for the costs of notifying publicly traded corporations of their obligation to file tax information and for the related costs of the corporate tax filing program, including the costs of personnel, in accordance with chapter four hundred two of the acts of nineteen hundred ninety-two; provided further, that one hundred and ninety-two thousand dollars shall be expended for the purposes of maintaining a computerized corporate library; provided further, that three hundred thirty thousand dollars shall be expended for enforcing Massachusetts securities laws; and provided further, that no transfer of personnel or compensation for personnel from one item to another within the office of the secretary of state shall occur without the prior notification of the house and senate committees on ways and means 5,960,796

0511-0200	For the administration of the state archives division	528,546
0511-0230	For the expenses of the record center	202,877
0511-0250	For the maintenance and operation of the archives facilities	563,963
0511-0260	For the administration of the commonwealth museum	204,396
0517-0000	For the printing of public documents	1,211,088
0521-0000	For the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections	2,974,813
	Local Aid Fund	100.0%
0521-0001	For the printing expenses for mailed voter registration forms	175,000
	Local Aid Fund	100.0%
0524-0000	For providing information to voters	709,787
	Local Aid Fund	100.0%
0526-0100	For the Massachusetts historical commission; provided, that not less than fifty-thousand dollars shall be expended for historic preservation grants, prior appropriation continued	626,694
0527-0100	For the ballot law commission	19,500
0528-0100	For the records conservation board	36,290

Federal Appropriations

0526-0105	For the purposes of a federally funded grant entitled, Massachusetts Statewide Historical Survey	680,000
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0526-0115 For the purposes of a federally funded grant entitled, Massachusetts
Historical Commission - Federal Preservation Grants 242,000

TREASURER AND RECEIVER-GENERAL
OFFICE OF THE TREASURER AND RECEIVER-GENERAL
State Appropriations

0610-0000 For the office of the treasurer and receiver-general; provided,
that not more than three million nine hundred thousand dollars
of the amount appropriated herein shall be expended for the
payment of bank fees; provided further, that the treasurer shall
provide computer services required by the teachers' retirement
board 9,995,950

General Fund	50.0%
Highway Fund	10.0%
Local Aid Fund	40.0%

0610-1500 For tuition payments as required by section twelve B of chapter
seventy-six of the General Laws, 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;
provided, that the state treasurer shall deduct the amount
expended from this account from items 7061-0008 and
0611-5500 and from the amounts specified in section three of
this act, in accordance with the provisions of section twelve B
of chapter seventy-six of the General Laws

0611-1000 For bonus payments to war veterans 19,000

0611-5000 For compensation to victims of violent crimes; provided, that not-
withstanding the provisions of section five of chapter two
hundred 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

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	two hundred fifty-eight A of the General Laws; and provided further, that no funds appropriated herein shall be expended for acute hospital services	2,454,843
	General Fund	78.21%
	Victim and Witness Assistance Fund	21.79%
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 that have constructed abatement facilities; provided, however, that said distribution to said public entities shall equal one million, two hundred forty-nine thousand, nine hundred forty-eight dollars	477,565,226
	Local Aid Fund	100.0%
0611-5510	For reimbursements to cities and towns in lieu of taxes on state-owned land 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, pursuant to section eighteen D of chapter fifty-eight of the General Laws, to each city and town within which racing meetings are conducted	1,366,343
	Local Aid Fund	100.0%

STATE BOARD OF RETIREMENT

State Appropriations

0612-0100	For the administration of the board; provided, that the position of executive secretary of the retirement board shall not be subject to the provisions of chapter thirty-one of the General Laws	1,303,328
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 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 sections one hundred and two of said chapter thirty-two, for the costs of increased survivor benefits pursuant to chapter three hundred and eighty-nine of the acts of nineteen hundred and eighty-four, and for the costs associated with the cost of living adjustment authorized in section 208 of this act; 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 quarterly 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-four 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-four; 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-four; 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 herein before described; and provided further, that no funds may be expended from this item, other than deposits to the commonwealth's pension liability fund 944,858,000

General Fund	33.9%
Local Aid Fund	59.0%
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-five; 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 by May twentieth, nineteen hundred and ninety-five; provided further, that notwithstanding any general or special law to the contrary, the pension reserve investment trust fund shall reimburse the General Fund for the costs of this appropriation on or before June thirtieth, nineteen hundred ninety-five 272,304

Local Aid Fund	100.0%
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0612-2000 For 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 or widowers, 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 23,092,114

General Fund 82.2%

Highway Fund 17.8%

COMMISSION ON FIREMEN'S RELIEF

State Appropriation

0620-0000 For financial assistance to injured firemen 9,808

Local Aid Fund 100.0%

EMERGENCY FINANCE BOARD

State Appropriation

0630-0000 For the expenses 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 69,823

Local Aid Fund 100.0%

STATE LOTTERY COMMISSION

State Appropriations

0640-0000 For the expenses of the operation and administration of the state lottery and arts lottery; provided, that eight hundred and sixty thousand dollars of this item shall be for increased production of instant tickets and pull-tabs, so-called; provided further, that two million dollars shall be for the acquisition of instant ticket

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	vending machines; provided further, that no funds shall be expended from this item for any costs associated with advertising lottery games; provided further, that not more than two hundred and fifty thousand dollars shall be expended for computer upgrades and enhancements; provided further, that all the positions in this item shall not be subject to chapters thirty and thirty-one of the general laws; and provided further, that twenty-five percent of this appropriation shall be transferred from the State Lottery Fund to the General Fund quarterly .	61,071,000
0640-0005	For the cost associated with the continued implementation of the game of keno, so-called; provided, that twenty-five percent of this appropriation shall be transferred from the State Lottery Fund to the General Fund quarterly	4,000,000
0640-0010	For the purpose of advertising associated with the state lottery program; provided, that twenty-five percent of this appropriation shall be transferred from the State Lottery Fund to the General Fund quarterly; provided further, that the funds made available herein shall be the only funds made available for advertising lottery games; and provided further, that no non-appropriated funds shall be expended for the purposes of advertising lottery games	2,800,000
0640-0096	For the purpose of the commonwealth's fiscal year nineteen hundred ninety-five 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
	Local Aid Fund	100.0%

MASSACHUSETTS CULTURAL COUNCIL
State Appropriations

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	
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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 the sum of one million five hundred thousand dollars may be expended for the purposes of a Massachusetts facilities fund, so-called; provided, however, that no funds may be expended for said Massachusetts facilities fund, so-called, until such time as the council has received a matching grant from the cultural facilities fund, so-called; provided further, that twenty-five percent of this appropriation shall be transferred from the Arts Lottery Fund to the General Fund quarterly; 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; provided further, that the council shall not expend funds from this account for any recipient that, in any program or activity for Massachusetts school children, does not apply the same terms and conditions to all such children; and provided further, that persons employed under this item shall be considered employees within the meaning of section one of chapter one hundred and fifty E, such shall be placed in the appropriation bargaining units 9,836,131

0640-0350 For the purposes of the cultural resources act as provided in section thirty-six of chapter sixty-nine of the General Laws; provided, that the council shall not expend funds from this account for any recipient that, in any program or activity for Massachusetts school children, does not apply the same terms and conditions to all such children 2,229,850

Federal Appropriations

0640-9717 For the purposes of a federally funded grant entitled, Basic State Grant 522,000

0640-9718 For the purposes of a federally funded grant entitled, Artists in Education 125,300

0640-9721 For the purposes of a federally funded grant entitled, Youth Reach 92,300

0640-9722 For the purposes of a federally funded grant entitled, Locals Program-Basic Salary Assistance 30,520

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DEBT SERVICE
State Appropriations

0699-0090	For the debt service associated with Dedicated Income Tax Bonds, Fiscal Recovery Loan Act of nineteen hundred and ninety	271,379,000
	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, the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Parks District Fund, and the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the Local Aid Fund	51,678,892
	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, and the payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the Local Aid Fund	5,094,524
	Local Aid Fund . . . 100.0%	
0699-1903	For the payment of certain serial bonds maturing previously charged to the State Recreation Areas Fund, the payment of certain serial bonds maturing previously charged to the Metropolitan Parks District Fund, and the payment of certain serial bonds maturing; provided, that any deficit existing in this item at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the Local Aid Fund	25,448,642
	Local Aid Fund . . . 100.0%	

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0699-3901	For the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Water District Fund, the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Sewerage District Fund, and the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the General Fund debt service reserve	247,707,736
0699-3902	For the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Water District Fund, the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Sewerage District Fund, and the payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the General Fund debt service reserve	3,249,399
0699-3903	For the payment of certain serial bonds maturing previously charged to the Metropolitan Water District Fund, the payment of certain serial bonds maturing previously charged to the Metropolitan Sewerage District Fund, and the payment of certain serial bonds maturing; provided, that any deficit existing in this item at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the General Fund debt service reserve	396,221,853
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 any deficit existing in this item at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the Highway Fund debt service reserve; provided further, that payments on bonds issued	

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	pursuant to section two O of chapter twenty-nine of the General Laws shall be paid from this item and shall be charged to the Infrastructure Fund of the Highway Fund	135,723,028
	Highway Fund	100.0%
0699-6801	For the payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the Highway Fund debt service reserve; provided further, that payments on bonds issued pursuant to section two O of chapter twenty-nine of the General Laws shall be paid from this item and shall be charged to the Infrastructure Fund of the Highway Fund	584,085
	Highway Fund	100.0%
0699-6900	For the payment of certain serial bonds maturing; provided, that any deficit existing in this item at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the Highway Fund debt service reserve; provided further, that payments on bonds issued pursuant to section two O of chapter twenty-nine of the General Laws shall be paid from this item and shall be charged to the Infrastructure Fund of the Highway Fund	119,508,293
	Highway Fund	100.0%
0699-8300	For the payment of certain bonds maturing; provided, that any deficit existing in this item at the close of the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the Inter-City Bus Fund	1,956
	Inter-City Bus Fund	100.0%
0699-9100	For the payment of interest and issuance costs on bonds and 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 the fiscal year ending June thirtieth, nineteen hundred and ninety-five shall be charged to the various funds or to the General or Highway Fund debt service reserves	26,129,000

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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
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OFFICE OF THE STATE AUDITOR
STATE AUDITOR
State Appropriations

0710-0000	For the administration and expenses of the office of the auditor	9,959,103
0710-0010	For the administration and expenses associated with the review and monitoring of privatization contracts	903,107
0710-0100	For the administration and expenses of the bureau of local mandates	754,101
	Local Aid Fund	100.0%

ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
State Appropriations

0810-0000	For the office of the attorney general	13,187,506
0810-0014	For the expenses of the public utilities proceedings unit, pursuant to section eleven E of chapter twelve of the General Laws	1,355,145
0810-0017	For the expenses related to judicial proceedings relevant to the fuel charge, pursuant to section ninety-four G of chapter one hundred and sixty-four of the General Laws and such other proceedings as may be reasonably related to said section; provided, that said assessment shall be credited to the General Fund	75,000
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	1,335,602
0810-0031	For the expenses of administering the local consumer aid fund ...	604,543
0810-0035	For the administration and expenses of the anti-trust division ...	320,663
	Anti-Trust Law Enforcement Fund	100.0%
0810-0045	For the labor law enforcement program, pursuant to continued authority under section three hundred and thirty-one of chapter one hundred and ten of the acts of nineteen hundred and ninety-	

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	three; provided, that notwithstanding the provisions of any general or special law to the contrary, any non-management position funded by this item shall be deemed a job title in a collective bargaining unit as prescribed by the labor relations commission, and shall be subject to the provisions of chapter one hundred and fifty E of the General Laws	2,051,279
0810-0201	For the expenses incurred in administrative or judicial proceedings on insurance as authorized by section eleven F of chapter twelve of the General Laws, as amended by this act; provided, that funds made available herein may be used to supplement the automobile insurance fraud unit and the workers' compensation fraud unit of the office of the attorney general	1,151,542
0810-0338	For the administration and expenses of the investigation and prosecution of 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, as amended by this act	200,000
0810-0399	For workers' compensation 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, as amended by this act; provided further, that the attorney general is hereby authorized and directed to investigate and prosecute where appropriate employers fail to provide workers' compensation insurance in accordance with the laws of the commonwealth; and provided further, that said unit shall investigate and report on all companies not in compliance with chapter one hundred and fifty-two of the General Laws	368,602
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; provided, that the attorney general shall submit to the general court and the secretary of administration and finance a report detailing the claims submitted to the state treasurer for payment under 0611-5000 of this act indicating both the number and costs for each category of claim	120,685
	Victim and Witness Assistance Fund	100.0%

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Federal Appropriation

0810-6646 For the purposes of a federally funded grant entitled, Crime
Victim Compensation 978,000

COMMISSION ON UNIFORM STATE LAWS
State Appropriation

0830-0100 For the commission on uniform state laws 27,900

VICTIM AND WITNESS ASSISTANCE BOARD
State Appropriation

0840-0100 For the administration and expenses of the Massachusetts office
for victim assistance 300,000
Victim and Witness Assistance Fund 100.0%

Federal Appropriation

0840-0110 For the purposes of a federally funded grant entitled, Crime
Victim Assistance 1,456,000

STATE ETHICS COMMISSION
State Appropriation

0900-0100 For the operation of the state ethics commission 1,102,781
General Fund 50.0%
Local Aid Fund 50.0%

OFFICE OF THE INSPECTOR GENERAL
State Appropriations

0910-0200 For the operation and administration of the office of the inspect-
or general 1,412,702
0910-1101 For engaging the services of a certified public accounting firm to
evaluate the operations of the committee for public counsel ser-
vices pursuant to the provisions of section 211 of this act 50,000

OFFICE OF CAMPAIGN AND POLITICAL FINANCE
State Appropriation

0920-0300	For the operation and administration of the office of campaign and political finance	655,201
	General Fund	50.0%
	Local Aid Fund	50.0%

OFFICE OF THE STATE COMPTROLLER
State Appropriation

1000-0001	For the administration of the office of the state comptroller, for the purpose of compliance with the Single Audit Act of nineteen hundred 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 ninety-four, 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 non-tax revenue unit which shall operate under policies and procedures developed in conjunction with the division 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	5,591,660
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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
EXECUTIVE OFFICE
State Appropriation

1100-1100 For the office of the commissioner; provided, that forecasts generated by the state economic model and the governor's revenue advisory board be filed quarterly with the house and senate committees on ways and means 1,482,653

OFFICE OF DISPUTE RESOLUTION
State Appropriation

1100-1103 For the office of dispute resolution; provided, that the office shall generate not less than four hundred one thousand seven hundred and sixty-six 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 and related services 401,766

MASSACHUSETTS CORPORATION FOR
EDUCATIONAL TELECOMMUNICATIONS
State Appropriation

1100-1400 For a payment to the Massachusetts corporation for educational telecommunications to be expended in accordance with a plan filed with the legislature; provided, that not less than fifty thousand dollars be expended for the purpose of conducting a study by the Massachusetts association of college librarians for a proposed five campus library system 5,500,000

CHELSEA RECEIVER
State Appropriation

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 ninety-one; and provided further, that the funds appropriated herein shall not be transferred to any other item of appropriation 333,683
Local Aid Fund 100.0%

ADMINISTERING AGENCY FOR DEVELOPMENTAL DISABILITIES
Federal Appropriations

1100-1703	For the purposes of a federally funded grant entitled, Administering Agency for Developmental Disabilities; provided, that in order to qualify for said grant, this account shall be exempt from the first fifty thousand dollars of fringe benefits charges pursuant to section six B of chapter twenty-nine of the General Laws	1,222,170
1100-1710	For the purposes of a federally funded grant entitled, Massachusetts Developmental Disabilities Council	363,601

FISCAL AFFAIRS DIVISION
State Appropriation

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	2,397,131
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OFFICE OF MANAGEMENT INFORMATION SYSTEMS
State Appropriations

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 two B of this act	8,173,825
1101-4000	The commissioner of administration is hereby authorized to expend two hundred and twenty-five 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; pro-	

vided, 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 an annual status report with the house and senate committees on ways and means by May fifteenth nineteen hundred ninety-five with actual and projected savings and expenditures for said audits in the fiscal year ending June thirtieth, nineteen hundred ninety-five; 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 the costs of personnel 225,000

DIVISION OF CAPITAL PLANNING AND OPERATIONS

- AGENCY PROGRAMS: 1) Administration and Operations 2) State Transportation Building
3) Springfield State Office Building
PROGRAM 1: ADMINISTRATION AND OPERATIONS

State Appropriations

- 1102-3210 For the administration and operations program 5,721,276
1102-3211 The division of capital planning and operations is hereby authorized to expend for consultant personnel, and associated costs, one million two hundred thousand dollars from revenues received for project management services provided to, but not limited to, the Boston common underground garage, the Massachusetts information technology center and the several community colleges, pursuant to the provisions of section forty-two J of chapter seven of the General Laws, including the

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costs of personnel; provided, that a quarterly report be filed with the house and senate committees on ways and means detailing expenditures by project 1,200,000

PROGRAM 2: STATE TRANSPORTATION BUILDING³
State Appropriation

1102-3214 For the state transportation building program; provided, that the division of capital planning and operations is hereby authorized to expend revenues collected up to a maximum of seven million dollars from rentals, commissions, fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building 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 forty-three J of chapter seven of the General Laws 7,000,000

State Transportation Building
Management Fund 100.0%

PROGRAM 3: SPRINGFIELD STATE OFFICE BUILDING
State Appropriation

1102-3231 For the Springfield state office building program; provided, that the division of capital planning and operations is hereby authorized to expend revenues collected up to a maximum of five hundred thousand dollars accrued from rents charged to agencies occupying the Springfield state office building for the maintenance and operation of said building, pursuant to the provisions of section forty-three K of chapter seven of the General Laws 500,000

Springfield State Office Building
Management Fund 100.0%

DIVISION OF CAPITAL PLANNING AND OPERATIONS
PROGRAM DETAIL
Lark Palermo, Commissioner

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AGENCY MISSION: To meet the real property ownership and rental needs of state agencies.

STATUTORY REFERENCES: Enabling Statute: M.G.L. c.7, §§ 39A-41I; M.G.L. c.8

AGENCY PROGRAMS: 1) Administration and Operations 2) State Transportation Building
3) Springfield State Office Building

PROGRAM 1: ADMINISTRATION AND OPERATIONS

LINE ITEMS: 1102-3210, 1102-3211

STATE APPROPRIATION: \$6,921,276

PROGRAM MISSION: To manage the real property holdings and needs of the Commonwealth, including planning, construction, repair, maintenance, leasing, acquisition, and disposition.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process for monitoring and improving program performance.	1. Program improvements and enhancements produced by the performance review process.	1. TBR
2. Conduct capital planning and budgeting.	2a. File comprehensive annual report on the progress of all capital facility projects subject to the jurisdiction of the division. 2b. File 5 year proposed capital repair and maintenance plan.	2a. February 15, 1995 2b. February 15, 1995
3. Administer contracts for design and construction work.	3. Contracts negotiated.	3. TBR
4. Conduct projects audits.	4. Audits indicating non-compliance with the regulations of the division.	4. TBR
5. Negotiate land acquisitions and dispositions.	5a. Acquisitions completed, total square feet. 5b. Dispositions completed, total square feet, and total revenues. 5c. Dispositions at less than the appraised value of the property.	5a. TBR 5b. TBR 5c. TBR
6. Regulate designer selections.	6. Projects requiring designation by the designer selection board.	6. TBR
7. Provide for the reuse of Commonwealth properties by maintaining property inventories, analyzing usage, and redeveloping surplus property.	7a. Annual inventory of real property rented, owned, or occupied by state agencies. 7b. Property usage studies completed.	7a. February 15, 1995 7b. TBR
8. Negotiate cost-effective leases for agencies.	8a. Agency space evaluations completed. 8b. Leases whose square footage costs exceed the median cost for a given region.	8a. TBR 8b. TBR

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	8c. Annual agency rent reductions attributable to lease renegotiations.	8c. TBR
	8d. New leases and lease renewals.	8d. TBR
9. Design, award, and oversee new construction, major rehabilitations, and renovations.	9. Value of new construction and asset acquisition actively managed, by agency.	9. TBR
10. Operate, maintain, and repair state buildings, and ensure health, safety, and code compliance in state build-authority buildings completed.	10a. Agencies and building authorities in non-compliance with maintenance and repair standards and guidelines of the division.	10a. TBR
	10b. Inspections of state agency or building	10b. TBR
	10c. Code compliance corrections made within 30 days.	10c. 95%
	10d. Preventive maintenance programs at each state agency and building authority evaluated and approved.	10d. TBR
	10e. Value of repairs and renovations performed on the Commonwealth's real assets.	10e. TBR
	10f. Savings attributable to the shared savings energy conservation program.	10f. TBR

PROGRAM 2: STATE TRANSPORTATION BUILDING

LINE ITEMS: 1102-3214

STATE APPROPRIATION: \$7,000,000

PROGRAM MISSION: To provide building management services for the State Transportation Building through a contract with a building manager.

Program Objectives	Performance Measures	Expected Outputs
1. Maintain and operate the building at class A office space standards.	1a. Cost of routine repairs, upkeep, and maintenance.	1a. TBR
	1b. Cost of major repairs.	1b. TBR
	1c. Deviations from capital facility maintenance schedule.	1c. TBR
	1d. Rental income and expenses.	1d. TBR

PROGRAM 3: SPRINGFIELD STATE OFFICE BUILDING

LINE ITEMS: 1102-3231

STATE APPROPRIATION: \$500,000

PROGRAM MISSION: To provide building management services for the Springfield State Office Building through a contract with a building manager.

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Program Objectives	Performance Measures	Expected Outputs
1. Maintain and operate the building at class A office space standards.	1a. Cost of routine repairs, upkeep, and maintenance. 1b. Cost of major repairs. 1c. Deviations from capital facility maintenance schedule. 1d. Rental income and expenses.	1a. TBR 1b. TBR 1c. TBR 1d. TBR

BUREAU OF STATE OFFICE BUILDINGS
State Appropriations

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 shall 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 shall 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 shall serve for the duration of the project as executive director of this project and shall be compensated therefore from funds appropriated in this item	8,735,891
1102-3302	For the purposes of utility costs and associated contracts for the properties managed by the bureau of state office buildings and the division of capital planning and operations	8,629,531

DEPARTMENT OF PROCUREMENT
AND GENERAL SERVICES
State Appropriations

1104-1000	For the administration of the department; 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 ninety-four	3,239,180
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; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department of procurement and general services 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, including the costs of personnel	78,000
1104-1092	The department of procurement and general services is hereby authorized to expend revenues collected up to a maximum of one hundred thirty thousand dollars, in addition to the amount authorized in item 1104-6603 of section two B of this act, for printing, photocopying, related graphic art or design work, and other reprographic goods and services provided to the general public, including all necessary incidental expenses	130,000
1104-6601	Pursuant to section twenty-one A of chapter eight hundred eight of the acts of nineteen hundred eighty-one, chapter four hundred forty-nine of the acts of nineteen hundred 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 fifty thousand dollars from the sale of federal surplus property, for the acquisition, warehousing, allocation and distribution of federal surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department of procurement and general services 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, including the costs of personnel	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 ten thousand and sixteen dollars from the disposal of surplus motor vehicles including, but not limited to, state police vehicles, from vehicle accident and damage claims and from	

manufacturer warranties, rebates and settlements, for the purchase of motor vehicles; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department of procurement and general services 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, including the costs of personnel	510,016
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OFFICE ON DISABILITY
State Appropriation

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, and education through the arts	536,879
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Federal Appropriation

1107-2450 For the purposes of a federally funded grant entitled, Client Assistance Program	183,710
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DISABLED PERSONS PROTECTION COMMISSION
State Appropriation

1107-2501 For the disabled persons protection commission; provided, that the commission shall facilitate compliance by the department of mental health and the department of mental retardation with the provisions of uniform investigative standards, so called	1,344,803
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DEPARTMENT OF PERSONNEL ADMINISTRATION
State Appropriations

1108-1000 For the administration of the department and the county personnel board including, but not limited to, administration of civil service examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candi-	
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dates 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 to the contrary, the commissioner of administration shall charge 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; provided further, that no funds are obligated for purposes of executive search programs except any executive search program which may be conducted pursuant to Executive Order 227 adopted on February twenty-fifth, nineteen hundred eighty-three, as amended; provided further, that the department shall administer a program of state employee unemployment management, including, but not limited to, agency training and assistance; provided further, that the department shall also administer 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; provided further, that, notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance is hereby authorized and directed to grant a five percent salary adjustment to those executive branch employees who perform managerial functions who were ineligible to receive a salary adjustment because their salaries are not set forth in section forty-six C of chapter thirty of the General Laws and who were ineligible to receive a salary adjustment pursuant to the collective bargaining agreements entered into by the commonwealth and its several employee unions; provided further, that no statutory employee, so-called, shall be eligible for a salary adjustment; provided further, that no higher education employee who performs managerial functions shall be eligible for any salary adjustment authorized herein; and provided further, that the funds made available in section two of this act shall be deemed sufficient to fund the costs associated with the salary adjustment authorized herein 3,413,116

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	General Fund	50.0%	
	Local Aid Fund	50.0%	
1108-1214	The department of personnel and administration is hereby authorized to expend revenues collected up to a maximum of three hundred thousand dollars from the fees charged for civil service examination applications for the administration of the civil service examination program by the department, including the costs of personnel		300,000

CIVIL SERVICE COMMISSION
State Appropriation

1108-1011	For the administration of the civil service commission		243,093
	Local Aid Fund	65.0%	
	General Fund	35.0%	

STATE OFFICE OF AFFIRMATIVE ACTION
State Appropriation

1108-2500	For the office of affirmative action		165,169
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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		527,820
1108-3200	For the purposes of the commonwealth's contributions for the fiscal year nineteen hundred and ninety-five 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,		

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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 13,516,576

MASSACHUSETTS TEACHERS' RETIREMENT BOARD
State Appropriation

1108-4010 For the Massachusetts teachers' retirement board; provided, that the General Fund shall be reimbursed for the amount of this appropriation pursuant to clause (a) of subdivision (7) of section twenty-two of chapter thirty-two of the General Laws 1,556,381

GROUP INSURANCE COMMISSION
AGENCY PROGRAMS: 1) Administration 2) Insurance Benefits
PROGRAM 1: ADMINISTRATION

State Appropriation

1108-5100 For the administration of the group insurance commission; provided, that said commission shall generate four hundred fifty 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 1,826,788

PROGRAM 2: INSURANCE BENEFITS

State Appropriations

1108-5200 For the commonwealth's share of the group insurance premium and plan costs of the administration program incurred in fiscal year nineteen hundred and ninety-five; provided, that not more than three 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 secretary of administration and finance 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; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other non-state funded agencies and authorities; provided further, that the secretary of administration and finance is authorized and directed to charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for said charges shall be credited to the General Fund; provided further, that notwithstanding the provisions of section twenty-six of chapter twenty-nine of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts 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 notwithstanding the provisions of chapter one hundred and fifty-E of the General Laws and as provided in section eight of said chapter thirty-two A and for the purposes of section fourteen of said chapter thirty-two A, the commonwealth's share of the group insurance premium for retired state employees shall be ninety percent; provided further, that the commonwealth's share of such premiums for active state employees shall be eighty-five percent of such premiums and rates; provided further, that retired employees of the Massachusetts Bay Transportation Authority or regional transit authorities shall continue to pay the same percent-age, if any, of their health insurance premium as they

	paid on June first, nineteen hundred and ninety-four; provided further, that active employees of the Massachusetts bay transportation authority and of regional transit authorities shall pay fifteen percent of such premiums and rates; provided further, that the commission shall notify the house and senate committees on ways and means by April fifteenth of each year, of the commonwealth's actual cost of its share of group insurance premiums for the next fiscal year; provided further, that for the purpose of accommodating the 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-five; 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	433,644,096
1108-5220	For the mail order prescription drug program	13,983,975
1108-5230	For payment of prior year costs incurred by the state indemnity health insurance plan and the preferred provider organization; provided, that expenditures from this item shall be made only for the purpose expressly stated herein	40,482,244
1108-5300	For elderly governmental retired employee premium payments; provided, that the commission is hereby authorized to expend revenues collected up to a maximum of two million five hundred twenty-two thousand nine hundred and thirty-four dollars, from charges to cities, towns or districts for said premium and the audit of said premium; provided, that notwithstanding any other provisions of this item, any remaining balance at the end of fiscal year nineteen hundred and ninety-five 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-six; 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	2,522,934
1108-5400	For the costs of the retired municipal teachers' premiums and the audit of said premiums; provided, that no funds appropriated under this item shall be expended for the payment of abortions	

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not necessary to prevent the death of the mother	19,949,741
Local Aid Fund	100.0%
1108-5500 Notwithstanding the provisions of chapter thirty-two A of the general laws to the contrary, for the provision of dental and vision benefits for those active employees of the commonwealth, not including employees of Authorities and any other political subdivision, who are not otherwise provided such benefits pursuant to a separate appropriation or the provisions of a contract or collective bargaining agreement; provided, that said employees shall pay at least fifteen percent of the monthly premium established by the commission for such benefits; and provided further, that such benefits shall become effective not later than October first, nineteen hundred and ninety-four	2,563,640

GROUP INSURANCE COMMISSION
PROGRAM DETAIL
Dolores Mitchell, Executive Director

AGENCY MISSION: To provide life, health, and other insurance benefits to active and retired employees and dependents.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c.32A

AGENCY PROGRAMS: 1) Administration 2) Insurance Benefits

PROGRAM 1: ADMINISTRATION

LINE ITEM: 1108-5100

STATE APPROPRIATION: \$1,826,788

PROGRAM MISSION: To provide fiscal, managerial, legal, and system support for the provision of group life, health insurance and dental benefits to active and retired employees of the commonwealth.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process for monitoring and improving program performance.	1. Program improvements and enhancements produced by the performance review process.	1. TBR
2. Process enrollment and coverage changes in a timely manner.	2. New enrollment and coverage changes processed at least 6 days prior to effective	2. 98%
3. Ensure vendors pay claims in a timely and efficient manner according to com-	3a. Performance standards set by the commission and stipulated in self-insurance contracts.	3a. TBR

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mission and industry standards.	3b. Annual independent audit of self-insured claims processed by administrative service organization (ASO) vendors.	3b. January 15, 1995
4. Develop audit system for evaluating health maintenance organizations (HMO) comparable to the ASO vendor audit.	4. HMO data reconciled to meet GIC contractual performance standards.	4. TBR
5. Manage Group Insurance Trust Fund and Rate Stabilization Reserve Fund revenues, collections and projected expenditures.	5a. Revenues generated, by fund type. 5b. Expenditures, by fund type and purpose.	5a. TBR 5b. TBR
6. Report on prior year costs.	6a. Actual prior year payments for fiscal year nineteen hundred and ninety-four, by plan. 6b. Estimated prior year payments for fiscal year nineteen hundred and ninety-five, by plan.	6a. TBR 6b. TBR
7. Report on contracted studies and assessments of flexible benefit plan proposals.	7. Costs and savings associated with a flexible benefit plan.	7. March 1, 1995

PROGRAM 2: INSURANCE BENEFITS

LINE ITEMS: 1108-5200, 1108-5220, 1108-5230, 1108-5400, 1108-5500

STATE APPROPRIATION: \$513,146,630

PROGRAM MISSION: To provide group life, health insurance and dental benefits to active and retired employees of the commonwealth.

Program Objectives	Performance Measures	Expected Outputs
1. Negotiate and control annual rate adjustments with all health insurers.	1a. Estimate of comparable private sector rate increases. 1b. Actual FY96 GIC rate increase by insurer.	1a. January 15, 1995 1b. April 1, 1995
2. Report cost elements, calculations, and underlying assumptions for fiscal years 1995 and 1996 premiums.	2a. FY95 report. 2b. FY96 projections report.	2a. October 1, 1994 2b. February 28, 1995
3. Implement interventions to offset adverse utilization trends.	3a. Interventions recommended to commission by claims analyst. 3b. All methods of intervention to be pursued by the commission.	3a. March 15, 1995 3b. TBR
4. Develop analysis of hospital finance deregulation on GIC costs.	4. Status report submitted.	4. January 30, 1995

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5. Promote mandatory Medicare enrollment.	5. Monthly medicare enrollment trend.	5. TBR
6. Offer optional COBRA health insurance coverage to persons leaving state service.	6. COBRA enrollees compared to all offered COBRA coverage.	6. TBR
7. Monitor long term disability coverage to state employees.	7. GIC members electing long term disability coverage during FY95.	7. TBR
8. Monitor managed pharmacy benefits.	8a. Prescriptions filled through mail order and total cost.	8a. TBR
	8b. Prescriptions filled through the preferred provider organization and total cost.	8b. TBR
9. Monitor changes in utilization.	9a. Track enrollment, by plan.	9a. TBR
	9b. Track changes in plan rates for the past five years.	9b. TBR
	9c. Compare rate changes to changes in enrollment.	9c. TBR

PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION
State Appropriation

1108-6100 For the administration of the public employee retirement administration, including the establishment of regional medical panels, pursuant to chapter six hundred ninety-seven of the acts of nineteen hundred eighty-seven, and for the administration of the workers' compensation costs of public employees, including the workers' compensation investigatory unit	3,137,775
General Fund	60.0%
Local Aid Fund	40.0%

DIVISION OF ADMINISTRATIVE LAW APPEALS
State Appropriation

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 the provisions of any special or general laws 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 for administration; provided further, that the payments for such services

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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 497,869

GEORGE FINGOLD LIBRARY
State Appropriation

1120-4005 For the administration of the library; provided, that the sum of thirty-eight thousand dollars shall be expended solely for the purposes of connecting the George Fingold Library to the wide area services network; and provided further, that said library shall maintain regular hours of operation from nine a.m. to five p.m. 1,092,508

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION
AGENCY PROGRAM: 1) Massachusetts Commission Against Discrimination
PROGRAM 1: MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

State Appropriations

1150-5100 For the office of the commission; provided, that all positions except clerical are exempted from the provisions of chapter thirty-one of the General Laws; and provided further, that said commission shall pursue the highest rate of federal reimbursement per charge allowable 1,125,181

1150-5104 The Massachusetts commission against discrimination is hereby authorized to expend revenues collected through federal reimbursements received for the purposes of the housing and urban development fair housing assistance type I program and the equal opportunity resolution contract program during fiscal year nineteen hundred ninety-five, and federal reimbursements received for these and other programs in prior fiscal years; provided, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, said commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenues estimate as reported in the state accounting system; provided further, that notwithstanding the provisions of section one of this act or any

other general or special law to the contrary, federal reimbursements received in excess of one million three hundred fifty-three thousand two hundred seventy dollars shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, funds may be expended from this item for the purposes of case investigations, conciliation, and resolution efforts of local agencies as provided by contract through the commission; provided further, that such efforts include, but shall not be limited to, the following cities and towns: Worcester, New Bedford, Somerville, Chelsea, Cambridge, and Barnstable; provided further, that notwithstanding the provisions of any general or special law to the contrary, the commission shall deposit into the General Fund any federal reimbursements received for these purposes in fiscal year nineteen hundred and ninety-five; provided further, that the commission shall report to the house and senate committees on ways and means no later than the last day of each quarter federal reimbursements received in that quarter, anticipated reimbursements to be received in the remaining quarters of the fiscal year, and reimbursements projected to be collected in the subsequent fiscal year for said purposes; provided further, that said report shall detail actual and anticipated reimbursements by date of receipt, case type, reimbursement per case, and cases resolved; and provided further, that the costs of personnel may be charged to this item 1,353,270

Federal Appropriation

1150-5329 For the purposes of a federally funded grant entitled, Fair Housing Assistance Program-Type II 186,000

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION
PROGRAM DETAIL
Michael Duffy, Chairman

AGENCY MISSION: To enforce civil rights and investigate cases of discrimination in the areas of employment, housing, public accommodations, financial services, and education.
STATUTORY REFERENCES: Enabling Statutes: M.G.L. c.6 § 56; M.G.L. c.7 § 4G; M.G.L. c.151B § 3
AGENCY PROGRAMS: 1) Massachusetts Commission Against Discrimination

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PROGRAM 1: MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

LINE ITEMS: 1150-5100, 1150-5104

STATE APPROPRIATION: \$2,478,451

PROGRAM MISSION: To identify and resolve cases of discrimination in the public and private sectors.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process For monitoring and improving program performance.	1. Program improvements and enhancements produced by the performance review process.	1. TBR
2. Provide technical assistance to enable municipalities to comply with federal employment standards and to qualify for federal grants.	2a. Municipalities assisted.	2a. TBR
	2b. Projects which received funding, by municipality and funding amount.	2b. TBR
3. Enforce "fair practice" standards of compliance for state and municipal government and other institutions.	3a. Contracts reviewed for compliance, by political subdivision.	3a. TBR
	3b. Municipal commissions established.	3b. TBR
	3c. Complaints received against municipalities	3c. TBR
	3d. Findings from complaints against municipalities.	3d. TBR
	3e. Discrimination complaints filed by the commission.	3e. TBR
	3f. Findings from complaints filed by the commission.	3f. TBR
4. Resolve complaints of discrimination brought by individuals and organizations.	4a. Complaints filed.	4a. TBR
	4b. Complaints determined to have cause.	4b. TBR
	4c. Cases resolved through mediation.	4c. TBR
	4d. Cases requiring a hearing.	4d. TBR
	4e. Average time required to dispose of a case.	4e. TBR
	4f. Cases closed annually.	4f. TBR

DEPARTMENT OF REVENUE

AGENCY PROGRAMS: 1) Tax Administration 2) Child Support Enforcement 3) Local Services 4) Tax Abatements

PROGRAM 1: TAX ADMINISTRATION

State Appropriation

1201-0100 For the tax administration program, 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 and fifty thousand dollars to the department of the attorney general for the purpose of the tax prosecution unit; and provided further, that the department may charge the expenses for computer services, including the cost of personnel and other support costs provided to the child support enforcement division and the local services division, from this account to item 1201-0160 or 1231-0100, consistent with the costs attributable to the respective divisions; and provided further that the department shall maintain regional offices in Pittsfield, Brockton, Hyannis, Wakefield and Worcester for the purposes of tax collection, taxpayer assistance, small business seminars, and auditing 99,577,765

General Fund	60.0%
Local Aid Fund	35.0%
Highway Fund	5.0%

PROGRAM 2: CHILD SUPPORT ENFORCEMENT.

State Appropriation

1201-0160 For the child support enforcement program conducted by the department; provided; 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 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 ac-

count 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; 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-four detailing current staffing levels, by function and performance indicators, including, but not limited to, AFDC and non-AFDC caseloads, collection levels, court cases, paternities established, court orders established, average employee workload, federal reimbursements, projections of the aforementioned indicators for the remainder of the fiscal year, and any deviations of current performance from previous projections; and provided further, that the division shall make all reasonable efforts to maximize AFDC collections 30,394,606

PROGRAM 3: LOCAL SERVICES

State Appropriations

1231-0100 For the local services program, 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

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	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 provide to the general court access to the municipal data bank	4,937,770
	Local Aid Fund	100.0%
1231-1000	For the sewer rate relief fund established by section two Z of chapter twenty-nine of the General Laws	40,000,000
	Local Aid Fund	100.0%

PROGRAM 4: TAX ABATEMENTS

State Appropriations

1233-2000	For the tax abatements program; provided, that cities and towns shall be reimbursed 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 the elderly persons component of the tax abatements program; provided, that cities and towns shall be reimbursed 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%

DEPARTMENT OF REVENUE
PROGRAM DETAIL
Mitchell Adams, Commissioner

AGENCY MISSION: To manage revenue collections in the Commonwealth through tax administration and child support enforcement, and to provide financial management assistance to local governments.

STATUTORY REFERENCES: Enabling Statutes: M.G.L. c.7 § 4A; M.G.L. c.14 § 14

AGENCY PROGRAMS: 1) Tax Administration 2) Child Support Enforcement 3) Local Services 4) Tax Abatements

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PROGRAM 1: TAX ADMINISTRATION

LINE ITEMS: 1201-0100

STATE APPROPRIATION: \$99,577,765

PROGRAM MISSION: To collect tax and non-tax revenues and to process individual and corporate tax returns.

Program Objectives	Performance Measures	Expected Outputs
1. Process tax returns.	1a. Refunds processed within 30 days.	1a. 100%
	1b. Total tax collections	1b. \$11,328,100,000
2. Collect appropriate tax revenues from non-filers.	2a. Delinquent collections.	2a. TBR
	2b. Delinquent collections versus FY94 year-to-date.	2b. TBR
3. Collect revenues through audits.	3. Audit assessments.	3. TBR
4. Minimize portion of revenues collected through private collection agencies.	4. Total collections through collection agencies.	4. TBR

PROGRAM 2: CHILD SUPPORT ENFORCEMENT

LINE ITEMS: 1201-0160

STATE APPROPRIATION: \$30,394,606

PROGRAM MISSION: To collect and enforce child support payment orders in order to ensure that children receive support from non-custodial parents.

Program Objectives	Performance Measures	Expected Outputs
1. Collect child support payments on behalf of Aid to Families with Dependent Children (AFDC) families.	1. AFDC collections.	1. \$83,300,000
2. Secure health insurance for AFDC children through employers' plans of non-custodial parents.	2. Individuals removed from Medicaid.	2. TBR
3. Collect child support payments on behalf of non-AFDC families.	3. Non-AFDC collections.	3. \$150,000,000
4. Establish child support orders for non-custodial parents.	4. Orders established.	4. 12,000
5. Increase the proportion of non-custodial parents in compliance with child support orders.	5. Identified non-custodial parents in compliance with child support orders.	5. 65%

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PROGRAM 3: LOCAL SERVICES

LINE ITEMS: 1231-0100, 1231-1000

STATE APPROPRIATION: \$44,937,770

PROGRAM MISSION: To oversee and provide technical assistance to local governments in the areas of finance and financial management.

Program Objectives	Performance Measures	Expected Outputs
1. Provide financial training to municipal managers.	1. Officials trained.	1. 700
2. Authorize small borrowing for municipalities.	2. State House Notes issued.	2. TBR
3. Review municipal budgets and approve tax rates.	3. Tax rates set.	3. 351
4. Determine local aid going to municipalities.	4a. Municipal revenue reports reviewed.	4a. 351
	4b. Local aid schedules processed.	4b. TBR
5. Approve triennial municipal assessor valuations.	5. Assessment Certifications granted.	5. 117
6. Reduce need for Municipal Finance Control Boards.	6a. Control boards in existence.	6a. TBR
	6b. Control boards dissolved.	6b. TBR

PROGRAM 4: TAX ABATEMENTS

LINE ITEMS: 1233-2000, 1233-2010, 1233-2310

STATE APPROPRIATION: \$20,200,000

PROGRAM MISSION: To provide reimbursements to cities and towns which have granted tax abatements to disabled and other veterans, surviving spouses, minors, the blind, and the elderly.

Program Objectives	Performance Measures	Expected Outputs
1. Process tax abatement requests.	1a. Requests received, by individual town, individual abatement type and individual amount.	1a. TBR
	1b. Abatements processed.	1b. TBR

APPELLATE TAX BOARD
State Appropriation

1310-1000	For the appellate tax board; provided, that the board schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, and Worcester	1,295,031
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DEPARTMENT OF VETERANS' SERVICES
State Appropriations

0610-0093	For the purposes of allowing the department of veterans' services to make bonus payments to Persian Gulf war veterans; provided, that all such payments shall be consistent with the purposes of the trust instrument for "A Hero's Welcome Trust Fund"	230,000
	A Hero's Welcome Trust Fund	100.0%
1410-0010	For the administration of the department	1,618,858
1410-0012	For services to veterans, including the maintenance and operation of outreach 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 provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; provided further, that not less than eighty thousand dollars shall be obligated for a contract with the Veterans Benefits Clearinghouse in Roxbury; provided further, that not less than seventy-five thousand dollars shall be obligated for a contract with the Veterans Northeast Outreach Center in Haverhill; provided further, that not less than seventy thousand dollars shall be obligated for a contract with the Veterans Association of Bristol County in Fall River; provided further, that not less than sixty thousand dollars shall be obligated for a contract with the North Shore Veterans Counseling Center in Beverly; provided further, that not less than ninety thousand dollars shall be obligated for a contract with NamVets of the Cape and Islands in Hyannis; provided further, that not less than fifty-five thousand dollars shall be obligated for a contract with the Metrowest/Metrosouth Outreach Center in Framingham; provided further, that not less than fifty-five thousand dollars shall be obligated for a contract with the Outreach Center, Inc., in Pittsfield; provided further, that not less than fifty-five thousand dollars shall be obligated for a contract with the Montachusett Veterans Outreach Center in Gardner; and provided further, that not less than sixty thousand dollars shall be obligated for a contract with the Holyoke Soldiers' Home ..	619,566

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	Local Aid Fund	100.0%
1410-0013	For the purpose of providing employment and training services for "not job ready" Vietnam, minority, disabled and recently discharged veterans	60,000
1410-0100	For the elder affairs revenue maximization project, to identify individuals eligible for veterans' pensions who are currently receiving home care and home health services; provided, that the department shall enter into an interagency service agreement with the executive office of elder affairs not later than August first, nineteen hundred and ninety-four to determine the methods for recovering said pensions	95,983
1410-0250	For homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans; provided, that not less than one million two hundred and ninety-five thousand dollars be obligated for a contract with the New England Shelter for Homeless Veterans located in Boston; provided further, that not less than one hundred twenty-five thousand dollars be obligated for a contract with the Central Massachusetts Shelter for Homeless Veterans located in Worcester; and provided further, that not less than one hundred thousand dollars be obligated for a contract with the Southeastern Massachusetts Veterans' Housing Program, Inc., located in New Bedford	1,520,000
1410-0251	For the maintenance and operation of a transitional housing unit at the New England Shelter for Homeless Veterans	340,000
1410-0300	For the payment of annuities to certain disabled veterans	122,500
1410-0400	For reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans; provided, that said reimbursements be made pursuant to section six of chapter one hundred and fifteen of the General Laws	11,656,783
	Local Aid Fund	100.0%

RESERVES
State Appropriations

1599-0002	For contributions toward the maintenance of the old provincial state house	25,000
1599-0013	For a reserve for the cities and towns' unemployment health insurance contributions due under section fourteen G of chapter one hundred fifty-one A of the General Laws; provided, that the	

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	commissioner of the department of employment and training shall provide to the secretary of administration and finance and the house and senate committees on ways and means quarterly estimates of the contributions due; and provided further, that upon approval of the secretary of administration and finance, the treasurer shall transfer funds from this account to the medical security trust fund established in chapter one hundred 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 ninety of the acts of nineteen hundred eighty-two	24,610,780
1599-0036	For the expenses of the Massachusetts convention center authority	8,591,800
	Massachusetts Tourism Fund	100.0%
1599-0093	For contract assistance to the water pollution abatement trust for debt service obligations of the trust, in accordance with the provisions of section six A of chapter twenty-nine C of the General Laws, as amended in section twelve of chapter two hundred three of the acts of nineteen hundred ninety-two	11,902,257
	Local Aid Fund	100.0%
1599-3384	For a reserve for the payment of certain court judgments, settlements and legal fees, in accordance with regulations promulgated by the comptroller, filed with the house and senate committees on ways and means, which were ordered to be paid in fiscal year nineteen hundred ninety-five or a prior fiscal year . .	10,000,000
1599-3473	For a firefighters' memorial to be erected on or abutting the firefighters' memorial state bridge, so-called, located on route 113 in the city of Methuen	10,000
1599-3731	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; provided, that 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	40,000

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- Local Aid Fund 100.0%
- 1599-8910 For a reserve to supplement funding for county correctional programs in Plymouth county; provided, that said funds shall be distributed upon approval by the county government finance review board pursuant to the provisions of item 8910-0000 in section two of this act; provided further, that funds made available in this item shall in no way prohibit Plymouth county from receiving additional funds from said item 8910-0000 as approved by said board; and provided further, that said funds shall be used to supplement increased operational and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to the provisions of clauses three and four of the memorandum of agreement signed May fourteenth, nineteen hundred and ninety-two 3,000,000
- Local Aid Fund 100.0%
- 1599-9100 For a reserve for pension costs associated with the local teachers' early retirement program pursuant to section eighty-three of chapter seventy-one of the acts of nineteen hundred ninety-three; provided, that the Massachusetts teachers' retirement board shall not later than August fifteenth, nineteen hundred ninety-four, certify to the comptroller the amount necessary to meet the cost of said program in the fiscal year ending June thirtieth, nineteen hundred ninety-five, and the comptroller shall thereupon allocate the entire balance in this account to item 7061-0009 of section two of this act 40,000,000
- Local Aid Fund 100.0%
- 1599-9900 For a reserve to fund the costs associated with the bail reform law, so-called; provided, that funds shall be expended or allocated from this item only after enactment of legislation providing for bail reform, so-called; provided further, that no funds shall be expended or allocated from this item until the chief justice for administration and management of the trial court submits to the chief justice of the supreme judicial court, the chief counsel for the committee for public counsel services, the secretary of administration and finance, the joint committee on the judiciary, and the house and senate committees on ways and means a detailed plan for the use of these funds; and provided further, that said detailed plan shall ensure that the several district attorneys,

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the attorney general, the committee for public counsel services,
and the trial court system each receive adequate funding from
this reserve to fully implement said bail reform law 5,000,000
General Fund 10.0%
Local Aid Fund 90.0%

1599-9952 For the purpose of contracting independent technical advisors for
the East Boston and North End/Waterfront areas of the city of
Boston to assist these neighborhoods in evaluating and
contributing to the central artery/third harbor tunnel project,
including the Charles River crossing; provided, that the
executive office for administration and finance shall issue a
request for proposals for such technical advisors drafted in
conjunction with designated representatives from the
aforementioned neighborhoods; provided, said advisors shall be
independent from any existing employees or programs whose
main purpose is to prepare designs or provide information
relevant to the central artery/third harbor tunnel project,
including the Charles River crossing, operating under the
auspices of the city of Boston or any other municipality, the
commonwealth of Massachusetts or the federal government;
provided further, that after such contracts for technical advisors
have been awarded, each such advisor shall have access to data
and design information; provided further, that for the purposes
of making recommendations relative to design and mitigation,
such technical advisors shall have appropriate input; and pro-
vided further, that each independent technical advisor shall be
accountable to and work directly with residents, designated
community representatives and organizations of the East Boston
and North End/Waterfront areas of the city of Boston in
assessing impacts and recommending alternative design
modifications to the central artery/third harbor tunnel project,
including the Charles River crossing 75,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
EXECUTIVE OFFICE
State Appropriations

2000-0100 For the office of the secretary, including the water resources com-
mission, coastal zone management, the review of environmental
impact reports pursuant to chapter thirty of the General Laws,

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a geographic information system for environmental data in Massachusetts, mosquito-borne disease vector control, and a central data processing center for the secretariat; provided, that said secretary shall locate donated space for a field team of technical advisors for the office of technical assistance and report to the house and senate committees on ways and means of said location no later than December second, nineteen hundred and ninety-four; provided further, 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 agency may render data processing services to said secretary; 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; and provided further, that at least fifty-five thousand dollars must be expended on printing of the MEPA monitor		2,086,941
General Fund		60.0%
Local Aid Fund		40.0%
2001-1001	The secretary of environmental affairs may expend an amount not to exceed eighty-two thousand four hundred dollars accrued from the rendering of data processing services to state agencies, authorities and units of government within the commonwealth, the distribution of digital cartographic and other data, and the review of environmental notification forms pursuant to the Massachusetts environmental policy act	82,400
2010-0100	For the operation of the Springfield materials recycling facility and for recycling and related purposes consistent with the solid waste master plan including grants under the municipal guaranteed annual tonnage recycling assistance program; provided, that not less than one hundred thousand dollars shall be expended for a public education campaign encouraging participation in existing curbside pick-up recycling programs in the city of Boston	5,000,000
Clean Environment Fund		100.0%
2020-0100	For toxics use reduction technical assistance and technology, in accordance with the provisions of chapter twenty-one I of the General Laws	1,810,323
Toxics Use Reduction Fund		100.0%

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2050-0100	For the administration of the hazardous waste facility siting council, in accordance with the provisions of chapter twenty-one D of the General Laws; provided, that the awarding of any technical assistance grant shall require the prior approval of the secretary of the executive office of environmental affairs	165,014
	General Fund	50.0%
	Local Aid Fund	50.0%
2060-0100	For the purpose of implementing the 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 a report shall be submitted to the house and senate committees on ways and means on or before November first, nineteen hundred and ninety-four detailing expenditures from the prior year; and provided further, that no money shall be expended from this item after November first, nineteen hundred and ninety-four until such report has been filed with the house and senate committees on ways and means	500,000
	Low Level Radioactive Waste	
	Management Fund	100.0%

Federal Appropriations

2000-0141	For the purposes of a federally funded grant entitled, Coastal Zone Management Development	1,921,000
2000-0144	For the purposes of a federally funded grant entitled, Assessment of Sand Inside Plymouth Bay	25,000
2000-0145	For the purposes of a federally funded grant entitled, Coastal Zone Management Interstate Grant	55,000
2000-0148	For the purposes of a federally funded grant entitled, Massachusetts Bay National Estuary Project	2,386,000
2000-0149	For the purposes of a federally funded grant entitled, Gulf of Maine Data and Information Management	57,000
2000-0152	For the purposes of a federally funded grant entitled, Pollution Prevention Technical Assistance to Publicly-Owned Treatment Works	87,081
2000-9701	For the purposes of a federally funded grant entitled, Hazardous Waste-Small Generators	24,770

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2000-9702	For the purposes of a federally funded grant entitled, Environmental Data Integration	4,000
2000-9703	For the purposes of a federally funded grant entitled, Bedrock Geological Mapping	15,000
2000-9704	For the purposes of a federally funded grant entitled, Pollution Prevention Merrimack River System	23,187
2000-9706	For the purposes of a federally funded grant entitled, Northeast Wetland Hydrology and Wildlife Training	10,000
2000-9722	For the purposes of a federally funded grant entitled, Coordination of Environmental Programs-NERBC	2,000
2000-9731	For the purposes of a federally funded grant entitled, Buzzards Bay Project-Comprehensive Estuarine Management	174,209
2000-9732	For the purposes of a federally funded grant entitled, Buzzards Bay Project-Conservation and Management Plan	572,500
2000-9733	For the purposes of a federally funded grant entitled, Buzzards Bay Project	200,000
2030-9701	For the purposes of a federally funded grant entitled, Outdoor Recreation Projects	3,000,000

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
State Appropriations

2100-0005	For the department of environmental management pursuant to the purposes of sections ten and one-half A of chapter ninety-one of the General Laws; provided, that a sum not to exceed sixty thousand dollars be expended for the administration of the Martha's Vineyard commission; provided further, that no less than seven hundred thousand dollars shall be allocated to fund a dredging project in Hingham and Cohasset, of which no less than four hundred thousand dollars shall be designated for Hingham and no less than three hundred thousand dollars shall be designated for Cohasset; provided further, that no less than two hundred fifty thousand dollars shall be allocated to fund a dredging project at the Nantasket pier in the town of Hull; and provided further, that no less than five hundred fifty thousand dollars shall be allocated to fund the dredging of the Wessagusset yacht club, and the Fore and Back rivers in the town of Weymouth	3,154,728
	Harbors and Inland Water	
	Maintenance Fund	100.0%

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2100-1000	For the administration of the department	2,166,179
	Local Aid Fund	100.0%
2100-2002	The department is hereby authorized to expend fifty thousand dollars from revenues received from interstate fire fighting services authorized under section forty-four of chapter one hundred and thirty-eight of the acts of nineteen hundred and ninety-two with the United States Department of Agriculture Forest Service; provided, that costs attributed to other state agencies under agreement be disbursed according to state accounting practices	50,000
2100-2030	For the recreational and resource conservation operations of the department; provided, that funds appropriated herein shall be used to operate all of the department's parks, heritage state parks, reservations, campgrounds, beaches, rinks, and pools; provided further, that funds appropriated herein shall be used to protect and manage the department's lands and natural resources including the forest and parks conservation services and the bureau of forestry developments; provided further, that not less than thirty-two thousand dollars shall be provided to the town of Hingham fire department for reimbursements for response calls to Wompatuck state park; provided further, that three thousand dollars shall be expended for the costs of purchasing emergency rescue equipment to service Purgatory Chasm; and provided further, that no funds from this item shall be made available for payment to true seasonal employees, so-called	17,373,501
	Local Aid Fund	90.0%
	Highway Fund	10.0%
2100-3010	For the summer and fall seasonal hires of the department, including hires for the fire control unit; provided, that of the total amount appropriated herein no funds shall be made available for year-round seasonal employees, so-called	3,133,530
	Local Aid Fund	90.0%
	Highway Fund	10.0%
2100-3011	For the winter and spring seasonal hires of the department, including hires for the fire control unit; provided, that of the total amount appropriated herein no funds shall be made available for year round seasonal employees, so-called	1,217,699
	Local Aid Fund	90.0%
	Highway Fund	10.0%

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2100-3020	For a reforestation program to be undertaken by the division of forests and parks in the Nantucket and Martha's Vineyard state forests including the clearing of dead trees and branches, planting new trees, activation of fire lanes and the creation of a passive recreation area	100,000
	Local Aid Fund	90.0%
	Highway Fund	10.0%

Federal Appropriations

2100-0164	For the purposes of a federally funded grant entitled, Greenway Planning	10,000
2100-9702	For the purposes of a federally funded grant entitled, Lawrence Heritage State Park	19,580
2100-9708	For the purposes of a federally funded grant entitled, National Flood Insurance Program	158,000
2100-9710	For the purposes of a federally funded grant entitled, Curatorship Sites	5,000
2100-9720	For the purposes of a federally funded grant entitled, Blackstone Heritage Corridor	14,228
2120-9701	For the purposes of a federally funded grant entitled, Rural Community Fire Protection	63,300
2120-9707	For the purposes of a federally funded grant entitled, Urban and Community Forestry	338,000
2120-9708	For the purposes of a federally funded grant entitled, Improved Wood Utilization	72,182
2120-9716	For the purposes of a federally funded grant entitled, Hurricane Bob Disaster Relief	462,000
2120-9720	For the purposes of a federally funded grant entitled, Coastal Storm Disaster Relief	73,897
2120-9721	For the purposes of a federally funded grant entitled, Winter Storm 1992 Disaster Relief	383,314
2120-9722	For the purposes of a federally funded grant entitled, Hazard Mitigation-Salisbury Beach	77,670
2120-9723	For the purposes of a federally funded grant entitled, Hazard Mitigation-Horseneck Beach	52,300
2120-9724	For the purposes of a federally funded grant entitled, Hazard Mitigation-South Cape Beach	36,650
2120-9725	For the purposes of a federally funded grant entitled, Hazard Mitigation-South Beach	12,050

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2121-9709	For the purposes of a federally funded grant entitled, Forestry Planning	100,575
2121-9710	For the purposes of a federally funded grant entitled, Rural Fire Protection-Training and Excess Property	50,020
2121-9712	For the purposes of a federally funded grant entitled, Forest Health Research	13,602
2121-9714	For the purposes of a federally funded grant entitled, Resource Conservation and Development	18,000
2121-9716	For the purposes of a federally funded grant entitled, Agriculture Conservation Program	11,800
2121-9718	For the purposes of a federally funded grant entitled, Forestry Incentives Program	6,000
2121-9750	For the purposes of a federally funded grant entitled, Insect Disease Control-Gypsy Moth Suppression	35,000
2130-9705	For the purposes of a federally funded grant entitled, SUASCO Watershed Flood Control Reservoir	44,990
2130-9722	For the purposes of a federally funded grant entitled, Clean Lakes Program	45,000
2130-9733	For the purposes of a federally funded grant entitled, Hazard Mitigation-Administration	19,500
2140-9705	For the purposes of a federally funded grant entitled, Waquoit Bay National Estuarine Research Reserve	46,459
2140-9708	For the purposes of a federally funded grant entitled, Waquoit Bay-Operating Costs	30,100
2140-9709	For the purposes of a federally funded grant entitled, WBNERR Operation and Management	110,000
2140-9710	For the purposes of a federally funded grant entitled, WBNERR exhibits and renovations	200,000
2140-9711	For the purposes of a federally funded grant entitled, SBA Tree Planting Program	726,256

DEPARTMENT OF ENVIRONMENTAL PROTECTION

AGENCY PROGRAMS: 1) Environmental Compliance 2) Clean Air Act Implementation 3) Safe Water Drinking Act Implementation 4) Cleanup of Oil and Hazardous Waste Sites

PROGRAM 1: ENVIRONMENTAL COMPLIANCE

State Appropriations

2200-0100 For the administration of the department, including the division of water pollution control, the division of water supply,

the division of solid waste, the division of hazardous waste, the division of wetlands and waterways, the division of air quality control, the Lawrence experimental station, and a contract with the university of Massachusetts for environmental research; notwithstanding the provisions of section three hundred twenty-three F of chapter ninety-four of the General Laws; 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 enactment of this act and the appropriations made available by this act to the department of environmental protection shall be deemed a determination, pursuant to sub-section (m) of section eighteen of chapter twenty-one A of the General Laws, that said appropriations for ordinary maintenance of said department from state funds other than the Environmental Challenge Fund and the Environmental Permitting and Compliance Assurance Fund are comparable to the baseline figure, as defined in said subsection, based on inflation, the department's demonstrated program improvements and efficiencies in areas other than those supported by fees and added or reduced programmatic responsibilities of the department; provided further, that not less than eighty thousand dollars shall be made available to the south shore regional refuse disposal planning board for a professional solid waste planner; and provided further, that not more than five hundred thirty-five thousand dollars shall be expended for technical assistance to communities to comply with provisions of the Title V 25,228,166

General Fund	54.0%
Environmental Permitting and Compliance Fund	31.0%
Clean Environment Fund	15.0%

2210-0100 For the implementation and administration of chapter twenty-one I of the General Laws	1,005,734
Toxics Use Reduction Fund	100.0%

Federal Appropriations

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2200-9704	For the purposes of a federally funded grant entitled, Solid Waste Disposal-Conservation and Recovery	1,600,000
2200-9705	For the purposes of a federally funded grant entitled, Under-ground Water Source Protection Program	72,000
2200-9706	For the purposes of a federally funded grant entitled, Water Quality Management Planning	709,000
2240-9707	For the purposes of a federally funded grant entitled, 1991 Water Pollution Control Program	1,924,176
2240-9710	For the purposes of a federally funded grant entitled, State Management Assistance Grant	1,250,000
2240-9718	For the purposes of a federally funded grant entitled, Nyanza Chemical Waste Dump Site Operable Unit One	42,000
2240-9721	For the purposes of a federally funded grant entitled, Water Quality/NPDES Implementation	50,000
2240-9722	For the purposes of a federally funded grant entitled, Non-Point Source (319H-2)	81,000
2240-9723	For the purposes of a federally funded grant entitled, Non-Point Source Implementation	160,060
2240-9725	For the purposes of a federally funded grant entitled, Non-Point Source Management Plan (319H-3)	100,000
2240-9726	For the purposes of a federally funded grant entitled, Non-Point Source Management Plan (319H-3)	481,000
2240-9732	For the purposes of a federally funded grant entitled, Wetlands Protection-State Development Grant 401C and Assessment	15,000
2240-9733	For the purposes of a federally funded grant entitled, Wetlands Protection-State Development Grant Public Outreach	15,000
2240-9734	For the purposes of a federally funded grant entitled, Wetlands Protection-State Development Grant	17,740
2240-9735	For the purposes of a federally funded grant entitled, Blackstone Sewer/Storm-water Combined	21,000
2240-9736	For the purposes of a federally funded grant entitled, Clean Water Strategy/NPDES (104B(3))	88,000
2240-9737	For the purposes of a federally funded grant entitled, Wetlands Protection, 401 Reg. Development	20,000
2240-9738	For the purposes of a federally funded grant entitled, NOAA-Habitat	8,000
2250-9701	For the purposes of a federally funded grant entitled, Public Water Supply Supervision Program	665,000
2250-9704	For the purposes of a federally funded grant entitled, Toxic Use Reduction	125,000

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2250-9705	For the purposes of a federally funded grant entitled, Pollution Prevention Incentives for States	50,000
2250-9706	For the purposes of a federally funded grant entitled, Solid Waste Management Assistance	20,000
2250-9707	For the purposes of a federally funded grant entitled, Pit Stop Technical Assistance	10,000
2250-9710	For the purposes of a federally funded grant entitled, Statewide Air Pollution Control Program	4,600,000

PROGRAM 2: CLEAN AIR ACT IMPLEMENTATION*State Appropriations*

2220-2205	For the administration and implementation of the federal Clean Air Act, including the operating permit program, so-called	1,564,055
	Clean Air Act Compliance Fund	100.0%
2220-2207	For the administration and implementation of the federal Clean Air Act, including the emissions banking program, so-called	191,825
	Clean Air Act Compliance Fund	100.0%
2220-2208	For the administration and implementation of the federal Clean Air Act, including auto related state implementation program, so-called	786,383
	Clean Air Act Compliance Fund	100.0%
2220-2209	For the administration and implementation of the federal Clean Air Act, including the low emissions vehicle program, so-called	424,658
	Clean Air Act Compliance Fund	100.0%
2220-2210	For the administration and implementation of the federal Clean Air Act, including the non-auto related state implementation program, so-called	268,939
	Clean Air Act Compliance Fund	100.0%

PROGRAM 3: SAFE WATER DRINKING ACT IMPLEMENTATION*State Appropriation*

2250-2000	For the purposes of state implementation of the federal Safe Drinking Water Act pursuant to section eighteen A of chapter twenty-one of the General Laws; provided, that not less than sixty thousand dollars shall be expended for conducting a drinking water study in the town of Carver	954,891
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Environmental Permitting and Compliance Fund	100.0%
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PROGRAM 4: CLEANUP OF OIL AND HAZARDOUS WASTE SITES

State Appropriations

2260-8870	For the expenses of the hazardous waste cleanup and underground storage tank programs; notwithstanding the provisions of section three hundred twenty-three F of chapter ninety-four of the General Laws and section two K of chapter twenty-nine of the General Laws and section four of chapter twenty-one J of the General Laws; provided, that the department shall provide one hundred ten thousand dollars for oversight and funding to bring the site classified as wsc/sa 4-0595, Cape Cod mosquito control district, into compliance; and provided further, that said mosquito control district shall reimburse the commonwealth for said one hundred ten thousand dollars over a period of not more than five years	14,859,661
	Environmental Challenge Fund	32.0%
	Clean Environment Fund	42.0%
	Underground Storage Tank	
	Petroleum Product Cleanup Fund	16.0%
	Toxics Use Reduction Fund	10.0%
2260-8871	For the start up, staffing, grant application drafting and technical assistance in support of the establishment of a non-profit research center for the development of innovative technologies, hazardous waste remediation and ecosystem recovery associated with the Superfund cleanup of the New Bedford Harbor, such monies to be matched with any available private or federal grants and assistance	50,000
	Environmental Challenge Fund	100.0%
2260-8880	For the administration and operations of the board of registration of hazardous waste site cleanup professionals, notwithstanding the provisions of section nineteen A of chapter twenty-one A of the General Laws	314,280
	Environmental Challenge Fund	100.0%

Federal Appropriations

2200-9709	For the purposes of a federally funded grant entitled, Massachusetts Multi-Site Cooperative Agreement	950,000
2200-9712	For the purposes of a federally funded grant entitled, Cooperative Agreement-Leaking Underground Storage Tank Program	1,345,000
2200-9715	For the purposes of a federally funded grant entitled, Core Cooperative Agreement CERCLA Implementation Support	350,000
2200-9716	For the purposes of a federally funded grant entitled, Development of Donna Road Aquifer as a Public Water Supply	425,000
2200-9717	For the purposes of a federally funded grant entitled, D.O.D. Environment Restoration	780,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION
PROGRAM DETAIL

Thomas Powers, Acting Commissioner

AGENCY MISSION: To preserve and enhance the quality of the air, water, and natural resources.

STATUTORY REFERENCES: Solid Waste Siting, M.G.L. c.16; Hazardous Materials & Waste, M.G.L. c.21C; State Superfund Program, M.G.L. c.21E; Water Management Act, M.G.L. c.21G; Toxic Use Reduction, M.G.L. c.21I; Public Waterfront Act, M.G.L. c.91; Hazardous Waste Local Siting, M.G.L. c.111,150B; Air and Noise Pollution Control, M.G.L. c.111, 31C, 142, 142B, 142F, 142J, 143- 147; Water Supply, M.G.L. c.114; Water Management, M.G.L. c.165

AGENCY PROGRAMS: 1) Environmental Compliance 2) Clean Air Act Implementation 3) Safe Water Drinking Act Implementation 4) Cleanup of Oil and Hazardous Waste Sites

PROGRAM 1: ENVIRONMENTAL COMPLIANCE

LINE ITEMS: 2200-0100, 2210-0100

STATE APPROPRIATION: \$26,233,900

PROGRAM MISSION: To conduct statewide environmental planning and monitoring, review permits for activities, and achieve conformity with environmental laws and regulations through compliance inspections, enforcement, and technical assistance.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process for monitoring and improving program performance.	1. Quarterly meetings with agency administrators to evaluate and improve program performance.	1. 4

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2. Oversee customer service centers to ensure efficiency and customer satisfaction.	2a. Customers surveyed for satisfaction.	2a. 3,000
	2b. Satisfaction survey complaints investigated.	2b. 100%
3a. Analyze and review environmental permit and license applications.	3a. Permit and license applications, by category.	3a. 4,000
	3b. Permit and license decisions issued within regulatory time frame.	3b. 100%
	3c. Permit applications returned to applicant for additional information.	3c. 12%
4. Conduct inspections, issue notices of noncompliance, and assesses penalties to achieve compliance of regulated facilities with environmental laws and regulations.	4a. Annual compliance inspections conducted.	4a. 3,450
	4b. Appeals of penalties and non-compliance notices upheld.	4b. 100%
5. Conduct long-term environmental monitoring to assess trends in environmental quality achieved.	5a. Sites monitored for environmental quality.	5a. 165
	5b. State and federal monitoring requirements achieved.	5b. 100%
6. Certify individuals to ensure that qualified professionals operate environmentally sensitive facilities.	6. Wastewater treatment plant operator certifications issued.	6. 900
7. Regulate the use of toxic chemicals.	7a. Toxic use reduction chemical use data reports analyzed and reviewed.	7a. 700
	7b. Companies referred to the Office of Technical Assistance.	7b. 400
	7c. Toxic Use Reduction planners certified.	7c. 100

PROGRAM 2: CLEAN AIR ACT IMPLEMENTATION

LINE ITEMS: 2220-2205, 2220-2207, 2220-2208, 2220-2009, 2220-2210

STATE APPROPRIATION: \$3,235,860

PROGRAM MISSION: To implement the Federal mandates required under the Clean Air Act Amendments of 1990.

Program Objectives	Performance Measures	Expected Outputs
1. Promulgate final operating permit program regulations.	1a. Regulations submitted to the U.S. Environmental Protection Agency for approval.	1a. June 30, 1995
2. Notify all facilities required to submit applications of new regulatory requirements.	2. Facilities notified.	2. 100%

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3. Review permit applications for "Group 1" facilities.	3a. "Group 1" facilities applications reviewed.	3a. 80
	3b. Permit and license decisions issued within regulatory time frame.	3b. 100%
4. Develop regulations for emission reduction credits.	4. Regulations submitted to U.S. Environmental Protection Agency for approval.	4. December 31, 1994
5. Establish computerized banking system.	5. Computer data base developed.	5. December 31, 1994
6. Accept applications for certification of emissions reduction credits.	6. Applications accepted beginning January 3, 1994.	6. TBR
7. Process and render decisions for emission reduction credit certification.	7. Applications processed and decisions rendered within ninety days.	7. 100%
8. Conduct scheduled compliance audits of Stage II Recovery facilities.	8a. Facilities audited.	8a. 5%
	8b. Incidents of non-compliance identified.	8b. TBR
	8c. Actions undertaken to ensure compliance.	8c. TBR
9. Conduct spot field audits of Stage II Vapor Recovery facilities.	9a. Spot field audits completed.	9a. 12%
	9b. Incidents of non-compliance identified.	9b. TBR
	9c. Actions undertaken to ensure compliance.	9c. TBR
10. Develop permit application for auto body shops.	10. Permit application developed.	10. January 1, 1995
11. Develop training program for auto body shops.	11. Training program developed.	11. TBR
12. Identify and register painting and refinishing auto body shops.	12. Auto body shops identified and registered.	12. TBR
13. Review analyses of Federal Construction projects for air quality.	13a. Air quality analyses conducted.	13a. TBR
	13b. Letters of conformity permitting release of Federal funds for construction projects.	13b. TBR
	13c. Time frame established for letters of conformity.	13c. February 1, 1995
14. Complete final regulations for the low emissions vehicle program.	14. Regulations submitted to the U.S. Environmental Protection Agency for approval.	14. June 30, 1995

PROGRAM 3: SAFE DRINKING WATER ACT IMPLEMENTATION

LINE ITEMS: 2250-2000

STATE APPROPRIATION: \$954,891

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PROGRAM MISSION: To protect the public drinking water supplies by implementing the Federal mandates required under the Safe Water Drinking Act.

Program Objectives	Performance Measures	Expected Outputs
1. Review monitoring reports for each public water source to determine if all federal and state standards are satisfied.	1. Monitoring reports reviewed weekly.	1. 110 per week
2. Identify all unregistered non-compliant public water systems.	2a. Non-compliant public water systems registered after identification. 2b. Incidents of non-compliance identified. 2c. Actions undertaken to ensure compliance.	2a. 100% 2b. TBR 2c. TBR

PROGRAM 4: CLEANUP OF OIL AND HAZARDOUS WASTE SITES

LINE ITEMS: 2260-8870, 2260-8871, 2260-8880

STATE APPROPRIATION: \$15,223,941

PROGRAM MISSION: To abate the impact of oil and hazardous materials released into the environment, to oversee short and long-term cleanup actions by responsible parties, and to clean sites where no responsible party is identified where there is an immediate threat to public health and safety.

Program Objectives	Performance Measures	Expected Outputs
1. Classify new hazardous waste sites throughout the state.	1a. Sites located and classified in Tier I level. 1b. Sites located and classified in the Tier II level.	1a. 30% 1b. 70%
2. Ensure the progress of hazardous waste site cleanup.	2a. Sites commencing first phase of cleanup activity. 2b. Sites put on five year cleanup schedule. 2c. Federal Superfund sites monitored.	2a. 100 2b. 100 2c. 100%
3. Assess emergency spills of oil and hazardous materials (OHM).	3a. Emergency responses to hazardous material spills. 3b. OHM spills responded to within one hour. 3c. Responsible parties who receive on-site notification to ensure proper cleanup. 3d. Responses to oil releases from underground storage tanks.	3a. 4,000 3b. 100% 3c. 1,000 3d. 1,000

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4. Ensure that private sector cleanup actions are performed in a timely manner and conform with regulatory requirements.	4a. Private cleanup actions audited for compliance.	4a. 20%
	4b. Permits reviewed for cleanup of hazardous waste sites.	4b. 100
	4c. Training sessions conducted for new licensed site professionals.	4c. 20

DEPARTMENT OF FISHERIES, WILDLIFE, AND
ENVIRONMENTAL LAW ENFORCEMENT
State Appropriations

2300-0100	For the office of the commissioner	509,371
	General Fund	62.5%
	Environmental Law Enforcement Fund	12.5%
	Marine Fisheries Fund	12.5%
	Public Access Fund	12.5%
2300-0101	For a program of riverways protection, restoration, and promotion of public access to rivers; provided, that the positions funded herein shall not be subject to the provisions of chapter thirty-one of the General Laws	184,724
	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; and provided further, that not more than two hundred

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	thousand dollars of the sum appropriated herein may be obligated for a program of acid rain monitoring	6,277,261
	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 thirty-one of the General Laws	2,000,000
	Inland Fisheries and Game Fund	100.0%
2310-0317	For the waterfowl management program pursuant to section eleven of chapter one hundred thirty-one of the General Laws	85,000
	Inland Fisheries and Game Fund	100.0%
2310-0500	For the expenses of a state-funded program in natural heritage and environmental assessment	199,856
	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	410,598
	General Fund	75.0%
	Natural Heritage and Endangered Species Fund	25.0%
2320-0100	For the administration of the public access board; provided, that positions funded herein shall not be subject to the provisions of chapter thirty-one of the General Laws	232,938
	Public Access Fund	100.0%
2320-0200	For the maintenance, operation, acquisition, and improvement of public access land and water areas, as authorized by section seventeen A of chapter twenty-one of the General Laws	600,000
	Public Access Fund	100.0%
2330-0100	For the administration and operation 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 shall be expended on a recreational fisheries program to be reimbursed by federal funds; and pro-	

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	vided further, that the Newburyport shellfish purification plant shall generate not less than one hundred fifteen thousand dollars from purification fees	3,519,760
	Marine Fisheries Fund	100.0%
2330-0120	For the division of marine fisheries of the department of fisheries, wildlife, and environmental law enforcement 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	699,000
	Marine Fisheries Fund	100.0%
2350-0100	For the administration and operations of the division of environmental law enforcement; provided, that each county in the commonwealth shall be assigned at least one full time environmental officer; provided further, that additional officers will be assigned to the boat theft task force and shall generate at least four hundred thousand dollars in revenue to the General Fund; provided further, that officers shall be assigned to vacant patrol districts and shall provide monitoring pursuant to the national shellfish sanitation program; provided further, that not more than twenty thousand dollars shall be expended on the continued expansion of the communications network to join a statewide communications system with the executive office of public safety; and provided further, that the division of law enforcement shall hire four additional environmental police officers	7,058,847
	Environmental Law Enforcement Fund	65.0%
	Inland Fisheries and Game Fund	15.0%
	Highway Fund	10.0%
	General Fund	10.0%
2350-0101	For the hunter safety training program	298,501
	Inland Fisheries and Game Fund	100.0%

Federal Appropriations

2300-9885	For the purposes of a federally funded grant entitled, SUASCO Watershed National Rivers Study Technical Support	13,000
2300-9887	For a federally funded grant entitled, Riparian Wetlands Protection Planning and Management Decision Support System	15,000

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2315-9701	For a federally funded grant entitled, Water Birds Habitat Wetlands Protection Development	12,460
2330-9222	For the purpose of a federally funded grant entitled, Clean Vessel Act, for vessel pumpout equipment, education, planning and administration	1,557,975
2330-9706	For the purposes of a federally funded grant entitled, Extended Fisheries Jurisdiction	5,000
2330-9709	For the purposes of a federally funded grant entitled, Commercial Fisheries, Research and Development	154,000
2330-9712	For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics	174,000
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	1,059
2330-9721	For the purposes of a federally funded grant entitled, Anadromous Fish Management	65,337
2330-9722	For the purposes of a federally funded grant entitled, PCB Monitoring and Finfish Diseases Research: Buzzards Bay	1,000
2340-9701	For the purposes of a federally funded grant entitled, Safe Boating Program	562,000

THE METROPOLITAN DISTRICT COMMISSION
State Appropriations

- 2410-1000 For the administration of the commission; provided, that the commission shall enter into an interagency agreement with the department of state police to provide police coverage on commission properties and parkways; provided further, that the department shall reimburse the commission for costs incurred by the commission including, but not limited to, the maintenance and repairs to the department's vehicles, the operation of buildings in which the department resides, and other related costs; provided further, that notwithstanding the provisions of section three B of chapter seven of the General Laws, 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 com-

	mission; provided further, that an annual report be submitted to the house and senate committees on ways and means regarding fee adjustments no later than February first, nineteen hundred ninety-five; 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; and provided further, that no funds shall be expended for personnel overtime costs	1,144,258
	Local Aid Fund	75.0%
	Highway Fund	25.0%
2410-1001	The commission is hereby authorized to expend one hundred thousand dollars for the operation of the commission's telecommunications systems from revenues received from the Massachusetts water resources authority, the Massachusetts convention center, the department of highways central artery/third harbor tunnel project, so-called, the department of state police, and quasi-public and private entities through a system of user fees and other charges established by the commissioner; provided, that nothing in this section shall impair or diminish the rights of access and utilization 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	100,000
2420-1400	For the watershed management program to operate and maintain 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 line-item; provided further, that no water shall be diverted from the Connecticut river by the metropolitan district commission or the Massachusetts water resources authority; and provided further, that no less than four hundred thousand dollars shall be expended for the design of sewer system elements required to abate water pollution and public health threats within the Wachusett reservoir watershed in the Pincroft-Drury Hill areas of the	

	towns of Holden and West Boylston and the Shrewsbury street industrial park area in the town of West Boylston in accordance with the recommendations of a wastewater facilities plan developed for the metropolitan district commission and the town of Holden and West Boylston, and for reimbursement to the town of West Boylston for costs incurred in designing the sewer system to the Shrewsbury street industrial park area	10,323,867
	Watershed Management Fund	100.0%
2440-0010	For the administration, operation and maintenance of the metropolitan district commission parks and recreation division, for the maintenance, operation, and related costs of the parkways, boulevards, roadways, bridges, and related appurtenances under the care, custody, and control of the commission, for the flood control activities of said commission, and for the purchase of all necessary supplies and related equipment; provided, that no funding shall be made available from this item for true seasonal employees, so-called; provided further, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions shall be subject to classification under sections forty-five to fifty, inclusive, of chapter thirty of the General Laws; provided further, that not less than ninety-five thousand dollars shall be made available for improved handicapped accessibility and associated site work including resurfacing of tennis courts, reconstruction of basketball courts, equipment, landscaping, and other expenses which may be deemed necessary at Riverdale park located in the town of Dedham; and provided further, that not less than twenty-five thousand dollars shall be made available to study alternative uses for the Carson beach bathhouse, including its possible use as a community sports center	22,483,152
	Local Aid Fund	40.0%
	Highway Fund	60.0%
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%
2440-1202	For the civilianization of the crossing guards located at the metropolitan district commission intersections whose duties were previously performed by state police personnel; provided, that employees shall be hired on a contractual per	

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	diem basis for not more than eight dollars per hour, twenty hours per week	250,000
	Highway Fund	60.0%
	Local Aid Fund	40.0%
2440-1203	For algae harvesting testing at the metropolitan district commission beaches in Lynn, Nahant, Swampscott, and Revere	50,000
	Local Aid Fund	100.0%
2440-2000	For the expenses of snow and ice control on the metropolitan district commission parkways, including the costs of personnel	574,375
	Highway Fund	100.0%
2440-3000	For the extended rink season, including the costs of personnel	500,000
	Local Aid Fund	100.0%
2440-3001	The metropolitan district commission is authorized and directed to expend an amount not to exceed two hundred forty-two thousand four hundred and eighty dollars from skating rink fees and rentals for the operation and maintenance, including personnel costs of four rinks between September first, nineteen hundred and ninety-four and April thirtieth, nineteen hundred and ninety-five as a pilot expanded and extended rink season	242,480
2440-4000	For the operation of the Ponkapoag golf course including maintenance, equipment, and capital improvements pursuant to section two U of chapter twenty-nine of the General Laws ..	450,000
	Ponkapoag Recreational Fund	100.0%
2440-4500	For the maintenance and operating expenses of the Leo J. Martin golf course, including the costs of year round and true seasonal employees, so-called, pursuant to section two Y of chapter twenty-nine of the General Laws	300,000
	Leo J. Martin Recreational Fund	100.0%
2440-5000	For the summer and fall seasonal hires of the commission; provided, that of the total amount appropriated herein no funds shall be made available for year-round seasonals, so-called	2,711,130
	Highway Fund	60.0%
	Local Aid Fund	40.0%
2440-6000	For the winter and spring seasonal hires of the commission; provided, that of the total amount appropriated herein no funds shall be made available for year-round seasonals employees, so-called	529,360

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	Highway Fund	60.0%	
	Local Aid Fund	40.0%	
2443-2000	For the operation and administration of the commonwealth zoological corporation, pursuant to chapter ninety-two A of the General Laws; provided, that payments shall be made in equal installments on or before July fifteenth, nineteen hundred and ninety-four, October fifteenth, nineteen hundred and ninety-four, January fifteenth, nineteen hundred and ninety-five, and April fifteenth, nineteen hundred and ninety-five . . .		3,000,000
	Local Aid Fund	100.0%	
2443-3000	For the purpose of police patrols along the Southwest Corridor Park in the City of Boston under the control of the Metropolitan District Commission		75,000
2444-9001	For the construction, reconstruction, and improvement of boulevards, parkways, bridges, and related appurtenances under the care, custody, and control of the commission		877,432
	Highway Fund	100.0%	
2444-9004	For certain payments for the maintenance and use of the trailside museum and the Chickatawbut Hill center		350,000
	Local Aid Fund	100.0%	
2444-9005	For the street lighting on the metropolitan district commission parkways		2,400,000
	Highway Fund	100.0%	
2460-1000	For the construction division; provided, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions of the division shall be subject to classification under sections forty-five to fifty, inclusive, of chapter thirty of the General Laws		2,488,844
	Highway Fund	80.0%	
	Local Aid Fund	20.0%	

DEPARTMENT OF FOOD AND AGRICULTURE*State Appropriations*

2511-0100	For the office of the commissioner, including the expenses of the board of agriculture	528,376
2511-0105	For the purpose of supplemental foods per the Massachusetts emergency food assistance program	858,000
2511-2000	For the operation of the division of dairy services	473,428

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2511-3000	For the operation of the division of regulatory services and animal health, including a program of lab services at the University of Massachusetts at Amherst and the expenses of the pesticides board	1,725,883
2511-3002	For the integrated pest management program	262,500
2511-4000	For the operation of the division of agricultural development and fairs, including the expenses of the agricultural lands board; provided that allotment funds for 4-H activities may be expended from this line item; provided further, 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 for agricultural fair prizes; provided further, that not more than fifty thousand dollars be expended as a grant to smith vocational agricultural high school for its farm operations including the maintenance of prime agricultural farmland located at Northampton State Hospital; provided further, that not more than one hundred and fifty thousand dollars be expended as a grant to the city of Boston for technical assistance to the Haymarket Association; provided further, that prior to the disbursement of said grant, the department and the city of Boston shall jointly file a composting plan with the joint committee on natural resources and agriculture; provided further, that said plan shall be in effect no later than September first, nineteen hundred and ninety-four; and provided further, that not less than fifty-five thousand dollars shall be expended for the purposes of the mastitis laboratory at the university of Massachusetts at Amherst	1,016,893
2520-0100	For the state reclamation board of the mosquito control program ..	45,758
	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	For the Cape Cod mosquito control program; provided, that not more than fifteen thousand dollars shall be expended for the purposes of studying an environmentally feasible means of controlling and eradicating deer flies on Cape Cod	892,316
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	Mosquito and Greenhead	
	Fly Control Fund	100.0%
2520-0900	For the Suffolk county mosquito control program	163,055
	Mosquito and Greenhead	
	Fly Control Fund	100.0%
2520-1000	For the Central Massachusetts mosquito control program	581,597
	Mosquito and Greenhead	
	Fly Control Fund	100.0%
2520-1100	For the Berkshire county mosquito control program	66,992
	Mosquito and Greenhead	
	Fly Control Fund	100.0%
2520-1200	For the Norfolk county mosquito control program	423,412
	Mosquito and Greenhead	
	Fly Control Fund	100.0%
2520-1300	For the Bristol county mosquito control program	448,140
	Mosquito and Greenhead	
	Fly Control Fund	100.0%
2520-1400	For the Plymouth county mosquito control program	564,449
	Mosquito and Greenhead	
	Fly Control Fund	100.0%
2520-1500	For the Essex county mosquito control program	264,290
	Mosquito and Greenhead	
	Fly Control Fund	100.0%

Federal Appropriations

2511-0310	For the purposes of a federally funded grant entitled, Pesticide Enforcement	371,000
2511-0320	For the purposes of a federally funded grant entitled, Pesticide Enforcement	32,000
2516-9002	For the purposes of a federally funded grant entitled, Development of Institutional Marketing	206,000
2516-9003	For the purposes of the federally funded grant entitled, Farmers' Market Coupon Program	425,000

**EXECUTIVE OFFICE OF COMMUNITIES
AND DEVELOPMENT**

AGENCY PROGRAMS: 1) Executive Office 2) Community Development 3) Municipal Assistance 4) Neighborhood Antipoverty Development 5) Energy Assistance 6) Housing Subsidies 7) Rental Assistance 8) Private Development of Affordable Housing

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PROGRAM 1: EXECUTIVE OFFICE

State Appropriations

3000-0100	For the administration of the executive office program, including all general administrative costs incurred by the executive office of communities and development; provided, that said administrative expenses shall include four hundred thousand dollars for the purposes of the municipal assistance program to qualify for grant funding under Title I of the federal housing and community development act, the so-called small cities match	5,214,320
3000-9315	For the low income housing tax credit component of the executive office program; provided, that the executive office of communities and development may expend an amount not to exceed four hundred fifty 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 twenty-one B of the General Laws, from fees collected pursuant to Executive Order No. 291, pertaining to low-income housing tax credits, and from fees collected pursuant to the rental housing development action loan program, for the costs of administering and monitoring said programs, including the costs of personnel, subject to the approval of the secretary of the executive office of communities and development	450,000
3000-9320	For the community profiles component of the executive office program; provided, that the executive office of communities and development may expend an amount not to exceed twenty thousand dollars accrued from fees collected for the printing and distribution costs of "Community Profiles"; provided further, that notwithstanding the provisions of any general or special law to the contrary, the executive office of communities and development is hereby authorized to establish a fee sufficient to cover the costs of printing and distributing said "Community Profiles"	20,000

PROGRAM 2: COMMUNITY DEVELOPMENT

State Appropriations

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3022-9101	For the federally aided urban renewal component of the community development program; provided, that no new contracts shall be entered into during fiscal year nineteen hundred and ninety-five	97,874
	Local Aid Fund	100.0%
3022-9102	For the non-federally aided urban renewal component of the community development program; provided, that no new contracts shall be entered into during fiscal year nineteen hundred and ninety-five	279,275
	Local Aid Fund	100.0%
3022-9108	For the urban revitalization and development component of the community development program, for projects authorized pursuant to section fifty-four of chapter one hundred twenty-one B of the General Laws; provided, that notwithstanding the provisions of section fifty-three or fifty-seven of said chapter one hundred 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; provided further, that no new commitments shall be entered into in fiscal year nineteen hundred ninety-five	2,323,500
	Local Aid Fund	100.0%

Federal Appropriations

3700-0300	For the purposes of a federally funded grant entitled, Lead Paint Abatement	4,000,000
3724-3037	For the purposes of a federally funded grant entitled, Small Cities Community Development Block Grant 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	40,780,000
3724-3040	For the purposes of a federally funded grant entitled, Rental Rehabilitation Program	13,750
3724-3043	For the purposes of a federally funded grant entitled, CDBG Partnerships in ETA's	105,068

PROGRAM 3: MUNICIPAL ASSISTANCE

State Appropriation

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3100-0200	For the municipal assistance program to provide management incentive grants, technical assistance and training for municipal governments to provide cost effective and efficient delivery of local services, including regionalization of services; provided, that such incentive grants may be utilized for the purchase of hardware and equipment; provided further, that funds appropriated herein may be provided in advance; and provided further, that no funds shall be expended from the AA subsidiary, so-called, of this item for the compensation of state employees	1,426,874
	Local Aid Fund	100.0%

Federal Appropriation

3724-3050	For the purposes of a federally funded grant entitled, Rural Development Councils	140,000
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PROGRAM 4: NEIGHBORHOOD ANTIPOVERTY DEVELOPMENT

State Appropriations

3143-2027	For the community economic development component of the neighborhood anti-poverty development program; provided, that contracts may be awarded to community-based organizations; provided further, that a portion of the amount appropriated herein may be expended for the provision of technical assistance to such organizations; provided further, that expenditures by the administering agency for said program shall not exceed fifty-four thousand four hundred twelve dollars; and provided further, that no funds shall be expended from the AA subsidiary, so-called, of this item for the compensation of state employees	700,000
	Local Aid Fund	100.0%
3143-3036	For the housing services component of the neighborhood anti-poverty development program to provide assistance through community-based organizations to low income tenants in privately owned housing, and to landlords, to maintain and secure decent and affordable shelter within the private housing stock; provided, that no funds shall be expended from the AA subsidiary, so-called, of this item for the compensation of state employees	265,000

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3144-0002	For 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 not less than forty thousand dollars of the amount appropriated herein shall be expended as a grant to the planned learned achievement for youth program; provided further, that said urban initiative fund shall be administered by the community development finance corporation pursuant to section one hundred and thirty-seven of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two	1,040,000
	Local Aid Fund	100.0%
3144-0003	For the Boston housing authority for a program to provide certain tenant services for the West Broadway housing authority task force	76,000
	Local Aid Fund	100.0%

Federal Appropriations

3722-9051	For the purposes of a federally funded grant entitled, Shelter Plus Care-Lowell; 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	616,320
3722-9052	For the purposes of a federally funded grant entitled, Shelter Plus Care-Boston; provided, that consistent with applicable federal regulations and the state plan, the executive office of communities and development may provide monthly payments in advance to participating agencies	5,083,260
3722-9053	For the purposes of a federally funded grant entitled, Shelter Plus Care-Taunton; 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	970,800
3722-9054	For the purposes of a federally funded grant entitled, Shelter Plus Care-New Bedford; 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	573,300

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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	9,670,120
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	510,579

PROGRAM 5: ENERGY ASSISTANCE

Federal Appropriations

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	6,900,000
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	52,000,000

PROGRAM 6: HOUSING SUBSIDIES

State Appropriation

3222-9005	For the housing subsidies program to provide 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 notwithstanding the provisions of any general	
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or special law to the contrary, all housing authorities operating elderly public housing are 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 persons sixty-two years of age or older on June thirtieth, nineteen hundred and ninety-four, then receiving rental assistance from the Massachusetts rental voucher program; provided further, that the executive office of communities and development shall oversee and enforce compliance by local housing authorities with said provisions, and is hereby authorized to take such actions as it deems necessary, including requiring regular, up-to-date reports by the housing authorities and non-profit organizations operating such public housing, to insure such compliance in a timely and equitable fashion; provided further, 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 budgets of the housing authorities; and provided further, that no funds shall be expended from the AA subsidiary, so-called, of this item for the compensation of state employees 20,632,000
Local Aid Fund 100.0%

Federal Appropriations

- 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 3,770,576
- 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 participate agencies 5,156,826

PROGRAM 7: RENTAL ASSISTANCE

State Appropriation

3222-9024 For a program of rental assistance for families and elderly persons of low income through mobile and project based vouchers; provided, that notwithstanding the provisions of any general or special law to the contrary, said rental assistance in the form of mobile vouchers, so-called, shall be paid only to those eligible households, currently holding mobile vouchers, so-called, that held, or were lawfully entitled to hold, chapter seven hundred and seven certificates, so-called, as of October thirty-first, nineteen hundred and ninety-two, pursuant to the chapter seven hundred and seven program, so-called, and to those households currently holding mobile vouchers, so-called, that held, or were lawfully entitled to hold state housing vouchers, so-called, as of October thirty-first 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, that 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 requirements established by the federal law government for the program authorized by Public Law 98-181, Section 207, which state program was known as the state housing voucher program, so-called; provided further, that rental assistance shall only be paid pursuant to a program known as the Massachusetts rental voucher program, heretofore established by the executive office of communities and development, as such program may hereafter be amended; provided further, 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 the provisions of 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 notwithstanding the provisions of any general or special law to the contrary, the secretary of communities and development is hereby authorized and directed to enter into an interagency agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants and members of the participants' households in the Massachusetts rental voucher program; provided further, that any household, in which a participant or member of a participant's household in the Massachusetts rental voucher program shall fail to provide his or her social security number for use in verifying the household's income and eligibility, shall no longer be eligible for a voucher or to receive benefits pursuant to the Massachusetts rental voucher program; provided further, that the secretary of the executive office of communities and development, as a condition of continued eligibility for a voucher and voucher payments, may require disclosure of social security numbers by participants and members of participants' households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices in the commonwealth; provided further, that said vouchers 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 the provisions of any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of such mobile vouchers, so-called, or such project based vouchers, so-called; provided further, that any household which is proven to have caused intentional dama-

ges to their rental unit in an amount exceeding two month's rent during any one year lease period shall be terminated from the program; provided further, that notwithstanding the provisions of any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall not be reassigned at any time; provided further, that an allowance not to exceed fifteen dollars per voucher per month shall be determined and paid by the executive office of communities and development for administration of the rental assistance program; provided further, that the secretary is hereby authorized to expend an amount up to but not exceeding six percent of the appropriation provided herein; provided further, that said six percent for administration shall include, but not be limited to, said allowance for administration which is not to exceed fifteen dollars per voucher per month; provided further, that said six percent shall include, but not be limited to, all expenditures which may be made by the secretary to conduct or otherwise contract for rental voucher program inspections; provided further, that under no circumstances shall subsidies be reduced for the cost of accommodating the cost of said inspections; provided further, that notwithstanding any provision of law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, so-called, or project based voucher, so-called, but each household shall pay at least thirty percent of income as rent; provided further, that payments for rental assistance may be provided in advance; provided further, that the executive office of communities and development shall establish the amounts of the mobile vouchers, so-called, and the project based vouchers, so-called, so that the appropriation herein and including any balance carried forth from the prior year 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 set forth herein; provided further, that the amount of a rental assistance voucher payment for an eligible household shall not exceed the rent less the household's minimum rent obli-

gation; provided further, that the word "rent" as used in this item shall mean payments to the landlord or owner of a dwelling unit pursuant to a lease or other agreement for a 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 upon vacancy of a project based dwelling unit, households holding mobile vouchers, so-called, shall have priority for occupancy of said project based dwelling units; provided further, that the executive office of communities and development may impose certain obligations for each participant in the Massachusetts rental voucher program through a twelve month contract which shall be executed by the participant and the executive office; provided further, that such obligations may include, but need not be limited to, job training, counseling, household budgeting, and education, to the extent that appropriate programs, as defined in regulations promulgated by the executive office of communities and development, are available; provided further, that each participant shall be required to undertake and meet any such obligation as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute any such twelve month contract on or before September first, nineteen hundred and ninety-four if his or her annual eligibility recertification date occurs between June thirtieth, nineteen hundred and ninety-four and September first, nineteen hundred and ninety-four and otherwise on or before his or her annual eligibility recertification date; provided further, that any participant who is over the age of sixty-two years or who is handicapped may be exempted from any obligations unsuitable under his or her particular circumstances; provided further, that the executive office of communities and development shall submit an annual report to the state budget director, the secretary of administration and finance, and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers, and the number and types of units leased; and provided further, that no funds shall be expended from the AA subsidiary, so-called, of this item for the compensation of state employees 58,424,866

Federal Appropriations

3722-9011	For the purposes of a federally funded grant entitled, Supportive Housing Demonstration Program	2,690,000
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	64,900,000
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	14,500,000
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	17,460,000

PROGRAM 8: PRIVATE DEVELOPMENT OF AFFORDABLE HOUSING

State Appropriations

3322-8878	For the rental housing development action loan component of the private development of affordable housing program; provided, that notwithstanding the provisions of any general or special law to the contrary, no new commitments, contracts, or renegotiations of existing contracts shall be entered into during fiscal year nineteen hundred and ninety-five 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 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 recommending alternative uses for said amounts	2,735,208
3322-9027	For the state housing assistance for rental production (SHARP) component of the private development of affordable housing program, 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 executive office of communities and development is hereby authorized to enter into such contracts for terms not exceeding fifteen years with annual payment obligations not to exceed thirty million one hundred and six thousand five hundred fifty-five dollars; provided further, that notwithstanding the provisions of any general or special law to the contrary, no new commitments shall be entered into during fiscal year nineteen hundred and ninety-five 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 recommending alternative uses for said amounts . 30,106,555

3322-9201 For the interest subsidy component of the private development of affordable housing program; provided, that notwithstanding the provisions of any general or special law to the contrary, no new commitments shall be entered into during fiscal year nineteen hundred and ninety-five for said fiscal year or any subsequent fiscal years 8,245,955

3711-9111 For the Lowell Square fund component of the private development of affordable housing program; provided, that a grant shall be administered by the Boston redevelopment authority for the purpose of providing the commonwealth's share of the cost of the Lowell Square mixed income family development project, so-called, in the city of Boston; provided further, that the funds appropriated herein shall be in addition to any other state or federal funds available for said project 675,000

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3747-0001 For the Indian affairs commission	68,089
3799-1966 For the loan program pursuant to section one hundred and ninety-seven E of chapter one hundred and eleven of the General Laws, as amended, for lead abatement throughout the commonwealth; provided, that the maximum loan made under said loan program shall not exceed five thousand dollars per unit and the terms and conditions of such loans will be based on an income level criteria and include terms and plans that allow low and moderate income individuals to defer loan repayment until transfer of the property; and provided further, that funds made available herein shall be administered by the executive office of communities and development in consul- tation with the department of public health	4,500,000

Federal Appropriation

3722-9028 For the purposes of a federally funded grant entitled, HOME; 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	7,811,000
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**EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT
PROGRAM DETAIL**

Mary S. Padula, Secretary

SECRETARIAT MISSION: To direct and manage the state's housing, community development, municipal assistance and antipoverty programs to secure housing for low and moderate income people and promote sound municipal and neighborhood development.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c. 23B § 1; Housing and Urban Renewal, M.G.L. c. 121B to 121C

AGENCY PROGRAMS:1) Executive Office 2) Community Development 3) Municipal Assistance 4) Neighborhood Antipoverty Development 5) Energy Assistance 6) Housing Subsidies 7) Rental Assistance 8) Private Development of Affordable Housing

PROGRAM 1: EXECUTIVE OFFICE

LINE ITEMS: 3000-0100, 3000-9315, 3000-9320

STATE APPROPRIATION: \$5,684,320

PROGRAM MISSION: To oversee, coordinate and support the programs administered by the secretariat through policy formulation, human resource management and fiscal planning and operations.

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Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process of monitoring and improving program performance.	1. Program improvements and enhancements developed by the performance review process.	1. TBR
2. Oversee all financial operations of the secretariat to ensure compliance with Chapter 29 of the General Laws and the General Appropriation Act.	2a. Agency budget requests for FY95 filed.	2a. January 1, 1995
	2b. Documentation submitted explaining secretariat's supplemental budget requests within 5 days of their filing by the Governor.	2b. TBR
3. Pay invoices within the Comptroller's guidelines of 45 days after receipt.	3a. Invoices paid on time.	3a. 95%
	3b. Interest penalty accrued on late bills.	3b. TBR
4. Receive and review applications from developers of low and moderate income housing for tax-exempt financing or federal tax credits.	4a. Applications received for TELLER projects.	4a. TBR
	4b. Applications received from developers for federal tax credit benefits.	4b. TBR
	4c. Projects monitored to ensure compliance with IRS guidelines on tax credits applied to the development of low and moderate income housing.	4c. TBR
5. Publish and distribute - "Community Profiles"	5a. Volume of distribution.	5a. TBR
	5b. Consumers served, by political subdivision, municipality, or organization.	5b. TBR

PROGRAM 2: COMMUNITY DEVELOPMENT

LINE ITEMS: 3022-9101, 3022-9102, 3022-9108

STATE APPROPRIATION: \$2,700,649

PROGRAM MISSION: To support an integrated approach to rehabilitate ailing infrastructures, revitalize neighborhoods and promote economic development in the community.

Program Objectives	Performance Measures	Expected Outputs
1. Assist communities with critical infrastructure improvements, public facility improvements, social service assistance and urban development projects.	1a. Communities receiving technical or financial assistance related to community or economic development projects.	1a. 194
	1b. Dollars in federal or private money leveraged by agency grants for public purposes.	1b. TBR
	1c. Jobs created or retained through community financial and technical assistance.	1c. TBR

	1d. Communities reimbursed for a portion of the costs related to urban development projects.	1d. 18
	1e. Social service providers receiving grants through cities and towns.	1e. 60
	1f. Community infrastructure projects supported.	1f. TBR
2. Assist communities with the rehabilitation of substandard private housing stock and small business loans.	2a. Low and moderate income housing units rehabilitated, including removal of lead paint and asbestos and correction of serious code violations.	2a. 1,600
	2b. Communities assisted with small business loans.	2b. TBR
	2c. MCCF average loan amount.	2c. TBR
	2d. Default rate on loans.	2d. TBR

PROGRAM 3: MUNICIPAL ASSISTANCE

LINE ITEMS: 3100-0200

STATE APPROPRIATION: \$1,426,874

PROGRAM MISSION: To provide grants, technical assistance and training to improve the overall capacity of municipal governments to plan, manage and provide cost effective and efficient local services.

Program Objectives	Performance Measures	Expected Outputs
1. Provide financial assistance to municipalities to enhance their management capacity - and facilitate efforts to privatize or regionalize the delivery of local services.	1a. Management incentive grants distributed.	1a. 100
	1b. Average grant amount.	1b. TBR
	1c. Local services consolidation or regionalization grants provided,.	1c. TBR
	1d. Local services consolidated or regionalized.	1d. TBR
	1e. Local services privatized.	1e. TBR
	1f. Savings in municipal budgets that are attributed to consolidating or privatizing services.	1f. TBR
2. Provide technical assistance and management training to local officials through workshops and educational publications.	2a. Local officials participating in training workshops.	2a. 1,500
	2b. Requests for technical assistance received from municipalities, regional planning agencies, and others.	2b. TBR
	2c. Technical assistance requests fulfilled.	2c. 100%

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- 2d. Publications, handbooks, reports, and miscellaneous technical assistance material distributed to local and regional officials, and others.

2d. TBR

PROGRAM 4: NEIGHBORHOOD ANTIPOVERTY DEVELOPMENT

LINE ITEMS: 3143-2027, 3143-3036, 3144-0002, 3144-0003

STATE APPROPRIATION: \$2,081,000

PROGRAM MISSION: To reduce homelessness and support the development and maintenance of housing through rehabilitation, tenancy mediation, housing search services and community education.

Program Objectives	Performance Measures	Expected Outputs
1. Plan and implement strategies to address poverty issues in targeted areas.	1. Neighborhood development and revitalization projects and services supported.	1. 7,000
2. Provide emergency service activities to families and individuals who are at-risk of becoming homeless.	2a. Counseling provided to at-risk families and individuals, by cases.	2a. TBR
	2b. Tenancy mediation conducted.	2b. TBR
	2c. Families prevented from becoming homeless through housing search services that result in permanent housing placement.	2c. TBR
	2d. Individuals prevented from becoming homeless through housing services that result in retaining current housing.	2d. TBR
	2e. Families and individuals receiving assistance that become homeless.	2e. TBR

PROGRAM 5: ENERGY ASSISTANCE

LINE ITEMS: 3743-2030, 3743-2033

FEDERAL APPROPRIATION: \$58,900,000

PROGRAM MISSION: To provide weatherization improvements and heating assistance to low income residents of the commonwealth.

Program Objectives	Performance Measures	Expected Outputs
1. Weatherize homes of low income households to improve energy efficiency.	1a. Low income households weatherized	1a. 2,256
	1b. Estimated annual energy savings realized as a result of weatherization.	1b. TBR
2. Provide fuel assistance through local vendors to low income households.	2a. Low income households receiving fuel assistance.	2a. 134,000
	2b. Site visits conducted to monitor fuel assistance vendors' compliance with program guidelines.	2b. 60

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PROGRAM 6: HOUSING SUBSIDIES

LINE ITEMS: 3222-9005

STATE APPROPRIATION: \$20,632,000

PROGRAM MISSION: To provide management oversight and financial support for the state's public housing stock.

Program Objectives	Performance Measures	Expected Outputs
1. Provide assistance to local housing authorities to manage public housing for low income families, individuals with special needs and the elderly.	1a. State subsidized public housing units. 1b. Federally subsidized public housing units. 1c. Vacancy rate in state subsidized public housing for the elderly. 1d. Vacancy rate in state subsidized public housing for low income families. 1e. Vacancy rate in state subsidized public housing for individuals with special needs. 1f. Housing authorities receiving state subsidies to operate housing units. 1g. Local housing authorities' operating budgets subsidized as a percentage of their total approved budgets. 1h. Reduction in energy consumption in state public housing developments due to energy conservation efforts	1a. 51,616 1b. 34,132 1c. TBR 1d. TBR 1e. TBR 1f. TBR 1g. 18% 1h. 10%
2. Conduct site visits to monitor and evaluate local housing authorities' administration, maintenance and tenant selection procedures.	2a. Site reviews conducted. 2b. Local housing authorities with poor performance evaluations.	2a. 85 2b. TBR
3. Implement a wage information matching program with the Department of Revenue and the Department of Public Welfare to eliminate tenant fraud.	3a. Fraudulent income statements identified. 3b. Tenants eliminated from the program.	3a. TBR 3b. TBR
4. Work with other state agencies to identify and assist occupants of state homeless shelters to move to public housing.	4. Individuals transferred to public housing.	4. TBR

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PROGRAM 7: RENTAL ASSISTANCE

LINE ITEM: 3222-9024

STATE APPROPRIATION: \$58,424,866

PROGRAM MISSION: To manage a program of rental assistance for low income households to live in private housing.

Program Objectives	Performance Measures	Expected Outputs
1. Provide financial assistance through the Massachusetts Rental Voucher Program to low income tenants in privately owned rental units.	1a. Households receiving rental assistance. 1b. Average monthly voucher payment. 1c. Mobile voucher tenants transferred to project based units and elderly housing.	1a. 13,500 1b. \$365 1c. TBR
2. Implement a wage information matching program with the Department of Revenue and the Department of Public Welfare to eliminate tenant fraud.	2a. Cases of fraudulent income statements identified. 2b. Tenants eliminated from the program.	2a. TBR 2b. TBR
3. Administer a portion of the federal Section 8 rental assistance program.	3a. Households receiving federal rental assistance. 3b. Average federal rental assistance payment.	3a. 13,500 3b. \$591
4. Inspect certain rental units for compliance with program guidelines.	4. Required unit inspections conducted.	4. 100%

PROGRAM 8: PRIVATE DEVELOPMENT OF AFFORDABLE HOUSING

LINE ITEMS: 3322-8878, 3322-8880, 3322-9027, 3322-9201, 3711-9111

STATE APPROPRIATION: \$41,762,718

PROGRAM MISSION: To support affordable housing opportunities through private mixed income housing developments.

Program Objectives	Performance Measures	Expected Outputs
1. Subsidize the operating deficiencies of private rental developments for mixed income households through the rental development action loan program (RDAL).	1a. Developments subsidized. 1b. Value of operating subsidies as a percentage of annual project costs. 1c. Low and moderate income units maintained in subsidized developments. 1d. Occupancy rate of low and moderate income units. 1e. Occupancy rate of market rate units.	1a. 21 1b. TBR 1c. 900 1d. TBR 1e. TBR

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2. Provide interest subsidy loans to private multi-family housing developments for mixed income households through the state housing assistance for rental production program (SHARP) in subsidized developments.	2a. Developments receiving interest subsidy loans.	2a. 82
	2b. Interest subsidy loans repaid to the Massachusetts Housing Finance Agency.	2b. TBR
	2c. Default rate on loans.	2c. TBR
	2d. Low and moderate income units maintained	2d. 4,100
	2e. Occupancy rate of low and moderate income units.	2e. TBR
	2f. Occupancy rate of market rate units.	2f. TBR
	2g. Operating deficiencies of SHARP projects subsidized by the state.	2g. 0%

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services shall monitor the systems development projects being undertaken by the department of social services, the division of medical assistance and the department of public welfare, and shall ensure that all measures are taken to make said systems compatible with one another where appropriate for enhanced interagency interaction; provided, that said office shall report to the budget bureau and the house and senate committees on ways and means on the progress of the development of said systems and the measures taken to ensure interagency cooperation

EXECUTIVE OFFICE
State Appropriations

4000-0100	For the office of the secretary, including the health facilities appeals board; 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 executive office 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 ninety-five	1,997,260
4000-0105	The executive office of health and human services may expend from the collection of federal reimbursements generated pursuant to an initiative to restructure the financing and delivery of children's and family services an amount not to ex-	

ceed three million dollars; provided, that the expenditure of said reimbursements shall be contingent upon receipt of an Anna E. Casey foundation program implementation grant; provided further, that federal reimbursements so generated shall not be expended unless certified by the secretary of said executive office to exceed the most recent estimate of federal reimbursement estimates to be generated by agencies within said executive office as reported in the state accounting system for fiscal year nineteen hundred and ninety-five; provided further, that no reimbursements attributable to any department of social services reimbursements or to any department of youth services Title IV-E reimbursements shall be counted in said estimate or credited to this item; provided further, that the secretary of said executive office may designate agencies within the executive office to receive and expend said revenues for services to children and families consistent with the Casey Foundation project plan subject to the approval of the secretary and the notification of the house and senate committees on ways and means; provided further, that an agency designated by said secretary may incur expenses and the comptroller shall certify for payments amounts not to exceed the authorization as assigned by said secretary; and provided further, that the executive office shall assure to the maximum extent feasible the delivery of services to said children and families pursuant to this item at the Boston specialty and rehabilitation hospital in Mattapan 3,000,000

4000-0190 For the administration of day care programs 408,261

4000-0200 For voucher and contracted day care programs; provided, that the MassJOBS day care program shall be available for recipients of benefits provided under the program of aid to families with dependent children and the absent parents of said recipients; provided further, that the day care program shall be available to participants in the MassJOBS program, and for former participants within up to one year of termination of their aid to families with dependent children benefits due to employment; provided further, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund; provided further, that day care slots shall be

distributed geographically in a manner which provides fair and adequate access to day care for all eligible individuals; provided further, that four hundred ninety-five thousand dollars shall be expended to provide one hundred slots for the provision of day care by the department of public welfare for children who are recipients of benefits provided under the aid to families with dependent children and who are in the custody and care of grandparents due to the incapacity or absence of the parents; provided further, that all day care providers that are part of a public school system shall be required to accept from recipients day care vouchers provided through these appropriations; provided further, that the department is hereby authorized to provide day care benefits to parents currently enrolled in a job training program who are under the age of eighteen and who would qualify for benefits under the provisions of chapter one hundred eighteen of the General Laws but for the deeming of the grandparents' income; provided further, that not more than four million sixty-six thousand five hundred forty-four dollars shall be expended for MassJOBS contracted day care; provided further, that not more than thirty-seven million five hundred seventy-eight thousand eight hundred sixty-five dollars shall be expended for MassJOBS voucher day care; provided further, that not more than three million six hundred thousand dollars shall be expended for the operating expenses of the MassJOBS voucher management system; 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 ten million five hundred fifty-two thousand three hundred sixty-three dollars be expended for contracted day care slots for teen parents and their children, including eight million six hundred fifty-two thousand three hundred and seven dollars for contracted day care slots for the children of parents under the age of twenty for the purposes of said parents' attendance of programs for a high school diploma or a general education development certificate pursuant to section 252 of this act; provided further, that not more than thirty-three million seven hundred sixty-nine thousand three dollars shall be expended for con-

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tracted day care slots for income eligible parents; provided further, that not more than two million seven hundred thirty-nine thousand one hundred sixty-nine dollars shall be expended for voucher day care for income eligible parents; provided further, that eleven million six hundred ten thousand dollars shall be expended for voucher day care for participants in the full employment program as established in section 252 of this act; and provided further, that not more than eleven million eight hundred twenty-nine thousand eight hundred and seventy-seven dollars shall be expended for voucher day care for children of parents under the age of twenty for the purposes of said parents' attendance of programs for a high school diploma or a general education development certificate pursuant to section 252 of this act 115,945,821

4000-0201 For the additional costs of the MassJOBS day care program, which are solely attributable to the court decision in the case of Lisa Healey and others v. the commissioner of public welfare 414 Mass. 18; provided, that the secretary of health and human services, the state budget director, and the secretary of administration and finance are hereby authorized and directed to develop a cost containment plan to limit spending for the MassJOBS day care program to the amounts made available in this line item and in item 4000-0200 of section two of this act and shall submit said cost containment plan to the house and senate committees on ways and means no later than September first, nineteen hundred and ninety-four; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to withhold advances and expenditures from this line item until such time as said cost containment plan is filed with said committees on ways and means 19,159,895

4000-0210 The secretariat may expend for purposes of the MassJOBS day care program an amount not to exceed six million dollars from the monies received from title IV-A reimbursements; provided, that three million three hundred thousand dollars shall be expended for voucher day care services 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 not more than two million seven hundred thousand dollars shall be expended for con-

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	tracted day care services 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; and provided further, that no funds from this item shall be expended for "extended vouchers," so-called	6,000,000
4000-0220	For the provision and management of the informal child care program; provided, that not less than one million nine hundred eighteen thousand eight hundred dollars be provided for independent child care services for parents under the age of twenty for the purposes of attendance of programs for a high school diploma or a general education development certificate pursuant to section 252 of this act; provided further, that not more than two dollars per child per hour shall be paid for such services; and provided further, that not more than five million nine hundred eighteen thousand eight hundred dollars in total shall be expended for independent child care services	5,918,800
4000-0230	For supportive day care associated with the family stabilization program; provided, that no funds shall be expended for "extended vouchers", so called	32,423,247

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4000-0701	For the purposes of a federally funded grant entitled, Cooperative Agreement for Primary Care Services	103,247
4000-0702	For the purposes of a federally funded grant entitled, Child Care Development Block Grant; 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 expend three million two hundred seventeen thousand one hundred ninety dollars for the purpose of providing supportive family preservation day care for children in need of protective services; provided further, that five million six hundred sixty-four thousand four hundred thirteen dollars shall be expended for income eligible vouchers for working families not eligible for transitional child care as defined by Title IV-F of the Social Security Act; provided further, that two million two hundred fourteen thousand seven hundred forty-seven dollars shall be expended	

for income eligible contracts for working families not eligible for transitional child care as defined by Title IV-F of the Social Security Act; provided further, that six hundred fifty 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 seven hundred forty-eight thousand six hundred sixty-two dollars 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 two hundred ninety-seven thousand one hundred fifty-two dollars shall be expended for the administration of the income eligible voucher program, data collection, licensing and policy-making; provided further, that two hundred thirty-five thousand dollars be expended for the purpose of special needs child care services; provided further, that fifty thousand dollars shall be expended to provide mainstreaming and technical assistance for providers serving children with disabilities or special needs; provided further, that one hundred thousand dollars shall be expended for a training database project at the office for children; and provided further, that five hundred thousand dollars shall be expended for the operating expenses of the MassJOBS voucher management system 13,677,164

4000-0705	For the purposes of a federally funded grant entitled, Emergency Shelter Grants Program	1,566,000
4000-9400	For the purposes of a federally funded grant entitled, Alcohol, Drug Abuse and Mental Health Services Block Grant	324,081
4000-9401	For the purposes of a federally funded grant entitled, Community Mental Health Services	9,988,128
4000-9402	For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant	28,660,000
4003-0804	For the purposes of a federally funded grant entitled, Refugee Targeted Assistance Grant	1,759,181
4003-0805	For the purposes of a federally funded grant entitled, Refugee Resettlement Program and Social Services	4,251,841
4003-0806	For the purposes of a federally funded grant entitled, Refugee Cash Assistance, Medical Assistance, and Administration . .	11,518,146
4003-0807	For the purposes of a federally funded grant entitled, State Legalization Impact Assistance Grant	1,697,991

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4003-9000 For the purposes of a federally funded grant entitled, Refugee
Resettlement Services 256,547

DIVISION OF MEDICAL ASSISTANCE

AGENCY PROGRAMS: 1) Administration 2) Contracted Services 3) Prior Year Spending Recoveries 4) MA21 Development Project 5) CommonHealth 6) Managed Care 7) Long-Term Care 8) Exempt Recipients and Services 9) Prior Year Claims 10) Intergovernmental Transfers

PROGRAM 1: ADMINISTRATION

State Appropriation

4000-0300 For the administration of the division; provided, that certain functions, including support costs for division personnel located in area offices of the department of public welfare, may continue to be paid by said department pursuant to an interagency agreement with the division; provided further, that in consultation with the rate setting commission, the division 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; provided further, that expenditures for the purposes of each item appropriated to the division by this act shall be accounted for according to such purpose on the Massachusetts management, accounting and reporting system not more than thirty days after such expenditures have been made by the medicaid management information system; provided further, that the division shall not make expenditures which are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means thirty days prior to the making of such expenditures; and provided further, that, unless otherwise expressly authorized by law, the division shall deposit all federal funds received in the General Fund 33,251,662

PROGRAM 2: CONTRACTED SERVICES

State Appropriation

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4000-0310 For administrative, support and related services purchased contractually by the division, including, but not limited to, contracts for a central automated vendor payment system, an automated eligibility verification system, preadmission screening, utilization review, medical consultants, disability determination reviews, health benefit managers in welfare service offices and interagency service agreements; provided, that a summary description of interagency service agreements for which funds are allocated by the division to other agencies shall be submitted to the house and senate committees on ways and means not more than ten days after making such allocations; and provided further, that two million dollars shall be expended from this item for early screening and treatment necessary to reduce hospitalization and avoid medicaid costs by delaying the onset of fully symptomatic AIDS 59,376,000

PROGRAM 3: PRIOR YEAR SPENDING RECOVERIES
State Appropriation

4000-0320 The division of medical assistance may expend an amount not to exceed sixty-five million dollars from the monies received from recoveries of any prior year expenditures and collections from liens, estate recoveries, third party recoveries, drug rebates, accident and trauma recoveries, case mix recoveries, computer audits, insurance recoveries, masspro and healthpro refunds, medicaid fraud returns, data match returns, Medicare appeals, and program and utilization review audits; provided, that revenues collected that are not attributable to the aforementioned categories shall be deposited in the General Fund and shall be tracked separately therein; provided further, that additional categories of recoveries and collections may be credited to this item after providing written notice to the house and senate committees on ways and means; provided further, that expenditures from this item shall be limited solely to payments for the provision of medical care and assistance rendered in the current fiscal year; provided further, that the department shall file quarterly, with the house and senate committees on ways and means a report delineating the source and amount of revenue deposited in this account; provided further, that the division shall file quarterly, with the house and senate committees on

ways and means a report delineating the amount of current year rebates from pharmaceutical companies or other current year collections which are being used to supplement current year expenditures; and provided further, that the division shall make no expenditures from this item for the payment of abortions not necessary to prevent the death of the mother . 65,000,000

PROGRAM 4: MA21 DEVELOPMENT PROJECT
State Appropriation

4000-0350 For development costs of the MA21 project, so-called, to replace the medicaid management information system and the recipient eligibility verification system with a unified, state-of-the-art claims and data management system or systems, including the costs of personnel, contractors, hardware, software and administrative support; provided, that the division shall maximize federal reimbursements for said project; provided further, that all federal reimbursements for said project shall be deposited in the general fund and shall not be retained by the division; provided further, that in developing and designing said project, the division shall insure that it (1) shall operate using a readily accessible database, (2) shall utilize flexible and readily programmable software, (3) shall have the ability to provide expenditure and utilization data and provider and recipient information on a routine and ad hoc basis, (4) shall offer budget and revenue forecasting support capabilities, (5) shall be capable of reformatting historical spending and utilization data consistent with provider and recipient categories to be used by the new system or systems, (6) shall be capable of completing an electronic interface with the Massachusetts management accounting and reporting system so-called, (7) shall be capable of responding to changing demands on the commonwealth for the provision of health care benefits and insurance, and (8) shall have the capability to interface electronically with the BEACON system, so-called; and provided further, that no expenditures shall be authorized until the division submits a detailed plan for the development of said project to the office of management information systems and said office certifies in writing to the house and senate committees on ways and means, the secretary of administration and finance, the state budget director, the sec-

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retary of health and human services, and the commissioner of the department of public welfare that said project has been structured to meet the aforementioned criteria; provided further, that costs for certain division of medical assistance personnel working part-time on said project may be funded from item 4000-0300; provided further, that not more than three hundred and fifty thousand dollars shall be expended from the KK subsidiary, so-called, of this item; and provided further, that the division shall report quarterly to the house and senate committees on ways and means on the progress of said project, including projected costs of the development of said project by category of cost and fiscal year, federal input on the project, revenue collected related to the project and projected implementation date and operating cost of said completed systems project 4,320,000

PROGRAM 5: COMMONHEALTH
State Appropriation

4000-0430 For the commonhealth program to provide primary and supplemental medical care and assistance to disabled adults and children pursuant to sections sixteen A and sixteen B of chapter one hundred and eighteen E of the General Laws; provided, that no funds shall be expended from this item for expenses incurred in the prior fiscal year; provided further, that the division shall maximize federal reimbursement for state expenditures made on behalf of said adults and children; and provided further, that the division shall close enrollments or promulgate regulations that adjust eligibility, benefits and other requirements to limit expenditures to the amount appropriated herein 19,141,119

PROGRAM 6: MANAGED CARE
State Appropriation

4000-0500 For a managed care program for non-institutionalized recipients who are not otherwise insured and are required to enroll in the primary care clinician program, health maintenance organizations or the mental health and substance abuse network; provided, that said program shall be implemented consistent with the terms of any waiver of Title XIX requirements approved by the United States secretary of health and

human services; provided further, that expenditures from this item shall be made only for services rendered to recipients in the current fiscal year; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; 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 . . . 903,467,300

PROGRAM 7: LONG-TERM CARE

State Appropriation

4000-0600 For long-term care provided to medical assistance recipients by chronic disease and rehabilitation hospitals, nursing facilities, certain hospitals and facilities operated by the commonwealth, and services provided by community-based long-term care providers; provided, that notwithstanding the provisions of any general or special law to the contrary and without the necessity of obtaining approval by the rate setting commission, the division may establish capitated rates by contract with such hospitals for services provided to medicaid-eligible patients pursuant to a managed care program; provided further, that expenditures from this item shall be made only for services rendered to recipients in the current fiscal year; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that notwithstanding the provisions of item 4000-0310 to the contrary not less than eight million six hundred thousand dollars shall be made available from this item to pay for the cost of home and community based waiver services provided to elderly medicaid recipients enrolled in the section 2176 waiver; provided, however, that should the federal health care financing administration approve additional waiver slots, the division may expand funding for this interagency agreement after first submitting to the house and senate committees on ways and means written advance notice; and provided further, that the division shall make no expenditures from this item for the payment of abortions not necessary to prevent the death of the mother; 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 hun-

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dred and ninety-four; provided further, that the division shall pay to reserve the bed in a nursing facility of any medical assistance recipient who is a nursing facility resident who has been transferred to an inpatient hospital for up to ten consecutive days 1,232,607,200

PROGRAM 8: EXEMPT SERVICES AND RECIPIENTS
State Appropriation

4000-0700 For medical services provided to medical assistance recipients not otherwise participating in the managed care program established by item 4000-0500 and for certain services not required to be provided by said managed care program nor requiring prior authorization from managed care programs consistent with the terms of any waiver of Title XIX requirements approved by the United States 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; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; and provided further, that the division shall make no expenditures from this item for the payment of abortions not necessary to prevent the death of the mother 351,861,500

PROGRAM 9: PRIOR YEAR CLAIMS
State Appropriation

4000-0800 For the payment of claims incurred in the prior fiscal year, to pay fiscal closure claims incurred in previous fiscal years and for certain other special provider costs incurred in such fiscal years; provided, that payment for special provider costs shall be made from this item only with the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; and provided further, that the division shall make no expenditures from this item for the payment of abortions not necessary to prevent the death of the mother 688,281,000

4000-0813 For a medicaid final rate settlement for Springfield municipal hospital for fiscal years nineteen hundred ninety-two and nineteen hundred ninety-three; provided, that said rate settle-

ment shall be the net liability owed to Springfield municipal hospital due to rate adjustments in said fiscal years, and said net liability shall be calculated by the rate setting commission; and provided further, that should said net liability be less than the amount appropriated herein, said hospital shall receive a payment equal to the net liability calculated by the commission and the remainder shall revert to the General Fund 1,729,707

PROGRAM 10: INTERGOVERNMENTAL TRANSFERS
State Appropriations

4000-0820 For the intergovernmental transfer component of the disproportionate share program for municipal acute care hospitals established in accordance with Title XIX, federal regulations promulgated thereunder, the medicaid state plan and the terms and conditions of agreements reached with the division for such transfer payments; provided further, that such funds may only be expended from this item for such payments owed during the current fiscal year; provided further, that an accounting of such payments shall be reported quarterly to the house and senate committees on ways and means; and provided further, that all revenues generated by said program shall be credited to the General Fund 39,600,000
Local Aid Fund 100.0%

4000-0830 For the intergovernmental transfer component of the medicaid rate to the university of Massachusetts medical center for hospital services as provided pursuant to the terms and conditions of the contract between the division of medical assistance and said medical center; provided, that programs funded pursuant to this item shall not create recurring liabilities to the commonwealth in future fiscal years; provided further, that the General Fund shall be reimbursed two million five hundred thousand dollars by the medical center for its share of funds transferred pursuant to this item; and provided further, that said hospital shall submit by December first nineteen hundred and ninety-four, to the house and senate committees on ways and means, a report detailing the programs funded from this item 5,000,000

Federal Appropriation

4000-0534 For the purposes of a federally funded grant entitled, Improving
Access to Care for Pregnant Substance Abusers 375,000

**DIVISION OF MEDICAID
PROGRAM DETAIL**

Bruce Bullen, Commissioner

AGENCY MISSION: To provide medical care and health services to recipients of the Aid to Families with Dependent Children and Supplemental Security Income programs, and to medically needy persons, consistent with Title XIX of the Social Security Act, state law and regulations, and to certain disabled persons.

STATUTORY REFERENCES: Division Enabling Statute, M.G.L. c.6A, §16A; Medicaid Enabling Statute, M.G.L. c.118E; Provider Rates (Excluding Acute Hospitals), M.G.L. c.6A §31, et.seq.; Acute Hospital Rates, M.G.L. c.6B § 2; Managed Care Legislative Mandate, St.1990, c.150§ 74; Estate Recovery, M.G.L. c.194, c.195, c.197, c.198

AGENCY PROGRAMS: 1) Administration 2) Contracted Services 3) Prior Year Spending Recoveries 4) MA21 Development Project 5) Commonhealth 6) Managed Care 7) Long-Term Care 8) Exempt Recipients and Services 9) Prior Year Claims 10) Intergovernmental Transfers

PROGRAM 1: ADMINISTRATION

LINE ITEM: 4000-0300

STATE APPROPRIATION: \$33,251,662

PROGRAM MISSION: To manage and support program operations, financing, eligibility processing, provider payments and policy development and implementation for the Commonwealth and Medicaid programs consistent with requirements of Title XIX of the Social Security Act, applicable waivers granted thereunder and state law.

Program Objectives	Performance Measures	ExpectedOutputs
1. Develop and coordinate a formal process of monitoring and improving program performance.	1. Program improvements and enhancements developed by the performance review process.	1. TBR
2. Update the division's resource and position management plan by functional area, including operations, eligibility determination, finance, budget and systems, for the second year of agency transition.	2a. Semi-annual updates of management plan. 2b. Report subsequent fiscal year administrative resource needs identified by the management plan.	2a. 2 2b. February 1995

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3. Transition MMIS claims payments from a private vendor to MMARS and the state Treasurer.	3a. Claims processed through MMARS by invoice type.	3a. TBR
	3b. Percent of total claims successfully paid through MMARS.	3b. TBR
4. Publish category of assistance caseload reports published within 30 days of reporting month.	4a. Current fiscal year reports published.	4a. 12
	4b. Current fiscal year reports published	4b. 100%
	4c. Updates of prior year caseloads to reflect temporary, retroactive, or other caseload adjustments	4c. 4
5. Publish weekly payroll expenditures by provider type within 30days of report month.	5a. Reports published.	5a. 12
	5b. Published within 30 days of report month.	5b. 100%
6. Monitor expenditures against budget projections.	6a. Budget spending goals established.	6a. August 1993
	6b. Variance reports analyzed explaining difference between goals and actual spending.	6b. 4
7. Monitor claims filed and adjudicated but not paid to project cumulative incurred unpaid liabilities for subsequent fiscal year payment.	7. Estimates prepared.	7. 12

PROGRAM 2: CONTRACTED SERVICES

LINE ITEM: 4000-0310

STATE APPROPRIATION: \$59,376,000

PROGRAM MISSION: To manage and support program operations, financing, eligibility processing, provider payments and policy implementation through contracted vendors and interagency service agreements.

Program Objectives	Performance Measures	Expected Outputs
1. Publish spending plans for inter-agency service agreements and subsidiary classification "JJ" and "HH" contracted services.	1a. Initial spending plan published.	1a.. October 1994
	1b. Revised spending plan published.	1b. March 1995
2. Monitor MMIS vendor to ensure achievement of performance standards and to manage cash flow.	2a. Monthly claims volume by invoice type.	2a. TBR
	2b. Number of claims suspended by invoice type.	2b. TBR
	2c. Value of fiscally pended claims by invoice type.	2c. TBR
	2d. Number of claims review board appeals for hospitals.	2d. TBR

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	2e. Adjustments made to MMIS payment schedule, including system edits initiated, to meet cash flow needs.	2e. TBR
	2f. Number of claims submitted by paper and tape.	2f. TBR
3. Timely entry of MMIS advance expenditures to MMARS.	3. Amounts reconciled to MMARS more than 30 days after MMIS expenditure.	3. \$0
4. Monitor transition to new hospital invoice.	4. Updates on development of UB92 form.	4. TBR

PROGRAM 3: PRIOR YEAR SPENDING RECOVERIES

LINE ITEM: 4000-0320

STATE APPROPRIATION: \$65,000,000

PROGRAM MISSION: To cost-effectively maximize the recovery of prior year overpayments, third party liabilities and recipient cost-sharing obligations and to use recovered funds for current medical care and assistance expenditure needs.

Program Objectives	Performance Measures	Expected Outputs
1. Track recovered expenditures by revenue source code.	1a. Monthly reports of recoveries prepared by type and amount.	1a. 12
	1b. Monthly reports of variance between projected and actual recoveries by revenue source code prepared.	1b. 12
2. Maximize third party liability payments, including federal Medicare payments.	2a. Third party payment recovery reports by category of assistance.	2a. 4
	2b. Gross and net amount of third party payments recovered by contingency fee vendor.	2b. TBR

PROGRAM 4: MA21 DEVELOPMENT PROJECT

LINE ITEM: 4000-0330

STATE APPROPRIATION: \$4,320,000

PROGRAM MISSION: To develop a state-of-the art claims processing and management information system that supports the management of the division's medical care programs, federal requirements and the commonwealth's fiscal needs.

Program Objectives	Performance Measures	Expected Outputs
1. Coordinate project activities to maximize system flexibility and ease of operation.	1a. User committee meetings held.	1a. TBR
	1b. Meetings with Welfare Department BEACON team held.	1b. TBR
	1c. Contractors hired by function area.	1c. TBR

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2. Monitor project expenditures to budget.	2a. FY94 spending plan prepared.	2a. October 1994
	2b. MA21 expenditures charged monthly to item 4000-0300.	2b. TBR
3. Maintain timeline and deadlines For development process.	2c. FY95 spending estimated prepared.	2c. March 1994
	3a. Publish FY95 project timeline.	3a. TBR
4. Track spending by quarter.	3b. Percent of activity and efforts on schedule.	3b. 100%
	4. Reports on personnel, contractors, hardware,software, administrative and support spending.	4. 4

PROGRAM 5: COMMONHEALTH

LINE ITEM: 4000-0430

STATE APPROPRIATION: \$19,141,119

PROGRAM MISSION: To provide primary and supplemental health care coverage for disabled children and disabled working adults ineligible for medicaid due to income, assets, or other eligibility requirements.

Program Objectives	Performance Measures	Expected Outputs
1. Ensure that enrollment is maintained at the level funded by the appropriation.	1a. Monthly children's enrollment.	1a. 1510
	1b. Monthly adult enrollment.	1b. 1690
	1c. Monthly enrollment for which CommonHealth is not the primary payor.	1c. 44%
	1d. Average monthly cost per recipient with and without third party coverage.	1d. TBR
	1e. Change in average monthly cost per recipient compared to prior year with and without third party coverage.	1e. TBR
	1f. Eligibility and benefit changes promulgated to meet available funding level.	1f. TBR
2. Monitor service utilization.	2a. Monthly expenditures by provider type.	2a. TBR
	2b. Monthly units of service by provider type.	2b. TBR
3. Monitor program revenues generated.	3a. Monthly total sliding scale premium payments received from recipients.	3a. \$68,000
	3b. Monthly average sliding scale premium payment received per recipient.	3b. \$41
	3c. Federal financial participation generatedby Medicaid eligibility spend-down initiative.	3c TBR

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- 3d. Recipients determined eligible for spend-down initiative. 3d 30%

PROGRAM 6: MANAGED CARE**LINE ITEM: 4000-0500****STATE APPROPRIATION: \$903,467,300**

PROGRAM MISSION: To establish relationships between Medicaid recipients and primary care practitioners based on the terms of a federal waiver that improve the availability and continuity of preventive and primary care, and ensure medically appropriate, cost-effective referrals for specialty and acute care.

Program Objectives	Performance Measures	Expected Outputs
1. Enroll recipients lacking third party coverage in managed care programs.	1a. Total enrollment in Primary Care Clinician Program (PCCP) by category of assistance.	1a. 375,000
	1b. Total enrollment in health maintenance organizations (HMO's) by category of assistance.	1b. 100,000
	1c. Percent of eligibles enrolled in managed care by region and category of assistance.	1c. TBR
2. Assess recipient satisfaction with managed care systems.	2a. Percentage of recipients surveyed to determine satisfaction with a primary care clinician.	2a. TBR
	2b. Recipients voluntarily disenrolling from HMO's.	2b. 3%
	2c. Recipients voluntarily changing primary care clinicians.	2c. 10%
	2d. Recipients seeking exemption from managed care enrollment requirements.	2d. 50
3. Ensure sufficient PCCP capacity.	3a. Semi-annual report on clinician distribution by practice setting compared to October 1993 base.	3a. 2
	3b. Semi-annual report on change in capacity of participating clinicians by practice setting compared to October 1993 base.	3b. 2
	3c. New practitioners signing PCCP participation agreements each month.	3c. 35
	3d. Dollar amount and number of PCCP fee enhancements paid monthly.	3d. TBR

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4. Monitor and assess changes in client service utilization under managed care.	3e.	Distribution in 50 case increments of clinician caseloads.	3e.	TBR
	4a.	Physician specialist referrals per thousand recipients.	4a.	930
	4b.	Quarterly number of hospital admissions for PCCP and HMO enrollees.	4b.	TBR
	4c.	Quarterly number of hospital pre-admission reviews conducted.	4c.	TBR
5. Monitor services provided to HMO enrollees.	4d.	Quarterly number of hospital post-payment admission reviews conducted.	4d.	1,275
	4e.	Emergency department visits by category of assistance and	4e.	TBR
	4f.	Number sampled for review of clinical necessity.	4f.	TBR
	5a.	Average out-of-plan referrals needed by HMO enrollees.	5a.	TBR
6. Analyze the cost-effectiveness of expenditures between the PCCP and PCCP costs per and HMO with the cost of services without federal waivers. report published.	5b.	Average HMO rating for achievement of contractual improvement goals.	5b.	TBR
	6a.	Rate year 1995 HMO premiums negotiated.	6a.	November 1994
	6b.	Comparison of HMO and PCCP costs per member per month.	6b.	January 1995
	6c.	Waiver and absence-of-waiver comparison	6c.	November 1994
7. Monitor management of the statewide mental health and substance abuse (MH/SA) network.	7a.	Number of MH/SA providers by type in each region of the network.	7a.	TBR
	7b.	Recipients by category of assistance served	7b.	TBR
	7c.	Reconciliation of calendar 1993 capitation expenditures with vendor's actual MH/SA expenditures prepared.	7c.	September 1994
	7d.	Change in incidence and average length of stay for mental health inpatient hospitalization from the base year.	7d.	TBR
	7e.	Change in incidence and average length of stay for mental health clinic admissions from the base year.	7e.	TBR
	7f.	Change in incidence and average length of stay for substance abuse inpatient hospitalization from base year.	7f.	TBR

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| 7g. Change in incidence and average length of stay for substance abuse freestanding clinic admissions from the base year. | 7g. TBR |
| 7h. Inpatient readmissions within 30 days of discharge. | 7h. TBR |

PROGRAM 7: LONG-TERM CARE

LINE ITEMS: 4000-0600

STATE APPROPRIATION: \$1,232,607,200

PROGRAM MISSION: To provide institutional and community-based long-term care in the most clinically and cost-effective manner for elderly and disabled recipients.

Program Objectives	Performance Measures	Expected Outputs
1. Ensure appropriateness of nursing facility placements and billing.	1a. Semi-annual report on Medicaid nursing home patient demographics, total days, length of stay, patient paid amount and case mix data published.	1a. 2
	1b. Aggregate change in case mix analyzed quarterly.	1b. 4
	1c. Nursing facility cases sampled to verify accuracy of case mix category.	1c. 100%
	1d. Nursing facility conversion patients screened by Coordination of Care units.	1d. 4,950
	1e. Nursing facility patients determined Medicaid-ineligible based on clinical admissions criteria.	1e. TBR
2. Monitor chronic disease and rehabilitation hospital patients to ensure appropriate admissions and utilization.	2a. Admissions and length of stay by principal diagnosis by hospital.	2a. TBR
	2b. Cases sampled to verify appropriateness of admission.	2b. 100%
	2c. Patients and days classified as administrative days (AND).	2c. TBR
3. Develop community-based long-term care resources.	3a. FY94 community long-term care spending and utilization by category of assistance.	3a. February 1995
	3b. Change in average community long-term care expenditures and utilization by category of assistance.	3b. February 1995
	3c. Change in number of participating community long-term care providers from prior year.	3c. February 1995

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| 4. Ensure maximum use of Section 2176 home care waiver slots. | 4a. Waiver slot goal for each Coordination of Care contract. | 4a. TBR |
| | 4b. Waiver slots filled by each Coordination of Care contractor. | 4b. TBR |
| | 4c. Average cost of service per waiver client. | 4c. TBR |
| 5. Divert potential nursing facility patient days from institutions to community-based care. | 5. Diversions achieved. | 5. TBR |

PROGRAM 8: EXEMPT SERVICES AND RECIPIENTS

LINE ITEM: 4000-0700

STATE APPROPRIATION: \$351,861,500

PROGRAM MISSION: To provide medical care and services to recipients exempt from managed care participation by reason of age, third party coverage or for other reasons and to provide for certain services not required to be paid or not requiring prior authorization through managed care programs.

Program Objectives	Performance Measures	Expected Outputs
1. Monitor expenditures for recipients with third party coverage to ensure Medicaid is payor of last resort.	1a. Number of exempt recipients by category of assistance.	1a. TBR
	1b. Number dually eligible for Medicaid and Medicare by category of assistance.	1b. TBR
	1c. Medicare buy-in spending for qualified Medicare beneficiaries by category of assistance.	1c. TBR
	1d. Expenditure reports on services provided to exempt recipients by category of assistance and provider type.	1d. 4
2. Monitor expenditures for exempt services.	2. Expenditures for exempt services by date of service and date of payment for recipients with and without third party coverage	2. TBR

PROGRAM 9: PRIOR YEAR CLAIMS

LINE ITEM: 4000-0800

STATE APPROPRIATION: 688,281,000

PROGRAM MISSION: To pay incurred liabilities for services rendered but unpaid in fiscal year nineteen hundred and ninety-four and fiscal closure claims approved from previous fiscal years in order to promote the reconciliation of statutory accounting with Medicaid billing and payment cycles.

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Program Objectives	Performance Measures	Expected Outputs
1. Process provider payments for services rendered in FY94, FY93 and FY92 but and paid in FY95.	1a. Prior year expenditure report by provider type and by waiver and non-waiver recipients. 1b. Prior year expenditure report by provider type for fiscal closure and crossover claims.	1a. January 1995 1b. January 1995
2. Monitor time lag between delivery of service and payment.	2a. Average length of time between date of service and date of initial claim submission for major provider categories. 2b. Average length of time between date of initial claim submission and date of payment to provider for major provider categories.	2a. TBR 2b. TBR

PROGRAM 10: INTERGOVERNMENTAL TRANSFERS

LINE ITEMS: 4000-082, 4000-0830

STATE APPROPRIATION: \$44,600,000

PROGRAM MISSION: To facilitate enhanced access to primary and acute care health coverage provided by public acute hospitals.

Program Objectives	Performance Measures	Expected Outputs
1. Establish amount of and make monthly payments to participating hospitals.	1. Monthly payment amounts by hospital.	1. TBR
2. Recover payments owed the commonwealth by participating hospitals.	2. Amount credited quarterly to the General Fund.	2. \$5,700,000
3. Monitor use of funds by participating hospitals.	3. Report initiatives implemented by each hospital.	3. TBR

RATE SETTING COMMISSION

State Appropriations

4100-0010 For the central administration of the commission; provided, that the commission, in consultation with the division of medical assistance, 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 4,750,549

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4100-0020	For the ambulatory care bureau of the commission	883,965
4100-0030	For the hospital bureau of the commission	2,225,468
4100-0040	For the long-term care bureau of the commission	1,603,769
4100-0050	For the administration of the hospital payment system advisory commission; provided, that the commission shall comply with the requirements of chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-one; provided further, that for the purposes of funding this item, hospital assessments shall be made and collected by the rate setting commission pursuant to the provisions of section nine of chapter six A of the General Laws	308,544

MASSACHUSETTS COMMISSION FOR THE BLIND

State Appropriations

4110-0001	For the office of the commissioner and bureau of research	714,083
4110-1000	For the community services program	2,413,155
4110-1010	For aid to the adult blind; provided, that the optional supplement categories and payment amounts shall be those in effect on July first, nineteen hundred and ninety-three; provided further, that no new optional supplement categories shall be added in fiscal year nineteen hundred and ninety-five; and provided further, that funds may be expended from this item for burial expenses incurred in the prior fiscal year	8,611,383
4110-1020	For determining eligibility for a medical assistance program for the blind	374,058
4110-2000	For the turning twenty-two program of the commission	4,742,354
4110-3010	For a program of vocational rehabilitation 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	1,167,614
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	1,747,880

Federal Appropriations

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	500,000
4110-3021	For the purposes of a federally funded grant entitled, Basic Support Grant - Section 110	5,946,746
4110-3023	For the purposes of a federally funded grant entitled, Independent Living, Part A	60,000
4110-3027	For the purposes of a federally funded grant entitled, Rehabilitation Training, Section 4	35,000
4110-3028	For the purposes of a federally funded grant entitled, Supported Employment	150,000

MASSACHUSETTS REHABILITATION COMMISSION

State Appropriations

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; and provided further, that the information on such lists shall include the client's name and social security number and the payee's name and other identification, if different from the client's	304,706
4120-2000	For vocational rehabilitation services 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	6,317,611

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4120-3000	For employment assistance services; provided, that vocational evaluation and employment services for severely physically disabled adults may, subject to appropriation, be provided . . .	6,672,256
4120-4000	For independent living assistance services	3,566,155
4120-5000	For homemaking services	3,816,752
4120-6000	For head injured services	6,690,261

Federal Appropriations

4120-0020	For the purposes of a federally funded grant entitled, Vocational Rehabilitation	34,000,000
4120-0171	For the purposes of a federally funded grant entitled, Teaching Grant and Traineeships in RSA Training	140,000
4120-0172	For the purposes of a federally funded grant entitled, Vocational Rehabilitation Services-Severely Disabled Worcester Area Placement Consortium	160,000
4120-0187	For the purposes of a federally funded grant entitled, Supported Employment Program	786,500
4120-0511	For the purposes of a federally funded grant entitled, Disability Determination Services	35,051,647
4120-0760	For the purposes of a federally funded grant entitled, Independent Living	976,011
4120-0765	For the purposes of a federally funded grant entitled, Empirical Analysis of the Educational Experiences of Young Adult TBI Survivors	160,000

MASSACHUSETTS COMMISSION FOR THE DEAF AND HARD OF HEARING

State Appropriations

4125-0100	For the administration of and services provided by the commission for the deaf and hard of hearing	2,871,423
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 seventy thousand dollars from charges received on behalf of interpreter services and monies received from private grants, bequests, gifts or contributions	70,000

Federal Appropriation

4125-0103	For the purposes of a federally funded grant entitled, Assistive Technology Partnership	733,764
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OFFICE FOR CHILDREN

State Appropriations

4130-0001	For the central administration of the office; provided, that the office shall administer the child care resource and referral system; provided further, that nothing contained herein shall be construed as limiting the office's authority to issue variances or grant licenses or certificates on a probationary basis as provided in 102 CMR 8.00 as in effect on May twenty-eighth, nineteen hundred ninety-three; and provided further, that said system shall receive funding from items 4000-0702, 4000-0200 and 4130-2087 of section two of this act	496,264
4130-0002	For the Children's Trust Fund, provided that twenty thousand dollars shall be expended for the Exchange Club Child Abuse Prevention Center of Newton, Needham and Wellesley	750,000
4130-0005	For field operations licensing, including eight new day care facility licensors to accommodate the anticipated increase in licensing demands on the office due to expanded day care services; provided, that no funds from this item may be expended for family support services; and provided further, that the office generate not less than six hundred seventeen thousand and fifty dollars from licensing fees and day care lists to be deposited in the General Fund	5,480,568

Federal Appropriations

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 provided further, that one hundred eighty-seven thousand five hundred twenty-five 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	310,435
4130-2088	For the purposes of a federally funded grant entitled-Child Development Assistance	20,000
4130-9002	For the purposes of a federally funded grant entitled-Child Abuse Prevention Activities	114,600

MASSACHUSETTS SOLDIERS' HOME
State Appropriations

4180-0100	For the maintenance of the soldiers' home in Chelsea	16,872,713
4180-0101	For the maintenance of a specialized unit for the treatment of Alzheimer's disease patients at the soldiers' home in Chelsea	420,990
4180-1100	The soldiers' home in Chelsea may expend revenues up to a maximum of forty-eight thousand dollars for facility maintenance and patient care, including personnel costs; provided, that sixty percent of all revenues generated pursuant to section two of chapter ninety of the General Laws, through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with said license plates, shall be deposited into and for the purposes of this retained revenue account of the soldiers' home in Chelsea . . .	48,000

HOLYOKE SOLDIERS' HOME
State Appropriations

4190-0100	For the maintenance of the soldiers' home in Holyoke	11,849,219
4190-0101	For the maintenance of an adult day care program at the soldiers' home in Holyoke	119,130
4190-1100	The soldiers' home in Holyoke may expend revenues up to a maximum of thirty-two thousand dollars for facility maintenance and patient care, including personnel costs; provided, that forty percent of all revenues generated pursuant to section two of chapter ninety of the General Laws, through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with said license plates, shall be deposited into and for the purposes of this retained revenue account of the Holyoke soldiers' home . . .	32,000

DEPARTMENT OF YOUTH SERVICES
State Appropriations

4200-0010	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; and provided	
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- further, that the department shall continue to seek Title IV-E revenues and report the status of such efforts to the house and senate committees on ways and means not later than December thirty-first, nineteen hundred and ninety-four 2,825,921
- 4202-0001 For the purchase of service for secure treatment programs, so-called, in accordance with the provisions of chapter twenty-eight A of the General Laws; provided, that the commissioner is hereby authorized to transfer up to ten percent of the funds appropriated herein to items 4202-0002, 4202-0003, 4202-0004, 4202-0005, and 4202-0006 of section two of this act; and provided further, that before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer . . 13,166,098
- 4202-0002 For the purchase of service for detention programs, so-called, in accordance with the provisions of chapter twenty-eight A of the General Laws; provided, that the commissioner is hereby authorized to transfer up to ten percent of the funds appropriated herein to items 4202-0001, 4202-0003, 4202-0004, 4202-0005, and 4202-0006 of section two of this act; and provided further, that before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer . . 11,081,955
- 4202-0003 For the purchase of service for community-based treatment programs, so-called, in accordance with the provisions of chapter twenty-eight A of the General Laws; provided, that the commissioner is hereby authorized to transfer up to ten percent of the funds appropriated herein to items 4202-0001, 4202-0002, 4202-0004, 4202-0005, and 4202-0006 of section two of this act; and provided further, that before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer . . 16,710,261
- 4202-0004 For the purchase of service for transitional management programs, so-called, in accordance with the provisions of chapter twenty-eight A of the General Laws; provided, that the commissioner is hereby authorized to transfer up to ten per-

	cent of the funds appropriated herein to items 4202-0001, 4202-0002, 4202-0003, 4202-0005, and 4202-0006 of section two of this act; and provided further, that before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer . . .	2,263,946
4202-0005	For the purchase of service for medical services, so-called, in accordance with the provisions of chapter twenty-eight A of the General Laws; provided, that the commissioner is hereby authorized to transfer up to ten percent of the funds appropriated herein to items 4202-0001, 4202-0002, 4202-0003, 4202-0004, and 4202-0006 of section two of this act; and provided further, that before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer	945,106
4202-0006	For the purchase of service for educational and vocational programs, so-called, in accordance with the provisions of chapter twenty-eight A of the General Laws; provided, that the commissioner is hereby authorized to transfer up to ten percent of the funds appropriated herein to items 4202-0001, 4202-0002, 4202-0003, 4202-0004, and 4202-0005 of section two of this act; and provided further, that before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer	922,663
4237-1010	For supervision, counseling, and other services provided by the department incidental to certain residential or non-residential care programs	6,472,166
4238-1000	For the administration and operation of the department's secure facilities	17,437,966

DEPARTMENT OF PUBLIC WELFARE

Notwithstanding any provision of general or special law to the contrary, unless otherwise expressly provided, all federal reimbursements received for the purposes of the department of public welfare, including reimbursements for administrative, fringe and overhead costs, for fiscal year nineteen hundred ninety-five and prior fiscal years, shall be credited to the General Fund, and the department shall submit on a monthly basis to the house and senate

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committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, public assistance caseloads and benefits.

State Appropriations

4400-1000 For the central administration of the department, 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 on a food stamp outreach program; provided further, that all federal funds received by the department shall be deposited in the General Fund; provided further, that the department shall develop an AIDS education plan for clients served by the department; provided further, that all costs associated with verifying disability for the emergency aid to the elderly, disabled and children program shall be paid from this item; provided further, that associated expenses of employees whose AA subsidiary payroll costs, so-called, are paid from item 4400-1100 of section two of this act shall be paid from this item; provided, however, that the AA subsidiary payroll costs, so-called, for such employees shall not be paid from this item; provided further, that the department shall collect all out-of-court settlement restitution payments, so-called; provided further, that said restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing the total amount of fraudulently obtained benefits identified by the bureau of special investigations of the department of public safety, the total value of said settlement restitution payments, actual monthly collections, and any circumstances which result in shortfalls in said collections; provided further, that the department shall provide a comprehensive monthly report which tracks statewide use of the emergency assistance program by category of assistance, caseload, average length of use or stay, and the amounts expended monthly by category of assistance to the house and senate committees on

	ways and means; provided further, that no funds shall be expended from this item for compensation of unit eight employees, so-called; and provided further, that expenditures made from this item shall not exceed the amount appropriated	58,880,538
4400-1100	For AA subsidiary payroll costs, so-called, of welfare caseworkers, so-called; provided that only employees of bargaining unit eight, so-called, as identified in the Massachusetts personnel administrative reporting and information system, so-called, shall be paid from this item; and provided further, that all other expenses associated with said employees shall be paid from item 4400-1000 of section two of this act	57,032,538
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 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; 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; provided further, that not less than one million dollars shall be provided by the MassJOBS Council to the Department of Education to be distributed for the purpose of providing basic educational attainment and work-related programs in reading, writing and mathematics at adult learning centers; and provided further that the MassJOBS Council and the department of public welfare shall explore all federal reimbursements relating to job training programs to augment state appropriations; provided further that the MassJOBS Council shall explore all other job training initiatives within the Common-	

	wealth to supplement this program for training of recipients of benefits under the program of aid to families with dependent children; and provided further, that the department shall notify the house and senate committees on ways and means of all such allocations	13,710,859
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 that the payment standard for eligible recipients who have received aid to families with dependent children benefits from another state in the month immediately prior to applying for benefits in Massachusetts shall be equal to the payment standard in effect in that state, if such payment standard is lower than that in effect in Massachusetts; provided further, that such payment standard shall be in effect for a period of one year, after which time the payment standard shall equal that in effect in Massachusetts; provided, 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 non-recurring children's clothing allowance in the amount of one hundred and fifty dollars shall be provided to each child eligible under this program in September, nineteen hundred ninety-four, 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 ninety-four; provided further, that said allowance shall be provided in the form of a voucher which shall have no cash value and shall be redeemable for clothing purposes only; 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 notwithstanding the provisions of section two of chapter one hundred and eighteen of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the three-month period following such month of payment, and who, if such child had been born and was living with her in the month of payment would be categorically and financially eligible for aid to families with dependent children benefits; 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 that suffer a reduction in benefits due to their loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for this loss; provided further that no funds from this item shall be expended by the department for daycare or transportation services for the employment and training program; and provided further, that no funds from this item shall be expended by the department for family reunification benefits, or independent child care services 659,728,208

4403-2005 For the administration of a pilot program for fathers of AFDC children, The Peer Support Program, so-called, for parenting education, economic self-sufficiency, job training, and other such activities 100,000

4403-2013 The department may expend an amount not to exceed seventy million dollars, in accordance with the provisions of item 4403-2000 of 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

4403-2110 For expenses of the emergency assistance program directly attributable to rent or mortgage liability; provided, that no funds may be expended for heat or utility arrearages, so-called; provided further, that in promulgating, amending,

or rescinding its regulations with respect to eligibility or benefits, 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 to the contrary or to 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 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 seven of the General Laws; provided further, that said lien, and accrued interest, shall be payable to the commonwealth when said lien is executed; provided further, that expenditures for rental and mortgage arrearages shall be subject to federal reimbursement; provided further, that the department shall prepare and promulgate rules and regulations to prevent abuse in the emergency assistance program in items 4403-2110, 4403-2120, and 4403-2130 of section two of this act; 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 in the previous 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 ninety-five; provided further, that no funds shall be expended for social service assessments during fiscal year nineteen hundred ninety-five; and provided further, that no

	emergency assistance expenditures shall be paid from this item unless authorized by this item	19,208,973
4403-2120	For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters, (ii) transitional housing program ending on August fourteenth, nineteen hundred ninety-four, (iii) pilot program to reduce homelessness in Barnstable, Dukes and Nantucket counties, (iv) residential education center for single mothers with children, (v) structured settings as provided in section 252 of this act; provided, that no funds may be expended for heat or utility arrearages, so-called; provided further, that in promulgating, amending, or rescinding its regulations with respect to eligibility or 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 to the contrary or to 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 the department is authorized to enter into an interagency agreement with the executive office of communities and development for a program to prevent homelessness; provided further, that not more than two hundred thousand dollars be transferred for the administration of said program, including the cost of personnel; provided further, that not more than three million seven hundred sixty-three thousand three hundred thirty-three dollars be expended for said program; provided further, that twenty-seven million one hundred twenty-eight thousand six hundred and nineteen dollars shall be expended on contracted family shelters; provided further, that one hundred five thousand dollars shall be expended on the transitional housing program ending on August fourteenth, nineteen hundred ninety-four; provided further, that the expenses of a pilot pro-	

gram to reduce homelessness for needy families in Barnstable, Dukes and Nantucket counties as provided in section 252 of this act shall be paid from this item; provided further, that not more than three hundred 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; provided further, that at least as many shelter spaces as were provided for homeless families during fiscal year nineteen hundred ninety-four be made available in fiscal year nineteen hundred ninety-five; provided further, that the winter shelters, so-called, be operated year-round; provided further, that funds from this item expended for emergency shelter costs shall be subject to federal reimbursement; provided further, that one hundred four thousand, one hundred forty-eight dollars shall be expended for a furniture donation pickup van; provided further, that one hundred thousand six hundred seventy dollars be expended from this item for the purposes of a residential education center for homeless single mothers with children in the town of Hull; provided further, that four million nine hundred thirty-eight thousand seven hundred eighty dollars shall be expended for the provision of structured settings as provided in section 252 as amended by this act for parents under the age of twenty who are receiving benefits under the aid to families with dependent children program; provided, however, that the executive office of health and human services and the department of transitional assistance are directed to seek federal reimbursement for said structured settings expenditures; provided further, that all structured settings expenditures shall be subject to federal reimbursement; provided further, that the department shall prepare and promulgate rules and regulations to prevent abuse in the emergency assistance program in items 4403-2110, 4403-2120, and 4403-2130 of section two of this act; 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 in the previous 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 ninety-five; provided further, that no funds shall be expended for social service assessments during fiscal year nineteen hundred ninety-five; and provided further, that no emergency assistance expenditures shall be paid from this item unless authorized by this item 36,490,550

4403-2130 For expenses of the emergency assistance program directly attributable to payments to hotels and motels on behalf of homeless families; provided, that said expenditures shall be subject to federal reimbursement; provided further, that in promulgating, amending, or rescinding its regulations with respect to eligibility or 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 to the contrary or to 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 no funds may be expended for heat or utility arrearages, so-called; provided further, that the department shall prepare and promulgate rules and regulations to prevent abuse in the emergency assistance program in items 4403-2110, 4403-2120, and 4403-2130 of section two of this act; 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 in the previous 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 ninety-five; provided further, that no funds shall be expended for social service assessments during fiscal year nineteen hundred ninety-five; and provided further, that no emergency assistance expenditures shall be paid from this item unless authorized by this item	8,639,694
4403-2131	For grants to cities and towns providing special education to children residing in a publicly or privately operated shelter, including a hotel or motel, designed to provide temporary living accommodations, within said city or town; provided, that cities and towns may qualify for grants only if the homeless students receiving special education had not previously resided in said city or town in permanent housing; provided further, that the department of public welfare in consultation with the department of education shall formulate guidelines for qualifying cities and towns to follow when applying for grants from this item within sixty days following the effective date of this act; provided further, that grants shall be available from this item for costs incurred during the nineteen hundred ninety-four to nineteen hundred ninety-five school year; and provided further, that grants shall be provided first to the cities and towns in which the greatest need exists	500,000
	Local Aid Fund	100%
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; provided further, that the department shall seek all necessary waivers to allow any administrative costs associated with the issuing of the state supplemental grant to be paid for from a corresponding portion of said payment; provided further, that services shall be provided, to the extent determined to be possible within the appropriation, and the department shall amend applicable rules, regulations or eligibility determination methods and seek all necessary waivers to ensure expenditures under said	

program do not exceed the appropriation herein; provided further, that the optional supplement categories and payment amounts shall be those in effect on July first, nineteen hundred and ninety-three; provided further, that no new optional supplement categories shall be added in fiscal year nineteen hundred and ninety-five; provided further, that the executive office of health and human services, the department of public welfare, the Massachusetts commission for the blind, and the division of medical assistance are authorized and directed to study the feasibility and cost effectiveness of establishing a new optional supplement category, assisted living; provided further, that said study shall include the projected number of assisted living beneficiaries including the projected number of beneficiaries who would otherwise be placed in nursing homes; provided further, that said report shall include the first year cost and the projected annualized cost impact on the state supplement to supplemental income program and on medicaid expenditures; provided further, that said report shall be filed with the house and senate committees on ways and means no later than January first nineteen hundred and ninety-five; and provided further, that the expenses of a program to aid emergency aid to the elderly, disabled and children recipients in becoming eligible for said supplemental security income program may be paid from this item

191,994,449

4406-3000 For the homelessness program to assist 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 eight hundred ninety-seven thousand six hundred sixty-five dollars shall be expended for the health care for the homeless programs in Boston, Worcester and Springfield and that not less than five hundred nine thousand four hundred five dollars shall be expended for the Boston health care for the homeless program; provided further, that not less than forty-four thousand dollars be obligated to initiate a health clinic in a comprehensive multi-service center located in the city of Lynn; provided further,

that at least as many shelter spaces as were provided for homeless families and individuals during fiscal year nineteen hundred and ninety-four be made available in fiscal year nineteen hundred and ninety-five; provided further, that not less than one hundred eighty thousand dollars shall be expended for the Our Fathers House in Leominster; provided further, that not less than ten million eight hundred eighty-five thousand seven hundred sixty-eight dollars for a contract with the Pine Street inn located in the city of Boston; including not less than eight hundred sixty-seven thousand two hundred sixty-one dollars for a comprehensive multi-service day treatment program for the homeless in the city of Boston; including not less than three million eight hundred twenty-two thousand eight hundred ninety-three dollars for the PIP shelter in Worcester, the daybreak shelter in Lawrence, the Long Island shelter in Boston; and provided further, that one hundred and twenty thousand dollars shall be obligated for a contract with Shelter, Hope and Dignity of Women Searching, Inc., doing business as Shadows, Inc. of Natick, for the provision of shelter services to homeless women 25,399,229

4408-1000 For a program of cash assistance to certain residents of the commonwealth pursuant to chapter one hundred 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 ninety-one; provided further, however, that said program may include a program of medical benefits, 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 suffering from a medically

determinable impairment or combination of impairments which is expected to last for period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support him or herself, and which have been verified by a competent 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 eighteen of the General Laws and parents or other caretakers of dependent children who are ineligible under said chapter one hundred 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; 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 ninety-one; provided further, that in promulgating, amending, or rescinding its regulations with

respect to eligibility or benefits, including the payment standard, medical 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 to the contrary or to 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 need for proposed changes in eligibility requirements or benefit levels 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 number 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; provided further, that reimbursements collected from the social security administration on behalf of former clients of the emergency assistance to the elderly, disabled and children program, or unprocessed payments from said program that are returned to the department, not to exceed an amount of twenty-four million dollars, shall be credited to this account and may be expended without further appropriation for the purposes of this program; and provided

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further, that notwithstanding any general or special law to the contrary, the funds made available herein shall be the only funds available for said programs, 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 101,351,562

Federal Appropriations

4407-9002	For the purposes of a federally funded grant entitled, MassJOBS; provided, that federal reimbursements which are solely attributable to the provision of job training, in an amount not to exceed seventeen million eight hundred ninety-six thousand seven hundred eight dollars, may be credited to this item; provided, that notwithstanding the provisions of section one of this act or any other general or special law to the contrary, federal reimbursements received in excess of the amount specified herein and federal reimbursements received in prior fiscal years shall be credited to the General Fund . .	17,896,708
4407-9055	For the purposes of a federally funded grant entitled, Emergency Shelter Grant	500,000
4407-9057	For the purposes of a federally funded grant entitled, Transitional Housing	600,000
4407-9070	For the purposes of a federally funded grant entitled, At-Risk Day Care; provided that five million eight hundred thousand dollars received pursuant to this grant shall be expended for the purchase of income eligible contracts; and provided further, that four hundred thousand dollars shall be expended for the management of the income eligible voucher system . .	6,200,000
4407-9072	For the purposes of a federally funded grant entitled, Parents Fair Share	265,042
4407-9073	For the purposes of a federally funded grant entitled, Parents Fair Share-Title IV-D	104,325
4407-9080	For the purposes of a federally funded grant entitled, Ensuring Success for Parents	105,774

DEPARTMENT OF PUBLIC HEALTH

AGENCY PROGRAMS: 1) Administration 2) AIDS Prevention and Treatment 3) Family and Community Health Services 4) Substance Abuse Services 5) Communicable Disease Control 6) Environmental and Community Health Hazards 7) Health Planning and Regulations 8) Universal Immunization 9) Public Health Hospitals 10) Smoking Prevention and Cessation

PROGRAM 1: ADMINISTRATION

State Appropriations

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; provided further, that the department is hereby authorized and directed, in conjunction with the division of capital planning and operations, to negotiate and enter into lease arrangements for fiscal year nineteen hundred and ninety-five; provided further, that the department shall not pay more for space rental costs in fiscal year nineteen hundred and ninety-five than was paid during fiscal year nineteen hundred and ninety-four; and provided further, that the department of public health is hereby authorized to collect revenues not less than one hundred seventy-five thousand dollars pursuant to licensure of mammography facilities	9,339,257
4510-0790	For the regional emergency medical services program; 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 and 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%

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Federal Appropriations

4510-0400	For the purposes of a federally funded grant entitled, Grants Program to Support Alzheimer's Disease Research	4,400,000
4510-0794	For the purposes of a federally funded grant entitled, State Emergency Medical Services Plan-Modification of Trauma Care Component	153,834

PROGRAM 2: AIDS PREVENTION AND TREATMENT

State Appropriations

4512-0103	For the acquired immune deficiency syndrome program; provided, that not less than six hundred seventy-nine thousand dollars be obligated to comprehensive family planning providers for AIDS prevention education	37,479,767
	General Fund	80.7%
	Health Protection Fund	19.3%
4512-0110	For rental housing subsidies for the purposes of preventing institutionalization in acute hospitals, chronic hospitals, and nursing homes; provided, that the department 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 rentals payable by tenants shall be not less than thirty percent of total household income if heat and cooking fuel are provided by the landlord and shall be not less than twenty-five percent of total household income if heat and cooking fuel are not provided; and provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units funded on June thirtieth, nineteen hundred and ninety-one	120,000

Federal Appropriations

4513-9018	For the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education/Risk Reduction Program	6,305,583
4513-9037	For the purposes of a federally funded grant entitled, AIDS Care	1,837,845
4513-9038	For the purposes of a federally funded grant entitled, Shelter Plus Care-Worcester	158,760

PROGRAM 3: FAMILY AND COMMUNITY HEALTH SERVICES

State Appropriations

4510-0110	For community and other health centers' operational grants program, including programs in smoking cessation; provided, that notwithstanding any general or special law to the contrary, not less than seventy thousand dollars shall be expended for south Boston community health center; provided further, that notwithstanding any general or special law to the contrary, not less than one hundred fifty thousand dollars shall be expended for the Massachusetts general hospital neighborhood health center	1,127,000
	Health Protection Fund	80.2%
	General Fund	19.8%
4512-0500	For dental health services	1,415,163
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 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 fifteen million seven hundred thirty-five thousand six hundred thirty-nine dollars be expended for early intervention services; provided further, that the department shall fund not less than thirty-nine full time equivalent employees for the early intervention program; provided further, that not less than one million four hundred thousand dollars shall be expended for rape prevention and victim services; provided further, that three million two hundred sixty-three thousand dollars shall be expended for family planning services provided by agencies certified as comprehensive family planning agencies; provided further, that not less than seven hundred forty-eight thousand dollars shall be expended for pregnant and parenting adolescent programs; provided further, that not less than seventy-five thousand dollars shall be expended for a program for the promotion of preventive medicine through physical fitness and sports activities in the commonwealth to be administered by the governor's committee on physical fitness and sports; provided further,	

that not less than two million thirty-nine thousand six hundred thirteen dollars shall be expended for school and community-based teen health programs; and provided further, that not less than thirty thousand dollars shall be provided to the Northeastern university conflict resolution program . . .		24,866,095
Health Protection Fund		69.56%
General Fund		30.44%
4513-1002	For women, infants, and children's (WIC) nutrition services in addition to funds received under the federal nutrition program; provided, that all new WIC cases, in excess of fiscal year nineteen hundred and ninety-one caseload levels, shall be served in accordance with priority categories 1 through 7, as defined by the state WIC program; provided further, that within thirty days of the effective date of this act the department shall report to the house and senate committees on ways and means the total number of cases which can be supported with funds from this item without incurring a deficiency; and provided further, that not less than six hundred and two thousand dollars shall be obligated for failure to thrive programs	17,022,145
General Fund		76.0%
Health Protection Fund		24.0%
4513-1005	For the program of medical care and assistance administered by the department pursuant to section twenty-four D of chapter one hundred eleven, for pregnant women and infants residing in the commonwealth; provided, that pursuant to an inter-agency agreement established with the division of medical assistance within the executive office of health and human services, 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	6,312,205
Health Protection Fund		80.2%
General Fund		19.8%
4513-1012	The commissioner of the department of public health may expend an amount not to exceed seventeen million fourteen thousand dollars from revenues received from the infant formula price enhancement system, hereby authorized, for the purpose of increasing the caseload of the WIC program . . .	17,014,000
4513-1111	For an osteoporosis education and prevention program within the department of public health; provided, that the program	

	shall include, but not be limited to: (1) development or identification of educational material to promote public awareness of the cause of osteoporosis, options for prevention, the value of early detection, and possible treatments, including their benefits and risks, to be made available for consumers, particularly targeted to high risk groups; (2) development or identification of professional education programs for health care providers; (3) development and maintenance of a list of current providers of specialized services for prevention and treatment of osteoporosis	500,000
	Health Protection Fund	80.2%
	General Fund	19.8%
4513-1112	For a prostate cancer prevention, education, and treatment program	1,000,000
4530-9000	For a program of technical assistance and purchase of services in support of implementation of comprehensive community plans for teenage pregnancy prevention	1,977,000
4570-1500	For an early breast cancer detection program, mammographies for the uninsured, breast cancer research and a breast cancer detection public awareness program; provided that not less than one million five hundred thousand dollars be expended for the purposes of a scientific research grant program to investigate the potential environmental contributors to breast cancer in "areas of unique opportunity" and to examine such environmental components; provided, that not less than one million dollars shall be expended for a breast cancer research grant program to support innovative research by investigators who are in the formative stages of their careers; provided further, that research grants shall be awarded to investigators, post-doctoral fellows and assistant professors who are within ten years after completion of their highest degree or within ten years after completion of clinical training; provided further, that members of any selection review committee for the breast cancer research grant program shall be subject to chapter two hundred sixty-eight A and shall be prohibited from participating in the review or recommendation of an application filed by an organization with which they are affiliated; and provided further, that such members may participate in the review and recommendation of applications filed by organizations with which they are not affiliated	5,613,529
	General Fund	84.0%
	Health Protection Fund	16.0%

Federal Appropriations

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 five hundred and eighty-five thousand dollars be obligated for rape prevention and victim services	5,300,000
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 said process shall 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 and neighborhoods with high poverty rates	12,065,000
4510-0109	For the purposes of a federally funded grant entitled, State Loan Repayment Project	180,000
4510-0112	For the purposes of a federally funded grant entitled, Community Scholarship Program	50,000
4510-0113	For the purposes of a federally funded grant entitled, Massachusetts Office of Rural Health	67,620
4510-9040	For the purposes of a federally funded grant entitled, Diabetes Control Program	182,587
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, the joint committee on federal financial assistance, and the house and senate committees on ways and means on all expenditures from this item and the state nutrition program for women, infants and children, including the numbers of participants in each program	49,500,000
4513-9021	For the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps	5,400,000
4513-9022	For the purposes of a federally funded grant entitled, Prevention Disability State Based Project	487,891
4513-9026	For the purposes of a federally funded grant entitled, Families C.A.N.-Care and Nurturance for At-Risk Families	439,000

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4513-9027	For the purposes of a federally funded grant entitled, Massachusetts Care-Community AIDS Resource Enhancement	371,000
4513-9030	For the purposes of a federally funded grant entitled, Planning a Comprehensive Primary Care System for All Massachusetts Children and Youth	100,000
4513-9031	For the purposes of a federally funded grant entitled, Emergency Medical Services for Children Improvement and Expansion . . .	250,000
4513-9032	For the purposes of a federally funded grant entitled, South East Asia Birthing and Infancy Project	276,808
4513-9041	For the purposes of a federally funded grant entitled, Managed Care Enhancement	196,067
4515-0113	For the purposes of a federally funded grant entitled, Health Program for Refugees	163,525
4570-1501	For the purposes of a federally funded grant entitled, Breast and Cervical Cancer Prevention and Control - Core Capacity Building	75,000
4570-1502	For the purposes of a federally funded grant entitled, Urinary Incontinence	181,278
4570-1503	For the purposes of a federal grant entitled, Comprehensive Breast and Cervical Early Detection Program	3,100,000

PROGRAM 4: SUBSTANCE ABUSE SERVICES*State Appropriations*

- 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; provided further, that five hundred thousand dollars shall be expended for AIDS education for clients served by said program; provided further, that not less than three hundred ninety thousand dollars shall be expended for the Celeste House; provided further, that three hundred fifty thousand dollars shall be allocated to provide three pilot child care programs, one family day care system model and two on-site traveling models for the children of parents in ambulatory drug and alcohol treatment; provided further, that the department shall expend five hundred thousand dollars for

the treatment and detoxification of intravenous drug users who test positive for HIV, so-called; provided further, that the department shall expend two hundred thousand dollars for the establishment of a residential program to provide alcohol and drug treatment services to Hispanic women in the commonwealth 32,410,929

Health Protection Fund	44.3%
General Fund	55.7%

4512-0225 The commissioner of the department of public health may expend an amount not to exceed three hundred fifty thousand dollars, which the state comptroller is hereby authorized and directed to transfer to the General Fund from unclaimed prize money that has been held in the State Lottery Fund for more than one year from the date of the drawing in which the prize was won, for a compulsive gamblers treatment program 350,000

Federal Appropriations

4512-9415	For the purposes of a federally funded grant entitled, Boston Drug Treatment Improvement Project	4,252,086
4512-9418	For the purposes of a federally funded grant entitled, Non-Incarcerated Offenders	488,004
4512-9423	For the purposes of a federally funded grant entitled, Residential Treatment for Pregnant and Postpartum Women	780,300
4512-9424	For the purposes of a federally funded grant entitled, Residential Treatment for Women	769,142
4512-9425	For the purposes of a federally funded grant entitled, Massachusetts Critical Populations	1,036,616
4512-9426	For the purposes of a federally funded grant entitled, Uniform Data Collection	155,160
4512-9427	For the purposes of a federally funded grant entitled, State Demand and Needs Assessment Studies-Alcohol & Other Drugs (Treatment)	486,455
4512-9428	For the purposes of a federally funded grant entitled, State Demand and Needs Assessment Studies-Alcohol & Other Drugs (Prevention)	256,193

PROGRAM 5: COMMUNICABLE DISEASE CONTROL

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State Appropriation

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 shall give priority to services to analyze samples used in prosecution of controlled substances offenses	10,215,921
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Federal Appropriations

4512-0102	For the purposes of a federally funded grant entitled, Application of the Principles of the Control of Syphilis	832,208
4513-9035	For the purposes of a federally funded grant entitled, AIDS Surveillance	1,122,000
4513-9041	For the purposes of a federally funded grant entitled, Health Program for Refugees	163,525
4515-0115	For the purposes of a federally funded grant entitled, Tuberculosis Control Project (317)	1,698,935
4516-1015	For the purposes of a federally funded grant entitled, Lab Training Network	12,641

PROGRAM 6: ENVIRONMENTAL AND COMMUNITY HEALTH HAZARDS

State Appropriations

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 four hundred eighty-two of the acts of nineteen hundred ninety-three, 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 seventy of the acts of nineteen hundred eighty-three, the "Right-To-Know" law, so-called; provided, that the expenditures from this item for	
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	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 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 eleven H of the General Laws	2,788,537
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 eleven of the General Laws, for services provided to monitor, survey and inspect nuclear power reactors; provided, that the department is hereby further authorized to expend revenues not to exceed three hundred 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; and provided further, that revenues collected may be used for all program costs including compensation of employees	425,000
4510-0616	For a drug registration and monitoring program; provided, that the department of public health may expend an amount not to exceed four hundred eighty-one thousand dollars from revenues received from a fee charged to registered practitioners, including physicians, dentists, veterinarians and podiatrists, for controlled substance registration; provided, that funds may be expended from this item for the costs of personnel	481,000
4510-0617	For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire; provided, that the radiation control program shall evaluate, implement and conduct a program of environmental radiological monitoring of nuclear power plants; provided further, that said program shall include a continuous real-time environmental radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of said nuclear power plant in Seabrook, New Hampshire; provided, however, that should said department contract with a private contractor for services to provide said monitoring, then notwithstanding any	

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general or special law to the contrary the provisions of section twenty-nine A of chapter twenty-nine shall be applicable; provided furthermore, that the inspector general shall conduct a review of said contract to ensure that the provisions of chapter twelve A have been complied with; provided further, that said contract shall be subject to review by the senate and house committees on post audit and oversight; provided further, that the cost of said item may be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase from the Seabrook nuclear power plant and those located outside the commonwealth whose nuclear power plant areas, as defined by section two B of chapter six hundred fifty, and as amended by section twenty-four of chapter seven hundred ninety-six of the acts of nineteen hundred seventy-nine; provided further, that for the purposes of said item electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribution of electricity in the commonwealth; and provided further, that the costs of personnel may be charged to this item; and, provided further, that the term electric companies shall not include municipalities or municipal light plants; prior appropriation continued 24,000

Federal Appropriations

4510-9019 For the purposes of a federally funded grant entitled, Environmental Monitoring Program 75,000
4510-9043 For the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Impact Health Assessments 316,248
4510-9048 For the purposes of a federally funded grant entitled, Indoor Radon Development Program 161,000
4510-9050 For the purposes of a federally funded grant entitled, Hazardous Substances Study-Groton 228,096

PROGRAM 7: HEALTH PLANNING AND REGULATIONS

State Appropriations

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

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	health care facilities and services, and protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and ill, hospitals and infirmaries, including the inspection of ambulance services	5,265,548
4510-0712	The department is hereby authorized to expend revenues collected pursuant to the licensure of health facilities up to a maximum of six hundred and twenty-nine thousand dollars; provided, that revenues collected may be used for all program costs; including compensation of employees; and provided further, that five hundred thousand dollars from said item shall be generated from new fees to be collected by the department	629,000
4510-0750	For the cost of providing certificates of need, pursuant to section twenty-five C of chapter one hundred eleven of the General Laws	146,387
4518-0100	For the administration of the office of health statistics analysis and for the operation of a cancer registry and occupational lung disease registry	1,206,691
	Health Protection Fund	80.2%
	General Fund	19.8%
4518-0200	The department of public health is hereby authorized to expend revenues in an amount not to exceed one hundred and sixty thousand dollars accrued from fees collected from the following services: amendments 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	160,000

Federal Appropriations

4502-1012	For the purposes of a federally funded grant entitled, Cooperative Health Statistics System	380,000
4510-0500	For the purposes of a federally funded grant entitled, Clinical Laboratory Improvement Amendments	382,000
4518-1000	For the purposes of a federally funded grant entitled, Procurement of Information for the National Death Index (NDI)	56,000
4518-1002	For the purposes of a federally funded grant entitled, Social Security Administration-Massachusetts Death File	27,760

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4518-1003	For the purposes of a federally funded grant entitled, Massachusetts Birth Records for Social Security Administration	106,000
4518-9022	For the purposes of a federally funded grant entitled, Sentinel Event Notification System for Occupational Risks	180,000
4518-9023	For the purposes of a federally funded grant entitled, Census of Fatal Occupational Injuries	30,000
4518-9025	For the purposes of a federally funded grant entitled, Fatality Surveillance and Field Investigations	103,000

PROGRAM 8: UNIVERSAL IMMUNIZATION

State Appropriation

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 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	10,703,658
	Health Care Access Fund	100%

Federal Appropriation

4512-0179	For the purposes of a federally funded grant entitled, Vaccination Assistance Project	3,820,514
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PROGRAM 9: PUBLIC HEALTH HOSPITALS

State Appropriations

4540-0900	For the maintenance of and for certain improvements to the department of public health hospitals; provided, that Tewksbury hospital shall not be used to house county, state or other prisoners; and, provided further, that the department of public health shall not increase the levels of contracted nursing staff funded from this item and item 4590-0900 above the levels in place on June thirtieth, nineteen hundred and ninety-four . . .	36,574,882
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4590-0900 The department of public health hospitals may expend, an amount not to exceed sixty-five million three hundred ten thousand two hundred ninety-nine 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 all hospital related costs, including the lifting of the position freeze for nursing and nursing support staff at the Shattuck Hospital and the Commonwealth's three other Department of Public Health Hospitals; including personnel, 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 payments 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, Lakeville hospital, Rutland Heights 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 division of medical assistance; provided further, that notwithstanding any general or special law to the contrary 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; provided further, that such reimbursement shall not exceed ten percent of total personnel costs for said hospital 65,310,299

Federal Appropriation

4540-8200 For the purposes of a federally funded grant entitled, Transitional Housing/Shattuck Shelter 145,355

PROGRAM 10: SMOKING PREVENTION AND CESSATION

State Appropriations

4590-0300 For the smoking prevention and cessation program pursuant to chapter two hundred and fifty-four of the acts of nineteen hundred and ninety-two; provided, that not less than five million dollars shall be paid from this item to the executive office of public safety to administer a discretionary grant program for city and town drug awareness and resistance education programs, to be known as D.A.R.E. programs, which shall include information about the health risks of cigarette smoking and shall include the participation of local and state police officers, subject to the supervision of the department of public health; provided further, that the salary of the state wide D.A.R.E. coordinator shall be included in such five million dollar appropriation; provided further, that priority be given to funding programs in communities with high smoking rates among women; provided further, that not less than sixteen million dollars shall be paid from this item to the department of education for grants to cities, towns, and regional school districts for comprehensive health education programs including education on smoking prevention; provided further, 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; provided further, that not less than six million dollars shall be expended from this item for a school health service program including enhanced school and health centers; provided further, that the department of public health and the department of education jointly establish standards and criteria for funded school health service programs; provided further, that not more than one percent of the amount appropriated herein shall be expended for administrative costs; provided, however, that no funds shall be expended from this item for space leasing costs 64,173,874
Health Protection Fund 100.0%

DEPARTMENT OF PUBLIC HEALTH
PROGRAM DETAIL
David Mulligan, Commissioner

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AGENCY MISSION: To maintain, protect, and improve the health and well-being of the people of the Commonwealth.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c.17, M.G.L. c.111; Inspection of Food, Drugs, and Various Articles, M.G.L. c.94 § 1-12B, 17A-20, 48-73A, 77B-77E, 88C, 88D, 91-92A, 118-139G, 142-148, 150-151A, 160-171, 186-195, 249A-249G, 270-277, 303A-303E, 305A-313; Hazardous Substances, M.G.L. c.94B; Controlled Substances, M.G.L. c.94C § 37-40, 42-44, 46-121A, 127A-131, 135, 181-202; Alcoholism, M.G.L. c.111B; Emergency Medical Care, M.G.L. c.111C; Clinical Laboratories, M.G.L. c.111D; Drug Rehabilitation, M.G.L. c.111E

AGENCY PROGRAMS: 1) Administration 2) AIDS Prevention and Treatment 3) Family and Community Health Services 4) Substance Abuse Services 5) Communicable Disease Control 6) Environmental and Community Health Hazards 7) Health Planning and Regulations 8) Universal Immunization 9) Public Health Hospitals 10) Smoking Prevention and Cessation

PROGRAM 1: ADMINISTRATION

LINE ITEMS: 4510-0100, 4510-0790

STATE APPROPRIATION: \$9,739,257

PROGRAM MISSION: To provide policy and programmatic guidance for the agency to ensure the maintenance, protection, and improvement of the health and well-being of the Commonwealth's citizens.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process for monitoring and improving program performance.	1. Program improvements and enhancements produced by the performance review process.	1. October 28, 1994

PROGRAM 2: AIDS PREVENTION AND TREATMENT

LINE ITEMS: 4512-0103, 4512-0110

STATE APPROPRIATION: \$37,599,767

PROGRAM MISSION: To prevent the spread of Acquired Immune Deficiency Syndrome (AIDS) and to care for patients who are infected with the Human Immunodeficiency Virus (HIV).

Program Objectives	Performance Measures	Expected Outputs
1. Slow the progression of HIV by providing a range of support and health services to HIV/AIDS clients.	1a. Low-income clients with AIDS in supported housing units. 1b. Uninsured or underinsured clients with AIDS receiving case management.	1a. 67 1b. 4,544

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	1c. Uninsured or underinsured low-income clients receiving AZT or other medications.	1c. 800
	1d. HIV-infected clients receiving homemaker services.	1d. 140
	1e. HIV-infected clients receiving primary care.	1e. 2,140
2. Provide information to clients regarding their HIV status.	2. HIV pre-test and post-test counseling sessions.	2. 37,433
3. Provide a structured rehabilitative environment for substance abusers for independent drug-free living.	3a. Emergency service bed days filled.	3a. 16,627
	3b. Residential rehabilitation bed days filled.	3b. 25,489
	3c. Ambulatory clinic visits.	3c. 308,204

PROGRAM 3: FAMILY AND COMMUNITY HEALTH SERVICES

LINE ITEMS: 4510-0110, 4512-0500, 4513-1000, 4513-1002, 4513-1005, 4513-1012, 4513-1111, 4513-1112, 4530-9000, 4570-1500

STATE APPROPRIATION: \$76,847,137

PROGRAM MISSION: To reduce infant mortality, to improve the health status and development of children and youth, to improve the nutritional health of children and mothers, to develop systems of care for children with special health needs, and to provide primary and preventive health services to all citizens.

Program Objectives	Performance Measures	Expected Outputs
1. Improve the health of women prior to and during child-bearing years.	1. Low income women receiving early and comprehensive prenatal Healthy Start care.	1. 2,347
2. Reduce the number of low birth weight babies and improve the health status of pregnant and postpartum women.	2a. Women receiving nutritional services monthly through the Women, Infants, and Children (WIC) Program.	2a. 135,473
	2b. Monthly state and federal WIC expenditures.	2b. TBR
	2c. Demographics of Healthy Start recipients.	2c. TBR
	2d. Monthly utilization and state expenditures on Healthy Start by provider type	2d. TBR
3. Improve the health status and promote the optimal development of children and adolescents.	3a. High risk children and adolescents receiving comprehensive pediatric primary care.	3a. TBR
	3b. High risk adolescents receiving health care, individual or group counseling, health education, and referral services.	3b. TBR

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| | 3c. Students receiving health education and counseling about STDs, AIDS, pregnancy prevention, violence prevention, and substance abuse. | 3c. 4,140 |
| | 3d. High risk teens provided preventive services and health education from the Teen Pregnancy Challenge Fund. | 3d. 40,000 |
| 4. Reduce incidents of disability through screening, referral and intervention services for infants and young children at developmental risk. | 4a. Total population of infants determined to be at risk | 4a. TBR |
| | 4b. Infants and toddlers receiving Early Intervention Program services. | 4b. 14,586 |
| 5. Provide a system of preventive, therapeutic, supportive, and specialized medical and rehabilitative services for children with disabilities or chronic illnesses. | 5a. Multiple-handicapped children and their families receiving intensive case management services. | 5a. TBR |
| | 5b. Families receiving specialized home health and respite care Services. | 5b. TBR |
| 6. Provide services related to particular health issues affecting women. | 6a. Clients receiving family planning, health information, and counseling. | 6a. TBR |
| | 6b. Batterer treatment services maintaining state certification. | 6b. TBR |
| | 6c. Women receiving rape crisis survivor counseling and services. | 6c. TBR |
| | 6d. Women enrolled in the Breast Cancer Initiative Programs. | 6d. TBR |
| 7. Reduce the incidence of osteoporosis through education and prevention efforts. | 7a. Educational materials developed or identified to promote public awareness. | 7a. TBR |
| | 7b. List of current providers specialized in prevention and treatment developed and maintained. | 7b. TBR |
| | 7c. Local prevention and health education programs receiving training and technical assistance. | 7c. TBR |
| 8. Address the incidence of prostate cancer through education, outreach, and professional training. | 8a. Educational materials developed in consultation with the Executive Office of Elder Affairs. | 8a. TBR |
| | 8b. Early detection and screening activities conducted. | 8b. TBR |
| | 8c. Health care and aging network professionals educated. | 8c. TBR |

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PROGRAM 4: SUBSTANCE ABUSE SERVICES

LINE ITEMS: 4512-0200, 4512-0225

STATE APPROPRIATION: \$32,760,929

PROGRAM MISSION: To prevent and treat substance abuse and substance abusers.

Program Objectives	Performance Measures	Expected Outputs
1. Provide care for persons who are alcohol and drug-dependent.	1a. Bed days available and purchased for short term intensive inpatient detoxification treatment.	1a. TBR
	1b. Bed days available and purchased for residential rehabilitation services available and purchased.	1b. TBR
2. Discourage the abuse of alcohol and other drugs by providing prevention and early intervention services.	2a. Community partnerships developed to provide community-based prevention services.	2a. TBR
	2b. Hours of prevention services, youth intervention services, and information and referral calls.	2b. TBR
3. Provide services to pregnant and parenting women.	3a. Pregnant and parenting women receiving services.	3a. TBR
	3b. Detoxification bed days, residential bed days, and outpatient services available to pregnant women and their newborns.	3b. TBR
4. Provide treatment and risk reduction services for injection drug users and their sexual partners.	4a. Clients receiving services.	4a. TBR
	4b. Average cost per client.	4b. TBR
5. Provide compulsive gambler treatment services.	5a. Clients receiving services.	5a. TBR
	5b. Average cost per client.	5b. TBR

PROGRAM 5: COMMUNICABLE DISEASE CONTROL

LINE ITEMS: 4516-1000

STATE APPROPRIATION: \$10,215,921

PROGRAM MISSION: Reduce the spread of infectious diseases, such as tuberculosis (TB), sexually transmitted diseases (STDs), Hepatitis B, AIDS, rabies, and childhood communicable diseases.

Program Objectives	Performance Measures	Expected Outputs
1. Provide surveillance, diagnosis and projections of HIV and TB infections.	1a. Tests for HIV antibodies conducted.	1a. 54,000
	1b. Tests for TB conducted.	1b. TBR
	1c. HIV and TB epidemiology report filed with Legislature.	1c. March 15, 1995

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2. Conduct risk assessment of eastern equine encephalitis and other viral diseases.	2a. Tests for viral diseases conducted.	2a. TBR
	2b. Field tests of mosquitoes for eastern equine encephalitis virus conducted.	2b. TBR
3. Provide testing and education in response to the raccoon rabies epidemic.	3a. Surveillance and testing methods developed for high risk animals.	3a. TBR
	3b. Time to determine result of testing.	3b. 2 days
	3c. Training sessions for public health, medical and veterinary/animal control personnel.	3c. TBR
	3d. Collaborative partnerships formed to address rabies.	3d. TBR
	3e. Education efforts initiated to inform the public about rabies.	3e. TBR
	3f. Animals tested.	3f. TBR
4. Provide services to address TB and STDs.	3g. Animals testing positive for rabies.	3g. TBR
	4a. TB clinic visits.	4a. TBR
	4b. STD clinic visits.	4b. TBR
	4c. Sexual partners of STD clinic clients located and contacted.	4c. TBR
5. Assist in the diagnosis of diseases through laboratory testing.	4d. STD tests conducted.	4d. 12,000
	5a. Newborns screened and diagnosed with treatable diseases.	5a. 94,000
	5b. Tests of drug samples for criminal justice agencies conducted.	5b. 30,000
	5c. Time to determine result of drug samples tested.	5c. 9 days

PROGRAM 6: ENVIRONMENTAL AND COMMUNITY HEALTH HAZARDS

LINE ITEMS: 4510-0600, 4510-0615, 4510-0616

STATE APPROPRIATION: 3,718,537

PROGRAM MISSION: To monitor and reduce exposure to environmental and community health hazards.

Program Objectives	Performance Measures	Expected Outputs
1. Reduce the incidence of environmentally-related public health problems.	1a. Report statewide analysis of potential health effects from exposure to trichlorethylene in drinking water, pesticide drift in communities and toxics in freshwater fish.	1a. June 1, 1995 and December 31, 1995
	1b. Locations designated as Superfund sites for public health and environmental impact.	1b. 42
2. Provide timely responses to environmental health hazards.	2. Requests for technical assistance by local boards of health met within 1 month.	2. 75

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3. Provide laboratory analyses for blood lead levels, environmental lead analyses, pesticides, food toxins and other environmental toxins.	3a. Tests of blood lead samples conducted.	3a. TBR
	3b. Tests of paint, dust or soil samples for lead conducted.	3b. TBR
	3c. Requests for laboratory tests and the number of tests completed.	3c. TBR
4. Test for lead poisoning in young children and improve secondary prevention services for lead poisoned children.	4a. Children testing for lead poisoning exposure.	4a. TBR
	4b. Children with lead poisoning receiving case management.	4b. TBR
	4c. Homes inspected for lead paint poisoning.	4c. TBR
5. Ensure a safe food supply and minimize the exposure of food, drugs, medical devices, and consumer products to environmental hazards.	5a. Inspections of facilities that process food, consumer products, or pharmaceuticals completed.	5a. TBR
	5b. Licenses to facilities that process food, consumer products or pharmaceuticals.	5b. TBR
	5c. Licenses issued of facilities that process food, consumer products or pharmaceuticals revoked.	5c. TBR
6. Protect the public from dangerous forms of radiation.	6a. Inspections completed of facilities containing radioactive materials or radiation equipment.	6a. TBR
	6b. Licenses issued to radiological technicians.	6b. TBR
7. Decrease illness through the enforcement of the State Sanitary Code.	7. Inspections of facilities containing radioactive materials or radiation equipment completed.	7. TBR

PROGRAM 7: HEALTH PLANNING AND REGULATIONS

LINE ITEMS: 4510-0710, 4510-0712, 4510-0750, 4518-0100, 4518-0200

STATE APPROPRIATION: \$7,407,626

PROGRAM MISSION: To ensure access to and the quality of health care information and services, and to control health care cost increases through a process for approving capital and new technology investments.

Program Objectives	Performance Measures	Expected Outputs
1. Increase timeliness of public health surveillance systems and dissemination of surveillance information to the public.	1a. Births and deaths in the commonwealth published within 12 months of the data year.	1a. December 16, 1994
	1b. Annual cancer incidence in Massachusetts published within 24 months of the data year.	1b. January 20, 1995

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2. Reduce current backlog of Determination of Need (DoN) projects.	2a. Filed DoN projects completed.	2a. 71
	2b. Projects backlogged.	2b. TBR
3. Conduct surveys and certification activities for health facilities to meet contract obligations with the Health Care Financing Administration (HCFA).	3a. Initial and recertification surveys of nursing facilities, home health agencies, hospitals, and other certified health care providers and suppliers completed.	3a. 990

PROGRAM 8: UNIVERSAL IMMUNIZATION

LINE ITEMS: 4580-1000

STATE APPROPRIATION: \$10,703,658

PROGRAM MISSION: To prevent the occurrence and transmission of diseases through immunization.

Program Objectives	Performance Measures	Expected Outputs
1. Provide immunization for 2 year olds through the Infant Immunization Initiative.	1a. 2 year olds immunized against measles, mumps, rubella, and polio.	1a. 87,200
	1b. 2 year olds immunized against diphtheria, tetanus, and pertussis.	1b. 87,200
2. Achieve universal immunization of infants against Hepatitis B.	2a. Incidence of Hepatitis B among infants.	2a. TBR
	2b. Infants immunized for Hepatitis B.	2b. 87,200
	2c. Doses of vaccines distributed to hospitals and primary care providers.	2c. 2,600,000
3. Develop improved vaccines and serums for the prevention of infectious diseases.	3a. Incidences of diphtheria, tetanus, and pertussis.	3a. 365
	3b. Doses of vaccines against diphtheria, tetanus, and pertussis distributed.	3b. 787,295
	3c. Doses of vaccine against measles, mumps, rubella, polio, haemophilus influenza and, hepatitis B distributed.	3c. 1,876,361
4. Continue clinical trials of new products such as a cellular pertussis vaccine and bacterial polysaccharide immune globulin to achieve federal licensure.	4. Clinical trials conducted.	4. TBR

PROGRAM 9: PUBLIC HEALTH HOSPITALS

LINE ITEMS: 4540-0900, 4590-0900

STATE APPROPRIATION: \$101,885,181

PROGRAM MISSION: To provide acute and chronic hospital medical care to unserved and underserved populations.

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Program Objectives	Performance Measures	Expected Outputs
1. Provide medical care to unserved and underserved patients.	1a. Census and total capacity at each Public Health Hospital. 1b. Daily cost per patient bed by facility. 1c. Patients, by facility, receiving Medicaid, Medicare, uncompensated care payment, or private health insurance coverage.	1a. TBR 1b. TBR 1c. TBR
2. Develop long-range capital plan by facility.	2a. Submit long-range capital facility and equipment plan to Legislature. 2b. Capital improvements completed to maintain Joint Commission of Accreditation of Hospitals Organization (JCAHO) certification and the ability to bill third party insurers.	2a. January 1, 1995 2b. TBR

PROGRAM 10: SMOKING PREVENTION AND CESSATION

LINE ITEMS: 4590-0300

STATE APPROPRIATION: \$64,173,874

PROGRAM MISSION: To reduce the level of tobacco usage through education, media, and prevention programs.

Program Objectives	Performance Measures	Expected Outputs
1. Develop programs on the community, regional and statewide levels to reduce tobacco usage.	1a. Programs developed targeting adult and youth populations at risk. 1b. School health programs developed in conjunction with the Department of Education. 1c. Health provider and social service training initiatives developed. 1d. Community centers, groups, and organizations participating in outreach and education efforts. 1e. Local tobacco control policies and ordinances implemented. 1f. Local worksites becoming tobacco free.	1a. TBR 1b. TBR 1c. TBR 1d. TBR 1e. TBR 1f. TBR
2. Devise an anti-smoking media campaign.	2. Media activities and groups targeted in media campaign.	2. TBR
3. Evaluate the effectiveness of anti-smoking initiatives.	3. Produce annual report on status of tobacco use.	3. April 15, 1994
4. Monitor cost-effectiveness of projects funded.	4a. Average cost by type of activity funded. 4b. Number of persons reached by type of funded activity.	4a. TBR 4b. TBR

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DEPARTMENT OF MEDICAL SECURITY

AGENCY PROGRAMS: 1) Administration 2) Medical Security Plan 3) Uncompensated Care Pool Administration 4) Children's Health Protection Program 5) CenterCare 6) Health Care for the Homeless

PROGRAM 1: ADMINISTRATION

State Appropriation

4600-1000 For the administration of the department 759,345

PROGRAM 2: MEDICAL SECURITY PLAN

Non-Budgetary Trust Fund

4600-1601 Medical Security Trust Fund

PROGRAM 3: UNCOMPENSATED CARE POOL ADMINISTRATION

State Appropriations

4600-1050 For the administration of the uncompensated care pool established pursuant to section fifteen of chapter one hundred and eighteen F of the General Laws 1,092,234

General Fund	66.0%
Local Aid Fund	34.0%

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-four; 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 such payments; provided further, that the amount appropriated herein, less any amount that is certified by the commissioner as unable to be collected from said hospitals, shall be returned to the General Fund at the end of

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the fiscal year ending June thirtieth, nineteen hundred and ninety-five; provided further, that in no event shall the amount unable to be collected from a hospital 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 to such hospital; and provided further, that the comptroller is hereby authorized and directed to transfer to the General Fund as of said June thirtieth the balance of this appropriation and any allocation thereof as certified by the said commissioner 30,000,000

General Fund	66.0%
Local Aid Fund	34.0%

PROGRAM 4: CHILDREN'S HEALTH PROTECTION PROGRAM

State Appropriation

4600-1200 For the program of primary and preventive health services for uninsured children from birth to age twelve established pursuant to section seventeen B of chapter one hundred and eighteen F of the General Laws; provided that the funds appropriated herein shall be made available upon the transfer by the comptroller to the health care access fund established pursuant to section seventeen A of chapter one hundred eighteen F of the General Laws of the unexpended balance in the children's health protection account established by chapter three hundred and ninety-three of the acts of nineteen hundred and ninety-three 12,000,000

Health Care Access Fund	76.6%
General Fund	23.4%

PROGRAM 5: CENTERCARE

State Appropriation

4600-1210 For the managed care program at community health centers known as CenterCare established pursuant to section seventeen A of chapter one hundred and eighteen F of the General Laws; provided, that the monthly number of clients enrolled in said program shall not exceed the average monthly enrollment in said program for fiscal year nineteen

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hundred and ninety-four; provided further, that the department may assist professional and nonprofit agencies dedicated to the advancement of the scope and nature of services delivered in communities and community health centers and to pursue available federal technical assistance funding; and provided further, that one hundred and eighty-five thousand three hundred and fifty dollars shall 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 at 42 USC 254c 4,359,322
Health Care Access Fund 100.0%

PROGRAM 6: HEALTH CARE FOR THE HOMELESS

State Appropriation

4600-1230 For medical respite services provided by the health care for the homeless program established pursuant to section seventeen A of chapter one hundred and eighteen F of the General Laws 300,000
Health Care Access Fund 100.0%

DEPARTMENT OF MEDICAL SECURITY
PROGRAM DETAIL

Jeffrey Ritter, Commissioner

AGENCY MISSION: To promote access to health care services through insurance programs, the uncompensated care pool and other programs established by law.

STATUTORY REFERENCES: Enabling Statutes, M.G.L. c.118F; St. 1988, c.23; St. 1991, c.495; St. 1993, c.393

AGENCY PROGRAMS: 1) Administration 2) Medical Security Plan 3) Uncompensated Care Pool Administration 4) Healthy Kids 5) CenterCare 6) Health Care for the Homeless

PROGRAM 1: ADMINISTRATION

LINE ITEM: 4600-1000

STATE APPROPRIATION: \$759,345

PROGRAM MISSION: To manage policy development, contracting, and fiscal and program operations for health benefit programs established by law.

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Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process of monitoring and improving program performance.	1. Program improvements and enhancements developed by the performance review process.	1. TBR
2. Negotiate cost-effective contracts for the management programs.	2a. Number of performance-based contracts.	2a. 70
	2b. Percentage of total contracts that are performance-based.	2b. 98%
	2c. Average administrative costs of contracted programs as a percent of total program expenditures.	2c. 5%
3. Inform the public about department programs.	3a. Public inquiries received per month.	3a. 400
	3b. Total inquiries answered with staff resources.	3b. 90%
	3c. Total inquiries referred to program vendor.	3c. 5%
	3d. Total inquiries referred to other government agencies.	3d. 5%

PROGRAM 2: MEDICAL SECURITY PLAN

LINE ITEM: 4600-1601

STATE APPROPRIATION: Medical Security Trust Fund

PROGRAM MISSION: To ensure the provision of health benefits to the unemployed and their families with income of less than 400% of federal poverty income guidelines.

Program Objectives	Performance Measures	Expected Outputs
1. Monitor vendor's enrollment of qualified individuals.	1a. Average weekly enrollment.	1a. 70,000
	1b. Enrollment following two month automatic enrollment period compared to total collecting unemployment benefits.	1b. 40%
	1c. Average number of applications processed as ineligible for Plan benefits each month.	1c. 200
2. Monitor vendor to ensure the payment of qualified claims.	2a. Average annual dollar value of claims paid per enrollee.	2a. \$240
	2b. Monthly estimate of claims reserve.	2c. \$9,000,000
	2c. Semi-annual evaluation of Trust Fund solvency.	2c. 2

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PROGRAM 3: UNCOMPENSATED CARE POOL ADMINISTRATION

LINE ITEM: 4600-1050

STATE APPROPRIATION: \$1,092,234

PROGRAM MISSION: To monitor and promote access to acute hospital and health center services for qualified uninsured or underinsured individuals through management and financing of the uncompensated care pool.

Program Objectives	Performance Measures	Expected Outputs
1. Manage the efficient collection and disbursement of uncompensated care pool payments.	1a. Monthly reports on collections of hospital gross liability.	1a. 12
	1b. Monthly reports on payments to hospitals from the pool	1b. 12
	1c. Updates of hospital gross liability calculations.	1c. 12
2. Eliminate ineligible uncompensated care pool charges.	2a. Hospital credit and collection policies reviewed annually.	2a. 100%
	2b. Audits of hospital charges to the uncompensated care pool completed.	2b. 60
	2c. Total free care and bad debt charges disallowed by audit compared to total charges audited.	2c. TBR
3. Promote the cost-effective use of pool services by beneficiaries.	3a. Vendor pool utilization review reports filed.	3a. 12
	3b. Pool beneficiaries enrolled in managed care initiatives.	3b. TBR
	3c. Payments to health centers.	3c. TBR

PROGRAM 4: CHILDREN'S HEALTH PROTECTION PROGRAM

LINE ITEM: 4600-1604

STATE APPROPRIATION: \$12,000,000

PROGRAM MISSION: To manage a statewide capitated insurance program providing preventive and primary care services to uninsured children from birth through age twelve.

Program Objectives	Performance Measures	Expected Outputs
1. Monitor enrollment to the level of appropriation.	1a. Monthly enrollment cap.	1a. 9,680
	1b. Disenrollment and turnover rate.	1b. 4%
2. Monitor actual utilization against vendor initial capitated rate projections.	2a. Vendor utilization reports filed.	2a. 12
	2b. Analyses of actual utilization compared with initial vendor projections.	2b. 2
3. Complete annual program evaluation.	3a. Report on enrollee demographics, insurance status, utilization, health outcomes, expenditures and adequacy of premium levels.	3a. March 1995
	3b. Report on expenditures and annualized cost of program.	3b. March 1995

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PROGRAM 5: CENTERCARE

LINE ITEM: 4600-1210

STATE APPROPRIATION: \$4,359,322

PROGRAM MISSION: To manage a plan of capitated primary care access for income-eligible persons at independently-licensed community health centers and to assist such centers improve operations with technical assistance.

Program Objectives	Performance Measures	Expected Outputs
1. Monitor enrollment to the level of appropriation.	1a. Monthly enrollment cap. 1b. Community health centers participating in program.	1a. 9,641 1b. 30
2. Complete annual program evaluation.	2. Report on enrollee demographics, insurance status, utilization, health outcomes and expenditures.	2. February 1995
3. Monitor program management by health centers.	3a. Centers visited by department each month. 3b. Enrollment documentation at centers audited.	3a. 30 3b. 100%
4. Assist professional and non-profit agencies to pursue federal technical assistance funds available for community health centers.	4a. Agencies receiving federal assistance. 4b. Average amount of assistance.	4a. 30 4b. TBR

PROGRAM 6: HEALTH CARE FOR THE HOMELESS

LINE ITEM: 4600-1230

STATE APPROPRIATION: \$300,000

PROGRAM MISSION: To provide medical respite services, including subacute, recuperative, substance abuse and mental health care to homeless persons in the Greater Boston area meeting free care eligibility criteria.

Program Objectives	Performance Measures	Expected Outputs
1. Divert subacute homeless patients from acute hospitalization.	1a. Patients discharged to program from acute hospital inpatient settings. 1b. Patients discharged to program from acute hospital emergency rooms. 1c. Hospital-discharged clients compared to total program admissions. 1d. Average length of stay in program for hospital-discharged clients.	1a. 15 1b. TBR 1c. TBR 1d. 21 days
2. Counsel clients regarding housing, employment and financial assistance programs.	2a. Clients assisted with Supplemental Security Income application. 2b. Clients assisted with housing placement.	2a. TBR 2b. 3

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|---|--|-------|
| 3. Monitor vendor performance against contract standards. | 3. Vendor utilization and expense reports filed. | 3. 12 |
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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 case and level of social worker assigned to cases.

Notwithstanding any provision of general or special law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance the amount expended on women-at-risk services; provided, that said report shall include the number of service units by category, utilization by category, and cost by category.

Notwithstanding any provision of general or special law to the contrary, the department of social services shall not authorize purchased social services at a level that will cause expenditures to exceed appropriations; provided, that social services shall be maintained and expenditures allocated in such a manner that will not cause said services to be terminated prior to the end of the fiscal year.

Notwithstanding any provision of 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 the secretary of administration and finance, the amount expended on permanency services; provided, that said report shall include the total number of children with the goal of adoption and guardianship by region, the number of new cases with the goal of adoption and guardianship by region and the number of adoptions finalized by region.

Notwithstanding any provision of general or special law to the contrary, if the commissioner of the department of social services determines that funds made available pursuant to items 4800-0016, 4800-0017, 4800-0020, 4800-0030 and 4800-0041 are insufficient to fund the services for which said items may be expended, the commissioner may reallocate up to fifteen percent of the funds appropriated in each of said items among said items after providing thirty days prior written notice to the house and senate committees on ways and means; provided, however, that no funds may be allocated from item 4800-0020 of section two of this act.

AGENCY PROGRAMS: 1) Administration 2) Family Stabilization 3) Family Unification and Reunification 4) Permanency 5) Foster Care 6) Group Care 7) Case Management

PROGRAM 1: ADMINISTRATION

State Appropriations

4800-0014	For the revenue maximization contract, so-called, only; provided, that the costs of said contract shall be funded entirely from this item	2,200,000
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; provided further, that the department shall develop an AIDS education plan for clients served by the department; provided further, that one hundred thousand dollars shall be expended for an adoption training program that shall include but not limited to training to ensure that the provisions of chapter three hundred and three of the acts of nineteen hundred ninety-two are adequately implemented by all social workers and managers; provided further, that three hundred thousand dollars shall be expended on photocopying contracts for work related to termination of parental rights or care and protection proceedings; provided further, that two hundred thousand dollars shall be expended on a marketing campaign targeting the recruitment of adoptive parents for specific children in the care of the department of social services who are awaiting adoption; provided further, that the department shall ensure that at least eighty percent of said funding shall be expended directly on marketing or recruitment of adoptive parents for specific children; provided further, that a preliminary report on said campaign shall be filed with the house and senate committees on ways and means no later than October first, nineteen hundred and ninety-four; and provided further, that the department shall, with funds from this item and items 4800-0150 and 4800-1100, create two additional adoption recruitment units in the department of social services regions currently unserved by an adoption recruitment unit, and shall ensure that the four current adoption recruitment units are fully staffed	20,003,410

PROGRAM 2: FAMILY STABILIZATION

State Appropriation

4800-0016	For the family stabilization program for non-placement families experiencing instability, including, not less than two million six hundred thirteen thousand six hundred and fifty-four dollars for school and community-based young parent programs, parent home health aides, and 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 not less than thirty thousand dollars shall be expended for a contract with big brothers and sisters of Cape Cod and the islands; and provided further, that the department shall work in conjunction with the department of transitional assistance to obtain federal reimbursement pursuant to Title IV-A of the Social Security Act for all young parent program participants that are eligible	11,242,079
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Federal Appropriations

4800-0005	For the purposes of a federally funded grant entitled, Children's Justice Act	225,396
4800-0007	For the purposes of a federally funded grant entitled, Family Violence Prevention and Support Services	363,020
4800-0009	For the purposes of a federally funded grant entitled, Title IV-E Independent Living Program	655,973
4800-0011	For the purposes of a federally funded grant entitled, Child Abuse and Neglect Emergency Prevention Services	99,982
4800-0012	For the purposes of a federally funded grant entitled, Parenting Partner Program for HIV Involved Families	47,326
4899-0001	For the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services	4,566,756
4899-0022	For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment-Basic Grant	378,079
4899-0024	For the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment-Medical Grant	60,099

PROGRAM 3: FAMILY UNIFICATION AND REUNIFICATION

State Appropriation

4800-0017 For the family unification and reunification program for non-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 expend a sum not less than thirty thousand dollars in region I for a community-based family unification counseling program that will prevent juvenile delinquency; provided further, 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 fifty thousand dollars shall be expended for a contract for an integrated family services team in region six; provided further, that not less than one hundred twenty 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 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 25,622,244

PROGRAM 4: PERMANENCY AND ADOPTION

State Appropriation

4800-0020 For the permanency and adoption program, including the provision of adoption and guardianship subsidies; provided, that no funds shall be expended to provide subsidies to adoptive parents for children no longer in their care; provided further, that the department shall make assessment of all the children in its care for 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 adop-

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tion 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; and provided further, that the department shall expend not less than two million two hundred thousand dollars for the purchase of special needs adoption contracts located at community-based agencies 39,832,634

PROGRAM 5: FOSTER CARE

State Appropriations

4800-0025 For the foster care review program 1,906,232
4800-0030 For the foster care program, including foster care subsidies, services to foster families and reimbursements to foster parents for extraordinary expenses incurred; provided, that the department shall establish a schedule for fees for services which shall vary with the ability of the recipient's legal family to pay; provided further, that said fees shall be imposed regardless of whether the placement is voluntary or is a result of an order of a court of competent jurisdiction; provided further, that no fees shall be charged to individuals and families whose incomes are at or below one hundred and fifty percent of the federal poverty level; provided further, that the foster care daily rate paid for subsidies in fiscal year nineteen hundred ninety-five shall be equal to the daily rate paid in fiscal year nineteen hundred ninety-four 64,979,566
4800-0036 For a sexual abuse intervention network (SAIN) program to be administered in conjunction with the District Attorneys in the counties of Suffolk, Middlesex, Eastern and Bristol 198,750

PROGRAM 6: GROUP CARE

State Appropriations

4800-0041 For the group care program; provided, that the department shall establish a schedule for fees for services which shall vary with the ability of the recipient's legal family to pay; provided further, that said fees shall be imposed regardless of whether the placement is voluntary or is a result of an order of a court of competent jurisdiction; provided further, that no fees shall be charged to individuals and families whose incomes are at

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or below one hundred and fifty percent of the federal poverty level; provided further, that the department shall collect revenues in an amount not less than five hundred thousand dollars, in the aggregate, from said sliding fee scale for service, to be deposited in the General Fund; provided further, that unless otherwise authorized to be expended any federal reimbursements received for this purpose shall be credited to the General Fund

4800-0050	For a family stabilization program at the New Chardon Street home for women	87,665,912
4800-0150	For the administration of the area offices	507,861
4800-0151	For a program to provide alternative overnight non-secure placements for status offenders and nonviolent delinquent youth up to the age of seventeen in order to prevent the inappropriate use of juvenile cells in police stations for such offenders, in compliance with the Federal Juvenile Justice and Delinquency Prevention Act of nineteen hundred and seventy-four, as amended in nineteen hundred and eighty-eight	17,236,652
		750,000

PROGRAM 7: CASE MANAGEMENT

State Appropriations

4800-1100	For case management services, including a sufficient number of registered nurses to provide medical case management for medically-involved children in foster care, and for social workers and their expenses; provided, that three million four hundred thousand dollars shall be expended for one hundred and twenty-nine additional social workers to ensure an eighteen to one family to social worker ratio; and provided further, that the department shall, with funds from this item and items 4800-0015 and 4800-0150, create two additional adoption recruitment units in the department of social services regions currently unserved by an adoption recruitment unit, and shall ensure that the four current adoption recruitment units are fully staffed	71,786,082
4800-1111	The department of social services, for the purposes of the foster care program and subject to the provisions of item 4800-0030 of section two of this act may expend an amount not to exceed twenty million dollars from federal revenues collected	

	pursuant to the provisions of Title IV-E of the Social Security Act; provided, however, that before depositing any revenue in this account, the department of social services shall first deposit at least fifty-four million five hundred thousand dollars in Title IV-E revenues in the General Fund	20,000,000
4800-1200	For partnership agencies, so-called, for the provision of protective services; provided, that the funds herein may be expended on contracts serving minority and mentally retarded or handicapped clients	3,018,368
4800-1400	For contracts for women-at-risk shelters and services; provided, that six hundred thousand dollars shall be expended to expand capacity for battered women's services; provided further, that once the contracted needs assessment of the current battered women's shelter network has been completed, a plan for the expansion, in accordance with the recommendations of the needs assessment, of said services to special populations shall be submitted to the house and senate committees on ways and means; and provided further, that the department shall pursue the establishment of public/ private partnership agreements established for family stabilization services funded from sources other than the commonwealth	9,699,080
4800-1500	For domestic violence prevention specialists in the department's area offices; provided, that the annualized salaries of said specialists shall not exceed the appropriation of this item	450,000

DEPARTMENT OF SOCIAL SERVICES
PROGRAM DETAIL
Linda Carlisle, Commissioner

AGENCY MISSION: To provide services to protect children from abuse and neglect and to support and strengthen troubled families.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c.18B § 122

AGENCY PROGRAMS: 1) Administration 2) Family Stabilization 3) Family Unification and Reunification 4) Permanency and Adoption 5) Foster Care 6) Group Care 7) Case Management

PROGRAM 1: ADMINISTRATION

LINE ITEMS: 4800-0014, 4800-0015, 4800-0150

STATE APPROPRIATION: \$39,440,062

PROGRAM MISSION: To provide a centrally managed area-based support system for all budgetary and program operations, including legal services, human resources, revenue, finance and management support to families and children involved with the department.

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Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process for monitoring and improving program performance.	1. Program improvements and enhancements produced by the performance review process.	1. TBR
2. Ensure the adequate and reasonable allocation of prevention and protection resources emphasizing direct care service delivery.	2a. Minimum of state and contracted personnel funding allocated to direct care management or functions.	2a. 78%
	2b. Child abuse/neglect reports received.	2b. 53,200
	2c. Confirmed cases receiving department services.	2c. 100%
	2d. Children receiving departmental services within 30 days of report or request.	2d. 90%
	2e. Abuse/neglect cases investigated within 10 days.	2e. 100%
	2f. File provider and staff training plan with Legislature.	2f. September 1, 1994
3. Adherence to departmental utilization, workload, policy and review standards.	3a. Compliance of area offices with departmental program indicators.	3a. TBR
	3b. File contract monitoring plan with Legislature.	3b. October 1, 1994
	3c. Foster homes evaluated within department standards.	3c. 100%
4. Develop predetermined length of involvement standards through DSS utilization management initiative.	4a. Standards report filed with Legislature.	4a. September 1, 1994
	4b. Cases closed monthly.	4b. TBR
	4c. Cases opened monthly	4c. TBR
	4d. Average length of assessment worker involvement per case.	4d. TBR
5. Develop and coordinate a process for monitoring and improving contracted service dollar allocation and expenditure.	5a. Department's services paid within 45 days of service delivery.	5a. 100%
	5b. Projected contracted expenditures compared to actual contracted expenditures.	5b. TBR
6. Manage the revenue project to insure the maximization of federal reimbursements.	6. Federal revenue for EA, IV-E and XIX accessed and deposited	6. TBR
7. Implement sliding fees for parents whose children have been placed in foster care and/or group care.	7. Parents at or above 150% of the federal poverty level paying sliding fee.	7. 100%

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PROGRAM 2: FAMILY STABILIZATION

LINE ITEMS: 4800-0016, 4800-0050, 4800-0151, 4800-1400, 4800-1500

STATE APPROPRIATION: \$22,649,020

PROGRAM MISSION: To assist troubled families before they are at high risk of having their children placed in department custody.

Program Objectives	Performance Measures	Expected Outputs
1. Maintain day care service delivery system to emphasize family preservation services.	1. File annual evaluation of service delivery system with Legislature.	1. October 1, 1994
2. Provide an array of stabilization support services to strengthen intact families at risk of out-of-home placement.	2a. Families receiving or targeted to receive stabilization services.	2a. 23,000
	2b. Families who receive services and still require placement.	2b. TBR
	2c. Children and families served by the purchased stabilization services.	2c. 9,300
	2d. Average departmental cost per family per year.	2d. TBR
3. Reduce department average monthly open caseload.	3a. Ratio of new open cases compared to cases closed per month.	3a. TBR
	3b. Reduction of total departmental caseload attributed to family stabilization services.	3b. TBR
4. Provide shelter services to at-risk women.	4a. At-risk women served in shelters.	4a. 4,600
	4b. Average length of stay per shelter.	4b. 90 days
	4c. At-risk-families served by the New Chardon Street shelter per month.	4c. 30
	4d. Monthly cost per individual and family per shelter.	4d. TBR
	4e. Women requiring return to shelter services within 12 months.	4e. TBR
	4f. Women placed in permanent alternate housing through housing location services.	4f. TBR

PROGRAM 3: FAMILY UNIFICATION AND REUNIFICATION

LINE ITEMS: 4800-0017

STATE APPROPRIATION: \$25,622,244

PROGRAM MISSION: To provide support services to families experiencing instability and at some risk of having their children placed, and to reunify families whose children are expected to return home following placement.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c.18B

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Program Objectives	Performance Measures	Expected Outputs
1 Provide intensive non-placement family support services to at-risk families.	1a. Families targeted for reunification services. 1b. Families receiving support services. 1c. Average length of time families receive services. 1d. Average departmental cost per family.	1a. 1,000 1b. 23,000 1c. TBR 1d. TBR
2. Reduce at-risk families requiring placement services.	2a. Families who receive services and still have placement proceedings. 2b. Abuse or neglect reports among at-risk families.	2a. TBR 2b. TBR
3. Increase reunification of families	3a. Children in out-of-home placements reunified with families. 3b. Reunified families without subsequent abuse reports within 1 year; 5 years.	3a. TBR 3b. 90%; 80%

PROGRAM 4: PERMANENCY AND ADOPTION**LINE ITEMS: 4800-0020****STATE APPROPRIATION: \$39,832,634****PROGRAM MISSION:** To provide children with permanent living arrangements and reduce the length of stay in temporary state custody.**STATUTORY REFERENCES:** Adoption Subsidy, M.G.L. c.18B § 21,22

Program Objectives	Performance Measures	Expected Outputs
1 Provide adoption referral and placement services to children served by the department.	1a. Ratio of adoption referrals to legalized adoptions. 1b. Rate of incidence of child maltreatment among adoptive families. 1c. Families receiving adoption subsidy. 1d. Average adoption/guardianship subsidy and clothing allowance paid. 1e. New subsidies paid during the year compared to previous fiscal year.	1a. 10 : 9 1b. TBR 1c. 5,400 1d. \$5,500 1e. TBR
2. Reduce the time children spend in temporary state custody.	2a. Children placed in identified pre-adoptive resources. 2b. Petitions filed to terminate parental rights. 2c. Average time to complete legal adoption. 2d. Court confirmed adoption status. 2e. Increase of finalized adoptions from FY94 to FY95.	2a. 4,800 2b. 600 2c. 36 months 2d. 1,000 2e. 40%

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3. Initiate statewide campaign for recruitment of pre-adoptive and permanent homes.	3a. Families requesting information on adoption.	3a. TBR
	3b. New adoptive parent applications filed.	3b. TBR
	3c. Adoptive families recruited.	3c. TBR
	3d. Increased homes for minority, sibling and special needs children.	3d. 40%
	3e. Completed adoptions.	3e. 1,000

PROGRAM 5: FOSTER CARE

LINE ITEMS: 4800-0025, 4800-0030, 4800-0036, 4800,1111, 4800-1200

STATE APPROPRIATION: \$90,102,916

PROGRAM MISSION: To provide temporary substitute family care to children who require out-of-home placement services.

STATUTORY REFERENCES: Foster Care Review, M.G.L. c.18B § 6A; Payment for Service, M.G.L. c.18B § 4; Sliding Fees, St. 1989, c.240 § 107

Program Objectives	Performance Measures	Expected Outputs
1. Provide quality substitute family care to children.	1a. Children receiving foster care services.	1a. 11,000
	1b. Incidence rate of child maltreatment by foster parent(s).	1b. TBR
	1c. Families receiving foster care training services.	1c. 90%
	1d. Legal reviews completed within 18 months.	1d. 100%
2. Reduce the average length of involvement in foster care program.	2a. Anticipated average length of stay in foster care for new born to 5 year old; 5 year old and up.	2a. 12 months; 18 months
	2b. Children returning from out-of-home placement.	2b. 63%
	2c. Foster care children adopted within department "length of involvement" standards.	2c. TBR
3. Operate Foster Care Review Unit.	3a. Departmental reviews performed by Foster Care Review Unit.	3a. 14,000
	3b. Cases reviewed within departmental time frames.	3b. 100%
	3c. Cases reversed.	3c. TBR

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PROGRAM 6: GROUP CARE

LINE ITEMS: 4800-0041

STATE APPROPRIATION: \$87,665,912

PROGRAM MISSION: To provide temporary substitute group care to children who require out-of-home placement services through the Department.

STATUTORY REFERENCES: Payment for Services, M.G.L. c.18 § 4; Sliding Fees, St. 1989, c.240 § 107

Program Objectives	Performance Measures	Expected Outputs
1. Implement case management supervisory review system.	1 Cases reviewed by case management system.	1. 90%
2. Reduce the number of children requiring group care services.	2a. Children receiving voluntary and involuntary group care.	2a. 1,200
	2b. Average length of involvement in group care settings.	2b. TBR
	2c. Children adopted within departmental group care length-of-involvement standards.	2c. TBR

PROGRAM 7: CASE MANAGEMENT

LINE ITEMS: 4800-1100

STATE APPROPRIATION: \$71,786,082

PROGRAM MISSION: To support families of children with appropriate services designed to protect said children from maltreatment.

Program Objectives	Performance Measures	Expected Outputs
1. Develop recommendations for departmental administrative and investigative procedures to improve case management per-	1a. Average family to social worker caseload ratio.	1a. 18 : 1
	1b. Supported versus unsupported investigations.	1b. TBR
	1c. Reduce overtime pay.	1c. 50%

DEPARTMENT OF MENTAL HEALTH

AGENCY PROGRAMS: 1) Administration 2) Medfield Secure Unit 3) Child and Adolescent Services 4) Adult Services 5) Forensic Services

PROGRAM 1: ADMINISTRATION

State Appropriation

5011-0100 For the administration of the department, pursuant to the provisions of chapter nineteen of the General Laws 19,753,140

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PROGRAM 2: MEDFIELD SECURE UNIT

State Appropriation

5042-1000 For the maintenance and operation of the secure unit at Med-
field State Hospital 1,459,006

PROGRAM 3: CHILD AND ADOLESCENT SERVICES

State Appropriation

5042-5000 For child and adolescent services; provided, that of the sum ap-
propriated herein, not less than sixty-nine thousand four hun-
dred and eight dollars be extended to the Franklin community
action corp. in Greenfield for its youth adolescent services
program; provided further, that not less than twenty-five
thousand dollars be expended for the purposes of sending
children to existing summer programs funded through the de-
partment of mental health's camperships, so-called 54,160,008

PROGRAM 4: ADULT SERVICES

State Appropriations

5046-0000 For adult mental health and support services; provided, that six-
ty thousand dollars shall be expended for comprehensive
vocational rehabilitation services to be provided to mentally
ill adults who are homeless or are at-risk of being homeless;
provided further, that said services shall be provided at the
multi-service center located in the city of Lynn by a voca-
tional rehabilitation agency specializing in employment issues
of mentally ill adults; provided further, that no action to
reduce the client population of the Massachusetts mental
health center and the Solomon Carter-Fuller mental health
center shall be undertaken, and no steps shall be taken to
close said institutions through attrition, layoffs or any other
means until a study of any such reduction or closing shall be
completed, and the general court shall have approved by law
any such reductions or closing; provided further, that the
secretary for administration and finance shall conduct a study,

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	which shall examine the costs, benefits and quality of maintaining said institutions and shall identify alternative methods of providing the services currently provided by said institution, and said secretary shall report in writing the findings and recommendations of said study or studies to the house and senate committees on ways and means not later than December first nineteen hundred and ninety-four; and provided further, that the department is hereby authorized to allocate funds from item 5095-0000 of section two of this act, an amount not to exceed five million dollars, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means thirty days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities	230,746,425
5046-1000	For rental subsidies to eligible clients; provided, that the department shall establish the amounts of said subsidies so that payment thereof and of other commitments from this item shall not exceed the amount appropriated herein, including any balance that may be made available from the prior fiscal year	2,607,550
5046-2000	For statewide homelessness services	7,251,433
5046-3000	For metro-Boston homelessness prevention services	4,095,000
5046-4000	The department of mental health is hereby authorized to expend revenues collected up to a maximum of one hundred twenty-five thousand dollars from occupancy fees charged to the tenants in the creative housing option in community environments, the CHOICE program, so-called, authorized by chapter one hundred sixty-seven of the acts of nineteen hundred eighty-seven; provided, that all such fees collected shall be expended for the routine maintenance and repair of facilities in the CHOICE program so-called, including the costs of personnel	125,000
5051-0100	For community mental health centers	76,066,089
5095-0000	For adult inpatient and facilities services; provided, that the department is hereby authorized to allocate funds from this item, an amount not to exceed five million dollars, to item 5046-0000 of section two of this act, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means thirty days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities	102,925,915

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PROGRAM 5: FORENSIC SERVICES

State Appropriation

5055-0000 For forensic services 6,990,154

Federal Appropriations

5012-9115 For the purposes of a federally funded grant entitled, Plan to Implement Uniform Integrated Data Collection Systems 100,000
5012-9117 For the purposes of a federally funded grant entitled, Investigating Two Vocational Rehabilitation Models 35,000
5012-9121 For the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness 800,000
5021-9104 For the purposes of a federally funded grant entitled, Consumer Support and Minority Family Outreach 165,000
5021-9116 For the purposes of a federally funded grant entitled, Children Services (P.L. 89-313, Title I) 10,000
5047-9102 For the purposes of a federally funded grant entitled, Child and Adolescent Service System 35,000
5047-9106 For the purposes of a federally funded grant entitled, Training and Adoptive Family Stabilization 100,000

DEPARTMENT OF MENTAL HEALTH

PROGRAM DETAIL

Eileen Elias, Commissioner

AGENCY MISSION: To provide mental health services to individuals with serious or long-term mental illness and to children and adolescents with serious emotional disturbance and to provide clinical and forensic evaluations for the Commonwealth's legal system.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c.19; Community Mental Health Centers, M.G.L. c.6A § 16; Psychiatric Inpatient Services, M.G.L. c.123

AGENCY PROGRAMS: 1) Administration 2) Medfield Secure Unit 3) Child and Adolescent Services 4) Adult Services 5) Forensic Services

PROGRAM 1: ADMINISTRATION

LINE ITEM: 5011-0100

STATE APPROPRIATION: \$19,753,140

PROGRAM MISSION: To provide policy and program support for the department and to monitor the quality of services.

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Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process for monitoring and improving program performance.	1. Program improvements and enhancements produced by the performance review process.	1. TBR
2. Develop and maintain an area-based tracking system.	2a. Reports detailing expenditures by area, and type of service.	2a. Quarterly
3. Manage the transfer of clients from institutions to community-based settings.	3a. Patients transferred.	3a. 266
	3b. Complaints associated with transfers to community settings.	3b. TBR
4. Maintain a 90 day tracking system for discharged patients.	4a. Patients tracked after discharge.	4a. 100%
	4b. Patients readmitted to inpatient facilities after 30 days.	4b. TBR
5. Ensure the quality of services, including quality assurance, licensing, and training.	5a. Licensing reviews that resulted in license renewal for private hospitals and psychiatric units.	5a. 25 licenses
	5b. Licensing deficiencies identified and corrected within 30 days.	5b. TBR
	5c. Inpatient beds that are HCFA certified.	5c. 490
	5d. Abuse complaints filed with the Disabled Persons Protection Commission involving mental health clients.	5d. 2000
	5e. Complaints referred by DPPC back to the department of mental health.	5e. 90%
6. Provide cost effective mental health services.	6. Average cost per client by area.	6. TBR
7. Evaluate implementation of area-based account structure.	7a. Problems identified for correction with the area-based structure.	7a. TBR
	7b. Providers in each CCSS, by type of service.	7b. TBR
8. Continue development and implementation of a Client Registry and Enrollment System (RES).	8. Status on timeline for implementation.	8. TBR

PROGRAM 2: MEDFIELD SECURE UNIT

LINE ITEM: 5042-1000

STATE APPROPRIATION: \$1,459,006

PROGRAM MISSION: To operate and maintain a secure unit at Medfield State Hospital.

Program Objectives	Performance Measures	Expected Outputs
1. Provide mental health services to clients in the Difficult to Manage Unit.	1a. Average census.	1a. TBR
	1b. Clients served annually.	1b. TBR
	1c. Average length of stay.	1c. TBR

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|------------------------------------|---------|
| 1d. Average cost per client. | 1d. TBR |
| 1e. Average staff to client ratio. | 1e. TBR |

PROGRAM 3: CHILD AND ADOLESCENT SERVICES

LINE ITEM: 5042-5000

STATE APPROPRIATION: \$54,160,008

PROGRAM MISSION: To serve children and adolescents at risk of or suffering from serious mental illness or emotional disturbance and to provide support services for their families.

Program Objectives	Performance Measures	Expected Outputs
1. Provide inpatient care, residential and day treatment, outpatient services, and intensive home-based services.	1a. Average inpatient census.	1a. TBR
	1b. Total contracted inpatient beds.	1b. 60
	1c. Average length of inpatient stay.	1c. TBR
	1d. Patients readmitted within 30 days of discharge.	1d. TBR
	1e. Clients in residential programs.	1e. 324
	1f. Clients awaiting residential services.	1f. 0
	1g. Clients in day treatment programs.	1g. TBR
	1h. Average length of time spent in day program.	1h. TBR
	1i. Clients who receive case management.	1i. TBR
	1j. Average cost per service.	1j. TBR

PROGRAM 4: ADULT SERVICES

LINE ITEMS: 5046-0000, 5046-1000, 5046-2000, 5046-3000, 5046-4000, 5051-0100, 5095-0000

STATE APPROPRIATION: \$423,817,412

PROGRAM MISSION: To provide adult mental health support, rehabilitative care, day treatment, residential, and case management services to clients in institutional and community settings, and to provide inpatient mental health treatment and services.

Program Objectives	Performance Measures	Expected Outputs
1. Locate supported employment opportunities.	1a. Supported employment opportunities located.	1a. TBR
	1b. Clients participating.	1b. TBR
	1c. Clients awaiting supported employment opportunities.	1c. TBR
	1d. Average length of wait for supported employment opportunities.	1d. TBR
	1e. Average cost of supported employment services.	1e. TBR

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2. Provide case management to adult mental health clients.	2a. Case managers.	2a. TBR
	2b. Clients receiving case management.	2b. TBR
	2c. Average cost of case management services.	2c. TBR
3. Provide emergency client services.	3a. Clients requiring emergency services.	3a. TBR
	3b. Clients requiring additional emergency services within six months.	3b. TBR
	3c. Average cost of emergency services.	3c. TBR
4. Provide day treatment and recreational services.	4a. Clients in day treatment programs.	4a. TBR
	4b. Average length of involvement in a day program.	4b. TBR
	4c. Average cost of day treatment services.	4c. TBR
	4d. Clubhouses operating.	4d. 41
	4e. Clients utilizing clubhouse services.	4e. TBR
	4f. Average cost of clubhouse services.	4f. TBR
5. Provide Community Mental Health Center (CMHC) services.	5a. CMHCs operating.	5a. 9
	5b. Average census by CMHC facility.	5b. TBR
	5c. Monthly expenditures by CMHC.	5c. TBR
6. Manage a residential service system.	6a. Residential beds available.	6a. 4564
	6b. Residential beds occupied.	6b. 100%
	6c. Average length of stay in a residential setting.	6c. 450 days
	6d. Clients awaiting residential placement.	6d. 0
	6e. Average wait for residential placement services.	6e. 0 days
	6f. Average cost of residential services.	6f. TBR
7. Manage an adult inpatient mental health treatment and service system.	7a. Inpatient beds available.	7a. 1572
	7b. Average occupancy.	7b. TBR
	7c. Average length of stay.	7c. TBR
	7d. Patients receiving follow up treatment within 90 days of discharge.	7d. TBR
8. Provide rental subsidies to eligible clients.	7e. Average cost of in-patient services.	7e. TBR
	8a. Clients receiving subsidies.	8a. 819
	8b. Average amount of subsidy.	8b. \$3,184

PROGRAM 5: FORENSIC SERVICES

LINE ITEM: 5055-0000

STATE APPROPRIATION: \$6,990,154

PROGRAM MISSION: To deliver clinical and forensic evaluations and mental health services to the courts and county correction facilities.

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Program Objectives	Performance Measures	Expected Outputs
1. Assist in the administrative transfer of the Bridgewater Treatment Center to the department of corrections.	1a. Complete transfer to the department of corrections.	1a. August 1, 1994
2. Evaluate clients who are before the court to determine competency and criminal responsibility and to perform other statutorily defined evaluations.	2a. Court ordered evaluations performed. 2b. Requests for evaluations by type of court.	2a. TBR 2b. TBR

DEPARTMENT OF MENTAL RETARDATION
AGENCY PROGRAMS: 1) Administration 2) Adult Services 3) Child and Adolescent Services 4) Facility Operations

PROGRAM 1: ADMINISTRATION

State Appropriation

5911-1000 For administration of the department pursuant to the provisions of chapter nineteen B of the General Laws 6,496,862

PROGRAM 2: ADULT SERVICES

State Appropriations

5911-2000 For the transportation costs associated with the adult services program; provided, that the department shall provide such services on the basis of priority of needs as determined by the department; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that transportation services are maintained throughout fiscal year nineteen hundred and ninety-five; and provided further, the notwithstanding the provisions of chapter twenty-nine of the general laws or any other general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means 24,217,437

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5920-1000	For the administration and program support of the adult services program	7,826,498
5920-2000	For the costs of services associated with residential and day adult programs; 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, including not more than eight million and five hundred thousand dollars in annualized funding for fiscal year nineteen hundred and ninety-four priority one turning twenty-two clients; provided further, that not more than one hundred and fifty thousand dollars shall be obligated for new community day and residential services for the retarded citizens in the greater Lowell area; and provided further, that the department is hereby authorized to transfer funds from this item, an amount not to exceed three million dollars, to item 5930-1000 of section two of this act, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means thirty days prior to any such transfer	394,100,921
5920-3000	For the respite services program	18,927,578
5920-5000	For turning twenty-two services; provided, that the amount appropriated herein shall not annualize to more than eight million five hundred thousand dollars in fiscal year nineteen hundred and ninety-six; provided further, that not more than one hundred sixty clients shall receive services funded from this item in fiscal year nineteen hundred and ninety-five	4,400,000
5920-6000	For services to the older unserved; provided, that not less than two million dollars be expended for the purpose of providing services to clients who remain at home; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; and provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement	4,000,000

PROGRAM 3: CHILD AND ADOLESCENT SERVICES*State Appropriation*

5920-8000	For the child and adolescent services program; provided, that not less than four hundred thirty-seven thousand dollars shall
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be expended for support services for families of children with
autism 3,536,077

PROGRAM 4: FACILITY OPERATIONS

State Appropriations

- 5930-1000 For the facility operations program for the mentally retarded; provided, that the department is hereby authorized to transfer funds from this item, an amount not to exceed three million dollars to item 5920-2000 of section two of this act, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means thirty days prior to any such transfer; provided further, that the department shall take no action to reduce the client population of the Paul A. Dever State School or the Hogan Regional Center, and no steps shall be taken to close any of said institutions through attrition, lay-offs or any other means until a study of any such reduction or closing shall be completed, and the general court by law shall have approved any such reduction or closing; and provided further, that the secretary for administration and finance shall conduct each said study, which shall examine the costs, benefits and quality of maintaining each such institution and shall identify alternative methods of providing the services currently provided by each such institution, and said secretary shall report in writing the findings and recommendations of said study or studies to the house and senate committees on ways and means not later than December, nineteen hundred and ninety-four 234,591,671
- 5930-2000 For the maintenance and operation of the Glavin Regional Center; provided, that the department shall take no action to reduce the client population of the Glavin Regional Center, and no steps shall be taken to close said institution through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed, and the general court by law shall have approved any such reduction or closing; and provided further, that the secretary for administration and finance shall conduct said study, which shall examine the costs, benefits and quality of maintaining said institution and shall identify alternative methods of providing the services currently provided by said institution, and said secretary shall report in writing the findings and recommendations of said

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study to the house and senate committees on ways and means
not later than December first, nineteen hundred and ninety-
four 6,036,593

DEPARTMENT OF MENTAL RETARDATION
PROGRAM DETAIL
Philip Campbell, Commissioner

AGENCY MISSION: To provide services to people with mental retardation and create opportunities for their integration into the community.

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

AGENCY PROGRAMS: 1) Administration 2) Adult Services 3) Child and Adolescent Services 4) Facility Operations

PROGRAM 1: ADMINISTRATION

LINE ITEMS: 5911-1000

STATE APPROPRIATION: \$6,496,862

PROGRAM MISSION: To provide departmental policy and program support for the agency and to monitor the quality of services.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process For monitoring and improving program performance.	1. Program improvements and enhancements produced by the performance review process.	1. TBR
2. Manage the transfer of clients from institutions to community-based settings.	2a. Patients transferred.	2a. 271
	2b. Complaints associated with transfers to community settings.	2b. TBR
3. Ensure the quality of client services, including quality assurance, licensing, and training.	3a. Abuse complaints filed with the Disabled Persons Protection Commission (DPPC) involving mental retardation clients.	3a. TBR
	3b. Complaints referred by DPPC back to the department of mental retardation.	3b. 100%
4. Enhance reimbursements for departmental services.	4a. Total clients receiving reimbursable services under departmental community waiver.	4a. 5,900
	4b. Monthly federal reimbursements received for such clients.	4b. TBR

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PROGRAM 2: ADULT SERVICES

LINE ITEMS: 5911-2000, 5920-1000, 5920-2000, 5920-3000, 5920-5000, 5920-6000

STATE APPROPRIATION: \$453,472,434

PROGRAM MISSION: To create opportunities for adults with mental retardation to become integrated participants in the community and to provide appropriate residential, day, respite, and other support services.

Program Objectives	Performance Measures	Expected Outputs
1. Provide day and support services to qualified adult clients.	1a. Clients receiving day services. 1b. Clients awaiting day services. 1c. Clients receiving support services. 1d. Clients awaiting support services.	1a. TBR 1b. TBR 1c. TBR 1d. TBR
2. Provide residential services in community settings to adult population.	2a. Clients receiving residential services. 2b. Clients awaiting residential services. 2c. Average cost per client receiving residential services.	2a. TBR 2b. TBR 2c. TBR
3. Provide respite services to eligible adult individuals.	3a. Clients receiving respite services. 3b. Clients eligible and awaiting respite services. 3c. Average cost per client receiving respite services. 3d. Average length of time receiving respite services.	3a. TBR 3b. TBR 3c. TBR 3d. TBR
4. Provide supported employment opportunities.	4a. Clients receiving supported employment services. 4b. Clients awaiting supported employment opportunities. 4c. Clients competitively employed.	4a. TBR 4b. 0 4c. TBR
5. Develop individual transition plans to document service needs for eligible individuals who turn 22 years of age.	5a. Eligible clients receiving individual transition plans. 5b. Clients eligible and awaiting individual transition plans 5c. Average cost per client receiving individual transition plans.	5a. TBR 5b. TBR 5c. TBR
6. Provide residential services to eligible individuals who turn 22 years of age.	6a. Clients receiving community residential settings. 6b. Clients eligible and awaiting community residential services. 6c. Average cost per client receiving community residential services 6d. Average length of time receiving community residential services.	6a. TBR 6b. TBR 6c. TBR 6d. TBR

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7. Provide day and support services to qualified individuals who turn 22 years of age.	7a. Clients receiving day and support services.	7a. TBR
	7b. Clients eligible and receiving day and support services.	7b. TBR
	7c. Average cost per client receiving day and support services.	7c. TBR
	7d. Average length of time receiving day and support services.	7d. TBR
8. Convert all Medicaid reimbursable Intermediate Care Facilities for the Mentally Retarded (ICFMRs) into department funded community-based programs.	8a. ICF/MR conversions.	8a. TBR
	8b. Average monthly cost per client per facility.	8b. TBR
	8c. Revenue collected.	8c. TBR
	8d. ICF/MR conversions that are state operated.	8d. TBR
9. Provide transportation services to eligible clients.	9a. Clients receiving transportation services, by service type.	9a. TBR
	9b. Average monthly cost per client, by service type.	9b. TBR

PROGRAM 3: CHILD AND ADOLESCENT SERVICES

LINE ITEMS: 5920-8000

STATE APPROPRIATION: \$3,536,077

PROGRAM MISSION: To provide residential and community services, day programs, family support, and appropriate inpatient care to mentally retarded children and adolescents.

Program Objectives	Performance Measures	Expected Outputs
1. Provide day and support services.	1a. Clients receiving day and support services.	1a. TBR
	1b. Clients awaiting day and support services.	1b. TBR
2. Provide residential services in community settings.	2a. Clients receiving residential services.	2a. TBR
	2b. Clients awaiting residential services.	2b. TBR
	2c. Average cost per client receiving residential services.	2c. TBR
3. Provide respite services.	3a. Families receiving respite services.	3a. TBR
	3b. Families awaiting respite services.	3b. TBR
	3c. Average cost per client receiving respite services.	3c. TBR
	3d. Average length of time receiving respite services.	3d. TBR

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PROGRAM 4: FACILITY OPERATIONS

LINE ITEMS: 5930-1000, 5930-2000

STATE APPROPRIATION: \$240,628,264

PROGRAM MISSION: To provide, in accordance with Title XIX, appropriate institutionalized care for adults with mental retardation.

Program Objectives	Performance Measures	Expected Outputs
1. Operate state schools for the mentally retarded.	1a. Monthly census by facility.	1a. TBR
	1b. Residential capacity filled by facility.	1b. TBR
	1c. Savings from facility closing and phase-downs.	1c. TBR
	1d. Average monthly cost per client, by facility.	1d. TBR
2. Continue the consolidation of departmental facility services.	2a. Residents transferred to appropriate community settings.	2a. 271
	2b. Status of timetable for facility closure.	2b. TBR

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION
EXECUTIVE OFFICE
State Appropriations

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 and authority funds to the house and senate committees on ways and means	314,020
	Highway Fund	100.0%
6000-0110	The executive office of transportation and construction may expend, for the purpose of property management and maintenance of railroad properties owned by said executive office on behalf of the commonwealth, including the cost of personnel, an amount not to exceed twenty-seven thousand three hundred and forty-five dollars from the rents and fees received pursuant to section four of chapter one hundred sixty-one C of the General Laws	27,345
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 twenty-five of the acts of nineteen hundred seventy-four, as amended by section four	

of chapter two hundred ninety-one of the acts of nineteen hundred seventy-five; provided, that operating expenditures of the Massachusetts bay transportation authority for its fiscal year ending June thirtieth, nineteen hundred ninety-five shall not exceed one hundred three percent of its operating expenditures for its fiscal year ending June thirtieth, nineteen hundred ninety-four; and provided further, that the Massachusetts bay transportation authority is prohibited from accepting any funding from the Health Protection Fund, if said authority accepts advertising for any tobacco products 291,163,349

Local Aid Fund 40.0%
General Fund 40.0%
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 sixty-one A of the General Laws 194,470,657

Local Aid Fund 40.0%
General Fund 40.0%
Highway Fund 20.0%

6005-0015 For certain assistance to regional transit authorities, including 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, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July first, nineteen hundred ninety-four and ending June thirtieth, nineteen hundred ninety-five, may enter into contracts with the authorities; provided further, that notwithstanding the provisions of section one hundred fifty-two A of chapter one hundred sixty-one, and of section twenty- three of chapter one hundred 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 ninety-four shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that operating expenditures of each of the regional transit authorities for the fiscal year ending June thirtieth, nineteen hundred ninety-five shall not exceed one hundred and three percent of its operating expenditures for

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the fiscal year ending June thirtieth, nineteen hundred ninety-four; provided further that operating expenditures shall not include federal, private or additional municipal non-state revenue sources; and provided further, that the pioneer valley regional transit authority shall maintain an express bus route from the city of Springfield to the Hampden county house of corrections			33,973,184
Local Aid Fund	40.0%		
General Fund	40.0%		
Highway Fund	20.0%		

6005-0017	For certain payments to cities and towns as authorized by clause (c) of section thirteen of chapter sixty-four A, 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 fiscal year nineteen hundred ninety-five; and provided further, that funds herein may be used for the lease, purchase and maintenance of vehicles for use in road maintenance, and for costs incurred for the removal of snow and ice	43,472,110
	Highway Fund	100.0%

6005-0018	For additional contract assistance to be allocated by the Massachusetts bay transportation authority for the net additional expense of commuter rail service provided to and on behalf of the regional transit authorities and cities and towns outside the Massachusetts bay transportation authority district for fiscal year nineteen hundred ninety-four, 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 district for fiscal year nineteen hundred ninety-five, 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 not exceed two million dollars, in accordance with the provisions of section twenty-eight A of chapter one hundred sixty-one A of the General Laws as amended in section forty-five of chapter eight hundred eleven of the acts of nineteen hundred eighty-five; and provided further, that no less than seventeen	
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thousand five hundred dollars be made available for a commuter boat service between Hull and Boston	15,267,500
Local Aid Fund	40.0%
General Fund	40.0%
Highway Fund	20.0%

Federal Appropriations

6000-0018 For the purposes of a federally funded grant entitled, Section 18 Rural Public Transportation Assistance	1,603,000
6000-0023 For the purposes of a federally funded grant entitled, Section 8 Planning Grant/Rural Public Transportation	1,672,000
6000-0049 For the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation	1,374,000
6000-0054 For the purposes of a federally funded grant entitled, Rail Planning Assistance/FRA Section 5	36,000

MASSACHUSETTS AERONAUTICS COMMISSION
State Appropriation

6006-0003 For the administration of the commission, including the expenses of the commissioners	588,980
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Federal Appropriation

6006-0042 For the purposes of a federally funded grant entitled, Airport System Planning	500,000
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DEPARTMENT OF HIGHWAYS
State Appropriations

6010-0001 For personnel services of the department, for certain administrative and engineering expenses and equipment of the highways commission, the office of the highways commissioner, the division of administrative services, highway engineering, highway maintenance, highway construction, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment, for maintenance and operation of state highways and bridges and for workers' compensation related expenditures, as defined by the "D15" object code of the "DD	
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subsidiary", so-called, on the Massachusetts management accounting and reporting system for employees of the department including, but not limited to, those funded from this item and items 6010-1016, 6010-1017, and 6010-1018 of section two of this act; 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 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 set forth in said section twenty-two of said chapter seven to the secretary of transportation and construction for approval; 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; provided further, that not less than seven thousand dollars shall be made available to the Yarmouth chamber of commerce to be expended for the maintenance of sanitary facilities at the rest area on route six in Yarmouth; provided further, that the department shall not commence the high occupancy vehicle project for the southeast expressway unless and until the noise abatement program associated with said project in the Savin Hill section of Dorchester is completed; and provided further, that said department shall submit a report to the house and senate committees on ways and means detailing the total overtime expenditures by category and specific area on or before November first, nineteen hundred and ninety-four and on or before March fifteenth nineteen hundred and ninety-five . . . 54,951,954

Highway Fund 100.0%

6010-1009 For costs associated with police services within contract areas 4B, 4C, 4D and 5C, so-called; provided, that the department shall report to the house and senate committees on ways and means the expenditures from this item for said contract areas on or before November first nineteen hundred and ninety-four, and on or before March fifteenth nineteen hundred and ninety-five 582,000

Highway Fund 100.0%

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6010-1010	For overtime costs associated with contract areas 4A, 5A and 5B, so-called; provided, that the department shall report to the house and senate committees on ways and means the total overtime expenditures by category and specific contract area, on or before November first, nineteen hundred and ninety-four, and on or before March fifteenth, nineteen hundred and ninety-five	550,500
	Highway Fund	100.0%
6010-1011	For all contractual contingency costs associated with highway maintenance in areas 4A, 4B, 4C, 4D, 5A, 5B and 5C, so-called; provided, that the department shall report to the house and senate committees on ways and means the total expenditures from this item by category and contract area on or before November first, nineteen hundred and ninety-four, and on or before March fifteenth, nineteen hundred and ninety-five	975,000
	Highway Fund	100.0%
6010-1012	For the highway maintenance private contract in area 4B, so-called; provided, that no funds other than the amount appropriated herein, police costs appropriated in item 6010-1009, contractual contingency costs appropriated in item 6010-1011 shall be used to fund said contract; provided further, that no additional funds made available to the department, either directly or indirectly, including capital, trust, or other funds shall be used to supplement or supplant the funds for said contract as provided for herein	1,859,400
	Highway Fund	100.0%
6010-1013	For the highway maintenance private contract in area 4C, so-called; provided, that no funds other than the amount appropriated herein, police costs appropriated in item 6010-1009, contractual contingency costs appropriated in item 6010-1011 shall be used to fund said contract; provided further, that no additional funds made available to the department, either directly or indirectly, including capital, trust, or other funds shall be used to supplement or supplant the funds for said contract as provided for herein	2,769,310
	Highway Fund	100.0%
6010-1014	For the highway maintenance private contract in area 4D, so-called; provided, that no funds other than the amount appropriated herein, police costs appropriated in item 6010-1009, contractual contingency costs appropriated in	

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item 6010-1011 shall be used to fund said contract; provided further, that no additional funds made available to the department, either directly or indirectly, including capital, trust, or other funds shall be used to supplement or supplant the funds for said contract as provided for herein		2,971,665
Highway Fund	100.0%	
6010-1015 For the highway maintenance private contract in area 5C, so-called; provided, that no funds other than the amount appropriated herein, police costs appropriated in item 6010-1009, contractual contingency costs appropriated in item 6010-1011 shall be used to fund said contract; provided further, that no additional funds made available to the department, either directly or indirectly, including capital, trust, or other funds shall be used to supplement or supplant the funds for said contract as provided for herein		1,932,225
Highway Fund	100.0%	
6010-1016 For the highway maintenance contract in area 4A, so-called; provided, that no funds other than the amount appropriated herein, overtime costs appropriated in item 6010-1010 and contractual contingency costs appropriated in item 6010-1011 shall be used to fund said contract; provided further, that no additional funds made available to the department, either directly or indirectly, including capital, trust, or other funds shall be used to supplement or supplant the funds for said contract as provided for herein		1,987,184
Highway Fund	100.0%	
6010-1017 For the highway maintenance contract in area 5A, so-called; provided, that no funds other than the amount appropriated herein, overtime costs appropriated in item 6010-1010 and contractual contingency costs appropriated in item 6010-1011 shall be used to fund said contract; provided further, that no additional funds made available to the department, either directly or indirectly, including capital, trust, or other funds shall be used to supplement or supplant the funds for said contract as provided for herein		2,703,147
Highway Fund	100.0%	
6010-1018 For the highway maintenance contract in area 5B, so-called; provided, that no funds other than the amount appropriated herein, overtime costs appropriated in item 6010-1010 and contractual contingency costs appropriated in item 6010-1011 shall be used to fund said contract; provided further, that no		

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	additional funds made available to the department, either directly or indirectly, including capital, trust, or other funds shall be used to supplement or supplant the funds for said contract as provided for herein	3,955,482
6020-2505	For the outdoor advertising board	75,204
	Highway Fund	100.0%
6030-7201	For snow and ice control, including the cost of sand, salt, and other control chemicals	16,167,000
	Highway Fund	100.0%

BOARD OF LIBRARY COMMISSIONERS
State Appropriations

7000-9101	For the administration and expenses of the board of library commissioners	766,313
	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 eighty-eight and seven-hundredths 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 is below an amount equal to one hundred two and one-half 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	

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	paragraph of section nineteen A of chapter seventy-eight of the Massachusetts General Laws as appearing in the nineteen hundred and ninety-two official edition, to any library not receiving funds as a library of last recourse for a period of no more than one year	13,005,931
	Local Aid Fund	100.0%
7000-9402	For the purposes of a talking book library at Worcester	147,332
	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 . . .	952,919
	Local Aid Fund	100.0%
7000-9501	For state aid to public libraries; provided, that notwithstanding the provision of any general or special law to the contrary, no city or town shall receive any money under this item in any year when the appropriation of said city or town for free public library services is below an amount equal to one hundred two and one-half 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 fifty waivers in addition to 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 nineteen hundred and ninety-two official 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	6,899,804
	Local Aid Fund	100.0%
7000-9506	For the telecommunications expenses of automated resource sharing networks and their member libraries	477,235
	Local Aid Fund	100.0%

Federal Appropriations

7000-9703	For the purposes of a federally funded grant entitled, Title III LSCA Interlibrary Cooperation	880,000
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7000-9705	For the purposes of a federally funded grant entitled, LSCA Program-Title I	2,575,000
7000-9706	For the purposes of a federally funded grant entitled, Science Reference Institute	60,960
7000-9707	For the purposes of a federally funded grant entitled, Emergency Federal Jobs Bill-LSCA Title II	771,000
7000-9999	For the purposes of a federally funded grant entitled, Library Services Construction Act-Title VI	62,117

EXECUTIVE OFFICE OF EDUCATION

EXECUTIVE OFFICE

State Appropriations

7005-0001	For the administration of the executive office of education	1,044,192
7005-0003	For the school of excellence program at the Worcester polytechnic institute; provided, that every effort be made to recruit and serve equal numbers of male and female students; provided further, that sending school districts of students attending said academy shall not be required to expend any funds for the cost of said students while in attendance at said academy; and provided further, that the secretary of education is hereby authorized and directed to enter into an agreement with Worcester polytechnic institute to operate a school of excellence in mathematics and science	441,231
7005-0005	For the New England board of higher education, including prior year costs	640,733

Federal Appropriations

7005-0007	For the purposes of a federally funded grant entitled, Building a School to Work System	320,000
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DEPARTMENT OF EDUCATION

State Appropriations

7010-0005	For the general administration of the department	8,216,246
	Local Aid Fund	100.0%
7010-0010	For the implementation of the education reform act of nineteen hundred ninety-three, chapter seventy-one of the acts of nineteen hundred ninety-three, including but not limited to the development of student curriculum frameworks and state-wide academic standards pursuant to section one D of chapter	

sixty-nine of the General Laws as appearing in section twenty-nine of said chapter seventy-one, the administration and scoring of a statewide assessment test for students and for the development of school and student assessments required by sections one D and one I of chapter sixty-nine of the General Laws as amended, and for professional development pursuant to the statewide professional development plan required by section thirty-eight Q of chapter seventy-one of the General Laws as amended; provided, that of the amount appropriated herein, not less than one hundred thirty-nine thousand seven hundred thirty-eight dollars shall be expended for the purchase of equipment and services to automate the teacher certification system; provided further, that of the amount appropriated herein, not less than one million one hundred six thousand dollars shall be expended for the development, administration and scoring of a statewide assessment test; provided further, that of the amount appropriated herein, no more than one hundred eighty-four thousand nine hundred fifty dollars may be expended for the costs associated with the administration of said programs; provided further, that of the amount appropriated herein, three hundred and seventy-eight thousand dollars shall be obligated for professional development activities at the school of excellence program at Worcester polytechnic institute, line-item 7005-0003, including salary and benefits for so-called master teachers and visiting scholars; provided further, that of the amount appropriated herein, one hundred seventy thousand dollars shall be obligated for violence prevention programs pursuant to section 274 of this act; and provided further, that the department of education shall file a spending plan for the amounts appropriated herein with the joint committee on education and the house and senate committees on ways and means by September first, nineteen hundred ninety-four 11,793,996

Local Aid Fund 100.0%

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 a 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; provided further, that the division of elementary, secondary, and occupational education shall, through a competitive procurement process, contract with qualified school transportation business enterprises	12,031,328
	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 in a separate account and shall be expended by the school committee of such city, town, or regional school district without further 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 the services of 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 appropriated herein	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 in 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,	

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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, notwithstanding the provisions of any general or special laws to the contrary; 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 may reimburse grant recipients for prior year expenditures 864,000

Local Aid Fund 100.0%

7027-1000 For the state matching requirement of the partnerships advancing learning mathematics and science and the community service projects 2,100,000

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 8,268,765

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 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 appropriated herein 3,508,460

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; 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 program slots; provided further, that of the sum appropriated herein, the commissioner is hereby authorized to allocate funds to item 7030-1500 for purposes of the head start program; provided further, that said commission shall fund grants to such head start programs which received grants as a lead agency from this account in the fiscal year beginning July one, nineteen hundred and ninety-two; provided further, that said grant amounts shall not be less than the amount granted in said fiscal year nineteen

	hundred and ninety-three; and provided further, that the department shall work in conjunction with the department of public welfare to obtain federal reimbursement pursuant to Title IV-A of the Social Security Act for all program participants that are eligible	14,309,540
	Local Aid Fund	100.0%
7030-1500	For grants to head start programs	6,829,151
	Local Aid Fund	100.0%
7030-2000	For grants to cities, towns, regional school districts and educational collaboratives for basic skills remediation programs for students in grades one through nine and dropout prevention programs for students in grades seven through twelve, pursuant to the provision of section fifty-two of chapter fifteen of the General Laws; provided, that seventy-five percent of said funds shall be allocated to basic skills remediation programs and twenty-five percent of said funds shall be allocated to dropout prevention programs; provided 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 and 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; provided further, that not more than one percent of the amount appropriated herein shall be expended for administrative costs; and provided further, that the commissioner of education shall file a report on the distribution of all funds appropriated herein with the joint committee on education and the house and senate committees on ways and means not later than August fifteenth, nineteen hundred and ninety-four	12,834,775
	Health Protection Fund	100.0%

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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; provided, that not less than sixty thousand dollars be expended for programs including, but not limited to, adult basic education and English as a second language provided by the NDEC educational program, so-called	4,205,465
	Local Aid Fund	100.0%
7035-0004	For reimbursements to cities, towns, 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-four 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 the provisions of 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 reimbursements to regional school districts for the transportation of pupils; provided, that notwithstanding the provisions of 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%
7051-0015	For the administration of the emergency food assistance program ..	142,000
	Local Aid Fund	100.0%

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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, as amended, 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 said chapter six hundred and forty-five shall not exceed four million three hundred and eighty thousand dollars; and provided further, that a report shall be filed semi-annually by the board of education with the house and senate ways and means committees regarding funding commitments	6,950,000
	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 forty-five of the acts of nineteen hundred 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 forty-five of the acts of nineteen hundred forty-eight in the fiscal year ending June thirtieth, nineteen hundred ninety-five shall not exceed twelve million six hundred ninety-seven thousand ten dollars; provided, however, that of said authorization, six hundred ninety-five thousand seven hundred forty-four dollars is hereby authorized for a certain school project pursuant to the provisions of section 267 of this act; provided further, that projects on the fiscal year nineteen ninety-three and fiscal year nineteen ninety-four priority lists ranked through number fifty-eight, inclusive, shall be given priority before any other projects; 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	9,902,477
	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, as amended, for annual payments on accounts of school projects on which the first annual payments have been made	151,438,866

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	Local Aid Fund	100.0%	
7052-0006	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, as amended, for (a) educational, engineering and architectural services for 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) payments associated with admission to a regional school district		372,975
	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, as amended; 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 that are structurally unsound or otherwise in a condition jeopardizing the safety of school children		4,267,100
	Local Aid Fund	100.0%	
7053-1909	For reimbursements to 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 the 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 three hundred thousand dollars shall be expended for the summer food service outreach program, and not less than two hundred thousand dollars shall be expended for the school breakfast outreach		

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	program, including reimbursement of municipal expenses, prior appropriation continued	850,000
	Local Aid Fund	100.0%
7061-0008	For school aid to cities, towns, regional school districts, count- ies maintaining agricultural schools and independent vocational schools to be distributed pursuant to the provisions of chapters seventy and seventy-six of the General Laws, as appearing in sections thirty-two and sixty-one of chapter seventy-one of the acts of nineteen hundred ninety-three; pro- vided, funds from this item may be used to provide additional aid to towns that have a positive foundation gap pursuant to said chapter seventy and provide kindergarten programs of not less than six hours per day as reported in the department of education nineteen ninety-two to nineteen ninety-three av- erage membership and daily hours record	1,622,501,870
	Local Aid Fund	100.0%
7061-0009	For reimbursement to cities, towns and regional school districts of public school tuition of any school age child placed in a school district other than in his or her home town by, or under the control of, the department of public welfare or the department of social services pursuant to section ninety-six of chapter seventy-one of the acts of nineteen hundred and ninety-three; provided, that notwithstanding section ninety- six of said chapter seventy-one, said reimbursement, including any amount transferred into this account from item 1599-9100, shall constitute complete satisfaction of the commonwealth's obligation for tuition payments to cities, towns or regional school districts for school aged children placed 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, other than in their home town	2,485,162
	Local Aid Fund	100.0%
7061-0011	For one time assistance to the Pioneer Valley regional school district to meet the needs of an extraordinary shortfall; pro- vided, that this appropriation shall not increase base aid, as defined in chapter seventy of the General Laws, for fiscal year nineteen hundred and ninety-five or any subsequent fis- cal year	180,000
	Local Aid Fund	100.0%

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- 7061-0012 For non-educational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education on appeals, as provided under chapter seventy-one B of the General Laws; provided, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and upon approval of the commissioner the treasurer shall be authorized to make such payments directly to the service provider for services provided on or after July first, nineteen hundred ninety-four; provided further, that not more than one million two hundred 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 the pilot program; and 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 . . . 29,150,500
Local Aid Fund 100.0%
- 7061-9000 For fiscal year nineteen hundred ninety-five reimbursements to certain cities, towns and regional school districts for losses incurred under the provisions of section twelve B of chapter seventy-six of the General Laws; provided, that not less than five hundred thousand dollars shall be expended for a school choice transportation reimbursement program pursuant to subsection I of said section 3,500,000
Local Aid Fund 100.0%
- 7061-9200 For a statewide educational technology plan, as required by section three A of chapter fifteen A of the General Laws as appearing in section seventeen of chapter seventy-one of the acts of nineteen hundred and ninety-three; provided, one million dollars shall be transferred from this item to item of appropriation 1100-1400 for the purpose of implementing the Massachusetts education on-line program, so-called 1,000,000
Local Aid Fund 100.0%
- 7061-9600 For payments to public higher education institutions in the commonwealth pursuant to section thirty-nine of chapter fifteen A as appearing in section twenty-three of chapter seventy-one

of the acts of nineteen hundred and ninety-three; provided that the secretary of education shall file program eligibility and admissions criteria pursuant to said section thirty-nine not later than August first, nineteen hundred and ninety-four with the house and senate committees on ways and means and the joint committee on education; provided further, that notwithstanding any general or special law, rules, or regulations to the contrary, the higher education coordinating council is hereby authorized and directed to establish the per credit costs for tuition and fees for students enrolled in said program	500,000
Local Aid Fund	100.0%
7061-9900 For grants and reimbursements for cities, towns, regional school districts and counties for immunization pursuant to section one C of chapter sixty-nine of the General Laws	100,000

Federal Appropriations

7010-0013 For the purposes of a federally funded grant entitled, Administration - Desegregation Plans for Massachusetts Public Schools	548,000
7010-9091 For the purposes of a federally funded grant entitled, Explorations in Mathematics, an In-Service Program for Urban Teachers	310,000
7010-9093 For the purposes of a federally funded grant entitled, Partnerships Advancing Learning of Math and Science-Administration	1,250,000
7010-9094 For the purposes of a federally funded grant entitled, Partnerships Advancing Learning of Math and Science-Distribution	750,000
7010-9103 For the purposes of a federally funded grant entitled, Math and Science Curriculum Frameworks for Massachusetts	364,595
7010-9134 For the purposes of a federally funded grant entitled, Comprehensive School Health Education School Health Restructuring	136,795
7010-9706 For the purposes of a federally funded grant entitled, Common Core Data Project	51,000
7010-9732 For the purposes of a federally funded grant entitled, Chapter II Education Consolidation and Improvement Act-Administration	2,203,000
7027-9116 For the purposes of a federally funded grant entitled, Occupational Education-Distribution	16,832,700

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7027-9121	For the purposes of a federally funded grant entitled, Community Based Organizations	330,750
7027-9122	For the purposes of a federally funded grant entitled, Occupational Education, Consumer and Homemaking	781,200
7027-9123	For the purposes of a federally funded grant entitled, Technical Preparation	445,500
7027-9124	For the purposes of a federally funded grant entitled, Facilities and Equipment Supplemental State Grant	233,971
7027-9126	For the purposes of a federally funded grant entitled, Occupational Education-Administration	1,561,000
7028-0601	For the purposes of a federally funded grant entitled, Education of Handicapped-Administration	2,262,000
7028-0816	For the purposes of a federally funded grant entitled, Handicapped in Institutions-Distribution	11,760,000
7028-0891	For the purposes of a federally funded grant entitled, Into the Mainstream	150,000
7028-9125	For the purposes of a federally funded grant entitled, Transition Services for Youth with Disabilities-Administration	340,000
7028-9126	For the purposes of a federally funded grant entitled, Transition Services for Youth with Disabilities-Distribution	32,500
7030-0191	For the purposes of a federally funded grant entitled, Coordination of Technical Assistance for Bilingual Education Programs by S.E.A.S.	117,000
7030-9736	For the purposes of a federally funded grant entitled, Chapter II, Education Consolidation and Improvement Act-Distribution	7,981,274
7030-9780	For the purposes of a federally funded grant entitled, Dwight D. Eisenhower Math and Science Education Program-Administration	160,000
7030-9790	For the purposes of a federally funded grant entitled, Dwight D. Eisenhower Math and Science Education Program-Distribution	4,250,750
7032-0217	For the purposes of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program-Distribution	196,000
7032-0227	For the purposes of a federally funded grant entitled, Drug Free Schools-Administration	418,000
7032-0228	For the purposes of a federally funded grant entitled, Massachusetts AIDS Education Program	375,000
7032-0230	For the purposes of a federal grant entitled, Drug Free Schools-Distribution	8,559,267
7032-0402	For the purposes of a federally funded grant entitled, Chapter I-Administration	1,260,000

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7032-9130	For the purposes of a federally funded grant entitled, Foreign Language Assistance, Distribution	142,800
7032-9131	For the purposes of a federally funded grant entitled, Foreign Language Assistance-Administration	42,599
7033-9401	For the purposes of a federally funded grant entitled, Christa McCauliffe-Administration	1,100
7033-9402	For the purposes of a federally funded grant entitled, Christa McCauliffe-Distribution	36,100
7035-0013	For the purposes of a federally funded grant entitled, Education of the Handicapped-Distribution	4,210,000
7035-0116	For the purposes of a federally funded grant entitled, Chapter I, Education Consolidation and Improvement Act-Distribution	125,000,000
7035-0126	For the purposes of a federally funded grant entitled, Neglected and Delinquent Children	630,000
7035-0136	For the purposes of a federally funded grant entitled, Children in State Adult Correctional Institutions	172,397
7035-0146	For the purposes of a federally funded grant entitled, Migrant Education	5,040,000
7035-0151	For the purposes of a federally funded grant entitled, Homeless Children Youth Exemplary Grant	518,800
7035-0156	For the purposes of a federal grant entitled, Chapter I-Capital Expenses for Private Schools	2,000,000
7035-0157	For the purposes of a federal grant entitled, Chapter I-Program Improvement	567,000
7035-0158	For the purposes of a federally funded grant entitled, Massachusetts Educational Program for Homeless Children	78,000
7035-0166	For the purposes of a federally funded grant entitled, Even Start Family Literacy-Distribution	1,525,000
7035-0167	For the purposes of a federally funded grant entitled, Even Start Family Literacy-Administration	80,000
7035-0316	For the purposes of a federally funded grant entitled, Education of the Handicapped-Distribution	59,307,060
7035-0713	For the purposes of a federally funded grant entitled, Early Childhood Incentive-Administration	380,000
7035-0716	For the purposes of a federally funded grant entitled, Preschool Incentive-Distribution	8,106,000
7035-0718	For the purposes of a federally funded grant entitled, Preschool Incentive-Discretionary	1,420,000
7038-0002	For the purposes of a federally funded grant entitled, Adult Basic Education-Administration	750,000

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7038-0106	For the purposes of a federally funded grant entitled, Adult Basic Education-Distribution	3,823,183
7038-0109	For the purposes of a federally funded grant entitled, Adult Education for the Homeless	72,000
7038-0110	For the purposes of a federally funded grant entitled, Adult Education for the Homeless	546,000
7038-0110	For the purposes of a federally funded grant entitled, Adult Education for the Homeless	546,000
7038-0119	For the purposes of a federally funded grant entitled, Workplace Literary Partnership-Administration	54,000
7038-0193	For the purposes of a federally funded grant entitled, English Literacy Demonstration Program-Distribution	220,500
7038-0194	For the purposes of a federally funded grant entitled, English Literacy Demonstration Program-Administration	24,000
7038-0195	For the purposes of a federally funded grant entitled, State Literacy Resource Centers	338,152
7038-0197	For the purposes of a federally funded grant entitled, Staff Development	295,000
7038-0492	For the purposes of a federally funded grant entitled, Community Driver License Initiative	130,000
7038-0493	For the purposes of a federally funded grant entitled, Workplace Initiative	210,000
7038-9003	For the purposes of a federally funded grant entitled, Community Service-Administration	80,000
7038-9004	For the purposes of a federally funded grant entitled, Mass. Plan for Community Service-Distribution	300,000
7038-9203	For the purposes of a federally funded grant entitled, CNCS American Conservation and Youth Service Corps-Administration	84,500
7038-9204	For the purposes of a federally funded grant entitled, CNCS American Conservation and Youth Service Corps-Distribution	1,035,000
7038-9303	For the purposes of a federally funded grant entitled, CNCS National Demonstration Models-Administration	45,700
7038-9304	For the purposes of a federally funded grant entitled, CNCS National Demonstration Models-Distribution	4,519,121
7038-9724	For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance-Administration	8,000
7038-9746	For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance-Distribution	756,500
7053-2105	For the purposes of a federally funded grant entitled, Special Food Distribution Cash	504,000

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7053-2111	For the purposes of a federally funded grant entitled, Special Milk Program	586,000
7053-2112	For the purposes of a federally funded grant entitled, School Lunch, Section 11-Special Assistance	54,903,598
7053-2113	For the purposes of a federally funded grant entitled, Community School Lunch Program	11,760,000
7053-2114	For the purposes of a federally funded grant entitled, School Breakfast Program	13,715,3000
7053-2117	For the purposes of a federally funded grant entitled, Child Care Food Program	36,000,000
7053-2118	For the purposes of a federally funded grant entitled, School Food Service-Management and Related Activities	132,000
7053-2126	For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance	1,152,400
7053-2202	For the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children	2,800,000
7062-0008	For the purposes of a federally funded grant entitled, Nutrition Program-Administration	2,150,773

HIGHER EDUCATION COORDINATING COUNCIL

AGENCY PROGRAMS: 1) Administration 2) Financial Assistance 3) Assistance to Tufts School of Veterinary Medicine 4) Toxics Use Reduction Institute
5) Universities 6) State Colleges 7) Community Colleges

PROGRAM 1: ADMINISTRATION

State Appropriations

7066-0000	For the administration program 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, and for the operation of the higher education computer network; provided, that notwithstanding the provisions of any general or special law to the contrary, data processing services of the computer network may be rendered to agencies, institutions and other educational organizations in the commonwealth at no expense to said network; provided further, that charges for using said services shall be allocated to said agencies, institutions, and organizations pursuant to a schedule of fees and charges for said services	3,243,253
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7066-0002	For a revenue retention account for the operation of the higher education computer network; provided, that said network is authorized to expend up to one hundred fifty thousand dollars in fees and charges collected for data processing services rendered to agencies, institutions and other educational organizations in the commonwealth	150,000
7066-0005	For the commonwealth's share for the cost of the compact for education	60,500

Federal Appropriations

7066-1966	For the purposes of a federally funded grant entitled, Connectivity to NSFNET-Mass. Public Education	111
7066-1969	For the purposes of a federally funded grant entitled, Higher Education Computer Network Connectivity Project National Science Fund	95,946
7066-6007	For the purposes of a federally funded grant entitled, the Dwight D. Eisenhower Mathematics and Science and Education Act . . .	134,212
7066-6092	For the purposes of a federally funded grant entitled, the Dwight D. Eisenhower Mathematics and Science and Education Act . .	1,808,113
7070-0017	For the purposes of a federally funded grant entitled, State Student Incentive Grant Program	2,341,058
7070-0018	For the purposes of a federally funded grant entitled, Paul Douglas Teacher Scholarship	307,660
7110-9740	For the purposes of a federally funded grant entitled, Upward Bound	165,000

PROGRAM 2: FINANCIAL ASSISTANCE

State Appropriations

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	3,951,135
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- 7070-0032 For the matching student aid component of the financial assistance program which provides matching funds to the supplemental educational opportunity grant program, the college work study program and the Perkins loan program, as determined by the higher education coordinating council 1,569,105
- 7070-0065 For a scholarship program, to provide financial assistance 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; provided further, that not less than ten million dollars shall be made available for the no-interest loan program pursuant to section XXX of this act; provided further, that of said ten million dollars not more than seven hundred thousand dollars be spent for the administration of said program; provided further, that of the sum appropriated herein, not less than one 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 chapter one hundred thirty-three of the acts of nineteen hundred ninety-two; provided further, that the Massachusetts state scholarship office is authorized and directed to expend no less than seven million dollars to provide for the matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing; 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 students awarded full or partial scholarships under the Christian A. Herter memorial scholarship program, as established in section sixteen of chapter fifteen A of the General Laws, 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 state

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	scholarship office is authorized to expend monies for the public service awards, as established in said section sixteen of chapter fifteen A; 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; provided further, that not more than one million twenty-eight thousand seventeen dollars be expended for scholarship administration costs	63,60,665
7077-0010	For the purchase of scientific, technological and other educational reference materials for the libraries of the system of public higher education institutions	11,000,000

PROGRAM 3: ASSISTANCE TO TUFTS SCHOOL OF VETERINARY MEDICINE
State Appropriation

7077-0023	For a contract with the Tufts school of veterinary medicine; provided, that funds appropriated herein shall be expended for supportive veterinary services provided to the commonwealth; and provided further, that prior year costs may be paid from this item	4,450,000
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PROGRAM 4: TOXICS USE REDUCTION INSTITUTE
State Appropriation

7220-0004	For the operation of the toxics use reduction institute program at the university of Massachusetts at Lowell, in accordance with the provisions of chapter twenty-one I of the General Laws; provided, 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, including not more than twenty-three positions	1,464,290
	Toxics Use Reduction Fund	100.0%

PROGRAM 5: UNIVERSITIES
State Appropriations

7100-0200	For the operation of the university of Massachusetts; provided, that, notwithstanding any provision of general or special law	
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to the contrary, the board of trustees shall develop an allocation plan for the amount appropriated herein and shall notify the house and senate committees on ways and means of said plan within forty-five days of the passage of this act; provided further, that no funds shall be expended from this item for the university of Massachusetts at Worcester; provided further, that not less than seventy-five thousand dollars shall be expended for the costs associated with the development of "A Popular History of Work and Labor in Massachusetts", so-called, including, but not limited to, the salary of an archivist; provided further, that not less than two hundred and fifty thousand dollars be expended for the purpose of the Paul E. Tsongas industrial historical center at the university of Massachusetts at Lowell; provided further, that of the sum appropriated herein, not less than one hundred fifty thousand dollars be expended for a college preparation program at the university of Massachusetts at Lowell; provided further, that not less than sixty-nine thousand five hundred and sixty-six dollars be expended for the center for rural Massachusetts at Amherst; provided further, that not less than four hundred twenty-nine thousand dollars be expended for the Massachusetts institute for social and economic research at Amherst to manage the United States census data and provide population estimates and projections; provided further, that four hundred nineteen thousand three hundred and seventy-five dollars be expended for the purposes of the William Joiner center; provided further, that not less than two hundred sixty-two thousand two hundred and eighty-seven dollars be expended for the purposes of the Mauricio Gaston institute of Latino community development and public policy; provided further, that not less than two hundred ninety-nine thousand two hundred and eighty-four dollars be expended for the purposes of research and analytical studies at the Monroe Trotter institute; provided further, that not less than two hundred thousand dollars be expended for the purposes of the institute for Asian-American studies; provided further, that not less than five hundred seventy-four thousand one hundred and thirty dollars be expended for the expense of a gerontology institute; provided further, that of the amount appropriated herein, no less than

one hundred fifty-six thousand six hundred and sixty-three dollars be expended for the endowment of a chair named in honor of the late Frank Manning; provided further, that not less than forty-two thousand dollars shall be obligated for a position within the Boston office of the Massachusetts institute of social and economic research for the evaluation of the commonwealth's eligibility for federal grant programs and for the application for, and acquisition of, any grants made under such programs, and for the marketing and sale of publications and services, to public and private entities, provided by said institute; provided further, that not less than six hundred thirty-seven thousand and ten dollars be expended for the physical education department at the university of Massachusetts at Boston; provided further, that of the sum appropriated herein, not less than nine hundred sixty-eight thousand seven hundred twenty-five dollars shall be expended for the county cooperative extension 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; provided further, that the cooperative extension shall not close any existing cooperative extension office in any county and shall file a report with the clerk of the senate and the clerk of the house of representatives within ninety days of the passage of this act detailing the plan for maintenance of statewide delivery of services; provided further, that said county cooperative extension program shall maintain the same staffing levels as were in effect in fiscal year nineteen hundred and ninety-four; provided further, that not less than twenty thousand dollars be expended for the continuing education program in Attleborough operated by the university of Massachusetts at Dartmouth; provided further, that not less than three hundred forty-three thousand one hundred and thirty-eight dollars be expended for the cranberry experiment station; provided further, that a board of oversight, established in this act, shall be responsible for the purposes of said station; provided further, that not less than three hundred thousand dollars be expended for the John W. McCormack Institute; provided further, that not less than one hundred seventy-nine thousand six hundred and thirty-five dollars be

expended for the Center for Women in Politics and Public Policy at the John W. McCormack Institute of Public Affairs; provided further, that two hundred thousand dollars shall be obligated for the university of Massachusetts economic project, so-called; provided further, that not less than one million, five hundred thousand dollars be expended for the emerging technology centers; pursuant to sections thirty-eight through forty-two, inclusive, of chapter seventy-five of the General Laws as added by section 96 of this act; provided further, that not less than three hundred eighty thousand dollars be obligated for the start-up costs associated with the center of marine environmental science electronic technology and fisheries at the university of Massachusetts at Dartmouth, including a study and model program for artificial reef construction and fisheries development; provided further, that fifty thousand dollars shall be obligated for rural development councils; and provided further, that the board of trustees may require said institutions to provide communication accessibility for the deaf and hard of hearing where necessary 313,113,278

7100-0220 For the operation of the university of Massachusetts at Worcester; provided, that the board of trustees in conjunction with the state health education center at the university of Massachusetts medical center shall 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 expended for the purposes of the area health education centers program, also known as "AHEC"; and provided further, that not less than one hundred thirty-six thousand eight hundred sixteen dollars be expended for the purpose of the state health education center at the medical center; provided further, that the board of trustees of the university shall in consultation with the house and senate committees on ways and means, conduct a study of the medical center at Worcester to determine whether, through efficiencies, economies and increased reliance on other revenue sources, said medical center, consistent with its present purposes, can become financially self supporting or

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can operate with a smaller subsidy than it received in the fiscal year ending June thirtieth, nineteen hundred and ninety-four	24,021,795
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Federal Appropriation

7140-3093 For the purposes of a federally funded grant entitled, Polymer Building Construction UMass Amherst	1,210,118
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PROGRAM 6: STATE COLLEGES

The higher education coordinating council may require the state colleges to provide communication accessibility for the deaf and hard of hearing where necessary.

State Appropriations

7109-0100 For Bridgewater State College	21,173,008
7110-0100 For Fitchburg State College	17,950,531
7112-0100 For Framingham State College; provided, that of the amount appropriated herein, no less than four hundred thousand dollars shall be expended for the Christa McAuliffe center; provided further, that of the amount appropriated herein, no less than ten thousand dollars shall be expended for global education	14,951,822
7113-0100 For North Adams State College	9,881,455
7114-0100 For Salem State College	22,221,056
7115-0100 For Westfield State College	14,119,768
7116-0100 For Worcester State College	14,522,202
7117-0100 For the Massachusetts College of Art	9,190,434
7118-0100 For the Massachusetts Maritime Academy	8,210,432
7119-0100 For a health and welfare reserve for eligible personnel employed at the state colleges	1,000,393

Federal Appropriations

7113-9731 For the purposes of a federally funded grant entitled, Services to Disadvantaged Students	191,781
7113-9740 For the purposes of a federally funded grant entitled, Substance Abuse Prevention	3,000
7114-9714 For the purposes of a federally funded grant entitled, Special Programs for Disadvantaged Students	112,326
7114-9746 For the purposes of a federally funded grant entitled, U.S. Department of Education Upward Bound Program	227,330

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PROGRAM 7: COMMUNITY COLLEGES

The higher education coordinating council may require the community colleges to provide communication accessibility for the deaf and hard of hearing where necessary.

State Appropriations

7502-0100	For Berkshire Community College	6,691,736
7503-0100	For Bristol Community College	8,769,778
7504-0100	For Cape Cod Community College	6,923,380
7504-0101	For the establishment and operation of an Environmental Technology Education and Job Training Partnership through the Cape Cod Community College; provided that the Cape Cod Community College shall coordinate through a partnership with Massachusetts Maritime Academy and University of Massachusetts at Dartmouth; provided further that this initiative shall be conducted at the Massachusetts Military Reservation for the purposes of on-site education and training in the use of alternative technologies to clean up designated Superfund sites; provided further that preference shall be given to local applicants; provided further that the Executive Office of Environmental Affairs and the University of Massachusetts at Dartmouth are hereby authorized and directed to participate in the testing and evaluation of innovative technologies	125,000
	Toxics Use Reduction Fund	100.0%
7505-0100	For Greenfield Community College; provided, that no less than one hundred and ninety-five thousand dollars shall be obligated for the heritage bank building acquired by the Greenfield community college foundation	6,040,152
7506-0100	For Holyoke Community College	10,352,615
7507-0100	For Massachusetts Bay Community College	7,796,267
7508-0100	For Massasoit Community College	13,515,065
7509-0100	For Mount Wachusett Community College	6,657,962
7510-0100	For Northern Essex Community College	11,453,638
7511-0100	For North Shore Community College; provided, that, notwithstanding the provisions of any general or special law to the contrary, of the amount appropriated herein, no less than four hundred and fifty thousand dollars shall be obligated for the associated expenses of maintaining the Massachusetts bay transportation authority parking garage	13,474,939

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7512-0100	For Quinsigamond Community College	8,475,022
7514-0100	For Springfield Technical Community College	15,043,705
7515-0100	For Roxbury Community College; provided, that five hundred twenty-three thousand seven hundred and nineteen dollars shall be obligated for the operation of the Reggie Lewis track and athletic center	8,223,851
7516-0100	For Middlesex Community College	11,741,587
7518-0100	For Bunker Hill Community College; provided, that one hun- dred and two thousand dollars shall be obligated for the life focus center	10,827,075
7520-0423	For a health and welfare reserve for eligible personnel employed at the community colleges	1,180,695

Federal Appropriations

7503-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students	248,025
7503-9714	For the purposes of a federally funded grant entitled, Upward Bound Program	240,000
7505-0520	For the purposes of a federally funded grant entitled, Cooper- ative Education Payroll	58,431
7505-0530	For the purposes of a federally funded grant entitled, Other Sub- stance Abuse Prevention Payroll	20,840
7505-0560	For the purposes of a federally funded grant entitled, Title III- Strengthening Institutions	145,000
7508-9745	For the purposes of a federally funded grant entitled, Title III- Institutional Aid Program	334,248
7509-9714	For the purposes of a federally funded grant entitled, Special Services Disadvantaged	227,396
7509-9716	For the purposes of a federally funded grant entitled, IAP- Strengthening Institutions	250,000
7509-9834	For the purposes of a federally funded grant entitled, College Work Study	100,000
7510-9731	For the purposes of a federally funded grant entitled, Special Services	204,750
7510-9734	For the purposes of a federally funded grant entitled, Federal Cooperative Education Grant	52,500
7511-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students	320,000
7511-9713	For the purposes of a federally funded grant entitled, IAP- Strengthening Institutions Program	350,000

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7511-9715	For the purposes of a federally funded grant entitled, Prevention an all College Imperative	30,000
7511-9716	For the purposes of a federally funded grant entitled, Teaching Literature Using Multimedia	90,000
7511-9740	For the purposes of a federally funded grant entitled, Upward Bound	320,000
7512-9726	For the purposes of a federally funded grant entitled, Title III- Strengthening Institutions Program	199,874
7514-9720	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students Project	168,936
7514-9721	For the purposes of a federally funded grant entitled, Coopera- tive Education Program	12,827
7514-9745	For the purposes of a federally funded grant entitled, STCC Health Career Center	179
7515-9726	For the purposes of a federally funded grant entitled, Title III- Institutional Aid Program Part A Strengthening	9,481
7515-9746	For the purposes of a federally funded grant entitled, Learning to Learn	108,882
7518-9747	For the purposes of a federally funded grant entitled, Student Literacy Corps Program	200,000
7518-9748	For the purposes of a federally funded grant entitled, Student Support Services	170,000

**HIGHER EDUCATION COORDINATING COUNCIL
PROGRAM DETAIL**

Stanley Z. Koplik, Chancellor

AGENCY MISSION: To offer the residents of the Commonwealth and other individuals the opportunity of an affordable, quality higher education in the field of their choice.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c. 15A § 4

AGENCY PROGRAMS: 1) Administration 2) Financial Assistance 3) Assistance to Tufts School of Veterinary Medicine 4) Toxics Use Reduction Institute 5) Universities 6) State Colleges 7) Community Colleges

PROGRAM 1: ADMINISTRATION

LINE ITEMS: 7066-0000, 7066-0002, 7066-0005

STATE APPROPRIATION: \$3,453,753

PROGRAM MISSION: To provide administrative, budgetary, legal, policy, technical and academic program support to the council and the public higher education institutions of the Commonwealth.

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Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process for monitoring and improving program performance.	1. Program improvements and enhancements produced by the performance review process.	1. TBR
2. Respond to information requests from the general public, higher education students, other state agencies, and the Legislature.	2. Requests responded to within 48 hours.	2. 100%
3. Provide information on law enforcement officer higher education performance relative to the Quinn Bill, so-called.	3a. Officers enrolled in institutions of higher education through this program.	3a. TBR
	3b. Officers graduating from the program.	3b. TBR
4. Evaluate new degree programs.	4a. Evaluations conducted.	4a. 10
	4b. Degree programs approved.	4b. TBR
5. Conduct computer network training courses for campus personnel.	5a. Courses offered.	5a. 25
	5b. Personnel completing training.	5b. 500

PROGRAM 2: FINANCIAL ASSISTANCE

LINE ITEMS: 7070-0031, 7070-0032, 7070-0065, 7077-0010

STATE APPROPRIATION: \$80,170,905

PROGRAM MISSION: To provide financial assistance to residents of the commonwealth currently enrolled in public and private institutions of higher education.

Program Objectives	Performance Measures	Expected Outputs
1. Examine applications and award financial assistance to students through the 1) General Scholarship, 2) Herter Scholarship, and 3) Public Service Scholarship.	1a. Applications received, by scholarship program.	1a.1 125,000 1a.2 150 1a.3 70
	1b. Students receiving aid, by scholarship program.	1b.1 35,227 1b.2 60 1b.3 155
	1c. Average grant award, by scholarship program.	1c.1 \$1,100 1c.2 \$1,612 1c.3 \$1,612
	1d. Average financial assistance award per student attending public compared to private institutions, by scholarship program.	1d. TBR
2. Provide grants through the Gilbert Grant Program.	2a. Independent higher education institutions receiving grants.	2a. TBR
	2b. Block grant amount awarded to each participating institution.	2b. TBR

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	2c.	Number of eligible Massachusetts residents receiving an award at each participating institution.	2c.	TBR
	2d.	Average award received by eligible Massachusetts residents at each participating institution.	2d.	TBR
3.	3a.	Students receiving aid.	3a.	TBR
Provide no interest loans to students who are ineligible for state and/or federal financial assistance.	3b.	Average student financial assistance award.	3b.	TBR
	3c.	Average financial assistance award per student attending public compared to private institutions.	3c.	TBR
4.	4a.	Students applying for aid.	4a.	TBR
Furnish financial assistance and supportive services to disadvantaged students at public education institutions in Massachusetts under the McNair program	4b.	Students receiving aid.	4b.	TBR
	4c.	Average student financial assistance award.	4c.	TBR
	4d.	Students receiving support services through faculty and peer interaction programs.	4d.	TBR
5.	5a.	Public institutions participating in each program.	5a.1	29
Manage the 1) Supplemental Education Opportunity Grant, 2) College Work Study and 3) Perkins loan programs.	5b.	Public higher education matching funds.	5b.1	\$1,913,969
			5b.2	\$2,851,022
			5b.3	\$536,961
	5c.	Total federal matching funds for each program.	5c.1	\$5,795,904
			5c.2	\$2,851,022
			5c.3	\$1,610,884
	5d.	Students participating in College Work Study.	5d.	12,300
	5e.	Students receiving Perkins Loans.	5e.	7,000

PROGRAM 3: ASSISTANCE TO TUFTS SCHOOL OF VETERINARY MEDICINE

LINE ITEMS: 7077-0023

STATE APPROPRIATION: \$4,450,000

PROGRAM MISSION: To provide state assistance to the Tufts Veterinary Medicine program in return for veterinary services provided to the Commonwealth.

Program Objectives	Performance Measures	Expected Outputs
1. Offer veterinary support to state agencies.	1. State agencies receiving veterinary services.	1. TBR
2. Complete diagnostic evaluations through the Small Animal Teaching Hospital program.	2. Evaluations completed.	2. 14,000

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| 3. Treat wild animals through the Wildlife Health and Management program. | 3. Animals treated. | 3. 1,100 |
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PROGRAM 4: TOXICS USE REDUCTION INSTITUTE

LINE ITEMS: 7220-0004

STATE APPROPRIATION: \$1,464,290

PROGRAM MISSION: To maintain a research and training facility at the University of Massachusetts at Lowell which provides educational and training programs in toxics use reduction for professionals, students and the public.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c. 211 § 6

Program Objectives	Performance Measures	Expected Outputs
1. Conduct toxics use reduction planner courses and organize conferences and seminars on environmentally appropriate production.	1a. Number attending planner courses. 1b. Graduates of class who pass the state certification exam. 1c. Professional conferences on environmentally appropriate production. 1d. Specialized training classes for the Department of Environmental Protection and other interested parties.	1a. TBR 1b. 95% 1c. 2 1d. 20
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.	2. New university-based research projects on alternatives policies, practices, materials or industrial processes identified, assessed and designed.	2. 10
3. Develop statewide university and industry based research centers consortium to conduct research in toxics use reduction.	3. New industry and university collaborative research programs.	3. 6
4. Provide research, consultation, and educational support to the state divisions implementing the Toxics Use Reduction Act Program.	4. Newsletters and reports published to provide direct information and outreach to 1,000 firms and organizations.	4. 6

PROGRAM 5: UNIVERSITIES

LINE ITEMS: 7100-0200, 7100-0220

STATE APPROPRIATION: \$337,135,073

PROGRAM MISSION: To offer a quality undergraduate through graduate level education in the liberal arts and science fields.

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The following program objectives, performance measures, and expected outputs are to be reported by campus.

Program Objectives	Performance Measures	Expected Outputs
1. Provide post secondary educational opportunities to qualified candidates through the doctorate degree level.	1a. Average SAT score of incoming freshmen.	1a. 936
	1b. Students scoring above 50th percentile on the SAT.	1b. 60%
	1c. Incoming freshmen in the top 10th, 25th, and 50th percentile of high school class.	1c. TBR
	1d. Applications received.	1d. TBR
	1e. Applications accepted.	1e. TBR
	1f. Students enrolled per semester.	1f. 57,600
	1g. Students graduating from the university.	1g. TBR
	1h. Faculty with Ph.D.'s.	1h. TBR
	1i. Minimum student/faculty ratio.	1i. TBR
	1j. Instructional spending per student.	1j. TBR
	1k. Total spending per student.	1k. TBR
	1l. Graduation rate of students.	1l. TBR
	1m. Freshman retention rate.	1m. TBR

PROGRAM 6: STATE COLLEGES

LINE ITEMS: 7109-0100 through 7119-0100

STATE APPROPRIATION: \$133,221,101

PROGRAM MISSION: To provide educational programs, research, extension and continuing education services in the liberal arts, fine arts, and applied arts and sciences through the master's level with a major focus on teaching, in fields and professions which meet state and regional needs.

The following program objectives, performance measures, and expected outputs are to be reported by campus.

Program Objectives	Performance Measures	Expected Outputs
1. Provide post secondary education opportunities to qualified candidates through the masters degree level.	1a. Average SAT score of incoming freshmen.	1a. 885
	1b. Students scoring above 50th percentile on the SAT.	1b. TBR
	1c. Incoming freshmen in the top 10th, 25th, and 50th percentile of high school class.	1c. TBR
	1d. Applications received.	1d. TBR
	1e. Applications accepted.	1e. TBR

1e. Students enrolled in state colleges per semester.	1e. 44,800
1f. Students graduating from state colleges.	1f. TBR
1g. Faculty with Ph.D.'s.	1g. TBR
1h. Minimum student/faculty ratio.	1h. TBR
1i. Instructional spending per student.	1i. TBR
1j. Total spending per student.	1j. TBR
1k. Graduation rate of students.	1k. TBR
1l. Freshman retention rate.	1l. TBR

PROGRAM 7: COMMUNITY COLLEGES

LINE ITEMS: 7502-0100 through 7520-0423

STATE APPROPRIATION: \$147,292,467

PROGRAM MISSION: To offer degree and non-degree programs through the associate degree level and to provide credit and non-credit career and occupational programs.

The following program objectives, performance measures, and expected outputs are to be reported by campus.

Program Objectives	Performance Measures	Expected Outputs
1. Provide career enhancement opportunities through the associate degree level.	1a. Students enrolled in community colleges by degree, non-degree, credit, and non-credit programs.	1a. TBR
	1b. Students graduating from community colleges.	1b. TBR
	1c. Minimum student/faculty ratio.	1c. TBR
	1d. Instructional spending per student.	1d. TBR
	1e. Total spending per student.	1e. TBR

EXECUTIVE OFFICE OF PUBLIC SAFETY
EXECUTIVE OFFICE
State Appropriations

8000-0000	For the office of the secretary	590,260
	Highway Fund	85.0%
	General Fund	15.0%
8000-0010	For community policing grants to be administered by the executive office of public safety to be awarded to cities and towns which have experienced severe health and safety problems as a result of having increased gang activity and street violence; provided, that any city or town which received a grant from this item in fiscal year nineteen hundred and ninety-four shall	

receive at least the same amount of grant funding from this item in fiscal year nineteen hundred and ninety-five; provided further, that no funds shall be awarded to the department of state police; provided further, that monies awarded by said executive office of public safety may include grants made for community policing in state-aided public housing developments; and provided further, that not later than September fifteenth, nineteen hundred and ninety-four, the executive office of public safety shall submit a report detailing the amount of grants awarded to said cities and towns and state-aided public housing developments and descriptions of said grants to the house and senate committees on ways and means 5,000,000

Local Aid Fund 100.0%

8000-0011 For a reserve for community policing grants to be administered by the executive office of public safety to be awarded to those cities named herein which have experienced extraordinary health and safety problems as a result of having increased gang activity and street violence; provided, that not less than one million five hundred thousand dollars shall be made available to the city of Boston; provided further, that said monies awarded to the city of Boston may include funding for community policing in state-aided Boston housing authority public housing developments; provided further, that one million dollars shall be awarded on a competitive basis for new grant proposals; provided further, that not more than sixty thousand dollars shall be provided for the safe city program, so-called, in the city of Lynn; provided further, that the remaining balance shall be awarded by the executive office of public safety to the cities of Brockton, Cambridge, Chelsea, Chicopee, Fall River, Haverhill, Holyoke, Lawrence, Lowell, Lynn, Methuen, New Bedford, Pittsfield, Revere, Somerville, Springfield, and Worcester pursuant to the review and approval of grant proposals submitted by said cities to the executive office of public safety; and provided further, that not later than September fifteenth, nineteen hundred and ninety-four, the executive office of public safety shall submit a report detailing the amount of grants awarded to said grant recipients and descriptions of said grants to the house and senate committees on ways and means 6,160,000

Local Aid Fund 100.0%

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8000-0020	For the statewide emergency telecommunications board; provided, that the board shall collect an amount equivalent to the direct and indirect costs related to the board pursuant to section eighteen F of chapter six A of the General Laws, as inserted by chapter two hundred ninety-one of the acts of nineteen hundred and ninety	301,452
	Local Aid Fund	100.0%
8000-0040	For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers; provided, that a special commission to be comprised of three members of the house committee on ways and means and two members of the senate committee on ways and means and one member of the house committee on public safety and one member of the senate committee on public safety is hereby established, authorized, and directed to study the merits of and the fiscal impact, if any, on the commonwealth of providing full reimbursement under said program; and, provided further, that said commission shall report its findings to the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and ninety-four	11,500,000
	Local Aid Fund	100.0%
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

OFFICE OF CHIEF MEDICAL EXAMINER

State Appropriation

8000-0105	For the chief medical examiner pursuant to chapter thirty-eight, as amended by section two of chapter three hundred sixty-eight of the acts of nineteen hundred and ninety-two	3,089,691
	Local Aid Fund	50.0%
	General Fund	50.0%

CRIMINAL HISTORY SYSTEMS BOARD

State Appropriation

8000-0110	For the criminal history systems board; provided, that said board is hereby directed to collect four hundred thousand dollars in	
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revenue from record check fees for the purpose of implementing the provisions of chapter three hundred and nineteen of the acts of nineteen hundred and ninety	3,916,183
Highway Fund	50.0%
Local Aid Fund	50.0%

BOARD OF BUILDING REGULATIONS AND STANDARDS
State Appropriations

8000-0160 For the operation of the state board of building regulations and standards, for the purpose of implementing and enforcing the provisions of sections ninety-three through one hundred of chapter one hundred forty-three of the General Laws	354,594
8000-0161 For the registration and license of home improvement contractors as established by chapter four hundred fifty-three of the acts of nineteen hundred and ninety-one	109,277

ARCHITECTURAL ACCESS BOARD
State Appropriation

8000-0500 For the architectural access board	186,669
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DEPARTMENT OF STATE POLICE
State Appropriations

8100-0000 For the administration and operation of the department of state police; provided, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not less than forty officers shall be provided to the metropolitan district commission division of watershed management for the purpose of patrolling the watershed property of the commission; provided further, that the department shall enter into an interagency agreement with the metropolitan district commission to provide police coverage on commission properties and parkways; and provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the division of environmental law enforcement of the department of fisheries, wildlife, and environmental law enforcement at no cost to, or compensation from, said division ..	124,351,249
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Highway Fund	88.2%
Local Aid Fund	9.5%
General Fund	2.3%

- 8100-0006 For state police private details, so-called; provided, that the department is hereby authorized to expend revenues collected up to fourteen million dollars from fees charged for private police details 14,000,000
- 8100-0007 For overtime of state police officers; provided, that not less than two hundred twenty-nine thousand five hundred sixteen dollars shall be expended at the direction of the Suffolk district attorney; provided further, that not less than two hundred ninety-six thousand four hundred dollars shall be expended at the direction of the Middlesex district attorney; provided further, that not less than two hundred eighty-two thousand seven hundred thirty-four dollars shall be expended at the direction of the Essex district attorney; provided further, that not less than two hundred ninety-eight thousand six hundred sixty dollars shall be expended at the direction of the middle county district attorney; provided further, that not less than one hundred thirty-three thousand five hundred seventy dollars shall be expended at the direction of the western district attorney; provided further, that not less than one hundred fifteen thousand five hundred seventy dollars shall be expended at the direction of the northwestern district attorney; provided further, that not less than three hundred ten thousand seven hundred forty-five dollars shall be expended at the direction of the Norfolk district attorney; provided further, that not less than two hundred seventeen thousand six hundred thirty-three dollars shall be expended at the direction of the Plymouth district attorney; provided further, that not less than one hundred seventy-four thousand nine hundred ninety-eight dollars shall be expended at the direction of the Bristol district attorney; provided further, that not less than one hundred eighty thousand five hundred twenty dollars shall be expended at the direction of the Cape and Islands district attorney; provided further, that not less than seventy thousand seven hundred nineteen dollars shall be expended at the direction of the Berkshire district attorney; and provided further, that not less than four hundred sixty thousand one hundred forty-one dollars shall be expended at the direction

of the office of the attorney general; provided further, that the balance of this appropriation may be expended for the overtime costs incurred by the department; provided further, that the department shall ensure that the several district attorneys and the office of the attorney general receive sufficient funds from this item to meet all overtime demands; and provided further, that the state police shall provide monthly reports to each district attorney's office delineating the amount of overtime hours used, the cost of said overtime, the amount of overtime dollars spent to date and the amount of available overtime dollars for said district attorney's office

	.....	12,772,192
	Highway Fund	88.2%
	Local Aid Fund	9.5%
	General Fund	2.3%
8100-0100	For the administration and operation of the crime laboratory; provided, that the secretary of public safety is directed to establish a satellite western Massachusetts crime laboratory to be located at the Agawam criminal justice training council; and provided further, not less than one hundred fifty thousand dollars shall be made available for said western Massachusetts crime laboratory.	1,426,479
	Highway Fund	88.2%
	Local Aid Fund	9.5%
	General Fund	2.3%
8100-0150	For the administration and operation of an automated fingerprint identification system	526,636
	Highway Fund	88.2%
	Local Aid Fund	9.5%
	General Fund	2.3%
8100-0200	For the administration and operation of a motor carrier safety assistance program	502,362
	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 and 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

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Highway Fund	85.0%
General Fund	15.0%

Federal Appropriations

8100-2058	For the purposes of a federally funded grant entitled, N.E.S.P.A.C.-Regional Investigation	1,518,962
8100-9706	For the purposes of a federally funded grant entitled, Cannabis Eradicate/Controlled Substance Prosecution DEA Agreement 21	55,289

CRIMINAL JUSTICE TRAINING COUNCIL

State Appropriation

8200-0200	For the administration and operation of programs to be conducted by the Massachusetts criminal justice training council	2,372,476
	Local Aid Fund	100.0%

DEPARTMENT OF PUBLIC SAFETY

AGENCY PROGRAMS: 1) Administration 2) Bureau of Special Investigations 3) Division
of Fire Prevention 4) Underground Storage Tank 5) Division of Inspections
PROGRAM 1: ADMINISTRATION

State Appropriation

8311-1000	For the administration program of the department and the imple- mentation of chapter four hundred eighty-five of the acts of nineteen hundred and ninety-one	812,886
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PROGRAM 2: BUREAU OF SPECIAL INVESTIGATIONS

State Appropriation

8312-1000	For the administration of the bureau of special investigations; provided, that investigative positions for the front-end detec- tion program shall not be subject to the provisions of chapter thirty-one of the General Laws	5,088,802
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PROGRAM 3: DIVISION OF FIRE PREVENTION

State Appropriation

8314-1000 For the fire prevention program; provided, that one hundred thousand dollars 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, shall be paid from this item; and provided further, that the expenses of the fire safety commission shall be paid from this item 370,725

PROGRAM 4: UNDERGROUND STORAGE TANK PROGRAM

State Appropriations

8314-1100 For the underground storage tank program and the administrative expenses associated with the implementation of chapter twenty-one J; provided, that notwithstanding the provisions of section four of said chapter twenty-one J or any other general or special law to the contrary, appropriations made herein shall be sufficient to cover said administrative expenses of the underground storage tank program 462,660

Underground Storage Tank Petroleum
Product Cleanup Fund 100.0%

8314-1200 For the reimbursement component of the underground storage tank program, for the purposes of reimbursing parties who have cleaned up spills of petroleum products pursuant to chapter twenty-one J of the General Laws 4,500,000

Underground Storage Tank Petroleum
Product Cleanup Fund 100.0%

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8314-1300	For the administrative review board component of the underground storage tank program pursuant to chapter twenty-one J of the General Laws	861,030
	Underground Storage Tank Petroleum	
	Product Cleanup Fund	100.0%
8314-1400	For the municipal grants component of the underground storage tank program, administered pursuant to section two of chapter twenty-one J of the General Laws and section thirty-seven A of chapter one hundred forty-eight of the General Laws, for the purposes of removing and replacing underground storage tanks	1,500,000
	Underground Storage Tank Petroleum	
	Product Cleanup Fund	100.0%

Federal Appropriation

8314-9707	For the purposes of a federally funded grant entitled, Underground Storage Tank Registry Program	162,500
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PROGRAM 5: DIVISION OF INSPECTIONS

State Appropriation

8315-1000	For the division of inspection program; provided, that the expenses of the state boxing commission shall be paid from this item; provided further, that not less than thirty thousand dollars shall be made 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 the department shall hire an additional engineer inspector; provided further, that said inspector's duties shall include, but not be limited to administering pipe fitter license examinations; 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; provided further, that the division shall inspect all elevators in the State	
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House, McCormack and Saltonstall office buildings; and provided further, that not later than September first, nineteen hundred and ninety-four, the secretary of administration and finance is hereby authorized and directed to file with the house and senate committees on ways and means a report detailing the level of resources necessary to carry out the provisions of chapters one hundred forty-three and one hundred forty-six of the General Laws 3,477,386

DEPARTMENT OF PUBLIC SAFETY
PROGRAM DETAIL
Larry F. Giordano, Commissioner

AGENCY MISSION: To oversee and administer the bureau of firearms records, the bureau of special investigations, the division of fire prevention and regulation, the underground storage tank program, and the division of inspections.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c. 22 § 12

AGENCY PROGRAMS: 1) Administration 2) Bureau of Special Investigations 3) Division of Fire Prevention 4) Underground Storage Tank 5) Division of Inspections

PROGRAM 1: ADMINISTRATION

LINE ITEMS: 8311-1000

STATE APPROPRIATION: \$812,886

PROGRAM MISSION: To provide administrative support services to the divisions of the department and to process records for firearms identification cards, licenses to carry, and gun sales..

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process for monitoring and improving program performance.	1. Program improvements and enhancements produced by the performance review process.	1. TBR
2. Process firearms records for gun sales and registration, firearms identification cards and license information.	2. Firearms records processed annually.	2. 225,000
3. Maintain accurate and up-to-date database of firearms records.	3a. Backlogged gun sales records entered. 3b. Accuracy of all data entered. 3c. Backlog of current year records.	3a. 700,000 3b. 100% 3c. TBR

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| 4. Provide assistance and fire-arms records information to the department of state police and local police department upon request. | 4. Information and assistance requests handled annually. | 4. TBR |
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PROGRAM 2: BUREAU OF SPECIAL INVESTIGATIONS

LINE ITEMS: 8312-1000

STATE APPROPRIATION: \$5,088,802

PROGRAM MISSION: To investigate welfare fraud and implement a statewide front-end detection program.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c. 7 § 30R

Program Objectives	Performance Measures	Expected Outputs
1. Investigate welfare fraud.	1a. Cases investigated.	1a. 12,000
	1b. Cases resulting in a reduction or elimination of welfare benefits.	1b. 9,000
	1c. Fraudulent benefits identified.	1c. TBR
	1d. Monies collected.	1d. \$5,500,000
2. Implement an expanded front-end detection program.	2a. Cases identified for possible fraud.	2a. 6,000
	2b. Cases investigated within 2 weeks.	2b. 100%
	2c. Cases determined to be fraudulent.	2c. 48-53%
	2d. Costs avoided.	2d. \$40,000,000

PROGRAM 3: DIVISION OF FIRE PREVENTION

LINE ITEMS: 8314-1000

STATE APPROPRIATION: \$370,725

PROGRAM MISSION: To promulgate a comprehensive statewide fire safety code and to provide enforcement of the fire safety code through public education, investigation, regulation, and technical assistance to local fire departments.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c. 22 § 4

Program Objectives	Performance Measures	Expected Outputs
1. Conduct fire safety investigations and inspections.	1. Investigations and inspections conducted annually.	1. 1,700
2. Provide research services and technical assistance to the state police, local fire investigators and the State Fire Marshall.	2. Percentage increase of technical assistance provided over previous fiscal year.	2. 25%

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PROGRAM 4: UNDERGROUND STORAGE TANK PROGRAM

LINE ITEMS: 8314-1100, 8314-1200, 8314-1300, 8314-1400

STATE APPROPRIATION: \$7,323,690

PROGRAM MISSION: To regulate all underground storage tanks and appurtenances which contain flammable or combustible fluids.

STATUTORY REFERENCES Enabling Statute, M.G.L. c. 21J

Program Objectives	Performance Measures	Expected Outputs
1. Investigate and review claims for reimbursement of monies for leaking tanks.	1a. Claims for reimbursement of leaking tanks processed annually. 1b. Claims investigated and reviewed within 2 weeks. 1c. Cleanup claims approved annually.	1a. 1,000-1,200 1b. 100% 1c. TBR
2. Reimburse cleanup costs of petroleum products spills.	2a. Dollar amount of approved claims. 2b. Average time to reimburse claims.	2a. \$9,000,000 2b. TBR
3. Replace leaking municipal underground storage tanks and reimburse costs for removal and replacement.	3a. Municipalities requesting removal and replacement. 3b. Grants made to replace storage tanks. 3c. Dollar amount of approved claims. 3d. Average time to reimburse claims.	3a. 300 3b. TBR 3c. \$3,000,000 3d. TBR

PROGRAM 5: DIVISION OF INSPECTIONS

LINE ITEMS: 8315-1000

STATE APPROPRIATION: \$3,477,386

PROGRAM MISSION: To provide enforcement of the state building code through building inspections, engineering services and elevator inspections.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c. 22 § 4A

Program Objectives	Performance Measures	Expected Outputs
1. Provide technical assistance to local inspectors.	1. Inspectors assisted.	1. 300-650
2. Perform inspections for buildings.	2. Certificates issued.	2. 1,000
3. Issue building permits.	3. Permits issued annually.	3. 250-500
4. Inspect and issue elevator licenses.	4a. Elevators inspected compared to total number of elevators to be inspected. 4b. Average lag between inspection expiration and actual inspection. 4c. Elevator licenses issued.	4a. 18,000/28,000 4b. TBR 4c. 507
5. Inspect air tanks, boilers, refrigeration/air conditioning systems.	5. Inspections performed annually.	5. 3,000

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6. License professional trades- persons.	6. Exams administered annually.	6. 6,000
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MASSACHUSETTS FIREFIGHTING ACADEMY
State Appropriation

8350-0100 For the fire training program including the Massachusetts fire training council, certification program, municipal and non-municipal fire training, and the expenses of the council; 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, shall not exceed two million six hundred eighty-six thousand one hundred thirty-two dollars per fiscal year; provided further, that not less than forty-eight thousand nine hundred and ninety-two dollars shall be available for the community-based fire prevention program in the Fall River area; provided further, that the funds necessary to support this item 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; and provided further, that the secretary for 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, and shall explain the derived savings to the Local Aid Fund by not hiring said personnel in this item 2,686,132
Local Aid Fund 100.0%

REGISTRY OF MOTOR VEHICLES
State Appropriations

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

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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 registry computer, which reflects the proportionate use of said computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section one hundred eighty-three of chapter six of the General Laws; and provided further, that the registry shall operate an office in Fall River 36,761,924

Highway Fund 100.0%

8400-0024 Notwithstanding the provisions of section two of chapter two hundred 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 cost 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 eighty, and shall not affect or alter the amounts of payments to cities and towns pursuant to said section two of chapter two hundred eighty 2,300,000

8400-0050 For the registry of motor vehicles' rent at Ruggles Station 4,646,548
Highway Fund 100.0%

Federal Appropriation

8400-0052 For the purposes of a federally funded grant entitled, International Registration Plan-Registry of Motor Vehicles 77,551

MERIT RATING BOARD

State Appropriations

8400-0100 For the safe driver insurance plan program authorized by chapter six of the General Laws; provided, that as of January first, nineteen hundred eighty-five, notwithstanding the provisions of 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 noncriminal, motor vehicle traffic violations as described in chapter ninety C of the General Laws 4,225,657

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	Highway Fund	100.0%	
8400-0150	For the merit rating board's rent at Ruggles Station		560,000
	Highway Fund	100.0%	

COMMITTEE ON CRIMINAL JUSTICE

State Appropriation

8600-0001	For the administration of the committee on criminal justice	318,897
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Federal Appropriations

8600-0002	For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act Planning	98,300
8600-0003	For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act	884,700
8600-0008	For the purposes of a federally funded grant entitled, Drug Free Schools and Communities Act of 1986	1,957,206
8600-0009	For the purposes of a federally funded grant entitled, Narcotics Control Assistance	5,000,000
8600-0010	For the purpose of a federally funded grant entitled, Statistical Analysis Center	100,000
8600-0015	For the purposes of a federally funded grant entitled, Weed and Seed for Chelsea	300,000
8600-0018	For the purposes of a federally funded grant entitled, Closed-Circuit Televising of Testimony of Children who are Victims of Abuse	38,462

MILITARY DIVISION

State Appropriations

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; provided, that 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	3,316,869
	General Fund	50.0%
	Local Aid Fund	50.0%

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8700-0100	For a reserve to meet the Commonwealth's contribution to defray the costs of the one hundred sixteenth national guard association of the United States general conference held September first through September fifth, nineteen hundred and ninety-four; provided, that no funds shall be expended from this item until the expenses have been reviewed and certified by the state auditor	125,000
	General Fund	50.0%
	Local Aid Fund	50.0%
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 non-military rental or use of armories for the costs of utilities and maintenance and up to a maximum of one hundred ten thousand dollars received from assessments made to the federal government for the use of telephones	185,000

MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY
State Appropriations

8800-0001	For the emergency management operations 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 less than twenty-two thousand dollars shall be available for the fuel, insurance, equipment, maintenance and miscellaneous expenses to sustain the operation of the Massachusetts civil air patrol for aerial surveillance of Massachusetts and other 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; and provided further, that not less than seventy-five thousand dollars shall be made available for the FEMA multi-hazard program, so-called, provided however, that there is at least a one hundred percent match by the federal government	677,649
	Local Aid Fund	100.0%
8800-0100	For the nuclear safety preparedness program of the Massachusetts emergency management agency; provided, that the costs of this effort, including fringe benefits and indirect costs, shall be assessed upon nuclear regulatory commission licens-	

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ees operating nuclear power generating facilities in the commonwealth; provided further, that the department of public utilities shall develop an equitable method of apportioning said assessments among said licensees; 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 403,719

Local Aid Fund 100.0%

8800-0200 For the Seabrook nuclear safety preparedness program; provided, that the cost of this item be assessed on 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 thirty-nine of the acts of nineteen hundred and fifty, as added by section twenty-four of chapter seven hundred and ninety-six of the acts of nineteen hundred and seventy-nine, include communities located within the commonwealth and shall be credited to the General Fund; provided further, that the director of the Massachusetts emergency management agency may enter into agreements for up to one hundred thousand dollars with other state agencies for environmental monitoring; provided further, that for the purposes of this item 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; and provided further, that the term electric company shall not include municipalities or municipal light plants 277,300

Federal Appropriations

8800-0003 For the purposes of a federally funded grant entitled, Emergency Management Assistance-Personnel and Administrative Expenses 1,550,482

8800-0004 For the purposes of a federally funded grant entitled, Emergency Management Assistance-Distribution to Cities and Towns .. 715,392

8800-0005 For the purposes of a federally funded grant entitled, Disaster Preparedness Assistance 52,914

8800-0006 For the purposes of a federally funded grant entitled, Radiological Systems Maintenance 196,686

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8800-0007	For the purposes of a federally funded grant entitled, Radio-logical Defense Officer	70,000
8800-0008	For the purposes of a federally funded grant entitled, Popula-tion Protection Planning Program	284,570
8800-0009	For the purposes of a federally funded grant, entitled, Emergen-cy Management Training-State/Local Personnel	103,000
8800-0010	For the purposes of a federally funded grant entitled, Earthquake Loss Study	89,515
8800-0019	For the purposes of a federally funded grant entitled, Superfund Amendment and Reauthorization Acts of 1986	82,000
8800-0020	For the purposes of a federally funded grant entitled, Communi-cation Warning Systems	152,000
8800-0023	For the purposes of a federally funded grant entitled SERC Emer-gency Response	10,810
8800-0025	For the purposes of a federally funded grant entitled, Hurricane Bob-Public Assistance	1,600,000
8800-0026	For the purposes of a federally funded grant entitled, Coastal Storm-Public Assistance Major Coastal Storm 10/30/91-11/02/91	2,000,000
8800-0035	For the purposes of a federally funded grant entitled, Hazard-ous Materials Response Exercise	847
8800-0037	For the purposes of a federally funded grant entitled, 404 Hazard Mitigation 914	1,460,000
8800-0038	For the purposes of a federally funded grant entitled, Surviv-al Crisis Management	67,000
8800-0039	For the purposes of a federally funded grant entitled, Urban Search and Rescue	45,000
8800-0040	For the purposes of a federally funded grant entitled, Winter Coastal Storm 12/11/92-12/13/92 Public Assistance	500,000
8800-0042	For the purposes of a federally funded grant entitled, Hazard-ous Materials Transportation Act	44,704

GOVERNOR'S HIGHWAY SAFETY BUREAU
State Appropriations

8850-0001	For the highway safety program to provide matching funds for a federal planning and administration grant pursuant to section two hundred and seven (d) of the Governor's Highway Transportation Act of nineteen hundred and seventy-eight	116,473
	Highway Fund	100.0%

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8850-0015	For the expenses of the motorcycle safety program	308,788
	Motorcycle Safety Fund	100%

Federal Appropriations

8850-0003	For the purposes of a federally funded grant entitled, Highway Safety Program-Administrative and Planning Expenses	15,114
8850-0004	For the purposes of a federally funded grant entitled, State Agency Programs	4,510,367
8850-0008	For the purposes of a federally funded grant entitled, Evalua- tion of Massachusetts Saving Lives	50,000
8850-0009	For the purposes of a federally funded grant entitled, Massa- husetts Occupant Protection Plan	2,196

DEPARTMENT OF CORRECTIONS

State Appropriations

8900-0001 For the administration and operation of the commonwealth's correctional facilities; provided, that notwithstanding the provisions of 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-five shall contain an increase in roll call pay for corrections officers; provided further, that the commissioner of correction is hereby authorized to transfer funds appropriated in item 8900-0002 in section two of this act to ensure that there are sufficient funds to meet administrative and operational costs; provided further, that any such transfer shall not cause a deficiency in said item 8900-0002; provided further, that said commissioner shall notify the house and senate committees on ways and means if such transfer is made; provided further, that the department shall conduct a study of the institutional needs and existing services of pregnant and substance abusing women prisoners and report such findings to the house and senate committees on ways and means by December thirty-first, nineteen hundred and ninety-four; provided further, that the department shall conduct a study of pre-release programs, work release programs, and pre-release facilities as part of said study; provided further, that the department shall conduct public hearings in each community where a pre-release facility is located to receive input and concerns from residents

	of said communities regarding said facilities and programs; and provided further, that the department shall file a report of the results of said study with the clerk of the house of representatives and the clerk of the senate by December thirty-first, nineteen hundred and ninety-four	230,996,984
8900-0002	For the administration of the department; provided, that the persons employed under the division of classification of prisoners shall not be subject to the civil service law and rules; provided further, that notwithstanding any provisions of law to the contrary, the director of civil service shall certify to the commissioner of correction, on receipt of permanent requisitions, names of correction officers to fill permanent vacancies; provided further, that the commissioner of correction is hereby authorized to transfer funds to item 8900-0001 in section two of this act to ensure that there are sufficient funds to meet administrative and operational costs in said item; provided further, that any such transfer shall not cause a deficiency in this item; and provided further, that the department will provide monthly reports on overtime and authorized excess quota positions usage, by facility, to the house and senate committees on ways and means	4,419,142
8900-0003	For local relief 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, that each such city and town shall receive a percentage of the total funds as appropriated herein which shall be equal to 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 percentages shall be calculated according to the department of correction's inmate population record for July first of the prior year	997,000
	Local Aid Fund	100.0%
8900-0004	For a health services program; provided, that expenditures made from this item for contracted provider service costs associated with the purposes of the programs funded herein shall not exceed thirty-seven million two hundred thirty-eight thousand two hundred and four dollars; and provided further, that the	

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	commissioner of correction shall file quarterly reports detailing expenditure patterns of this item with the house and senate committees on ways and means	39,154,163
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	400,000
8900-0009	For a program of education services	3,370,721
8900-0010	For prison industries and farm services; 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 operate and maintain farm facilities at the correctional facilities at MCI-Concord and MCI-Bridgewater; and 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	1,371,848
8900-0011	For a prison industries and farm services revenue retention account; provided, that the department is hereby authorized to expend an amount not to exceed four million six hundred twenty-seven thousand dollars from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter twenty-nine of the General Laws and recorded on the Massachusetts management accounting and reporting system, so-called	4,627,000
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 one hundred fifty thousand dollars shall be obligated for assistance to incarcerated mothers; and provided further, that not less than ten thousand dollars be provided to the Dismas House in Worcester	887,888
8900-0016	For the cost of housing state inmates in federal prisons	775,000
8900-0100	For the administration and operation of the Nemasket correctional center; provided, that the department of correction is hereby authorized to enter into an interagency agreement with	

the department of mental health to administer and operate said center, and for said purpose may transfer to the department of mental health not less than four million one hundred thirty one thousand one hundred and eleven dollars; and provided further, that the department of mental health shall administer and operate said center for as long as a court order requires 4,131,111

COUNTY CORRECTIONS
State Appropriation

8910-0000 For a reserve to fund county correctional programs; provided, that not less than three hundred eighty-five thousand dollars shall be expended for an intermediate sanctions program at the New Bedford district court; provided further, that not less than three million four hundred ninety-six thousand three hundred eighty-six dollars shall be made available to Barnstable county; provided further, that not less than two million seven hundred eighty-six thousand eight hundred forty-two dollars shall be made available to Berkshire county; provided further, that not less than seventeen million five hundred forty thousand sixty-six dollars shall be made available to Bristol county; provided further, that not less than seven hundred forty-nine thousand seven hundred seventy-four dollars shall be made available to Dukes county; provided further, that not less than eighteen million seventy-eight thousand seven hundred sixty-five dollars shall be made available to Essex county; provided further, that not less than two million eleven thousand five hundred sixty-two dollars shall be made available to Franklin county; provided further, that not less than twenty-eight million twenty-two thousand five hundred thirty-one dollars shall be made available to Hampden county; provided further, that not less than five million seven hundred nineteen thousand four hundred eighty-four dollars shall be made available to Hampshire county; provided further, that not less than seventeen million one hundred sixteen thousand four hundred sixty-nine dollars shall be made available to Middlesex county; provided further, that not less than one hundred thirty-two thousand eight hundred sixty dollars shall be made available to Nantucket county; provided further, that not less

than ten million eight hundred seventy-four thousand six hundred seventeen dollars shall be made available to Norfolk county; provided further, that not less than sixteen million fourteen thousand nine hundred thirty-one dollars shall be made available to Plymouth county; provided further, that said funds appropriated to Plymouth county shall be expended for debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to the provisions of clauses three and four of the memorandum of agreement signed May fourteenth, nineteen hundred and ninety-two; provided further, that not less than fifty million seventy-eight thousand three hundred eight dollars shall be made available to Suffolk county; provided further, that not less than eighteen million four hundred forty-two thousand nine hundred sixty-seven dollars shall be made available to Worcester county; provided further, that the balance of this appropriation shall be distributed among the counties by the county government finance review board, upon notification to the house and senate committees on ways and means; provided further, that Suffolk county shall not receive additional funding from said balance for county corrections maintenance and operational expenses; 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, without further appropriation; 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 all spending plans named herein shall be developed by the county government finance review board, in consultation with the Massachusetts sheriffs' association; provided further, that the format for said spending plans shall classify expenditures by categories which shall include, but not be limited to, employees' salaries and related costs, special employees, employee pensions and insurance benefits, administrative costs, direct inmate care-related costs, utility costs, modular lease or space rental costs, consultant services, including education, equipment purchases, excluding vehicle purchases, vehicle purchases, equipment leases, contracted inmate health care services, and debt service costs; provided further, that said spending plans shall delineate all personnel employed by each county correctional facility; provided further, that on or before November fifteenth, nineteen hundred and ninety-four, each county sheriff shall submit a final spending plan to the county government finance review board, detailing the level of resources deemed necessary for the operation of each county correction facility and the expenditures which can be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this section shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of ninety-five percent of the rate of expenditure for fiscal year nineteen hundred and ninety-four, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of said spending plans no later than November fifteenth, nineteen hundred and ninety-five; provided further, that on or before December fifteenth, nineteen hundred and ninety-four, the county government finance review board shall have approved final fiscal year nineteen hundred and ninety-five county corrections budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means copies of said budgets no later than January second, nineteen hundred and ninety-five; provided further, that said budgets shall include distribution

schedules for the final two quarters of fiscal year nineteen hundred and ninety-five, and said plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the appropriation, and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year nineteen hundred and ninety-five for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed to it from this item, not less than one hundred two and one-half percent of the amount expended in fiscal year nineteen hundred and ninety-four for such purposes from own-source revenues which shall not be less than five percent of total county revenues, and which shall include, but not be limited to, amounts levied pursuant to sections thirty 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, that in fiscal year nineteen hundred and ninety-five those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above, from own-source revenues; provided further, that notwithstanding the provisions stated herein, the maintenance of effort obligations for Suffolk county shall be twenty percent of the total Suffolk county corrections operating budget as approved by the county government finance review board; provided further, that notwithstanding the provisions of any general or special law to the contrary, the deputy commissioner of revenue for local services shall certify on or before May fifteenth, nineteen hundred and ninety-five that all municipalities have appropriated and transferred to their respective county treasuries, not less than one hundred two and one-half percent of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if any municipality fails to transfer said obligation, said deputy commissioner is hereby authorized and directed to withhold an amount equal to the shortfall in the obligation due to the county from said municipality's fourth quarter local

aid "cherry sheet" distribution, so-called, authorized from account 0611-5500 of section two and from funds made available in section three of this act; provided further, that on or before August first, nineteen hundred and ninety-four, said commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year nineteen hundred and ninety-five, notwithstanding the provisions of section twenty A of chapter fifty-nine of the General Laws, any county except Suffolk and Nantucket may increase its county tax for said fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; provided further, that any county which borrowed under the provisions of section six of chapter one hundred 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-five, shall revert to the

Local Aid Fund	226,163,917
Local Aid Fund	100.0%

PAROLE BOARD
State Appropriations

- 8950-0001 For the administration and operation of the parole board 11,357,470
- 8950-0002 For the victim and witness assistance program of the parole board, in accordance with the provisions of chapter two hundred fifty-eight B of the General Laws; provided, that the victim service unit positions shall be classified by the depart-

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ment of personnel administration under the state classification system	181,184
Victim Witness Assistance Fund	100.0%

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS
OFFICE OF THE SECRETARY
State Appropriations

9000-0100	For the office of the secretary	444,088
9000-0160	For minority economic and community development grants; provided, that, notwithstanding the provisions of any general or special law to the contrary, the secretary of economic affairs, the secretary for administration and finance, and the secretary of communities and development are hereby authorized and directed to establish a task force on minority economic and community development for the purpose of determining the best uses for the funds appropriated herein; provided further, the task force shall seek and consider the advice of individuals and organizations involved in minority economic and community development including, but not limited to, the recommendations contained in the Hispanic-American advisory commission report; and provided further, that said task force shall submit to the house and senate committees on ways and means the plan for the distribution of grants, a timeline for said distribution, a comprehensive list of grant applicants and a list of awarded grants	495,000
9000-1801	For the administration of the Massachusetts office of business development and the regionalization and job creation program administered by said office; 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 the office maintain business development assistance services to serve southeastern Massachusetts by responding to business inquiries and providing assistance and encouragement in office space at the university of Massachusetts at Dartmouth, for New Bedford and Fall River; and provided further, that not less than eighty thousand dollars be expended to the Cape	

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	Cod economic development council of Barnstable county . . .	3,296,637
9000-1805	For a program to market and promote the Massachusetts business environment outside the commonwealth and internationally in an effort to attract and retain targeted industries and businesses; provided, that said program shall be directed at increasing awareness of the Massachusetts office of business development's services, investment incentives and economic development programs and shall not incorporate the statements, testimony, signature or likeness of any previous or current officer or employee of the commonwealth in any marketing or promotional materials	1,000,000
9000-1815	For the workforce development initiative; provided, that the strategic planning committee of the MassJOBS council shall make recommendations relative to the use of said funds subject to approval by the full MassJOBS council; and provided further that not less than one hundred thousand dollars shall be expended to provide the Commonwealth's matching funds for the Communities and Schools for Career Success program operated by Bay State Skills Corporation in Brockton, Boston, Fitchburg, Leominster, and Springfield; provided further, that the executive committee of the MassJOBS council shall approve the use of said funds should the full council be unable to approve the use of said funds in a timely manner; provided further, that each regional employment board shall receive twenty-five thousand dollars for the purpose of capacity building; and provided further, that not less than seventy-five thousand dollars be made available to the Cape Cod, Martha's Vineyard and Nantucket regional employment board for the purpose of a study to be done to merge the department of public welfare, the department of employment and training, the industrial services program, the Job Training Partnership Act function on Cape Cod and the Islands; provided further, that the membership of the MassJobs council as set forth in section forty-six of chapter one hundred forty-five of the acts of nineteen hundred and ninety-one shall be increased to thirty-two; and provided further, that the members of the MassJobs council representing organized labor, local government, public secondary and post-secondary education and organizations representing or providing services to trainees shall be increased to twelve, of whom not less than one shall be a representative nominated by and drawn from	

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	the membership of the Massachusetts Job Training Partnership Association	2,000,000
9000-1820	For the purpose of financing the required state share of the cost of operating a small business development center; provided, that no funds shall be expended from this account until such time as the small business administration has executed a grant or contract with the university of Massachusetts for the operation of said center; provided further, that the funds expended from this account shall not exceed twenty-five percent of the gross operation cost of said center; and provided further, that quarterly reports of expenditures shall be filed with the house and senate committees on ways and means	747,203
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 not less than two million dollars be expended for international tourism promotion and marketing; provided further, that fifty thousand dollars shall be expended for operation of a state visitor information center at exit five on route three, so-called, in Plymouth; and provided further, not less than one hundred fifty thousand shall be expended for the promotion of the professional golf association tournament to be held at pleasant valley in Sutton	9,044,000
	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	4,295,900
	Massachusetts Tourism Fund	100.0%
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 shall be filed with the house and senate committees on ways and means	404,927
9000-2100	For expenses of the Massachusetts international trade council	678,300
	Massachusetts Tourism Fund	100.0%
9000-2102	For the purpose of making matching grants to all applicants receiving funding under the technology reinvestment project within the advanced research projects agency of the department of defense, created and funded pursuant to the Defense Conversion, Reinvestment and Transition Act of fiscal year nineteen hundred ninety-three and Title IV of the	

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	fiscal year nineteen hundred ninety-three Defense Appropriations Act for the purpose of supporting the creation of or assistance to manufacturing extension services, alternative deployment pilot projects, technology access programs, and other related technology deployment programs	2,000,000
9000-2103	For additional expenses of the Massachusetts international trade council	413,000
9000-2105	For a program to enhance and improve Massachusetts applicants' technology development proposals made to the federal technology reinvestment program within the advanced research projects agency of the department of defense, created and funded pursuant to the Defense Conversion, Reinvestment and Transition Act of fiscal year nineteen hundred ninety-three and Title IV of the fiscal year nineteen hundred ninety-three Defense Appropriations Act, and other federal defense conversion and diversification programs; provided, that said program shall be administered by the Massachusetts technology park corporation by and through its Massachusetts technology collaborative; provided further, that said corporation shall establish an independent advisory panel that includes representatives from Massachusetts industry, universities and government agencies to advise said corporation relative to the most effective application of amounts appropriated herein; provided further, that funds appropriated herein shall be used solely for the purposes of providing technical assistance and proposal amelioration to applicants; and provided further, that the executive director shall file a report with the house and senate committees on ways and means and the joint committee on science and technology detailing the activities undertaken with the funds appropriated herein by march fifteenth nineteen hundred ninety-five	1,000,000
9000-2200	For the expenses of the state office of minority and women business assistance	463,355

Federal Appropriations

9000-0211	For the purposes of a federally funded grant entitled, Massachusetts Modernization Partnership	3,600,000
9000-0212	For the purposes of a federally funded grant entitled, Defense Conversion Planning Assistance	134,600

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9000-1621	For the purposes of a federally funded grant entitled, Job Training Partnership Act	90,000,000
9000-7000	For the purposes of a federally funded grant entitled, Strategic Planning for Economic Development	160,000

DEPARTMENT OF EMPLOYMENT AND TRAINING
State Appropriations

9081-0350	For the summer jobs youth at risk program, including the costs of administration; provided, that service levels shall be developed so as not to exceed the appropriation made available herein; and provided further, that the same number of youths shall be served in fiscal year nineteen hundred ninety-five that were served in fiscal year nineteen hundred ninety-four	3,050,000
9081-0400	For the youth service and conservation group corps program, including the costs of administration	500,000
9081-0500	For the "Summer Night" Program in the City of Haverhill	25,000
9081-7011	For the expenses of bay state skills corporation and the industry responsive training program, employment, training and counseling of displaced homemakers, training of teachers, work force development and business assistance; provided, that a report of all revenues, expenditures, assets and liabilities of said corporation be filed quarterly with the secretary of administration and finance and the house and senate committees on ways and means; and provided further, that said corporation shall remain as a quasi-public corporation	225,000
9081-7044	For the creation and support of manufacturing networks	1,000,000

Federal Appropriations

9081-0100	For the purposes of a federally funded grant entitled, Department of Employment and Training, Administration; provided, that salaries and other expenses associated with this account may be funded, as necessary, by alternate account 9081-1106	13,000,000
9081-6624	For the purposes of a federally funded grant entitled, Unemployment Insurance Programs Administration; provided, that salaries and other expenses associated with this account may be funded, as necessary, by alternate account 9081-1106 ..	68,000,000

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9081-6626	For the purposes of a federally funded grant entitled, Employment Service Programs Administration; provided, that salaries and other expenses associated with this account may be funded, as necessary, by alternate account 9081-1106; and provided further, that funds available in this account may be used, as necessary, to offset salaries and other expenses related to accounts 9081-6628 and 9081-6629.	26,000,000
9081-6627	For the purposes of a federally funded grant entitled, Bureau of Labor Statistics Administration; provided, that salaries and other expenses associated with this account may be funded, as necessary, by alternate account 9081-1106	1,950,000
9081-6628	For the purposes of a federally funded grant entitled, Disabled Veterans Outreach Program; provided, that salaries and other expenses associated with this account may be funded, as necessary, by alternate account 9081-6626	2,150,000
9081-6629	For the purposes of a federally funded grant entitled, Local Veterans Employment Representative Program; provided, that salaries and other expenses associated with this account may be funded, as necessary, by alternate account 9081-6626 ...	1,550,000
9081-6630	For the purposes of a federally funded grant entitled, Massachusetts Occupational Information Coordinating Committee Administration; provided, that salaries and other expenses associated with this account may be funded, as necessary, by alternate account 9081-1106	290,000
9089-1000	For the purposes of a federally funded grant entitled, Trade Expansion Act Program; provided, that salaries and other expenses associated with this account may be funded, as necessary, by alternate account 9081-1106	3,876,589

DIVISION OF ENERGY RESOURCES

State Appropriations

9095-0003	For the administration of the division of energy resources	557,643
9095-0004	For 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	188,047

Federal Appropriations

9200-9642	For the purposes of a federally funded grant entitled, Institutional Conservation Program	50,000
9200-9720	For the purposes of a federally funded grant entitled, State Heating Oil and Propane Program	25,000
9200-9742	For the purposes of a federally funded grant entitled, 1981 State Energy Conservation Plan Grant	225,000
9200-9757	For the purposes of a federally funded grant entitled, North-east Regional Biomass Program	30,000

EXECUTIVE OFFICE OF ELDER AFFAIRS

State Appropriations

- 9110-0100 For the planning and administration of the executive office of elder affairs; provided, that representatives of the executive office of elder affairs, the division of medical assistance and the home care corporations are hereby authorized and directed to convene by August first, nineteen hundred ninety-four to determine standards for home care corporations in their efforts to provide the division of medical assistance with adequate information to receive federal matching funds for 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 are furnished to persons eligible for medical assistance under the provisions of chapter one hundred and eighteen E of the General Laws; provided further, that said committee, comprised of representatives of the executive office of elder affairs, the division of medical assistance and the home care corporations, shall submit a report of their activities, including the guidelines determined for pursuing federal reimbursement and a plan for seeking such reimbursement, to the house and senate committees on ways and means by September first, nineteen hundred ninety-four; provided further, 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; and provided further, that the executive office of elder affairs shall enter into an interagency service agreement with the department of veterans' services not later

	than August first, nineteen hundred ninety-four to maximize revenues by identifying individuals who are eligible for veterans' pensions and are currently receiving home care and home health services	1,747,249
9110-1603	For managed care in housing, for individuals at risk of institutionalization due to functional 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 section two of this act	8,276,000
9110-1630	For home care services including home health and respite services, protective services and other programs which serve the elderly; provided, that said program shall include a sliding fee in which all qualified elders shall participate, which shall include provisions to waive said fee in cases where the secretary of elder affairs determines that such fee assessment would cause extreme financial hardship; provided further, that not more than two million eight hundred thousand dollars in revenues accrued from said sliding fees be retained by the individual home care corporations without reallocation by the executive office of elder affairs, and shall 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 home care corporations shall report monthly to the executive office of elder affairs on the receipt and expenditure of revenues accrued from said sliding fees; provided further, that no new programs shall be established without the prior written approval of the house and senate committees on ways and means; provided further, that not less than three million dollars shall be obligated for a program of respite care services to provide relief for caregivers who normally provide care to severely impaired individuals, especially those with Alzheimer's disease; provided further, that the executive office 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, inclusive of item 9110-1630 of section two of chapter one hundred and sixty-four of the acts of nineteen hundred eighty-eight; provided further, that the secretary 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 no rate increase for home care services shall be awarded in fiscal year nineteen hundred and ninety-five; provided further, that any additional funding in fiscal year nineteen hundred and ninety-five shall be obligated to new home care clients in said fiscal year; and provided further, that no funds shall be expended from this item to pay for any salary increases for direct service workers who provide state-funded homemaker and home health aid services, that would cause a reduction in client services; provided further, that notwithstanding the provisions of any general or special law to the contrary, the Secretary is hereby authorized to transfer not more than three percent of the funds appropriated herein to item 9110-1633 of section two of this act for the administration of home care corporations or case management services

75,002,305

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 section two of this act; provided, that said contract shall include the costs of administrative personnel, home care case manager, travel, rent and any other costs deemed appropriate by the executive office; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the secretary is hereby authorized to transfer not more than three percent of the funds appropriated herein to item 9110-1630 of section two of this act for the direct purchase of home care, home health or related services

29,523,000

9110-1634 The secretariat may expend for the purposes of item 9110-1633 an amount not to exceed two million dollars from federal revenues collected pursuant to the provisions of Title XIX of the Social Security Act for case management and personal care and related services provided to medicaid-eligible home care clients, including consultants for the equity of service and uniform intake policy; provided, that notwithstanding the provisions of any general or special laws to the contrary, in the event that revenues appropriated herein are not collected at a level sufficient to fund contracts established pursuant to 9110-1633 at the level such contracts were funded at during

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	fiscal year nineteen hundred and ninety-four, the secretary is authorized and directed to transfer from item 9110-1630 to item 9110-1633 funds sufficient to fulfill such contract amounts; provided further, that said transferred amount shall not exceed three percent of the appropriation for item 9110-1630	2,000,000
9110-1660	For congregate and shared housing services for the elderly; provided, that not less than fifty thousand dollars shall be expended for congregate housing services at the Tuttle house facility in Dorchester	1,179,492
9110-1900	For local services; 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 three million three hundred thousand dollars shall be obligated for the administration of a meals program for elderly persons; and provided further, that the department of elder affairs shall maximize federal reimbursement for meals served herein	4,479,341
	Local Aid Fund	100.0%
9110-9002	For the local services program for grants to the councils on aging; provided, that not less than fifteen thousand dollars shall be obligated for the Massachusetts senior games; provided further, that one hundred twenty-nine thousand one hundred and eight dollars be expended for health benefits, counseling and transportation services; and provided further, that not less than ten thousand dollars shall be obligated for repairs and renovations to the Larson center in Attleboro . . .	4,056,873
	Local Aid Fund	100.0%

Federal Appropriations

9110-1074	For the purposes of a federally funded grant entitled, Older Americans Assistance, Title III-74; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	9,900,000
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9110-1095	For the purposes of a federally funded grant entitled, Health Information Counseling and Assistance	420,000
9110-1173	For the purposes of a federally funded grant entitled, Older Americans Act-Title VII Nutrition Program FY73; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies	12,350,000
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	1,841,737
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	3,850,000
9110-1191	For the purposes of a federally funded grant entitled, Elder Care Coalition Demonstration Program	140,000

**EXECUTIVE OFFICE OF CONSUMER AFFAIRS
OFFICE OF THE SECRETARY
*State Appropriation***

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 public education program	1,342,000
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**STATE RACING COMMISSION
*State Appropriation***

9210-0001	For the administration of the commission	3,840,213
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**ALCOHOLIC BEVERAGES CONTROL COMMISSION
*State Appropriation***

9212-0001	For the administration of the commission	958,146
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**COMMUNITY ANTENNA TELEVISION COMMISSION
*State Appropriation***

9215-0001	For the administration of the commission	520,000
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DIVISION OF STANDARDS
State Appropriation

9218-0100 For the administration of the division 457,501

DIVISION OF BANKS
State Appropriation

9221-1000 For the office of the commissioner 8,482,177

DIVISION OF INSURANCE
State Appropriations

9222-0100 For the administration of the division, including expenses of the board of appeal on motor vehicle policies and bonds, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that not less than one hundred thousand dollars shall be expended for the auto damage appraisers licensing board; provided further, 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; and provided further, that the division of insurance shall install a phone system in its western Massachusetts office that will immediately transfer calls made to that office to the consumer assistance office in Boston during any business hours when the western Massachusetts office is closed 5,111,645

General Fund 60.0%
Highway Fund 40.0%

9222-7800 For the additional costs associated with administration of the division; provided, that the commissioner of insurance shall expend funds from this item of appropriation for the purpose of obtaining and maintaining accreditation by the national association of insurance commissioners 3,000,000
Division of Insurance Trust Fund 100.0%

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DIVISION OF REGISTRATION
State Appropriation

9230-0001	For the administration of the division; provided, that the position of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws; and provided further, that the division shall maintain and staff an office in Springfield	4,314,148
9230-0020	For personnel, administrative, computer, equipment, newsletter and other expansion costs of the board of registration in nursing, in addition to funds available to said board in item 9230-0001	439,221

BOARD OF REGISTRATION IN MEDICINE
State Appropriation

9230-0150	For the expenses of the board of registration and discipline in medicine and the committee on acupuncture	1,559,837
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DEPARTMENT OF PUBLIC UTILITIES
State Appropriations

9270-0001	For the 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-five shall be made at a rate sufficient to produce three million eight hundred sixty-four thousand seven hundred and seventy-three dollars	3,864,773
9272-0001	For the transportation division	624,496
9275-0600	The energy facility siting council is hereby authorized to expend revenues collected from filing fees in order to fund the review of applications to construct energy facilities	29,108

EXECUTIVE OFFICE OF LABOR

COMPONENT AGENCIES: 1) Executive Office 2) Department of Labor and Industries
3) Board of Conciliation and Arbitration 4) Joint Labor Management Committee 5) Labor Relations Commission 6) Department of Industrial Accidents

EXECUTIVE OFFICE

AGENCY PROGRAMS: 1) Executive Office Administration 2) Industrial Services

PROGRAM 1: EXECUTIVE OFFICE ADMINISTRATION

State Appropriation

9400-0100 For the executive office administration program 592,840

PROGRAM 2: INDUSTRIAL SERVICES

State Appropriations

9400-1100 For the employee involvement and ownership in the workplace component of the industrial services program 49,800

9400-1111 For the purpose of establishing a revolving loan fund within the industrial services program to provide working capital; and related assistance to defense dependent firms and leverage federal matching funds for financial assistance for such purposes under the Economic Adjustment Program Revolving Loan Fund authorized pursuant to Title IX of the Public Works and Economic Development Act of 1965, as amended . . 500,000

9400-1112 For a program to provide comprehensive re-employment assistance to employees impacted by economic structural dislocation, in particular those laid off from defense dependent companies, the computer industry and the fishing industry; provided, that the services shall be provided in conjunction with any applicable federal funds granted to the state for related assistance by the employment and training administration of the United States department of labor 500,000

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 re-employment 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 155,400

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DEPARTMENT OF LABOR AND INDUSTRIES

AGENCY PROGRAMS: 1) Industrial Safety 2) Occupational Hygiene 3) Apprentice Training

PROGRAM 1: INDUSTRIAL SAFETY

State Appropriations

9411-0100	For the administration and operations component of the industrial safety program	1,041,729
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 eighty-three	50,000

Federal Appropriations

9411-2013	For the purposes of a federally funded grant entitled, Mine Safety and Health Training	57,513
9411-4207	For the purposes of a federally funded grant entitled, Asbestos Compliance Monitoring Grant	107,674
9411-4209	For the purposes of a federally funded grant entitled, Lead Exposure Minimization Program For Schools	25,000
9411-9701	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Onsite Consultation Program	809,473

PROGRAM 2: OCCUPATIONAL HYGIENE

State Appropriation

9412-0100	For the occupational hygiene program; provided, that for a program to evaluate the asbestos level in public buildings the division may employ staff which shall not be subject to chapter thirty-one of the General Laws	990,761
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Federal Appropriation

9411-4203	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistical Survey	158,098
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PROGRAM 3: APPRENTICE TRAINING

State Appropriation

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 251,054

BOARD OF CONCILIATION AND ARBITRATION

PROGRAM 1: DISPUTE MEDIATION AND ARBITRATION

State Appropriation

9420-0100 For the dispute mediation and arbitration program 590,510

JOINT LABOR MANAGEMENT COMMITTEE

PROGRAM 1: PUBLIC SAFETY DISPUTE RESOLUTION

State Appropriation

9421-0100 For the public safety dispute mediation program 410,926

LABOR RELATIONS COMMISSION

PROGRAM 1: LABOR COMMISSION

State Appropriation

9430-0100 For the labor relations program 919,329

DEPARTMENT OF INDUSTRIAL ACCIDENTS

PROGRAM 1: INDUSTRIAL ACCIDENTS

State Appropriation

9440-0200 For the administration of the department of industrial accidents;
provided, that the General Fund shall be reimbursed for
monies appropriated under this account and associated indi-

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rect and fringe benefit costs from assessments levied pursuant
to section sixty-five of chapter one hundred fifty-two of the
General Laws 17,549,861

**EXECUTIVE OFFICE OF LABOR
PROGRAM DETAIL**
Christine Morris, Secretary

SECRETARIAT MISSION: To preserve and protect the health, safety, legal and economic interests of employees in the Commonwealth.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c. 6A § 17B-17E

COMPONENT AGENCIES: 1) Executive Office 2) Department of Labor and Industries 3) Board of Conciliation and Arbitration 4) Joint Labor Management Committee 5) Labor Relations Commission 6) Department of Industrial Accidents

EXECUTIVE OFFICE

AGENCY MISSION: To provide leadership and administrative support to the departments and programs of the secretariat.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c. 6A § 2

AGENCY PROGRAMS: 1) Executive Office Administration 2) Industrial Services

PROGRAM 1: EXECUTIVE OFFICE ADMINISTRATION

LINE ITEMS: 9400-0100

STATE APPROPRIATION: \$592,840

PROGRAM MISSION: To provide leadership and administrative support for the policies and programs administered by the agencies of the secretariat.

Program Objectives	Performance Measures	Expected Outputs
1. Develop and coordinate a process for monitoring and improving program performance.	1a. Meetings with agency administrators to evaluate and improve program performance per quarter. 1b. New programs or initiatives developed by the performance review process.	1a. TBR 1b. TBR
2. Oversee all financial operations of the secretariat to ensure compliance with Chapter 29 of the General Laws and the General Appropriation Act.	2a. Agency budget requests for FY96 filed. 2b. Documentation submitted explaining secretariat's supplemental budget requests within 5 days of their filing by the Governor.	2a. January 1, 1995 2b. TBR
3. Pay invoices within the Comptroller's guidelines of 45 days after receipt.	3a. Invoices paid on time. 3b. Interest penalty accrued on late bills.	3a. 100% 3b. 0

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PROGRAM 2: INDUSTRIAL SERVICES

LINE ITEMS: 9400-1100, 9400-1700

STATE APPROPRIATION: \$205,200

PROGRAM MISSION: To provide consulting services and financial support to manufacturing businesses to retain jobs and increase employee involvement and productivity.

Program Objectives	Performance Measures	Expected Outputs
1. Administer economic stabilization trust funds to prevent business failures, workforce reductions.	1a. Businesses assisted. 1b. Business closings averted. 1c. Jobs created or retained. 1d. Default rate on business loans.	1a. 25 1b. 20 1c. 1,000 1d. 0%
2. Provide consulting services to ailing manufacturing companies.	2a. Businesses assisted. 2b. Business failures prevented. 2c. Jobs created or retained.	2a. 80 2b. 50 2c. 4,000
3. Provide information and technical assistance to firms and business groups to encourage employee involvement and ownership.	3a. Companies assisted in developing employee stock ownership programs. 3b. Companies adopting employee stock ownership programs.	3a. 30 3b. 5

DEPARTMENT OF LABOR AND INDUSTRIES
Christine Morris, Commissioner

AGENCY MISSION: To administer programs that protect the health and welfare of employees in the Commonwealth.

STATUTORY REFERENCES: Enabling Statute, M.G.L. c. 23 § 1-6

AGENCY PROGRAMS: 1) Industrial Safety 2) Occupational Hygiene 3) Apprentice Training

PROGRAM 1: INDUSTRIAL SAFETY

LINE ITEMS: 9411-0100, 9411-0105

STATE APPROPRIATION: \$1,045,729

PROGRAM MISSION: To administer and enforce state and federal occupational health and safety laws and regulations to limit accidents and injuries in the workplace.

Program Objectives	Performance Measures	Expected Outputs
1. Perform consultations for industrial and construction sites to determine compliance with federal laws (OSHA).	1a. Requests for consultations received. 1b. Site consultations conducted 1c. Violations of OSHA identified. 1d. Training sessions conducted	1a. 300 1b. 300 1c. TBR 1d. 5

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2. Conduct inspections to monitor levels of lead and asbestos in the workplace.	2a. Site visits conducted.	2a. 2,892
	2b. Violations of lead paint and asbestos laws identified.	2b. TBR
	2c. Lead and asbestos removal licenses issued or renewed.	2c. 3,360
3. Provide information and assistance to municipalities to inform workers and communities about their rights concerning the handling of toxic substances.	3. Municipalities assisted.	3. 20

PROGRAM 2: OCCUPATIONAL HYGIENE

LINE ITEMS: 9412-0100

STATE APPROPRIATION: \$964,436

PROGRAM MISSION: To enforce hygiene standards in the workplace to ensure the health and welfare of employees in the Commonwealth.

Program Objectives	Performance Measures	Expected Outputs
1. Conduct industrial site inspections to determine compliance with state health and sanitation laws.	1a. Complaints received.	1a. 350
	1b. Site inspections conducted.	1b. 400
	1c. Violations of state health laws identified.	1c. TBR
2. Conduct training and provide information relating to occupational hygiene.	2. Training sessions conducted.	2. 25
3. Perform laboratory tests on air and blood samples to determine existence and levels of toxic substances.	3a. Samples analyzed.	3a. 7,500
	3b. Samples indicating unacceptable levels of toxic substances.	3b. TBR

PROGRAM 3: APPRENTICE TRAINING

LINE ITEMS: 9415-0100

STATE APPROPRIATION: \$251,054

PROGRAM MISSION: To coordinate efforts of labor and management to establish and service new and existing apprentices, companies, and programs.

Program Objectives	Performance Measures	Expected Outputs
1. Support efforts by Massachusetts companies to establish and maintain apprentice training programs.	1a. Apprentices recruited by state field representatives.	1a. 500
	1b. Apprentices recruited by federal bureau of apprentice training and registered with the division.	1b. 3,000
	1c. Apprentice training programs conducted.	1c. 1,562

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- 1d. Companies employing apprentices 1d. 1,791
- 1e. Trainees completing apprentice training programs 1e. 85%

BOARD OF CONCILIATION AND ARBITRATION
Elizabeth Laine, Chairperson

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 Statutes, M.G.L. c. 23C; M.G.L. c. 150E

AGENCY PROGRAMS: 1) Dispute Mediation and Arbitration

PROGRAM 1: DISPUTE MEDIATION AND ARBITRATION

LINE ITEMS: 9420-0100

STATE APPROPRIATION: \$575,279

PROGRAM MISSION: To assist public management and unions reach settlements after negotiations have failed.

Program Objectives	Performance Measures	Expected Outputs
1. Provide interest mediation and grievance arbitration services.	1a. Collective bargaining impasse resolution cases opened.	1a. 200
	1b. Collective bargaining impasse resolution cases resolved.	1b. 65%
	1c. Grievance arbitration cases opened.	1c. 150
	1d. Grievance arbitration cases resolved.	1d. 100%
	1e. Grievance mediation cases opened.	1d. 80
	1f. Grievance mediation cases resolved.	1f. 100%

JOINT LABOR MANAGEMENT COMMITTEE
John T. Dunlop, Chairman

AGENCY MISSION: To mediate and arbitrate municipal public safety labor disputes.

STATUTORY REFERENCE: Enabling Statute, St. 1979, c. 154

AGENCY PROGRAMS: 1) Public Safety Dispute Mediation

PROGRAM 1: PUBLIC SAFETY DISPUTE MEDIATION

LINE ITEMS: 9421-0100

STATE APPROPRIATION: \$403,426

PROGRAM MISSION: To assist municipalities and their public safety labor organizations in resolving disputes arising from collective bargaining disputes to ensure that services are not interrupted.

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Program Objectives	Performance Measures	Expected Outputs
1. Conduct field investigations, mediation sessions, and procedural hearings	1a. Field investigations conducted within 30 days.	1a. 60
	1b. Public safety labor disputes received.	1b. TBR
	1c. Public safety labor disputes resolved.	1c. TBR
	1d. Average months to resolve labor disputes.	1d. 16

LABOR RELATIONS COMMISSION

Maria C. Walsh, Chairperson

AGENCY MISSION: To administer and enforce the state's public and private sector collective bargaining laws.

STATUTORY REFERENCES: Enabling Statutes, M.G.L. c. 23 § 90-9R

AGENCY PROGRAMS: 1) Labor Relations

PROGRAM 1: LABOR RELATIONS

LINE ITEMS: 9430-0100

STATE APPROPRIATION: \$865,004

PROGRAM MISSION: To perform quasi-judicial functions to achieve prompt and fair resolution of collective bargaining disputes.

Program Objectives	Performance Measures	Expected Outputs
1. Investigate and dispose of or adjudicate labor disputes.	1a. Labor relations cases opened.	1a. 1,200
	1b. Labor relations cases closed.	1b. 650
	1c. Average weeks to process a case from initial filing.	1c. 45

DEPARTMENT OF INDUSTRIAL ACCIDENTS

James J. Campbell, Commissioner

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.

STATUTORY REFERENCES: Enabling Statutes, M.G.L. c. 23E

AGENCY PROGRAMS: 1) Industrial Accidents

PROGRAM 1: INDUSTRIAL ACCIDENTS

LINE ITEMS: 9440-0200

STATE APPROPRIATION: \$16,846,772

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PROGRAM MISSION: To administer the state's workers' compensation system by approving compensation agreements and providing compensation for legitimate occupational injury claims.

Program Objectives	Performance Measures	Expected Outputs
1. Process all financial transactions pursuant to statutory requirements.	1a. All eligible fees, fines and late charges collected. 1b. Bills and industry assessments processed on time. 1c. Interest penalty accrued on late bills.	1a. TBR 1b. 95% 1c. TBR
2. Process and adjudicate dispute resolution cases.	2a. Cases filed and resolved through conciliation. 2b. Cases filed and resolved through arbitration. 2c. Cases adjudicated by the Industrial Accident Board. 2d. Cases adjudicated by the Review Board.	2a. 17,340 2b. TBR 2c. 15,700 2d. 11,075
3. Provide training and information to employers and employees concerning occupational health and safety standards.	3a. Employers and employees receiving training. 3b. Reduction in company specific workplace injuries as a result of training. 3c. Safety grants distributed.	3a. 3,200 3b. TBR 3c. TBR
4. Ensure that all employers are providing worker's compensation coverage to their employees as required by law.	4a. Investigations for compliance conducted. 4b. Violations identified. 4c. Amount of penalties assessed.	4a. TBR 4b. TBR 4c. TBR

LEGISLATURE
SENATE
State Appropriations

9511-0000	For the compensation of senators, prior appropriation continued	1,623,000
9511-8000	For expenses of senators, including travel, prior appropriation continued	180,000
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, prior appropriation continued	
9514-0000	For the office of the senate counsel, prior appropriation continued	590,000

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9515-0000	For administrative and legislative aides to the senators, prior appropriation continued	3,936,000
9515-0100	For the cost of universal health insurance, unemployment, medicare and worker's compensation charges assessed against the employees of the senate, prior appropriation continued	198,000
9516-0000	For administrative, secretarial and clerical assistance to the senators, prior appropriation continued	1,200,000
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	850,000
9519-5000	For the salaries of court officers and pages of the senate, prior appropriation continued	1,135,000
9519-6000	For the office of legislative post audit and oversight bureau of the senate, prior appropriation continued	355,000
9519-7000	For legislative committee services for the senate, prior appropriation continued	1,400,000
9519-7500	For the automation of senate offices, prior appropriation continued	125,000
9519-8000	For the expenses of televising sessions of the senate, prior appropriation continued	240,000
0185-7888	For a study by the senate committee on ways and means of chapter twenty-three of the acts of nineteen hundred and eighty-eight, prior appropriation continued	

HOUSE OF REPRESENTATIVES*State Appropriations*

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

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9626-0010	For repairs and renovations, prior appropriation continued	186,000
9627-0050	For the cost of universal health insurance, unemployment, medicare and worker's compensation charges assessed against the employees of the house of representatives, prior appropriation continued	506,449
9627-0100	For a legislative intern and service program for the house of representatives	400,000
9628-0000	For the office of the house committee on ways and means, prior appropriation continued	1,316,833
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, prior appropriation continued	500,000
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
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

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9634-6000	For the office of legislative post audit and oversight bureau of the house of representatives, prior appropriation continued . . .	852,833
9636-0000	For the legislative service bureau, prior appropriation continued . .	455,924

SERGEANT AT ARMS*State Appropriations*

9731-0000	For the office of the sergeant-at-arms, prior appropriation continued	518,728
9731-0050	For the cost of universal health insurance, unemployment, medicare, and workers compensation charges assessed against the employees of the joint legislative committees, prior appropriation continued	179,682
9734-1000	For the salaries of clerks employed in the legislative document room, including other joint legislative expenses, prior appropriation continued	376,570
9735-0000	For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, prior appropriation continued	180,100
9736-0000	For the rental, maintenance and updating of an electric roll call system, prior appropriation continued	22,532

JOINT LEGISLATIVE EXPENSES*State Appropriations*

9738-0001	For the administration of the office of legislative data processing, prior appropriation continued	705,112
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, including other joint legislative expenses, prior appropriation continued	167,167
9742-0000	For the administration of the legislative engrossing division, prior appropriation continued	213,883
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

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9744-1000	For joint legislative data processing and telecommunications equipment and services, 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	221,466
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, non-depository and other financial institutions, prior appropriation continued	
9749-0100	For the expenses of the joint committee on redistricting, prior appropriation continued	
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 upon the prior receipt of private donations equal to or greater than said expenditure; and provided further, that said donations shall be deposited in the general fund, prior appropriations continued	
0143-0051	For the special commission on the effects of growth-rural grant, prior appropriation continued	

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0185-7601	For the state mandate inventory project, prior appropriation continued	
9749-0300	For the expenses of the special commission on state debt established by section two hundred and thirteen of this act	50,000

NO SECTION 2A.

SECTION 2B.

Notwithstanding the provisions of any general or special law to the contrary, the agencies listed herein are hereby authorized to expend such amounts as are listed in this section for the provision of services to agencies listed in section two of this act; provided, that all expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds from an account listed in section two of this act to the 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 said Intragovernmental Service Fund which would cause said fund to be in deficit at the close of fiscal year nineteen hundred and ninety-five; provided further, that all authorizations in this section shall be charged to said Intragovernmental Service Fund; and provided further, that any balance remaining at the close of fiscal year nineteen hundred and ninety-five shall be transferred to the General Fund.

SECRETARY OF THE COMMONWEALTH
Office of the Secretary of the Commonwealth

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	25,000
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OFFICE OF THE STATE COMPTROLLER

1000-0003	For the cost of compliance with the mandate of the federal law and office of management and budget regulations for a comprehensive state-wide 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; and provided further, that the costs of personnel may be paid from this item	525,000
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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE
Office of Dispute Resolution

1100-1108 For the office of dispute resolution for the costs of mediation services, and other services provided to certain agencies 300,000

Workers' Compensation Litigation Unit

1100-1111 For the workers' compensation litigation unit, including the costs of personnel 481,936

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 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, including the costs of personnel 15,015,484

1101-2312 For the purchase, delivery, handling of, and contracting for, supplies, postage, and related equipment and other incidental expenses provided pursuant to the provisions of section fifty-one of chapter thirty of the General Laws 2,247,509

Bureau of State Office Buildings

1102-3333 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 50,000

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Department of Procurement and General Services

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 the costs of personnel	4,101,452
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 such services, including the costs of personnel	1,370,000

Department of Personnel Administration

1108-1213	For the cost 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 to other items of appropriation for the cost of participants enrolled in programs sponsored by the department, or to 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 performance recognition programs and to expend such fees for goods and services rendered in the administration of these programs	700,000
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Public Employee Retirement Administration

1108-6201	For the cost of workers' compensation paid to public employees; provided, that the secretary of administration and finance shall charge, pursuant to section 298 of this act, other items	
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of appropriation or state agencies for 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 item 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; provided further, that no funds shall be expended from this item that would cause said item to be deficient; and provided further, that said secretary shall provide projected costs of workers' compensation costs incurred by agencies in fiscal year nineteen hundred ninety-six to the house and senate committees on ways and means by February twenty-fourth, nineteen hundred ninety-five 60,100,000

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; and 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 8,783,798

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
Office of the Secretary of Environmental Affairs

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

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Department of Fisheries, Wildlife, and 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 120,000

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 access or utilization of all current users of the system pursuant to agreements which have been entered into with the commission 100,000

2410-1003 For the costs of the purchase of fuel, oil, and other associated products for other state agencies 450,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
Massachusetts Commission for the Deaf and Hard of Hearing

4125-0122 For the cost of interpreter services provided by staff of the commission 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 150,000

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 800,000

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EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION
Massachusetts Aeronautics Commission

6006-0010 For the costs of air transportation services provided to state
officials, including the costs of personnel 47,500

Department of Highways

6030-7501 For the purchase of bulk fuel for certain vehicles under the au-
thority of the state procurement department; provided, that
the commissioner of the department of highways shall charge
to other items of appropriation the cost of purchased fuel for
other agencies and for certain administrative expenses related
to purchasing and distributing the fuel 1,600,000

EXECUTIVE OFFICE OF EDUCATION
Department of Education

7053-2101 For the costs of USDA commodity foods pursuant to federal law
requirements 100,000

Higher Education

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
Department of State Police

8100-0002 For the costs of overtime associated with requested police
detail 2,000,000

Military Division

8700-1145 For the costs of utilities and maintenance and for the imple-
mentation of energy conservation measures with regard to the
state armories 25,000

Department of Correction

8900-0021 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 6,211,945

SECTION 2C. For the purpose of making available in fiscal year nineteen hundred and ninety-five balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and ninety-four, the unexpended balances of the maintenance appropriation item listed below, not to exceed the amount specified below, is hereby reappropriated for the fiscal year nineteen hundred and ninety-five. Amounts in this section are reappropriated 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 reappropriated 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-four; 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 reappropriated 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 reappropriated 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 reappropriated 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-four; provided, however, that for items neither with a fund designated below nor appearing in said section two, the amounts in this section are reappropriated from the fund or funds designated for the corresponding item in section two of this act or in prior appropriation acts.

7514-0101 606,920

SECTION THREE FOLLOWS ON PAGE TWO HUNDRED AND TWELVE (*sic.*)

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, except for section twelve B of chapter seventy-six of the General Laws, for the fiscal year ending June thirtieth, nineteen hundred and ninety-five, the lottery distribution to cities and

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towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of section thirty-five of chapter ten of the General Laws, shall be three hundred and twenty-nine million dollars, and an additional distribution of sixty-two million six hundred thousand dollars, and both such distributions 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 chapter seventy of the General Laws or any other general or special law to the contrary, receipt of the sixty-two million six hundred thousand dollars additional lottery distribution, as described in the distribution accompanying this section, shall in no way affect a municipality's obligations regarding education financing and shall be eligible for unrestricted use by the municipalities.

For fiscal year nineteen hundred and ninety-six, the lottery distribution to cities and towns of the balance of the State Lottery Fund shall be, subject to appropriation, the sum of three hundred and ninety-one million six hundred thousand dollars, any increase in proceeds for that fiscal year, and one-fifth of the difference between the amount distributed to cities and towns in fiscal year nineteen hundred and ninety-five and actual lottery proceeds for that fiscal year; provided, that for fiscal years between nineteen hundred and ninety-six and two thousand and one, the lottery distribution to cities and towns of the balance of the State Lottery Fund shall be the sum of the amount distributed in the prior fiscal year, any increase in lottery proceeds for that year, and one-fifth of the difference between the amount distributed to cities and towns in fiscal year, nineteen hundred and ninety-five and actual lottery proceeds for that fiscal year; provided further, that for fiscal years including and following fiscal year two thousand and one, the lottery distribution to cities and towns of the balance of the State Lottery Fund shall be the sum of the amount distributed in the prior fiscal year and any increase in lottery proceeds for that year; provided further that the provisions of this paragraph shall not prohibit any corresponding reduction in appropriation for other local aid expenses which would otherwise have been funded with said lottery proceeds.

Notwithstanding the provisions of any general or special law to the contrary, except for section twelve B of chapter seventy-six of the General Laws, 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 and 7061-0008 of section two of this act shall be set forth in the following lists; provided, that the amounts to be distributed from items 0611-5500 and 7061-0008 of said section two are hereby deemed to be in full satisfaction of the amounts due under chapter seventy and section thirty-seven of chapter twenty-one of the General Laws. No payments to cities and towns, regional school districts or counties maintaining an agricultural school 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.

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Abington	4,142,862		933,624	158,954
Acton	826,586	37,368	604,239	126,716
Acushnet	2,640,203	30,043	725,930	116,727
Adams		44,096	1,027,029	141,451
Agawam	6,481,768		1,697,549	301,482
Alford			8,038	1,087
Amesbury	5,377,531		934,509	148,724
Amherst	3,363,921	280,503	3,453,217	676,621
Andover	2,064,206		695,537	164,162
Arlington	2,962,323	5,652,310	2,066,731	399,705
Ashburnham			243,314	60,073
Ashby			159,768	32,160
Ashfield	225		67,485	14,546
Ashland	787,806	366,937	360,290	96,355
Athol		5,507	852,782	200,303
Attleboro	13,489,417		2,343,622	447,507
Auburn	2,575,495		733,416	139,823
Avon	265,440	504,148	209,043	29,169
Ayer	3,524,648	55,642	401,191	48,961
Barnstable	1,776,228		670,573	191,876
Barre			326,531	63,941
Becket	1,747	10,797	35,440	5,371
Bedford	786,805	609,391	317,167	69,924
Belchertown	3,814,910		643,038	120,143
Bellingham	4,257,742		967,037	143,835
Belmont	1,163,169	1,041,278	838,039	155,223
Berkley	1,561,624		201,238	41,512
Berlin	267,101		111,770	19,312
Bernardston			108,968	21,468
Beverly	4,093,787	3,086,077	1,762,752	331,162
Billerica	7,824,005	2,956,313	1,730,437	339,161
Blackstone	14,583		560,201	106,463
Blandford			53,242	9,928
Bolton			72,919	17,730
Boston	81,515,065	206,638,214	27,232,544	5,781,591
Bourne	1,526,256	443,645	454,076	92,512
Boxborough	97,181		94,128	18,986
Boxford	204,259	45,818	166,417	33,592

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Boylston	172,286		158,680	26,675
Braintree	1,994,921	4,250,822	1,501,952	242,037
Brewster	153,942		112,688	36,751
Bridgewater			1,233,762	263,012
Brimfield	560,173		145,273	29,214
Brockton	47,393,943	5,424,063	7,596,741	1,364,747
Brookfield	915,569		201,908	43,098
Brookline	1,871,963	4,401,448	1,818,725	369,438
Buckland			118,534	22,743
Burlington	1,726,483	1,744,603	620,663	151,496
Cambridge	2,819,944	22,595,349	3,756,704	650,723
Canton	1,065,424	1,104,851	602,533	115,461
Carlisle	201,566	18,534	78,845	22,837
Carver	4,531,073		496,322	138,599
Charlemont	3,320		64,715	13,990
Charlton			470,791	108,113
Chatham	109,630		71,455	13,860
Chelmsford	2,831,916	3,190,395	1,290,155	278,632
Chelsea	16,975,848	4,274,507	2,311,923	453,248
Cheshire			233,160	41,072
Chester			68,608	14,068
Chesterfield	17,777		53,043	10,180
Chicopee	20,317,035	1,504,526	4,333,839	801,577
Chilmark			1,398	347
Clarksburg	677,055	16,502	176,529	30,087
Clinton	4,920,755	220,865	967,530	175,701
Cohasset	554,509	209,013	199,483	34,029
Colrain			88,511	20,720
Concord	592,998	483,163	419,285	88,825
Conway	194,152		70,135	14,630
Cummington	6,388		30,551	6,108
Dalton	275,765		422,333	87,358
Danvers	1,359,917	1,408,080	908,100	170,507
Dartmouth	4,366,387		1,117,033	206,844
Dedham	1,510,271	1,950,847	1,023,635	184,315
Deerfield	348,126		201,469	41,960
Dennis			202,603	44,942
Dighton			309,770	54,768

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Douglas	2,011,208		231,791	58,195
Dover	71,120		90,366	17,642
Dracut	6,287,871		1,324,116	287,222
Dudley			639,807	118,737
Dunstable		37,846	69,190	15,860
Duxbury	1,152,341		374,890	89,768
East Bridgewater	4,103,856		625,928	113,894
East Brookfield	9,485		136,756	22,705
East Longmeadow	1,953,289		596,239	104,814
Eastham	59,030		50,111	13,486
Easthampton	5,481,580	137,004	1,260,162	218,828
Easton	3,700,356		865,313	201,402
Edgartown	91,398	35,873	14,520	4,478
Egremont			33,339	5,242
Erving	175,367	16,548	20,744	6,311
Essex	197,527	42,569	100,329	19,439
Everett	5,194,031	5,139,628	1,395,370	331,655
Fairhaven	3,831,366	492,569	942,856	155,587
Fall River	51,798,835	2,882,862	11,396,680	1,691,610
Falmouth	1,828,919		518,991	112,451
Fitchburg	18,439,653	270,312	3,604,785	669,106
Florida	136,600		15,765	5,504
Foxborough	2,788,280		730,425	126,027
Framingham	3,231,442	5,911,189	2,523,084	616,351
Franklin	5,582,594		1,050,220	195,944
Freetown	586,863		394,376	84,185
Gardner	8,282,392	151,944	1,601,618	300,374
Gay Head			1,219	104
Georgetown	1,500,159	66,691	293,993	59,986
Gill			81,767	20,267
Gloucester	2,551,945	2,419,911	1,132,176	198,919
Goshen	600		27,182	5,921
Gosnold	175	2,469	167	59
Grafton	2,675,025		629,153	140,278
Granby	1,702,674		389,440	64,566
Granville	177,064		54,133	12,472
Great Barrington			375,084	65,620
Greenfield	6,500,020		1,421,799	231,408

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Groton			277,779	63,268
Groveland			307,693	55,783
Hadley	225,077	174,084	136,031	26,881
Halifax	1,210,725		394,222	75,022
Hamilton		53,967	278,476	51,603
Hampden			289,703	43,346
Hancock	27,840	22,195	22,134	2,829
Hanover	1,311,667	1,669,092	482,846	84,684
Hanson			591,758	93,202
Hardwick		4,062	190,760	25,884
Harvard	620,093	69,324	923,750	162,228
Harwich	343,119		157,933	36,199
Hatfield	347,273		154,126	28,074
Haverhill	17,186,764	3,149,881	3,159,061	609,482
Hawley	804	16,264	11,661	2,608
Heath			17,216	5,709
Hingham	1,493,815	420,485	660,086	115,072
Hinsdale	33,172		82,716	19,453
Holbrook	3,286,283	5,987	706,575	123,845
Holden			694,425	147,649
Holland	241,260		65,270	16,116
Holliston	2,610,503	518,826	547,573	110,429
Holyoke	37,248,967	763,384	4,402,011	699,599
Hopedale	1,411,627		217,621	69,621
Hopkinton	1,033,446	151,365	244,057	57,302
Hubbardston			94,401	29,171
Hudson	4,140,733		953,031	177,763
Hull	1,998,290	1,747,307	469,472	98,521
Huntington			127,399	25,436
Ipswich	890,630	975,780	467,093	91,120
Kingston	992,359		364,692	79,012
Lakeville	761,891		322,638	55,761
Lancaster			402,564	72,489
Lanesborough	361,445		210,341	22,343
Lawrence	53,507,048	239,970	6,275,273	1,334,696
Lee	1,073,445		362,298	49,300
Leicester	3,930,088		786,050	132,541
Lenox	806,717	90,787	346,987	30,206

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Leominster	13,567,205	14,714	2,221,232	445,536
Leverett	67,051		68,159	16,263
Lexington	2,092,656		724,197	155,131
Leyden			23,249	6,345
Lincoln	156,630	367,459	208,631	43,347
Littleton	480,879	207,535	242,172	47,807
Longmeadow	1,927,188		647,080	110,047
Lowell	48,157,767	7,978,998	7,189,329	1,585,435
Ludlow	5,117,108		1,307,554	207,025
Lunenburg	2,102,432		469,263	84,717
Lynn	40,500,592	11,926,220	5,597,804	1,165,268
Lynnfield	785,025	455,892	336,948	74,711
Malden	12,206,335	7,030,168	3,737,694	720,209
Manchester	320,098		121,218	21,410
Mansfield	2,198,591	912,368	533,141	128,776
Marblehead	967,694	49,583	490,931	118,283
Marion	71,755		86,020	17,657
Marlborough	1,832,860	3,433,241	1,421,943	245,009
Marshfield	5,194,784	255,142	949,218	164,132
Mashpee	223,807		49,317	25,145
Mattapoisett	163,993		203,982	29,405
Maynard	1,167,819	738,519	482,266	107,633
Medfield	1,009,722	937,000	397,730	81,491
Medford	7,956,033	8,094,393	3,446,751	616,848
Medway	2,161,666	235,317	396,270	87,794
Melrose	3,570,268	3,402,865	1,510,515	262,220
Mendon			139,418	34,905
Merrimac			321,055	67,571
Methuen	11,233,433	205,147	2,133,842	421,035
Middleborough	8,355,016		1,062,108	192,061
Middlefield			20,118	2,992
Middleton	196,295	159,272	151,923	28,631
Milford	7,958,287		1,436,859	261,368
Millbury	3,025,111		808,218	139,210
Millis	1,049,369	403,862	324,292	70,360
Millville	800		143,702	26,732
Milton	1,168,645	1,566,851	1,063,296	202,148
Monroe	10,926	17,526	4,768	623

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Monson	2,852,888		602,396	93,803
Montague			554,082	94,264
Monterey		15,777	21,623	2,097
Montgomery			36,113	7,211
Mount Washington	2,791	41,886	1,029	344
Nahant	138,749	157,791	138,362	24,815
Nantucket	161,160		29,350	6,440
Natick	1,799,189	2,444,348	1,054,820	223,531
Needham	1,516,623	259,216	727,552	141,726
New Ashford	6,895	9,203	2,693	997
New Bedford	60,717,401	901,313	11,304,438	1,825,713
New Braintree			40,978	9,265
New Marlborough			26,263	4,271
New Salem			45,190	5,837
Newbury			179,058	42,971
Newburyport	1,877,967	1,736,621	737,331	126,509
Newton	3,830,416	1,732,789	2,371,645	446,848
Norfolk	1,100,777		325,518	95,725
North Adams	8,817,103	233,872	2,177,540	358,378
North Andover	1,596,623	151,695	729,919	178,178
North Attleborough	6,543,217		1,228,072	243,017
North Brookfield	2,252,368		354,730	68,807
North Reading	910,585	1,189,787	481,121	88,261
Northampton	5,246,894	727,239	1,949,265	314,147
Northborough	1,300,793	76,900	439,543	96,328
Northbridge	5,064,015	3,865	1,039,924	199,953
Northfield			101,285	28,769
Norton	4,491,957		931,185	164,889
Norwell	889,679	680,878	316,660	55,979
Norwood	1,589,952	3,354,660	1,191,109	207,358
Oak Bluffs	52,585		25,003	6,680
Oakham			55,875	15,642
Orange	2,931,062	2,661	742,661	113,248
Orleans	48,290		74,084	14,761
Otis			12,655	2,510
Oxford	4,847,452		957,406	151,819
Palmer	4,890,328		876,260	147,084
Paxton			189,272	39,429

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Peabody	7,260,297	3,951,625	2,238,929	450,308
Pelham	19,785		59,315	12,295
Pembroke	2,365,581		729,962	131,051
Pepperell			495,045	107,889
Peru	36,991		41,797	8,628
Petersham	32,171		44,760	9,114
Phillipston		5,519	44,364	14,006
Pittsfield	18,676,961	1,107,722	3,765,842	565,719
Plainfield	182		15,847	3,493
Plainville	718,868		295,602	57,898
Plymouth	8,820,592		1,195,631	346,596
Plympton	260,401		92,569	16,802
Princeton			120,687	23,357
Provincetown	121,780	27,912	66,417	12,779
Quincy	8,271,606	14,555,556	4,570,533	850,576
Randolph	5,357,839	2,297,597	1,507,589	320,049
Raynham			537,312	80,948
Reading	1,944,641	1,931,472	943,649	204,441
Rehoboth			406,259	77,185
Revere	9,538,244	6,712,698	2,476,178	480,532
Richmond	86,354		54,533	10,665
Rochester	517,227		179,343	29,487
Rockland	6,190,372	496,221	1,122,815	173,274
Rockport	361,912		167,283	44,551
Rowe	15,090		960	485
Rowley		143,746	173,084	35,905
Royalston			55,922	10,200
Russell			90,160	21,568
Rutland			348,941	57,754
Salem	4,826,379	4,151,021	1,635,310	358,736
Salisbury			278,537	46,450
Sandisfield			15,126	2,148
Sandwich	1,793,843	111,247	183,844	89,974
Saugus	1,861,381	2,245,040	946,943	207,497
Savoy	217,024	17,367	47,344	7,109
Scituate	1,416,022	1,101,119	695,739	108,960
Seekonk	1,922,817		580,475	95,204
Sharon	2,298,099	78,642	581,683	127,011

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Sheffield		15,023	98,729	17,720
Shelburne			130,057	20,732
Sherborn	117,739	26,364	101,080	17,106
Shirley	1,782,796	233,500	395,123	87,307
Shrewsbury	3,008,846	376,077	1,024,322	211,844
Shutesbury	138,163		48,203	13,880
Somerset	1,966,303		594,944	126,578
Somerville	13,305,838	20,410,649	5,718,638	1,079,607
South Hadley	3,701,677	25,437	1,139,762	212,395
Southampton	742,838		253,115	42,894
Southborough	319,822		187,413	37,118
Southbridge	8,867,400		1,500,986	278,098
Southwick			523,634	87,764
Spencer	83,795		940,801	169,324
Springfield	114,529,675	2,302,181	13,482,158	2,644,244
Sterling			277,482	59,737
Stockbridge			52,537	9,159
Stoneham	1,105,534	2,553,177	933,153	200,667
Stoughton	5,897,379	129,781	1,494,962	262,845
Stow		8,776	168,354	39,738
Sturbridge	598,716		264,277	66,482
Sudbury	699,605	807,321	418,367	81,868
Sunderland	435,330		192,803	36,746
Sutton	1,640,844		336,754	53,649
Swampscott	812,854	443,359	425,605	89,539
Swansea	3,262,339		945,344	142,437
Taunton	19,431,819		4,298,774	681,285
Templeton			539,250	93,625
Tewksbury	5,850,106		1,278,271	252,340
Tisbury	61,535		46,469	8,245
Tolland		12,413	2,218	484
Topsfield	135,209	318,725	181,570	40,577
Townsend			442,814	95,032
Truro	25,950		13,112	2,128
Tyngsborough	2,025,056		291,568	82,131
Tyringham	3,350		6,914	965
Upton			233,094	38,526
Uxbridge	2,716,446		589,764	127,625

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Wakefield	2,317,668	1,809,635	1,072,165	203,991
Wales	394,818		93,706	17,213
Walpole	2,121,824	1,112,115	818,861	150,935
Waltham	3,369,126	6,869,270	2,485,099	452,503
Ware	3,779,812	19,199	743,067	129,411
Wareham	5,346,619		969,617	144,902
Warren			305,218	59,816
Warwick		36,354	29,976	7,048
Washington	25	29,889	30,735	5,638
Watertown	1,057,587	5,571,114	1,378,103	286,181
Wayland	946,549	352,813	327,396	62,325
Webster	4,827,164	78,026	1,003,299	195,629
Wellesley	1,160,444	121,858	642,823	121,418
Wellfleet	33,415		25,975	5,234
Wendell		32,131	47,628	10,679
Wenham		175,913	125,360	33,953
West Boylston	762,390	85,259	297,479	43,338
West Bridgewater	1,222,350	59,411	323,069	40,408
West Brookfield			188,861	37,769
West Newbury			122,884	27,069
West Springfield	6,648,415		1,473,874	245,789
West Stockbridge			51,476	7,991
West Tisbury		229,569	9,010	2,982
Westborough	987,837	182,536	436,754	77,571
Westfield	14,817,868		2,655,987	512,151
Westford	1,735,549	1,126,887	550,929	118,285
Westhampton	120,731		54,809	11,181
Westminster			227,867	52,464
Weston	366,383		199,773	32,104
Westport	2,071,867		667,687	90,405
Westwood	837,477	45,632	327,259	64,821
Weymouth	12,211,732	3,050,391	3,393,288	623,653
Whately	33,658		59,547	9,427
Whitman			988,918	160,494
Wilbraham			559,956	108,454
Williamsburg	238,145		142,815	26,939
Williamstown	659,085		490,308	74,554
Wilmington	1,453,779	1,578,564	578,543	117,824

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Municipality	7061-0008 Chapter 70 School Aid	0611-5500 Additional Assistance	Lottery Distribution	Additional Lottery Distribution
Winchendon	4,716,408	31,919	638,906	125,317
Winchester	1,441,885	433,387	607,257	112,597
Windsor	682	35,260	22,160	5,585
Winthrop	2,658,336	2,878,558	1,211,633	209,164
Woburn	2,003,714	4,513,710	1,431,980	260,000
Worcester	65,786,650	14,860,192	12,815,549	2,379,778
Worthington			43,738	8,608
Wrentham	1,495,505		420,760	90,779
Yarmouth			430,102	108,022
Total	1,293,374,694	476,315,282	329,000,000	62,600,000

Regional Schools	7061-0008 Chapter 70 School Aid
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Acton Boxborough	1,854,317
Adams Cheshire	6,622,927
Amherst Pelham	4,946,603
Ashburnham Westminster	5,318,725
Assabet Valley	2,556,466
Athol Royalston	9,433,440
Berkshire Hills	2,218,865
Berlin Boylston	634,207
Blackstone Millville	5,712,460
Blackstone Valley	3,557,090
Blue Hills	2,961,084
Bridgewater Raynham	13,091,232
Bristol County	1,201,495
Bristol Plymouth	3,689,399
Cape Cod	1,557,431
Central Berkshire	4,845,081
Chesterfield Goshen	341,801
Concord Carlisle	1,040,733
Dennis Yarmouth	3,911,238
Dighton Rehoboth	6,741,179
Dover Sherborn	721,077
Dudley Charlton	9,372,674

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Regional Schools	School Aid
Essex County	2,874,168
Farmington River	209,663
Franklin County	1,727,952
Freetown Lakeville	3,862,370
Frontier	789,118
Gateway	4,438,264
Gill Montague	4,321,231
Greater Fall River	6,260,245
Greater Lawrence	8,226,823
Greater Lowell	10,828,877
Greater New Bedford	10,438,975
Groton Dunstable	2,751,720
Hamilton Wenham	2,053,797
Hampden Wilbraham	6,175,327
Hampshire	1,334,066
Hawlemont	415,516
King Philip	3,015,024
Lincoln Sudbury	1,300,427
Marthas Vineyard	497,740
Masconomet	1,582,920
Mendon Upton	2,643,516
Minuteman	2,104,403
Mohawk Trail	4,553,556
Montachusett	4,932,310
Mount Greylock	1,540,580
Narragansett	4,657,595
Nashoba	4,156,390
Nashoba Valley	1,744,905
Nauset	1,259,651
New Salem Wendell	474,577
Norfolk County	598,886
North Middlesex	11,375,103
North Shore	1,039,311
Northampton Smith	737,967
Northboro Southboro	1,067,569
Northeast Metropolitan	3,621,110
Northern Berkshire	2,031,428
Old Colony	1,890,707

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Regional Schools	School Aid
Old Rochester	1,148,687
Pathfinder	1,765,147
Pentucket	6,176,455
Pioneer	2,103,010
Quabbin	7,545,075
Quaboag	4,954,958
Ralph C Mahar	2,645,532
Shawsheen Valley	2,986,309
Silver Lake	6,297,099
South Middlesex	2,129,996
South Shore	1,440,953
Southeastern	6,444,390
Southern Berkshire	1,196,008
Southern Worcester	3,879,942
Southwick Tolland	4,876,636
Spencer East Brookfield	9,095,589
Tantasqua	3,127,206
Tri County	2,125,445
Triton	5,529,349
Up-Island	250,246
Upper Cape Cod	1,225,841
Wachusett	12,848,001
Whitman Hanson	12,979,107
Whittier	4,198,139
Worcester Trade	6,294,745
Total Regional Schools	329,127,176
Total School Aid	1,622,501,870

SECTION 4. Notwithstanding the provisions of clause forty-one 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-two 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

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air pollution control districts; the metropolitan area planning council; the old colony planning council; the Massachusetts Bay Transportation Authority, and any other entity for which said commissioner is required to give notice pursuant to said section twenty-five A.

SECTION 5. The state treasurer may 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. Notwithstanding the provisions of section thirty-one of chapter eighty-one of the General Laws or any other 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-five proportional to the fiscal year nineteen hundred and ninety-four distribution of said Highway Fund reimbursements.

SECTION 7. Notwithstanding the amounts to be distributed from items 6005-0011, 6005-0012, 6005-0015, and 6005-0018, a special commission is hereby established to study and investigate the financing of the Massachusetts Bay Transportation Authority. Such study shall include but not be limited to state financial assistance, fare box revenues, and assessments to communities served by the Massachusetts Bay Transportation Authority, so-called fringe communities, communities outside the Massachusetts Bay Transportation Authority district receiving services, communities whether in or outside the Massachusetts Bay Transportation Authority which do not have direct service but whose residents utilize and access service in an adjacent community. Such Commission shall be composed of three members of the House of Representatives, two members of the State Senate, the Secretary of Transportation, the General Manager of the Massachusetts Bay Transportation, the General Manager of the Massachusetts Bay Transportation Authority, two members of the Massachusetts Bay Transportation Authority Advisory Board, one of whom shall represent communities receiving service, one of whom shall be a representative of fringe communities, two members of the Massachusetts Municipal Association, one of whom shall represent a community outside the Massachusetts Bay Transportation Authority district but which receives service, and three members of the Massachusetts Association of Regional Transit Authorities.

Said Commission is authorized and directed to hold public hearings and shall consult with and receive evidence from, and solicit the opinions of officials of Massachusetts cities and towns, the Massachusetts Bay Transportation Authority and other regional transit authorities, officials of 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, if necessary, to carry said

recommendations into effect, by filing the same with the Clerk of the House of Representatives on or before the first Wednesday of April, nineteen hundred and ninety-five.

SECTION 8. Notwithstanding the provisions of any general or special law to the contrary, the state comptroller is hereby authorized to transfer from the following items such amounts as would otherwise be unexpended on June thirtieth, nineteen hundred and ninety-four, 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-five; 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 9. All sums appropriated under the provisions of this act shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women, and handicapped persons. All officials and employees of any agency, board, or division of the commonwealth receiving monies under 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 said secretary, he shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board or division, to the governor, and to the Massachusetts commission against discrimination.

SECTION 10. Notwithstanding the provisions of any general or special law to the contrary, the head of each agency which is funded in any item of appropriation in sections two or two B of this act by means of a minor budgetary fund or dedicated fund, so called, shall file an initial spending plan with the comptroller and with the house and senate committees on ways and means on August first, nineteen hundred and ninety-four. Said initial spending plan may be amended in a final spending plan filed with the comptroller and said committees on ways and means by September fifteenth, nineteen hundred and ninety-four. Said spending plans shall indicate anticipated revenues to, and expenditures from, such minor budgetary funds or dedicated funds for the fiscal year ending June thirtieth, nineteen hundred and ninety-five.

SECTION 11. The house committee on ways and means and the executive office of administration and finance shall conduct a study of forward funding, so called, of the Massachusetts Bay Transit Authority and Regional Transit Authorities. Said study shall in-

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clude, but not be limited to: the funding costs of such forward funding, the sources of revenue to such forward funding, including, a review of the proposed amortization schedule for pension funding liability; the amount of time within which such forward funding could be accomplished; and, in consultation with bond rating agencies with the objective of enhancing and improving the credit and bond rating of the commonwealth, an assessment of the effect such forward funding would have on the rating of certain bonds of the commonwealth.

Said study shall also include a review and plan to address the service needs of the communities in the regional transit authorities including but not limited to, early morning and evening service for workers using the system, decreasing the waiting period between service runs, the inclusion of weekend, holiday and seasonal service, the need to expand service for elderly and disabled riders. Said plan shall include a schedule for completion of the identified service needs and identification of funding sources for said new services.

SECTION 12. 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 two percent of the following appropriation accounts in section two of this act:— 1102-7881, 1102-7882, 1102-7885, 1102-7886, 1102-7887, 1102-7890, 1102-7893, 1102-7894, 1102-7895, 1102-7896, 1102-7897, 1102-8801, 1102-8819, 1102-8847, 1102-8869, 1102-8880, 1102-8890, 1102-8891, 1102-8892, 1102-8893, 1102-8895, 1102-8897, 1102-8899 and 1102-9802.

SECTION 13. 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 and notify the Comptroller of such charges and such leaves of absence. The Comptroller is hereby authorized and directed to transfer said amounts to the General Fund.

SECTION 14. Notwithstanding the provisions of any general or special law to the contrary, the state treasurer is hereby authorized to pay for items authorized under section thirty-eight C of chapter twenty-nine of the General Laws from items 0699-1901, 0699-1902, 0699-1903, 0699-3901, 0699-3902, 0699-3903, 0699-3910, 0699-6800, 0699-6800, 0699-6900, 0699-8300, and 0699-9100; provided, that such payments pertain to the bonds, notes, or other obligations authorized to be paid from each item.

SECTION 15. The commissioners of the Department of Environmental Management and Metropolitan District Commission are hereby authorized to establish a seasonal employment alternative program; provided, that the provisions of section twenty-nine A of chapter twenty-nine of the General Laws shall not apply to expenditures made from line item 2100-3010, 2100-3011, 2440-5000 and 2440-6000 in section two of this act or any other relevant account for said seasonal employment alternative program; and provided further, that the provisions of this section shall continue in effect until the enactment of the general appropriation act for fiscal year nineteen hundred and ninety-six.

SECTION 16. There is hereby established on the books of the commonwealth a fund to be known as 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 judgment from *Commonwealth of Massachusetts v. Owens Corning Fiberglass, et al.*, Suffolk Superior Court No. 90-3791-A, or received as payments by the commonwealth on account of the bankruptcy of any manufacturer, seller or distributor of asbestos containing materials in any 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 at 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 17. Chapter 3 of the General Laws is hereby amended by inserting after section 9B the following section:—

Section 9C. Each member of the general court shall be paid an allowance for each day after prorogation of the general court when on legislative business affairs at the state house in accordance with the schedule contained in section nine B.

SECTION 18. Said chapter 3 is hereby further amended by inserting after section 10 the following section:—

Section 10A. In special elections, called for the purposes of filling a vacancy in the general court held after July First, nineteen hundred and ninety-three, the state secretary shall certify that state funds not expended during such period of vacancy, including the costs of associated staff positions, salaries, and allowances under section nine B, shall not revert to the general fund or any legislative accounts but shall be set aside in a special fund in the office of the state treasurer and made payable to the city or town in which such election was held. The city or town clerk shall certify to the said secretary the total actual costs of holding such special election and such city or town shall be reimbursed up to one hundred percent

of the net costs thereof. "Net costs" for purposes of this section shall mean the total actual costs as certified by the city or town clerks less any other reimbursements available to such city or town.

SECTION 19. Section 119 of chapter 6 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following paragraph:—

The council may accept gifts, contributions, grants and bequests of funds or other property from individuals, foundations, corporations and federal, state or other governmental bodies, which funds or property may be expended or used with the approval of the council's members to discharge the council's responsibilities or to conduct its programs, without further appropriation.

SECTION 20. Section 196 of said chapter 6, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Departments and agencies of the commonwealth and other public and private agencies and individuals shall reimburse the commission where so required by the commission's regulations for the compensation and travel expenses of any interpreter appointed by the commission pursuant to this section, but said departments, agencies and individuals shall not reimburse the commission for indirect costs or fringe benefits paid to such interpreter. The commission is authorized to treat reimbursements of prior year expenditures for the services of interpreters as reimbursements of current year expenditures for such services. Monies collected under the provisions of this section shall be deposited in a retained revenue account and shall be expended, subject to appropriation, to purchase interpreter services. Said retained revenue account shall be subject to biennial audit by the state auditor.

SECTION 20A. Said chapter 6 is hereby further amended by adding after section 204 of the following five sections:—

Section 205. There is hereby established a Massachusetts office of volunteerism, in this section and in sections two hundred and six to two hundred and nine, inclusive, called the office, consisting of an executive director, in this section and in said sections two hundred and six to two hundred and nine, inclusive, called the director, and an advisory council, as hereinafter described. The director shall be appointed by the governor, after consultation with the advisory council and shall serve at the pleasure of the governor. The director shall, at the time of appointment, have substantial professional experience in the field of volunteer administration, to all aspects of including, but not limited to, human resource management, communications, fund raising, training and education. 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, with the advice of the advisory council, have sole charge of the supervision and administration of the office. The director may, subject to appropriation, employ and re-

such assistant directors and other employees and consultants as may be deemed necessary to enable the performance of duties. The provisions of chapter thirty-one and section nine A of chapter thirty shall not apply to the director or to such assistant directors and consultants as may be appointed. In making such appointments, the director shall make every reasonable effort to ensure that volunteers are actively involved and that persons having experience with volunteers efforts are employed.

Section 206. Subject to the approval of the secretary of administration, the director may apply for and accept on behalf of the commonwealth any federal, local or private grants of money or property, whether real or personal, from any source, whether public or private, bequests, gifts or contributions to aid the financing of any of the programs or policies of the office. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a separate account and shall be expended under the direction of the director, with the approval of the secretary of administration.

The office may make agreements with other departments and agencies of the commonwealth and may contract with other individuals, organizations, corporations, associations and other legal entities including private agencies, or any department or agencies of the federal government or the commonwealth or any political subdivision thereof, to carry out any of the functions and purposes of the office. The director shall establish standards and procedures governing such agreements and contracts subject to the approval of the secretary of administration.

Section 207. The office, in order to plan, initiate, promote and evaluate a statewide program of services on behalf of the volunteer community shall have the following powers and duties:

(a) identify, coordinate and share information on resources on volunteerism and to encourage the participation of all segments of the community in volunteerism;

(b) to provide the volunteer community with technical information and access to the skills and knowledge necessary to make current programs more effective, and to encourage their growth and experimentation with new ideas;

(c) to be an advocate for volunteerism to help build within the commonwealth a positive climate for volunteerism that addresses issues of leadership, recognition, legislation, and change;

(d) to encourage the corporate community of the commonwealth to become an active partner in the support of volunteer services in the commonwealth, in the public and not-for-profit sectors, in the areas of youth development and education, on policy-making boards, and with the encouragement of the employees' participation in volunteer efforts;

(e) to serve as a clearinghouse, to facilitate the sharing of ideas, materials and experiences; to recognize and promote successful learning models and service opportunities in a statewide network, identifying projects with the most valuable learning potential and thereby reducing duplication of efforts and costs;

(f) to assist and support public sector volunteer programs;

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(g)(1) to prepare and submit to the governor an annual report which shall be a public document which shall include the description and evaluation of activities of the office in implementing the aforementioned duties and functions, (2) to prepare and submit a description, evaluation and analysis of public policies, programs, services and regulations that affect or may affect volunteer efforts and services, (3) prepare and submit recommendations for the development, coordination and improved responsiveness of such policies, programs, services and regulations.

Section 208. In order to fulfill the functions of the office such information as the director may require shall be made available upon request, by any department, division, board, bureau, commission, or agency of the commonwealth.

Section 209. The governor initially shall appoint an advisory council on volunteerism which shall consist of no fewer than twelve and no more than twenty members. Persons shall be eligible for appointment if their positions, knowledge or experience enables them to represent the concerns, needs and recommendations of volunteerism and if they have been recommended by the director. The council shall at all times be persons actively engaged in activities concerning volunteerism. Each member shall serve for a term of four years as governed by council by-laws.

The director initially shall nominate persons whose services will ensure representation of the interests of the volunteer community at large from all areas of the commonwealth. Council membership shall include at least three current volunteer administrators; a minimum of one representative from the corporate sector, a minimum of one representative from community service programming in education, and one volunteer. The director's nominations shall be named from a list provided by consumer groups, health and human services agencies or individuals representing such volunteers.

Once established, the advisory council shall elect a chairperson and establish by-laws which will govern all aspects of its operation. These by-laws shall be subject to the approval of the governor. The advisory council shall meet at least eight times a year, and shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

Said advisory council shall advise the director on policy, planning, and the needs of the commonwealth for programs and services encouraging and strengthening the volunteer system in the commonwealth; assist the director in establishing priorities for office activities, and annually review the programs, budgets, and policies of the office.

SECTION 21. Chapter 6A of the General Laws is hereby amended by striking out section 9A, as so appearing in the 1992 Official Edition, and inserting in place thereof the following section:—

Section 9A. The secretary of consumer affairs and business regulation is hereby authorized to make an annual assessment against each electric, gas, telephone, and telegraph company doing business in the commonwealth and subject to the supervision of the department of public utilities, based upon intrastate operating revenues of each of such companies derived from the sales of electric, gas, telephone and telegraph services, respectively, as shown on the annual report or annual statement of each of said companies

filed with the proper supervising agency. Said assessments shall be in such amounts as determined and certified annually by said secretary of consumer affairs and business regulation to be sufficient to produce one million three hundred fifty-five thousand one hundred and forty-five dollars in revenue to the commonwealth and shall be assessed proportionately against each such company on the basis of said intrastate operating revenues of each such company; provided, however, that in addition to said assessment amounts, the assessment shall include amounts, to be credited to the General Fund, for fringe benefit costs, including but not limited to group life and health insurance, and retirement benefits, paid vacations and holidays, and sick leave, not to exceed twenty-two percent of the amount attributable to personnel costs of the attorney general's office subject to assessment under the provisions of this section and under section eleven E of chapter twelve in the fiscal year in which the assessment is made; provided, further, that if the attorney general fails to expend in any fiscal year the total amount of one million three hundred fifty-five thousand one hundred and forty-five dollars for the purposes set forth under the provisions of said section eleven E of said chapter twelve, any amount unexpended in such fiscal year shall be credited against the assessment to be made in the following year and the assessment in such following year shall be reduced by such unexpended amount.

Assessments made under this section may be credited to the normal operating costs of each such company and shall be utilized by the attorney general solely for the purposes set forth under the provisions of said section eleven E of said chapter twelve. Said secretary is hereby authorized to make a further annual assessment for the purpose of providing funds to the attorney general for the representation of consumer interests in proceedings held pursuant to section ninety-four G of chapter one hundred and sixty-four and such other proceedings as may be reasonably related to said section ninety-four. Said assessments shall be assessed proportionately against each electric company under the jurisdictional control of the department of public utilities based upon the intrastate operating revenues of each said companies derived from wholesale and retail sales of electricity within the commonwealth as shown in the annual report of said companies to the department. Said assessment shall be made at a rate as shall be determined and certified annually by the secretary of consumer affairs and business regulation as sufficient to produce not more than seventy-five thousand dollars in revenue to be credited to the General Fund for each fiscal year for which said assessment is made.

SECTION 22. Section 3B of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the words "and ending June thirtieth, nineteen hundred and ninety-four".

SECTION 23. Said section 3B of said chapter 7, as so appearing, is hereby further amended by striking out the fifth paragraph.

SECTION 24. Section 4A of said chapter 7, as so appearing, is hereby amended by striking out, in lines 70 and 71, the words "a central state post office", and by adding the following sentence:- The office of management information systems shall be responsible for the administration of a central state post office.

SECTION 25. Section six A of said chapter seven is hereby repealed.

SECTION 26. Section 22 of said chapter 7, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "commissions", in line 46, the following words:—; provided, however, that any such property that may be of use to cities and towns, including motor vehicles but excluding those forfeited to the commonwealth under section forty-seven of chapter ninety-four C, shall be offered for sale to cities and towns before being offered to the general public.

SECTION 27. Subsection (e) of section 38C of said chapter 7, as so appearing, is hereby amended by adding the following sentence:—Projects consisting of energy management services procured in accordance with section eleven C of chapter twenty-five A and regulations promulgated thereunder shall be exempt from the jurisdiction of the board.

SECTION 28. Section 38K of said chapter 7, as so appearing, is hereby amended by adding the following subsection:—

(e) Notwithstanding the provisions of subsection (a), a city, town, or agency, board, commission, authority or instrumentality thereof may procure energy management services in accordance with section eleven C of chapter twenty-five A and regulations promulgated thereunder.

SECTION 29. Said chapter 7 is hereby further amended by adding the following section: —

Section 56. (a) There shall be established within the department of procurement and general services a division of purchased services, hereinafter called the division. 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.

(b) 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.

(c) 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 the 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.

(d) 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

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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 committees 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.

(e) 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 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 and one of whom shall be a representative from the Massachusetts Council of Human Service Providers, Incorporated. 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.

(f) 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.

(g) 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.

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(h) The prices determined by the division, 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 the 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 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.

(i) 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.

(j) Notwithstanding the provisions of this section or any other general law to the contrary, the division shall immediately notify the budget director, the secretary of administration and finance and the chairmen of the house and senate committees on ways and means of any rate increase or other pricing adjustment to any contracted service provider paid from the MM subsidiary, so-called, on the Massachusetts management accounting and reporting system, so-called; shall include in said notice the name of every affected state agency and the item of appropriation from which the increase or adjustment would be paid; and shall provide a cost estimate of said increase or adjustment for the current fiscal year and the subsequent fiscal year. No such increase or adjustment approved by the division shall take effect until the general court appropriates additional funds specifically for the purpose. Every agreement between a state agency and a provider shall contain a provision that no such increase or adjustment shall take effect until such funds are appropriated as required by this subsection.

(k) 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 subsection shall not be construed to confer

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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.

(l) 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.

(m) 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.

(n) 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.

(o) The division shall adopt regulations limiting the reimbursement to providers for the salaries of their officers or managers to the salary level in step seven of job group M-XII in the management salary schedule in section forty-six C of chapter thirty.

(p) The division shall adopt rules and regulations governing contracts between governmental units and social service program providers which shall include, but not be limited to:

(1) a provision prohibiting any such provider from expending any funds received from a governmental unit for any attorney, consultant or other person to advise, consult or provide any other service with respect to inhibiting or defeating any organization of the provider's employees or any other employee self-organization or concerted activity for mutual aid or protection; provided, that providers may expend such funds for attorneys or consultants to assist in collective bargaining with a union or other employee organization recognized as the bargaining agent of the provider's employees or to administer a collective bargaining agreement;

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(2) a provision requiring that all transactions between said providers and related parties shall be disclosed in writing in advance to the division and to such governmental units;

(3) a provision requiring a complete inventory of equipment which is to be used by a provider and to which a governmental unit has title, and requiring the return of such equipment to the proper governmental unit upon the completion or termination of the contract; and

(4) a provision requiring that any contracts for which funds expended by the commonwealth thereunder reimburse or compensate said providers for the amortization of mortgages for the ownership of any real property, whether owned directly or indirectly by said provider, shall contain provisions for the recoupment of said reimbursement or compensation by the commonwealth in the event said property is sold and may, if necessary, allow for the execution of liens to ensure such recoupment; provided, that any such lien shall be subordinated to any statutory lien, to the lien of a first mortgagee who has provided a purchase-money mortgage for such property, and to the interest of any banking institution, as defined in section one of chapter one hundred and sixty-seven A, holding a security interest in such property in an amount not exceeding ten percent of the appraised value of such property as determined and provided by such banking institution; and provided further, that any such recoupment shall be net of any outstanding balance due pursuant to any such superior security interest.

If after a hearing the division finds a violation of any regulation adopted under this subsection, the division may order that the contract be terminated, or may assess a civil penalty of not more than two thousand dollars or ten percent of the amount payable under the contract, whichever is greater, which the agency shall withhold from payments otherwise due under the contract. Notwithstanding the foregoing, any provider aggrieved under this subsection may exercise any legal remedies or cause of action available to such provider under law. If the division determines after a hearing that a provider has committed repeated willful violations of this subsection, it may debar the provider from further state contracts but such debarment shall not be for a period longer than five years.

SECTION 30. Chapter 7A of the General Laws is hereby amended by adding the following section:—

Section 16. The rules and regulations promulgated by the comptroller pursuant to section fifteen shall include a provision that interdepartmental and interagency service agreements will only be approved when (1) the buyer department or buyer agency is statutorily authorized or required to procure a service which it is demonstrably unable to provide and the seller department or seller agency is statutorily authorized or required to provide the type of goods or services and demonstrably able to provide such goods or services or (2) the buyer department or buyer agency is statutorily authorized or required to procure a service which it is demonstrably able to provide and the seller department or seller agency is able to provide such goods or services in a more cost efficient or higher quality manner.

SECTION 31. Chapter seven B of the General Laws is hereby repealed.

SECTION 32. Section 10 of chapter 10 of the General Laws, as amended by section 55 of chapter 110 of the acts of 1993, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

He 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.

SECTION 33. Section 25 of chapter 10 of the General Laws, as most recently amended by section 1 of chapter 71 of the acts of 1993, is hereby further amended by striking out the second paragraph.

SECTION 34. The first paragraph of section 52 of said chapter 10, as appearing in the 1992 Official Edition, is hereby amended by striking out the first and second sentences and inserting in place thereof the following sentences: — There shall be, in the office of the treasurer, but not subject to its control, a Massachusetts cultural council, hereinafter referred to in this section and in sections fifty-three to fifty-eight, inclusive, as the council, consisting of nineteen members to be appointed by the governor from among qualified private citizens of the commonwealth who have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, interpretive sciences, or local arts. The members of the council shall serve staggered, three year terms.

SECTION 35. Section 59 of said chapter 10, added by section 61 of said chapter 110, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:—Upon request of the commissioner of rehabilitation, the state treasurer shall pay such funds as may be appropriated out of the income and receipts of said trust fund for the purposes of developing and maintaining nonresidential rehabilitation services for head injured persons in such manner as the commissioner may direct.

SECTION 36. Section 60 of chapter 10, as added by section 1 of chapter 490 of the acts of 1993, is hereby amended by inserting after the word "services" in the third sentence the following:—

; and provided further, that an amount equal to the sum appropriated plus fringe costs in each fiscal year for the implementation and operation of the auto-related component of the state implementation plan, as amended, shall be transferred from said fund to the clean air act compliance fund.

SECTION 37. Section 61 of chapter 10 of the General Laws, as appearing in section 1 of chapter 490 of the acts of 1993, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Amounts credited to said fund shall be received and held in trust for the commonwealth, for the purposes of the motor vehicle safety inspection program, and shall be expended without further appropriation; provided, however, that such amounts may be expended for direct and indirect costs associated with personnel and for the purpose of administration and implementation of the provisions of section seven of said chapter ninety, and for the several other purposes as may be required by law.

SECTION 38. Section 11E of chapter 12 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 10 and 11, the words "one hundred and fifty percent of".

SECTION 39. The General Laws are hereby amended by inserting after chapter 12A the following chapter:-

**CHAPTER 12B.
STATE GAMBLING ADVISORY COMMISSION.**

Section 1. As used in this chapter:

"commission" means the Massachusetts state gambling advisory commission.

Section 2. (a) There shall be a Massachusetts state gambling advisory commission, consisting of five members. Each member of the commission shall be (1) a citizen of the United States; and (2) a resident of the commonwealth. No person holding any elective office in the federal, state, or local government, nor any officer or official of any political party shall be eligible to appointment to the commission. It is the intention of the legislature that the commission shall be composed of the most qualified persons available; but no person actively engaged or having a direct pecuniary interest in gambling activities shall be a member of the commission. Not more than three members of the commission shall be of the same major political affiliation. The governor shall appoint three members of the commission and designate one member to serve as chairman of the commission. The attorney general of the commonwealth shall appoint one member of the commission. The auditor of the commonwealth shall appoint one member of the commission.

(b) The term of office of each member of the commission shall be five years except that, of the members initially appointed, one shall be appointed by the governor for a term of two years, one shall be appointed by the attorney general for a term of three years, one shall be appointed by the governor for a term of four years, one shall be appointed by the auditor for a term of five years, and one shall be appointed by the governor for a term of five years. After the initial term the term of office for each member of the commission is five years, provided that no member serve more than two consecutive terms of five year periods. Any vacancies shall be filled by the original appointing authority within sixty days of the occurrence of such vacancy. Any appointee shall continue in office beyond the expiration date of his term until the appointment of a successor but in no event longer than six months. Any commissioner may be removed by the governor for just cause, and shall be removed immediately upon conviction of any felony.

(c) The commission members shall devote that time to the business of the commission as may be necessary to the discharge of their duties. The members of the commission shall be compensated for work performed for the commission at twenty-five thousand dollars per annum, with the chairman receiving ten thousand dollars per annum in addition to his compensation. Commission members shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. Before entering upon the duties of his or her office each member shall swear that he or she is not pecuniarily interested in any business or organization holding a gambling license under this chapter, or

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doing business with any gambling service industry, as defined by this chapter and shall submit to the governor, attorney general and state auditor, a statement of financial interest required by chapter two-hundred sixty-eight B listing all assets and liabilities, property and business interests, and sources of income of said commissioner and his spouse. Such statement shall be under oath and shall be filed at the time of employment and annually thereafter. No commission member shall have any interest, direct or indirect, in any proposal reviewed by the commission or recommendation made by the commission to the General Court. Regular and special meetings of the commission may be held, at the discretion of the commission, at such times and places as it may deem convenient, but at least one regular meeting may be held each month on or after the fifteenth day of the month.

(d) The commission shall review proposals to legalize and establish various forms of gambling within the commonwealth. The commission shall make advisory recommendations solely to the general court concerning each proposal it reviews, but the commission shall have no power to approve any proposal and its recommendations are not binding on the General Court. No proposal reviewed by the commission or recommendation made to the General Court shall have any force and effect unless and until such a proposal or recommendation is statutorily approved and enacted. The clerk of the senate and the clerk of the house of representatives shall provide the commission with a copy of any petition relative to gambling filed in their respective branch. In reviewing proposals, the commission shall make specific findings with respect to: the amount of estimated tax and other revenue to the commonwealth; the amount of anticipated economic activity to be created by the proposal; the integrity and fiscal soundness of the offeror and the social impact of the proposal. The commission may make additional findings as it deems necessary and relevant. The commission shall make an annual report of its activities to the general court by March thirty-first, for the prior calendar year.

(e) The commission shall appoint and set the compensation of an executive director who shall oversee the staff of the commission and execute the duties and responsibilities assigned by the commission. The executive director of the commission shall direct his entire time and attention to his duties and shall not pursue any other business or occupation or other gainful employment.

(f) The executive director shall, within the limits of legislative appropriations or authorizations, establish personnel policies and employ and fix the salaries for the services of professional, technical and operational employees of the commission.

(g) The commission shall not be subject to the provisions of chapter one hundred and fifty E of the General Laws.

(h) No employee of the commission shall have any direct or indirect interest in any proposal reviewed by the commission or in any recommendation made by the commission to the General Court.

SECTION 40. Section 1G of chapter 15 of the General Laws is hereby amended by striking out the first paragraph, as amended by section 6 of chapter 151 of the acts of 1993, and inserting in place thereof the following paragraph:

There shall be established advisory councils to the board in the following areas: early

childhood education; life management skills; home economics; educational personnel; fine arts education; gifted and talented education; math and science education; racial imbalance; parent and community education and involvement; special education; bilingual education; technology education; vocational-technical education; violence prevention; adult basic education; global education and comprehensive health education and human service programs.

SECTION 41. Said section 1G of said chapter 15 is hereby further amended by inserting after the tenth paragraph the following paragraph:—

The advisory council on violence prevention shall consist of twelve members, who shall include one assistant district attorney, one assistant attorney general, two teachers of public schools in the commonwealth, one duly elected member of a school committee in the commonwealth, one school district superintendent in the commonwealth, one principal of a public school in the commonwealth, one police chief and two students enrolled in secondary public schools in the commonwealth. Of the student members, at least one shall have experience with a youth violence prevention program.

SECTION 42. Section 9 of chapter 15A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following paragraph:—

Notwithstanding the provisions of any general or special law to the contrary, the higher education coordinating council shall have authority to approve degree programs offered by institutions of higher education; provided, however, that any other licensing body approving specific course offerings required as components of such degree programs under said licensing body's licensing authority shall not have any other authority over course offerings which are not required for licensure.

SECTION 43. Subsection (D) of section 2 of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in line 97, the word "The" and inserting in place thereof the words:— Subject to appropriation, the.

SECTION 44. Chapter 21 of the General Laws, is hereby amended by striking out section 53A, inserted by section 67 of chapter 110 of the acts of 1993, and inserting in place thereof the following section:—

Section 53A. All municipalities or sewer districts within the jurisdiction of the Massachusetts Water Resources Authority, but not including communities serviced by the Connecticut Valley Aqueduct shall institute sewer charges and fees that incorporate a base rate for all users; provided, however, that said base rate shall be increased at an increasing rate to fairly reflect the resource demand and discharge of high volumes of sewage.

SECTION 45. Section 15 of chapter 21C of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 29 and 30, the words "and before January first, nineteen hundred and ninety-four".

SECTION 46. Section 19 of said chapter 21C, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "and in no event later than July first, nineteen hundred and ninety-four".

SECTION 47. Section 3 of chapter 25A of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Energy conservation projects" the fol-

lowing definition:—

"Energy management services", a program of services, including energy audits, energy conservation measures, energy conservation projects, or a combination thereof, and building maintenance and financing services, primarily intended to reduce the cost of energy and water in operating one or more buildings, which may be paid for in whole or in part, by cost savings attributable to a reduction in energy and water consumption which result from such services.

SECTION 48. Said chapter 25A is hereby further amended by inserting after section 11B the following section:—

Section 11C. (a) A public agency may, in the manner provided by this section, contract for the procurement of energy management services. Such contracts may include terms of ten years or less. Contracts which include cogeneration projects shall have terms of twenty years or less. The public agency shall solicit competitive sealed proposals through a request for proposals. At least one week prior to soliciting proposals for a contract pursuant to this section, a public agency shall notify the commissioner of energy resources in writing, in such form and including such information as the commissioner shall prescribe by regulation, of the agency's intent to solicit proposals. Such notification shall, at a minimum, include a complete copy of the agency's request for proposals. An acknowledgment of receipt, in such form and by including such information as the commissioner shall prescribe by regulation, shall be issued to the public agency upon successful compliance with the requirements of this paragraph.

Requests for proposals for an energy management services contract to be entered into on behalf of a state agency or a building authority, shall be developed jointly by the division of capital planning and operations and the using agency. Such proposals shall only be solicited by the division of capital planning and operations after the commissioner of said division has given his prior written approval, and no contract for energy management services shall be valid unless approved and signed by said commissioner. Said commissioner may delegate to state agencies and building authorities the authority to enter into such contracts with an estimated construction cost of less than two hundred thousand dollars. Such delegation shall be in writing from the commissioner to the regulating agency or building authority.

The request for proposals published by a public agency under this section shall include: (1) the time and date for receipt of proposals and the address of the office to which the proposals are to be delivered; (2) a description of the services to be procured, including specific requirements and all evaluation criteria that will be utilized by the state agency or building authority; and (3) proposed contract terms and conditions and an identification of such terms and conditions which shall be deemed mandatory and non-negotiable. The request for proposals may incorporate documents by reference, provided that the request for proposals specifies where prospective offerors may obtain the documents. The public agency shall make copies of the request for proposals available to all persons on an equal basis. Public notice of the request for proposals shall conform to the procedures set forth in subsection (1) of section forty-four J of chapter one hundred and forty-nine. Proposals shall

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be opened publicly, in the presence of two or more witnesses, at the time specified in the request for proposals, and shall be available for public inspection.

The provisions of sections forty-four A, forty-four B and forty-four E through forty-four H, inclusive, of chapter one hundred and forty-nine shall not apply to contracts procured pursuant to this section. The provisions of section forty-four D of chapter one hundred and forty-nine shall apply as appropriate to proposals submitted for contracts under this section, and every such proposal shall be accompanied by (1) a copy of a certificate of eligibility issued by the commissioner of the division of capital planning and operations, and (2) by an update statement. The offeror's qualifications shall be evaluated by the division of capital planning and operations in a manner designated by the commissioner of said division. If the public agency determines that any offeror is not responsible or eligible, the public agency shall reject the offeror, and shall give written notice of such action to the division of capital planning and operations.

State agencies and building authorities shall award contracts under this section to the lowest offeror demonstrably possessing the skill, ability, and integrity necessary to perform faithfully energy management services.

Payments under a contract for energy management services may be based in whole or in part on any cost savings attributable to a reduction in energy and water consumption due to the contractor's performance or revenues gained due to the contractor's services which are aimed at energy and water cost savings.

(b) The provisions of this subsection shall apply to a governmental body, as defined in this section, procuring contracts under this section.

Unless no other manner of description suffices, and the governmental body so determines in writing, setting forth the basis for the determination, all requirements shall be written in a manner which describes the requirements to be met without having the effect of exclusively requiring a proprietary supply or service, or a procurement from a sole source.

Subject to a governmental body's authority to reject, in whole or in part, any and all proposals, as provided in this section, a governmental body shall unconditionally accept a proposal without alternation or correction, except as provided in this paragraph. An offeror may correct, modify, or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time and date set for opening the proposals. After proposal opening, an offeror may not change any provisions of the proposal in a manner prejudicial to the interests of the governmental body or fair competition. The governmental body shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended proposal are clearly evident on the face of the proposal document, the governmental body shall correct the mistake to reflect the intended correction and so notify the offeror in writing, and the offeror may not withdraw the proposal. An offeror may withdraw a proposal if a mistake is clearly evident on the face of the proposal but the intended correction is not similarly evident.

The governmental body shall evaluate each proposal and award each contract based solely on the criteria set forth in the request for proposals. Such criteria shall include, but not be limited to, all standards by which the governmental body will evaluate responsiveness,

responsibility, qualifications of the offeror, technical merit, and cost to the governmental body. The request for proposals shall specify the method for comparing proposals to determine the proposal offering the lowest overall cost to the governmental body, taking into consideration comprehensiveness of services, energy or water cost savings, costs to be paid by the governmental body, and revenues to be paid to the governmental body. If the governmental body awards the contract to an offeror who did not submit the proposal offering the lowest overall cost, the governmental body shall explain the reason for the award in writing.

The evaluations shall specify revision, if needed, to each proposal which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal. The governmental body may condition an award on successful negotiation of the revisions specified in the evaluation, and shall explain in writing the reasons for omitting any such revision from a plan incorporated by reference in the contract.

(c) The public agency may cancel a request for proposals, or may reject in whole or in part any and all proposals when the public agency determines that cancellation or rejection serves the best interests of the public agency. The public agency shall state in writing the reason for a cancellation or rejection.

The public agency shall promptly publish in the central register notice of the offeror awarded the contract.

The public agency shall, within thirty days, file a copy thereof with the commissioner of energy resources.

The commissioner of energy resources, in consultations with the commissioner of the division of capital planning and operations, shall promulgate regulations for the procurement of energy management services under this section, provided however, that the commissioner of the division of capital planning and operations shall promulgate regulations for services to be procured for state agencies and building authorities, and further provided, that regulations affecting the operations of housing authorities within the jurisdiction of the executive office of communities and development shall be promulgated in consultation with the secretary of the executive office of communities and development. Such regulations may limit the scope of services procured and the duration of contracts, and shall include any requirements that the commissioner of energy resources or commissioner of the division of capital planning and operations deems necessary to promote prudent management of such contracts at the appropriate facilities. Such regulations shall require the submission, at least annually, of such information as the commissioner of energy or commissioner of the division of capital planning and operations may deem necessary in order to monitor the costs and benefits of contracts for energy management services.

(d) The commissioner of energy resources shall enforce the requirements of this section and regulations promulgated hereunder as they relate to public agencies except for state agencies and building authorities and shall have all the necessary powers to require compliance therewith. The commissioner of the division of capital planning and operations shall enforce all such regulations as they relate to state agencies and building authorities.

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Any order of the commissioner of energy resources under this subsection shall be effective and may be enforced according to its terms, and enforcement thereof shall not be suspended or stayed by the entry of an appeal therefrom. The superior court for Suffolk county shall have jurisdiction over appeals of orders of the commissioner of energy resources under this subsection, and shall also have jurisdiction upon application of said commissioner to enforce all orders of said commissioner under this subsection. The burden of proof shall be upon the appealing party to show that the order of said commissioner is invalid. An aggrieved person shall not be required to seek an order from said commissioner as a condition precedent to seeking any other remedy.

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

"Building authority", the University of Massachusetts Building Authority, the Southeastern Massachusetts University Building Authority, the University of Lowell Building Authority or any other building authority which may be established for similar purposes.

"Eligible", able to meet all requirements for offerors or bidders set forth in this section and section forty-four D of chapter one hundred and forty-nine and not debarred from bidding under section forty-four C of said chapter one hundred and forty-nine or any other applicable law, and who shall certify that he or she is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work.

"Governmental body", a city, town, district, regional school district, county, or agency, board, commission, authority, department or instrumentality of a city, town, district, regional school district or county, and all other public agencies which are not a state agency or building authority.

"Minor informalities", minor deviations, insignificant mistakes, and matters of form rather than substance of the proposal or contract document which can be waived or corrected without prejudice to other offerors, potential offerors, or the public agency.

"Person", any natural person, business, partnership, corporation, union, committee, club, or other organization, entity or group of individuals.

"Public agency", a department, agency, board, commission, authority, or other instrumentality of the Commonwealth or political subdivision of the Commonwealth or two or more subdivisions thereof.

"Responsible", demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work called for by a particular contract, based upon a determination of competent workmanship and financial soundness in accordance with the provisions of this section and section forty-four D of chapter one hundred and forty-nine.

"Responsive offeror", a person who has submitted a proposal which conforms in all respects to the requests for proposals.

"State agency", a state agency, board, bureau, department, division, section, or commission of the commonwealth.

SECTION 49. Chapter 26 of the General Laws is hereby amended by striking out section 8F, as so appearing in the 1992 Official Edition, and inserting in place thereof the

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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 one million one hundred fifty-one thousand five hundred and forty-two 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, including but not limited to group life and health insurance, retirement benefits, paid vacations and holidays, and sick leave, 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 one million one hundred fifty-one thousand five hundred and forty-two 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 including but not limited to group life and health insurance, retirement benefits, paid vacations and holidays, and sick leave, 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 one million one hundred fifty-one thousand five hundred and forty-two dollars for the purposes set forth under the provisions of section eleven F of chapter twelve, the amount assessed 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 insurer of the actual amount of assessment re-

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quired 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 49A. Section 2Y of chapter 29 of the General Laws, inserted by section 85 of chapter 110 of the acts of 1993, is hereby amended by striking out the second sentence and inserting in place thereof the following three sentences:— There shall be credited to such fund all monies received or collected by the commonwealth for implementation and administration of the requirements of the federal clean air act, including but not limited to permitting, compliance, enforcement, monitoring and analysis, fees, and technical assistance and other monies transferred pursuant to section sixty of chapter ten of the General Laws. Said monies may be expended for the implementation and administration, including personnel and associated fringe costs, of the requirements of the federal clean air act and the state implementation plan, as amended. Any other monies appropriated, granted, donated or received on behalf of the commonwealth from time to time, and any income derived or credited to such fund may be expended, subject to appropriation, for the purpose of implementation and administration of the federal clean air act and the state implementation plan as amended, including but not limited to permitting, compliance, enforcement, monitoring and analysis, and technical assistance.

SECTION 50. Said chapter 29 is hereby further amended by inserting after section 2Z the following section:—

Section 2AA. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Chelsea Information Technology Building Management Fund. There shall be credited to such fund all revenues received by the commonwealth from the leasing, operation, granting of concessions or other use of the Chelsea information technology center, including, without limitation, fees paid by state agencies for use and occupancy of space within said facility, rental payments from private tenants, license fees, parking fees, and revenues of any other kind.

Amounts credited to such fund shall be available for expenditure by the commissioner of the division of capital planning and operations to meet the commonwealth's current and foreseeable obligations under its lease for the Chelsea information technology center, without further appropriation.

SECTION 51. Section 5B of said chapter 29, as amended by section 89 of said chapter 110, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The commissioner, with the approval of the governor, shall on or before both September twenty-fifth and March fifteenth of every year, prepare estimates of the total state revenues and total allowable state tax revenues as defined in chapter twenty-nine B which in his judgment will be available for the annual budget for the ensuing fiscal year.

SECTION 52. Said section 5B of said chapter 29, as amended by section 89 of chapter 110 of the acts of 1993, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph: —

On or before October fifteenth, within three weeks after the general court convenes in regular session, and April fifteenth, said commissioner, with the advice of the advisory board on revenue resources and the state economy established under the provisions of section thirty-seven A of chapter seven, shall prepare and submit to the governor, to the house and senate committees on ways and means, and to the joint committee on taxation revised estimates of revenue available to meet appropriations and other needs in the current fiscal year, unless, in his opinion, no significant change in his previous estimates of total available revenues is indicated by information then available to him, in which instance he shall report such, and he shall accompany his revised estimates with explanations of any changes in his estimates for specific sources of revenue. Such report shall also be required within seven days whenever, in the opinion of the commissioner, based on information then available to him, there is significant change in his previous estimates of total available revenue.

SECTION 53. Section 7H of said chapter 29, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 38 and 39, the words "six A, seven D or seven E" and inserting in place thereof the following words:—seven D, seven E, or seven J.

SECTION 54. Said section 7H of said chapter 29, as so appearing, is hereby further amended by striking out, in line 45, the word "sixty" and inserting in place thereof the following word:—fourteen.

SECTION 55. Said chapter 29 is hereby further amended by striking out section 23A, as so appearing, and inserting in place thereof the following section:—

Section 23A. Subject to the provisions of sections twenty-four and twenty-five, the comptroller shall provide for payments by officers receiving advances pursuant to this chapter and to section twenty of chapter eighteen B, to eligible organizations under contract with the commonwealth to provide social, educational or rehabilitative services. Said payments shall be made in accordance with a schedule to be included in each such contract, on the basis of projected expenses or services and shall be adjusted monthly and at the end of each contract, pursuant to the submission of a voucher or other claim for payment, to reflect the actual cost or extent of services rendered.

The comptroller shall establish rules and regulations governing the eligibility of providers to receive such payments including but not limited to, proper incorporation and recording with the secretary of state, and compliance with all applicable state and federal laws. Each such eligible provider shall, at the end of each billing period, submit timely, complete and accurate documentation prepared in accordance with the terms of its contract and with requirements of the comptroller. Any violation of the provisions of this paragraph shall result in ineligibility for such payments for a period of two years from the date of disqualification. Prior to reinstatement of eligibility, a provider must submit proof of ability to comply with the requirements of this section and with any regulations promulgated pursuant to this section. The comptroller shall promulgate rules and regulations necessary to carry out the provisions of this section.

SECTION 56. Section 27 of said chapter 29, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentences:—Appropriations by the general court, and any allotments by the governor, shall be expended only in the amounts prescribed in subsidiary accounts, if any, established for the several appropriation accounts in schedules established by, and on file with, the house and senate committees on ways and means; provided, however, that amounts prescribed in subsidiary accounts for personal services shall be available for the payment of such other forms of compensation as may be due under existing statutes or under the provisions of rules and regulations made in accordance with said statutes. Said house and senate committees on ways and means, as soon as may be after the general appropriation bill or any other appropriation bill has the force of law conformably to the constitution, shall file with the comptroller and with the budget director, a certified copy of the schedules aforesaid which relate thereto.

SECTION 57. The first paragraph of section 29 of said chapter 29, as so appearing, is hereby amended by adding the following four sentences:—No interchanges between the AA subsidiary and the KK and NN subsidiaries, so-called, shall be authorized at any time during the fiscal year. Under no circumstances shall an interchange be allowed out of the AA subsidiary, so-called, prior to April first. No interchanges between the DD subsidiary and the KK and NN subsidiaries, so-called, shall be authorized at any time during the fiscal year. Under no circumstances shall an interchange be allowed out of the DD subsidiary, so-called, prior to April first.

SECTION 58. Section 29E of chapter 29 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following two sentences:—Reimbursement for the costs of any project under this section shall be considered received when an amount equal to such costs is collected through any means, including, but not limited to offsets, recoupments or withholding of current payments, or cash collection. Payment to any contractor under this section may be made from any such reimbursement upon certification to the comptroller of the amount so received.

SECTION 59. Said section 39R of chapter 30 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "seven", in line 57, the following words:—, or section eleven B of chapter twenty-five A.

SECTION 60. Subsection (a) of section 39R of chapter 30 of the General Laws, as so appearing, is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following paragraphs:—

(1) "Contractor" means any person, corporation, partnership, joint venture, sole proprietorship, or other entity awarded a contract pursuant to sections thirty-eight A½ to thirty-eight O, inclusive, of chapter seven and any contract awarded or executed pursuant to section eleven B of chapter twenty-five A, section thirty-nine M of chapter thirty, or sections forty-four A to forty-four H, inclusive, of chapter one hundred and forty-nine, which is for an amount or estimated amount greater than one hundred thousand dollars.

(2) "Contract" means any contract awarded or executed pursuant to sections thirty-eight A½ to thirty-eight O, inclusive, of chapter seven and any contract awarded or executed pursuant to section eleven B of chapter twenty-five A, section thirty-nine M of chapter thirty, or sections forty-four A through forty-four H, inclusive, of chapter one hundred and forty-nine, which is for amount or estimated amount greater than one hundred thousand dollars.

SECTION 61. Subsection (b) of section 1 of chapter 30B of the General Laws, as so appearing, is hereby amended by striking out clause (26).

SECTION 62. Section 2 of said chapter 30B, as so appearing, is hereby amended by inserting after the word "thereof", in line 14, the following words: —, except that any contract for real and personal property revaluation and mapping services shall be procured by the assessor or the chairman of the board of assessors.

SECTION 63. Section 3 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out subdivision (4A) and inserting in place thereof 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 or the state retirement system, who holds a certificate issued by the department of education or is exempted from the requirement of certification or any member who is employed in a public institution of higher education as a faculty member or professional employee not under the jurisdiction of the department of personnel administration classification system and who was previously engaged in teaching pupils or as an administrator 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 appropriate 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 or public institution of higher education and had he been a member of the teachers' retirement system or the state 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 appropriate 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 or public institution of higher education. Such member shall furnish the appropriate 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 the age of 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 only to be made 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 64. Subdivision (1) of section 23 of said chapter 32, as amended by section 2 of chapter 474 of the acts of 1993, is hereby further amended by striking out paragraph (a) and inserting in place thereof the following paragraph:—

(a) There shall be an unpaid investment committee which shall have the general supervision of the investment and reinvestment of the funds of the state employees' retirement system and of the teachers' retirement system. Such committee shall consist of five members as follows: the state treasurer who shall serve as chairman, the commissioner of banks, the elected member of the state retirement board, one of the elected members of the teachers' retirement board, who shall be chosen by the members of the teachers' retirement board, and a fifth member who shall be a resident of the commonwealth qualified by training and experience in the investment of funds as a result of having been principally employed in such occupation for a period of at least ten years and who shall be chosen by the other four members for a term of three years; provided however, that if such fifth member is not chosen by the other four members before September first, nineteen hundred and ninety-four, in the first instance, and thereafter within thirty days after the expiration of the term of the fifth member, the governor shall appoint a fifth member for a term of three years. Each member of such committee shall continue to hold office until the expiration of his term and until the qualification of his successor. The state treasurer shall furnish such clerical assistance as may be required to carry on the work of the investment committee.

SECTION 65. Section 39L of chapter 40 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:—For the purposes of this section a local body shall

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be a city, town, district, commission or other political subdivision or instrumentality of the commonwealth which is not within Hampden county and which is responsible for providing by itself or through an officer, board, department or division thereof local water supply or local sewer services; except as otherwise expressly provided herein, in any case where local water supply or local sewer services within the territorial boundaries of a local body are provided in whole or in part by a political subdivision or public instrumentality of the commonwealth separate from such local body, the term "local body" as used in this section shall mean, within the service area thereof, the political subdivision or public instrumentality.

SECTION 66. Chapter 40 of the General Laws is hereby amended by inserting after section 42J the following section: —

Section 42K. In a city, town or district which accepts the provisions of this section, the water commissioners may assess betterments in accordance with the provisions of chapter eighty for the construction and connection of water mains and services by a uniform unit method which shall be based upon the common main construction costs divided among the total number of existing and potential water units to be served after having allocated the town contribution, if any, and after having proportioned the cost of special (specific unit) and general benefit facilities. Each water unit shall be equal to a single family residence. Potential water units shall be calculated on the basis of zoning in effect at the date of assessment. Existing and potentially and potentially multi-family, commercial, industrial and semi-public uses shall be converted into water units on the basis of residential equivalents.

SECTION 67. Section 6 of chapter 40A, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "ninety-three D", in line 24, the following words:—or to adult bookstores, adult motion picture theaters, adult paraphernalia shops, or adult video stores subject to the provisions of section nine A.

SECTION 68. Section 9A of Chapter 40A, as so appearing, is hereby amended by striking out, in line 1, the word "may" and inserting in place thereof the following word:—shall.

SECTION 69. The first paragraph of said section 9A of said chapter 40A, as so appearing, is hereby amended by inserting after the second sentence the following sentence:—Such zoning ordinance or by-law shall prohibit the issuance of such special permits to any person convicted of violating the provisions of section sixty three of chapter one hundred and nineteen or section twenty-eight of chapter two hundred and seventy-two.

SECTION 70. The second paragraph of said section 9A of said chapter 40A, as so appearing, is hereby amended by inserting the following two definitions:—

"Adult paraphernalia store," an establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two.

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"Adult video store," an establishment having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in said section thirty-one of said chapter two hundred and seventy-two.

SECTION 71. Said section 9A of said chapter 40A, as so appearing, is hereby further amended by adding the following paragraph:—

Any existing adult bookstore, adult motion picture theater, adult paraphernalia store, or adult video store shall apply for such permit within ninety days following the adoption of said zoning ordinance or by-law by a municipality.

SECTION 72. The second paragraph of said section 53E½ of chapter 44 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following new sentence:—

No revolving fund expenditures shall be made for the purpose of paying any wages or salaries for full time employees unless such revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid; 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 73. The third paragraph of said section 53E½ of said chapter 44, as so appearing, is hereby amended by adding the following sentence:— Notwithstanding the provisions of this section, whenever, during the course of any fiscal year, any new revenue source becomes available for the establishment of a revolving fund under this section, such a fund may be established in accordance with this section upon certification by the city auditor, town accountant, or other officer having similar duties, that the revenue source was not used in computing the most recent tax levy.

SECTION 74. Section 1 of chapter 58A of the General Laws, as so appearing, is hereby amended by striking out, in lines 31 and 32, the word "fifty" and inserting in place thereof, in each instance, the following words:—three hundred, and by striking out, in line 32, the word "one" and inserting in place thereof the following word:—five.

SECTION 75. Section 10 of said chapter 58A, as so appearing, is hereby amended by inserting after the first sentence the following two sentences:—Notwithstanding the foregoing, the board is authorized to employ other transcription methods including, without limitation, electronic transcription equipment, for the purpose of recording or reporting proceedings before the board. The determination of whether proceedings should be recorded by means of a stenographer or other transcription methods shall be made by the board.

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SECTION 76. The first paragraph of section 3C of chapter 60 of the General Laws, as most amended by section 26 of chapter 71 of the acts of 1993, is hereby further amended by adding the words: or to provide funding for existing adult literacy programs.

SECTION 77. Section 23 of chapter 60 is hereby amended by striking out the second paragraph, added by section 117 of chapter 110 of the acts of 1993, and inserting in place thereof the following paragraph: —

No register of deeds or assistant recorder of the land court shall accept for recording or registration, as the case may be, a definitive subdivision plan unless it is accompanied by a municipal lien certificate, indicating that all taxes, assessments, and charges then assessed against the land shown on the plan have been paid in full. Failure to comply with this section shall not affect the validity of the subdivision plan, the recording of the plan, or any deed of any part or all of the land shown on the plan.

SECTION 78. Section 4 of chapter 60B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 7, the word "sixty" and inserting in place thereof the following word:—thirty.

SECTION 79. Section 3 of chapter 62 of the General Laws, as so appearing, is hereby amended by inserting after the word "person", in line 62, the first time it appears, the following words:— , head of household.

SECTION 80. Paragraph (b) of Part B of said section 3 of said chapter 62, as so appearing, is hereby amended by inserting after subparagraph (1) the following subparagraph:—

(1a) In the case of a head of household, as defined under the provisions of section two (b) of the Code, filing a separate return,

(A) a personal exemption of three thousand four hundred dollars,

(B) an additional exemption of two thousand two hundred dollars if the taxpayer was totally blind at the close of his taxable year, and

(C) an additional exemption of seven hundred dollars if the taxpayer had attained the age of sixty-five before the close of his taxable year.

SECTION 81. Section 5 of said chapter 62, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) For the purposes of this section, "modified adjusted gross income" shall be Massachusetts adjusted gross income calculated without regard to the deduction allowed under paragraph (3) of subsection (c) of section two. Notwithstanding the provisions of section four, Part A taxable income and Part B taxable income shall be exempt from all taxes imposed under this chapter if the modified adjusted gross income for the taxable year does not exceed the following threshold:

(1) in the case of a single person, eight thousand dollars, or

(2) in the case of a husband and wife filing a joint return or a person filing as a head of household, seven thousand six hundred dollars plus the deductions allowed under the following provisions of paragraph (b) of part (B) of section three.

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(A) an amount equal to that allowed for personal exemptions under clause (A) of subparagraph (1A) of said paragraph or clause (A) of subparagraph (2) of said paragraph, and

(B) an amount equal to the total exemption allowed under subparagraph (3) of said paragraph.

No tax imposed under this chapter shall exceed ten percent of the modified adjusted gross income less the aforementioned threshold; provided, however, that the provisions of this sentence shall not apply in any case where modified adjusted gross income exceeds one hundred and seventy-five hundredths of the aforementioned threshold. No exemptions shall be allowed under this section to any married individual filing a separate return unless such filer qualifies for and declares head of household status, as defined in section two (b) of the Code. In the case of a short taxable year, occurring for any reason other than residence during one portion of the normal taxable year and nonresidence during another portion, there shall be substituted for the above threshold amounts, those amounts which bear the same relation to such sums as the number of days in the taxable year bears to three hundred and sixty-five. With respect to a person who is a nonresident for all or part of the taxable year, modified adjusted gross income shall be determined as if he were a resident of the Commonwealth throughout the entire taxable year. No person for whom a deduction has been claimed under subparagraph (3) of said paragraph (b) of said part (B) of said section three shall be eligible for the provisions of this section.

SECTION 82. Section 5 of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "written declaration", and inserting in place thereof the following words:—declaration, in such form as prescribed by the commissioner.

SECTION 83. Paragraph (a) of section 31A of chapter 63 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

A manufacturing corporation, or a business corporation engaged primarily in research and development, which has been deemed to be such under section thirty-eight C or forty-two B, or a corporation primarily engaged in agriculture or commercial fishing, shall be allowed a credit against its excise due under this chapter for tangible personal property leased pursuant to an operating lease as hereinafter provided. The amount of such credit afforded to a lessee corporation with respect to such tangible personal property shall be one percent of the lessor's adjusted basis in the property for federal income tax purposes at the beginning of the lease term, multiplied by a fraction, the numerator of which shall be the number of days of the taxable year during which the lessee corporation leases the tangible personal property and the denominator of which shall be the number of days in the useful life of such property. Such useful life shall be the same as that used by the lessor for depreciation purposes when computing federal income tax liability. An operating lease shall be any contract or agreement to lease or rent or for a license to use such property provided that (i) said lease does not constitute a purchase as defined under section one hundred and seventy-nine (d) of the Code, as amended and in effect for the taxable year, (ii) such property

is not taxable under chapter sixty A, (iii) such property is used by the lessee corporation in the commonwealth, (iv) such property is situated in the commonwealth throughout the entire lease term, and (v) such property (1) is depreciable by the lessor under section one hundred and sixty-seven of said Code and has a useful life of four years or more, or (2) is considered recovery property under section one hundred sixty-eight of said Code. Such credit shall not be available to a lessee if such lessor has previously received a credit with respect to the leased tangible personal property. The commissioner shall by regulation require such documentation of the lessor and lessee as to substantiate the credit claimed by this section.

SECTION 84. Paragraph (i) of said section 31A of said chapter 63, as appearing in section 17 of chapter 19 of the acts of 1993, is hereby amended by adding the following paragraph:—

A manufacturing corporation, or a business corporation engaged primarily in research and development, which has been deemed to be such under section thirty-eight C or forty-two B, or a corporation primarily engaged in agriculture or commercial fishing, shall be allowed a credit against its excise due under this chapter for tangible personal property leased pursuant to an operating lease as hereinafter provided. The amount of such credit afforded to a lessee corporation with respect to such tangible personal property shall be three percent of the lessor's adjusted basis in the property for federal income tax purposes at the beginning of the lease term, multiplied by a fraction, the numerator of which shall be the number of days of the taxable year during which the lessee corporation leases the tangible personal property and the denominator of which shall be the number of days in the useful life of such property. Such useful life shall be the same as that used by the lessor for depreciation purposes when computing federal income tax liability. An operating lease shall be any contract or agreement to lease or rent or for a license to use such property provided that (i) said lease does not constitute a purchase as defined under section one hundred and seventy-nine (d) of the Code, as amended and in effect for the taxable year, (ii) such property is not taxable under chapter sixty A, (iii) such property is used by the lessee corporation in the commonwealth, (iv) such property is situated in the commonwealth throughout the entire lease term, and (v) such property (1) is depreciable by the lessor under section one hundred and sixty-seven of said Code and has a useful life of four years or more, or (2) is considered recovery property under section one hundred sixty-eight of said Code. Such credit shall not be available to a lessee if such lessor has previously received a credit with respect to the leased tangible personal property. The commissioner shall by regulation require such documentation of the lessor and lessee as to substantiate the credit claimed by this section.

SECTION 85. Said section 31A of said chapter 63, as so appearing, is hereby amended by striking out subsections (k) and (l), and inserting in place thereof the following two paragraphs:—

(k) The provisions of paragraphs (a) and (f) shall not be available for the taxable years ending on or after December thirty-first, nineteen hundred and ninety-three but shall be available for the taxable years beginning on or after January first, nineteen hundred and ninety-eight.

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(l) The provisions of paragraphs (i) and (j) shall be available only for the taxable years ending on or after December thirty-first, nineteen hundred and ninety-three, but shall not be available for taxable years beginning on or after January first, nineteen hundred and ninety-eight; provided, however, that a corporation shall not be eligible for said credit for more than five taxable years.

SECTION 86. Section 6 of chapter 64H of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following paragraph:

(rr) Sales by a direct mailer of cooperative direct mail promotional advertising materials, purchased by a person engaged solely and exclusively in the business of providing cooperative direct mail promotional advertising, which are distributed in Massachusetts. For the purpose of this paragraph, "cooperative direct mail promotional advertising materials" shall mean discount coupons and advertising leaflets, including any accompanying envelopes and labels; the term "cooperative direct mail promotional advertising" shall mean the service of providing advertising in the form of discount coupons or advertising leaflets for more than one business which are delivered by mail in a single package to potential customers of businesses subscribing to the cooperative direct mail advertising; and the term "direct mailer" shall mean a person solely and exclusively engaged in the business of producing, packaging, and mailing cooperative direct mail promotional advertising materials.

SECTION 87. Section 1C of chapter 69 of the General Laws, inserted by section 29 of chapter 71 of the acts of 1993, is hereby amended by adding the following paragraph:

The board may require that all public schools provide for immunization against Hepatitis B for any school employee who works with developmentally disabled students and requests such immunization; provided, however, that such employee is not covered for immunization against Hepatitis B by his own health insurance. The commissioner shall establish guidelines for the purpose of reimbursing cities and towns for such immunization.

SECTION 88. The third paragraph of section 1D of said chapter 69, as most recently amended by section 29 of chapter 71 of the Acts of 1993, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence; - They shall be designed to include respect for the cultural, ethnic and racial diversity of the commonwealth and for the contributions made by diverse cultural, ethnic and racial groups to the life of the commonwealth.

SECTION 89. Section 1F of said chapter 69, as inserted by section 29 chapter 71 of the acts of 1993 is hereby amended by adding the following paragraph:—

For the purpose of this chapter, Technology Education shall mean organized education programs in the K-12 comprehensive schools which offer courses instructing all students how to use and apply technology through critical and creative thinking and problem solving. These programs shall provide all students with activities concentrated in an action-based, problem solving, solution seeking format in the areas of communication, construction, manufacturing, power, energy, transportation, and biotechnology.

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Technology Education shall also mean an integrated approach to education through organized programs K-12 comprehensive schools which emphasizes career awareness, consumer knowledge, impacts and consequences of technology, and understanding of technical systems through the application of science, mathematics, language arts educational technology.

SECTION 90. The first sentence in the definition of "Gross overburden amounts" in section 2 of chapter 70 of the General Laws, as appearing in section 32 of chapter 151 of the acts of 1993, is hereby amended by adding the following words:— added to the difference between the prior year local contribution and the prior year minimum required local contribution.

SECTION 91. Said definition of "Gross overburden amounts" in said section 2 of said chapter 70, as so appearing, is hereby further amended by adding the following words:—; provided further, that for any municipality in which the average per capita income is below the state average per capita income, the gross overburden amount shall be one hundred percent of the standard of effort gap.

SECTION 92. The first sentence of the definition of "Preliminary local contribution" in section 2 of said chapter 70, as so appearing, is hereby amended by inserting after the words "municipal revenue growth factor and" the following words:— further increased by the excess debt service amount of the prior year if said amount was used to reduce the minimum required local contribution in the prior year, and.

SECTION 93. Clause (E) of the definition of "Enrollment categories:" in section 2 of said chapter 70, as appearing in section 32 of chapter 71 of the acts of 1993, is hereby amended by adding the following words:— ; provided, however, that in any district in which kindergarten students attend school for a full day, the foundation kindergarten enrollment used to calculate the foundation budget amount described in this section shall be two times the kindergarten enrollment number that would otherwise be used for said calculations if said district and all towns responsible for appropriating for said district so request.

SECTION 94. Section 41A of chapter 71 of the General Laws, as amended by chapter 362 of the acts of 1993, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

Any teacher, registered nurse, principal, supervisor, director, school librarian, school business administrator or assistant principal who is elected or appointed to a state office, or elected by the people to the office of mayor, shall upon his written request made to the school superintendent, be granted a leave of absence without pay for such position for all or such portion of the term for which he was elected or appointed as he may from time to time designate, and shall not as a result of such election or appointment, be suspended or discharged or suffer any loss of rights.

SECTION 95. The first paragraph of section 59B of chapter 71 of the General Laws, as appearing in section 53 of chapter 71 of the acts of 1993, is hereby amended by inserting after the third sentence the following sentence:— The principal of any school which requires an examination for student admission shall be solely and exclusively responsible for hiring all teachers, instructional or administrative aides and other personnel,

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and for terminating all such personnel without the requirement of review or prior approval by the superintendent before said hiring or termination.

SECTION 96. Chapter 75 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following five sections:

Section 38. (a) There shall be a National Environmental Technology for Waste Prevention Institute, hereinafter referred to as the Institute, at the University of Massachusetts Amherst, which has accredited programs in engineering and public health.

(b) The purposes and responsibilities of the institute shall be to:

(1) develop and assist in the transfer of existing and new process designs for waste prevention.

(2) conduct research, development, and demonstration projects concerning new or modified industrial process design equipment or technologies for waste prevention that can be utilized by business, industry, and government.

(3) provide a clearinghouse for the dissemination of information and data on existing and new industrial process design technology for the commonwealth and other companies and governmental entities; and

(4) Provide expertise and assistance concerning industrial process design environmental technology to public officials responsible for establishing government policy and regulations.

Section 39. (a) There shall be an environmental technology testing facility, hereinafter referred to as the facility, and an environmental business center, hereinafter referred to as the center, at the University of Massachusetts Boston.

(b) The purposes and responsibilities of the facility shall be to

(1) cooperate closely with state and federal agencies and industry in the testing, assessing, and evaluating of innovative environmental technologies; and

(2) provide assistance and expertise to public officials responsible for the permitting of innovative environmental technologies and for establishing policy and regulations governing the permitting of such technologies.

(c) The purposes and responsibilities of the center shall be to:

(1) provide assistance and training to Massachusetts environmental business and industry in environmental business management, including technology development and commercialization, financing, and other relevant areas; and

(2) assist Massachusetts business and industry in the development of exports of environmental technologies, products, and services.

Section 40. (a) marine technology, environmental, and engineering programs shall be established at the University of Massachusetts Dartmouth.

(b) The purposes and responsibilities of the marine technology, environmental, and engineering programs shall be to:

(1) promote the development of and conduct research in innovative environmental technologies related to the marine environment; and

(2) assist and cooperate with Massachusetts business, industry, and agencies in the demonstration, transfer, and deployment of innovative marine envirotechnologies.

Section 41. (a) The Chelsea center for materials reuse, administered by the center for environmentally appropriate materials at the University of Massachusetts Lowell, hereinafter referred to as the center for materials reuse, shall be established to promote the development of materials reuse technology, management, and policy.

(b) The purposes and responsibilities of the center for material reuse shall be to:

(1) serve as a focal point for the promotion of materials recycling and reuse;

(2) provide a common ground to bring together leaders and stakeholders who will benefit from and promote recycling and reuse.

(3) promote coordination among existing state, local and private materials recycling and reuse services and to assist in the development of new services and enterprises that will emerge from enhanced materials recycling and reuse.

(4) provide training in recycling and reuse of materials;

(5) assist in the development and deployment of innovative materials recycling and reuse technologies.

Section 42. To carry out the purposes and responsibilities of sections thirty-eight to forty-one, inclusive, the general court may annually appropriate, in a separate university line-item, such sums as it deems necessary for the maintenance, operation, and support of the entities. No start-up or maintenance and operation funds for said entities shall be appropriated in any fiscal year from the Toxics Use Reduction Fund established in section two K of chapter twenty-nine nor shall any funds be transferred or diverted from any general or special revenues or appropriations received by any state university. Said entities may receive grants from public and private sources and may impose fees, collect and retain such revenue from fees and grants to defray the costs of their services and programs. All monies appropriated to these entities or received through grants, contracts, fees, gifts, or bequests shall be administered by the University of Massachusetts.

SECTION 97. The third sentence of subsection (f) of section 12B of chapter 76 of the General Laws, as appearing in section 39 of chapter 151 of the acts of 1993, is hereby amended by adding the following words:—and to deposit said aid in the School Choice Tuition Trust Fund established by section twelve C.

SECTION 98. The first sentence of Subsection (g) of said section 12B of said chapter 76, as appearing in section 40 of said chapter 151, is hereby further amended by inserting after the words "receiving district" the following words:—, from the School Choice Tuition Trust Fund established by section twelve C.

SECTION 99. Subsection (j) of said section 12B of said chapter 76, as appearing in section 61 of chapter 71 of the acts of 1993, is hereby amended by adding the following sentence:—Notwithstanding the preceding provisions of this paragraph, any sibling of a student already enrolled in the receiving district shall receive priority for admission to said district.

SECTION 100 Said chapter 76 is hereby amended by inserting after section 12B the following section:—

Section 12C. There shall be established upon the books of the commonwealth a separate fund, to be known as the School Choice Tuition Trust Fund. The state treasurer shall deposit in such fund all school choice tuition amounts deducted from education aid of sending districts, all amounts deducted from other aid to cities and towns, and amounts appropriated due to an excess of deductions over such other aid, as such terms and amounts are defined in section twelve B. Monies in the fund shall to be disbursed, without further appropriation, by the treasurer to receiving districts as such districts' school choice tuition amounts due such receiving districts, as such terms and amounts are defined in section twelve B.

SECTION 101. The second paragraph of subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of chapter 90 of the General Laws, as appearing in section 3 of chapter 25 of the acts of 1994, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — There shall be a surcharge of one hundred dollars on the fine assessed against a defendant convicted by a court of the commonwealth of operating a motor vehicle while under the influence of intoxicating liquor, marijuana, narcotic drugs, depressants or stimulant substances, pursuant to the provisions of this section; provided, however, that moneys collected pursuant to said surcharge shall be deposited by the court with the treasurer into the Head Injury Treatment Trust Fund established pursuant to the provisions of section fifty-nine of chapter ten.

SECTION 102. The fourth sentence of paragraph (e) of subdivision (1) of said section 24 of said chapter 90, as appearing in section 5 of said chapter 25, is hereby amended by striking out the words "liquor, if such evidence" and inserting in place thereof the following words:—; liquor; provided, however, that in an instance where a defendant is under the age of twenty-one and such evidence is that the percentage, by weight, of alcohol in the defendant's blood is two one-hundredths or greater, the officer who placed him under arrest shall, in accordance with subparagraph (2) of paragraph (f), suspend such defendant's license or permit and take all other actions directed therein, if such evidence.

SECTION 103. The fourth sentence of subparagraph (1) of paragraph (f) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by striking out the words "do all of the following:" and inserting in place thereof the following words:- do the following:

SECTION 104. Said subparagraph (1) of said paragraph (f) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by striking out clause (ii) and inserting in place thereof the following clause: —

(ii) provide each such person who refuses such test, on behalf of the registrar, with a written notice of intent to suspend, on forms prepared and provided by the registrar.

SECTION 105. Clause (iii) of said subparagraph (1) of said paragraph (f) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the words "such person" and inserting in place thereof the following words:—each such person who refuses such test.

SECTION 106. Clause (ii) of subparagraph (2) of said paragraph (f) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the words "such person" and inserting in place thereof the following words:—each such person who refuses such test.

SECTION 107. Clause (iii) of subparagraph (2) of said subparagraph (f) of said subdivision (1) of said section (24) of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the words "such person" and inserting in place thereof the following words:—each such person who refuses such test.

SECTION 108. Subparagraph (2) of paragraph (f) of subdivision (1) of section 24 of said chapter 90, as appearing, is hereby amended by inserting after the second paragraph the following paragraph:—

In any instance where a defendant is under the age of twenty-one and such evidence is that the percentage, by weight, of alcohol in the defendant's blood is two one-hundredths or greater and upon the failure of any police officer pursuant to this subparagraph, to suspend or take custody of the driver's license or permit issued by the commonwealth, and, in the absence of a complaint alleging a violation of paragraph (a) of subdivision (1) or a violation of section twenty-four G or twenty-four L, the registrar shall administratively suspend the defendant's license or right to operate a motor vehicle upon receipt of a report from the police officer who administered such chemical test or analysis of the defendant's blood pursuant to subparagraph (1). Each such report shall be made on a form approved by the registrar and shall be sworn to under the penalties of perjury by such police officer. Each such report shall set forth the grounds for the officer's belief that the person arrested had been operating a motor vehicle on a way or place while under the influence of intoxicating liquor and that such person was under twenty-one years of age at the time of the arrest and whose blood alcohol percentage was two one-hundredths or greater. Such report shall also state that the person was administered such a test or analysis, that the operator administering the test or analysis was trained and certified in the administration of such test, that the test was performed in accordance with the regulations and standards promulgated by the secretary of public safety, that the equipment used for such test was regularly serviced and maintained, and that the person administering the test had every reason to believe the equipment was functioning properly at the time the test was administered. Each such report shall be endorsed by the police chief as defined in section one of chapter ninety C, or by the person authorized by him, and shall be sent to the registrar along with the confiscated license or permit not later than ten days from the date that such chemical test or analysis of the defendant's blood was administered. The license to operate a motor vehicle shall thereupon be suspended in accordance with section twenty-four P.

SECTION 109. The second paragraph of paragraph (g) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by inserting after the words "charges are pending" the following words:- or if the individual is under the age of twenty-one and there are no pending charges, in the district court having jurisdiction where the arrest occurred.

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SECTION 110. Section 24N of said chapter 90, as appearing in section 10 of said chapter 25, is hereby amended by striking out the words "that the defendant was administered such a test or analysis, that the operator administering the test or analysis".

SECTION 111. The first sentence of section 24P of said chapter 90, as appearing in section 11 of said chapter 25, is hereby amended by inserting after the words "having been", the following words:—arrested for, or.

SECTION 112. The second paragraph of said section 24P of said chapter 90, as so appearing, is hereby amended by inserting after the word "previously", in line 1, the following words:—arrested for, or.

SECTION 113. Section 11A of chapter 91 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 6, the word "ten B" and inserting in place thereof the following word:—ten A½.

SECTION 114. The third paragraph of subsection (d) of section 47 of chapter 94C of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- Within ninety days of the close of fiscal year nineteen hundred and ninety-four and on each January fifteenth thereafter, each district attorney and the attorney general shall file a detailed report with the house and senate committees on ways and means on the deposit and expenditure of all monies in the trust fund including, but not limited to, the use of such monies for the purposes of protracted investigations, provision of technical equipment, drug rehabilitation, drug education, and other anti-drug or neighborhood crime watch programs. Said reports filed with said committees annually on January fifteenth shall detail said deposit and expenditure of all monies for the preceding fiscal year and the current fiscal year through December thirty-first.

SECTION 115. Section 24D of chapter 111 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of section three of chapter six B or any other law to the contrary, no acute hospital shall deny access to care and services to recipients of the healthy start program established by this section; provided, however, that such recipients shall be exempt from any collection action, preadmission deposit or any other form of billing or collection procedures arising from treatment by an acute care hospital provided under the healthy start program; and provided further, that a healthy start card shall constitute sole verification of application and eligibility for free care for inpatient hospital services. The program established herein shall be known as the healthy start program.

SECTION 116. Said chapter 111 is hereby further amended by inserting after section 127B the following section:—

Section 127B½. At any time prior to or during the course of proceedings conducted pursuant to section one hundred and twenty-seven B, resulting solely from an inadequate septic system, a residential underground fuel storage tank or the detection of dangerous lead paint levels, as determined under the authority of section one hundred and ninety-four, the owner of a structure used for human habitation may petition the board of health in a city or town to make findings consistent with its authority under this chapter and may enter into an agreement, subject to appropriation, authorizing such board of health to cause the premises

to be properly serviced by a septic system, removal of a residential underground fuel storage tank or to have removed any dangerous levels of lead paint, as determined under the authority of section one hundred and ninety-four, at the owners expense. An owner who enters into such an agreement shall be responsible for all expenses incurred by the board of health, directly or indirectly, for such repairs, replacement, and installation of a septic system, removal of a residential underground fuel storage tank or removal of dangerous levels of lead paint. Such agreement shall be recorded as a betterment and be subject to the provisions of chapter eighty relative to the assessment, apportionment, division, reassessment and collection of assessment, abatement and collections of assessments, and to interest; provided, however, that such assessment may bear interest at a rate determined by the city or town treasurer by agreement with the owner but, in no event shall such interest rate be less than that rate available for such term authorized under the provisions of chapter eighty, at the time such agreement is entered into between the board of health and the property owner. In addition to remedies available under chapter eighty, the property owner shall be personally liable for the repayment of the total costs incurred by the city or town under this section.

Any costs incurred under the provisions of this section may be funded by an appropriation or issuance of debt, provided that any debt incurred shall be subject to the provisions of chapter forty-four and shall not exceed twenty years.

Any appropriation or borrowing by the city or town for purposes contained within this section shall not be included for the purpose of computation of the levy or borrowing limits otherwise imposed upon such city or town by the general laws.

An agreement between an owner and a board of health in a city or town pursuant to this section shall not be considered a breach of limitation or prohibition contained in a note, mortgage or contract on the transfer of an interest in property.

A board of health in a city or town acting pursuant to the provisions of this section shall have the same authority as set forth in section one hundred and twenty-seven B to institute an action for eviction. Any such action by the board of health shall not otherwise impair the rights or obligations of the occupants or owner with respect to each other.

SECTION 116A. Chapter 111I of the General Laws is hereby amended by striking out section 7, as appearing in the 1992 Official Edition, and inserting in place thereof the following section:-

Section 7. Funds to implement this chapter shall be made available subject to appropriation on an annual basis.

SECTION 117. Chapter 118E of the General Laws is hereby amended by inserting after section 21 the following section:—

Section 21A. (a) In determining the eligibility for medical assistance of an institutionalized spouse, the division shall comply with all the requirements set forth in 42 U.S.C. 1396r-5, including, but not limited to, the following:

(1) Upon a determination of eligibility for medical assistance of an institutionalized spouse, the division shall send notification to both spouses.

(2) The notice shall include, but shall not be limited to, the following:

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- (i) the type and amount of all countable assets;
- (ii) the amount of the community spouse monthly income allowance, as defined in 42 U.S.C. 1396 r-5(d)(2);
- (iii) the amount of any family allowances described in 42 U.S.C. 1396 r-5(d)(1)(C);
- (iv) the minimum monthly maintenance needs allowance of the community spouse, as defined in 42 U.S.C. 1396r-5(d)(3);
- (v) the community spouse resource allowance and its method of computation;
- (vi) the right to a fair hearing concerning ownership or availability of income or resources, and the determination of the community spouse monthly income allowance or community spouse resource allowance, and the right to a decision within ninety days of a timely request for a fair hearing;
- (vii) a citation to this section and to any applicable regulation of the division of medical assistance; and
- (viii) the following language:—

"The community spouse (that is, the spouse of the institutionalized person) may have the right to retain a larger share of the combined spousal resources if the income of the community spouse falls below his or her minimum monthly maintenance needs allowance. It will be necessary to request a hearing in order to establish whether the community spouse has a right to retain a larger share of assets; at the hearing, it will be necessary to show that the income of the community spouse is less than the minimum monthly maintenance needs allowance, and that the community spouse needs additional resources to generate enough income to bring the actual income up to the minimum monthly maintenance needs allowance."

(b)(1) Upon the request by the institutionalized spouse, the community spouse, or a representative acting on behalf of either spouse for an assessment of assets not made in connection with an application for medical assistance, the division shall send notification to the spouse making the request.

(2) The notice shall include, but shall not be limited to, the following:

- (i) the type and amount of all countable assets;
- (ii) the right to a fair hearing concerning ownership or availability of income or resources, and the determination of the community spouse monthly income allowance or community spouse resource allowance at the time Medicaid eligibility is determined, and the right to a decision within ninety days of a timely request for a fair hearing;
- (iii) a citation to this section of the General Laws and to any applicable regulation of the division of medical assistance; and
- (iv) the following language:

"The community spouse (that is, the spouse of the institutionalized person) may have the right to retain a larger share of the combined spousal resources, depending on his or her monthly income and monthly needs. Further information regarding the right of the community spouse to the spousal resources will be provided at the time that the Medicaid eligibility of the institutionalized spouse is determined."

SECTION 118. The first paragraph of section 47 of said chapter 118E, as appearing in section 17 of chapter 161 of the acts of 1993, is hereby amended by striking out the first sentence and inserting the following sentence:—Any applicant for or recipient of medical assistance, or the legal representative of such applicant or recipient, aggrieved by the failure of the division to grant medical assistance, by the failure of the division to approve or reject an application within the time limits established by section twenty-one, by the determination of any income or resource amounts pursuant to subsection (a) of section twenty-one A, or by the withdrawal of medical assistance shall have a right to a hearing, after due notice, upon appeal to the division in the manner and form prescribed by the division; provided, however, such appeal is received by the division within thirty days after official notice of the action taken by the division has been received by the applicant or recipient.

SECTION 119. Section 16 of said chapter 118F is hereby amended by striking out the word "four", inserted by section 2 of chapter 393 of the acts of 1993, and inserting in place thereof the following word, —three—, and by striking clause (d).

SECTION 120. Section 17A of said chapter 118F is hereby amended by striking out, in line 10, as appearing in the 1992 Official Edition, the word "and"- and by inserting after the word "fund", in line 11, the following: —

(e) and voluntary contributions and premiums paid by enrollees in said programs.

SECTION 121. Said chapter 118F is hereby further amended by striking out section 17B, inserted by section 4 of chapter 393 of the acts of 1993, and inserting in place thereof the following section:—

Section 17B. There is hereby established a program of managed primary and preventive health care services for the benefit of uninsured dependent and adopted youths from birth through age twelve. Said program shall be administered by the department subject to appropriation from the health care access fund established pursuant to section seventeen A and other appropriated funds. Services available from the program shall include the following:

(1) preventive pediatric care in a participating doctor's office, community health center, health maintenance organization or school-based clinic, including not less than one well-child visit a year, immunizations, tuberculin testing, hematocrit, hemoglobin and other appropriate blood testing, urinalysis, and routine tests to screen for lead poisoning, and such services as are periodically recommended by the American Academy of Pediatrics; provided that services provided by a participating independent laboratory for diagnostic laboratory tests shall be reimbursed by said program;

(2) unlimited sick visits in a participating doctor's office, community health center, health maintenance organization, school-based clinic or a patient's home;

(3) first-aid treatment and follow up care, including the changing or removal of casts, burn dressings or sutures, in a participating doctor's office, community health center, health maintenance organization or school-based clinic;

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(4) the provision of smoking prevention educational information and materials to the parent, guardian or person with whom an enrollee resides.

Services made optionally available under said program may include the following:

(1) prescription drugs up to one hundred dollars per year, provided that enrollees shall be responsible for a copayment of three dollars for each interchangeable drug prescription and four dollars for each brand-name drug prescription;

(2) urgent care visits in the outpatient department of a participating hospital when an enrollee's primary care practitioner is not available to provide such services, and emergency care in the outpatient department or emergency department of a participating hospital of up to one thousand dollars per year, including related laboratory and diagnostic radiology services for said urgent and emergency care, provided that rates of reimbursement for such urgent care and emergency services are negotiated by participating hospitals with the department or its designated vendor;

(3) outpatient surgery and anesthesia which is medically necessary for the treatment of inguinal hernia and ear tubes, but not including the professional component for related radiology or pathology services; provided that rates of reimbursement for such urgent care and emergency services are negotiated by participating hospitals with the department or its designated vendor;

(4) medically necessary eye examinations

(5) medically necessary outpatient mental health services not to exceed thirteen visits per year.

The department shall establish cost-containment measures designed to ensure that only medically necessary services are reimbursed by said program. The schedule, scope, maximum dollar coverage and duration of the optional benefits established by this section may be revised by the department to ensure that the costs of said program are limited to the funds appropriated therefor.

The cost of said program shall be funded in part by premiums contributed by enrollees according to the following eligibility categories: households earning less than two hundred percent of the federal poverty level shall not be responsible for contributing to program premium costs; households earning between two hundred and four hundred percent of the federal poverty level, inclusive, shall contribute not less than twenty percent and not more than thirty percent of the monthly premium cost according to a sliding scale established by the department, provided that additional contributions shall not be required for any enrollee after the third enrollee in such a household; and provided further that enrollees in households earning more than four hundred percent of the federal poverty level shall pay the full premium cost of said program. Household earnings may be defined on the basis of gross earnings, or on an adjusted basis according to criteria deemed appropriate by the department. The department shall base premium costs on an actuarially sound methodology. Premiums contributed by enrollees shall be deposited in the health care access fund pursuant to clause (e) of section seventeen A of chapter one hundred and eighteen F and may be used for the said program subject to appropriation.

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Notwithstanding the premium contribution requirements established by this section, no enrollee shall be exempt from the copayment requirements established herein or by the department. Said copayments shall be designed to encourage the cost-effective and cost conscious use of said services.

The department shall promulgate regulations necessary to implement the requirements of this section in consultation with the department of public health, the department of public welfare, and the division of medical assistance. The department shall assist said agencies to maximize federal financial participation for state expenditures made on behalf of program enrollees.

The department shall report quarterly to the house and senate committees on ways and means and to the joint committee on health care on enrollment demographics, claims expenditures and the annualized costs of said program. The department shall file notice with said committees and the secretaries of the executive office of administration and finance and health and human services not less than thirty days before modifying program benefits and eligibility standards that are intended to ensure that program costs are limited to the funds appropriated therefor.

The program established by this section shall not give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein and nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement.

SECTION 122. Section 39 of chapter 121B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following paragraph:-

The secretary of communities and development shall issue regulations requiring that in any state-funded project which contains units for both elderly persons of low income and handicapped persons of low income, the number of units occupied by non-elderly persons shall not exceed ten percent of the total number of units. Said secretary shall develop and implement said regulations in a manner consistent with relevant federal laws.

SECTION 123. Section 16 of chapter 123B of the General Laws, as so appearing, is hereby amended by inserting after the word "person", in line 8, the second time it appears, the words: —, or from the parent of an adult with a disability or disabilities.

SECTION 124. Said section 16 of said chapter 123B, as so appearing, is hereby further amended by inserting after the word "circumstances" in line 12, the words:—; and provided, further, that all charges recovered from the parent of an adult child with a disability or disabilities, shall be recovered in accordance with procedures developed as set forth in section one hundred and forty-two of chapter one hundred and fifty of the acts of nineteen hundred and ninety.

SECTION 125. Section 3 of chapter 127 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences: — The superintendents of correctional institutions of the commonwealth and the superintendents and keepers of jails, houses of correction and of all

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other penal or reformatory institutions shall, upon receipt of an outstanding victim and witness assessment, transmit to the court any part or all of the monies earned or received by any inmate and held by the correctional facility, except monies derived from interest earned upon said deposits and revenues generated by the sale or purchase of goods or services to persons in correctional facilities, to satisfy the victim witness assessment ordered by a court pursuant to section eight of chapter two hundred fifty-eight B. Any monies derived from interest earned upon the deposit of such money and revenue generated by the sale or purchase of goods or services to persons in the correctional facilities may be expended for the general welfare of all the inmates at the discretion of the superintendent.

SECTION 126. The second paragraph of section 48A of said chapter 127, as so appearing, is hereby amended by inserting after the first sentence the following sentence:—The superintendent shall also expend any part or all of such money of any inmate to satisfy the victim and witness assessment ordered by a court pursuant to section eight of chapter two hundred and fifty-eight B.

SECTION 127. The third paragraph of section 86F of said chapter 127 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — First, an amount necessary to satisfy the victim and witness assessment ordered by a court pursuant to section eight of chapter two hundred and fifty-eight B; second, an amount determined by the sheriff for substantial reimbursement to the county for providing food, lodging and clothing for such inmate; third, the actual and necessary food, travel and other expenses of such inmate when released for employment under the program; fourth, the amount ordered by any court for support of such inmate's spouse or children; fifth, the amount arrived at with public welfare departments; sixth, sums voluntarily agreed to for family allotments and for personal necessities while confined.

SECTION 128. Said second paragraph of said section 48A of said chapter 127, as so appearing, is hereby further amended by adding the following sentence:— The superintendent shall also expend any part or all of such money of any inmate to satisfy the victim and witness assessment ordered by a court pursuant to section eight of chapter two hundred and fifty-eight B.

SECTION 129. Chapter 127 of the General Laws is hereby amended by striking out section 87, as so appearing, and inserting in place thereof the following section:—

Section 87. (a) Every inmate of a correctional institution or any other penal institution in the commonwealth shall be allowed to send mail to the President or Vice President of the United States, a member of the Congress of the United States, the Attorney General of the United States, the director or any agent of the Federal Bureau of Investigation, any judge, attorney, clerk, probation officer, or parole officer the United States or of the commonwealth, the governor of the commonwealth, a member of the general court of the commonwealth, the attorney general of the commonwealth, the commissioner of public safety, the commissioner or any deputy commissioner of correction, and the superintendent of the institution in which the inmate is confined. A locked letter box shall be placed in each

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institution, into which the inmates may deposit sealed mail to the above-listed officials at their official addresses. The commissioner may provide that such mail be marked to indicate to the addressee that it has not been inspected or opened, and may also require as a condition of delivery that the mail bear the inmate's name and return address. The mail shall be delivered or conveyed to the federal postal authorities for delivery.

(b) Every inmate of a correctional institution or any other penal institution in the commonwealth shall be allowed, consistent with such regulations as are necessary to protect legitimate governmental interests, to send mail to persons not listed in subsection (a).

(c) The commissioner shall promulgate rules and regulations to effectuate the purpose of this section.

SECTION 130. Section 70 of chapter 128 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:—The commissioner shall cause to be made analyses of said materials sold or exposed for sale in the commonwealth, and he, his inspectors and deputies may enter upon any premises where such material is sold or offered or exposed for sale and take samples for said analyses. Said sampling and analyses shall be done on a random basis and in sufficient quantity to ensure effective analyses within the discretion of the commissioner.

SECTION 131. Section 2 of chapter 128C of the General Laws, as so appearing, is hereby amended, by inserting after the word "season", in line 78, the following words:—except that if the commission determines that a licensee cannot conduct a full schedule of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting.

SECTION 132. Section 4 of chapter 128C, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 23, the following words:— ; provided, further, that the division of fairs may expend said funds without further appropriation and for such purposes as authorized under the provisions of paragraph (f) of section two of chapter one hundred and twenty-eight; and provided, further, that such expenditures by the division of fairs shall not exceed fifty thousand dollars in any fiscal year.

SECTION 133. The provisions of sections one hundred and thirty-one and one hundred and thirty two of this act shall expire on December thirty-first, nineteen hundred and ninety-five.

SECTION 134. Chapter 128C of the General Laws is hereby amended by striking out section 7, as appearing in the 1992 Official Edition, and inserting in place thereof the following section:—

Section 7. The state lottery commission is hereby authorized and directed to conduct a thoroughbred and standardbred horse and greyhound dog racing lottery game. The state lottery commission, with the participation and cooperation of all racing meeting licensees, shall determine the development and implementation of said game in accordance with the following provisions:

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(a) The state lottery commission shall determine, the price, or prices for participation in such game, the numbers and sizes of the prizes awarded to the winners, the manner of payment of the prizes to the winners, the frequency of the drawings, the type or types of locations at which tickets or shares may be sold, and, all other matters authorized by law.

(b) The state lottery commission shall transfer all revenues from the thoroughbred and standardbred horse and greyhound dog racing game to the State Lottery Fund after deductions are made for: (1) the amounts paid or incurred for prizes to holders of the winning lottery tickets or shares during the preceding six month period; (2) the administrative and operational expenses of the state lottery commission for the lottery or lotteries for the preceding six month period. The revenues shall be distributed in accordance with the provisions of section thirty-five of chapter ten.

(c) No person licensed by the state 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 the American Veterinary Medicine Association.

The racing commission shall adopt regulations that kennels and other appropriate licensees provide the racing commission with information and other data regarding the dispositions 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.

(d) 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 135., Section sixty-eight A of chapter one hundred and thirty of the General Laws is hereby repealed.

SECTION 135A. Section 57 of said chapter 130, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

The city council or mayor of any city, or the selectmen of any town, may upon written application, accompanied by plans sufficient to show the intended project and project area to be licensed, and after public notice and hearing pursuant to section sixty, grant to any person a shellfish aquaculture license.

Said license shall authorize said licensee in such city or town at all times of the year, in, upon, or from a specific portion of waters of the commonwealth, of tidal flats or land under coastal waters: (1) to plant and grow shellfish bottom/off bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under coastal waters, such as boxes, trays, pens, bags, or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats.

After receipt of a written application by the city council or selectmen, and after the notice and public hearing requirements of this section are satisfied and the licensing authority approves the application, the director shall, after inspection of the intended project area, certify that issuance of a shellfish aquaculture license and operation thereunder will cause no substantial adverse effect on the shellfish or other natural resources of the city or town. Upon such certification by the director, the city council or selectmen may issue the license, provided that no license shall be issued for any areas then or within two years prior thereto, closed for municipal cultivation under the provisions of section fifty-four. Failure of the director to so certify shall be deemed a denial of the shellfish aquaculture license. The director's certification or refusal to certify shall be reviewable in accordance with section fourteen of chapter thirty A.

Licenses under this section shall be granted or denied in writing within sixty days after receipt of the written application and shall be issued upon forms supplied by such cities and towns and upon such terms and conditions and subject to such terms, conditions or regulations as the city council or selectmen issuing the same shall deem proper, but not so as to impair the private rights of any person or to materially obstruct navigable waters, and said license shall describe by metes and bounds the waters, flats or creeks covered thereby. Shellfish aquaculture licenses pursuant to this section are subject to any rules and regulations promulgated by the director, including those concerning the use and scope of predator controls in the intertidal zone, and said licenses may be further conditioned by the director as he deems necessary and appropriate, including species to be propagated and the source and movement of seed shellfish.

Said license shall be for a period of not more than ten years and may be renewed for similar periods. Said license may be revoked by the city council, selectmen or the director for failure to comply with any terms, conditions or regulations set forth by these entities, or for lack of substantial use of the licensed area. Said licensee shall have the right to the exclusive use of the lands and waters for the purposes of growing shellfish thereon, and the licensee shall plainly mark the boundaries of said area. The selectmen or city council shall

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permit, as a condition of the license, such public uses of said waters and lands as are compatible with the aquacultural enterprise.

Whoever without the consent of the licensee, unless otherwise permitted by the terms and conditions of said license: (1) takes shellfish from the licensed lands or waters or from said racks, rafts or floats; (2) disturbs the licensed area or the growth of the shellfish thereon in any way; (3) discharges any substance which may directly or indirectly injure the shellfish; (4) willfully injures, defaces, destroys, removes or trespasses upon said racks, rafts, or floats; or (5) willfully injures, defaces, destroys, removes or trespasses upon said protective devices affixed directly to the tidal flats, such as boxes, trays, pens, bags, or nets shall be liable in tort for treble damages and costs to the licensee injured by such act.

Nothing in this section shall be deemed to affect the validity, conditions, or terms of any license granted under the corresponding provisions of earlier laws and in full force upon the effective date of this section. Nothing in this section shall excuse the licensee from complying with other laws of the commonwealth, including environmental laws and laws concerning interference with navigation.

Said shellfish aquaculture license may be transferred pursuant to section fifty-eight and all rights and privileges enjoyed by the licensee shall be assumed by the transferee.

SECTION 135B. Said chapter 130 is hereby further amended by striking out section sixty-five, as so appearing, and inserting in place thereof the following section:—

Section 65. Every licensee or transferee of a license referred to in section fifty-seven shall submit on oath on or before December thirty-first in each year to the director and to the city council or selectmen of the city or town wherein the licensed area is situated a report of the total number of each kind of shellfish planted, produced or marketed during the preceding year upon or from such licensed area, and an estimate of the total number of each kind of shellfish at the time of such report planted or growing thereon. The city council or selectmen may specify a reasonable yearly market value to be produced by each shellfish project licensed pursuant to section fifty-seven. Failure of the licensed shellfish project to meet such a value for any three consecutive years thereafter may result in a forfeit of the shellfish aquaculture license and licensed area.

SECTION 136. The second paragraph of subsection (2) of section 44A of chapter 149 of the General Laws, as so appearing, is hereby amended by adding the following sentence:—Notwithstanding the provisions of the preceding paragraph, a public agency may procure energy management services in accordance with section eleven B of chapter twenty-five A and regulations promulgated thereunder.

SECTION 137. Section 44J of said chapter 149, as so appearing, is hereby amended by inserting after the word "forty-four E" in line 6, the following words:—of this chapter or section eleven B of chapter twenty-five A.

SECTION 138. Paragraph (k) of subsection (1) of section 36 of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out the second sentence.

SECTION 139. Section 94G of chapter 164 of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:

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Each company shall also provide with the above filing an accounting of the costs, including all operation and maintenance expenses, as well as all indirect and administrative expenses, attributable to each generating unit owned in full or in part by the electric company. Such accounting shall be provided for each generating unit consistent with the format set out in the Uniform System of Accounting for the items "production plant" and "power production expenses" as established by the Federal Energy Regulatory Commission.

SECTION 140. Section 2B of chapter 165 of the General Laws, as appearing in section 195 of chapter 110 of the acts of 1993, is hereby amended by inserting after the word "districts", in line 1, the following words:— within the jurisdiction of the Massachusetts Water Resources Authority, but not including communities serviced by the Connecticut Valley Aqueduct.

SECTION 141. Chapter 175 of the General Laws is hereby amended by inserting after section 47M, the following section:—

Section 47N. Any individual policy of accident and sickness insurance issued pursuant to section one hundred and eight, and any group blanket policy of accident and sickness insurance issued pursuant to section one hundred and ten, shall provide coverage for blood-glucose monitoring strips for home use for which a physician has issued a written order and which are medically necessary for the treatment of insulin dependent diabetes.

SECTION 142. Chapter 175 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after section 47N, the following two sections:—

Section 47O. No individual policy of accident and sickness insurance issued or renewed 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 for HIV/AIDS treatment on the grounds that the off-label use of the drug has not been approved by the federal food and drug administration for that indication, if 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 P of this chapter.

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 federal 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 federal food and drug administration has determined its use to be contraindicated.

This section shall not be construed to require coverage for experimental drugs not otherwise approved for any indication by the federal food and drug administration.

For the purpose of this section, and section forty-seven P, the following words shall have the following meanings:

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"Standard reference compendia" means (a) the United States Pharmacopeia Drug Information; (b) the American Medical Association Drug Evaluations; or (c) the American Hospital Formulary Service Drug Information.

"Medical literature" means published scientific studies published in any peer-reviewed national professional journal.

"HIV/AIDS" means human immunodeficiency virus or acquired immunodeficiency syndrome.

"Off-label" means a drug that has not been specifically approved by the Federal food and drug administration for HIV/AIDS treatment but is a drug approved for other indications by the Federal food and drug administration.

47P. The commissioner shall establish an eleven member advisory panel to advise the commissioner on whether off-label uses for HIV/AIDS treatment not included in any of the standard reference compendia or in the medical literature are medically appropriate. The panel shall advise the commissioner whenever a dispute about coverage of such off-label prescription drugs prescribed by a physician is brought to the commissioner. This eleven member panel shall include: (a) three medical infectious disease specialists selected by the Massachusetts department of public health, (b) two physicians selected by the Massachusetts department of public health, (c) one physician representing a nonprofit hospital and medical service corporation, one physician representing health maintenance organizations, and one physician representing commercial insurers; (d) two consumers selected by the Massachusetts department of public health, and (e) one representative from an AIDS service organization or consumer advocacy group selected by the Massachusetts department of public health.

After consulting with said advisory panel, the commissioner may direct an insurer to make payments required by section forty-seven O of chapter one hundred and seventy-five, section eight P of chapter one hundred and seventy-six A, section four O of chapter one hundred and seventy-six B, and section four F of chapter one hundred and seventy-six G.

SECTION 143. Section 195 of chapter 175 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "therefor" in line 4 the following words:—, and in addition the estimated cost of fringe benefits and indirect costs associated with such operation and curriculum.

SECTION 144. Chapter 176A of the General Laws is hereby amended by inserting after section 8N the following section:

Section 8O. Any contract between a subscriber and the corporation under 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 individuals subscribers and members within the commonwealth and to all group members having a coverage for off-label uses of prescription drugs used in the treatment of HIV/AIDS as set forth in sections forty-seven O and forty-seven P of chapter one hundred and seventy-five.

SECTION 145. Said chapter 176A is hereby further amended by inserting after section 8O, the following section:—

Section 8P. Any contract between a subscriber and the corporation under an individual or group hospital service plan that shall be delivered, issued or renewed in the commonwealth shall provide, as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage for blood-glucose monitoring strips for home use for which a physician has issued a written order and which are medically necessary for the treatment of insulin dependent diabetes.

SECTION 146. Chapter 176B of the General Laws is hereby amended by inserting after section 4O the following section:

Section 4P. Any subscription certificate under individual or group medical service agreement that shall be delivered, issued or renewed in the commonwealth which provides coverage for prescription drugs shall provide coverage for off-label uses of prescription drugs used in the treatment of HIV/AIDS as set forth in sections forty-seven O and forty-seven P of chapter one hundred and seventy-five as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth.

SECTION 147. Chapter 176B of the General Laws is hereby amended by inserting after section 4O, the following section:—

Section 4P. Any subscription certificate under an individual or group medical service agreement that shall be delivered, issued or renewed in the Commonwealth shall provide as benefits to all individual subscribers and members within the Commonwealth and to all group members having a principal place of employment within the Commonwealth, coverage for blood-glucose monitoring strips for home use for which a physician has issued a written order and which are medically necessary for the treatment of insulin dependent diabetes.

SECTION 148. Chapter 176D of the General Laws, is hereby amended by inserting after section 3A the following section:—

Section 3B. A carrier that offers insureds a restricted pharmacy network shall, in soliciting, arranging, competitively bidding and contracting for such a network, comply with the following requirements for the purpose of promoting fair and competitive bidding:

(1) provide notice to eligible bidders of the carrier's intent to solicit bids for participation in a restricted pharmacy network;

(2) inform eligible bidders of the date such bids will be solicited at least thirty days prior to such solicitation;

(3) provide eligible bidders with information on an identical, equal and uniform basis, including, but not limited to, bid procedure information, financial and utilization information needed to make an informed competitive bid, criteria to be used in awarding a restricted pharmacy network contract and proposed contractual requirements for the restricted pharmacy network;

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(4) provide eligible bidders with at least thirty days to prepare and submit bids between the bid solicitation date and the bid submission deadline; and

(5) open all bids (a) at a previously specified time, which shall not be more than thirty days after the bid submission deadline, and (b) in a public manner, provided that certain information contained in said bids may be held as confidential from public review consistent with regulations promulgated by the commissioner regarding the disclosure of proprietary data or information submitted by any bidders.

A carrier shall neither exclude nor favor any individual pharmacy, or group or class of pharmacies, in the design of a competitive bid involving restricted or nonrestricted pharmacy networks in compliance with the requirements of this section. An entity that assists a carrier in the development or management of said design, network contracts, bid specifications or the bid process, or assists in the review or evaluation of said bids, shall be prohibited from bidding on such a contract.

A retail pharmacy registered pursuant to sections thirty-eight and thirty-nine of chapter one hundred twelve, or an association of such pharmacies whose purpose is to promote participation in restricted pharmacy networks, which are not offered or are not participating in a carrier's restricted pharmacy network contract shall nevertheless have the right to provide drug benefits to the carrier's insureds provided that such non-network pharmacies reach the following agreements with the carrier:

(1) to accept as the carrier's payment in full the lowest price required of any pharmacy in the carrier's restricted pharmacy network;

(2) to bill to the insured up to and not in excess of any copayment, coinsurance, deductible or other amount required of an insured by the carrier;

(3) to be reimbursed on the same methodological basis, including, but not limited to capitation or other risk-sharing methodology, as required of any pharmacy in the carrier's restricted pharmacy network;

(4) to participate in the carrier's utilization review and quality assurance programs, including utilization and drug management reports as required of any pharmacy in the carrier's restricted pharmacy network;

(5) to provide computerized on-line eligibility determinations and claims submissions as required of any pharmacy in the carrier's restricted pharmacy network;

(6) to participate in the carrier's satisfaction surveys and complaint resolution programs for its insureds;

(7) to protect the carrier's proprietary information and an insured's confidentiality and privacy;

(8) to abide by the carrier's performance standards with respect to waiting times, fill rates and inventory management, including formulary restrictions;

(9) to comply with the carrier's claims audit provisions; and

(10) to certify, using audit results or accountant statements, the fiscal soundness of the non-network pharmacy .

A carrier may waive any of the aforementioned agreements in arranging for the provision of pharmaceutical drug benefits to insureds through a non-network pharmacy. A carrier may impose a cost-sharing charge for the use of a non-network pharmacy not to exceed five percent more than the charge for using any pharmacy in the carrier's restricted pharmacy network. A carrier shall not impose any agreements, terms or conditions on any non-network pharmacy, or on any association of pharmacies, which are more restrictive than those required of any pharmacy in the carrier's restricted pharmacy network. The failure of a non-network pharmacy to abide by the aforementioned agreements may, at the option of the carrier, serve as the basis for cancellation of the non-network pharmacy's participation agreement.

The provisions of this section shall not apply to arrangements for the provision of pharmaceutical drug benefits to insureds between a carrier and a mail order pharmacy, a hospital-based pharmacy which is not a retail pharmacy, a pharmacy maintained by a physician group practice or clinic which is not a retail pharmacy or a pharmacy wholly-owned by a carrier.

Nothing in this section shall be construed to require or preclude the provision of pharmacy services to insureds through a restricted pharmacy network nor any other arrangement for the provision of prescription drug benefits.

The provisions of this section shall not apply to the establishment of any restricted pharmacy network in a geographical area, approved by the commissioner, which is served solely by a single provider of pharmaceutical services.

For purposes of this section, the term "carrier" shall mean an insurer operating pursuant to the provisions of chapter one hundred and seventy-five, a hospital service corporation operating pursuant to the provisions of chapter one hundred and seventy-six A, a medical service corporation operating pursuant to the provisions of chapter one hundred and seventy-six B, a health maintenance organization operating pursuant to the provisions of chapter one hundred and seventy-six G, and a preferred provider arrangement operating pursuant to the provisions of chapter one hundred and seventy-six I, or a wholly-owned subsidiary or affiliate under common ownership thereof. The term "insured" shall mean a person whose health care services and benefits are provided by, or indemnified by or otherwise covered by a carrier's group or individual insurance policy, or certificate, agreement or contract and shall include subscribers, enrollees or members. The term "eligible bidder" shall mean a retail pharmacy, community pharmacy or pharmacy department registered pursuant to sections thirty-eight and thirty-nine of chapter one hundred and twelve, irrespective of corporate structure or number of locations at which it conducts business, located within the geographical service area of a carrier and willing to bid for participation in a restricted pharmacy network contract. The term "restricted pharmacy network" shall mean an arrangement for the provision of pharmaceutical drug benefits to insureds which under the terms of a carrier's policy, certificate, contract or agreement of insurance or coverage requires an insured or creates a financial incentive for an insured to

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obtain prescription drug benefits from one or more participating pharmacies that have entered into, a specific contractual relationship with the carrier pursuant to a competitive bidding process.

The commissioner of the division of insurance shall have authority to enforce the provisions of this section.

SECTION 149. Chapter 176G of the General Laws is hereby amended by inserting after section 4F the following section:

Section 4G. Any individual or group health insurance maintenance contract which provides coverage for prescription drugs shall provide coverage for off-label uses of prescription drugs used in the treatment of HIV/AIDS as set forth in sections forty-seven O and forty-seven P of chapter one hundred and seventy-five.

SECTION 150. Said chapter 176G is hereby amended by inserting after section 4G, the following section:—

Section 4H. Any group health maintenance contract shall provide, as set forth in section forty-seven N of chapter one hundred and seventy-five, coverage for blood-glucose monitoring strips for home use for which a physician has issued a written order and which are medically necessary for the treatment of insulin dependent diabetes.

SECTION 151. Section 6B of chapter 200A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) Subject to the provisions of section one A and subsection (b) of this section, any sum payable on a certified check, draft, cashier's check, treasurer's check, registered check, money order, traveler's check, or other similar written instrument, other than a third-party bank check, upon which a person is directly liable shall be presumed abandoned under this section if it has been outstanding for more than three years from the date it was payable, or from the date of its issuance, if payable on demand, or in the case of traveler's checks has been outstanding for more than fifteen years from the date of its issuance, unless the owner has within three years, or within fifteen years in the case of traveler's checks, corresponded in writing with the person concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the person. A new person is directly liable if it is the actual holder of the fund representing the face amount of any such instrument at the time of presumed abandonment hereunder. Under no circumstance shall the holder of such abandoned instrument assess a fee for the processing of said instrument with the state treasurer in an amount which is in excess of one dollar per instrument.

SECTION 152. Chapter 211B of the General Laws is hereby amended by adding the following section:—

Section 21. There shall be established within the office of the chief justice for administration and management, a judicial impact office to assess and evaluate the fiscal, substantive, and management impact of legislation, rules, regulations, and judicial decisions upon the operation, services, and resources of the courts of the commonwealth in the admin-

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istration of justice. There shall be a director of the judicial impact office which position shall be filled by appointment, from among the justices of the trial court departments, by the chief justice for administration and management. The director of the judicial impact office shall hold such office for a term of three years and may be removed from such 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 director shall retain his commission as associate justice of the trial court, or of a predecessor court to which he was appointed, while serving as director of the judicial impact office, and may continue to perform such judicial duties as he may have exercised as an associate justice if so directed by the chief justice for administration and management and such other responsibilities as otherwise provided by law.

SECTION 153. Section 2A of chapter 211D of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraphs:—

Any person provided counsel under the provisions of this chapter shall be assessed a counsel fee of one hundred dollars, which may be waived at the discretion of the court. Said fee shall be in addition to any reduced fee required pursuant to section two and shall be collected in accordance with said section.

The department of revenue shall be authorized to intercept said fee from tax refunds due to persons who have not paid said fee.

The department of public welfare shall be authorized to deduct said fee in weekly or monthly increments from persons who have not paid said fee.

SECTION 154. Section 9 of Chapter 211D, as so appearing, is hereby amended by striking subsection (c) and inserting in place thereof the following:—

(c) specified caseload limitation levels, provided however, that the committee shall not limit the number of billable hours an attorney in the private counsel division shall receive compensation for in the absence of fraud or mistake.

SECTION 155. Chapter 215 of the General Laws is hereby amended by adding after section 62 the following section:—

Section 62A. The Bristol county probate court shall hold at least one session per week at Fall River.

SECTION 156. Chapter 217 of the General Laws is hereby amended by inserting after section 29D, inserted by section 223 of chapter 110 of the acts of 1993, the following section:—

Section 29E. The first justice of the Hampden probate court may, with the approval of the chief justice of the probate court, designate two employees as deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure. Said deputy assistant registers shall receive a salary of six thousand dollars.

SECTION 157. Section 1 of chapter 218 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 361, the words "Hamilton", "Topsfield", and "Wenham".

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SECTION 158. Said section 1 of said chapter 218, as so appearing, is hereby further amended by inserting after the word "Ipswich", in line 362, the second time it appears, the following words:—"Hamilton, Topsfield, and Wenham".

SECTION 159. Said section 1 of chapter 218, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

The first district court of Barnstable, held at Barnstable; Barnstable, Sandwich and Yarmouth. The second district court of Barnstable, held at Orleans; Provincetown, Truro, Wellfleet, Eastham, Orleans, Brewster, Chatham, Harwich and Dennis. The third district court of Barnstable, held at Falmouth; Mashpee, Falmouth and Bourne. 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.

SECTION 160. Section 10 of chapter 218, as most recently amended by section 56 of chapter 495 of the acts of 1993, is hereby further amended by striking out the first to the seventh paragraphs, inclusive, and inserting in place thereof the following paragraphs:—

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 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 eastern Hampshire
- district court of Leominster
- district court of Marlborough
- district court of Natick
- first district court of eastern Worcester
- first district court of northern Worcester

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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
first district court of Essex
district court of Holyoke
district court of central Middlesex
first district court of northern Middlesex
district court of Newburyport
district court of western Norfolk
district court of Peabody
third district court of Plymouth
fourth district court of Plymouth
district court of western Worcester.

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 Chelsea
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
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

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in:

district court of Lawrence
district court of Lowell.

Six assistant clerks with salaries payable by the commonwealth may be appointed

in:

district court of Brockton
first district court of southern Middlesex
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
district court of East Norfolk.

SECTION 161. Said section 10 of said chapter 218 is hereby further amended by striking out the thirteenth paragraph, as most recently amended by said section 56 of said chapter 495, and inserting in place thereof the following paragraph:—

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
district court of East Norfolk
central district court of Worcester
district court of Newburyport.

SECTION 162. Section 57 of said chapter 218, as appearing in the 1992 official Edition, is hereby amended by striking out, in lines 150 to 152, inclusive, the words ", Leominster, Gardner, and Winchendon divisions of the district court department, as the chief justice of the juvenile court department may determine" and inserting in place thereof the following words: — division of the district court department; provided, however, that sessions of the Fitchburg division of the juvenile court department shall be held on a rotating basis in the Leominster, Gardner and Winchendon divisions of the district court department and each shall have jurisdiction over juvenile matters within the same territorial limits as are prescribed for criminal jurisdiction in said Leominster, Gardner and Winchendon divisions, respectively, of said district court department.

SECTION 163. Section 57 of chapter 218, as so appearing, is hereby further amended by striking, in line 157, out the word "Uxbridge" in line 157 and inserting in place thereof the following word:—Milford.

SECTION 164. Section 12 of chapter 221A of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word "so", - and by striking out the second and third sentences.

SECTION 165. Section 85G of chapter 231 of the General Laws, as so appearing, is hereby amended by inserting, after the word "property", in line 8, the following words:—or damage as set forth in sections one hundred and twenty-six A and one hundred and twenty-six B of chapter two hundred and sixty-six.

SECTION 166. Section 5A of chapter 252 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following sentences:—Said fund shall be known as the mosquito and greenhead fly control fund. Notwithstanding the provisions of section twenty A of chapter fifty-nine 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 any fiscal year for the expenditures on behalf of said district and for the cost of the board.

SECTION 167. Said section 5A of chapter 252, as so appearing, is hereby amended by adding the following sentence:— Notwithstanding any general or special law to the contrary, all mosquito control projects constituted hereunder shall be assessed annually by the Mosquito and Greenhead Fly Control Fund relative to their proportional share of expenses for the administration of the state reclamation board.

SECTION 168. Section 6 of chapter 258B of the General Laws, as amended by section 228, chapter 110 of the acts of 1993, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:—The district attorney shall include in the annual program plan a detailed report on the operation of the program, as well as a detailed report of deposits and expenditures of all funds made available to said district attorney for the preceding fiscal year and the current fiscal year, and proposed for the upcoming fiscal year, pursuant to section nine.

SECTION 169. The first paragraph of section 8 of chapter 258B of the General Laws, as appearing in the 1992 Official Edition, is hereby further amended by striking out the last sentence and inserting in place thereof the following four sentences:—In the discretion of the court or the clerk magistrate in the case of a civil motor vehicle infraction that has not been heard by or brought before a justice, a civil motor vehicle assessment imposed pursuant to this section which would cause the person against whom the assessment is imposed severe financial hardship, may be reduced or waived. An assessment other than for a civil motor vehicle infraction imposed pursuant to this section may be reduced or waived only upon a written finding of fact that such payment would cause the person against whom the assessment is imposed severe financial hardship. Such a finding shall be made independently of a finding of indigency for purposes of appointing counsel. If the person is sentenced to a correctional facility in the commonwealth and the assessment has not been paid, the court shall note the assessment on the mittimus.

SECTION 170. The second paragraph of said section 8 of said chapter 258B, as so appearing, is hereby amended by inserting after the first sentence the following sentence:—If the person convicted is sentenced to a correctional facility in the commonwealth, the superintendent or sheriff of the facility shall deduct any part or all of the monies earned or received by any inmate and held by the correctional facility, to satisfy the victim and witness assessment, and shall transmit such monies to the court monthly.

SECTION 171. Said section 8 of said chapter 258B, as so appearing, is hereby further amended by adding the following paragraph:—

When a determination of the order of priority for payments required of a defendant must be made by the court or other criminal justice system personnel required to assess and collect such fines, assessments or other payments, the victim and witness assessment mandated by this section shall be the defendant's first obligation.

SECTION 172. Section 9 of said chapter 258B of the General Laws, as amended by section 5 of chapter 478 of the acts of 1993, is hereby further amended by inserting after the first sentence the following sentences: — In addition, the board may also apply for and accept on behalf of the commonwealth any private grants, bequests, gifts or contributions to further aid in financing programs or policies of the division. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited into said fund; provided, that said board shall submit to the house and senate committees on ways and means, as necessary, a report detailing all such amounts as deposited into said fund. All monies deposited into said fund that are unexpended at the end of the year shall not revert to the General Fund.

SECTION 173. Section 4C of chapter 262 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words "legal assistance fund, established in section twelve of chapter two hundred and twenty-one A" and inserting in place thereof the following:—General Fund.

SECTION 174. Chapter 266 of the General Laws is hereby amended by inserting after section 126 the following section:—

Section 126A. Whoever intentionally, willfully and maliciously or wantonly, paints, marks, scratches, etches or otherwise marks, injures, mars, defaces or destroys the real or personal property of another including but not limited to a wall, fence, building, sign, rock, monument, gravestone or tablet, shall be punished by imprisonment in a state prison for a term of not more than three years or by imprisonment in a house of correction for not more than two years or by a fine of not more than fifteen hundred dollars or not more than three times the value of the property so marked, injured, marred, defaced or destroyed, whichever is greater, or both imprisonment and fine, and shall also be required to pay for the removal or obliteration of such painting, marking, scratching or etching, or to remove or obliterate such painting, marking, scratching or etching; provided, however, that when a fine is levied pursuant to the value of the property marked, injured, marred, defaced or destroyed or when the cost of removal or obliteration is assessed, the court shall, after conviction, conduct an evidentiary hearing to ascertain the value of the property so marked, injured, marred, defaced or destroyed or to ascertain the cost of the removal or obliteration. A police officer may arrest any person for commission of the offenses prohibited by this section without a warrant if said police officer has probable cause to believe that said person has committed the offenses prohibited by this section.

Upon conviction for said offense the individual's drivers license shall be suspended for one year. If the individual convicted of defacing or vandalizing the real or personal property of another is under the age of sixteen then one year shall be added to the minimum

age eligibility for driving.

Section 126B. Whoever sprays or applies paint or places a sticker upon a building, wall, fence, sign, tablet, gravestone, monument or other object or thing on a public way or adjoined to it, or in public view, or on private property, such person known or commonly known as "taggers" and such conduct or activity known or commonly known as "tagging", or other words or phrases associated to such persons, conduct or activity, and either as an individual or in a group, joins together with said group, with the intent to deface, mar, damage, mark or destroy such property, shall be punished by imprisonment in a house of correction for not more than two years or by a fine of not less than fifteen hundred dollars or not more than three times the value of the property so defaced, marked, marred, damaged or destroyed, whichever is greater, or both fine and imprisonment and shall also be required to pay for the removal or obliteration of such "tagging" or to obliterate such "tagging"; provided, however that when a fine is levied pursuant to the value of the property marred, defaced, marked, damaged or destroyed or where the cost of removal or obliteration is assessed the court shall, after conviction, conduct an evidentiary hearing to ascertain the value of the property so defaced, marked, marred, damaged or destroyed or to ascertain the cost of the removal or obliteration. A police officer may arrest any person for commission of the offenses prohibited by this section without a warrant if said police officer has probable cause to believe that said person has committed the offenses prohibited by this section.

Upon conviction for said offense the individual's drivers license shall be suspended for one year. If the individual convicted of defacing or vandalizing the real or personal property of another is under the age of sixteen then one year shall be added to the minimum age eligibility for driving.

SECTION 175. Chapter 276 of the General Laws is hereby amended by inserting after section 23 of the following section:—

Section 23A. Any person arrested on a warrant issued because such person has forfeited or defaulted on his or her bail bond or recognizance or has been surrendered by a probation officer shall be required by the court to pay a fee of fifty dollars payable to the city or town in which such arrest was effected, unless the judge finds that such person is indigent, in which case such person shall be required to perform one day of community service, unless the judge further finds that such person is physically or mentally unable to perform such service.

SECTION 176. Subsection (a) of section 12 of chapter 645 of the acts of 1948, as most recently amended by section 573 of chapter 133 of the acts of 1992, is hereby further amended by striking out the word "ninety-four" and inserting in place thereof the word: ninety-six.

SECTION 177. Section 3 of chapter 354 of the acts of 1952 is hereby amended by striking out the second sentence of the fourth paragraph, inserted by section 84 of chapter 801 of the acts of 1963 and most recently amended by section 18 of chapter 354 of the acts of 1980 and inserting in place thereof the following sentence:—For the purposes of this act the chairman of the authority shall receive an annual salary equal to the average of the annual salary of the general manager of the Massachusetts bay transportation authority and

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the annual salary of the executive director of the Massachusetts port authority, and the members shall each receive an annual salary of twenty-two thousand and eighty dollars.

SECTION 178. The fifth paragraph of section 6 of chapter 212 of the acts of 1975, as appearing in section 7 of chapter 738 of the acts of 1987, is hereby amended by inserting after the words "substantially for", in line 4, the following words:—institutional, governmental.

SECTION 179. Section 13 of chapter 362 of the acts of 1975, as most recently amended by section 11 of chapter 65 of the acts of 1992, is hereby further amended by striking out the words "July first, nineteen hundred and ninety-four" and inserting in place thereof the words:—January first, nineteen hundred and ninety-five.

SECTION 180. Section ninety-three A of chapter six hundred and ninety-nine of the acts of nineteen hundred and eighty-one is hereby repealed.

SECTION 181. The fifth sentence of paragraph (a) of section 12 of chapter 372 of the acts of 1984, as appearing in section 1 of chapter 151 of the acts of 1992, is hereby amended by striking out, in line two, the words "two billion six hundred million" and inserting in place thereof the words "three billion".

SECTION 182. The fourth sentence of section 16 of said chapter 372, as appearing in section 2 of said chapter 151, is hereby further amended by striking out, in line 3, the words "two billion six hundred million" and inserting in place thereof the words "three billion".

SECTION 183. Paragraph (b) of section 3 of chapter 372 of the acts of 1984 is hereby amended by striking out in lines 34 to 36, inclusive, the words "Persons appointed to terms succeeding the terms of the members initially appointed by the advisory board, shall be appointed to terms of six years" and inserting in place thereof the following words:—All persons appointed, including terms of members initially appointed by the advisory board, shall be appointed to terms of two years, for any member elected or appointed on or after July first, nineteen hundred and ninety-four.

SECTION 184. Section two of chapter ten of the acts of nineteen hundred and eighty-six is hereby repealed.

SECTION 184A. Said chapter 10 is hereby further amended by striking out section 6, as most recently amended by section 580 of chapter 133 of the acts of 1992, and inserting in place thereof the following section:—

Section 6. Section one of this act shall take effect as of January first, nineteen hundred and eighty-six.

SECTION 185. The last paragraph of section 74 of chapter 240 of the acts of 1989, as appearing in section 46 of chapter 145 of the acts of 1991, is hereby amended by striking out the words "Department of Employment and Training" and inserting in place thereof the following words:—executive office of economic affairs.

SECTION 186. Section 107 of chapter 121 of the acts of 1990 is hereby amended by striking out the words "and before January first, nineteen hundred and ninety-four".

SECTION 187. Section 108 of said chapter 121 is hereby amended by striking out the words "and shall expire on July first, nineteen hundred and ninety-five".

SECTION 188. Section 4 of chapter 461 of the acts of 1991 is hereby amended by striking out the words "January first, nineteen hundred and ninety-six" in the second sentence and inserting in place thereof the following words:— July first, nineteen hundred and ninety-four.

SECTION 189. Section 1 of chapter 472 of the acts of 1991 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

The government land bank established by chapter two hundred and twelve of the acts of nineteen hundred and seventy-five is hereby authorized to acquire blighted lands located in the town of Lee and in the city of Chelsea and in any city or town for which a receivership has been established by 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 alternative method now or hereafter provided by law, insofar as such provisions may be applicable, provided however, that the power of eminent domain shall only be exercised by said bank with regard to such lands that may be considered "blighted open areas," "decadent areas" and "substandard areas" as defined in section one of chapter one hundred and twenty-one B of the General Laws and as further described in subclause three of clause (k) of section four of chapter two hundred and twelve of the acts of nineteen hundred and seventy-five as appearing in section twenty-five of chapter nineteen of the acts of nineteen hundred and ninety-three, and, in any case, said power shall not be exercised by said bank hereunder in the town of Lee without the prior approval, by majority vote, of the selectmen in the town of Lee and in Chelsea or any city or town for which a receivership has been established without prior approval of the executive officer thereof.

SECTION 190. Section 27 of chapter 203 of the acts of 1992 is hereby amended by adding at the end of the first sentence the following: "; provided, however, that the water pollution abatement trust shall make such loans and grants to the South Essex Sewerage District for construction abatement facilities on the department's priority list for fiscal years nineteen hundred and ninety-two, nineteen hundred and ninety-three, nineteen hundred and ninety-four, nineteen hundred and ninety-five, and nineteen hundred and ninety-six such that the total financial assistance provided to said sewer district is the financial equivalent of a grant of sixty-five percent of the eligible costs thereof as determined by the department."

SECTION 191. Section three of chapter three hundred and eighteen of the acts of nineteen hundred and ninety-two is hereby repealed.

SECTION 192. Chapter 379 of the acts of 1992 is hereby amended by inserting after section 162 the following section:—

Section 162A. The chief justice of the juvenile court department shall on or before February first, nineteen hundred and ninety-five, shall submit for approval to the chief justice for administration and management and the house and senate committees on ways and means a written plan for the implementation and operation of those divisions of the juvenile court department established as of July first, nineteen hundred and ninety-three; provided, however, that no divisions established as of July first, nineteen hundred and ninety-three, excepting the juvenile court divisions in the district of Barnstable county and the town of Plymouth

and the juvenile courts in Boston, Worcester, Springfield and Bristol county, shall be implemented and operational until said plan has been approved by the chief justice for administration and management; and provided, further, that said chief justice shall not authorize the hiring, nor shall the comptroller authorize the disbursement of funds for the expansion in the jurisdiction, staffing or sittings of the juvenile court of Boston, Worcester, Springfield, and Bristol county, which are currently operational, or in the juvenile court divisions in the district of Barnstable county and the town of Plymouth, until said plan has been approved by the chief justice for administration and management.

SECTION 193. Section 205 of said chapter 379 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:—The chief justice for administration and management shall submit said plan or report 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-five.

SECTION 194. Section 220 of said chapter 379 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:—The chief justice for administration and management shall submit said plan or report 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-five.

SECTION 195. Section 221 of said chapter 379 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:—The chief justice for administration and management shall submit said plan or report 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-five.

SECTION 196. Section 222 of said chapter 379 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:—The chief justice for administration and management shall submit said plan or report 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-five.

SECTION 197. Section 223 of said chapter 379 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:—The chief justice for administration and management shall submit said plan or report 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-five.

SECTION 198. Section 227 of chapter 379 of the acts of 1992 is hereby amended by adding at the end thereof the following new paragraph:—

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The justices appointed to the juvenile court department pursuant to this section between January first, nineteen hundred and ninety-four and June thirtieth, nineteen hundred and ninety-four, and between July first, nineteen hundred and ninety-four, and June thirtieth, nineteen hundred and ninety-five shall be assigned by the chief justice for administration and management if the juvenile court to which they are appointed is not operational upon appointment, to other juvenile courts, divisions, or sittings within the juvenile court department or to any court within the trial court department; provided, that when the juvenile division of a court to which said judge is appointed is operational, said judge shall be assigned to that division or court to which he was appointed.

SECTION 199. Sections three, five, seven and nine of Chapter 384 of the Acts of 1993 are hereby repealed.

SECTION 199A. Section 11 of said Chapter 384 is hereby amended by striking out the second sentence.

NO SECTION 200.

SECTION 201. The first sentence of the fourth paragraph of section 83 of chapter 71 of the acts of 1993, as appearing in section 267 of chapter 110 of the acts of 1993, is hereby amended by striking the word "tenth" and inserting in place thereof the following:—fifteenth.

SECTION 202. Chapter 151 of the acts of 1993 is hereby amended by striking out section 124 and inserting in place thereof the following section:—

Section 124. Notwithstanding the provisions of any general or special law to the contrary, the entire gross square footage of any building or structure owned by the commonwealth and subject to the provisions of section twenty-six A½ of chapter one hundred and forty-eight of the General Laws shall comply with the provisions of said section twenty-six A½ not later than March thirtieth, nineteen hundred and ninety-seven.

SECTION 203. The third paragraph of section 144 of chapter 151 of the acts of 1993 is hereby amended by striking out in line 27 the words "six months from the enactment of this legislation" and inserting in place thereof the following words:—not later than December thirty-first, nineteen hundred and ninety-four.

SECTION 204. Sections five and six of chapter three hundred and ninety-three of the acts of nineteen hundred and ninety-three are hereby repealed.

SECTION 205. Section 58 of Chapter 475 of the acts of 1993 is hereby amended by inserting after the second sentence the following sentence:— Sections seven to eleven, inclusive, and section sixteen shall take effect on July first, nineteen hundred and ninety-four.

SECTION 206. Chapter 469 of the Acts of 1993 is hereby amended by striking out the word "Pittsfield" and inserting in place thereof the following:—"Williamstown".

SECTION 207. Section 2 of chapter 472 of the acts of 1993 is hereby amended by adding the following words:—and the Massachusetts bay transportation authority.

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SECTION 208. Notwithstanding the provisions of any general or special law or collective bargaining agreement to the contrary, and 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 any other beneficiary of any former employee who is receiving a retirement allowance, pension or annuity, shall, beginning July first, nineteen hundred and ninety-four, be increased by three percent; provided, that no individual retiree shall receive an increase greater than two hundred and seventy dollars annually; and provided further, that for any employee retiring after July first, nineteen hundred and ninety-four, said employees' health care premium contribution shall be not less than fifteen percent of the total premium paid by the commonwealth or the health care premium contribution paid by active employees, whichever is greater.

SECTION 209. The division of capital planning and operations shall conduct a study and prepare a plan for the construction of a new courthouse complex for Plymouth County, shall estimate the cost of the construction, and shall report the results to the chief justice for administration and management of the trial court and to the house and senate committees on ways and means by November first, nineteen hundred and ninety-four. Said study shall include, to the maximum extent possible, consideration of any available federal funds, funds that might be available from local, federal or private sources, and revenues that might result from a use or uses of the site in addition to a court. Said study shall also include consideration of specific sites for said courthouse complex, and the taking by eminent domain of such sites, including, but not limited to the former Plymouth County House of Correction and Jail located on Obery Street in the town of Plymouth. In conducting said study and preparing said plan, the division of capital planning and operations shall consult with federal, state, and local officials, shall receive assistance and support from other agencies and departments of state government, and may consult with any other governmental or nongovernmental agency.

SECTION 210. Notwithstanding the provisions of any general law or special law to the contrary, each district attorney shall file on or before January fifteenth, nineteen hundred and ninety-five a detailed report on the operation of the domestic violence unit within his office. Said report shall include, but not be limited to, prosecution of domestic violence offenders, training of law enforcement personnel in the handling of domestic violence cases, cooperation with other public and private domestic violence service providers, provision of counseling or therapy for both victims of domestic violence and domestic violence offenders and the allocation of resources and personnel within such domestic violence units for the current and coming fiscal year. Said report shall be filed with the house and senate committees on ways and means, the joint committee on criminal justice, and the joint committee on the judiciary.

SECTION 211. Notwithstanding any general or special law to the contrary, the inspector general of the commonwealth is hereby authorized and directed to enter into a contract to have conducted a study, evaluation, analysis and recommendations pertaining to the effectiveness, operation, management, and fiscal affairs of the committee for public counsel services; provided, however, that said study, evaluation and analysis shall address the following issues:

- (1) an assessment of its governance and management, including its professional standards, management policies, and structural organization;
- (2) an assessment of its office structure, including the feasibility of maintaining a central office, district offices, a central library, and district libraries;
- (3) an assessment of its administrative office, including its structure, staffing levels and policies;
- (4) an assessment of its staff attorneys, including qualifications, hiring practices and policies, training, caseload and salaries;
- (5) an assessment of the use of private attorneys to represent indigent defendants, including qualifications, training, appointment policies and practices, caseload and earnings;
- (6) an assessment of cases handled by its staff attorneys and those cases handled by private attorneys as it relates to the cost of defense;
- (7) an assessment of the methods, practices and services provided by staff attorneys and private attorneys as they relate to the cost of defense;
- (8) an assessment of the method, procedure and process to audit, review and pay all bills submitted by private attorneys;
- (9) an assessment of the method, procedure and process to monitor caseload and activities of staff attorneys;
- (10) an assessment of the practice, procedure and process used, if any, for judges to review bills of private attorneys;
- (11) an assessment of the rate of payment for private attorneys, including the hourly method of payment and/or the flat rate per case method;
- (12) an assessment of the process, procedure and methodology of determining and verifying whether a defendant is indigent before appointment of counsel;
- (13) an assessment of the concept of "indigence", including an evaluation of income guidelines, assets, and other criteria used to determine, including a survey of the services provided in other states to appoint counsel to indigent defendants, including the use of private counsel, rate of payment, verification of indigency, caseload and average cost per case;
- (14) an assessment of the effectiveness, financial benefits and cost effectiveness of having contracts with a county bar advocate program to administer the appointment of private attorneys to represent indigent defendants.
- (15) an assessment of the financial impact of not appointing an attorney to represent an indigent defendant where there is no likelihood of incarceration; and

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(16) an assessment of the costs, effectiveness, policies and practices of the committee's mental health/family law unit, including caseload, staffing, appointment of counsel, and earnings.

The methodology of said study, evaluation and analysis should reflect professional standards and practices of the industry, but shall include a survey of attorneys, judges, and judicial personnel. Said study, evaluation and analysis, which shall also include recommendations regarding the above described issues, shall be filed with the house and senate committees on ways and means on or before March first, nineteen hundred and ninety-five.

SECTION 212. The district attorneys in the Suffolk, Northern, Eastern, Western, Plymouth, Cape and Islands, and Berkshire districts are hereby authorized and directed to establish a community based juvenile justice program in order to coordinate efforts of the criminal justice system in addressing juvenile violence, to be implemented by September first, nineteen hundred and ninety-four, through cooperation with the schools and local law enforcement representatives, probation and court representatives, and where appropriate the department of social services, department of youth services, and department of mental health. The district attorney's community based juvenile justice program shall identify cases in which the juvenile offender is among those most likely to pose a threat to their community. The program shall treat the identified cases as priority prosecution cases and impose individualized sanctions designed to deter the offender from further criminal or delinquent conduct. The office of the District Attorney shall work with the schools and community representatives on development of violence prevention and intervention programs, identification, protocol and curricula.

The office of the district attorney shall conduct weekly working sessions focusing on specific events and particular individuals whose conduct poses a threat to schools, neighborhoods and communities. The office shall be responsible for creating, managing and updating a priority prosecution list of individuals identified as the community's most serious violent youths and repeat offenders and shall update said list as events may happen and the individual is moved through the criminal justice system. The office of the district attorney shall assign prosecutors to the community based juvenile justice program who will treat the identified cases as their priority cases and shall work with the school, courts and other agencies to deter future violent, criminal or delinquent conduct. The office of the district attorney shall further be responsible for managing the lists, compiling and publishing statistics, coordinating meetings with the assistant district attorneys assigned to the program and local law enforcement agencies, schools, probation and court representatives, and where appropriate the department of social services, department of youth services, and department of mental health.

The district attorneys directed herein to implement said program shall form a community based juvenile justice program task force for the purpose of sharing information on the practices and developments of violence prevention and prosecution in their particular

programs. Each district attorney so directed shall submit a status report on the implementation and progress of their community based juvenile justice program, including statistics and findings, to the house and senate ways and means committees by March first, nineteen hundred and ninety-five.

SECTION 213. The chief justice of administration and management is hereby authorized and directed to conduct an analysis of the impact on the administration of justice of the elimination of trial de novo, including but not limited to, its impact on caseload, personnel, staffing, resources, case management, attorneys, law enforcement personnel, witnesses, district attorneys, and defendants. The analysis shall be performed under the direction of the chief justice for administration and management and in cooperation with a seven member committee composed of: the chief justice for administration and management or his designee, the chief justice of the district court or his designee, the chief justice of the Boston municipal court or his designee, the jury commissioner or his designee, a representative of the committee for public counsel services, a representative of the Massachusetts District Attorneys Association, and a representative of the Massachusetts Association of Criminal Defense Attorneys to be appointed by the chief justice of administration and management. Said committee shall submit a joint report of their findings and recommendations to the house and senate ways and means committees on or before February first, nineteen hundred and ninety-five.

SECTION 214. There is hereby established in the office of the comptroller a revenue maximization pilot project which shall focus on increasing the revenues collected by the following district courts: the first district court of Barnstable, the third district court of Bristol, the district court of Springfield, the third district court of eastern Middlesex, the district court of Lowell, the district court of East Norfolk, and the central district court of Worcester. Notwithstanding the provisions of any general or special law to the contrary, the office of the comptroller shall contract with a vendor who will be responsible for collecting court-assessed fines and fees in said district courts. Notwithstanding the provisions of any general or special law to the contrary, payment to said vendor shall be made on a contingency basis, as determined by the office of the comptroller in agreement with said vendor, as authorized herein; provided, however, that said vendor shall receive a contingency fee only if the amount of revenues collected exceeds seven million, nine hundred eighty-two thousand, three hundred thirty-nine dollars for the aforementioned courts.

Notwithstanding any general or special law to the contrary, said vendor shall evaluate and verify the assets, income and expenses of persons requesting appointment of counsel pursuant to section two of chapter two hundred and eleven D of the General Laws, and make recommendations to the court relative to the appointment of counsel for such persons. Said vendor shall conduct selected post-appointed reviews of indigency and inform the comptroller and the courts of its findings. Notwithstanding the provisions of any general or special law to the contrary, said vendor shall be provided access to records of the department of public welfare, the department of revenue, the department of correction and such other

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state agencies as may have information relevant to this project. Said departments and all other state agencies shall comply with any request for records made by said vendor. Said vendor may contract with providers of asset and credit records and other relevant information for the provision of such information to the vendor. The vendor shall not disseminate any data concerning a particular individual that has been obtained from any state agency to any person not employed by the office of the comptroller or the court.

The office of the comptroller shall prepare and submit to the chief justice of administration and management of the trial court, the state budget director, the secretary of administration and finance, and the house and senate committees on way and means on or before October first, nineteen hundred and ninety-four, a plan for implementation of the project. On or before April first, nineteen hundred and ninety-five, the comptroller shall submit a final report evaluating and detailing the year-to-date operations and revenue collections of the project and making recommendations relative to statewide expansion of the project.

SECTION 215. The chief justice of the probate court, in consultation with the department of social services, shall conduct a study to examine the causes of the backlog of cases seeking termination of parental rights in the probate courts. Said study shall also propose and examine the feasibility of solutions to address the backlog. Proposed solutions shall redeploy existing resources whenever possible. Proposed solutions shall include, but not be limited to, a special session of the probate court and a temporary recall of judges. Said chief justice shall report the findings and recommendations of said study to the secretary of administration and finance and the house and senate committees on ways and means not later than March first, nineteen hundred and ninety-five.

SECTION 216. Notwithstanding the provisions of section thirty of chapter twenty-nine of the General Laws or any other special or general law to the contrary, the division of energy resources is hereby authorized to procure, in accordance with all applicable procurement and solicitation laws, all-risk property insurance coverage sufficient to indemnify the division of energy resources against any and all loss of, destruction of, and damage to equipment purchased by the division of energy resources and installed at Massachusetts Bay Transportation Authority stations for the operation of photovoltaic and charging systems in connection with the commonwealth's electric vehicle demonstration program; provided, however, that nothing in this section shall be construed to require any additional state appropriated funds for the division of energy resources. Such insurance coverage may include, but shall not be limited to, any loss, destruction, and damage caused by fire, theft, vandalism, larceny, electrical disturbance, weather or climatic conditions, malfunction, malicious mischief, or acts of God, as well as the cost of repairing or replacing such lost, damaged or destroyed equipment; provided further, that such coverage may continue or be renewed until the conclusion of the electric vehicle demonstration program; provided further, that the division of energy resources shall provide a report to the house and senate committees on ways and means by September first, nineteen hundred and ninety-four detailing the budget and funding sources for said electric vehicle demonstration program.

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SECTION 218. The spring, summer, fall and winter seasonal hires of the Division of Environmental Management, including the fire control unit, who had received health insurance benefits in fiscal year nineteen hundred and ninety-three shall receive health insurance benefits in fiscal year nineteen hundred and ninety-five.

SECTION 219. There is hereby established jointly by the Department of Food and Agriculture and the Division of Fisheries, Wildlife and Environmental Law Enforcement, a Fisheries Marketing Council composed of a member of the General Court whose district includes any portion of Essex County, or their designee, a member of the General Court whose district includes any portion of Bristol County, or their designee, and five other members jointly appointed by the Commissioner of the Department of Food and Agriculture and the Commissioner of division of Fisheries, Wildlife and Environmental Law Enforcement, one of whom shall be a resident of Cape Cod, Dukes or Nantucket Counties. All appointments made by these Commissioners shall be individuals experienced in seafood marketing, management or harvesting. The council shall advise the Commissioner of Foods and Agriculture regarding the marketing and promotion of underutilized species of fish caught or harvested by commercial fisherman licensed by the commonwealth. The council shall advise and assist the commissioner of the Department of Food and Agriculture with the implementation of a comprehensive multi-year marketing strategy designed to support Massachusetts fish and seafood processors.

SECTION 220. The Upper Blackstone Water Pollution Abatement District, hereinafter the district, established by chapter 752 of the acts and resolves of 1968, is authorized, notwithstanding the provisions of any general or special law or regulations to the contrary, to select and to contract with a single contractor to provide design/build services for the design, fabrication, supply, construction, installation, acceptance testing, and performance guarantees of an upgraded system for air pollution controls at the district's multiple hearth sludge incinerators at its wastewater treatment facility in Millbury, Massachusetts, hereinafter the incinerator upgrade project, provided that the design/build contractor is selected by the district through a competitive process conducted in conformance with this section; and provided further, that the office of the inspector general reviews and approves in writing to the district the procedures for the selection of the design/build contractor outlined in this section. This section does not apply to the design or construction of site work, building enclosures, or relocation of existing driveways and utility and process lines necessary to construct the incinerator upgrade project. The provisions of sections thirty-eight A½ to thirty-eight O, inclusive, of chapter seven, the provisions of section 39M of chapter 30, the provisions of all sections of chapter 30B, and the provisions of section forty-four A, section forty-four B, and sections forty-four D to forty-four J, inclusive, and section forty-four M, of chapter one hundred and forty-nine of the General Laws shall not apply to design/build services procured or contracts entered into pursuant to this section.

The district shall procure design/build services relating to the incinerator upgrade project utilizing sealed competitive proposals. The district shall solicit proposals through a

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request for proposals which shall include: the time and date for receipt of proposals; the address of the office to which the proposals are to be delivered; the maximum time for proposal acceptance by the district; the scope of the design/build project; the quality and performance criteria for the incinerator upgrade project, including but not limited to air pollution emissions limits, consumption of utilities and chemicals, noise and odor control criteria, and construction materials selection criteria; the evaluation criteria that will be utilized, including but not limited to installed equipment costs and life cycle costs, relevant technical and management experience of the members of the offeror's proposed design/build team, including subcontractors, and financial stability and resources of the offeror; 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; and such other matters as may be determined by the district.

Public notice of the request for proposals shall be published, at least three weeks prior to the time specified in such notice for the receipt of proposals, in the central register published by the state secretary, in a local newspaper circulated in the district, and in at least one trade journal of national distribution.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where offerors may obtain such documents. The request for proposals may provide for the separate submission of price and, if it does so provide, shall indicate when and how offerors shall submit the price. The request for proposals shall also specify that bid security in form specified by the district and in an amount equal to five percent of the proposed contract price shall accompany the proposal. The district shall make copies of the request for proposals available to all offerors on an equal basis.

The district shall appoint a design/build selection committee which may be composed of design, construction, and air pollution control experts, district staff, and members of the district's Board. The district may conduct a preproposal conference with interested parties prior to receiving proposals.

The district shall not open the proposals publicly, but shall open them in the presence of one or more witnesses at the time specified in the request for proposals. Notwithstanding the provisions of any general or special law to the contrary, until the completion of the evaluation, or until the time of contract award specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors.

The district may open the price proposals, if provided separately, at a later time, and shall open the price proposals so as to avoid disclosure to the design/build selection committee initially evaluating the proposals on the basis of criteria other than price.

An offeror's proposal shall be unconditional except as provided in this paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office

designated in the request for proposals prior to the time and date set for the opening of proposals. At the opening of the proposals, the district shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection. After opening of the proposals, an offeror may not correct, modify or withdraw the price or any other provisions of its proposal in a manner prejudicial to the interests of the district or fair competition. The district may waive minor informalities or allow the offeror to correct them.

Evaluations of the proposals shall be conducted by the design/build selection committee. The design/build selection committee shall prepare its evaluations of the technical proposals based solely on the criteria set forth in the request for proposals. Such criteria shall include, without limitation, standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose.

The design/build selection committee shall specify in writing for each evaluation criterion a rating of each proposal as highly advantageous, advantageous, not advantageous, or such additional rating as the committee finds reasonable, and shall specify in writing a composite rating for each proposal, and the reasons for such composite rating.

The district shall make a preliminary determination of the most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life cycle costs and the other evaluation criteria set forth in the request for proposals. The district may negotiate all terms of the contract not deemed mandatory or non-negotiable with such offeror. If after negotiation with such offeror, the district determines that it is in its best interests, the district may determine the proposal which is the next most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life cycle costs and the other evaluation criteria set forth in the request for proposals, and may negotiate all terms of the contract with such offeror. The district shall award the contract to the most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life cycle costs, the evaluated criteria set forth in the request for proposals, and the terms of the negotiated contract. The district shall award the design/build contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The district may reserve the right to reject any or all proposals if it is in the public interest to do so.

As used herein "responsible offeror" means a person, corporation or other organization or entity which has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance, and "responsive offeror" means a person, corporation or other organization or entity which has submitted a proposal which conforms in all respects to the request for proposals.

If the district awards the design/build contract to an offeror which did not submit the lowest price, the district shall explain the reasons for the award in writing, which shall be available for public inspection.

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Prior to execution of a design/build contract pursuant to this section, the selected offeror shall furnish to the district a performance bond and a payment bond, each in the sum of the contract price and issued by a surety company qualified to issue bonds in the Commonwealth and satisfactory to the district.

If the selected proposer fails to execute a contract or to furnish the necessary bonds within the time period specified in the request for proposals, the district will award the design/build contract to the offeror of the next most advantageous proposal.

The district shall return bid security to all offerors who are not selected. The design/build selection committee shall have conferences describing relative strengths and weaknesses of each proposal with the other qualified offerors which were not selected if the offerors wish to have such conferences. The district shall prepare a report of its findings, including the recorded vote if any was taken, and a summary of the evaluation process, which will be available to the public. The district shall prepare and file with the Clerk of the House and the Clerk of the Senate, within sixty days after the end of each year of the incinerator upgrade project, a report of the district's activities under the provisions of this section. The district shall keep all documentation issued and received by it under the provisions of this section for at least six years from the date of final payment under the contract, and make them available for public inspection.

Notwithstanding the district's exercise of the authority provided in this section, the department of environmental protection (department) may issue project approval certificates for all components of the design/build contract procured by the district for the incinerator upgrade project that are otherwise eligible for financial assistance under the department's regulations, and such otherwise eligible components of the design/build contract shall be eligible for assistance under the Massachusetts Water Pollution Abatement Trust established by chapter 275 of the acts and resolves of 1989, as amended from time to time.

SECTION 220A The Massachusetts water resources authority board of directors is hereby authorized and directed to provide all of the necessary resources, financial and otherwise to the Massachusetts water resources authority advisory board so that said advisory board may conduct a cost analysis of sewer service and determine methodology which fairly and equitably assesses the member communities within the Massachusetts Water Resources Authority district for sewer service, no later than July first, nineteen hundred and ninety-four. Such methodology will give due consideration to the volume of flow into and from each community and shall make equitable adjustments for the impact of wet weather flows upon the volume of flow for each community sufficient to encourage each community to maximize the reduction of inflow and infiltration and the relative strength of flow from each community and other relevant factors.

Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts water resources authority board of directors shall implement said methodology as adopted by the Massachusetts water resources authority advisory board on June twenty-third, nineteen hundred ninety four, including such implementation plan as approved.

Notwithstanding any general or special law to the contrary, communities within the Massachusetts Water Resources Authority's sewer district are hereby authorized and directed to make appropriate adjustments to fees and charges to meet all financial obligations of said communities to said authority in accordance with the implementation schedule to be adopted by said Massachusetts water resources authority advisory board for fiscal year nineteen hundred and ninety-six.

SECTION 221. Notwithstanding the provisions of any general or special law to the contrary, funds in the Commonwealth Sewer Rate Relief Fund established by section two Z of chapter twenty-nine of the General Laws shall be available to mitigate sewer rate increases due to debt service obligations created by issuing eligible indebtedness. Eligible indebtedness shall be defined as debt issued after January first, nineteen hundred and ninety-one which has a final date of maturity greater than five years after the date of issuance and is incurred, wholly or in substantial part, to finance or refinance the costs of planning, design or construction of any water pollution abatement project, or part thereof required to be constructed to meet the provisions of the Federal Clean Water Act, 33 USC, Secs. 1251, et seq., and sections twenty-six to fifty-three, inclusive, of chapter twenty-one of the General Laws, or any wastewater collection or transportation project related thereto. Eligible indebtedness shall include indebtedness incurred pursuant to loan agreements under the provisions of chapter two hundred seventy-five of the acts of nineteen hundred and eighty-nine, as most recently amended by chapter two hundred and three of the acts of nineteen hundred and ninety-two, which is estimated to exceed fifty million dollars by June thirtieth nineteen hundred and ninety-five, and the debt service attributable thereto for any year for purposes of this section shall be the net obligation borne by the issuer after application of any credits, subsidies or assistance, howsoever characterized, provided under the provisions of the aforementioned statutes; provided, that eligible indebtedness shall not include any indebtedness for which the issuer has or will receive assistance provided from other revenue sources including, but not limited to, federal grants; provided however, that no issuer, which shall be defined as any city, town, district, commission, agency, authority, board, or other instrumentality of the commonwealth or any of its political subdivisions, which are responsible for the ownership or operation of wastewater treatment projects and are authorized to finance all or any part of the cost through the issue of eligible indebtedness, shall receive relief authorized herein in excess of twenty percent of its annual debt service obligations due to eligible indebtedness. The division of local services of the department of revenue, in consultation with the department of environmental protection, shall develop guidelines to certify an issuer's eligible indebtedness and shall create a process to equitably distribute funds to eligible issuers, in order to mitigate extraordinary increases in sewer costs; provided, however, that five hundred thousand dollars of the funds distributed to the Massachusetts Water Resources Authority shall be used to provide additional rate relief to the three towns with the lowest percentage of district households connected to the district sewage system; provided, further, that funds disbursed in this fiscal year from the Commonwealth Sewer Rate Relief Fund shall be disbursed to eligible issuers under the terms of this section on or before March thirty-first, nineteen hundred ninety-five.

SECTION 222. The Massachusetts Water Resources Authority established pursuant to chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four, hereinafter referred to as "the authority", is hereby authorized to adopt and implement the MWRA Advisory Board's FY94-96 Capital Improvement Plan recommendations, which will result in a minimum savings of one billion, six hundred million dollars over the next ten years. The authority is hereby authorized and directed to adopt and implement the MWRA Advisory Board's Fiscal Year 1995 Current Expense Budget recommendations.

SECTION 223. The secretary of communities and development and the secretary of economic affairs are hereby authorized to carry out an interagency agreement for the expenditure of two million dollars from the Oil Overcharge Trust Fund for the one and two person program, so-called, for elders and families whose income is in excess of one hundred and fifty percent of the federal poverty level, but not more than one hundred and seventy-five percent of said level, and for a program of supplemental energy assistance for low-income elders and families to be administered in accordance with the Low Income Home Energy Assistance Act of nineteen hundred and eighty-one, as amended; provided, that such amount may be expended from such fund for the fiscal year ending June thirtieth, nineteen hundred and ninety-five without further appropriation; provided further, that notwithstanding the provisions of any general or special law to the contrary, funds expended for said one and two person program and for said program of supplemental energy assistance for low income elders and families shall not be subject to federal reimbursement.

SECTION 224. Notwithstanding the provisions of section thirty-nine of chapter one hundred and twenty-one B of the General Laws, as amended by this act, in any state-funded project which contains units for both elderly persons of low income and handicapped persons of low income, if on the effective date of this section, the number of units occupied by such handicapped persons exceeds ten percent of the total units in the project, the housing authority shall allow any such handicapped person residing in said units on the effective date of this section to continue to reside therein.

SECTION 225. The house committee on ways and means shall conduct a study on the implementation of a pilot program to promote economic diversity and opportunity in family public housing within the executive office of communities and development, pursuant to item 3022-9006 in section two of this act; provided that said study shall be completed not later than December thirty-first, nineteen hundred and ninety-four.

SECTION 226. There is hereby established a special task force, to consist of five members of the house of representatives, one of whom shall be the house chairman of the joint committee on commerce and labor, one of whom shall be the house chairman of the joint committee on public service, both of whom shall serve as co-chairmen, and the other three of whom shall be appointed by the speaker of the house of representatives; three members of the senate, one of whom shall be the senate chairman of the joint committee on commerce and labor, one of whom shall be the senate chairman of the joint committee on public service and one of whom shall be appointed by the President of the Senate, and seven

other persons, one of whom shall be the President or his designee of the American Federation of State, County and Municipal Employees, one of whom shall be the Secretary of Administration and Finance or his designee, one of whom shall be the President of the University of Massachusetts, or his designee, one of whom shall be the President or his designee of the Massachusetts Association of Corrections Officers, one of whom shall be the President or his designee of the Service Employees International Union, one of whom shall be the director of the Massachusetts Board of Conciliation and Arbitration and one of whom shall be the Commissioner of the public employee retirement administration for the purpose of determining whether or not to require that workers' compensation be a subject of mandatory collective bargaining between the commonwealth and its unionized employees. Said task force shall commence deliberations no later than September 1, 1994. The task force shall report to the Clerk of the House of Representatives and Clerk of the Senate the results of its study and its recommendations, with copies to the Chairman of the Joint Committees on Commerce and Labor and Public Service together with drafts of legislation, if necessary, to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before the first of December, nineteen hundred and ninety-four.

SECTION 227. 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 228. Notwithstanding any general or special law to the contrary, the department of medical security is hereby authorized and directed to transfer one million dollars to the Bay State Skills Corporation from the labor shortage fund established in section eighty-three of chapter twenty-three of the acts of nineteen hundred and eighty-eight; provided, however, that said amount is available in said fund. The commissioner shall transfer said funds to said corporation on or before August first, nineteen hundred and ninety-four.

SECTION 229. Notwithstanding any general or special law to the contrary, the department of medical security is hereby authorized and directed to transfer five hundred thousand dollars to the department of employment and training from the Labor Shortage Fund established in section eighty-three of chapter twenty-three of the acts of nineteen hundred and eighty-eight as most recently amended by section two hundred forty-nine of chapter one hundred ten of the acts of nineteen hundred and ninety-three; provided, that such amount is available in said fund; provided further, that such amount shall be expended by the department of employment and training for the tactical training initiative established in said section two hundred forty-nine of chapter one hundred ten of the acts of nineteen hundred and ninety-three.

SECTION 230. The department of mental health is hereby authorized and directed to study and report on the feasibility of establishing, through rental subsidies or rental vouchers, a supported housing program for clients of the department who are homeless, living in state supported housing for the elderly, shelters, group homes or other transitional

housing. Said report shall include: (1) an estimated number of clients in each service area of the department who would be eligible for such a program; (2) proposed eligibility criteria; (3) a plan for the management of any such program; (4) the estimated cost of any such rental voucher or subsidy program; and (5) the potential of the department to obtain federal grants. Said department shall report on the results of said study by filing the same with the clerks of the senate and house of representatives and the house and senate committees on ways and means on or before the first Wednesday in December, nineteen hundred and ninety-four.

SECTION 231. The department of social services, in consultation with the executive office of communities and development and the department of public welfare, is hereby authorized and directed to conduct a study of homelessness as it affects the out-of-home placement of a child or the reunification of a child with his family after out-of-home placement. Said department of social services shall file a report of the findings and recommendations of its study with the house and senate committees on ways and means not later than November first, nineteen hundred and ninety-four. Such report shall include but not be limited to: information on the number of families in the caseload of the department of social services for whom homelessness or lack of adequate housing is an issue; the number of families for whom homelessness is the sole reason for initiating out-of-home placement of the children of such family or the sole factor preventing a family from reunifying after out-of-home placement of a child; the number of families with children in placement who have complied with most or all service plan tasks and for whom homelessness or inadequate housing is a major if not the only remaining barrier to family reunification; recommendations and a plan for addressing the needs of such population; a plan for monitoring and providing monthly reports on families for whom homelessness is an issue in their involvement with the department; and a summary of the status of federal funding for, and the utilization of, section eight certificates for department of social services families.

SECTION 232. There is hereby established a special commission to investigate the impact on health care costs, quality, and access of legislative proposals which affect the ability of health insurers and self-insured plans, including health maintenance organizations, to contract with selected networks of health care providers. Said commission shall consist of thirteen members, and shall include the chairperson of the Group Insurance Commission; the Secretary of the Executive Office of Consumer Affairs and Business Regulation; a representative of the Massachusetts Municipal Association; the Secretary of the Executive Office of Health and Human Services; a representative from the A.F.L.-C.I.O. of Massachusetts; a representative from the Massachusetts Hospital Association; a representative of the Massachusetts Pharmacist Association; a representative from the Massachusetts Teachers Association; a representative from the Mass. Chapter of AARP; a representative from the Massachusetts Business Roundtable; a representative from the Life Insurance Association of Massachusetts; a representative from the Massachusetts Association of Health Maintenance Organizations; a chairperson of the House and Senate Committees of Ways and Means. A report of the study commission's findings shall be filed

with the clerks of the House and the Senate no later than December seventh, nineteen hundred and ninety-four.

SECTION 233. The Secretary of the executive office of health and human services shall convene a task force to develop a plan to meet the needs of children, adolescents and young adults ages birth through twenty-two who have mental illness or emotional disturbance or are at risk of mental illness or emotional disturbance. Said task force shall be responsible for developing a plan to address the needs of all children, adolescents and young adults in need of mental health services, both in-patient and out-patient, with an emphasis on the development of community based and family based services.

Said task force shall also be responsible for addressing in its plan the following issues: the impact of the mental health managed care program on services for children, adolescents, young adults and their families; the impact of the closing of the Gaebler children's center; the needs of children identified as environmentally at-risk through the department of public health's early intervention program; and the needs of homeless children, adolescents and young adults and their families.

Said task force shall be chaired by the secretary and shall include, but not be limited to, representatives with clinical expertise and field experience from: the department of mental health, the department of social services, the department of public health, the department of youth services, the department of public welfare (homeless services), the department of education, the office for children and the division of medical assistance; the Massachusetts league of neighborhood health centers; a child welfare specialist; a forensic mental health specialist; two public school guidance counselors; a local public health or mental health official; an early intervention specialist; a specialist in the area of "transition age" (ages eighteen to twenty-two years) services; an academic from each of the following: medical school, school of public health and school of social work; two parents; a representative from the parent professional advocacy league; the department of mental health's professional advisory committee on child and adolescent mental health; a representative from the alliance for the mentally ill; a representative from the Massachusetts association of community mental health centers; a representative from the Massachusetts association of private psychiatric hospitals; a representative from the Massachusetts mental health association; and a representative from the New England council of child and adolescent psychiatry.

Said task force shall identify the population in need of services; develop recommendations for state policy and programs; specify the details of a plan for interagency coordination between and among the various public and private providers of services; and develop a budget and financing plan in order to implement the said recommendation. Said task force shall in its deliberation consider the findings of the task force on mental health services for children and youth presented in the final report dated March, nineteen hundred and eighty-seven. Said task force shall submit its plan to the house and senate committees on ways and means, the joint committee on human services and elderly affairs and the legislative children's caucus not later than December thirty-first, nineteen hundred and ninety-five.

SECTION 234. The executive office of health and human services shall undertake an investigation to determine the extent to which the division of medical assistance adheres to its regulations regarding personal care attendants. Said executive office shall investigate the division's compliance with its regulation 106 CMR 422.403, and shall determine the extent to which the division is denying eligibility for personal care attendants to a person solely because such person resides with a family member or household member and because the division determines that such care described by 106 CMR 422.403 can be provided by said family or household member and that for this reason, provision of a personal care attendant is not medically necessary. The executive office shall report in writing the results of such investigation by filing the same with the house and senate committees on ways and means not later than November first, nineteen hundred and ninety-five.

SECTION 235. The department of public health shall name one of the grants in the breast cancer research grant program the "Suzanne Sheats Breast Cancer Research Fellowship".

SECTION 236. The office of the department of veterans' services shall prepare and submit to the house and senate committees on ways and means, on or before December first, nineteen hundred and ninety-four, a multi-year plan on services provided to homeless veterans. Said plan shall include, but not be limited to, a cost analysis and description of all services, including shelter services and available beds, to be provided in fiscal year nineteen hundred and ninety-five, the number of veterans served by type of service, and a five year projection of the demographics of the homeless veteran population in the Commonwealth.

SECTION 237. The Commissioner of the Massachusetts Rehabilitation Commission or his or her designee is hereby authorized and directed to conduct a study on the cost and feasibility of implementing a program for providing optional personal identification cards to survivors of head injuries. The results of such study shall be submitted to the chairs of the House and Senate Ways and Means Committees and the House and Senate clerks no later than December 31, 1994.

SECTION 238. The comptroller is hereby authorized and directed to transfer to the health care access fund established pursuant to section 17A of chapter 118F of the General Laws the unexpended amounts transferred during fiscal year nineteen hundred and ninety-four to the children's health protection account established by chapter 393 of the acts of 1993 and repealed by this act.

SECTION 239. A task force on the redefinition of the role of Barnstable County Government is hereby established. The task force shall be comprised of fourteen members, who shall serve without additional compensation. Notwithstanding any general or special law to the contrary, the task force shall consist of the two chairmen of the Joint Committee on Counties or their designees, the chairman of the advisory board on county expenditures, the Barnstable county commissioners, the speaker of the Barnstable county assembly of delegates or his designee, the commissioner of the department of revenue or his designee, a Barnstable county selectperson designated by the Barnstable county selectmen's association, a member of the Barnstable county town manager's association selected by that

association, the executive director of the Cape Cod economic development council, the executive director of the Cape Cod commission, the Barnstable county health and human services coordinator, and the Barnstable county register of deeds. Said task force shall review the current role of Barnstable county government and how it might more effectively serve the citizens of the county and the commonwealth. The task force shall report its recommendations, including any recommendations for legislative changes, to the governor, the president of the senate, and the speaker of the house of representatives by December thirty-first, nineteen hundred and ninety-four.

SECTION 240. Notwithstanding the provisions of any general or special law to the contrary, the department of medical security, the division of medical assistance, hereinafter referred to as the division, 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 division 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 division and the department of medical security which may authorize the division 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 division 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 division 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 241. The commissioner of the division of insurance shall promulgate not later than January first, nineteen hundred and ninety-five, rules and regulations that prescribe the data and information that an insurance carrier may reasonably withhold from public disclosure in the opening of restricted pharmacy bids conducted pursuant to the provisions of clause (5) of section three B of chapter one hundred seventy-six D of the General Laws.

SECTION 242. Notwithstanding the effective date of the amendment by chapter four hundred and ninety-five of the acts of nineteen hundred and ninety-three to paragraph (cc) of section six of chapter sixty-four H of the General Laws, or the provisions of any other general or special law to the contrary, the department of revenue is hereby authorized and directed to cease efforts to collect meals tax payments from continuing care retirement communities as defined by section seventy-six of chapter ninety-three of the General Laws, including those payments that are currently in dispute. Meals tax assessments of continuing care communities for which a timely application for abatement has been made shall be abated and payments refunded.

SECTION 243. The division of medical assistance is hereby authorized and directed to establish and maintain copayment requirements for pharmacy and emergency room services at fifty cents for prescriptions and \$3.00 for non-emergency, emergency room services; provided, that beneficiaries of medical assistance programs administered by the division shall be exempt from said copayments to the extent they are so exempted by said title XIX, including institutionalized persons, pregnant women, children under eighteen years of age, and health maintenance organization enrollees; and provided further, that copayments shall not be required for legend drugs prescribed for family planning purposes or for the treatment of a medical emergency. The division may establish a maximum cap of not less than five dollars for the total monthly copayments for which a non-exempt beneficiary shall be responsible. For purposes of this section, the words "legend drugs", "family planning services" and "medical emergency" shall mean the same as defined in regulations promulgated by the division.

SECTION 244. Notwithstanding the provisions of any general or special law to the contrary, the department of mental health, the department of public health, the division of medical assistance, hereinafter referred to as the division, 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 for low income care costs at those mental health facilities determined to be disproportionate share hospitals in accordance with requirements and implementing regulations of Title XIX of the Social Security Act. Said appropriate action may include, but shall not be limited to, the establishment of a separate account within the uncompensated care trust fund, established by section seventeen of chapter one hundred and eighteen F of the General Laws, for the purpose of making disproportionate share adjustment payments to such qualifying mental health facilities pursuant to relevant rate setting commission regulations and the related Title XIX state plan

amendment submitted by the division to the health care financing administration in December, nineteen hundred and ninety-two. The division or the department of mental health or the department of public health may expend amounts transferred to it from said separate account within the Uncompensated Care Trust Fund without further appropriation. 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 for the proper accounting and expenditure of funds pursuant to this section.

SECTION 245. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance is hereby authorized and directed to study the feasibility of providing medicaid reimbursement for those entities providing rehabilitative services for those with optical disabilities. Said study shall include, but not be limited to an analysis of any cost to the commonwealth for this type of reimbursement and a comparison of any comparable reimbursement efforts in other states. The division of medical assistance shall submit said report to the house and senate committees on ways and means not later than January fifteenth, nineteen hundred and ninety-five.

SECTION 246. Notwithstanding any general or special law to the contrary, the secretary of health and human services is hereby authorized and directed to expend the sum of two hundred thousand dollars from trust fund number 4600-1500, the labor shortage fund, for the purpose of funding the final year of a three-year grant to the Malden Hospital for the establishment and operation of a family practice residency program. Nothing in this section shall be construed to obligate the commonwealth to provide additional funding for the purposes of said residency program in future fiscal years.

SECTION 247. Notwithstanding any general or special law to the contrary, the division of medical assistance is authorized to pay for the cost of contingent fees for recoveries of third party liabilities, so called, pursuant to contracts entered into prior to fiscal year nineteen hundred and ninety-four, from the revenue generated from said contracts without further appropriation; provided that payment shall be made only upon receipt of said recoveries. The comptroller is hereby authorized and directed to establish and maintain accounts and procedures as he deems appropriate and necessary to accomplish the purposes of this section. The net amount of recoveries from said contracts may be deposited in the revenue retention account of said division established as item 4000-0320 in section two of this act.

SECTION 248. For hospital fiscal year nineteen hundred and ninety-five, 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 the products of each hospital's allowable free care charges and such hospital's cost to charge ratio, calculated by the rate setting 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-five, 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 249. Notwithstanding any general or special law or any rule or regulation to the contrary, any person collecting public assistance from the commonwealth who inherits any sum of money or receives a damage award exceeding six hundred dollars, or whose net winnings or payoff of any lottery or contest exceed six hundred dollars in cash or other monetary value, shall report said inheritance, winnings or damage award to the department of public welfare within seven days of collecting said inheritance or winnings.

Upon collecting the aforementioned six hundred dollars or more in cash or other value said department shall reduce the amount of assistance granted to any such person collecting said assistance by an amount equal to said inheritance, winnings or damage award by said person.

If at any time said inheritance, or net winnings or payoff, exceeds the monthly welfare supplement, all such benefits shall be suspended and no such benefits shall be paid to said person until such time as the value of said monthly welfare supplement equals the value of said inheritance or net winnings or payoff.

Said department shall promulgate rules and regulations which shall carry out the intent of this section.

SECTION 250. There is hereby established a special commission on child care to consist of two members of the senate and two members of the house of representatives, the secretary of human services, or his designee; the commissioner of department of public welfare, or his designee, the senate and house chairpersons of the joint committee on human services and elderly affairs and five persons from child care advocacy groups to be appointed by the governor.

Said commission shall review and make recommendations to the governor and to the general court regarding the consolidation and coordination of all the commonwealth's resources currently targeted to child care. A final written report shall be submitted to the governor and to the general court not later than September thirtieth, nineteen hundred and ninety-four.

SECTION 251. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established a special commission for the purpose of studying the award and administration of cable television licenses by municipalities in the commonwealth since 1975 to the present. The commission shall consist of thirteen members as follows: the secretary of the executive office of consumer affairs or his designee, the commissioner of the community antenna television commission, the attorney general or his designee, three members of the senate appointed by the president of the senate, three members of the house of representatives appointed by the speaker of the house, two members of the public appointed by the governor, one member of the public appointed by

the president of the senate and one member of the public appointed by the speaker of the house. The commission shall be co-chaired by a senate member elected by the members of the commission and by a house member elected by the members of the commission. The commission shall adopt such rules and establish such procedures as it considers necessary for the conduct of its business. The commission shall expend such funds as necessary subject to appropriation. No action of the commission shall be considered official unless approved by majority vote of the commission. The commission shall investigate the nature of municipal cable television licenses and the adequacy and applicability of current Massachusetts General Laws and regulations relative to the establishment and renewal of franchise awards, quality of delivered service, rates, and current as well as past business practices and competition within the cable television industry in Massachusetts. The commission shall solicit and receive testimony and any other information considered necessary for its purpose. Said commission shall file with the clerks of the senate and house of representatives and the secretary of the executive office of consumer affairs its findings and recommendations with any accompanying legislation no later than the first Monday of December, nineteen hundred and ninety-five.

SECTION 252. The program of aid to families with dependent children established by chapter one hundred and eighteen of the General Laws is hereby modified by the following provisions.

(a) For purposes of this section, the following words shall have the following meanings:

"assistance" shall mean cash grants, special needs assistance, counseling and other benefits funded jointly by the commonwealth and the federal government which are available from the program.

"commissioner" shall mean the commissioner of the department.

"department" shall mean the department of public welfare created by chapter eighteen of the General Laws.

"program" shall mean the program of aid to families with dependent children established by chapter one hundred and eighteen of the General Laws.

(b) Subject to the commonwealth's receiving a federal waiver, a family shall be eligible for assistance provided its maximum allowable countable resources shall not exceed two thousand five hundred dollars and it meets all other eligibility criteria; provided, however, that the portion of the fair market value of any licensed vehicle at the time of applying for benefits, that is under five thousand dollars shall not be attributed toward the assistance units countable resources. However, once a recipient is receiving benefits, the recipient or any family member, used in calculating the asset limit, shall not buy or accept a vehicle valued at more than three thousand dollars or else the portion above three thousand dollars would be attributed toward the assistance unit's countable resources.

(c) Notwithstanding any general or special law or any rule or regulation to the contrary, any person collecting public assistance from the commonwealth who inherits any sum of money or receives a damage award exceeding six hundred dollars, or whose net winnings or payoff of any lottery or contest exceed six hundred dollars in cash or other monetary

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value, shall report said inheritance, winnings or damage award to the department of public welfare within seven days of collecting said inheritance or winnings.

Upon collecting the aforementioned six hundred dollars or more in cash or other value the department shall reduce the amount of assistance granted to any such person collecting said assistance by an amount equal to said inheritance, winnings or damage award by said person.

If any time said inheritance, or net winnings or payoff, exceeds the monthly welfare supplement, all such benefits shall be suspended and no such benefits shall be paid to said person until such time as the value of said monthly welfare supplement equals the value of said inheritance or net winnings or payoff.

The department shall promulgate rules and regulations which shall carry out the intent of this subsection.

(d) Recipients meeting the following eligibility criteria for assistance shall be exempt from the provisions of this subsection until such time as their eligibility status changes and they no longer conform to the criteria defining such exempt categories of assistance:

- (1) recipients who are disabled, as defined by regulations of the department;
- (2) recipients who must care for a disabled child or spouse;
- (3) women in their third trimester of pregnancy, or recipients with a child under the age of two years;
- (4) recipients under the age of twenty who are attending high school full time; or
- (5) guardianship or "child-only" cases, so-called; or.

For purposes of this subsection, the word "disabled" shall not include alcohol or drug dependent people.

Subject to the commonwealth's receiving a federal waiver, an adult recipient not meeting the aforementioned criteria who has received program assistance for a maximum and cumulative twenty-four months during a continuous forty-eight month period shall, after said twenty-four months, no longer receive the adult portion of said assistance for the remainder of said forty-eight month period. Said continuous period of forty-eight months shall commence from the date a recipient first becomes eligible for assistance as an adult, or on July first, nineteen hundred and ninety four, whichever is later. In the event a recipient's eligibility status changes to an exempt category of assistance during said forty-eight month period, the calculation of the maximum assistance period shall be suspended and not resume until such time as the recipient is no longer eligible for said exempt status, at which time the calculation shall resume. A recipient who becomes exempt as the result of categories (1) or (2) shall have calculation of the period of ineligibility suspended until such time as the recipient is no longer eligible for said exempt status, at which time the calculation shall resume.

A recipient who, to remain eligible for benefits pursuant to the exemptions provided by this subsection, changes eligibility status and said change in status is proven in a court of law to be the result of fraud or deceit shall not be eligible for any program of assistance

provided by the commonwealth, including but not limited to, programs of assistance administered by said department, including programs administered jointly with the federal government or solely on the part of the commonwealth, or programs administered by the division of medical assistance, the department of public health, or the department of social services, and shall further be required to pay full restitution and any fine levied and shall not be eligible to receive assistance until such amounts have been paid; provided further, any recipient who participate in or assists in procuring payments from the department by falsely depicting themselves as exempt as outlined within the provisions of this subsection, shall be punished by a fine of not less than two hundred nor more than five thousand dollars or by imprisonment for not less than one year nor more than five years and in all cases repayment shall be ordered of the amount of said payments procured in addition to and not in lieu of any penalties imposed pursuant to this section.

Determinations of the eligibility of a recipient's exempt category status pursuant to this subsection shall be subject to fair hearings, provided that the time during which any appeal is pending shall be calculated toward the period of maximum assistance eligibility. The commissioner may establish a procedure by which a recipient may request an extension of benefits for not more than three months beyond the period of said twenty-four month period of eligibility for assistance in the event a recipient demonstrates a hardship beyond the control of the recipient.

The commissioner shall also establish a procedure by which a recipient may request an extension of benefits for six months beyond the period of eligibility for assistance for the purpose of completing a program of education or training that the department determines is essential in helping the recipient toward the goal of self-sufficiency.

(e)(1) Subject to the commonwealth's obtaining a federal waiver of the so-called "grandparent deeming" rule as described in 42 USCA 606, et seq., in situations where no abuse, neglect or addiction is present, the department shall not provide benefits to a family headed by a parent under the age of twenty, unless such parent resides with a parent, grandparent, uncle, aunt, adult sibling, spouse or guardian or lives in structured housing; provided, however, that the department may determine that a teen parent who achieved necessary educational and vocational goals and acquired sufficient independent living skills and parenting skills may live on her own.

In situations where a pregnant or parenting teen asserts that she cannot stay at home because abuse, neglect or addiction is present, or her parents do not want the teen to remain at home, the family will be evaluated by a professional experienced in the field of adolescent development and young parenting within the department of social services; provided, however, that said professional shall not replace or be assigned, in addition, to a social worker who has already been working with the pregnant or parenting teen and her family for more than one month. The department shall establish standards and procedures to govern determinations of abuse, neglect and addiction as required by this paragraph. Wherever it is determined by the department that abuse, neglect or addiction is present or it is otherwise determined to be in the best interest of the teen parent and her baby, the teen shall reside in

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a structured setting in order to receive benefits from the department. If a structured setting is not available at the time such determination is made, such individual shall be exempt from the provisions requiring the teen parent to live at home pursuant to this subsection until such time as a placement in a structured setting shall be made available.

(2) The department shall not provide benefits to a family headed by a parent under the age of twenty, unless such parent has graduated from or is enrolled in a program for a high school diploma or a general education development certificate.

(3) Subject to appropriation, the department shall adapt and expand the teen specialist model being used in the federal demonstration project currently underway in the welfare offices in the cities of Lynn, Marlborough, Framingham and Attleboro. As a component of the case management model established in this section, the department shall identify and train teen specialist case managers to coordinate available services and assist in the process of determining appropriate living arrangements.

(4) The department shall enter into an interagency agreement with the department of social services to develop resources for supportive residential living arrangements that will meet the long-term needs of teenage parents and their children.

Pregnant and parenting teens residing in structured residential settings shall be required to pay a portion of their grant as determined by their residential program for rent.

For the purposes of this section, the minimum requirements for a structured setting shall:

(1) require teen parents to enroll and make acceptable progress in a program for a high school diploma or a General Education Development certificate;

(2) require teenage parents to participate in basic parenting classes, basic life skills classes and pregnancy prevention classes;

(3) provide necessary rules and regulations to insure stability; and

(4) provide regular counseling sessions to enhance the individual's self-esteem.

Subject to appropriation, the department shall provide child care for all teenage parents who are unable to find suitable alternative child care arrangements.

The department, through the executive office of health and human services, shall work with the executive office of communities and development, hereinafter referred to as the EOCD, and the Massachusetts housing finance agency to coordinate policies, programs and funding regarding housing and support services for pregnant and parenting teens. Funding sources to be examined by EOCD and the department shall include the housing innovations fund, public housing developed under chapter one hundred and twenty-one B of the General Laws, the Massachusetts rental voucher program, and the rental housing development action loan program for rent. The performance of such coordination functions shall not be subject to judicial review, nor shall the provisions of this paragraph be construed as giving rise to a cause of action in any person. In the case of a family headed by a parent under the age of twenty who is required to live with a parent or relative in order to alleviate undue financial hardship, the department is authorized and directed to seek a federal waiver exemption from the "grandparent deeming" rule, so-called, as described in 42 USCA Sec

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606, et seq. Said waiver application shall request that, in determining the amount of the cash payment to a parent living with her parents, the department shall disregard income of the household up to two hundred percent of the poverty level for a family of comparable size unless such income is earned by the parent living with her parent.

Transitional housing programs serving teenage parents sixteen years of age or older shall not be considered to fall within the definition of "group care facility" in section nine of chapter twenty-eight A of the General Laws.

The office for children shall, on or before October first, nineteen hundred and ninety-four, promulgate rules and regulations concerning the licensing of transitional housing programs serving teenage parents sixteen years of age or older and residential programs serving teenage parents under sixteen years of age.

(f) Subject to the commonwealth's receiving a federal waiver, the schedule of assistance shall be revised to provide that the increment in assistance shall not be provided to a family in which a recipient parents an additional child during said family's period of eligibility for said program, or during a temporary penalty period of ineligibility for assistance pursuant to a penalty imposed by the commissioner for failure to comply with the requirements of said program; provided, however, that a child born within nine months of the time when the parent began receiving assistance shall not be deemed to be "an additional child during said family's period of eligibility." A caretaker or guardian who is not eligible for assistance from said program but is caring for dependent children shall not be so affected by the revised schedule of benefits herein if said caretaker or guardian parents a child that makes said caretaker or guardian initially eligible for assistance; provided, however, that the increment in assistance shall not be provided for the parenting of subsequent children pursuant to this section.

(g) When the department receives information from the IV-D agency that an applicant for or recipient of assistance has failed to cooperate with child support enforcement activities, the department shall, in accordance with federal law and regulations, determine whether the applicant or recipient has good cause to refuse to cooperate. If the department determines that the recipient does not have good cause to refuse to cooperate, the department shall impose sanctions required by federal law and regulations.

(h) Subject to federal approval and federal financial participation, The department is hereby authorized and directed to develop and implement revisions to the program of aid to families with dependent children, hereinafter referred to as AFDC, to promote greater economic self-sufficiency among recipients of public assistance.

Subject to appropriation, the department shall develop for each parent under this chapter an employment development plan, using the model of case management as set forth in subsection (j). Employment development plans shall be prepared by the case manager with full involvement of the recipient. The plan may include an in-depth assessment of the parent's current employability and development of a strategy to return such parent to economic self-sufficiency. Through the employment development plans, parents shall have

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opportunities to improve work skills, education and employability. When drafting the employment development plan with the parent, the case manager shall make such parent aware of and may refer him to career assessment and development services such as workshops on relevant topics including, but not limited to, career goals, skills inventory, goal-setting, employer and employee expectations, job retention, workplace issues, communication skills, managing home and work, job search and readiness, and career ladders.

Subject to appropriation the department shall determine program availability levels for each of the programs listed below. Volunteers shall be given first priority for participation in all such programs. No parent shall be allowed to enroll in a program if the number of participants already in such program meets or exceeds the number established as the program availability level for that program.

Subject to program availability, all parents, with the exemptions as set forth herein, shall participate in one of the following program components:

- (1) full employment program as defined in this section;
- (2) a recognized job training program;
- (3) a recognized educational program;
- (4) community service work experience of their own choosing, subject to the approval of the department;
- (5) community service work experience provided by the department;
- (6) any other MASSJOBS program component
- (7) a person who works at least thirty hours per week in a job for which compensation is paid;

The following persons shall be exempt from such requirement:

- (1) a person who is incapacitated, over sixty years of age, or severely or chronically ill, as verified by a physician;
- (2) a person needed in the home because of the illness or incapacity of another household member;
- (3) a person nineteen years of age or younger;
- (4) a woman in the third trimester of pregnancy;
- (5) persons for whom the department finds that no public or private transportation is available;
- (6) a parent of a child under the age of three months who personally provides care for such child.

Consistent with all applicable state and federal regulations, it shall be the responsibility of the parent to fulfill the obligations of the employment development plan, contingent upon the provision of needed services or supports as indicated in such plan. The employment development plan may require mandatory community service if the parent has failed more than once to fulfill the obligations of his employment development plan without good cause, as defined in state and federal regulations. Failure by the parent on more than one occasion to participate in the community service program once mandated to do so, shall

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result in loss of such parent's portion of the grant. Parents who fail to adhere to the obligations set forth in their employment development plan and experience a reduction of family income due to a reduction of benefits which, in turn, places their children at risk, shall be required to meet with their case worker for reassessment.

(i) Subject to federal approval and federal financial participation, a recipient, or an applicant who has received aid to families with dependent children within the last four calendar months, shall be eligible to have thirty dollars and one third of the remaining gross earned income, after work related expenses, but before dependent care deductions, disregarded, subject to the provisions of 106 CMR 280(C).

Subject to federal approval and federal financial participation, aid shall be provided to a two parent family which includes a needy child and meets the generally acceptable financial eligibility requirements regardless of whether or not the principal wage earner of such a family is employed for one hundred hours a month or more; provided, however, that the department shall seek a waiver to secure federal financial participation for such aid; and, provided further, that such aid shall not be paid unless federal financial aid is available.

(j) Subject to appropriation, the department shall provide all services through a case management model which shall include the following components: a single point of entry for all intake, eligibility and benefit determination; assessment of the full range of services needed to attain self-sufficiency; preparation of an employment development plan; referral to appropriate programs necessary to meet the goals of the employment plan including referral to other relevant state and private agencies for the purposes of addressing the recipient's immediate needs; referral to the department of revenue for the purpose of pursuing child support from an absent parent; and periodic reassessment of service needs and the employment plan.

Subject to appropriation, the department shall establish guidelines for case management which shall require case managers to focus on individual recipient's needs, strengths, and challenges and encourage economic self-sufficiency. Case managers shall utilize existing services to assist the individual to achieve self-sufficiency. Services for which recipients may be referred shall include, but not be limited to, ongoing discussions of and instruction in parenting issues, financial management, including encouraging recipients to open bank accounts, and issues which may arise as a result of or during the course of meeting the goals of an economic development plan.

The department shall insure that, for those recipients where intensive individualized case management is required, case managers are qualified and appropriately trained to carry out such duties necessary to assume proper implementation of the provisions of this section.

Notwithstanding the provisions of any general or special law to the contrary, a caseworker from the department shall outline the laws regarding public assistance fraud as part of the intake process with each potential recipient and shall inform each such potential recipient of the penalties for public assistance fraud.

(k) (1) Subject to federal approval and federal financial participation, the full employment program, hereinafter referred to as the program, is hereby established as a pro-

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gram in which recipients, subject to criteria and eligibility rules established by the department, in lieu of receiving coupons under the food stamp program and cash payments under the program of aid to families with dependent children, shall be provided with employment in a manner which promotes self-sufficiency and which shall provide work experience to improve the recipient's competitive position in the work force.

(2) The executive office of health and human services and the department shall administer said program and shall promulgate regulations necessary for the operation of said program. The executive office of health and human services and the department shall utilize the MASSJOBS council and the regional employment boards for purposes of obtaining employers for placements. The MASSJOBS council and the regional employment boards in each area shall monitor the operations of the program for such areas, and make recommendations to the department for improved program efficiency and effectiveness. The department shall provide administrative support to the MASSJOBS council and each regional employment board.

(3) (i) An eligible individual who participates in the program shall work forty hours per week in program jobs, as available, and shall be paid not less than four dollars and fifty cents per hour. If the net wage amount is less than the participant's current grant, the commonwealth shall supplement the amount necessary to equal such current grant.

(ii) In addition to the participant wage, as defined in paragraph (i), the employer shall pay one dollar for each participant hour worked into a qualified Individual Asset Account, hereinafter called IAA, as defined in regulations promulgated by the executive office of health and human services. The IAA shall be owned by the participant and access shall be restricted until such time as a participant leaves the program or after twelve months in said program. The IAA is established in order to improve the position of program participants by increasing their asset base. The amount in the IAA shall not be counted as an asset for the purpose of determining financial eligibility for benefits authorized by this chapter.

(4) Upon the acceptance of a program job in compliance with the participant's employment development plan as set forth herein, AFDC and food stamp benefits shall no longer be paid as a grant to the program participant. The commonwealth shall pay to employers the following amounts as partial reimbursement for wages paid to program participants: (i) for the first nine months that the program participant is employed by such employer, three dollars and fifty cents per hour; (ii) for the next three months that the program participant is employed by such employer, two dollars and fifty cents per hour.

(5) Subject to appropriation, full employment program participants who demonstrate drug or alcohol abuse may be referred by the department to the medical assistance program administered by the division of medical assistance for the purpose of obtaining substance abuse treatment service. At the end of not more than sixty calendar days from the date when such treatment began, the participant shall be evaluated by the treating professionals to determine if such participant is job ready. At the end of such sixty day period, the case manager shall reassess the employment development plan and make an appropriate job program assignment.

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(6) (i) The department shall adopt rules and regulations to determine which employers within the commonwealth shall have the opportunity to accept program participants. No employer shall be required to participate in the program. In the event that there are unassigned participants whom no employer has accepted, such unassigned participants shall be reassessed, with focus on the economic development plan, and may be assigned to other available programs.

(ii) The maximum number of program participants that an employer shall be authorized to accept at any one time shall not exceed ten percent of the total number of the employer's employees; provided, however, that an employer may receive one participant. The commissioner of the department may waive the limit in special circumstances; provided, however, that the commissioner may grant or not grant said waiver at his sole discretion and no such decision shall be subject to review.

(iii) The department shall establish rules and regulations to:

(A) develop criteria and fair procedures for excluding employers from participation for failure to abide by program requirements or other demonstrated unwillingness to comply with the stated intent of said program; and

(B) provide that employers that have shown a pattern of terminating participants prior to the completion of training or of not offering unsubsidized employment to participants who have successfully completed training with that employer shall be ineligible to receive additional participants.

(7) The department shall seek to insure that jobs made available to program participants shall not:

(i) require work in excess of forty hours per week; and

(ii) be used to displace regular employees nor to fill unfilled positions previously established.

(11) (i) With the assistance of the regional employment board and the MASSJOBS council, the department shall develop a job inventory. The department shall submit to the general court and to the governor an annual report outlining the number of placements available for all programs set forth in this proposal.

(ii) In consultation with the participant, the department shall attempt to match the profile of a participant with the needs of an employer when assigning a participant to work with such employer.

(iii) Program employers shall:

(A) endeavor to make program placements positive learning and training experiences;

(B) maintain health, safety and working conditions at or above levels generally acceptable in the industry and no less than that of comparable jobs of the employer;

(C) provide on-the-job training to the degree necessary for the participant to perform such duties;

(D) provide on-the-job mentors from among regular employees to assist the participants in becoming oriented to work and to the workplace; and

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(E) sign an agreement for each placement outlining the specific job offered to the participant and agreeing to abide by all requirements of the program, including the requirement that the program not supplant existing jobs and to repay reimbursements in the event the employer violates program rules.

The department shall have sole authority to enforce these conditions and shall establish regulations to govern such enforcement.

(iv) Either the employer or the participant may terminate the assignment by contacting the appropriate department office. In such event, the case worker shall reassess the needs of the participant and may assign the participant to another placement or another program component and, at the employer's request, the case worker may provide the employer with another participant. The department shall endeavor to keep such termination to a minimum.

(v) If, after nine months in a placement, a participant has not been hired for an unsubsidized position, the economic development plan of the participant shall be reassessed. If, after twelve months in a placement, a participant has not been hired for an unsubsidized position, the subsidy to the employer shall be discontinued; the economic development plan of the participant shall be reassessed, and the participant may be assigned to another program job.

(8) Aid to families with dependent children and food stamp benefits shall be suspended at the end of the calendar month in which an employer makes the first wage payment to a participant who is a custodial parent in a family that receives AFDC and food stamp benefits.

(9) (i) Employers shall pay all participants a wage rate of not less than four dollars and fifty cents per hour.

(ii) Sick leave, holiday and vacation absences shall conform to the individual employer's rules for new employees.

(iii) All persons participating in the program shall be considered to be employees of the individual employer providing the employment and shall be entitled to all benefits required by state and federal law.

(iv) Employers shall provide workers' compensation coverage for each program participant.

(10) In the event that the net monthly full-time wage paid to a participant, which for purposes of this section shall be the gross wage minus mandatory payroll deductions, would be less than the level of income from AFDC and the food stamp benefit amount equivalent that the participant would otherwise receive, the department shall determine and pay a supplemental payment as necessary to provide the participant with such level of net income. The department shall, by regulation, adopt an equivalency scale to be adjusted for household size and other factors. The purpose of the equivalency scale shall be to insure that participants are not economically disadvantaged, in terms of net income, by accepting a job under the program. The department shall determine and pay, in advance, supplemental payments to participants on a monthly basis as necessary to insure equivalent net program wages. The employer shall compensate participants for hours worked.

(11) Program participants who are eligible for federally and state funded medical assistance at the time they enter the program shall remain eligible for as long as they shall continue to participate in said program.

(12) Program participants who have failed to carry out successfully a program job after a minimum of three attempts shall be reassessed and may be assigned to mandatory placement in the community service program pursuant to subsection h. Rules governing sanctions, hearings or conciliations for participants in the program shall be the same as those for the AFDC and food stamp programs.

(13) If the department finds that an employer has violated any of the rules or regulations of the program, the department:

- (i) shall withhold any wage reimbursement amounts due to the employer; and
- (ii) may seek repayment of any wage reimbursement amounts paid to employer.

(14) There is hereby established a full employment advisory board, hereinafter called the board, to consist of seven members to be appointed by the governor, two of whom shall be from the business community, one of whom shall be the secretary of economic affairs, one of whom shall be an expert in labor market economics, two of whom shall be nominated by the AFL-CIO and one of whom shall be an employed former recipient of aid to families with dependent children.

The board shall oversee and review practices of employers and assess compliance with regulations and shall report to the general court and the governor semiannually until December 31, 1996 with recommendations to improve the full employment program.

(15) Subject to appropriation, a community service program is hereby established as a program in which recipients through the case management model established by this section may, if other work or training options are not available, be offered the opportunity to volunteer for twenty hours per week or be mandated to participate pursuant to the provisions of this section.

The executive office of health and human services and the department shall administer and promulgate regulations necessary for the operation of said community service program.

For the purpose of this section, the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

"Community service", a program of a constructive nature designed for applicants and recipients of public assistance to maximize work skills and to promote development of new skills pursuant to a plan jointly entered into by the department and a public entity or private nonprofit organization under which such public entity or private nonprofit organization undertakes to provide work or training experience to applicants or recipients of public assistance who have chosen or have been mandated to participate without compensation in such program, and to provide supervision over such work or training experience.

"Private nonprofit organization", an organization which provides a service available to the general public where funding is based wholly or in part by donations from the general public and in which no part of the income is distributable to its members, directors or officers.

(1) A taxpayer required to file a return under the provisions of chapter sixty-two of the General Laws shall be allowed a credit against the excise due under said chapter for employing persons that had been employed by the taxpayer through the full employment program defined in this section. Such credit shall be calculated by multiplying the number of full months after cessation of state subsidies a qualifying program participant was employed by the taxpayer by one hundred dollars. The maximum credit allowed for all years for the employment of each qualifying program participant shall be one thousand two hundred dollars. A taxpayer entitled to a credit under this subsection for a taxable year may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for the taxable year.

The department shall report to the department of revenue and to the employer the program participant's name and social security number, the employer's name and identification number and the number of complete months of eligible employment for each participant of the program for whom an employer would be eligible to claim the credit provided by this subsection within thirty-one days of the end of each calendar year. The department of revenue shall consult with the house and senate committees on ways and means to determine nonconfidential data which shall annually be published to determine the effectiveness of the credit provided by this subsection. Said department of revenue shall promulgate rules and regulations necessary to implement the provisions of this subsection.

A taxpayer required to file a return under the provisions of chapter sixty-three of the General Laws shall be allowed a credit against the excise due under said chapter for employing persons that had been employed by the taxpayer through the full employment program defined in this section. Such credit shall be calculated by multiplying the number of full months after cessation of state subsidies a qualifying program participant was employed by the taxpayer by one hundred dollars. The maximum credit allowed for all years for the employment of each qualifying program participant shall be one thousand two hundred dollars. A taxpayer entitled to a credit under this section for a taxable year may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for the taxable year.

The department shall report to the department of revenue and to the employer the program participant's name and social security number, the employer's name and identification number and the number of complete months of eligible employment for each participant of the program for whom an employer would be eligible to claim the credit provided by this section within thirty-one days of the end of each calendar year. The department of revenue shall consult with the house and senate committees on ways and means to determine nonconfidential data which shall annually be published to determine the effectiveness of the credit provided by this section. The department of revenue shall also promulgate rules and regulations to implement the provisions of this section.

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(m) Subject to the commonwealth's obtaining a federal waiver and federal financial participation to extend subsidized child care benefits, persons who receive benefits under this chapter who are employed and who have in their care a dependent child and who lose eligibility for cash benefits because of earnings from employment and who participated in the full employment program set forth in this section, immediately prior to losing such benefits shall be eligible for subsidized child care for one year after leaving said program, provided that they meet the financial eligibility criteria for such subsidized care and contribute to the cost of such care in accordance with the sliding fee scale formula established by the department for transitional child care for former recipients of aid to families with dependent children; provided, however, that the benefits provided under this paragraph shall not be made available if the former participants have affordable child care available through their employer.

(n) Subject to the commonwealth's obtaining a federal waiver and federal financial participation to extend medicaid benefits, persons who receive benefits under this section who are employed and who have in their care a dependent child and who lose eligibility for cash benefits because of earnings from employment and who participated in the full employment program set forth in this section immediately prior to losing such benefits shall be eligible for two six-month extensions of medicaid benefits during the year after leaving said program, provided that the family received medicaid during the six-month period preceding the extension and provided that the family meets the financial requirements and complies with reporting requirements set forth in department regulations for extended medicaid for former recipients for aid to families with dependent children; provided, however, that the benefits provided under this paragraph shall not be made available if the former participants have affordable health care available through their employer.

(o) Subject to receiving federal waivers, the department is hereby directed to implement procedures to reduce instances of, or opportunities for fraud in the program of assistance provided under this chapter including, but not limited to, the following measures:

(1) The department shall access certain data collection available to and provided by the department of revenue including, but not limited to, fourteen day labor reporting information and may garnish wages of persons determined to have fraudulently obtained assistance;

(2) Establishing penalties for second convictions of welfare fraud or in cases in which persons are receiving benefits under more than one application, shall include permanent disqualification for future benefits and repayment in an amount equal to the grant received from the date of the incidence of fraud for which said person has been convicted;

(3) The department shall establish a toll-free telephone number for the reporting of suspected welfare fraud or a violation of any regulations of the department. Information received through such program shall be referred to the bureau of special investigations.

(4) Employees of the department who participate in or assist in fraudulently procuring payments from the department shall be terminated from such employment and may be punished by a fine of not less than two hundred nor more than five thousand dollars

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or by imprisonment for not less than one year nor more than five years and, in all cases, repayment shall be ordered of the amount of said payments procured which shall be in addition to and not in lieu of any penalties imposed pursuant to this section.

(5) The department shall develop a request for proposal for an automated two-digit fingerprint and digitized photograph matching system and shall thereafter contract for the services of a firm able to design and implement such automated two-digit fingerprint matching identification system in a pilot program which shall be located in the Lawrence office of the department. Prior to the award of a contract, the department shall certify that the design of said pilot program fulfills all of the requirements of this paragraph. After award of this contract, the department shall be responsible for ensuring that adequate training for local staff involved in said pilot program shall be provided, and taking any actions necessary to bring such local pilot program into compliance, if necessary.

The department shall establish said pilot program for preventing multiple enrollment or other fraudulent conduct of aid to families with dependent children benefit recipients through the use of an automated two-digit fingerprint and digitized photograph matching system. The system shall only include aid to families with dependent children benefit recipient fingerprinting and photographing upon application for eligibility of said benefits, and fingerprinting and photographing of aid to families with dependent children benefit recipients currently receiving benefits within thirty days of implementation of said pilot program.

Notwithstanding any general or special law or rule or regulation to the contrary, data collected and maintained through the use of an automated fingerprint and digitized matching identification system in said pilot program as authorized by this section may not be used, disclosed, or redisclosed for any purpose other than for the prevention of multiple enrollments in the program of aid to families with dependent children, may not be used or admitted in any criminal or civil investigation, prosecution, or proceeding, other than a proceeding pursuant to section ten of chapter one hundred and eighteen of the General Laws or pursuant to this section. Any person who knowingly makes or obtains an unauthorized disclosure of data collected and maintained through the use of an automated two-digit fingerprint system shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than two and one-half years in a county correctional facility, or by both such fine and imprisonment. Data collected and maintained through the use of an automated two-digit fingerprint and digitized photograph matching identification system shall be subject to provisions of section fifteen of chapter eighteen relating to unauthorized disclosure of confidential client information.

Notwithstanding any other specific or general law to the contrary, nothing contained herein shall be deemed to authorize or permit the termination, suspension, or diminution of aid to families with dependent children benefits except as elsewhere specifically authorized in this section, except where the basis of the proposed sanction is a determination of a fraudulent multiple enrollment or other fraudulent conduct, based on the use of an automated two-digit fingerprint and digitized photograph matching identification system.

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The data collected and maintained in such automated systems shall be deemed to be records as defined in chapter eighteen of the General Laws.

The commissioner is hereby authorized and directed to develop a plan for a pilot program to utilize fingerprints as a means of identifying recipients of public assistance in order to prevent the fraudulent receipt of benefits by using false identities. Such plan shall require fingerprint identification for all recipients of the emergency aid to the elderly, disabled and children program and shall also detail the federal waivers necessary for including recipients of the aid to families with dependent children program and Medicaid program. Such plan shall include the estimated cost of implementing such program, including initial start-up and on-going costs. Such program shall be based on programs in operation in Los Angeles County, California and Rockland and Onandaga Counties in New York. Such plan shall be submitted to the clerks of the senate and house of representatives on or before January first, nineteen hundred and ninety-five.

(6) Any person found guilty of committing a fraud upon the department shall be ineligible to receive benefits under any assistance program provided by said department until such time as any fine has been paid and any sentence has been served that was imposed as a result of a conviction of a violation of sections five B, five F or fifteen.

(p) A person or institution that knowingly makes a false representation or, contrary to a legal duty to do so, knowingly fails to disclose a material fact affecting eligibility or level of benefits to the department or its agents for the purpose of causing any person, including the person making such representations, to be supported in whole or in part by the commonwealth, or for the purpose of procuring a payment under any assistance program administered by the department, shall be punished by a fine of not less than two hundred nor more than five thousand dollars or by imprisonment for not less than one year nor more than five years and, in all cases, repayment shall be ordered of the amount of said payments procured which shall be in addition to and not in lieu of any penalties imposed pursuant to this section. Notwithstanding the provisions of any general or special law to the contrary, any real property held by a person convicted of violating the provisions of this section shall be subject to a lien imposed by the commonwealth.

A father who leaves his family for the purpose of qualifying such family for assistance under any of the programs administered by the department shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars or by imprisonment for not more than three months.

Any fine imposed pursuant to section fifteen of chapter eighteen of the General Laws shall be five hundred dollars.

(q)(1)(i) Whenever, by virtue of an investigation by the bureau of special investigations pursuant to section fifteen D of chapter twenty-two of the General Laws, a person, hereinafter called an obligor, agrees to repay the commonwealth an amount of fraudulently or wrongfully received payments or services, or a court of competent jurisdiction orders that such an amount be repaid, such amount, including any accrued interest, shall be a lien in favor of the commonwealth upon all property and rights to property, whether real or personal, belonging to such obligor. The lien shall arise at the time

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al, belonging to such obligor. The lien shall arise at the time the agreement to repay is executed by the obligor or on the date of the order or judgment of a court of competent jurisdiction and shall continue until the liability for the amount owed to the commonwealth, including any accrued interest, is satisfied or shall terminate not later than six years from the date it was created whichever first occurs.

(ii) The lien imposed by this section shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor until notice thereof has been filed by the bureau of special investigations (A) with respect to real property or fixtures, in the registry of deeds of the county wherein such property is situated, or (B) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a mortgage or comparable nonpossessory security interest in tangible personal property belonging to the person named in the relevant notice. The filing of a notice of any such lien or of a waiver or release of any such lien shall be received and registered or recorded without payment of any fee.

(c) Even though notice of a lien as provided in this section has been filed in the manner prescribed in subparagraph (b) of paragraph (1) such lien shall not be valid with respect to a security, as hereinafter defined, as against any mortgagee, pledgee or purchaser of such security, for an adequate and full consideration in money or money's worth if, at the time of such mortgage, pledge or purchase, such mortgagee, pledgee, or purchaser is without notice or knowledge of the existence of such lien. As used in this subsection, the term "security" shall mean any bond, debenture, note or certificate or other evidence of indebtedness issued by a corporation, including one issued by a governmental or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, warrant or right to subscribe to or purchase or any of the foregoing or any negotiable instrument or money.

(d) Where notice of a lien has been filed pursuant to subparagraph (b) of paragraph (1), the bureau of special investigations may provide, by regulation, the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by such lien may be disclosed.

(e) The bureau of special investigations may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that such lien upon the property covered by the waiver or release is extinguished.

(2) (i) The bureau of special investigations may collect such amounts of fraudulently or wrongfully received payment on services referred to in subparagraph (a) of paragraph (1) including any interest accrued thereon, and such further sums as shall be sufficient to cover the expenses of the levy, by levy upon all property or rights to property, whether real or personal, belonging to the obligor. The term "levy", as used herein, shall include the power of distraint and seizure by any means. A levy shall extend only to property possessed and obligations existing at the time of such levy. Property specified in subsection (a) of section

fifty-five A of chapter sixty-two C of the General Laws shall be exempt from levy hereunder. In any case in which the bureau of special investigations may levy upon property or rights to property, said bureau may seize and sell such property or rights to property, whether real or personal, tangible or intangible.

(ii) Except as otherwise provided in this subsection, a person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made shall, upon the demand of the bureau of special investigations, surrender such property rights, or discharge such obligation to the bureau of special investigations, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process. A levy on an organization with respect to a life insurance or endowment contract issued by such organization shall, without necessity for the surrender of the contract document, constitute a demand by the bureau of special investigations for payment of the amount described in subparagraph (a) of paragraph (1) and the exercise of the right of the obligor to the advance of such amount. Such organization shall, without necessity for the surrender of the contract document, constitute a demand by the bureau of special investigations for payment of the amount described in subparagraph (a) of paragraph (1) and the exercise of the right of the obligor to the advance of such amount. Such organization shall pay such amount within ninety days after service of such notice of levy. Such notice shall include a certification by the bureau of special investigations that a copy of such notice has been mailed to the obligor at his last known address. Such levy shall be deemed to be satisfied if such organization pays over to the bureau of special investigations the amount the obligor could have had advanced to him by such organization on the date prescribed herein for the satisfaction of such levy, increased by the amount of any advance, including contractual interest thereon, made to such person on or after the date such organization had actual knowledge.

(c) Whenever any property or right to property upon which levy has been made is not sufficient to satisfy the claim of the commonwealth for which levy is made, the bureau of special investigations may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the obligor against whom such claim exists, under the amount due from the obligor, together with all expenses, are fully paid.

(d) Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the bureau of special investigations, shall be liable in his own person and estate to the commonwealth in a sum equal to the value of the property or rights not so surrendered but not exceeding the amount due under subparagraph (a) of paragraph (1) of which such levy has been made, together with the costs and interests on such sum at the rate of eight per cent annum from the date of such levy. Any amount, other than costs, recovered under this paragraph shall be credited against the liability for the amount due under said subparagraph (a) of paragraph (1) for the collection of which such levy was made. In addition, if any person required to surrender property or rights to property, without reasonable cause, such person shall be liable for a penalty equal to twenty-five per cent of the amount recoverable. No part of such penalty shall be credited

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against the liability for the amount due under said subparagraph (a) of paragraph (1) for the collection of which such levy was made.

(e) Any person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made who, upon demand by the bureau of special investigation, surrenders such property or rights to property or discharges such obligation to the bureau of special investigations or who pays a liability under subparagraph (b) or (c) of paragraph (2), shall be discharged from any obligation or liability to the obligor with respect to such property or rights to property arising from such surrender or payment.

(3) In any case where there has been a refusal or neglect to pay any amount due under this section, or to discharge any liability in respect thereof, whether or not levy has been made, the bureau of special investigations, in addition to other modes of relief, may file a civil action in the department of the trial court to enforce the lien under this section or to subject any property, of whatever nature, of the obligor or in which the obligor has any right, title or interest, to the payment of any amounts due under this section.

(4) At the time of any lien or seizure of any property or rights to property, real or personal, becoming to the obligor, the bureau of special investigations shall send a written notice to the obligor of the action taken which shall specify the amount due and the steps to be followed to release the property so levied, seized or placed under the lien.

(5) A notice given pursuant to this subsection shall be sufficient if sent by first class mail to the obligor's last known address as appearing in the records of the bureau of special investigations.

(r) Notwithstanding the provisions of any general or special law to the contrary, an agency that receives state funds shall not publish or cause to be published any information intended to instruct, encourage or aid a person to commit fraud upon the commonwealth or to circumvent regulations by spending financial windfalls from lottery winnings, inheritances or court settlements in order to ensure continued eligibility for the aid to families with dependent children program or other state funded programs. Violation of the provisions of this subsection shall result in sanctions to an employee of any such agency and the imposition of a fine to such agency of up to fifty times the amount expended to publish such information; provided, however, that nothing in this subsection shall be construed to require an attorney to behave in a manner inconsistent with the code of professional responsibility.

(s) The clothing allowance funded by item 4403-2000 of section two of this act shall be provided in the form of a voucher with no cash value.

(t) Notwithstanding the provisions of any general or special law to the contrary, every recipient of assistance prior to the effective date of this act shall be notified within ninety days of the effective date of this act (or on such other date as determined by the department if so required to comply with federal law) that he or she must reapply in person for benefits to the department within ninety days of the giving of such notice, and that failure without good cause to so reapply shall result in the termination of benefits. Any recipient who fails without good cause to so reapply shall, after opportunity for hearing, have his or her benefits terminated.

(u) Notwithstanding section twenty-seven of chapter eighteen of the General Laws, any recipient receiving assistance in the form of cash benefits under said program with an active account at a banking or financial institution shall have said assistance directly transferred to said account. A recipient who is employed and receiving assistance shall be encouraged to establish an account with a banking or financial institution in order to receive said assistance. The commissioner is hereby authorized and directed to coordinate efforts with the commissioner of the division of banking to promote the location of branch offices of such banking or financial institutions capable of accepting such transfers in locations accessible to families receiving such assistance and may waive the requirements of this clause in the event such institutions are not readily accessible; provided, however, that locations where public transportation is available within one mile of a recipient's residence shall not be eligible for such an exemption. A disabled recipient shall be provided with the opportunity to seek an exemption from this requirement upon a showing that said recipient would be unable to meet its requirements due to the lack of handicapped-accessible transportation services.

The department is authorized and directed to study the feasibility and cost-effectiveness of developing a statewide Electronic Benefits Transfer System Project for the administration of the Food Stamp Program. Said program would create a debit card system to enable recipients to purchase food through retail electronic teller machines. The study shall include an assessment of the fraud prevention potential of said transfer system and an assessment of federal funding possibilities for said system. The department shall report the results of its study to the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and ninety-four.

(v) The department may, subject to the conditions herein, within two weeks of a written request of a landlord or property manager, in the case of a recipient who has not paid any rent for six consecutive weeks after the rent was due, make payments directly to a landlord or property manager. Within two weeks of a landlord's or property manager's request for direct payments, the appropriate area director of the department shall hold a hearing to determine (1) whether direct payments shall be instituted and the reasons therefor; (2) whether the tenant prefers that the department pay the landlord or property manager directly; (3) a reasonable schedule for payment of rent in arrears; and (4) whether there are any violations of the sanitary code or of health and safety regulations in the apartment. The department shall notify the landlord or property manager, the recipient, and appropriate department personnel, including the recipient's social worker, of the hearing and of their opportunity to testify. A party may be accompanied or represented by counsel or other persons.

If a recipient elects to waive his right to a hearing by sending a letter to the department expressly waiving said right, direct payments shall be instituted and the recipient's social worker shall negotiate a payment plan for rent arrearage.

The department shall not issue direct payments or hold a hearing on direct payments if the recipient provides evidence to the department that the property does not comply with the sanitary code or other health and safety regulations.

An amount equal to the direct rental or arrearage payments shall be deducted from the cash grant payable to such recipient.

(w) Subject to the commonwealth's receiving all necessary federal waivers and notwithstanding the provisions of any general or special law to the contrary, the Cape Cod, Martha's Vineyard and Nantucket Regional Employment Board, hereafter referred to as the REB, is hereby authorized to establish a demonstration project for a period of five years to develop and administer a program consolidating and coordinating programs funded through the department of employment and training, the industrial services program, the department and the federal Job Training Partnership Act in the counties of Barnstable, Dukes and Nantucket. Said programs shall include, but not be limited to the following: aid to families with dependent children, food stamps, emergency assistance for the elderly, disabled and children, social security insurance, Medicaid, unemployment insurance, the federal Wagner Peyser Act, employment network, employment, employment services, MASSJOBS and the federal Job Training Partnership Act.

Within six months of the effective date of this act, the REB shall develop a comprehensive plan to consolidate, coordinate and colocate these programs into a single point of access system for individuals in need of public assistance, unemployment compensation, job training or employment services. The REB shall coordinate with the appropriate state agencies to develop a plan which maximizes resources and eliminates duplication while providing a high quality of service. The REB plan shall be developed in consultation with the regional representatives of the United States Department of Labor and the United States Department of Health and Human Services. Said plan shall be reviewed by the MASSJOBS council which shall provide policy oversight to the demonstration project. Said plan shall be submitted to the house and senate committees on ways and means and to the joint committee on human services.

The REB is hereby authorized, upon acceptance of the plan by the MASSJOBS council, to utilize the combined resources of the department of employment and training, the department, the industrial services program and the federal Job Training Partnership Act to develop a system including but not limited to a single point of entry, co-location of all current programs in accessible locations throughout the Cape and the Islands, a single intake process, an identification card and employment and training information kiosks. Said REB is hereby further authorized to eliminate duplication by consolidating duplicative staff functions, coordinating staff functions and cross-training staff in order to better serve the needs of the client to promote client employability and self-sufficiency. The REB is hereby further authorized to negotiate with the division of capital planning and operations a process for colocating the offices of the department of employment and training, the department of transition assistance, the industrial services program and the federal Job Training Partnership Act. Nothing in this section shall be construed to limit other public agencies or public secondary, vocational-technical or colleges from colocating with the REB. For the purposes of this section, property leased by any agency of the commonwealth shall not be considered a state asset or property and can be sublet if in the best interests of the commonwealth. Said

system shall provide access to public assistance and unemployment insurance combined with comprehensive career counseling and services designed to improve the employability and self-sufficiency of the client. Such services shall include, but not be limited to, individualized assessment, career counseling, development of an employment development plan pursuant to this section, academic remediation, job skills training, life skills training, job search assistance, job matching and referral.

The REB is hereby authorized to enter into agreements with the counties of Barnstable, Dukes and Nantucket to provide coordination and assistance with the implementation of the full employment program and community service pursuant to this section.

The plan developed by the REB and approved by the MASSJOBS council shall be consistent with the provisions of this act. Said plan shall also be consistent with the vision statement of the MASSJOBS council adopted in September of nineteen hundred and ninety-two.

The Plan developed by the REB shall contain a strategy for economic development for the counties of Barnstable, Dukes and Nantucket. Such strategy shall be developed in consultation with the executive office of economic affairs, the Massachusetts office of business development, the Cape Cod economic development council, the Cape Cod Chamber of Commerce, the Cape Cod Commissioner, the Lower Cape Community Development Corporation, and the commissioners of Dukes and Nantucket counties or their designated representatives. The strategy for economic development shall include, but not be limited to, labor market analysis and employment trends, business expansion, business promotion, development and permitting issues, creation of enterprise zones, coordination between the REB and the business community for serving REB clients, and state, and local funding.

(x) There is hereby established a special committee to study the issue of and formulate legislation for the housing of welfare recipients. Said committee shall be comprised of members of the committee on housing and urban development and members of the committee on human services and elderly affairs. The senate and house chairpersons of the committee on housing and urban development shall act as co-chairpersons of said commission.

Said commission shall review and make recommendations to the governor and general court regarding the consolidation and coordination of all the commonwealth's resources currently targeted at those on welfare and the homeless. A final report shall be submitted to the governor and the general court at a date to be determined by the co-chairpersons.

Subject to appropriation, the secretary of the executive office of health and human services is hereby authorized and directed to develop and implement a family service center demonstration project in at least three geographic areas, one of which shall include the city of Lawrence, one rural geographic area, and one containing at least one hundred and fifty thousand residents, within one year of the effective date of this act. The demonstration project shall continue for a period of five years from the effective date of this act.

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Within the region chosen for the demonstration, as determined by the secretary, all intake, service delivery and case management functions of the department, the department of medical assistance, the department of public health, the department of social services, the department of youth services, the department of medical security and the department of employment and training shall be centralized and consolidated within a single family service center.

Representatives from the appropriate child and referral agencies, the department of mental retardation, the department of mental health, the appropriate area home care corporation, the appropriate community development corporation and the bureau of special investigations shall be included in the demonstration by means of interagency agreement, contract or other appropriate mechanism. Said representatives shall assist with intake, service delivery, and case management as deemed appropriate by the secretary. The bureau of special investigations shall implement, oversee and maintain a comprehensive front-end fraud detection program for the family service center.

The family service center shall be under the supervision of a director who shall be appointed by the secretary of human services and shall not be subject to chapter thirty-one of the General Laws. All state employees engaged in or performing such intake, service delivery or case management within the region chosen for the family service center shall, at the discretion of the director with the advice and consent of the secretary of administration and finance and the secretary of human services, be transferred to and deemed employed by said family service center.

An employee of an administrative unit or agency transferred under the implementation of this act to the executive office of human services who, immediately prior to the effective date of this act, either holds permanent appointment in a position classified under chapter thirty-one of the General Laws or who has tenure in his position by reason of section nine A of chapter thirty of the General Laws, is hereby transferred to the executive office of human services and every such transfer shall be without impairment of civil service status, seniority, retirement or other rights of employees and without interruption of service within the meaning of said chapter thirty-one or said section nine A of said chapter thirty.

Nothing in this subsection 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 grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not otherwise prohibited prior to said effective date.

(y) There is hereby established a special commission on child care to consist of two members of the senate and two members of the house of representatives, the secretary of human services, or his designee; the commissioner, or his designee, the senate and house chairpersons of the joint committee on human services and elderly affairs and five persons from child care advocacy groups to be appointed by the governor.

Said commission shall review and make recommendations to the governor and to the general court regarding the consolidation and coordination of all the commonwealth's resources currently targeted to child care. A final written report shall be submitted to the

governor and to the general court not later than September thirtieth, nineteen hundred and ninety-four.

(z) Subject to the commonwealth receiving a federal waiver, no aid shall be paid under the program to, or on behalf of, any child under the age of fourteen whose school attendance does not meet the requirements of clause (1), with respect to that period during which the child does not meet those requirements.

(1) Each non-disabled recipient as defined and determined by the department of assistance shall be required to provide documentation, not less than once every month, that any school age child under the age of fourteen receiving assistance has missed no more than ten school days during the previous six-month period; provided however, that absences due to one or more of the following reasons shall be exempt:

(i) illness, as certified by a physician or by other proof that the department determines is adequate;

(ii) hospitalization;

(iii) disability, as defined by the department;

(iv) death of a family member.

(2) (i) If a recipient of aid under this chapter who is non-disabled as defined and determined by the department does not, without reason, provide the documentation required by this subsection within a reasonable time, or that documentation indicates that the child has had more than ten non-exempt absences from school during the six-month period, the recipient of aid under this chapter shall be placed on a probationary status, during which time the recipient shall be required to provide monthly documentation of the child's attendance. The recipient shall remain on probationary status until such time that the number of non-exempt absences as defined and determined by the department during the six preceding months does not exceed ten school days.

(ii) If a child under the age of fourteen has more than three non-exempt absences during any month in the probationary status, no aid shall be paid to, or on behalf of, that child until the recipient of aid provides documentation that the child's school attendance meets the requirements of this section.

(iii) Any school attended by a child to which the section applies shall provide the recipient of aid under this chapter with the documentation required by this section, upon the request of the recipient, within one week of the day this legislation becomes effective.

(aa) The department of education is hereby authorized and directed to conduct a comprehensive study relative to the feasibility of requiring children of recipients of aid to families with dependent children to attend school until they achieve a high school degree or its equivalent in order to receive aid from the department. Said study shall include, but not be limited to, the cost of enforcing such requirement, the potential effect on the dependent children of affected recipients, discussion of possible good cause exemptions based on state and federal education statutes, and recommendations on protecting the rights of recipients to procedural due process. Said study shall include, but not be limited to, the effects of similar statutes in Wisconsin on recipients of aid to families with dependent children.

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The department is further authorized and directed to study the feasibility of implementing a pilot program in the city of Lawrence providing for extracurricular activities for students in Kindergarten through grade eight from the end of the regular school day until the hour of six thirty post meridian. The purpose of said pilot program shall be to alleviate the child care needs of parents of children enrolled in the Lawrence public school system and to provide jobs to public assistance recipients in said city. Said study shall include, but not be limited to, an analysis of programs which could be provided during a proposed after-school session, the number of potential participants throughout the city, the number of teachers, administrators and aides required to oversee such potential participants, and the cost of such program. Such after-school program should be designed to include at least two, twenty hour per week positions at each program site for participants in the state's full employment program. The commissioner of said department shall submit said reports to the house and senate committees on ways and means no later than October first, nineteen hundred and ninety-four.

(bb) No person will be eligible to receive assistance without presenting a certificate of immunization for each child to the department of public welfare; provided, that said certificate shall state said child has been immunized for the diseases outlined by the Universal Immunization regulations; provided further, that the department shall be required to seek all waivers necessary to implement the provisions of this section.

Any recipient denied benefits under the provisions of the preceding paragraph shall be provided with information of securing immunization requirements; provided further, that the recipient shall be granted ninety days to comply with said provisions and until such time noncompliance will not be grounds for denial of benefits.

(cc) The department is hereby authorized and directed to implement this section in accordance with the terms and conditions of waivers granted by the federal government and changes in rules, regulations and policies of the department that are promulgated to meet the intent of this section.

(dd) If the provisions of this section conflict with the provisions of any other general or special law, the provisions of this section shall supersede said conflicting provisions.

(ee) It is the intention of this subsection to facilitate implementation of the provisions of this section at the earliest possible date and with maximum federal financial participation. Therefore, the department is hereby authorized and directed to expedite the acquisition of federal waiver and amendment approvals and the adoption of necessary statute amendments in close and continuous coordination with appropriate federal officials, and to prepare and submit completely and in a timely manner all forms and data required by such federal officials. If changes are required to gain waiver approval, the department shall seek amendments to state and federal statutes that are required for implementation of the provisions of this act. The executive office of health and human services and the department shall, as soon as practicable, apply for and otherwise seek to obtain all exemptions and waivers from and amendments to federal statutes, rules and regulations necessary to implement the provisions of this act, at the earliest possible date.

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Upon obtaining all such exemptions, waivers and amendments referred to herein, the department shall adopt such changes to current rules as may be required to implement the provisions of this section.

The department shall amend the state plans for the aid to families with dependent children program, the relevant job training and education programs and the food stamp program to incorporate the programs into the full employment program, and shall obtain federal approval of plan amendments.

(ff) Each provision of this section shall be subject to federal approval, if required, and federal financial participation. In any case in which the state fails to receive a waiver for any said provision of this bill or otherwise would fail to receive federal financial participation in the implementation of that provision, then that provision shall not be implemented unless the full amount required for said implementation without federal participation is appropriated for said implementation.

(gg) Any provision of this section that is inconsistent with federal law or regulations shall be void unless the department receives an exemption or waiver from the federal government to implement said provision.

SECTION 253. Notwithstanding any general or special law to the contrary, the department of public welfare shall contract for regional administration of a pilot program to reduce homelessness in Barnstable, Dukes and Nantucket counties with the local, non-profit, regional housing agency known as the housing assistance corporation based in Barnstable county, hereinafter referred to as the regional administrator. In order to qualify for participation in said 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 to be eligible to participate in the department's emergency assistance program. Said program is to be considered transitional, scattered site shelter and therefore eligible for federal reimbursement under Title IV-A of the Social Security Act. The department shall pay rental assistance, for units provided to participants in said 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 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 homeless prevention program for families in imminent risk of homeless; provided that for fiscal year nineteen hundred ninety-five, said regional administrator shall raise for said program a sum of money no less than fifty thousand dollars. The regional administrator shall be paid an administrative fee not to exceed seventy-five dollars per month per participating family, provided that said administrative fee shall be collected by the regional administrator from program participants. Of said administrative fee,

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fifty dollars shall be used by the regional administrator to defray administrative costs, and twenty-five dollars shall go to a pool established by the administrator to be used to defray incidental costs associated with the program. Incidental costs shall include, but not be limited to transportation for the family, dumb stickers and emergency child care.

The homeless prevention program shall include, but not be limited to: a) rent or mortgage assistance when such assistance would prevent homelessness; b) payments of deposits and last month's rent; c) not more 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; provided, however, that state funds allocated for homeless prevention shall only be used for rental or mortgage assistance to prevent homelessness.

Nothing in this section shall be construed to create any right to participate in said program, and no family which meets the eligibility requirements for said 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 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 program. No more than three hundred fifty thousand dollars may be expended for this program from item 4403-2120 of section two of this act and said funds shall be the only funds available for this program.

SECTION 254. There shall be a task force to study the development of an alternative source of financing for primary and secondary education in the commonwealth. Said task force shall report on the effectiveness of implementing such alternative financing source. Said task force shall also evaluate the use of revenue collected from the tax on real property. The task force shall consider the recommendations developed by the municipal finance task force created in section one hundred two of chapter seventy-one of the acts of nineteen ninety-three. Said task force shall consist of the secretary of administration and finance or his designee, the secretary of education or her designee, the commissioner of education or his designee, four members of the house of representatives who shall be appointed by the speaker, four members of the senate who shall be appointed by the senate president, a member of the board of education to be appointed by the chair thereof, and two members of the municipal finance task force who shall be appointed by the governor. Said task force shall report on its findings to the joint committee on education no later than December first, nineteen hundred and ninety-four.

SECTION 255. The bureau of special investigations of the department of public safety shall file semiannual reports with the house and senate committees on ways and means detailing the total amount of fraudulently obtained benefits identified by said bureau.

SECTION 256. Notwithstanding the provisions of Chapter 90 of the General Laws, the section of Main Street in the Town of Andover which runs between Wheeler Street and

School Street to the north and Dwight Street on the south amidst the campus of Phillips Academy shall be designated a "School Campus Zone" with a maximum speed limit of twenty-five miles per hour during the hours of 7:15 A.M. to 8:15 A.M. and the hours of 4 P.M. to 6 P.M. daily, and a maximum speed limit of thirty miles per hour during the remainder of the day. Further, the section of Salem Street in the Town of Andover which runs between Main Street and the point one hundred yards east of Highland Road shall also be designated a "School Campus Zone" with a maximum speed limit of twenty-five miles per hour at all hours. The commonwealth's department of highways is directed to post signs and appropriate flashing lights along the sections of Main Street and Salem Street affected by this act instructing motorists of the aforementioned designation.

SECTION 257. Notwithstanding the provisions of any general or special laws to the contrary, the Massachusetts Bay Transportation Authority is hereby authorized and directed to operate and maintain a commuter rail station in the downtown area of the town of Franklin.

SECTION 258. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the Massachusetts bay transportation authority is hereby authorized and directed to remove surface rail tracks, and all elated poles, wires and other structures incidental thereto, not currently in regular use by the authority along the surface rail route commonly known as the "A-line", on or before June thirtieth, nineteen hundred and ninety-five. Use of said tracks for transportation purposes shall be deemed to have been abandoned as of December thirty-first, nineteen hundred and sixty-nine and said tracks shall be deemed not to serve anticipated future use. The removal of said surface rail tracks shall be conducted concurrently with the resurfacing or other major improvements undertaken on the relevant municipal roadways by the respective municipalities.

SECTION 259. The Massachusetts bay transportation authority is hereby authorized and directed to study, design and implement the replacement of lighting at the Wedgemere and Winchester center commuter rail stations in Winchester, not later than June thirtieth, nineteen hundred and ninety-five.

SECTION 260. 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, if any, 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 the state colleges and the University of Massachusetts shall transfer to the General Fund from the funds received from the operation of said projects such costs, if any, as will be incurred by the commonwealth 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 of education and the secretary for administration and finance.

SECTION 261. There shall be within the University of Massachusetts a Cranberry Experiment Station Board of Oversight with the purpose of advising and assisting the president of the University of Massachusetts in the management of said Cranberry Experiment Station. The board shall be charged with maintaining the scientific credibility of the station, assuring that the work performed serves to maintain the economic viability of Massachusetts' cranberry industry and coordinating the activity of the station with the activities of the Southeastern Massachusetts Partnership. Nothing in this chapter shall effect the employment status of current personnel

The board shall consist of the president of the University of Massachusetts, or his designee, the chancellor of the University of Massachusetts at Amherst, or his designee, the chancellor of the University of Massachusetts Dartmouth, or his designee, a member of the Massachusetts House of Representatives appointed by the speaker, a member of the Massachusetts Senate appointed by the senate president, three designees of the Cape Cod Cranberry Growers Association and one member appointed by the governor who shall be either an Agricultural Scientist or actively involved in economic development. The president of the University of Massachusetts or his designee, shall serve as chairman. Notwithstanding the provisions of any general or special law to the contrary, members of the Board shall serve without pay, but shall be reimbursed, subject to appropriation, out of any funds available for the purpose, for necessary expenses incurred in the performance of their official duties.

The appointed members of the board shall serve for terms of five years, except for persons appointed to fill vacancies, who shall serve for the unexpired term. The board shall hold an annual meeting in January and at least three other times during the year. The Cranberry experiment station director, established in this section, shall attend all meetings of the board and shall serve as secretary thereto, but shall have no vote in its deliberation. Five members of the board shall constitute a quorum. The board may, by a vote of its member, adopt policy for the conduct of business. Policies may be amended or repealed by a two-thirds vote of its members.

The Cranberry experiment station director shall be the executive and administrative officer of the station and shall exercise supervision, direction, and control over the Cranberry Station in accordance with the programs and policies of the University of Massachusetts and those established by the board. The director shall be qualified by training and experience to perform such duties. Said director shall be appointed by the board with the approval of the President for a term of five years. Said person shall be eligible for reappointment but may be removed by the President, with the approval of the board for cause.

The director shall prepare an annual budget for board consideration. Said budget shall be adopted by the board with the approval of the president. Within sixty days after the end of each fiscal year, the director shall render a complete detailed report of all activities, revenues, and expenditures to the board.

The board may receive, manage, and disburse grants and donations from government agencies, other colleges and universities, corporations, foundations and individuals for the purpose of funding horticultural and environmental research related to cranberry production,

as well as economic development, and is hereby authorized to establish and administer trust funds to support the operation of the station and its purpose.

SECTION 262. Notwithstanding any general or special law to the contrary no city, town or regional school district that exceeds its net minimum contribution pursuant to section thirty-two of Chapter seventy-one of the Acts of nineteen hundred and ninety-three in any fiscal year shall be required to maintain the additional contribution in any subsequent fiscal year. Net minimum contribution shall be based on the nineteen hundred and ninety-three base year spending.

SECTION 263. 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 payment, deferment options, provisions for default, and a maximum and minimum loan award as determined by an indexing system. Said office shall annually submit guidelines, cost estimates, and revenue schedules to the house and senate committees on ways and means and the joint committee on education, arts and humanities no later than October first of each year.

SECTION 264. The foundation budget review commission, as defined in subsection 4 of section thirty-two of chapter seventy-one of the General Laws, shall, in conjunction with the chairmen of the house and senate committees on ways and means, the chairmen of the joint committee on education, arts and humanities, and the commissioner of the department of revenue or his designee, conduct a study of the existing statutory definitions of foundation enrollment in the commonwealth's school finance system. Said study shall consider the implications of using the prior year enrollment figures for the purposes of foundation calculations for school districts experiencing rapid growth in the number of pupils served. The study shall determine whether there are feasible alternatives to the definitions of foundation enrollment or whether there are other changes in the finance system to provide relief to districts experiencing growth. In developing potential alternatives, the commission shall consider any administrative or implementation complications which may arise. In addition, the commission shall consider whether any proposed changes may result in any decrease in the reliability of the data used to calculate state aid and local contribution. Said study shall be filed with the joint committee on education, arts and humanities and the senate and house committees on ways and means no later than January first, nineteen hundred and ninety-four.

SECTION 265. The board of trustees of the University of Massachusetts, in conjunction with the state health education center at the University of Massachusetts medical

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by students admitted for the academic year commencing in nineteen hundred and ninety-five and for every year thereafter, which shall require payback service, so-called, of at least four 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 actually paid and the amount of the tuition which would have been otherwise charged shall be required to be repaid together with eight percent interest per annum; provided, however, that no paycheck 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 shall 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-four.

SECTION 266. (a) There is hereby established a retirement incentive for certain higher education employees of the commonwealth eligible pursuant to the provisions of this section; provided, however, that this incentive shall only be available to the employees of each public institution of higher education if the board of trustees having charge of such institution agrees, by a recorded vote, to accept the provisions of this section. Notwithstanding the provisions of chapter thirty-two of the General Laws or any other general or special 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 said retirement incentive for higher education employees, hereinafter referred to as the retirement incentive program, in accordance with the provisions of this section; 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 a higher education employee 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-four, (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 provisions 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, and (v) shall have filed such written application with said board in accordance with this section.

Notwithstanding any provision at this section to the contrary, any higher education employee of the Commonwealth who was a member in active service of the state retirement

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system on June 30, 1994 but who retired from said service, or was terminated on or after July 1, 1994, shall be eligible for the retirement incentive under this section; provided that said member would have been eligible had said member been in active service on July 1, 1994. In the case of any eligible member who retired on or after July 1, 1994, said member's retirement allowance shall be recalculated so as to provide the retirement which he or she would have received if the member had retired under the provision of this section.

Said retirement incentive shall be available to not more than one thousand, five hundred full-time equivalent higher education employees and shall be allocated as follows: (1) not more than nine hundred full-time equivalent employees of the university of Massachusetts; provided, that not more than fifty percent of said employees shall be faculty personnel, not more than twenty-five percent of said employees shall be administrative personnel, and not more than twenty-five percent of said employees shall be classified personnel; (2) not more than three hundred full-time equivalent employees of the state college system; provided, that not more than fifty percent of said employees shall be faculty personnel, not more than twenty-five percent of said employees shall be administrative personnel, and not more than twenty-five percent of said employees shall be classified personnel; (3) not more than three hundred full-time equivalent employees of the community college system; provided, that not more than fifty percent of said employees shall be faculty personnel, not more than twenty-five percent of said employees shall be administrative personnel, and not more than twenty-five percent of said employees shall be classified personnel; provided further, that the retirement of employees with greater creditable service shall be approved before approval is given to employees with lesser creditable service; provided, further, that said applications shall be delivered 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 this section, 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 eligible 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 provisions of said chapter thirty-two and shall be so subject to any and all provisions of said chapter thirty-two.

(b) 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 section, an eligible employee, shall file his application for retirement under the provisions of this section with the state retirement board after March fifteenth, nineteen hundred and ninety-five, but no later than April fifteenth, nineteen hundred and ninety-five; provided, that the retirement date requested shall be May thirty-first, nineteen hundred and ninety-five; provided further, that the date requested by an employee under the provisions of this section shall be subject to approval by said employee's appointing authority; provided, further, that such approval shall only relate to the choice of date by said employee.

(c) Any employee who is eligible for the retirement incentive program in accordance with the provisions of subsection (a) of this section 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, that each such employee shall request and receive five years of creditable service or five years of age or 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 section 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.

(d) 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.

(e) The state retirement board is hereby authorized and directed to collect and file a report on the following: (1) the number of employees who have retired from any public institution of higher education during each of the past four fiscal years and (2) the amount of retirement benefits, including the costs of health insurance, paid to said employees during each of the past four years. Based upon the historical information so collected and reported, the state retirement board shall develop an average for each institution of public higher education of the number of employees who would normally retire absent any retirement incentive plan in fiscal year nineteen hundred and ninety-six and the average retirement costs, including the costs of health insurance, by institution for such employees in said fiscal year. For the purposes of this section the averages developed by the state retirement board shall be known as "base retirement costs". All costs attributable to any employee of any institution of higher education who retires under the retirement incentive plan established

by this section which exceed the base retirement costs as defined herein shall be referred to as "incremental retirement costs". The state retirement board shall complete this study within thirty days of the effective date of this act and shall file such study with the chancellor of higher education, the state budget director, the secretary of administration and finance, the clerk of the senate and the house and senate committees on ways and means.

(e½) All incremental retirement costs shall be paid out of the sums appropriated or otherwise made available to the several institutions of higher education for the fiscal year nineteen hundred and ninety-six. The base retirement costs, as described in subsection (e), for fiscal year nineteen hundred and ninety-six shall not be charged to the several institutions of higher education, but shall be funded from the appropriate item of appropriation in section two of the general appropriations act for fiscal year nineteen hundred and ninety-six. All costs associated with the payment of accrued vacation time, unused sick leave or any other severance payment, shall be paid from the sums appropriated or otherwise made available to the several institutions of higher education in the fiscal year nineteen hundred and ninety-six. Any board of trustees which agrees to accept the provisions of this section shall not request nor receive any supplemental funding for the costs of the retirement incentive plan in fiscal year nineteen hundred and ninety-six; provided further, that it is hereby declared to be the intention of the general court that any funding appropriated to the system of institutions in fiscal year nineteen hundred and ninety-six which exceeds the amounts appropriated to said institutions in fiscal year nineteen hundred and ninety-five shall be for the purpose of enhancing academic programming and shall not be expended for any costs associated with the retirement incentive plan established herein; provided, that each board of trustees shall develop a management plan to implement the staffing reductions and chargeback costs associated with the retirement incentive plan in a manner which minimizes the impact of such reductions and chargebacks on student services; provided further, that such management plan shall be filed with the state budget director, the secretary of administration and finance and the house and senate committees on ways and means no later than April fifteenth, nineteen hundred and ninety-five.

(f) 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; and (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.

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(g) The commissioner of the public employee retirement administration, the executive director of the state retirement board, and the executive director of the group insurance commission, in consultation with the chairman of each board of trustees which agrees to accept the provisions of this section, shall analyze, study, and value the incremental retirement costs attributable to the benefits payable under the early retirement incentive program. Upon completion of such study; and in no case later than August thirtieth, nineteen hundred and ninety-five, the executive director of the state retirement board shall certify in writing to the state budget director, the secretary of administration and finance, the comptroller, the joint committee on public service, and the house and senate committees on ways and means the total incremental retirement costs associated with those eligible employees enrolled in the retirement incentive program. Said certification shall include a statement which delineates such incremental retirement costs by institution.

(h) Based upon the certification provided pursuant to subsection (g), the comptroller shall transfer to the general fund from items of appropriation made available to the several public institutions of higher education in section two of the general appropriations act for fiscal year nineteen hundred and ninety-six the total amount of incremental retirement costs associated with those employees who retire pursuant to the provisions of this section; provided, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to also charge said items of appropriation for the incremental retirement costs of those employees who enroll in the early retirement incentive program who are compensated from nonappropriated funds and to transfer said charges to the general fund. The secretary of administration and finance may promulgate rules and regulations to implement the provisions of this subsection. Said secretary shall file monthly reports with the house and senate committees on ways and means detailing all actions taken pursuant to this section.

(i) The chancellor of higher education shall list each position which shall be made vacant by the retirement of an employee under the retirement incentive program and who shall be receiving an additional benefit in accordance with the provisions of this section and shall file such list with the joint committee on public service and the house and senate committees on ways and means on or before August thirty-first, nineteen hundred and ninety-five; provided, that for each such position, such list shall include the line item of section two the general appropriations act and any supplemental appropriations acts for fiscal year nineteen hundred and ninety-five in which such position was funded, if any, 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.

(j) Notwithstanding any general or special law to the contrary, institutions of higher education may refill positions made vacant due to participants in the early retirement program established by this section in accordance with an allocation plan promulgated by the higher education coordinating council in accordance with this subsection.

No position made vacant by the retirement of any employee under the retirement incentive plan shall be filled on a permanent or temporary basis and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacations, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account unless and until such position is included on a list of critical and essential positions filed with the senate and house committees on ways and means and approved by said house committee on ways and means; provided, that not more than seventy-five percent of such faculty positions may be refilled and that not more than fifty percent of administrative and classified positions may be refilled; provided, however, that said allocation plan filed by the higher education coordinating council shall distribute refill authorizations to the university of Massachusetts, the state colleges and the community colleges in proportion to the number of retirees from said categories within said institutions; provided, that no position which was vacant prior to December first, nineteen hundred and ninety-four may be filled without further appropriation for said purpose.

SECTION 267. Notwithstanding the provisions of any general or special law to the contrary, any city, town, or district whose school building project is necessitated by the system's constructive or actual removal from state owned properties, which have been converted to use as classroom space, shall be placed on the school building assistance act priority list in keeping with regulations promulgated by the department of education; provided, however, that project applications for any such city or town shall be considered a priority by the board of education; provided further, that, six hundred ninety-five thousand seven hundred forty-four dollars of the amount authorized for school building projects in item 7052-0004 of section two of this act shall be authorized by said board for projects which meet the criteria established herein.

SECTION 268. Notwithstanding any general or special law to the contrary, and upon approval of such degrees by the Massachusetts higher education coordinating council and approval of such Articles of Amendment by the secretary of state, the authority of the Gordon-Conwell Theological Seminary, Inc., Massachusetts, to grant the following twelve degrees specified in Articles of Amendment to be filed by that Massachusetts charitable corporation with said secretary on or before December nineteen hundred and ninety-four, shall be deemed for all purposes to have been effective as of September first, nineteen hundred and eighty-nine: Master of Arts in Old Testament, Master of Arts in New Testament, Master of Arts in Church History, Master of Arts in Theology, Master of Arts in Social Ethics, Master of Arts in Pastoral Care and Psychology, Master of Arts in Religion, Master of Arts in Christian Education, Master of Arts in Counseling, Master of Arts in Family Ministry, Master of Arts in Youth Ministry, and Master of Arts in World Missions and Evangelism; and that the following degree specified in such Articles of Amendment shall be deemed for all purposes to have been effective as of September first, nineteen hundred and ninety-one: Master of Church Music.

SECTION 269. The commissioner of education is hereby authorized and directed to conduct a study on the feasibility of opening a department of education regional office

in the Greater Springfield area. Said study shall include a detailed analysis of the costs to the commonwealth to open and maintain such an office. This study shall be completed no later than January first, nineteen hundred and ninety-five. A copy of the completed study shall be deposited with both the clerk of the house of representatives and the clerk of the senate.

SECTION 270. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts teachers' retirement board is hereby authorized to solicit requests for proposals for the purchase of an independent public retirement computer system for the management of the assets and other personal data of the members of the Massachusetts teachers' retirement board system; provided, that the capabilities of said computer system shall include, but not be limited to, membership and benefits account management, repayment and purchase of service processing, processing of contributions and refunds, disability applicant tracking, on-line retirement estimation, member to retirement transferability, general financial management, investments accounting, and complete compatibility with the audit, oversight, and reporting requirements of the public employee retirement administration; provided further, that the board shall develop a spending plan for the implementation of said system which shall detail the total cost for each year of the conversion from the current system to the new system, including, but not limited to, costs associated with operating the current system during conversion, purchases of hardware by type and quantity, purchases of software and licensing fees, training, and the total cost of labor, including system design and travel; provided, further, that said spending plan shall be filed with the house and senate committees on ways and means for review at least thirty days prior to adoption as a final budget; provided, further, that expenditures detailed in said budget shall be paid from the investment income account of the teachers' retirement system without further appropriation; provided, further, that the board shall file with said committees a status report by the last day of each quarter detailing the progress of the implementation of the new system; and provided further, that said quarterly report shall detail any and all expenditures made from said investment income account for the purposes of the purchase and implementation of the new system.

SECTION 271. The department of education shall investigate and study the school of excellence at Worcester polytechnic institute, described in item 7005-0003 of section two of this act. Said study shall include, but not be limited to, a consideration of the following issues: (1) the overall cost to the state for said program, (2) the level of parental involvement and means of increasing said involvement, (3) the governance of the school, (4) the economic, racial, and gender diversity of the students enrolled in the school and means of expanding opportunity for other students in the commonwealth, (5) the feasibility of expanding the school into a 9-12 school to become a full secondary, degree granting program, and (6) the possibility of replicating the program in other areas of the state. Said executive office shall report its findings in writing to the house and senate committees on ways and means and the joint committee on education, arts and humanities not later than December first, nineteen hundred and ninety-four.

Notwithstanding the definition of "Teacher" in section one of chapter thirty-two of the General Laws, any person who is employed as a teacher at said school of excellence on a basis of not less than half-time service shall be a member of the teachers' retirement system and shall be subject to the provisions of said chapter thirty-two.

SECTION 272. (a) Upon the request of the selectmen in a town, the city council in a plan E city or the mayor in all other cities, the department of revenue may re-calculate the minimum required local contributions, as defined in section two of chapter seventy of the General Laws, in the fiscal year ending on June thirtieth, nineteen hundred and ninety-five. Based on the criteria outlined in this section, the department shall re-calculate the minimum required local contributions for a municipality's local and regional schools and certify the amounts calculated to the department of education.

(b) Any city or town that used qualifying revenues amounts in a fiscal year that will not be available for use in the next year, or that will be required to use revenues for extraordinary non-school related expenses for which it did not have to use revenues in the preceding fiscal year or has an excessive certified municipal revenue growth factor that is also greater than or equal to one and one half times the state average municipal revenue growth factor may appeal to the department of revenue no later than October first, nineteen hundred and ninety-four for an adjustment of its minimum required local contribution and net school spending.

(c) If the claim is determined to be valid, the department of revenue may reduce proportionately the minimum required local contribution amount based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the minimum required local contribution on account of an extraordinary expense raised in the budget of the fiscal year ending on June thirtieth, nineteen hundred and ninety-five shall affect the calculation of the minimum required local contribution in subsequent fiscal years. Qualifying revenue amounts shall include but not be limited to extraordinary amounts of free cash, overlay surplus and other available funds.

(d) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth factor is valid, said department shall re-calculate said municipal revenue growth factor and the department of education shall use this revised growth factor to calculate preliminary local contribution, minimum required local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in minimum required local contribution.

(e) Upon the request of the selectmen in a town, the city council in a plan E and the mayor in all other cities, in a majority of the member municipalities, any regional school district which used qualifying revenue amounts in a fiscal year that will not be available for use in the next fiscal year, shall appeal to the department of revenue not later than October first, nineteen hundred and ninety-four for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce

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the net spending requirement based on the amount of shortfall in revenue and reduce the minimum required local contribution of the member municipalities accordingly. Qualifying revenue amounts shall include but not be limited to extraordinary amounts of excess and deficiency, surplus, and uncommitted reserves.

(f) Any regional school district which received regional school incentive aid in fiscal year nineteen hundred and ninety-five shall, upon the request of the selectmen in a town, the city council in a plan E city and the mayor in all other cities, in a majority of the member municipalities, appeal to the department of education for an adjustment in the minimum required local contribution of its member municipalities. The department of education may reduce the increased assessment of the member municipalities as a result of the reorganization of the regional school district by using a portion of the regional incentive aid to reduce the prior year local contribution.

(g) If the regional school budget has already been adopted by two-thirds of the member municipalities, then upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of its member municipalities in accordance with the reduction in minimum required local contributions approved by the department of revenue or the department of education in accordance with the provisions of this section.

(h) Notwithstanding the provisions of clause (14) of section three of chapter two hundred and fourteen of the General Laws, or any other general or special law to the contrary, the amounts so determined shall be deemed to be the minimum required local contribution described in said chapter seventy, provided that the house and senate committees on ways and means and the joint committee on education, arts and humanities shall be notified by the departments of revenue and of education of the amount of any reduction in the minimum required local contribution amount.

(i) In the event that a city or town has an approved budget that exceeds the re-calculated minimum required local contribution and net school spending amounts for its local school system or its re-calculated minimum required local contribution to its regional school districts as provided by this section, the local appropriating authority must determine the extent to which the community avails itself of any relief authorized under this section.

(j) The amount of financial assistance due from the commonwealth in fiscal year nineteen hundred and ninety-five under chapter seventy or any other provision of law shall not be changed on account of any redetermination of the required minimum local contribution under this section. The department of revenue and department of education shall issue guidelines for their respective duties under this section.

SECTION 273. Notwithstanding the provisions of any general or special law to the contrary, any amounts, including principal, interest and penalties due to the medical security trust fund, established in chapter one hundred and eighteen F of the General Laws, and owing from any regional school district or educational collaborative pursuant to section fourteen G of chapter one hundred and fifty-one A of the General Laws as of the effective date of this act, are hereby extinguished and the payment thereof excused. Nothing in this

section shall be construed to provide the basis for the refund of payments made by any regional school district or educational collaborative to said fund prior to the effective date of this act.

SECTION 274. The commissioner of education and the advisory council on violence prevention established by section one G of chapter fifteen of the General Laws, hereinafter referred to as the advisory council, shall encourage public school districts to develop violence prevention education programs for students in kindergarten through grade twelve. The purpose of these programs shall be to build positive self-esteem in young people and promote attitudes which seek to eliminate violence.

Each school district shall be encouraged to integrate into its existing curriculum or establish new programs for violence prevention that may include, but not be limited to the following:

(1) a comprehensive, age appropriate curriculum or program that teaches effective communication skills; individual responsibility; positive conflict resolution; coping skills; critical thinking and personal safety; which builds positive self-esteem and respect for others by promoting understanding and tolerance for differences in race, religion, culture, gender, age and sexual orientation;

(2) involvement of students, teachers, parents and community members, including, but not limited to, business representatives, civic leaders, local elected officials, the clergy, law enforcement officials, and the district attorney, in the development and implementation of this curriculum;

(3) collaboration with local community agencies, and organizations that assist in violence prevention;

(4) collaboration among school districts that encourages administration and staff to personify nonviolent behaviors which do not condone racial, religious, cultural or sexual harassment;

(5) training for district administration, staff and school board members to build school programs which seek to eliminate the cycle of violence by promoting understanding and tolerance for differences in race, religion, culture, gender, age and sexual orientation in their schools.

The board, in consultation with the advisory council, shall establish a violence prevention education grant program, subject to appropriation, for public schools to develop, implement or expand violence prevention programs for students.

To be eligible to receive a grant, a public school, or district shall submit an application to the department, in accordance with the form and manner required by the department. All grant applicants shall include an effective evaluation mechanism to be reviewed by the department. Such evaluation mechanism shall provide for measurable goals which can demonstrate behavioral changes leading to the prevention of future violence. Said department shall submit an annual report of its violence prevention activities and programs, including all monies received and expended, along with recommendations to the house and senate committees on ways and means and the board.

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Any applicant receiving any money shall use said grant money to develop, implement or expand a violence prevention program according to the terms of the grant application. Said application shall be designed and administered by the department in consultation with the advisory council. A copy of any curriculum developed as a result of receiving grant money shall be submitted to the department.

SECTION 275. The executive office of public safety, after consultation with the Massachusetts Sheriffs Association, shall conduct, or select one or more qualified vendors to conduct one or more studies of the county correctional health services system, food services delivery, and various standard contracted correctional services, including worker's compensation, food procurement, contractual services, transportation and other potential areas for savings, for the purpose of determining the feasibility of privatizing any or all of these functions through a single vendor for any or all of these functions for the entire county system. Notwithstanding the provisions of item 8910-0000 of section two of this act, the costs associated with the completion of these studies shall be paid from said item.

SECTION 276. The Attorney General is hereby authorized to bring an action on behalf of the division of medical assistance against any liable third party who is a manufacturer of cigarettes to recover the full amount of medical assistance provided by the Commonwealth under chapter one hundred and eighteen E of the General Laws, and all reasonable expenses in connection with bringing such an action, if such action prevails. In pursuing an action under this section, the division of medical assistance is automatically subrogated to any rights that an applicant, recipient, or legal representative has to any third party benefit for the full amount of medical assistance provided under chapter one hundred and eighteen E of the General Laws. The division of medical assistance has a cause of action against a liable third party manufacturer of cigarettes to recover the full amount of medical assistance provided by the Commonwealth under chapter one hundred and eighteen E of the General Laws, and such cause of action is independent of any rights or causes of action of the recipient. Any recovery resulting from any claim or action against a manufacturer of cigarettes to recover the amount of medical assistance provided by the Commonwealth under chapter one hundred and eighteen E of the General Laws shall be credited to the Health Protection Fund created under section two T of chapter twenty-nine of the General Laws, except the Attorney General shall retain the portion of the award or settlement allocated to cover reasonable expenses in connection with bringing the action. The authority granted to the Attorney General and division of medical assistance under this section, including but not limited to subrogation rights, shall be in addition to any rights or powers granted under state or federal law. If two or more actions to recover any amount under this section are brought against the same cigarette manufacturer, the superior court may order that some or all such actions be tried together in such county the superior court may designate; however, nothing in this section shall limit existing powers of the courts or justices thereof relative to consolidation or joint trial of causes.

SECTION 277. (a) It is hereby found and declared that:

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(1) The Salem state college is a critical element of the commonwealth's higher education system and fulfilling the mission of Salem state college to provide educational resources to the citizens of the commonwealth is essential to providing students with the skills and opportunities necessary to a full and productive life.

(2) Providing physical and financial resources necessary to meet the needs of the Salem state college now and in the future is critical to the ability of Salem state college to fulfill its mission including providing the work force with skills necessary to allow for the maintenance and expansion of the industrial, technological and manufacturing sectors of the commonwealth's economy.

(3) There exists within the city of Salem a site of approximately thirty-seven and one-half acres, which was formerly the site of the GTE/Sylvania plant, located proximately between the north and south campuses of Salem state college.

(4) Creation of a nonprofit assistance corporation with certain statutory authority would provide a vehicle with the necessary flexibility to prudently pursue such opportunities for the benefit of Salem state college, its present and future students and the commonwealth.

(5) It is therefore expressly declared that the provisions of this section constitute a needed program in the public interest in furtherance of an essential governmental function and serve a necessary and valid public purpose for which public money may be expended or invested.

(b) As used in this section the following terms shall, unless otherwise required, have the following meanings:

"board of directors", board of directors of the Salem state college assistance Corporation;

"board of trustees", board of trustees of the Salem state college;

"college", Salem state college or, should Salem state college be dissolved or fail to qualify either as a political subdivision of the commonwealth or an educational institution exempt from federal income tax under Section 501(c)(3) of the Code, then such other educational institution of higher learning established and operating in the commonwealth as shall be designated by the council, which is either such a political subdivision or such an exempt organization;

"Code", the Internal Revenue Code of 1986, as the same may, from time to time, be amended;

"corporation", Salem state college assistance corporation created by subsection (c);

"the council", the higher education coordinating council established pursuant to section four of chapter fifteen A of the General Laws;

"educational institution", an educational organization within the meaning of section 170(b)(1)(A)(ii) of the Code;

"site", the thirty-seven-and-one-half-acre site, within the city of Salem, which was formerly the site of the GTE/Sylvania plant, located proximately between the north and south campuses of Salem state college.

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(c)(1) There is hereby created a body politic and corporate to be known as the Salem state college assistance corporation. The corporation is not and shall not be deemed a public agency or state agency within the meaning of such terms in chapter seven of the General Laws for any purpose.

(2) The corporation shall be governed by a board of thirteen directors, four of whom shall be appointed by the board of trustees, three of whom shall be appointed by the governor, one of whom shall be the President of the college ex officio, one of whom shall be the mayor of the City of Salem, ex officio, or his designee, one of whom shall be the planning director of the City of Salem, ex officio, one of whom shall be appointed by the Salem chamber of commerce, one of whom shall be appointed by the Salem partnership and one of whom shall be an individual representing the regional community and appointed by the President of the college. Of the governor's appointees at least one shall be a person experienced in financial aspects of real estate development and management, at least one shall be a person experienced in planning, and at least one shall be a person experienced in college administration.

(3) Directors shall serve for a term of three years provided, however, of those initially appointed by the board of trustees two shall be appointed for one year, and one for two years, and of those initially appointed by the governor one shall be appointed for one year and one for two years and the individual initially appointed by the chamber of commerce shall be appointed for two years. Vacancies arising from other than the expiration of the term shall be filled by the party responsible for the initial appointment. Directors shall serve without compensation but may be reimbursed for expenses necessarily incurred in the performance of their duties.

(4) The board of trustees from time to time shall designate one of the directors to serve as chairman. The directors shall from time to time elect from among themselves a vice-chairman and a secretary. The secretary shall be the custodian of all books, documents and papers of the corporation and of its minute book and seal. Unless otherwise provided in by-laws adopted by the board of directors, the number of directors required to constitute a quorum shall be a majority of the directors then in office. If a quorum is present, a majority of the directors present may take any action on behalf of the board of directors except to the extent that a larger number is required by this section, other applicable laws or by-laws adopted by the board of directors.

(5) The purposes of the corporation shall be to (i) promote the orderly growth and development of the college; (ii) to assist the college in securing physical and financial resources necessary for the acquisition and development of the site.

(6) In furtherance of such purposes the corporation shall, subject only to the restrictions and limitations hereinafter contained, have the following powers:

A. To make and execute contracts and any other instruments necessary or convenient for the exercise of its powers or the discharge of its duties and incur liabilities for any other purposes of the corporation;

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B. To have a corporate seal which it may alter at its pleasure;

C. To adopt by-laws for the regulation of its affairs;

D. To accept, acquire, receive, take, 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 reasonably related to the acquisition and development of the site;

E. To sue or be sued, provided, however, a director or officer of the corporation shall not be liable for the performance of his duties if he acts in compliance with section six C of chapter one hundred and eighty of the General Laws;

F. To sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of any such property, both real and personal, as the objects and purposes of the corporation may require;

G. To borrow money, and from time to time, to make, accept, endorse, execute, and issue promissory notes, bills of exchange, and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of any such obligation by mortgage, pledge, deed, agreement, or other instrument of trust, or other lien upon, assignment of, or agreement in regard to all or any part of the property rights or privileges of the corporation, whether now owned or hereafter to be acquired;

H. To receive stocks, bonds, donations, gifts and to otherwise raise money for the corporation's purposes;

I. To elect, appoint and employ officers, agents and employees; to fix their compensation and define their duties and obligations and to indemnify corporate personnel;

J. To enter into agreements for other transactions with any person, including, without limitation, any governmental instrumentalities or agencies in connection with any of its powers or duties and any governmental agency is hereby authorized to enter into such agreements or transactions with the corporation;

K. To do all acts and things necessary or convenient to the exercise of any power or the discharge of any duty provided for by this section.

(d) The corporation is hereby deemed to be an "institution for higher education" solely for the purposes such term is used in chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight. Any acquisition of property by purchase, lease, or other method by the corporation shall be deemed a "project" as such term is used in chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight. The corporation shall be fully eligible to receive any and all assistance from the Massachusetts health and education facilities authority created by chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight in the same manner as any institution for higher education.

(e) The corporation shall assess the space needs of the college on a regular basis and shall lease or rent land or space in any facility under the control of the corporation to any entities other than the college only after making a determination that the college does not have a foreseeable need for such space or land for the term of the lease or rental agreement.

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In no event shall the corporation sell, convey, transfer, exchange or otherwise dispose of any real property without notifying in writing and consulting with the board of trustees and the council, and after such consultation making a determination that such sale, conveyance, transfer or exchange is in the best interests of the college. Any such sale, conveyance, transfer or exchange shall require a vote of two-thirds of the members of the board of directors.

(f) The college or any state agency or entity acting on the college's behalf, may enter into an agreement to rent, lease or otherwise utilize any facility owned by, or under the control of, the corporation. The corporation shall be paid rent and costs for such facilities at a rate agreed to by the corporation and college or state agency or entity entering into an agreement on the college's behalf, provided that such amount may not exceed the fair market value for the use of such facilities at the time the agreement is made. Subject to this limitation, the college's determination to rent, lease or otherwise utilize any facility owned or under the control of the corporation and any agreement related thereto shall not be subject to chapter seven of the General Laws.

(g) The corporation shall not have the authority to engage in any activities which are not in furtherance of its corporate purposes or to support or benefit any organization other than the college, and all of the powers granted under this section to the corporation shall be exercised in a manner consistent therewith.

Notwithstanding any other provision herein contained, neither the directors and officers of the corporation nor the corporation shall participate in any "prohibited transaction" within the meaning of Section 503 of the Code, nor shall the corporation be operated at any time for the primary purpose of carrying on a trade or business for profit.

Subject to the other provisions of this section, the corporation shall use and/or distribute all property from time to time held by the corporation solely in the furtherance of its corporate purposes in such manner as the board of directors shall determine; no part of the assets or net earnings, if any, of the corporation shall inure to the benefit of, or be distributable to, its directors, its officers or any private individual, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its corporate purposes; and the corporation shall not directly or indirectly participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office, and no substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation (except to the extent the corporation makes expenditures for purposes of influencing legislation in conformity with the requirements of Section 501(h) of the Code). If the corporation is deemed to be a private foundation as defined in Section 509 of the Code, the provisions of chapter sixty-eight A of the General Laws shall apply to it.

(h) The operation and maintenance of projects by the corporation shall constitute the performance of an essential governmental function, and the corporation shall not be required

to pay any taxes or special, betterment or other assessments within the commonwealth, including, without limitation, taxes on real or personal property and any ad valorem taxes, upon any property owned, constructed, acquired, leased or used by it under the provisions of this section. The corporation shall not be subject to any taxes based upon or measured by income which may be enacted by the commonwealth. Obligations issued by the corporation under this section, and any income derived therefrom, including any sale, exchange or transfer of such obligation, shall at all times be free from taxation within the commonwealth.

Land, buildings and tangible personal property of the corporation, if leased to the extent permitted pursuant to this section for any activity or transaction entered into by the lessee for financial profit or gain, shall be taxed or assessed by the city or town in which such land, buildings and tangible personal property may be situated to the lessees thereof respectively, in the same manner as such land, buildings and tangible personal property would be taxed or assessed to such lessees if they were owners thereof, except as follows:

(1) the payment of the tax or assessment shall not be enforced by any lien upon or sale of such land or buildings, but for the purpose of enforcing the payment of such taxes or assessments by such lessees to the city or town in which such land or buildings are situated, a sale of the leasehold interest therein may be made by the collector of the city or town in the manner provided by law for selling real estate for the nonpayment of real estate taxes.

(2) such land, buildings and tangible personal property leased to any political subdivision of the commonwealth or to any public charity described in section eight of chapter twelve of the General Laws for its charitable purposes shall not be taxed or assessed to any such lessees.

(3) that in lieu of such taxes, and any betterment of special assessments; the city of Salem may determine a sum to be paid to it annually in any year or period of years, such sum to be in any year equal to or less than the amount that would be levied at the then current tax rate upon the then current assessed value of such real estate, including buildings and other structures, the valuation for each year being reduced by all abatements thereon. In no event, however, shall any amount be due prior to the first year in which the corporation has leased some portion of the real property to a third party and has received rental payments for fees in return therefore and any amount so due shall be prorated based upon the percentage of the property for which rental payments or fees have been received.

If any such lessee is subject to the excise levied under the provisions of sections thirty to forty-two B, inclusive, of chapter sixty-three of the General Laws, such tangible personal property shall be treated as though it were owned by such lessee for the purposes of such excise, and it shall be valued at eight times its annual rental rate, unless and to the extent that such property is treated by the lessee as owned by it for federal income tax purposes, in which case its value shall be its adjusted basis, as defined in the applicable provisions of the Code.

All tangible property, real or personal, so leased shall be considered tangible property owned or rented and used in the commonwealth by such lessee for the purposes of section thirty-eight of chapter sixty-three of the General Laws.

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(i) Upon or dissolution of the corporation after payment of all of the liabilities of the corporation or due provision therefor, all of the assets of the corporation shall be distributed to the council, to be held in trust for the benefit and purposes of the college, and shall not inure to the benefit of or be distributed to any private individual.

(j) None of the powers, duties, actions, responsibilities, or authorities of whatever kind or nature which are vested or created in the corporation or college by this section, either explicitly or implicitly, shall be legally valid nor may said powers, duties, actions, responsibilities, or authorities be exercised in the absence of review and comment by the inspector general of the commonwealth of the propriety of any proposed action and further specific legislative authorization.

(k) The provisions of this section 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 affect or impair any of the remaining provisions.

SECTION 278. Notwithstanding the provisions of any general or special law to the contrary, the Shrewsbury Community Cablevision Company, located at 100 Maple Avenue in Shrewsbury Massachusetts shall be exempt from the provisions of the last paragraph of section two of chapter one hundred and sixty-six A.

SECTION 279. As provided in line item 4510-0617 of section two of this act regarding the development of a continuous real-time environmental radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of the nuclear power plant in Seabrook, New Hampshire, be it further directed that all funds appropriated under this provision shall be expended solely for monitoring services provided by said private contractor for the purposes described in said line item.

SECTION 280. The executive office for administration and finance is hereby authorized and directed to reimburse cities, towns, and regional school districts for completed projectes in accordance with the provisions of chapter six hundred and fourteen of the acts of nineteen hundred and eighty-five as audited and granted final approval by the department of labor and industries and the department of education; provided, that the Gateway regional school district shall receive funds to meet outstanding liabilities incurred by the removal, containment or encapsulation of asbestos. For the purposes of this section, qualifying projects shall have been completed on or before June thirtieth, nineteen hundred and ninety-four.

SECTION 281. 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, up to a maximum of one hundred eighty-eight thousand and forty-seven dollars, plus indirect costs as determined by the secretary of administration and finance and the cost of fringe benefits as calculated by said secretary pursuant to section six B of chapter twenty-nine of the General Laws, shall be assessed upon utility companies in accordance with the provisions of chapter twenty-five A of the General Laws.

SECTION 282. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration and finance is hereby authorized and directed

to establish fees sufficient to meet the costs of the expansion of the board of registration in nursing pursuant to 9230-0020 in section 2 of this act; provided, that said fees shall not be less than the fees in effect on January first, nineteen hundred and ninety-four. The commissioner shall promulgate regulations to effect said change in fees not later than August first, nineteen hundred and ninety-four.

SECTION 283. For the purposes of determining the amount and collecting certain taxes in the fiscal year ending June thirtieth, nineteen hundred and ninety-five only, the commissioner is authorized to enter into agreements for projects to identify and pursue maximum tax revenue compliance with one or more private persons, companies, associations or corporations doing business in the commonwealth to design and develop programs and provide collection services within and outside the commonwealth with respect to unpaid taxes. The compensation for services shall be based on a percentage of the taxes that can reasonably be attributed to the implementation of such programs or the amount of taxes actually collected. The agreements may also provide for the referral to private collection agencies of taxpayer accounts for collection purposes. No such agreement shall be entered into unless proposals for the same have been invited by public notice published in at least one newspaper once a week for at least two consecutive weeks and the last publication to be at least one week prior to the time specified for the opening of said proposals. All such proposals shall be opened in public. The commissioner may reject any or all such proposals. The Commissioner shall not assign the account of any taxpayer to a private collection agency until such taxpayer has been sent a notice at least thirty days prior thereto, of the intention of the commissioner to so assign the collection of such unpaid taxes of such taxpayer. Any such agreement may provide, in the discretion of the commissioner, such compensation shall be added to the amount of the tax and collected as a part thereof by the contractor; deducted and retained by the contractor from the amount of tax collected; or paid by the commonwealth from the amount of tax attributable to the implementation of a program or the tax collected, without appropriation therefor.

The commissioner shall, as part of his annual report under section six, paragraph two, list all private persons, companies, associations or corporations with whom the commissioner has agreements for design of programs and collection services during the fiscal year and the amount of taxes attributable to or collected by and the compensation paid to each such person, company, association, or corporation. Such a list shall detail the amounts of taxes attributable to or collected by and the compensation paid to each such person, company, association, or corporation; method by which each such person, company, association, or corporation earns compensation pursuant to each agreement made between the department and each such person, company, association, or corporation; the amount collected by each such compared to the amount of debt assigned by the department to each such person, company, association, or corporation pursuant to said agreements; and all complaints, if any, brought against any such person, company, association, or corporation, and the results of any such complaints. Such a list shall also be transmitted to the house and senate committees on ways and means and to the joint committee on taxation. Agreements pursuant to this section shall comply with sections fifty-two to fifty-five, inclusive, of chapter seven of the General

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The provisions of this section shall remain in effect until June thirtieth, nineteen hundred and ninety-six.

NO SECTION 284.

SECTION 285. Notwithstanding the provisions of any general or special law to the contrary, the secretary of state is hereby authorized and directed to charge a twenty-five dollar fee for an expedited Uniform Commercial Code lien search and print out, and a fifty dollar fee for an expedited Uniform Commercial Code lien search with copies. All monies received by the secretary of state as said fee shall be deposited into the General Fund.

NO SECTION 286.

SECTION 287. Notwithstanding the provisions of any general or special law to the contrary the secretary of the executive office of administration and finance is authorized and directed to conduct a study of the economic feasibility and practicality of offering for sale commercial advertising space within publications of the executive branch of the commonwealth. Said secretary shall report the results of said study to the house and senate committees on ways and means on or before October fifteenth, nineteen hundred and ninety-four.

SECTION 288. Notwithstanding the provisions of any general or special law to the contrary, the house committee on ways and means is hereby authorized and directed to conduct a study relative to the practicality and fiscal impact of making available to the public in electronic form the following information:—

(1) The schedule of all sessions of the senate and the house of representatives, all calendars for sessions of the senate and house of representatives, all bulletins of committee hearings, all daily lists of committee hearings, a list of all matters pending before both branches of the legislature, and a list of members and committees of the legislature.

(2) The text of each bill introduced in each current legislative session, including each amended, engrossed and enacted form of each bill.

(3) All budgets introduced in each current legislative session

(4) The bill history of each bill introduced in each legislative session.

(5) The status of each bill introduced in each current legislative session.

(6) All bill analyses or summaries prepared by legislative committees in connection with each bill in each current legislative session.

(7) All vote information concerning each bill in each current legislative session

(8) Any veto message concerning a bill in each current legislative session.

(9) All journals of the senate and house of representatives.

(10) The current general court manual.

(11) The General Laws.

(12) All statutes enacted on or after January first, nineteen hundred and ninety-three.

Said study shall include, but not be limited to, the study of making such information available on the Internet network, so-called, in addition to other electronic print distribution of such information or by making such information available in any medium which would facilitate public access to the such information. Further, the study shall include an analysis

of whether or not a fee or other charge can or shall be imposed by the general court as a condition of accessing such information. Further, said study shall consider any copyright or other proprietary interests of the commonwealth or any other party in such information. Provided however, that no funds be expended to make such information accessible on the Internet network, so-called, until said study is completed. Said study shall be completed by December thirty-first nineteen hundred and ninety-four.

SECTION 289. A special commission is hereby established for the purposes of making an investigation and study to prepare, both the public and private sector of the Commonwealth, for the technology highway. Such an investigation and study shall include: methods to encourage and facilitate the use of technology within education and state government in order to improve the efficiency and productivity of classrooms and state agencies; methods on advancing state government's ability to serve its customers better including exploring the uses of computer bulletin boards and electronic kiosks to perform basic transactions; and methods to encourage the development of the technological infrastructure needed to make sure the commonwealth is competitive, both in the private and public sector, into the next century.

Said commission shall consist of three members of the Senate appointed by the senate president, three members of house of representatives appointed by the speaker, and seven persons to be appointed by the governor, two of whom shall be from the telecommunications industry, one of whom shall be from the Massachusetts Business Roundtable, one of whom shall be an owner of a small business or from a small business organization, one of whom shall be a member of the Associated Industries of Massachusetts organization, one of whom shall be a teacher, and one of whom shall be an employee of the executive office of economic affairs.

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 house of representatives on or before May first, nineteen hundred and ninety-five.

SECTION 290. The rate setting commission is hereby authorized and directed to study the feasibility and necessity of promulgating regulations that would govern rates paid by governmental units for neurobehavioral special needs assessments conducted pursuant to the provisions of section three of chapter seventy-one B of the General Laws. Said study shall determine the extent to which such assessments are currently reimbursed on the basis of existing rate regulations, on the basis of individual consideration and or may be entirely unregulated. The feasibility of subjecting such payments to uniform rate standards shall be assessed, including an evaluation of which rate methodologies might be used to establish uniform rates and standards. The commission shall further determine whether any such rates that might be promulgated are within the jurisdiction of the commission or more properly the division of purchased services. The commission is hereby authorized and directed to initiate said rate making process if after consulting with interested parties, including but not limited to representatives of local education authorities, it is determined that such rates are properly within its jurisdiction and that such rates are feasible and necessary for the cost-

effective provision of special education neurobehavioral assessments. The commission shall file with the house and senate committees on ways and means and the joint committee on education, arts and humanities a copy of said study not later than December thirty-first, nineteen hundred and ninety-four.

SECTION 291. Notwithstanding any general or special law to the contrary, a conviction of medicaid fraud shall be grounds for revocation of any Massachusetts professional license or registration held by the person convicted. Upon such conviction, the attorney general shall notify the appropriate licensing authorities who shall institute proceedings to implement said revocation.

SECTION 292. That a special commission, to consist of three members of the senate, six members of the house of representatives, the treasurer of the commonwealth or his designee, the comptroller of the commonwealth or his designee, the secretary of administration and finance or his designee, the inspector general or his designee, and two persons to be appointed by the governor, one of whom shall be a member of the financial advisory board and one of whom shall be a member of the municipal bond industry, is hereby established for the purpose of making an investigation and study relative to existing state debt, the adequacy of the existing system of state debt management and the structure of commonwealth supported debt, commonwealth guaranteed debt, indirect debt obligations and such other matters as the commission may deem necessary.

Said commission may expend such sums as may be appropriated therefor, may employ such administrative, legal, actuarial, research, clerical and other assistance as it deems necessary, and require the production of books, papers, records, correspondence or other documents which it deems relevant.

Said commission shall report to the house of representatives the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing same with the clerk of the house of representatives on or before the last Wednesday in December, nineteen hundred and ninety-four.

SECTION 293. 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 broker's license to Roger Cove of the town of Harwich, without examination, upon payment of the annual fee.

SECTION 294. The department of revenue is hereby directed to study and evaluate proposals relative to eliminating defense related research from the calculation of the credit allowed under section thirty-eight M of chapter sixty-three of the General Laws for firms involved in defense research, production and related businesses including the static and dynamic impacts on state sales, income and corporate tax revenues of implementing the provisions of said proposals. The department shall report the results of its study and evaluation by filing the same with the joint committee on taxation and the house and senate committees on ways and means on or before November thirtieth, nineteen hundred and ninety-four.

SECTION 295. The general court hereby requests that the Massachusetts Congress-

sional delegation complete an investigation of, and make recommendations for, methods to reduce the fiscal effects of federal mandates, new programs, and regulations, and that said delegation's report include cost benefit analysis of current federal requirements and be submitted to the general court by January first, nineteen hundred and ninety-five.

SECTION 296. Notwithstanding the provisions of any general or special law to the contrary, all employees of the department of purchasing and general services, hereinafter in this section the department, assigned to the central state post office including those who immediately prior to the effective date of this act 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 or do not hold such tenure are hereby transferred to the office of management information systems, hereinafter in this section the office, 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 or said chapter thirty-one of the General Laws, and without reduction in compensation or salary grade.

All orders, rules and regulations duly made by the department, regarding the central state post office 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 office.

All books, papers, records, documents, equipment, buildings, facilities and other property, both personal and real, which immediately prior to the effective date of this act are in the department, regarding the central state post office shall be transferred to the office.

All duly existing contracts, leases and obligations of the department regarding the central state post office which are in force immediately prior to the effective date of this act shall continue in effect. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act.

SECTION 297. The secretary of administration and finance shall conduct a study of the method, practices and procedures of travel purchasing by the commonwealth for travel by officers and employees of the commonwealth traveling in the course of their employment or while on official business for the commonwealth; provided, that such study shall include, but not be limited to, an analysis, evaluation, and discussion of the current travel policy; the procedure to obtain approval of travel plans and costs; the current method and procedure for purchasing travel; the cost-effectiveness of travel programs and policies; vendor contracts with travel agencies, hotels, airlines, and auto rental companies; and the method of monitoring and reimbursing expenses; provided, further, that said study shall be submitted to the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and ninety-four.

SECTION 298. 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 agencies as hereinafter provided for workers' compensation costs, including administrative costs, incurred on behalf of the employees of said agencies. The commissioner of

the division of public employee retirement administration 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-four.

The commissioner of the division of public employee retirement administration 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-four, 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-four, and may include such additional sums as are deemed necessary by regulations promulgated pursuant to this section. Said commissioner 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-four. Within thirty days after the effective date of this act, for any agency that fails to encumber funds 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.

Costs to agencies for benefits paid on behalf of their employees shall be allocated as actual expenditures are made. Administrative expenses shall be allocated to an agency based on each agency's percent of total benefits paid in the prior fiscal year.

The comptroller shall charge each agency's workers' compensation costs to the agency's appropriation amount and shall transfer said amount to item 1108-6201 of section two of this act for the purposes of workers' compensation paid to public employees for any costs, including administrative costs, incurred during the fiscal year. The division of public employee retirement administration may expend an amount so collected for all agencies under this section not to exceed sixty million and one hundred thousand dollars, to pay for hospitals, physicians, benefits, and administrative and other costs without further appropriation.

Not 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 division of public employee retirement administration shall bill agencies for twenty-five percent of said agency's annual estimated workers' compensation costs. Each agency shall be credited or billed for any differences between the previous quarter's estimated costs and actual costs incurred by said agency.

The commissioner of the division of public employee retirement administration is authorized to establish regulations and procedures to implement this section.

SECTION 299. As used in this section, the term "EX transaction request" means an expenditure correction request. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall not approve any such expenditure correction request on the Massachusetts management accounting and reporting system (MMARS), so-called, until the following requirements have been met:

(a) The officer having charge of the agency making the EX transaction request shall detail in writing to the comptroller and the state budget director the reasons for said request and shall certify that approval of said request will not result in charges being made to an item

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of appropriation which would be prohibited by the statute making said appropriation.

(b) The state budget director shall certify in writing to the comptroller that approval of said EX transaction request will not result in charges being made to an item of appropriation which would be prohibited by the statute making said appropriation.

The comptroller shall, on a quarterly basis, submit to the house and senate committees on ways and means a report which details all of the EX transactions which have been approved by the comptroller in the quarter just ended. Said report shall include the following information:

(1) the MMARS document identification number of each approved EX transaction request;

(2) the reason for each approved request;

(3) the MMARS account or accounts from which charges have been transferred;

(4) the MMARS account or accounts to which charges have been transferred.

SECTION 300. The general court hereby memorializes the Massachusetts Congressional delegation to advocate for the expansion of the Oxbow National Wildlife Refuge by including in it the seven hundred ninety-eight acres of excess military land on the North and Main Posts of Fort Devens, as requested by the U.S. Fisheries and Wildlife Service.

SECTION 301. (1) As used in this section the following words shall, except as otherwise provided, have the following meanings:

"Boston State Hospital", certain parcels of land, located upon the site of Boston State Hospital in the Mattapan area of the city of Boston, including the buildings and other improvements thereon and more particularly described in section three.

"Commissioner", the commissioner of the division of capital planning and operations.

"Committee", the Boston state hospital citizens advisory committee.

"Master Plan", the plan(s) described in Section six.

"Mental Health Clients", clients, patients and residents of the department of mental health as determined by the commissioner of mental health and department of mental health policy.

"Minority", individuals or groups as defined by the state office of minority and women business assistance established in section thirty-nine A of chapter twenty-three A.

(2) It shall be the policy of the commonwealth to provide, subject to appropriation, suitable residential units, support services, training and job opportunities to mental health clients on the Boston state hospital site and to create jobs and job training opportunities on the Boston State Hospital site; to develop a framework for the economically and environmentally sound redevelopment of Boston state hospital, including the development of the following: research and development facilities, housing, the development of new economic and employment opportunities including light industrial and manufacturing, offices, retail not in competition with Morton street and Blue Hill avenue retail areas as reasonably determined by the commissioner in consultation with the committee, medical, research and development, and educational uses, including the preservation of open space;

to establish job-creation and job-training goals, including job-number and wage-level targets for the employment of residents of Boston State Hospital area neighborhoods; to establish goals for the creation of low-and moderate-income housing and mechanisms for providing residents of Boston state hospital area neighborhoods with opportunities to acquire affordable units; to encourage potential developers to conduct analyses of the various uses described herein, and feasibility studies which shall include studies of proposed development programs, preliminary estimates of costs and benefits of the development programs and preliminary financial analysis of the development programs; to assess the impact of the development programs on the surrounding community, including analysis of the economic benefit and the extent to which the employment and training opportunities match the skills and needs of residents of the surrounding neighborhood; and to evaluate various public - private strategies for financing the development, to establish design criteria, including standards, and design review and monitoring process, to determine appropriate land use, community benefits, and development guidelines to maximize the economic potential and job-creation opportunities of the site; and to encourage potential developers to complete a feasibility analysis which shall compare the costs and benefits of proposed land uses and their community benefits, which may include, but are not limited to research facilities, office space, light manufacturing, housing, mental health facilities, open space, agricultural recreational uses, career development center, mental health care clinic, transitional housing for the mentally ill, biomedical research and development, health-related manufacturing, health-service related industries, community social and recreational facilities, mixed-income housing, commercial and retail space, environmental research facilities, and related uses, depending on the uses proposed, and shall take into consideration the continuing operation of the programs of state agencies on contiguous parcels and specifications of public-private finance options.

(3) 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 and subject to the provisions of paragraph (2) and four to eleven, inclusive, of this act, to convey by deed approved as to form by the attorney general or to enter lease for a term not to exceed ninety-nine years, including all renewal options, to a developer selected in accordance with the provisions of this section, all or (a) portion thereof of certain parcels of land with or without buildings thereon located in Boston, Massachusetts and described as those parcels of land bounded by Austin Street, Harvard Street, Walk Hill Street, and American Legion Highway and shown as Blocks 166A and 159 on Boston Assessors Plan, ward 14036, dated August 1938, and to be shown on a survey conducted on behalf of the division of capital planning and operations.

(4) Within one hundred and eighty days of the effective date of this section the commissioner shall issue the initial requests for proposals, for the redevelopment of all or any portion of Boston State Hospital for uses authorized in paragraph (2) including but not limited to, light industrial and manufacturing, offices, retail not in competition with Morton Street and Blue Hill Avenue retail areas, housing, medical, research and development, and

education. Said requests for proposals shall including without limitation the following:

(a) provisions for a diverse range of permanent and non seasonal job opportunities in the Boston labor and investment market, provided, that employers at the facility shall meet goals for hiring Boston residents, women, minorities, youth and the mentally ill;

(b) provisions for the developer and employers at the Boston State Hospital facility to extend their best efforts to meet and exceed the state or city construction goals, whichever is greater, with respect to contract awards and construction and permanent jobs obtained by minorities; provided, that residents of the area shall be given priority in hiring for jobs at the facility;

(c) a framework for the economically and environmentally sound redevelopment of Boston State Hospital, which may include the development of research facilities, housing, the development of new economic and employment opportunities and the preservation of open space;

(d) job-creation and job-training goals, including job-number and wage-level targets for the employment of residents of Boston state hospital area neighborhoods;

(e) goals for the creation of low-and moderate-income housing, and mechanisms for providing residents of Boston state hospital area neighborhoods with opportunities to acquire affordable units;

(f) requirements that development proposals shall provide for the developer's analysis of their proposed uses and feasibility studies which shall include studies of proposed development programs; preliminary estimate of costs and benefits of the development programs; preliminary financial analysis of the development programs; assessment of the impact of the development programs on the surrounding community, including analysis of the economic benefit and the extent to which the employment and training opportunities match the skills and needs of residents of the surrounding neighborhoods; and an evaluation of various public-private strategies for financing the development;

(g) design criteria, including standards, and design review and monitoring process;

(h) determination of appropriate land use, community benefits, and development guidelines to maximize the economic potential and job-creation opportunities of the site;

(i) requirements that development proposals shall provide for the developer's completion of feasibility analyses which shall compare the costs and benefits of the proposed land uses and their community benefits, including, the impact of the operation of the program of state agencies on contiguous parcels and specifications of public-private finance options; and

(1) retention of the city sponsored compost business currently located on the site.

Such proposal shall not include any uses which are inconsistent with the provisions of this section, or paragraph (2), which use limitations are intended to ensure that no uses posing unreasonable environmental risks are conducted on this property or which interfere with the continuing operation of the programs of state agencies on contiguous parcels; uses expressly prohibited shall include, but not limited to, the siting and operation of a dump, an incinerator or other means of permanent disposal of solid waste or hazardous waste. The uses permitted under paragraph (2) do not pose unreasonable environmental risks.

In reviewing such proposals, the commissioner shall consider the development guidelines adopted by the previously established Boston state hospital citizens advisory committee in June of nineteen hundred and eighty-five, as amended in May, nineteen hundred and ninety-three, and which are on file with the division of capital planning and operations.

The commissioner shall require that such proposals and any subsequent leases or disposition agreements for housing use shall provide that not less than fifteen percent of any housing units created by the developer shall be made available for mental health clients and shall include appropriate mental health support services.

The commissioner shall require that such proposals and any subsequent leases or disposition agreements for the development of Boston State Hospital shall provide that not less than ten percent of employment and job training opportunities be targeted for qualified mental health clients.

(5) Within three hundred and sixty days after the effective date of this section, the commissioner, after reviewing the recommendation of the citizens advisory committee, shall provisionally designate (a) developer to undertake a redevelopment project for all or a portion of the Boston state hospital site. Such designation shall be made based on the minimization of the costs and expenses to be borne by the commonwealth, the proposal's conformity with this act, the financial feasibility of the proposal, the developer's experience and with particular weight being given to those proposals that are least dependent upon state financial assistance, loan guarantee or other direct or indirect contributions by the commonwealth.

(6) Within one hundred and eighty days after such designation, the designated developer shall prepare a master plan for all or any portion of the Boston state hospital site which the developer proposes to redevelop as a guide to such redevelopment. The developer shall consider the development guidelines adopted by the committee in September, nineteen hundred and eighty-five and amended in May nineteen hundred and ninety-three, in the formulation of the master plan. Upon completion of the master plan, the developer shall submit a copy of said master plan to the joint legislative committee on state administration, the joint legislative committee on housing and urban development, the house and senate committees on ways and means and the inspector general. The master plan shall include the following for the portion or all of the property proposed by the developer to be redeveloped:

(1) A description and site plans of the property, a narrative and graphic presentation of the characteristics of the existing conditions of the site, boundaries of legally protected wetlands, and boundaries of open space for recreation as well as buffer zones between the abutting neighborhoods and the Boston state hospital site.

(2) A determination of the structural soundness of buildings on the site, and recommendations for demolition or securing unsound or unsafe building, as appropriate.

(3) Provisions for a management and maintenance plan that will provide for the care of grounds, open space, buffer areas or other land areas critical to the operation and appearances of land uses on the redevelopment site.

(4) Consideration of are area-wide traffic impact on neighborhoods abutting the site, provided that the primary purpose of such planning and related traffic changes shall be the improvement of pedestrian safety and automobile access to the site.

(5) Evaluation of the transit needs of the Mattapan, Dorchester, Roxbury, and Jamaica Plain neighborhoods created by the proposed redevelopment.

(6) Identification of all environmentally sensitive areas and agricultural significant soils and, where appropriate, a description of mechanism to protect conservation restrictions, easements, covenants, and provide protection and community access, provided, that early attention to state environmental review requirements shall be part of the planning process.

(7) A determination of appropriate land use, community benefits, and developmental guidelines to maximize the economic potential of the site, job-creation opportunities and the delivery of mental health services.

(8) A feasibility analysis that compare the costs and benefits of the proposed land uses and their community benefits, which takes into consideration the continuing operation of the programs of state agencies on contiguous parcels and specifications of private finance options.

(9) Job-creation and job-training goals, including job number and wage level targets for the employment of residents of Boston state hospital area neighborhoods; and

(10) An assessment of infrastructure needs as part of the land disposition process.

Final adoption of the master plan will occur when certified in writing by the committee as a result of a simple majority vote, or within 30 days of receipt of the master plan in writing by the committee should no written certification or written objection be received from the committee. All communications required by this subsection shall be by certified mail.

(7) Upon fulfillment of all terms of the provisional designation, including, but not limited to the design for a project or phase of a project, the obtaining of the required permits and approvals, and the obtaining of the necessary commitments for financing to proceed with construction of a project or a phase of a project, the commissioner and the developer shall negotiate and execute a land disposition agreement that shall specify any and all condition precedent to closing the property transaction and any post-closing obligations of all parties.

Any such land disposition agreement, shall include, but is not limited to the following:

(a) goals for affirmative action to be achieved by the developer relative to equity participation and employment of minorities , women, and city of Boston residents during construction and as a permanent feature of the development and goals for minority business set-asides, to the extent permitted by law;

(b) restrictions prohibiting employment discrimination on the basis of race, color, sex, age, national origin, religion or handicap; and

(c) in conjunction with the development of any commercial, industrial, or institutional facilities make provisions for education, job training, job placement, and child

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care to assist the needs of potential employees and job applicants, especially residents of surrounding neighborhoods and other city of Boston residents, in gaining access to future employment created by said development.

The commissioner shall, forty-five days prior to the execution of the proposed deed or lease authorized by paragraph (3) or any subsequent amendment thereof, submit a report to the inspector general for his review and comment regarding compliance with the objective of this act. The report shall describe the costs and benefits to the commonwealth of the proposed disposition or lease. The inspector general shall issue any comment within fifteen days of receipt of the report. The commissioner shall submit the report and any subsequent amendments thereof, and the comment so the inspector general, if any, to the house and senate chairman of the committees on state administration, housing and urban development, and ways and means at least twenty days prior to execution of the proposed deed or lease.

The commissioner is authorized to negotiate and enter into one or more leases with (a) developer(s) of Boston State Hospital to provide state office space or other space for state agencies on the site, for a term of up to ten years with an option to extend the term for up to an additional ten year period notwithstanding and without application of sections forty G and forty H of chapter seven of the General Laws, provided that the rental amount for said lease shall in no event exceed the rent for comparable leases in the city of Boston as determined by the commissioner; and provided, further, that any such lease shall be based upon a review by the commissioner of current and foreseeable agency space needs in the Boston area, as well as upon an analysis of the cost and benefits to the state of such a lease arrangement. Said review shall be submitted to the inspector general for his review and comment prior to the execution of a lease. The inspector general shall issue any comment within fifteen days of receipt of said review.

The amount of consideration for any parcel to be conveyed shall be an amount determined by the commissioner in accordance with procedures customarily accepted by the appraising profession, and provided, that, if the commissioner determines that the consideration should be less than at fair market value, the commissioner shall provide a written disclosure in the central register, detailing the reasons for such determination. The consideration for said parcels shall take into account the obligations placed on the developer required by this section and the benefits of the project to the surrounding communities.

The commissioner is hereby authorized to grant the developer rights of way or easements over those portions of the site not yet conveyed and over other property of the commonwealth contiguous to the parcels described in this act, and the commonwealth may accept from the developer similar rights of way or easements in roadways or land on the parcels to be conveyed pursuant to this section for purposes of access, egress, drainage, and utilities, provided that there is no material interference with the purposes of this section.

(8) The Boston state hospital citizens advisory committee shall consist of thirteen persons who shall be committee members from the previously constituted and currently standing Boston state hospital citizens advisory committee who shall be elected by the membership of said committee and the following "ex-officio" members: the senator, 2nd

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suffolk district, the representative, Sixth suffolk district, the representative, seventh suffolk district, the representative, twelfth suffolk district, the representative, thirteenth suffolk district, the representative, fifteenth suffolk district or the designee of any "ex-officio" member.

The committee may review, comment, hold public workshops, and make recommendations concerning the developer's master plan and the designation of any developer in order to create economically and environmentally sound uses in the development of the Boston state hospital property and in order to promote economic development and job creation in the metropolitan area and nearby neighborhoods.

All members of the committee shall file statements of financial interest with the ethics commission in the manner set forth in chapter two hundred and sixty-eight B of the General Laws.

Section 9. The commissioner is hereby authorized to transfer the care and control and ownership or other interest or operational responsibility of all or any portion(s) of twenty-two acres of land, by deed(s), leases(s), care and control agreements or other agreement subject to such terms and conditions as the commissioner may prescribe, for agricultural purposes, including, but not limited to, cultivation community gardens and agriculturally related economic development. Said land being described as follows: Beginning at a point located at the intersection of the southeasterly line of American Legion Highway and the northeasterly line of Walk Hill Street, said point being the northwesterly corner of the premises herein described; Thence northeasterly, along the southeasterly line of American Legion Highway approximately 1,800 feet to a point on the westerly line of Myerson Road, a private way; then southerly, along the westerly line of Myerson Road approximately 650 feet to a point at the intersection of the westerly line of Myerson Road and the northerly line of University Street, a private way; thence northwesterly, westerly and southerly along the northerly and westerly line of University Street approximately 1,700 feet to a point, thence southwesterly approximately 380 feet to a point of the easterly line of Walk Hill Street; thence northwesterly approximately 950 feet along the northeasterly line of Walk Hill Street to a point of beginning.

Said parcel contains approximately twenty-two acres of land, which precise configuration and area shall be described in a land survey. The commissioner shall identify appropriate mechanisms to assure the protection of community access.

Any owner of such parcel shall assure that mental health clients shall have access to appropriate programs related to the activities occurring at this location, including, but not limited to, the community gardens.

(10) The provisions of this section shall be deemed to provide an additional, alternative and complete method for accomplishing the purposes of this section, and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the commissioner and others by statutes; provided, however, that insofar as the provisions of other statutes are inconsistent with the provisions of this section, the provisions of this section shall be controlling.

SECTION 302. No agreement entered into by the governor and any federally

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recognized Indian tribe which contains provisions purporting to authorize conduct which is prohibited by law of the commonwealth shall have any force or effect unless and until such agreement is enacted by the general court.

SECTION 303. The secretary of administration and finance, in consultation with the state gambling advisory commission established pursuant to chapter twelve B of the General Laws, shall examine the costs associated with said chapter twelve B. Not later than September first, nineteen hundred ninety-four, said secretary shall submit to the house and senate committees on ways and means a report recommending the appropriations required for the efficient operation of the state gambling advisory commission and other expenses connected with the implementation of said chapter twelve B.

SECTION 304. Notwithstanding section 2102.4 of the state building code, executive order 181 of 1980 and executive order 350 of 1993, the division of capital planning and operations is hereby authorized to begin the reconstruction and rehabilitation of the Nantasket Beach bathhouse in the town of Hull.

SECTION 305. Notwithstanding the provisions of sections three or eight of chapter thirty-two of the General Laws or any other general or special law to the contrary, any retired member who has retired under the provisions of section seven of said chapter thirty-two who has been continuously employed by the commonwealth or one of its political subdivisions for at least ten years after such retirement shall be deemed, upon his election, restored to active service; provided, however, that after being restored to active service said retired member's retirement allowance shall cease, and he shall again become a member in service and regular deductions shall again be made from his regular compensation. Any creditable service in effect for him at the time of his retirement for disability shall thereupon be restored to full force and effect, and upon subsequent retirement he shall be entitled to a normal yearly amount of retirement allowance computed as though such disability retirement and reinstatement had not taken place. No additional member contributions shall be required as a precondition of receiving any such creditable service.

SECTION 306. Subsection (j) of section fifty-six of chapter seven of the General Laws, shall apply to all rate increases taking effect on or after July first, nineteen hundred and ninety-four.

SECTION 307. The members of the Massachusetts cultural council in office on the effective date of this act shall remain in office until the expiration of their respective terms.

SECTION 308. The provisions of section three B of chapter one hundred and seventy-six D of the General Laws shall take effect on January first, nineteen hundred and ninety-five, provided that prior to January first, nineteen hundred and ninety-five, no carrier shall renew or extend an existing restricted pharmacy network for a period to exceed the term of one year.

SECTION 309. Sections seventy, seventy-one and seventy-two shall take effect as of July first, nineteen hundred and ninety-five.

SECTION 310. The provisions of sections seventy-nine, eighty and eighty-one shall apply to taxable years beginning on or after January first, nineteen hundred and ninety-four.

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SECTION 311. The provisions of sections fifty-eight and fifty-nine shall apply to qualifying property leased and placed in service on or after July first, nineteen hundred and ninety-four.

SECTION 312. Section one hundred and thirty-four shall take effect as of April twenty-sixth, nineteen hundred and ninety-four.

SECTION 313. Sections one hundred and seventeen and one hundred and eighteen of this act shall take effect as of August first, nineteen hundred and ninety-four.

SECTION 314. Subsections (a), (b), (c), (d), (e½), (f), (g), (h), (i), and (j) of section two hundred and sixty-six of this act shall not take effect until thirty days after the state retirement board files a study mandated by subsection (e) of said section two hundred and sixty-six, and until the general court enacts legislation in response to said study.

SECTION 315. The remaining provisions of this act shall take effect as of July first nineteen hundred and ninety-four.

This bill was returned on July 10, 1994, by the Governor to the House of Representatives, the branch in which said bill was originated, with his objections in writing to the following items therein:

Items Disapproved:

SECTION 2

4403-2005 9230-0020 9749-0300

SECTIONS 20, 29, 30, 31, 52, 54, 57, 58, 61, 62, 64, 68, 78, 81, 86, 88, 90, 114, 116A, 118, 122, 138, 139, 141, 145, 147, 148, 150, 152, 154, 155, 161, 162, 192, 204, 207, 218, 224, 226, 234, 241, 250, 252, 254, 257, 266, 273, 282, 289, 292, 293, 299, 302, 303, 305, 306, 308, 309, 311, 313, 314

SECTION 2 *Items Reduced*

Item	Reduce by	Reduce to
0610-0000	515,000	9,480,950
8850-0015	142,974	165,814

SECTION 2 *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
2100-2030	32,000	17,341,501	"provided further, that not less than thirty-two thousand dollars shall be provided to the town of Hingham fire department for reimbursements for response calls to Wompatuck state park;"
4401-1000	5,833,732	7,877,127	"provided further, that not less than one million dollars shall be provided by the MassJOBS

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Item	Reduce by	Reduce to	Wording Stricken
			Council to the Department of Education to be distributed for the purpose of providing basic educational attainment and work-related programs in reading, writing and mathematics at adult learning centers;:
4403-2000	236,394,875	423,333,333	"Provided that the payment standard for eligible recipients who have received aid to families with dependent children benefits from another state in the month immediately prior to applying for benefits in Massachusetts shall be equal to the payment standard in effect in that state, if such payment standard is lower than that in effect in Massachusetts; provided further, that such payment standard shall be in effect for a period of one year, after which time the payment standard shall equal that in effect in Massachusetts;"
4403-2110	1,100,000	18,108,973	"or mortgage" and "thirty days" and "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 seven of the General Laws; provided further, that said lien and accrued interest, shall be payable to the commonwealth when said lien is executed;"

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Item	Reduce by	Reduce to	Wording Stricken
			and
			"and mortgage"
4403-2120	4,938,780	31,551,770	", (v) structured settings as provided in section 252 of this act"
			and
			"thirty days"
			and
			"provided further, that four million nine hundred thirty-eight thousand seven hundred eighty dollars shall be expended for the provision of structured settings as provided in section 252 as amended by this act for parents under the age of twenty who are receiving benefits under the aid to families with dependent children program; provided, however, that the executive office of health and human services and the department of transitional assistance are directed to seek federal reimbursement for said structured settings expenditures; provided further, that all structured settings expenditures shall be subject to federal reimbursements;"

SECTION 2 *Items reduced in amount and by striking the wording and inserting in place thereof the following:*

Item	Reduce by	Reduce to	Wording Stricken
4000-0200	44,761,463	71,184,358	"provided further, that not more than four million sixty-six thousand five hundred forty-four dollars shall be expended for MassJOBS contracted day care;"
			and

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Item	Reduce by	Reduce to	Wording Stricken
			"provided further, that not more than thirty-seven million five hundred seventy-eight thousand eight hundred sixty-five dollars shall be expended for MassJOBS voucher day care;"
			and
			"provided further, that not more than three million six hundred thousand dollars shall be expended for the operating expenses of the MassJOBS voucher management system;"
			and
			"provided further, that ten million five hundred fifty-two thousand three hundred sixty-three dollars be expended for contracted day care slots for teen parents and their children, including eight million six hundred fifty-two thousand three hundred and seven dollars for contracted day care slots for the children of parents under the age of twenty for the purposes of said parents' attendance programs for a high school diploma or a general education development certificate pursuant to section 252 of this act;"
			and
			"provided further, that eleven million six hundred ten thousand dollars shall be expended for voucher day care for participants in the full employment program as established in section 252 of this act;"
			and
			"and provided further, that not more than eleven million eight hundred twenty-nine thousand eight

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Item	Reduce by	Reduce to	Wording Stricken
			<p>hundred and seventy-seven dollars shall be expended for voucher day care for children of parents under the age of twenty for the purposes of said parents' attendance programs for a high school diploma or a general education development certificate pursuant to section 252 of this act"</p> <p><i>Wording Inserted</i></p> <p>"provided further, that not more than two million eight hundred nineteen thousand three hundred seventeen dollars shall be expended for MassJOBS contracted day care;"</p> <p>and</p> <p>"provided further, that not more than twenty-five million fifty-two thousand five hundred seventy-seven dollars shall be expended for MassJOBS voucher day care;"</p> <p>and</p> <p>"provided further, that not more than three million five hundred thirty-three thousand three hundred thirty-three dollars shall be expended for the operating expenses of the MassJOBS voucher management system;"</p> <p>and</p> <p>"and provided further, that three million one hundred sixty-six thousand seven hundred twenty-three dollars shall be expended for contracted day care slots for teen parents and their children"</p>

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Item	Reduce by	Reduce to	Wording Stricken
4000-0210	2,000,000	4,000,000	<i>Wording Stricken</i>

"The secretariat may expend for purposes of the MassJOBS day care program an amount not to exceed six million dollars from the monies received from title IV-A reimbursements; provided, that three million three hundred thousand dollars shall be expended for voucher day care services 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 not more than two million seven hundred thousand dollars shall be expended for contracted day care services 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; and provided further, that no funds from this item shall be expended for "extended vouchers, "so-called"

Wording Inserted

"The secretariat may expend for purposes of the MassJOBS day care program an amount not to exceed four million dollars from the monies received from title IV-A reimbursements; provided, that two million two hundred thousand dollars shall be expended for voucher day care services 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 not more than one million eight hundred thousand dollars shall be expended for contracted day care services for participants in the MassJOBS program and for former participants within up to one year of the

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Item	Reduce by	Reduce to	Wording Stricken
			termination of their aid to families with dependent children benefits due to employment; and provided further, that no funds from this item shall be expended for the "extended vouchers. "so-called"
4000-0220	1,918,800	4,000,000	<p><i>Wording Stricken</i></p> <p>"provided, that not less than one million nine hundred eighteen thousand eight hundred dollars be provided for independent child care services for parents under the age of twenty for the purposes of attendance of programs for a high school diploma or a general education development certificate pursuant to section 252 of this act;"</p> <p>and</p> <p>"; and provided further, that not more than five million nine hundred eighteen thousand eight hundred dollars in total shall be expended for independent child care services"</p> <p><i>Wording Inserted</i></p> <p>"; and provided further, that not more than four million dollars in total shall be expended for independent child care services"</p>

SECTION 1 *Items disapproved by striking the wording:*

"No department, commission, agency or institution which is authorized by section two to retain and expend specific amounts of certain revenue for particular purposes may expend any amount of retained revenue for the compensation of employees unless said section two specifically provides otherwise."

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SECTION 2 *Items disapproved by striking the wording:*

Item	Wording Stricken
0320-0003	"; and provided further, that the supreme judicial court shall not charge the trial court for any assessments, services, educational training, or costs of any kind"
0321-1500	"; provided, that during fiscal year nineteen hundred and ninety-five, no new leases or lease extensions may be signed in which the rental rate increases from the existing rate"
0337-0003	"; provided that the chief justice for administration and management shall notify the house and senate committees on ways and means of all assignments and allocations; provided further, that any amount appropriated herein shall be held in reserve pending submission to and approval by the chief justice for administration and management and the house and senate committees on ways and means of a plan of expenditure and implementation, pursuant to section 192 of this act; and provided further, that the annualized cost of personnel and expenses of said operations funded herein shall not exceed one million one hundred nineteen thousand five hundred and forty dollars"
0640-0000	"; provided further, that no funds shall be expended from this item for any costs associated with advertising lottery games; provided further, that not more than two hundred and fifty thousand dollars shall be expended for computer upgrades and enhancements"
0640-0010	"; provided further, that the funds, made available herein shall be the only funds made available for advertising lottery games; and provided further, that no non-appropriated funds shall be expended for the purposes of advertising lottery games"
1201-0100	" , from this account to item 1201-0160 or 1231-0100," and "; and provided further that the department shall maintain regional offices in Pittsfield, Brockton, Hyannis, Wakefield and Worcester for the purposes of tax collection, taxpayer assistance, small business seminars, and auditing:

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Item	Wording Stricken
2000-0100	"provided that said secretary shall locate donated space for a field team technical advisors for the office of technical assistance and report to the house and senate committees on ways and means of said location no later than December second, nineteen hundred and ninety-four.
4000-0100	"; and provided further, that the executive office 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 ninety-five"
4110-1010	"that the optional supplement categories and payment amounts shall be those in effect on July first, nineteen hundred and ninety-three; provided further, that no new optional supplement categories shall be added in fiscal year nineteen hundred and ninety-five; and provided further,"
4403-2130	"thirty days"
4405-2000	"Provided further, that the optional supplement categories and payment amounts shall be those in effect on July first, nineteen hundred and ninety-three; provided further, that no new optional supplement categories shall be added, in fiscal year nineteen hundred and ninety-five; provided further, that the executive office of health and human services, the department of public welfare, the Massachusetts commission for the blind, and the division of medical assistance are authorized and directed to study the feasibility and cost effectiveness of establishing a new optional supplement category, assisted living; provided further, that said study shall include the projected number of assisted living beneficiaries including the projected number of beneficiaries who would otherwise be placed in nursing homes; provided further, that said report shall include the first year and the projected annualized cost impact on the state supplement to supplemental income program and on medicaid expenditures; provided further, that said report shall be filed with the house and senate committees on ways and means no later than January first nineteen hundred and ninety-five."

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Item	Wording Stricken
4408-1000	"thirty days"
4513-1000	"provided further, that the department shall fund not less than thirty-nine full time equivalent employees for the early intervention program;"
4540-0900	"; and, provided further, that the department of public health shall not increase the levels of contracted nursing staff funded from this item and item 4590-0900 above the levels in place on June thirtieth, nineteen hundred and ninety-four"
5046-0000	"provided further, that no action to reduce the client population of the Massachusetts mental health center and the Solomon Carter-Fuller mental health center shall be undertaken, and no steps shall be taken to close said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed, and the general court shall have approved by law any such reductions or closing; provided further, that the secretary for administration and finance shall conduct a study, which shall examine the costs, benefits and quality of maintaining said institutions and shall identify alternative methods of providing the services currently provided by said institution, and said secretary shall report in writing the findings and recommendations of said study or studies to the house and senate committees on ways and means not later than December first nineteen hundred and ninety-four;"
5920-5000	"; provided further, that not more than one hundred sixty clients shall receive services funded from this item in fiscal year nineteen hundred and ninety-five"
5930-1000	"; provided further, that the department shall take no action to reduce the client population of the Paul A. Dever State School or the Hogan Regional Center, and no steps shall be taken to close any of said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed, and the general court by law shall have any such reduction or closing; and provided further, that the secretary for administration and finance shall conduct each said study, which shall examine the costs, benefits and quality of maintaining each such institution and shall identify alternative methods of providing the services currently provided by each such institution, and said secretary shall report in writing the findings and recommendations of said studies to the house and senate

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Item Wording Stricken

committees on ways and means not later than December, nineteen hundred and ninety-four"

- 5930-2000 "; provided that the department shall take no action to reduce the client population of the Glavin Regional Center, and no steps shall be taken to close said institution through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed, and the general court by law shall have approved any such reduction or closing; and provided further, that the secretary for administrations and finance shall conduct said study, which shall examine the costs, benefits and quality of maintaining said institution, and shall identify alternative methods of providing services currently provided by said institution, and said secretary shall report in writing the findings and recommendations of said study to the house and senate committees on ways and means not later than December first, nineteen hundred and ninety-four
- 6005-0015 "provided further that operating expenditures shall not include federal, private or additional municipal non-state revenue sources;"
- 7100-0200 "; provided further, that said county cooperative extension program shall maintain the same staffing levels as were in effect in fiscal year nineteen hundred and ninety-four"

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 July, 10, 1994 at seven o'clock and three minutes, P.M.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 25, 1994 in the House of Representatives and on July 26, 1994 the Senate passed the Following Items and Sections:

SECTION 2 Items 5046-0000 5930-1000 5930-2000 6005-0015

SECTION 64, SECTION 148, SECTION 241, SECTION 257, and SECTION 308.

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 27, 1994 in the House of Representatives and on August 2, 1994 the Senate passed the Following Item and Sections:

SECTION 2 Item 9230-0020 in combination with **SECTION 282** and **SECTION 218.**

The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on November 29, 1994 in the House of Representatives and on December 29, 1994 the Senate passed the Following Sections:

SECTION 141, SECTION 145, SECTION 147, and SECTION 150.

Chapter 61. AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF METHUEN TO CONVEY A CERTAIN PARCEL OF LAND TO THE METHUEN HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B of the General Laws and an urban self-help program project agreement between the city known as the town of Methuen and the commonwealth, dated December seventeenth, nineteen hundred and eighty-two, said city is hereby authorized to convey a certain parcel of land with the buildings thereon known as 28 Mystic street in said town to the Methuen housing authority.

Said parcel is bounded and described as follows:

A certain parcel of land on the westerly side of the Town of Methuen, aforesaid, said parcel having been formerly taken from the northwesterly corner of the field of Stephen Barker, and bounded northerly by the Old Pelham Road sixty-five (65) feet; westerly by the wall standing by land of Leonard Wheeler, now or formerly, three hundred and one (301) feet to the northerly side of the wall by the pasture of Stephen Barker, formerly; thence running easterly by the northerly side of said wall about sixty-six (66) feet to land of Moses W. Bowen, now or formerly; thence running northerly by the land of said Bowen about two hundred eighty-seven (287) feet to said road; thence westerly by said road sixty-five (65) feet to the first bound.

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

Approved July 11, 1994.

Chapter 62. AN ACT AUTHORIZING THE TOWN OF NORTH ANDOVER TO CONVEY AN EASEMENT IN CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections thirteen, fifteen and fifteen A of chapter forty of the General Laws or the provisions of chapter thirty B of the General Laws, the town of North Andover, acting by and through its board of selectmen is hereby authorized to convey a perpetual right and easement in certain conservation land in said town, known as The Town Farm, to said town of North Andover. Said easement shall consist of a twenty foot wide strip of land between Blue Ridge road and South Bradford road shown on a plan of land entitled "Modified Subdivision Plan Coventry Estates II North Andover, Massachusetts dated March 8, 1993" which twenty foot wide strip is shown on sheet 5 of said plan and is part of a parcel of land situated on the southerly side of land owned by said town of North Andover adjacent to said Blue Ridge road as described in a deed recorded with the Essex county southern district registry of deeds in Book 530, Page 111.

Said easement shall be used for one or more of the following purposes:

To install, construct, reconstruct, replace and repair, maintain, use, and operate and inspect water, sewer and utility lines across, under and upon said easement.

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Said easement shall also include the perpetual right and easement at any time, and from time to time, to renew, add to, replace, repair, remove, inspect and otherwise change and service the water, sewer and utility lines within said area, and to enter upon and to pass along said area to and from the adjoining land for all of the above purposes. The town of North Andover acting through its boards and commissions shall retain the right to specify the location and alignment of said water, sewer, and utility lines.

Approved July 11, 1994.

Chapter 63. AN ACT AUTHORIZING THE STATE RETIREMENT BOARD TO TRANSFER CERTAIN RETIREMENT CREDITS TO MIDDLESEX COUNTY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary and solely for the purpose of allowing Barbara Barrett Keaney to become eligible for early retirement provisions as they relate to Middlesex county, the state retirement board is hereby authorized and directed to transfer her length of state service at Tewksbury state hospital to said county in the amount of five months and ten days.

Approved July 11, 1994.

Chapter 64. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF OXFORD.

Be it enacted, etc., as follows:

SECTION 1. Section 4-6-1 of the charter of the town of Oxford is hereby amended by striking out the first sentence, as appearing in section 2 of chapter 323 of the acts of 1993, and inserting in place thereof the following sentence:- A town clerk shall be appointed by the town manager and approved by a majority of the full board of selectmen.

SECTION 2. Section 5-3-9 of said charter, as amended by section 3 of said chapter 323, is hereby further amended by striking out clause (a) and inserting in place thereof the following clause:

(a) a fire chief, except as provided in section 5-3-10, a town accountant, a town clerk with the approval of a majority of the full board of selectmen, a town collector, a town counsel and a town treasurer; provided, however, that said town clerk shall be a resident of the town within six months of said appointment and any vacancy in said office shall be filled in a like manner.

Approved July 11, 1994.

Chapter 65. AN ACT DESIGNATING THE CRANBERRY AS THE OFFICIAL BERRY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding after section 38, added by chapter 81 of the acts of 1993, the following section:-

Section 39. The cranberry (*vaccinium macrocarpon*) shall be the official berry of the commonwealth.

Approved July 11, 1994.

Chapter 66. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF HINGHAM AS THE PHILIP G. MURRAY, SR. MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on Route 3A spanning railroad tracks in the town of Hingham shall be designated and known as the Philip G. Murray, Sr. memorial bridge, in honor of the late Philip G. Murray, Sr. The department of highways shall erect suitable markers thereon bearing said designation in compliance with the standards of said department.

Approved July 13, 1994.

Chapter 67. AN ACT AUTHORIZING ESTIMATED TAX PAYMENTS IN THE TOWN OF NORWOOD FOR FISCAL YEAR NINETEEN HUNDRED AND NINETY-FOUR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Norwood is hereby authorized to issue preliminary first half and preliminary second half notices of estimated taxes in lieu of the actual assessment and issuance of the tax bill for fiscal year nineteen hundred and ninety-four, and require the payment of such estimated tax. The preliminary first half and the preliminary second half estimated tax payments shall not, in the aggregate, exceed the actual tax bill for fiscal year nineteen hundred and ninety-three. The preliminary first half estimated tax payment shall be payable on or before the thirtieth day of the mailing of the notice of such preliminary first half estimated tax payment. The preliminary second half estimated tax payment shall be payable on or before the thirtieth day after mailing of the notice of such preliminary second half estimated tax payments, without payment of interest in either case. Upon certification of full and fair cash valuation, the assessors for the town of Norwood shall establish a tax rate for fiscal year nineteen hundred and ninety-four, and shall forthwith send out actual tax

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bills for said year. Payment of any balances remaining after credit is given for the estimated tax payments previously made shall represent the final payment upon the actual bill that shall be payable on or before the thirtieth day after the mailing of the bill for such tax, without payments of interest.

All relevant provisions of law regarding the procedures for issuing, mailing and collecting taxes upon real and personal property shall be applicable to the preliminary first half and preliminary second half notice of estimated tax and estimated tax payments provided hereunder, including the payments of interest under section fifty-seven of chapter fifty-nine of the General Laws. To the extent that any rights or remedies under law accrue from the date that the tax bill is issued, only the tax bill issued upon the establishment of the tax rate for fiscal year nineteen hundred and ninety-four shall govern such rights and remedies. The provisions of section twenty-one C of said chapter fifty-nine shall apply to the tax rate for fiscal year nineteen hundred and ninety-four established by the town.

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

Approved July 13, 1994.

Chapter 68. AN ACT RELATIVE TO THE RELEASE ON BAIL OF CERTAIN PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 58 of chapter 276 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

A justice or a clerk or assistant clerk of the district court, a bail commissioner or master in chancery, in accordance with the applicable provisions of section fifty-seven, shall, when a prisoner is held under arrest or committed either with or without a warrant for an offense other than an offense punishable by death, or, upon the motion of the commonwealth, for an offense enumerated in section fifty-eight A or for any offense on which a warrant of arrest has been issued by the superior court, hold a hearing in which the defendant and his counsel, if any, may participate and inquire into the case and shall admit such person to bail on his personal recognizance without surety unless said justice, clerk or assistant clerk, bail commissioner or master in chancery determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the prisoner before the court. In his determination under this section as to whether release will reasonably assure the appearance of the prisoner before the court, said justice, clerk or assistant clerk, bail commissioner or master in chancery shall, on the basis of any information which he can reasonably obtain, take into account the nature and circumstances of the offense charged, the potential penalty the prisoner faces, the prisoner's family ties, financial resources, employment record and history of mental illness, his reputation and the length of residence in the community, his record of convictions, if any, any illegal drug dis-

tribution or present drug dependency, any flight to avoid prosecution or fraudulent use of an alias or false identification, any failure to appear at any court proceeding to answer to an offense, whether the prisoner is on bail pending adjudication of a prior charge, 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 sections eighteen or thirty-four B of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, sections three, four or five of chapter two hundred and nine A, or sections 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, whether he is on probation, parole, or other release pending completion of sentence for any conviction, and whether he is on release pending sentence or appeal for any conviction. The person authorized to admit the prisoner to bail shall provide as an explicit condition of release for any prisoner admitted to bail pursuant to this section or section fifty-seven that, should said prisoner be charged with a crime during the period of his release, his bail may be revoked in accordance with the third paragraph of this section. If the justice or clerk or assistant clerk of the district court, the bail commissioner or master in chancery determines that a cash bail is required, the prisoner shall be allowed to provide an equivalent amount in a surety company bond.

SECTION 2. Said section 58 of said chapter 276, as so appearing, is hereby further amended by inserting after the word "paragraph", in line 67, the following words:- and the court shall enter in writing on the court docket that the prisoner was so informed and the docket shall constitute prima facie evidence that the prisoner was so informed.

SECTION 3. Said section 58 of said chapter 276, as so appearing, is hereby further amended by inserting after the word "court", in line 68, the following words:- before which the prisoner is charged with committing a subsequent offense.

SECTION 4. The third paragraph of said section 58 of said chapter 276, as so appearing, is hereby amended by inserting after the fifth sentence the following three sentences:- The hearing shall be held upon the prisoner's first appearance before the court before which the prisoner is charged with committing an offense while on release pending adjudication of a prior charge, unless that prisoner, or the attorney for the commonwealth, seeks and the court allows, a continuance because a witness or document is not immediately available. Except for good cause, a continuance on motion of the prisoner shall not exceed seven days and on motion of the attorney for the commonwealth may not exceed three business days. During such continuance, the prisoner may be detained consistent with the provisions of this section.

SECTION 5. Said section 58 of said chapter 276, as so appearing, is hereby further amended by adding the following paragraph:-

For an offense enumerated in section fifty-eight A, and upon the motion of an attorney for the commonwealth for an order of pretrial detention or imposition of conditions of release based on dangerousness, a justice of the district or superior court shall hold a hearing pursuant to the provisions of subsection (5) of said section fifty-eight A and shall admit such person to bail on his personal recognizance without surety or subject to conditions of release unless said justice, determines, in the exercise of his discretion, that

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such release will endanger the safety of any other person or the community.

SECTION 6. Said chapter 276 is hereby further amended by inserting after section 58 the following two sections:-

Section 58A. (1) The commonwealth may move, based on dangerousness, for an order of pretrial detention or release on conditions for a felony offense that has as an element of the offense the use, attempted use, or threatened use of physical force against the person of another, or any other felony that by its nature involves a substantial risk that physical force against the person of another may result, including the crime of burglary and arson whether or not a person has been placed at risk thereof, or a violation of an order 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, an offense for which a mandatory minimum term of three years or more is prescribed in chapter ninety-four C or a third or subsequent conviction for a violation of section twenty-four of chapter ninety.

(2) Upon the appearance before a superior court or district court judge of an individual charged with an offense listed in subsection (1) and upon the motion of the commonwealth, the judicial officer shall hold a hearing pursuant to subsection (5) issue an order that, pending trial, the individual shall either be released on personal recognizance without surety; released on conditions of release as set forth herein; or detained under subsection (3).

If the judicial officer determines that personal recognizance will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, such judicial officer shall order the pretrial release of the person-

(A) subject to the condition that the person not commit a federal, state or local crime during the period of release; and

(B) subject to the least restrictive further condition, or combination or conditions, that such judicial officer determines will reasonably assure the appearance of the person as required and the safety of any other person and the community that the person-

(i) remain in the custody of a designated person, who agrees to assume supervision and to report any violation of a release condition to the court, if the designated person is able reasonably to assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

(ii) maintain employment, or, if unemployed, actively seek employment;

(iii) maintain or commence an educational program;

(iv) abide by specified restrictions on personal associations, place of abode or travel;

(v) avoid all contact with an alleged victim of the crime and with potential witness who may testify concerning the offense;

(vi) report on a regular basis to a designated law enforcement agency, pretrial service agency, or other agency;

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- (vii) comply with a specified curfew;
- (viii) refrain from possessing a firearm, destructive device, or other dangerous weapon;
- (ix) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, without a prescription by a licensed medical practitioner;
- (x) undergo available medical, psychological, or psychiatric treatment, including treatment for drug or alcohol dependency and remain in a specified institution if required for that purpose;
- (xi) execute an agreement to forfeit upon failing to appear as required, property of a sufficient unencumbered value, including money, as is reasonably necessary to assure the appearance of the person as required, and shall provide the court with proof of ownership and the value of the property along with information regarding existing encumbrances as the judicial office may require;
- (xii) execute a bail bond with solvent sureties; who will execute an agreement to forfeit in such amount as is reasonably necessary to assure appearance of the person as required and shall provide the court with information regarding the value of the assets and liabilities of the surety if other than an approved surety and the nature and extent of encumbrances against the surety's property; such surety shall have a net worth which shall have sufficient unencumbered value to pay the amount of the bail bond;
- (xiii) return to custody for specified hours following release for employment, schooling, or other limited purposes; and
- (xiv) satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

The judicial officer may not impose a financial condition that results in the pretrial detention of the person.

The judicial officer may at any time amend the order to impose additional or different conditions of release.

(3) If, after a hearing pursuant to the provisions of subsection (5), the district or superior court justice finds by clear and convincing evidence that no conditions of release will reasonably assure the safety of any other person or the community, said justice shall order the detention of the prisoner prior to trial. A prisoner detained under this subsection shall be brought to a trial as soon as reasonably possible, but in absence of good cause, the prisoner so held shall not be detained for a period exceeding ninety days excluding any period of delay as defined in Massachusetts Rules of Criminal Procedure Rule 36(b)(2). A justice may not impose a financial condition under this section that results in the pretrial detention of the prisoner. Nothing in this section shall be interpreted as limiting the imposition of a financial condition upon the prisoner to reasonably assure his appearance before the courts.

(4) When a prisoner is held under arrest for an offense listed in subsection (1) and upon a motion by the commonwealth, the judge shall hold a hearing to determine whether conditions of release will reasonably assure the safety of any other person or the community.

The hearing shall be held immediately upon the prisoner's first appearance before the court unless that prisoner, or the attorney for the commonwealth, seeks a continuance. Except for good cause, a continuance on motion of the prisoner may not exceed seven days, and a continuance on motion of the attorney for the commonwealth may not exceed three business days. During a continuance, the individual shall be detained upon a showing that there existed probable cause to arrest the prisoner. At the hearing, such prisoner shall have the right to be represented by counsel, and, if financially unable to retain adequate representation, to have counsel appointed. The prisoner shall be afforded an opportunity to testify, to present witnesses, to cross-examine witnesses who appear at the hearing, and to present information. The rules concerning admissibility of evidence in criminal trials shall not apply to the presentation and consideration of information at the hearing. The facts the judge uses to support findings pursuant to subsection (3), that no conditions will reasonably assure the safety of any other person or the community, shall be supported by clear and convincing evidence. In a detention order issued pursuant to the provisions of said subsection (3) the judge shall (a) include written findings of fact and a written statement of the reasons for the detention; (b) direct that the prisoner be committed to custody or confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal; and (c) direct that the prisoner be afforded reasonable opportunity for private consultation with his counsel. The prisoner may be detained pending completion of the hearing. The hearing may be reopened before or after a determination by the justice, at any time before trial if the justice finds that information exists that was not known at the time of the hearing and that has a material bearing on the issue and whether there are conditions of release that will reasonably assure the safety of any other person and the community.

(5) In his determination as to whether there are conditions of release that will reasonably assure the safety of any other individual or the community, said justice, shall, on the basis of any information which he can reasonably obtain, take into account the nature and seriousness of the danger posed to any person or the community that would result by the prisoner's release, the nature and circumstances of the offense charged, the potential penalty the prisoner faces, the prisoner's family ties, employment record and history of mental illness, his reputation, the risk that the prisoner will obstruct or attempt to obstruct justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror, his record of convictions, if any, any illegal drug distribution or present drug dependency, whether the prisoner is on bail pending adjudication of a prior charge, 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, sections three, four or five of chapter two hundred and nine A, or sections 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, whether he is on probation, parole or other release pending completion of sentence for any conviction and whether he is on release pending sentence or appeal for any conviction.

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(6) Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

(7) A prisoner aggrieved by the denial of a district court justice to admit him to bail on his personal recognizance with or without surety may petition the superior court for a review of the order of the recognizance and the justice of the district court shall thereupon immediately notify such person of his right to file a petition for review in the superior court. When a petition for review is filed in the district court or with the detaining authority subsequent to petitioner's district court appearance, the clerk of the district court or the detaining authority, as the case may be, shall immediately notify by telephone, the clerk and probation officer of the district court, the district attorney for the district in which the district court is located, the prosecuting officer, the petitioner's counsel, if any, and the clerk of courts of the county to which the petition is to be transmitted. The clerk of the district court, upon the filing of a petition for review, either in the district court or with the detaining authority, shall forthwith transmit the petition for review, a copy of the complaint and the record of the court, including the appearance of the attorney, if any is entered, and a summary of the court's reasons for denying the release of the defendant on his personal recognizance with or without surety to the superior court for the county in which the district court is located, if a justice thereof is then sitting, or to the superior court of the nearest county in which a justice is then sitting; the probation officer of the district court shall transmit forthwith to the probation officer of the superior court, copies of all records of the probation office of said district court pertaining to the petitioner, including the petitioner's record of prior convictions, if any, as currently verified by inquiry of the commissioner of probation. The district court or the detaining authority, as the case may be, shall cause any petitioner in its custody to be brought before the said superior court within two business days of the petition having been filed. The district court is authorized to order any officer authorized to execute criminal process to transfer the petition and any papers herein above described from the district court or the detaining authority to the superior court, and to coordinate the transfer of the petitioner and the papers by such officer. The petition for review shall constitute authority in the person or officer having custody of the petitioner to transport the petitioner to said superior court without the issuance of any writ or other legal process; provided, however, that any district or superior court is authorized to issue a writ of habeas corpus for the appearance forthwith of the petitioner before the superior court.

The superior court shall in accordance with the standards set forth in section fifty-eight A, hear the petition for review under section fifty-eight A as speedily as practicable and in any event within five business days of the filing of the petition. The justice of the superior court hearing the review may consider the record below which the commonwealth and the prisoner may supplement. The justice of the superior court may, after a hearing on the petition for review, order that the petitioner be released on bail on his personal recognizance without surety, or, in his discretion, to reasonably assure the effective administration of justice, make any other order of bail or recognizance or remand the petitioner in accordance with the terms of the process by which he was ordered committed by the district court.

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Section 58B. A prisoner who has been released after a hearing pursuant to section fifty-eight A and who has violated a condition of his release, shall be subject to a revocation of release and an order of detention. The judicial officer shall enter an order of revocation and detention if after a hearing the judicial officer finds (1) that there is probable cause to believe that the prisoner has committed a federal or state crime while on release, or clear and convincing evidence that the prisoner has violated any other condition of release; and (2) the judicial officer finds that there are no conditions of release that will reasonably assure the prisoner will not pose a danger to the safety of any other person or the community; or the prisoner is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the prisoner committed a federal felony or an offense described in clause (1), a rebuttable presumption arises that no condition or combination of conditions will assure that the prisoner will not pose a danger to the safety of any other prisoner or the community. If the judicial officer finds that there are conditions of release that will assure that the prisoner will not pose a danger to the safety of any other person or the community, and that the prisoner will abide by such conditions, the judicial officer shall treat the person in accordance with the provisions of this section and may amend the conditions of release accordingly. Upon the prisoner's first appearance before the judicial officer in the court which will conduct proceedings for revocation of an order of release under this section, the hearing concerning revocation shall be held immediately unless that prisoner or the attorney for the commonwealth seeks a continuance. During a continuance the person shall be detained without bail unless the judicial officer finds that there are conditions of release that will reasonably assure that the prisoner will not pose a danger to the safety of any other person or the community and that the prisoner will abide by conditions of release. If the prisoner is detained without bail, except for good cause, a continuance on motion of the person shall not exceed seven days, a continuance on motion of the attorney for the commonwealth or probation shall not exceed three business days. A prisoner detained under this subsection, shall be brought to trial as soon as reasonably possible, but in the absence of good cause, a prisoner so held shall not be detained for a period exceeding ninety days excluding any period of delay as defined in Massachusetts Rules of Criminal Procedure Rule 36(b)(2).

SECTION 7. Section 82A of said chapter 276, as so appearing, is hereby amended by striking out, in lines 5 to 8, inclusive, the words "one thousand dollars or by imprisonment in a house of correction for not more than one year, or both, but in no event shall the fine or imprisonment exceed the maximum sentence prescribed for any crime in connection with which his appearance is required" and inserting in place thereof the following words:- ten thousand dollars or by imprisonment in a house of correction for not more than one year, or both, in the case of a misdemeanor, and by a fine of not more than fifty thousand dollars and imprisonment in a state prison for not more than five years, or a house of correction for not more than two and one-half years, or by fine and imprisonment, in the case of a felony.

A term of imprisonment imposed under this section shall be consecutive to any other sentence of imprisonment for the offense for which the prisoner failed to appear.

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SECTION 8. Chapter 279 of the General Laws is hereby amended by striking out section 8B, as so appearing, and inserting in place thereof the following section:-

Section 8B. If a defendant on release subject to the provisions of section fifty-eight of chapter two hundred and seventy-six, commits a crime, the sentence imposed for such a crime shall run consecutively to the earlier sentence for the crime for which he was on release.

Emergency Letter: August 13, 1994 @ 12:00 P.M.

Approved July 14, 1994.

Chapter 69. AN ACT ESTABLISHING THE MASSACHUSETTS PUBLIC SAFETY EMPLOYEES LINE OF DUTY DEATH BENEFITS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the payment of certain benefits to families of certain public safety employees killed in the line of duty, therefore 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 32 of the General Laws is hereby amended by inserting after section 100 the following section:-

Section 100A. (a) Notwithstanding any other provision of this chapter or any other general or special law to the contrary, there shall be paid a killed-in-line-of-duty benefit, to be administered and paid for, subject to appropriation, by the state board of retirement.

(b) The state board of retirement shall adopt regulations to administer said benefit.

(c) The killed-in-line-of-duty benefit shall be a one-time award in the amount of one hundred thousand dollars, payable to the family of a firefighter, police officer or corrections officer who while in the performance of his duties and as a result of incident, accident or violence, is killed or sustains injuries which are the direct and proximate cause of his death.

(d) The one hundred thousand dollar killed-in-line-of-duty benefit shall be in addition to amounts payable under section one hundred and shall be payable to the family of the deceased public safety employee in a manner determined by the state board of retirement. As used in this section, the word "family" shall mean the surviving spouse of such firefighter, police officer or corrections officer, or, if there is no surviving spouse, the child or children of such firefighter, police officer or corrections officer, or, if there is no surviving child, the parent or parents of such firefighter, police officer or corrections officer, if said parent or parents were at least fifty percent financially dependent upon such firefighter, police officer or corrections officer, in the year prior to the death of such firefighter, police officer or corrections officer. The board, at its discretion, may purchase life insurance for the purpose of paying said benefit.

(e) The presumptions created by sections ninety-four, ninety-four A and ninety-four B shall not apply to eligibility for the one hundred thousand dollar killed-in-line-

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of-duty benefit.

(f) The one hundred thousand dollar killed-in-line-of-duty benefit shall not be taxable by the commonwealth.

SECTION 2. This act shall apply in the case of a death occurring on or after September first, nineteen hundred and ninety-three.

Approved July 15, 1994.

Chapter 70. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ROSALIE BUCHACHIO AN EMPLOYEE OF THE DEPARTMENT OF EDUCATION.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the department of education is hereby authorized and directed to establish a sick leave bank for Rosalie Buchachio, an employee of the department of education. 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 Rosalie Buchachio.

The foregoing was laid before the Governor on the seventh day of July, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 71. AN ACT AUTHORIZING THE PLACING OF A PUBLIC POLICY QUESTION ON THE BALLOT TO BE USED IN THE CITY OF SPRINGFIELD AT THE NINETEEN HUNDRED AND NINETY-FOUR BIENNIAL STATE ELECTION.

Be it enacted, etc., as follows:

For the purpose of ascertaining the will of the people of the city of Springfield, the state secretary shall cause to be placed on the official ballot to be used in the city of Springfield at the biennial state election held in the year nineteen hundred and ninety-four the following nonbinding question on public policy:

This question is not binding.

Shall casino gambling be permitted in the city of Springfield?

Approved July 20, 1994.

Chapter 72. AN ACT RELATIVE TO POLICE CADETS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section 21A of chapter 147 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "age", in line 9, the following words:- or in the city of Boston any citizen resident who is not less than eighteen nor more than twenty-five years of age.

SECTION 2. Said section 21A of said chapter 147, as so appearing, is hereby further amended by inserting after the word "twenty-five", in line 18, the following words:- or in the city of Boston whenever a cadet fails to maintain a passing grade in any course of study the appointing authority determines he should undertake, and when he reaches the age of twenty-seven.

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

Approved July 28, 1994.

Chapter 73. AN ACT ESTABLISHING THE HOOSAC LAKE RESTORATION/PRESERVATION DISTRICT IN THE TOWN OF CHESHIRE.

Be it enacted, etc., as follows:

SECTION 1. There is hereby authorized to be created and established a district within the town of Cheshire, known as the Hoosac Lake Restoration/Preservation District which, upon establishment as provided in this act, shall constitute a body politic and corporate. Said district shall be comprised of the parcels of land which abut directly on the shoreline of the Hoosac lake and which are assessed for real estate taxes by the board of assessors for the town of Cheshire.

SECTION 2. Membership in the district shall consist of the persons and entities having a fee simple interest in real estate lying within the district. For purposes of this act, persons and entities shall not include the commonwealth or its political subdivisions.

SECTION 3. Upon establishment, the district shall have the following powers:

A. To initiate and coordinate research and surveys for the purpose of gathering data concerning Hoosac lake, related shore lands, watershed and the drainage basin and other matters directly pertaining to the reclamation, preservation and maintenance of the lake for general recreational use.

B. To plan lake rehabilitation, enhancement, maintenance and preservation projects, and public recreational projects.

C. To implement such projects and to conduct, coordinate and supervise the implementation thereof at all times subject to the obtaining of necessary approvals from and, where required, under the supervision of appropriate local, state and federal governmental agencies including the town of Cheshire, the departments of environmental management, environmental quality engineering, fisheries, wildlife and recreational vehicles, or divisions

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and boards thereof.

D. To make and enter into all manner of contracts and agreements necessary or incidental to the exercise of any power permitted to the district by this act.

E. To adopt an annual budget and to raise, appropriate and expend funds in such amount to carry out the purposes for which the district is formed.

F. To acquire, by gift, purchase or lease, dispose of, lease and encumber real and personal property for the purposes of the district.

G. To manage, control and supervise equipment and facilities necessary or appropriate in the accomplishment of the purposes of this act, including but not limited to weed control and water level control.

H. To construct, acquire by lease or purchase, improve, maintain and operate such equipment and facilities and such other equipment, materials, supplies, facilities and services as such be required to accomplish the purposes of this act, to the same extent and subject to the same limitations as shall apply to towns in the commonwealth from time to time under the General Laws.

I. To apply for, accept and expend financial assistance from the federal government, the commonwealth, Berkshire county and the town of Cheshire either directly or jointly with and through said town.

J. To apply for, receive and expend funds from charitable foundations or other private entities and individuals in the form of grants, gifts, loans and advances for or in aid of the purposes of this district.

K. To employ such persons including consultant experts as may be deemed necessary in its judgment and to fix their compensation.

L. To adopt by-laws for the regulation of its affairs and the conduct of its business, which by-laws shall be consistent with the powers conferred by this act and with other applicable provisions of the General Laws.

M. To borrow at the first or any subsequent meeting of the district for the purpose of meeting preliminary or current expenses such sums as may be necessary and to issue therefore general obligation temporary notes for a period of not more than two years; provided, however, that such notes shall be issued only in anticipation of assessments and other revenues of the district of the fiscal year in which such notes are issued or in anticipation of money to be received from the sale of longer term bonds or notes for such purposes as are otherwise hereafter permitted in this act.

N. To sue and be sued in its own name and to plead and be impleaded; provided, however, that neither the district nor any officer or employee thereof shall be liable in tort except pursuant to the provisions of chapter two hundred and fifty-eight of the General Laws; and, provided further, that the district may indemnify its officers and employees to the extent provided in said chapter two hundred and fifty-eight.

O. To invest any funds not required for the immediate use of the district in such manner and to the extent permitted under the General Laws for the investment of such funds by the treasurer of the town.

P. To procure insurance against any loss or liability which may be sustained or in-

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curring in the carrying out of the purposes of this act in such amount as the district shall deem necessary and appropriate and with one or more insurer who shall be licensed to furnish such insurance in the commonwealth.

Q. To perform generally all acts which are necessary or convenient to implement the powers which are expressly or by necessary implication conferred upon the district by this act and which are not otherwise prohibited under any provision of the General Laws.

SECTION 4. Within sixty days of the effective date of this act, the selectmen of the town of Cheshire shall call a meeting of the proprietors of the lands to be included in the district as set forth in section two. For the purposes of establishing an initial list of owners, the selectmen shall consult with the board of assessors and said board shall furnish to the selectmen a listing of all property owners as of January first in the year of enactment who are owners of one or more separately assessed parcels of land which abut the shoreline of said lake or who within the reasonable knowledge or belief of the assessors are owners of one or more separately assessed parcels so abutting said lake. The selectmen upon receiving such lists shall prepare and mail by certified mail a notice to each such owner signed by a selectman and setting forth a time and place of a meeting to occur within said sixty day period, but not less than fourteen days from the date of mailing and said notice. The notice shall be in the form of a warrant specifying the matters upon which action is to be taken at the meeting and shall state that the purpose of the meeting is to consider the organization of the district. The selectmen shall not later than fourteen days prior to the date of such meeting cause a copy of the notice to be posted in one or more public access locations within the town. The meeting shall be held at a public access building in the town of Cheshire unless some other location within the town shall be jointly agreed upon by the selectmen.

At the first meeting of the district, one selectman from the town of Cheshire shall initially preside and shall call the meeting to order. Said selectman shall thereupon determine whether or not a majority of the owners are present or represented by proxies duly executed and placed in the hands of other owners prior to said meeting. Lacking such majority, the meeting shall have no power to act, but the selectmen of the town may call additional meetings for the same purpose within a further sixty day period using the procedure specified in the previous paragraph.

If the presiding selectman determines that a quorum is present the meeting shall proceed to the following order of business:

A. Election of a temporary clerk, who shall be sworn by one of the selectmen present, and a moderator who shall thereupon preside.

B. The taking of a vote to determine whether or not the district authorized by this act shall be established and organized, which vote shall require an affirmative vote of two-thirds of the proprietors present and voting in person or by proxy. If such vote shall be in the negative, the meeting shall thereupon adjourn. If such vote shall be in the affirmative and upon the required majority, the meeting shall next proceed to consider the order of business set forth in subparagraphs C to F, inclusive.

C. The adoption of district by-laws and form of district seal.

D. The election by ballot of a district clerk and a district treasurer, who may be the

same person, and who shall be legal residents of the commonwealth, to hold office until one year from the next succeeding annual meeting and at each annual meeting after the first a clerk and treasurer shall be elected by ballot for one year. There shall also be elected by ballot three members of the prudential committee, one of whom shall be elected for a term of three years, one for a term of two years, and one for a term of one year, from the next succeeding annual meeting. At each annual meeting after the first, a member of said committee shall be elected by ballot for a term of three years. Elected officers of the district shall hold office until their successors are elected and qualified. Persons eligible for nomination and election to the prudential committee shall be at least eighteen years of age and shall be persons entitled to vote as owners.

E. The adoption of an initial budget for the remainder of the fiscal year and the appropriation of monies to be raised by assessment upon the real property within the district held by owners.

F. The consideration of such other business consistent with the power and authority conferred by this act.

The district clerk shall retain all proxy votes cast at the initial meeting, together with the minutes of the meeting and as part of the permanent record of the district. The clerk shall further prepare a certificate of the vote taken to organize the district and shall affix the form of seal thereto as adopted by the initial district meeting and shall obtain the endorsement of the selectmen initially presiding at the meeting thereon. Such certificate shall be forwarded to the attorney general within thirty days following the adjournment of the meeting and upon filing said certificate, the provisions of this act shall take full effect.

SECTION 5. At the initial district meeting and at all subsequent annual and special district meetings, voting by owners shall be governed by the provisions of this section. There shall be one vote available to be cast for each parcel of real estate assessed for real estate taxes by the board of assessors of the town of Cheshire which abut directly on the shoreline of Hoosac lake whether or not there is more than one owner for such parcel. In the event there is more than one owner, the owners shall designate in writing to the clerk prior to the commencement of the meeting, the person authorized to vote on behalf of the owner at such meeting and such person shall be presumed as qualified and authorized to present signatories. A person owning a parcel with his spouse shall not be required to furnish a written proxy from his spouse and either shall be presumed to be qualified to vote.

The authority of a person to cast a proxy vote on behalf of an owner shall likewise be determined by the clerk. Further, all proxies shall be tendered in writing prior to the commencement of a district meeting and shall clearly set forth the name and address of the proprietor entering the proxy, the name and address of the person who is to exercise the proxy, the signature of the proprietor granting same and the date of execution. The district may, if it so elects, adopt in its by-laws an approved form of proxy to satisfy the provisions of this section. The duration of a proxy shall be as established by district by-law.

SECTION 6. Annual meetings of the district shall be held on the last Saturday in May in each year or at such other time as the district shall establish from time to time in its by-laws. Annual and other special meetings of the district shall be called by warrant under

the hands of the prudential committee, notice of which shall be given fourteen days at least before such meeting. The warrant shall be mailed first class, postage pre-paid to each owner of record in the district and a copy of same shall be directed to a constable of the town of Cheshire or to some other person who shall cause a copy of said notice to be posted in one or more public place within the town or by advertising in a newspaper published at least weekly within Berkshire county and having a general circulation within the town. The warrant for all district meetings shall state the time and place of the meeting and the subjects to be acted upon thereat. The prudential committee shall insert in the warrant of the annual meeting all subjects, the insertion of which shall be requested of them in writing by ten or more owners and in the warrant for each special district meeting all subjects the insertion of which shall be requested of them in writing by twenty or more owners. The prudential committee shall call a special district meeting upon request in writing of not less than twenty owners or may call a special district meeting on its own request. Special meetings so requested shall be held not later than thirty days after the receipt of such request. No action taken at the annual or any special district meeting shall be valid unless the subject matter thereof shall have been set forth in the warrant for such meeting. Two or more district meetings for distinct purposes may be called for by the same warrant. At every district meeting a moderator shall be chosen by ballot and shall have the powers of the moderator of a town meeting.

District meetings shall be governed by chapter thirty-nine of the General Laws except as otherwise expressly provided in this act.

The board of assessors of the town of Cheshire shall, at least thirty days prior to the annual district meeting, prepare and forward to the prudential committee a true and complete alphabetical listing with addresses of the owners reflected in their records as of January first of the year in which such meeting is to be held and from the records maintained by the assessors pursuant to chapter fifty-nine of the General Laws and other related provisions of the General Laws. A copy of such list shall be maintained in a manner accessible to the owners and the public at all reasonable times by the prudential committee or the district clerk and shall further be available for inspection at the annual meeting and any special meeting of the district. The board of assessors shall likewise maintain a list of owners by separate list or special designation on their list of all assessed parcels.

Quorum requirements for annual meetings and special meetings of the district shall be as specified in section four for the initial district meeting or otherwise as the district shall determine from time to time in its by-laws.

Any matter to be voted upon at an annual or special meeting of the district shall require for passage a majority of owners present in person or by proxy and voting on the question, except for the following actions which shall require a two-thirds vote:

- A. A vote to petition for dissolution of the district.
- B. A vote to purchase or otherwise acquire real property.
- C. A vote to finance any undertaking which is authorized by this act to be financed in whole or in part by the issuance by the district of long term notes or bonds.

SECTION 7. The prudential committee shall have and shall exercise, the following

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powers and duties:

A. To expend money raised and borrowed by the district for the purposes permitted to the district.

B. To prepare an annual budget for the management and operation of the district and the submission of such budget to the annual district meeting for its approval. Such budget shall include the committee's estimate of monies required to be raised and appropriated by means of assessment upon the district proprietors, by borrowing, or otherwise to be received.

C. To apply in the name of the district for grants, loans, and other assistance from both governmental and non-governmental entities.

D. To enter into agreements and contracts involving the purpose or lease of services, equipment and supplies consistent with the powers granted by this act, subject to prior appropriation therefor.

E. To hire, supervise, suspend and discharge such employees as the committee shall deem necessary or appropriate for the conduct of the work to be performed by the district including, but not limited to, a district superintendent who shall have charge on a day to day basis of all district employees and who shall be responsible on behalf of the prudential committee for the conduct and supervision of any and all work to be performed by or on behalf of the district pursuant to this act, subject to prior appropriation therefor. Compensation and benefits for the district superintendent and all other employees shall, subject to prior appropriation therefore, be as determined from time to time by vote of the prudential committee.

SECTION 8. The prudential committee shall meet as necessary, but not less frequently than every six months. A quorum of the prudential committee shall be required at all meetings for the conduct of any business. The initial meeting of the prudential committee shall be held not later than thirty days following the establishment of the district. Thereafter the committee shall schedule one meeting to be held in each year immediately following the adjournment of the annual district meeting. At such initial meeting and at all subsequent meetings following the annual district meeting, the committee shall elect from its members a chairman who shall preside at all committee meetings and who shall serve until his successor shall be elected at the meeting following the annual district meeting. The committee shall also elect a vice-chairman who shall be empowered to preside over committee meetings in the absence of the chairman and who shall serve for a like term.

The district may, subject to a prior appropriation therefor, provide appropriate compensation for district officers including members of the prudential committee and including the expense of travel, meals and lodging for such officers and committee members residing outside the district.

SECTION 9. Without limiting its powers as provided in this act, the prudential committee shall have charge of expenditures on account of the district duly budgeted and appropriated pursuant to the powers granted to the district and shall exercise the authority conferred upon it by district by-law, except as otherwise expressly provided in this act.

SECTION 10. The district treasurer shall receive and take charge of all money belonging to the district, and pay over and account for the same according to the order of the

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district or of its prudential committee. No other persons shall pay any district bill; provided, however, that this provision shall not prohibit the treasurer from paying such bill by the use of a bank treasurer's or cashier's check. He shall further have the authority given to an auditor by section fifty-one of chapter forty-one of the General Laws, and shall annually render a true account of his receipts and disbursements and report of his official acts to the district.

The treasurer shall give bond annually for the performance of his duties in a form approved by the commissioner of revenue and in such sum, not less than the amount established by said commissioner as shall be fixed by the prudential committee, and, if he fails to give such bond within ten days after his election or appointment, or if within ten days after the expiration of said bond or any renewal of said bond, he fails to file a renewal thereof, the prudential committee shall declare the office vacant and the vacancy shall be filled by the committee in the manner set forth in section twelve.

SECTION 11. The district clerk shall, in addition to the other duties specified herein, take all minutes at district meetings and at meetings of the prudential committee and maintain a record of such minutes in a manner provided for the maintenance of records of minutes of town meetings and of meetings by boards of selectmen. The clerk shall further be the official responsible for certifying copies of any and all votes taken at a district meeting or a meeting of the prudential committee.

SECTION 12. A vacancy occurring in the office of clerk, treasurer or member of the prudential committee elected by the district may be filled by the district for the remainder of the unexpired term at any special meeting called for that purpose, or in the case of a vacancy in the office of clerk or treasurer or disability effecting either of said officers, the prudential committee may appoint a person to fill said vacancy until an election can be held or the disability is removed. Such temporary appointee shall be sworn and shall perform the duties of the office to which he is appointed during his tenure thereof. A temporary treasurer so appointed to fill a vacancy shall give bond in the same manner as the treasurer.

SECTION 13. At its initial meeting, and at the annual meeting each and every year thereafter, the district shall adopt by two-thirds vote, a method to be employed, during the fiscal year to which the meeting relates, for financing the share of its annual budget which is anticipated to be required to be funded by the district. The district may vote to adopt any of the following methods of financing, or combination thereof:

A. The district may raise by assessments upon the real estate situated within the district the sum required to meet the district budget.

B. The district may incur debt by a temporary loan in anticipation of the collection of assessments during the fiscal year in which said debt is incurred or during the next succeeding fiscal year.

C. The district may incur debt to the amount advisable for district improvements or major equipment purchases and may issue therefore notes or bonds, and may, if the district further so approves, issue notes or bonds on the condition that the first payment on account of the principal shall be deferred for a period of not more than five years from the date of issue of such notes or bonds and that the whole amount of such debt shall be payable within

a period of not more than twenty-five years after such notes or bonds are issued. No such issue shall be for a term longer than the reasonably estimated useful life of the improvements, facilities and equipment to be so funded.

Indebtedness incurred by the district under the provision of this subsection shall be subject to the provisions of chapter forty-four of the General Laws and to other provisions of the General Laws applicable to notes and bonds of districts except as otherwise provided in this act. If the district issues notes or bonds and thereafter it shall receive an appropriation from another governmental entity to cover such part, if any, of the expenses of such improvements, the district, in its discretion, unless otherwise mandated by the terms and conditions of the grant from such governmental unit, shall make all or any part of such appropriation available to redeem notes or bonds of the district and shall hold the balance, if any, to the credit of the district to be used for the payment of the expense of such improvements, facilities and for equipment. Bonds or notes issued under this section shall constitute general obligations of the district.

That portion, if any, of the budgeted expense for the initial fiscal year and for each subsequent fiscal year which shall be required by the district for the payment of principal and interest on bonds and notes issued or to be issued by the district and which will be due during the ensuing fiscal year together with amounts necessary to be raised by the district to maintain and operate the district during said fiscal year for capital outlay items, the costs of which is not otherwise funded, and all other budgeted expenses for which the district is authorized to raise money, the costs of which items the district shall have voted to raise by assessment upon land and improvements of the proprietors within the district shall be the subject of a separate vote at the initial district meeting. If the district so votes, the schedule of assessed valuations of land and improvements established by the board of assessors in the town of Cheshire for the same fiscal year under the provisions of chapter fifty-nine of the General Laws shall be relied upon as the basis for determination of the pro-rata share of the district budget voted to be raised and appropriated to be paid by the proprietors upon their lands and improvements lying within the district.

Following the adjournment of the initial district meeting and each annual district meeting thereafter, the clerk of the district shall certify to the assessors of the town of Cheshire all sums of money voted to be raised by district assessment and the method and means of assessment voted upon at such meeting, which votes will have been adopted by a two-thirds majority as provided in this act, together with the amount to be paid by each proprietor according to the determination made by such votes. Said assessors shall, without further vote, assess such amounts upon the lands of the proprietors within the district and commit to the collector of taxes of said town who thereupon shall have and exercise the same powers and duties in relation to the collection of such assessments as said collector has and exercises relative to the collection of town taxes. The collector shall remit weekly to the district treasurer all sums collected on account of such assessments. An assessment made hereunder shall be a lien upon the land assessed therefore, in the same manner as a lien for real estate taxes assessed by the town under the provisions of section thirty-seven of chapter sixty of the General Laws, and other related provisions of the General Laws.

SECTION 14. The fiscal year of the district shall be the same fiscal year as established by the General Laws for cities and towns.

SECTION 15. Unless otherwise specified in this act, or otherwise required by General Law, all actions permitted to be taken at annual or special district meetings shall require a majority vote of owners present in person or by proxy at said meeting and entitled to vote thereat, who shall constitute a quorum in accordance with this act or otherwise by by-law of the district. All actions permitted to be taken by the prudential committee shall require a majority vote of the committee members present at said meeting who shall constitute a quorum in accordance with this act.

SECTION 16. The district shall include in its initial and in all subsequent annual appropriations, compensation for the board of assessors and the tax collector of the town of Cheshire, as the district shall annually establish.

SECTION 17. Notwithstanding their membership on the prudential committee, neither the town of Cheshire nor any agency or department of the commonwealth shall be obligated for any debts of the district, nor shall they by virtue of this act be required to pay for any liability, obligation or expense made, suffered or incurred by the district. In like manner, the members of the district shall not be individually liable or obligated with respect to debts or other obligations made, suffered or incurred by the district except with respect to the payment of assessments upon their land as provided for in this act.

SECTION 18. No provision of this act shall be deemed to modify or amend any power, authority or jurisdiction now or hereafter vested in any agency, department or unit of state, local or federal government as it relates to the use, operation or enjoyment of Hoosac lake as a great pond available for use by the general public not only for recreational use but for other purposes now or hereafter permitted or required by federal, state and local law, regulation and local by-law.

SECTION 19. The district shall established in its initial budget and in all subsequent fiscal year budgets an overlay account and a reserve fund as provided for towns under the provisions of section twenty-five of chapter fifty-nine and section five C of chapter forty of the General Laws. The district is hereby authorized to establish and maintain a stabilization fund under the provisions of section five B of chapter forty of the General Laws. The district shall be subject to an audit of its accounts in the manner provided in section forty of chapter forty-four of the General Laws.

SECTION 20. Immediately upon the formation of the district and from time to time thereafter, the district clerk shall, in addition to the other duties to be performed by such district officer, cause a review to be made of the records required to be maintained by the board of assessors for the town of Cheshire including copies of deeds furnished to said board by the Northern Berkshire district registry of deeds, and shall otherwise take such actions as necessary to establish the real estate within the district and the owners thereof. The clerk shall further cause to be prepared one or more maps based in whole or in part upon the maps required to be maintained by the assessors of said town on which shall be shown the location of all real estate within the district. Thereafter, at any special meeting called for that purpose and not later than the next annual meeting, the district clerk shall furnish the prudential com-

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mittee with a list of owners and such maps depicting the approximate location and boundaries of such parcels as well as the existing parcels within the district.

SECTION 21. Once established pursuant to this act, the district shall not dissolve without specific authorization by the general court, which authorization shall not be requested until provision has been made for the payment of the obligations of said district. Such dissolution may be initiated by a petition to the general court by two-thirds vote at a regular or special district meeting and shall provide for all assets to be transferred to either the town of Cheshire or to the commonwealth as provided in the dissolution vote.

SECTION 22. This act shall take effect upon its passage; provided, however, that if the initial meeting of the district shall not occur and the certified vote evidencing the establishment of the district shall not be filed with the attorney general within one year after its passage, this act shall cease to be operative.

Approved July 29, 1994.

Chapter 74. AN ACT FURTHER REGULATING FINANCING OF CAMPAIGNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the public financing of campaigns, therefore 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 51 of chapter 43 of the acts of 1994 is hereby amended by inserting after the second sentence the following sentence:- Section forty-three shall take effect as of July eighteenth, nineteen hundred and ninety-four.

Approved July 29, 1994.

Chapter 75. AN ACT ESTABLISHING THE BOUNDARIES OF THE DESIGNATED PORT AREA FOR THE CITY OF LYNN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, a certain parcel of land located on the northwesterly side of Lynn Harbor in the city of Lynn shall be designated as the "Designated Port Area for the City of Lynn" for all purposes.

Said parcel is shown on a plan titled "Lynn, MA. Proposed Designated Port Area Change", prepared by Reid Land Surveyors, and dated September 20, 1990 and revised on January 31, 1991. Said parcel contains approximately 49.0 acres.

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

Approved August 1, 1994.

Chapter 76. AN ACT AUTHORIZING THE TOWN OF TISBURY TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

SECTION 1. The town treasurer of the town of Tisbury is hereby authorized to pay from available funds to the Computer Emporium thirteen thousand three hundred and sixty-three dollars and eighty-five cents for processing parking tickets issued by the town, notwithstanding the failure if the commissioners of the county of Dukes County to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contract on behalf of the towns on the island of Martha's Vineyard.

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

Approved August 1, 1994.

Chapter 77. AN ACT ESTABLISHING THE POSITION OF COLLECTOR-TREASURER OF THE TOWN OF LANCASTER.

Be it enacted, etc., as follows:

SECTION 1. The position of collector-treasurer in the town of Lancaster is hereby established. Said collector-treasurer shall be appointed by the board of selectmen for a term not to exceed three years and shall perform all the duties hereinbefore performed by the collector and the treasurer of said town.

SECTION 2. This act shall take effect upon its acceptance by the voters of the town of Lancaster.

Approved August 4, 1994.

Chapter 78. AN ACT RELATIVE TO THE FINANCING OF A GOLF COURSE BY THE TOWN OF SCITUATE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter forty-four of the General Laws to the contrary, the maturities of bonds issued by the town of Scituate for design, development, construction and equipping of a municipal golf course, including a clubhouse and related structures, either shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the town treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. The first payment of principal of each issue of bonds shall be not later than one year from the estimated date of commencement of regular operation of the golf course, as determined by the town treasurer, and the last payment of

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principal shall be not later than thirty years from the date of the bonds. Project costs to be financed by the issue of the bonds may include interest incurred on the bonds and any bond anticipation notes for a period of up to two years after the date of the original borrowing or, if later, one year after the estimated date of commencement of regular operation of the golf course, as determined by the town treasurer. The town may create and maintain, from sources of funds other than bond proceeds, such reserve, replacement, maintenance and improvement funds in connection with the golf course as it may deem necessary and prudent; in addition, not more than ten percent of the principal amount of the bonds issued for the project may be used to establish a debt service reserve fund. Any net earnings derived from investment of the proceeds of the bonds may be expended by the town treasurer to pay interest on the bonds but otherwise shall be used only for construction, equipping, operation or maintenance of the golf course. Except as otherwise provided in this act, indebtedness incurred by the town for the golf course project shall be subject to the applicable provisions of said chapter forty-four.

SECTION 2. The town of Scituate shall establish an enterprise fund for the golf course facility and its operation, which shall be subject to the provisions of section fifty-three F½ of chapter forty-four of the General Laws; provided, however, that any available surplus in the reserve fund established under said section fifty-three F½ may be appropriated by the town for any capital project for which borrowing may be authorized under section seven or section eight of said chapter forty-four.

SECTION 3. All actions taken by the town of Scituate at a town meeting held on May ninth, nineteen hundred and ninety-four relative to Article 1 authorizing bonds for the golf course project are hereby ratified, validated and confirmed. Proceeds of the bonds issued in accordance with section one of this act may be used to refund any bond anticipation notes previously issued for the design, environmental permitting and other preliminary expenses relating to the golf course project.

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

Approved August 4, 1994.

Chapter 79. AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO CONVEY A CERTAIN PARCEL OF LAND TO HARDWOOD RETAIL ASSOCIATES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B of the General Laws, the city of Pittsfield is hereby authorized to convey a certain parcel of land located in said city of Pittsfield to the Hardwood Retail Associates for shopping center purposes. Said parcel is shown as Parcel A on a plan entitled "Alteration Plan of Hubbard Avenue in Pittsfield (Berkshire Co) MA, prepared for the Pittsfield city council", dated January 27, 1994.

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

Approved August 4, 1994.

Chapter 80. AN ACT RELATIVE TO A CERTAIN CONVEYANCE OF LAND IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 113 of the acts of 1993 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Excepted and excluded from this conveyance by the city of Lowell are all easements for drainage, wires, pipes, conduits, poles and other appurtenances for the conveyance of water, sewage, gas, oil, electricity and telephone communications, as well as takings of record, and grants of flowage rights, now lawfully in or on the premises hereby conveyed.

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

Approved August 4, 1994.

Chapter 81. AN ACT AUTHORIZING THE CONSERVATION COMMISSION OF THE TOWN OF WEST NEWBURY TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The conservation commission of the town of West Newbury is hereby authorized to convey a certain parcel of conservation land located in said town to Anthony M. and Carole R. Campano. Said parcel is shown as lot 2 on a plan, entitled "Plan of Land, 104 Georgetown Road and Crane Neck Street, West Newbury, Mass" dated December sixth, nineteen hundred and ninety-three, drawn by Arrow Associates, Inc. The cost of said conveyance shall be borne by the grantees.

SECTION 2. In consideration of the conveyance authorized in section one, Anthony M. and Carole R. Campano shall convey to said conservation commission a certain parcel of land located in said town of West Newbury, containing seventeen thousand eight hundred and forty-one square feet, more or less, located on Crane Neck street abutting land of James and Joan Brackbill and the town of West Newbury.

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

Approved August 4, 1994.

Chapter 82. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND LOCATED IN THE TOWN OF NORFOLK.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations is hereby authorized to convey, by deed approved as to form by the attorney general, a certain parcel of land located in the town of Norfolk, presently under the care and control of the department of corrections, to the town of Norfolk to be used for recreational and open space purposes. Said parcel is shown on a plan of land entitled "Plan of Land in Norfolk, Mass.", dated June 18, 1993, prepared by the Norfolk county engineering department which is on file with said division of capital planning operations.

SECTION 2. No deed conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such deed provides that the parcel shall be used for municipal recreational purposes.

SECTION 3. The town of Norfolk shall assume the costs of appraisal, surveys and other expenses as deemed necessary by the commissioner for the conveyance of this property.

SECTION 4. In the event that the parcel is not used for municipal recreational purposes respectively within five years of the effective date of this act or if the town of Norfolk ceases to use the parcel for such purpose at any time thereafter, said parcel shall revert to the commonwealth upon such terms and conditions as the commissioner may determine.

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

Approved August 4, 1994.

Chapter 83. AN ACT RELATIVE TO THE OPEN AIR VENDING OF GOODS, WARES AND MERCHANDISE, FROM ONE LOCATION IN THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. The city of Holyoke is hereby authorized to license and regulate the open air, temporary sale of goods, wares and merchandise from one location in said city.

Any person duly licensed pursuant to section 16-16 of the city of Holyoke code of ordinances and who is conducting a business in a manner consistent with such license shall not be subject to the licensing requirements of this act until the expiration of the term of such license. For the purposes of this act, the term "goods, wares or merchandise" shall include, but not be limited to, consumer goods, furniture, novelty items, clothing, shoes, sports memorabilia, trees, Christmas trees, wreaths, plants, flowering plants, cut flowers and food of any kind.

SECTION 2. No person, whether principal or agent, shall, on a temporary basis, of-

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fer for sale, expose for sale, or sell goods, wares or merchandise in an open area, alley or lot located in the city of Holyoke unless such person has first obtained a license therefor from the Holyoke licensing board. Such license shall be known as a city open air vending license. The fee for such license shall be determined annually by the licensing board.

In order to receive such license, an applicant shall submit the written consent to its issuance on the part of the owner of the premises on which or in front of which the applicant intends to carry on such business and the written consent of the tenants of the ground floor of such premises. No such owner or tenant shall demand or accept consideration for such grant of approval. The property owner may obtain legally negotiated rent from a license holder operating on his premises. Whenever the exercise of such license shall occur on or in front of premises owned by the city of Holyoke, the requisite owner's consent may be given by the city department having charge of such premises.

Whenever the license is intended to be exercised on public property including, but not limited to, public ways, sidewalks and parks, the licensing board may make and collect an additional charge as rent unless the licensee is the tenant of the ground floor of the premises in front of which the location is granted and the character of the merchandise being sold under the license is essentially the same as that being sold within the ground floor of such premises. Rental rates shall be determined annually by said licensing board.

SECTION 3. The city open air vendor license shall remain in force for a specified period of time which shall be indicated on the license, but not later than the first day of January following the date of issuance.

SECTION 4. The Holyoke licensing board may, under such conditions as it deems appropriate, grant to an organization engaged in charitable work or to a post of an incorporated organization of veterans who served in the military or naval service of the United States in time of war or insurrection a special license authorizing it, for a particular time period to be stated in such license and for a charitable purpose stated in such license, to conduct under their control a temporary open air vending business; provided, however, that no person under sixteen years of age shall be accredited as an agent of the license holder.

SECTION 5. The city of Holyoke licensing board may condition the use of such permit as the public safety, convenience or good requires. The exercise of a license issued hereunder shall be subject to the provisions of all statutes, ordinances, rules and regulations not inconsistent herewith including, but not limited to the provisions of section fifty-seven of chapter forty of the General Laws.

SECTION 6. Every city open air vendor shall exhibit his city license when the same is demanded of him by a member of the licensing board, or the sealer of weights and measures or a member of the police department of the city of Holyoke or a member of the board of health of said city of Holyoke or his designee.

SECTION 7. Should a license be issued pursuant to the provisions of this act, the licensee shall be responsible for obtaining and maintaining any and all other relevant licenses, permits and seals including, but not limited to, health department and fire department permits and seals from the sealer of weights and measures.

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SECTION 8. Any license granted by the city of Holyoke licensing board pursuant to the provisions of this act may be revoked by the licensing board for good cause after reasonable notice to such licensee and a hearing upon the grounds for such revocation.

SECTION 9. No person licensed pursuant to the provisions of this act shall sell goods, wares or merchandise in the city of Holyoke unless such person has signed an agreement providing for indemnification of the city against any loss which may arise by way of any suit, action or proceeding against said city as a result of any act or failure to act on the part of such vendor while operating within the territorial limits of said city of Holyoke. Such indemnification shall be in a form approved by the mayor and city solicitor.

SECTION 10. No person under sixteen years of age shall receive a license pursuant to the provisions of this act.

SECTION 11. The terms of every license issued pursuant to the provisions of this act shall be subject to such further restrictions and regulations as the Holyoke licensing board shall impose.

SECTION 12. The city of Holyoke licensing board may waive, in whole or in part, any and all fees required by this act as it deems necessary.

SECTION 13. Any person who violates any of the provisions of this act shall be subject to arrest as provided for in section thirty-two of chapter one hundred and one of the General Laws or liable to a penalty as provided in section 16-27 of the city of Holyoke code of ordinances.

Approved August 4, 1994.

**Chapter 84. AN ACT RELATIVE TO THE RETIREMENT ALLOWANCE OF
ANN McNAMARA.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the retirement of Ann McNamara, therefore 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 and in order to promote the public good, the state teachers' retirement board is hereby authorized and directed to retire Ann McNamara under the provisions of section eighty-three of chapter seventy-one of the acts of nineteen hundred and ninety-three as if she was eligible to use all of her creditable service towards eligibility for the teachers' early retirement incentive program.

SECTION 2. This act shall take effect as of September first, nineteen hundred and ninety-three.

Approved August 5, 1994.

Chapter 85. AN ACT RELATIVE TO BOND AUTHORIZATIONS FOR CERTAIN EMERGENCY CAPITAL PROJECTS OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for emergency capital repairs and certain emergency acquisitions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for a capital outlay program for certain equipment purchases, repairs, improvements, construction, reconstruction and for the acquisition of development rights to certain properties, the sums set forth in sections two, two A, two B, two C, two D, two E and two F of this act, for the several purposes and subject to the conditions specified under the provisions of this act, are hereby made available from the General Capital Projects Fund, subject to the provisions of law regulating the disbursement of public funds.

SECTION 2.

SECRETARY OF STATE.

0526-9951 For a program of matching grants for the preservation and maintenance of historic properties and sites listed in the state register of historical places within the office of the secretary of state; provided, that the secretary of state shall promulgate such regulations as are necessary to implement the matching grant program authorized herein not later than October first, nineteen hundred and ninety-four \$5,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Division of Capital Planning and Operations.

1102-9951 For the purpose of establishing a multi-purpose sports arena in the city of Lowell in conjunction with the university of Massachusetts at Lowell and the city of Lowell and for any costs related thereto; provided, that the amount expended from this item shall not exceed one third of the total cost of the project; provided further, that no funds shall be expended from this item until a comprehensive plan for said multi-purpose sports arena is submitted to the house and senate committees on ways and means \$20,000,000

Reserves.

1599-7952 For a reserve for the payment of certain court judgements, settlements and legal fees, in compliance with regulations promulgated by the comptroller, in certain actions pertaining to the taking of land, filed with the house and senate com-

mittees on ways and means, which are ordered to be paid in fiscal year nineteen hundred and ninety-five or in a prior fiscal year and which derive from causes of action initiated in said fiscal year or in a prior fiscal year; provided, that the comptroller is hereby authorized to charge such payments to this item \$5,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

- 2120-6956 For the purposes of water quality improvements, diagnostic surveys, feasibility studies and aquatic vegetation control at Chandler's pond located in the city of Boston \$50,000
- 2120-7952 For a study, and the preparation of plans, if necessary, and for the construction and restoration of anadromous spawning runs at the Sylvania dam and the Footes Mill dam in the Ipswich river in the town of Ipswich \$175,000
- 2120-7953 For the purposes of providing water resources restoration, dam safety improvements and rehabilitation of the Mattapoisett river dam located in the town of Mattapoisett \$250,000
- 2120-7954 For a feasibility study of the Muddy river in the city of Boston and the town of Brookline \$140,000
- 2120-7955 For a study, and the preparation of plans, if necessary, and for dredging and drainage projects in the town of Nahant \$100,000
- 2120-7957 For a study, and the preparation of plans, if necessary, and for a program of improvements to the facilities, holdings and infrastructure of the department of environmental management; provided, that said program of improvements shall include, but shall not be limited to, improvements and renovations to buildings, equipment, picnic areas, visitor centers and other interpretive structures, structures that improve or enhance the viability of an ecosystem, signs, roads, paths, bridges, dams, piers, flood control projects, vehicles, and vessels, and site clearance, including demolition of structures, and preparation, relocation, reclamation, and other developments; provided further, that not more than fifteen percent of the amount appropriated herein shall be expended for the removal of hazardous waste; and provided further, that the department of environmental management shall use as many recycled products and materials as possible for all improvement projects funded by this item \$24,000,000
- 2120-8950 For a study, and the preparation of plans, if necessary, and for emergency repairs to, and replacement of, the dam at Onota

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	lake in the city of Pittsfield	\$750,000
2120-8951	For the purpose of reimbursing the city of Revere for costs incurred for the Roughan's Point, Revere federal flood damage control reduction project	\$2,555,000
2120-9951	For a study, and the preparation of plans, if necessary, and for the purposes of providing water resources restoration, safety improvements and for the rehabilitation of the Falls Pond dam located in the town of North Attleboro	\$170,000
2120-9952	For a study, and the preparation of plans, if necessary, and for the purposes of providing water resources restoration, safety improvements and for the rehabilitation of the Whiting Pond dam located in the town of North Attleboro	\$170,000
2120-9954	For engineering studies necessary for dredging the Bass River located in the town of Yarmouth	\$80,000
2120-9955	For a study, and the preparation of plans, if necessary, and for the repair of the Lake Gardner dam in the town of Amesbury	\$320,000
2120-9956	For the purposes of providing for the study, design, repair and rehabilitation of the Pentucket Pond dam located in the town of Georgetown	\$200,000
2120-9957	For a study, and for the preparation of plans, if necessary, for the reconstruction of Godfrey brook in the town of Milford ..	\$100,000
2150-9951	For a study, and the preparation of plans, if necessary, and for the purposes of assisting Massachusetts coastal cities and towns in repairing, rebuilding, and improving beaches, shores, seawalls, dunes and other structures necessary to protect the shore and property of said coastal communities ..	\$10,000,000
2150-9952	For a continuous program of cleaning and dredging harbors and inland waterways	\$10,000,000
<i>Department of Environmental Protection.</i>		
2200-8959	For the purposes of a pilot program and exploration of new technology for landfill mining, so called, in the town of Newbury; provided, that said town shall make available to the department any and all engineering reports, summaries, and other related information and technology on a continual basis	\$250,000
2200-9959	For a loan program to assist homeowners in complying with the revised state environmental code for subsurface disposal of sanitary waste; provided, that the terms and conditions of loans made under this program shall be based upon income criteria and shall take into account the financial needs of low and moderate income homeowners; provided further, that the	

loan program authorized herein shall be administered by the department of environmental protection; provided further, that the department of environmental protection shall promulgate necessary rules and regulations for said loan program no later than October first, nineteen hundred and ninety-four \$10,000,000

Metropolitan District Commission.

- 2440-7957 For the purposes of providing water resources restoration, safety improvements and for the rehabilitation of the Upper Mystic Lake dam located in the towns of Arlington, Medford, and Winchester; provided, that not more than fifty thousand dollars may be expended on water quality improvements, diagnostic surveys, and feasibility studies; provided further, that not more than twenty-five thousand dollars shall be expended for the purpose of aquatic vegetation control in the areas commonly referred to as the upper and middle forebays \$400,000
- 2440-7958 For a study, and the preparation of plans, if necessary, and for improvements and the development of Abigail Adams state park \$1,500,000
- 2440-8950 For the purposes of general rehabilitation and reconstruction of flood control facilities including dams, locks and draws . . \$5,000,000
- 2440-8951 For the purposes of necessary repairs, renovations, furnishings and equipment of the Kelley rink located in the Jamaica Plain section of the city of Boston to convert said skating rink to a four season multi-use facility, and for repairs and renovations to the Veterans Memorial rink in the city of Waltham, including, but not limited to, the following:- improvements to the heating system, replacement of the outdated refrigeration system and equipment, rink expansion, new dasher boards, a new zamboni, and improvements to team rooms and stands . . . \$3,200,000
- 2440-8952 For a study, and the preparation of plans, if necessary, and for a program of improvements or replacements to the facilities, holdings and infrastructure of the metropolitan district commission; provided, that such improvements or replacements shall include, but shall not be limited to, buildings, equipment, picnic areas, visitor centers and other interpretive structures, structures that improve or enhance the viability of an ecosystem, signs, roads, paths, bridges, dams, piers, flood control projects, vehicles, and vessels, water purification systems, repairs and renovations for the watershed management division's facilities, and site clearance, including demo-

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	lition of structures, and preparation, relocation, reclamation, and other developments; provided further, that not more than fifteen percent of the amount appropriated herein shall be expended for the removal of hazardous waste; and provided further, that the metropolitan district commission shall use as many recycled products and materials as possible for all improvement projects funded by this item	\$24,000,000
2440-8956	For the restoration, renovation, and improvements of the Boston harbor beaches located in Boston, Quincy, and Winthrop, pursuant to the recommendations contained in a report of the joint commission on the future of Boston harbor beaches dated June fifteenth, nineteen hundred and ninety-three; provided, that the metropolitan district commission shall submit a revised restoration plan detailing any proposed expenditures from this item to the house and senate committees on ways and means on or before December first, nineteen hundred and ninety-four; and provided further, that no funds shall be expended from this item prior to the receipt of said restoration plan by said committees	\$30,000,000
2440-8958	For the study, design, improvements and construction of Dilboy field, Foss park, and Hormel stadium; provided, that not less than seventy-five thousand dollars shall be expended for a study of proposed improvements and construction at said facilities; provided further, that no improvements or construction projects shall begin until thirty days after said study is filed with the house and senate committees on ways and means; provided further, that said study shall be filed with said committees not later than October first, nineteen hundred and ninety-four	\$1,500,000
2443-7951	For a study, and the preparation of plans, if necessary, and for repairs, improvements and renovations to the Commonwealth's zoos	\$3,000,000
2445-8958	For a study, and the preparations of plans, if necessary, for repairs, improvements, reconstruction and other projects at the Thompson center in the Hyde Park section of the city of Boston, including the costs of repairs to the grounds and facilities located thereon	\$1,500,000

BOARD OF LIBRARY COMMISSIONERS.

7000-9952	For a program of grants to cities and towns for approved public library projects as authorized by sections nineteen G to nineteen I, inclusive, of chapter seventy-eight of the Gen-	
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eral Laws; provided, that grants for approved public library projects may be awarded for projects for which construction commenced after July first, nineteen hundred and ninety-three; provided further, that not more than one hundred thousand dollars of the amount authorized herein may be expended by the board of library commissioners for the administrative costs directly attributable to the projects funded herein, including the costs of temporary personnel; provided, however, that no permanent personnel shall be compensated from this item; provided further, that the board of library commissioners shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all temporary personnel and administrative costs charged to this item \$45,100,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

- 8000-7950 For a matching grant program for the repair, renovation, and construction of municipal police stations to be administered by the executive office of public safety, subject to the conditions set forth herein; provided, that municipalities receiving matching grant funding shall contribute not less than fifty percent of total project costs; provided further, that no funds shall be disbursed to any community applying for grant funding from this program until the executive office for administration and finance has completed a needs assessment for said community and has filed said assessment with the house and senate committees on ways and means; provided further, that the executive office of public safety shall promulgate regulations governing the matching grant program herein authorized not later than October fifteenth, nineteen hundred and ninety-four \$10,000,000
- 8000-7957 For the purchase of fire fighting equipment for municipalities providing fire protection to the department of mental retardation facility known as the Monson developmental center; provided, that the sum appropriated herein shall be divided equally between said municipalities \$400,000
- 8000-8950 For the purpose of repairing the fire tower located in the Free-town-Fall River state forest \$50,000
- 8000-8958 For the purchase of equipment for the hazardous materials first responder teams, so-called, including, but not limited to, truck

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replacement, a paging system, equipment and administrative costs associated with the teams; provided, that not more than two million dollars shall be provided to any single first responder team; provided further, that not less than four hundred thousand dollars shall be expended for a hazardous materials response vehicle for the city of Springfield; provided further, that all equipment purchases and distribution of the funds made available herein shall be coordinated by the executive office of public safety \$14,000,000

SECTION 2A.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6010-3950 For construction and reconstruction of town and county ways pursuant to section thirty-one of this act \$300,000,000

SECTION 2B.

SECRETARY OF STATE.

0521-0950 For the purchase of hardware, software, and related design, development and implementation services, pursuant to chapter four hundred and seventy-five of the acts of nineteen hundred and ninety-three; provided, that the office of secretary of state shall coordinate, manage, and approve all expenditures made from this item in conjunction with the office of management information systems; provided further, that the costs of personnel shall not be charged to this item \$5,024,400

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Department of Revenue.

1201-8958 For the acquisition and upgrading of information and collection systems within the tax administration division of the department of revenue, including the purchase of hardware, software, telecommunications equipment, and related design, development and implementation services; provided, that the costs of personnel shall not be charged to this item \$4,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2000-8958 For the development and implementation of the Massachusetts geographic information system, so-called, including the purchase of related equipment and software; provided, that funds may be allocated from this item to the department of environ-

mental management, the metropolitan district commission, the department of fisheries, wildlife and environmental law enforcement, the department of food and agriculture, and the department of environmental protection pursuant to an allocation plan which the secretary of environmental affairs shall file in advance with the budget bureau, and the house and senate committees on ways and means \$1,000,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Division of Medical Assistance.

4000-9951 For the purchase of computer hardware and software necessary for the development of the MA21 project, so-called; provided, that no funds shall be expended from this item for the costs of personnel or for the costs of consultants; provided further, that said MA21 project shall replace the medicaid management information system and the recipient eligibility verification system with a unified, state-of-the-art claims and data management system; provided further, that the division of medical assistance shall maximize federal reimbursement associated with the development of said MA21 project; provided further, that all federal reimbursements for the MA21 project shall be deposited in the General Fund and shall not be retained by the division; provided further, that, in developing and designing said MA21 project, the division shall ensure that the MA21 system, so-called, shall meet the following criteria: (1) the system shall operate using a readily accessible database, (2) the system shall utilize flexible and readily programmable software, (3) the system shall have the ability to provide expenditure and utilization data and provider and recipient information on a routine and ad hoc basis, (4) the system shall offer budget and revenue forecasting support capabilities, (5) the system shall be capable of reformatting historical spending and utilization data consistent with provider and recipient categories to be used by the new system or systems, (6) the system shall be capable of completing an electronic interface with the Massachusetts management accounting and reporting system, so-called, (7) the system shall be capable of responding to changing demands on the commonwealth for the provision of health care benefits and insurance, and (8) the system shall have the capability to interface electronically with the BEACON system, so-called; and provided further, that no

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expenditures shall be authorized until the division submits a detailed plan for the development of the MA21 project to the office of management information systems and said office certifies in writing to the house and senate committees on ways and means, the secretary of administration and finance, the state budget director, the secretary of health and human services, and the commissioner of the department of public welfare that the MA21 project has been structured so that the aforementioned criteria will be met \$1,500,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.*Registry of Motor Vehicles.*

8400-8958 For the purchase, construction, and installation of the registry of motor vehicles data center to be located at Ruggles Center in the Roxbury section of the city of Boston \$8,000,000

SECTION 2C.**EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.***Office of the Secretary.*

3722-7957 For the installation of an elevator at the Talbot building of the Billerica housing authority \$125,000
3722-7958 For the replacement of an elevator at the Belair Towers building of the Brockton housing authority \$185,000
3722-8958 For the Wilmington housing authority for the purpose of installing an elevator at Deming Way Extension \$100,000

BOARD OF LIBRARY COMMISSIONERS.

7000-9953 For a Massachusetts library and information network, to be administered in accordance with the provisions of section nineteen L of chapter seventy-eight of the General Laws, as added by section nineteen of this act \$1,000,000

EXECUTIVE OFFICE OF EDUCATION.*Department of Education.*

7010-7957 For a program of matching grants to public elementary and secondary schools to support the acquisition of computers which shall be used solely for instructional purposes; provided, that the department of education shall promulgate such regulations as are necessary to implement the matching grant program authorized herein not later than October fifteenth, nineteen hundred and ninety-four; provided further, that for the purposes of meeting the matching requirements of this

program, communities may count expenditures made for computers and other information technology equipment made after July first, nineteen hundred and ninety-one \$2,600,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of State Police.

8100-8958 For a grant program to provide bullet-proof vests, so-called, to municipal police officers and department of state police troopers to be administered by the executive office of public safety; provided, that all bullet-proof vests purchased from this item shall meet the current national institute of justice standards for type three A police body armor; provided further, that each officer receiving a bullet-proof vest shall attend a mandatory education and training session to be conducted by the executive office of public safety in conjunction with the department of state police and the criminal justice training council; and provided further, that reimbursements shall be made available from the grant program to any municipal police department which had purchased such bullet-proof vests after January first, nineteen hundred and ninety-four upon written proof of purchase . . \$10,110,000

SECTION 2D.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6010-7957 For a study, and the preparation of plans, if necessary, and for costs associated with the Canal Village project, so called, located in the town of South Hadley \$2,250,000

6010-8958 For traffic management studies and design plans for Route 228 in the town of Hingham and Route 18 in the town of Weymouth \$200,000

SECTION 2E.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Division of Capital Planning and Operations.

1102-9950 For planning and studies, acquisition of land and buildings and interests therein, and related expenses, for, or relating to, the expansion of capacity at the Bridgewater correctional center; provided, that the commissioner of the division of capital planning and operations shall consult with the secretary of the executive office of public safety on this project; provided further, that no funds shall be expended from this item until

the commissioner of the division of capital planning and operations submits a detailed plan for this project to the house and senate committees on ways and means; and provided further, that the inspector general is hereby authorized and directed to audit all expenditures made from this item \$5,500,000

EXECUTIVE OFFICE OF EDUCATION.

Higher Education.

- 7416-9951 For repairs and replacement of the existing fresh air ventilation system and other ventilation support apparatus on the campus of the university of Massachusetts at Boston \$1,700,000
- 7452-8958 For the central solar heating plant project at the university of Massachusetts at Amherst \$2,700,000
- 7502-9959 For repairs and replacement of the existing fresh air ventilation system and other ventilation support apparatus on the campus of Berkshire community college \$825,000

SECTION 2F.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Food and Agriculture.

- 2530-8958 For a program to acquire agricultural preservation restrictions pursuant to sections eleven A to eleven D, inclusive, of chapter one hundred and thirty-two A of the General Laws; provided, that any person or entity who receives funds from this item shall be encouraged to participate in any and all programs of the department of food and agriculture as may be suggested by the commissioner of said department; provided further, that said programs may include, but not be limited to, integrated pest management, pesticide regulation and reduction, and agri-composting; provided further, that the agricultural lands preservation committee shall prioritize the allocation of funds awarded herein for the acquisition of agricultural preservation restrictions on those lands deemed to be of significance to the protection and preservation of the commonwealth's agricultural base \$9,000,000

SECTION 3. To meet the expenditures necessary in carrying out the provisions of section two of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount specified by the governor from time to time, not exceeding, in the aggregate, two hundred twenty-eight million nine hundred sixty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Emergency Capital Outlay Loan Act of 1994, and shall be issued for such maximum

term, not exceeding twenty years, as the governor may recommend to the general court pursuant to section three of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and nineteen. All interest and payments on account of principal of such obligations shall be payable from the Local Aid Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 4. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section two of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with section three of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. 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 Local Aid Fund.

SECTION 5. To meet the expenditures necessary in carrying out the provisions of the item included in section two A of this act, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of three hundred million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Revenue Highway Improvement Loan Act of 1994 and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to section three of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and nineteen. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer pursuant to this section, shall, upon request of the governor, be issued as special obligations pursuant to section two O of chapter twenty-nine of the General Laws; and provided, further, that in deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account (i) generally prevailing financial market conditions, (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth, (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned to the bonds proposed to be issued, and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section two O. All special obligation bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act of 1994, and shall be issued for a maximum term of years, not exceeding twenty years,

as the governor may recommend to the general court pursuant to section three of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, that all such bonds shall be payable not later than June thirtieth, two thousand and nineteen. All interest and payments on account of principal and such obligations shall be payable from the Infrastructure Fund established in said section two O of said chapter twenty-nine. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section two O of said chapter twenty-nine.

SECTION 6. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by the item included in section two A 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 three 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, two thousand and one. 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 Highway Fund; provided, that the state treasurer may determine to issue any notes as special obligations pursuant to section two O of chapter twenty-nine of the General Laws if the notes, or renewals thereof, are to be paid from the proceeds of special obligation bonds to be issued pursuant to said section two O.

SECTION 7. To meet the expenditures necessary in carrying out the provisions of section two B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time, not exceeding, in the aggregate, nineteen million five hundred twenty-four thousand four hundred dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Computer System Technology Loan Act of 1994, and shall be issued for such maximum term, not exceeding ten years, as the governor may recommend to the general court pursuant to section three of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and nine. 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 8. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section two B of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with section three of Article LXII of the Amendments to the

Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. 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 9. To meet the expenditures necessary in carrying out the provisions of section two C of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount specified by the governor from time to time, not exceeding, in the aggregate, fourteen million one hundred and twenty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Municipal Emergency Capital Outlay Loan Act of 1994, and shall be issued for such maximum term, not exceeding ten years, as the governor may recommend to the general court pursuant to section three of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and nine. All interest and payments on account of principal of such obligations shall be payable from the Local Aid Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 10. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section two C of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with section three of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. 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 Local Aid Fund.

SECTION 11. To meet the expenditures necessary in carrying out the provisions of section two D of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount specified by the governor from time to time, not exceeding, in the aggregate, two million four hundred and fifty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Municipal Highway and Traffic Management Capital Outlay Loan Act of 1994, and shall be issued for such maximum term, not exceeding twenty years, as the governor may recommend to the general court pursuant to section three of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and nineteen. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 12. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section two D of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with section three of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. 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 Highway Fund.

SECTION 13. To meet the expenditures necessary in carrying out the provisions of section two E of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount specified by the governor from time to time, not exceeding, in the aggregate, ten million seven hundred and twenty-five thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, State Facilities Improvement and Emergency Repair Capital Outlay Loan Act of 1994, and shall be issued for such maximum term, not exceeding twenty years, as the governor may recommend to the general court pursuant to section three of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and nineteen. 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 14. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section two E of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with section three of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. 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 15. To meet the expenditures necessary in carrying out the provisions of section two F of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount specified by the governor from time to time, not exceeding, in the aggregate, nine million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Agricultural Preservation

Capital Outlay Loan Act of 1994, and shall be issued for such maximum term, not exceeding twenty years, as the governor may recommend to the general court pursuant to section three of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, that all such bonds shall be payable not later than June thirtieth, two thousand and nineteen. 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 16. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section two F of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with section three of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. 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 17. Section 11 of chapter 78 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, in line 10, after the words "in common" the words ", or to manage a facility to be operated jointly by more than one municipality".

SECTION 18. Section 19H of said chapter 78, as so appearing, is hereby amended by inserting after the word "unit", in line 33, the words:- , facility jointly used by more than one municipality.

SECTION 19. Said chapter 78 is hereby further amended by inserting after section 19K the following section:-

Section 19L. The board of library commissioners shall, subject to appropriation, establish and administer a program for the purposes of providing funds for a Massachusetts library and information network. Grants and contracts awarded under this section shall be awarded for, but not limited to, purchase of computer equipment and software, acquisition of telecommunications equipment, development of information and referral services, and training. The board shall establish minimum requirements to be met by all applicants under this program.

SECTION 20. Subdivision (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- For expenditure, under the direction of said department, for maintaining, repairing, improving and constructing town and county ways and bridges, sidewalks adjacent to said ways and bridges, bikeways, salt storage sheds, bikeways and public use off-street parking facilities related to mass transportation, for engineering services and expenses relat-

ed to highway and mass transportation purposes, for care, repair, storage, replacement, purchase and long-term leasing of road building machinery, equipment and tools, for the erection and maintenance of direction signs and warning signs and for necessary or beneficial improvements to unpaved town and county ways together with any money which any town or county may appropriate for said purpose to be used on the same ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities. The said ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities shall remain town or county ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities.

SECTION 21. Section 2 of chapter 723 of the acts of 1983 is hereby amended by striking out item 5377-8841 and inserting in place thereof the following item:-

5377-8841 For the acquisition and upgrading of information systems, including the purchase and installation of certain computer equipment, and for the costs associated with certain software development projects; provided, however, that said projects may include the consumer registry system and the communications infrastructure for the department of mental retardation; and provided, further, that the house and senate committees on ways and means shall be notified in writing of any amounts scheduled for information systems upgrading and the purpose of such scheduled items \$5,248,600.

SECTION 22. Said section 2 of said chapter 723 is hereby further amended by striking out item 5377-8842 and inserting in place thereof the following item:-

5377-8842 For studies, the preparation of plans, specifications and designs, if necessary, for the renovation, repairs, mechanical systems upgrading, site improvements, including walkways, roadways, parking, landscaping and exterior lighting and the installation of a decentralized on site heating and utility system \$1,120,000.

SECTION 23. Section 2B of chapter 206 of the acts of 1986 is hereby amended by striking out item 5377-7871 and inserting in place thereof the following item:-

5377-7871 For the acquisition and upgrading of information systems, including the purchase and installation of certain computer equipment, and for the costs associated with certain software development projects; provided, however, that said projects may include the consumer registry system and the communications infrastructure for the department of mental retardation; and provided further, that the house and senate committees on ways and means shall be notified in writing of any amounts scheduled for information systems upgrading and the purpose of such scheduled items \$2,500,000.

SECTION 24. Said section 2B of said chapter 206 is hereby further amended by striking out item 5377-7872 and inserting in place thereof the following item:-

5377-7872 For studies, the preparation of plans, specifications and designs, if necessary, for the renovation, repairs, mechanical systems upgrading, site improvements, including walkways, roadways, parking, landscaping and exterior lighting and the installation of a decentralized on site heating and utility system \$1,283,000.

SECTION 25. Item 1102-9882 of section 2B of chapter 199 of the acts of 1987 is hereby amended by inserting after the word "Court", in line 4, the following words:- ; provided, further, that not less than three hundred thousand dollars shall be expended for repairs and renovations of the South Boston district court; and provided further, that not less than four million dollars shall be expended for repairs and renovations to the Charlestown district court.

SECTION 26. Chapter 564 of the acts of 1987 is hereby amended by striking out section 33 and inserting in place thereof the following section:-

Section 33. The metropolitan district commission is hereby authorized to expend a sum not exceeding four hundred thousand dollars to renovate and refurbish the Ventura Street Playground, located at Suffolk county within the metropolitan district commission parks reservation area; provided, however, that the metropolitan district commission is hereby further authorized to expend not less than one hundred thousand dollars to renovate and refurbish Toohig Playground in the Dorchester section of the city of Boston.

SECTION 27. Section 2D of chapter 164 of the acts of 1988 is hereby amended by striking out item 5911-7890 and inserting in place thereof the following item:-

5911-7890 For the acquisition and upgrading of information systems, including the purchase and installation of certain computer equipment, and for the costs associated with certain software development projects; provided, however, that said projects may include the consumer registry system and the communications infrastructure for the department of mental retardation; and provided, further, that the house and senate committees on ways and means shall be notified in writing of any amounts scheduled for information systems upgrading and the purpose of such scheduled items \$2,500,000.

SECTION 28. Item 7518-7892 of section 2 of chapter 208 of the acts of 1988 is hereby amended by inserting after the word "equipment", in line 4, the following words:- ; provided, that a sum not to exceed thirteen million five hundred thousand dollars shall be expended for a study, and the preparation of plans, and construction for an educational facility/production sound stage at Bunker Hill community college, including the acquisition of land and buildings, repairs and construction, building construction, site development, parking, and utility distribution systems, including the costs of furnishings and equipment.

SECTION 29. Section 6 of chapter 36 of the acts of 1992 is hereby amended by

striking out, in line 7, the words "or other interests in land," and inserting in place thereof the following words:- , other interests in land, and for costs associated with the acquisition of land, including but not limited to, the costs of legal services, appraisals, title examinations, engineering, environmental risks assessments, surveys, and supporting equipment and systems.

SECTION 30. Section 12 of said chapter 36 is hereby amended by striking out, in lines 3 and 4, the words "or other interests in land," and inserting in place thereof the following words:- , other interests in land, and for costs associated with the acquisition of land, including but not limited to, the costs of legal services, appraisals, title examinations, engineering, environmental risks assessments, surveys, and supporting equipment and systems.

SECTION 31. The funds appropriated in item 6010-3950 of section two A of this act are hereby made available and shall be in addition to paragraph (d) of section three of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, paragraph (d) of section three of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five, paragraph (c) of section three of chapter fifteen of the acts of nineteen hundred and eighty-eight, and paragraph (c) of section three of chapter thirty-three of the acts of nineteen hundred and ninety-one, for projects for construction and reconstruction of town and county ways under subdivision (a) of clause (2) of section thirty-four of chapter ninety of the General Laws; provided, however, that each city or town shall certify to the department that the city or town has expended all of the sums apportioned to the city or town under the provisions of said paragraph (d) of said section three of said chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, said paragraph (d) of said section three of said chapter eight hundred and eleven, said paragraph (c) of said section three of said chapter fifteen; and said paragraph (c) of said section three of said chapter thirty-three, or that said city or town has remaining a sum of money which by itself is insufficient to finance a proposed project; provided, further, that a city or town shall comply with procedures established by the department; provided, further, that any such city or town is hereby authorized to appropriate for such projects amounts not in excess of the amounts provided to such city or town under this section; provided, further, that said appropriation shall be considered as an available fund upon the approval of the commissioner of revenue pursuant to section twenty-three of chapter fifty-nine of the General Laws; provided, further, that the commonwealth shall reimburse said city or town under this section within thirty days of receipt by the department of a request for reimbursement from such city or town, such request to include certification by such city or town that actual expenses have been incurred on projects eligible for reimbursements under this section, and the work has been completed to its satisfaction according to the specifications of said project and in compliance with applicable law; provided, further, that the department may enter into agreements with cities and towns to provide engineering and other services essential to the development of projects and if the department agrees to provide services, amounts charged for department employees may include the salary and salary related expenses of such employees to the extent that they work on or in support of

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such projects; provided, further, that funds provided herein may be expended for the entire cost of any project eligible under the provisions of said chapter ninety; provided, further, that the funds provided herein may be expended for the repair, replacement or removal of underground municipal public works fuel tanks; and, provided, further, that notwithstanding any general or special law to the contrary, the allocation to cities and towns from amounts authorized in this section are as follows:

<i>Municipality/Town</i>	<i>Distribution</i>
Abington	558,441
Acton	989,028
Acushnet	470,882
Adams	494,475
Agawam	1,028,160
Alford	122,254
Amesbury	650,886
Amherst	1,155,623
Andover	2,029,288
Arlington	1,322,906
Ashburnham	522,764
Ashby	370,714
Ashfield	475,682
Ashland	526,267
Athol	837,866
Attleboro	2,017,255
Auburn	897,412
Avon	302,950
Ayer	395,984
Barnstable	3,182,457
Barre	685,226
Becket	392,586
Bedford	1,070,373
Belchertown	907,529
Bellingham	706,592
Belmont	868,527
Berkley	345,045
Berlin	305,251
Bernardston	301,044
Beverly	1,538,815
Billerica	1,596,126
Blackstone	371,009
Blandford	422,556

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<i>Municipality/Town</i>	<i>Distribution</i>
Bolton	428,053
Boston	22,277,507
Bourne	919,729
Boxborough	262,646
Boxford	609,057
Boylston	310,215
Braintree	1,642,102
Brewster	435,909
Bridgewater	921,606
Brimfield	450,928
Brockton	3,052,673
Brookfield	272,753
Brookline	1,562,884
Buckland	295,837
Burlington	1,348,119
Cambridge	4,075,525
Canton	1,065,362
Carlisle	369,762
Carver	571,339
Charlemont	298,005
Charlton	910,068
Chatham	516,953
Chelmsford	1,580,100
Chelsea	785,965
Cheshire	318,789
Chester	393,230
Chesterfield	368,207
Chicopee	1,922,173
Chilmark	103,944
Clarksburg	113,604
Clinton	527,301
Cohasset	332,539
Colrain	540,718
Concord	1,066,608
Conway	437,578
Cummington	329,606
Dalton	373,399
Danvers	1,382,451
Dartmouth	1,641,628
Dedham	987,190

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<i>Municipality/Town</i>	<i>Distribution</i>
Deerfield	615,492
Dennis	1,074,155
Dighton	435,077
Douglas	532,182
Dover	379,798
Dracut	1,102,916
Dudley	649,006
Dunstable	256,841
Duxbury	721,713
East Bridgewater	350,417
East Brookfield	154,072
East Longmeadow	919,863
Eastham	362,422
Easthampton	752,821
Easton	871,540
Edgartown	348,730
Egremont	255,131
Erving	138,663
Essex	216,791
Everett	957,934
Fairhaven	789,107
Fall River	3,244,899
Falmouth	1,719,905
Fitchburg	1,899,303
Florida	266,984
Foxborough	788,249
Framingham	2,815,322
Franklin	1,063,633
Freetown	558,742
Gardner	995,151
Gay Head	55,632
Georgetown	375,627
Gill	283,982
Gloucester	1,066,583
Goshen	178,317
Gosnold	14,567
Grafton	707,752
Granby	434,522
Granville	439,823
Great Barrington	677,968

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<i>Municipality/Town</i>	<i>Distribution</i>
Greenfield	1,076,726
Groton	636,381
Groveland	298,799
Hadley	539,343
Halifax	350,990
Hamilton	381,545
Hampden	375,617
Hancock	162,365
Hanover	671,996
Hanson	429,911
Hardwick	605,952
Harvard	573,383
Harwich	956,917
Hatfield	378,711
Haverhil	2,175,486
Hawley	294,756
Heath	349,773
Hingham	1,065,918
Hinsdale	255,648
Holbrook	396,147
Holden	919,154
Holland	256,212
Holliston	706,917
Holyoke	1,817,084
Hopedale	254,153
Hopkinton	632,040
Hubbardston	562,274
Hudson	865,957
Hull	457,234
Huntington	271,333
Ipswich	645,273
Kingston	583,254
Lakeville	480,587
Lancaster	486,082
Lanesborough	362,686
Lawrence	1,956,533
Lee	456,834
Leicester	660,340
Lenox	473,784
Leominster	1,747,133

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<i>Municipality/Town</i>	<i>Distribution</i>
Leverett	241,072
Lexington	1,432,047
Leyden	246,296
Lincoln	434,266
Littleton	539,082
Longmeadow	801,096
Lowell	3,028,148
Ludlow	911,431
Lunenburg	670,735
Lynn	2,445,580
Lynnfield	552,801
Malden	1,551,613
Manchester	243,286
Mansfield	810,740
Marblehead	733,077
Marion	211,814
Marlborough	1,496,085
Marshfield	894,465
Mashpee	877,055
Mattapoissett	335,226
Maynard	487,262
Medfield	626,967
Medford	1,593,070
Medway	537,582
Melrose	891,926
Mendon	321,592
Merrimac	268,225
Methuen	1,645,950
Middleborough	1,241,640
Middlefield	257,323
Middleton	372,850
Milford	1,111,420
Millbury	597,281
Millis	432,317
Millville	156,620
Milton	958,078
Monroe	109,870
Monson	775,579
Montague	795,623
Monterey	314,456

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<i>Municipality/Town</i>	<i>Distribution</i>
Montgomery	206,604
Mount Washington	116,478
Nahant	150,037
Nantucket	999,047
Natick	1,403,818
Needham	1,441,292
New Ashford	72,838
New Bedford	3,591,004
New Braintree	336,686
New Marlborough	569,341
New Salem	254,840
Newbury	405,978
Newburyport	749,226
Newton	3,591,390
Norfolk	508,094
North Adams	658,334
North Andover	1,217,296
North Attleborough	1,059,610
North Brookfield	514,743
North Reading	615,206
Northampton	1,577,152
Northborough	697,677
Northbridge	581,357
Northfield	477,242
Norton	714,193
Norwell	627,638
Norwood	1,421,603
Oak Bluffs	266,561
Oakham	300,260
Orange	655,859
Orleans	471,457
Otis	291,146
Oxford	750,942
Palmer	842,421
Paxton	291,985
Peabody	1,425,728
Pelham	158,533
Pembroke	563,647
Pepperell	618,904
Peru	222,092

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<i>Municipality/Town</i>	<i>Distribution</i>
Petersham	421,512
Phillipston	305,021
Pittsfield	2,289,568
Plainfield	317,722
Plainville	381,663
Plymouth	1,921,326
Plympton	252,580
Princeton	552,978
Provincetown	189,585
Quincy	2,933,156
Randolph	1,135,154
Raynham	589,012
Reading	875,710
Rehoboth	871,043
Revere	1,178,963
Richmond	280,188
Rochester	408,161
Rockland	616,737
Rockport	324,929
Rowe	242,582
Rowley	330,972
Royalston	472,111
Russell	169,675
Rutland	482,319
Salem	1,234,433
Salisbury	325,528
Sandisfield	541,614
Sandwich	831,477
Saugus	940,501
Savoy	326,893
Scituate	862,092
Seekonk	831,498
Sharon	891,324
Sheffield	589,240
Shelburne	366,831
Sherborn	375,857
Shirley	375,034
Shrewsbury	1,153,189
Shutesbury	222,166
Somerset	805,578

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<i>Municipality/Town</i>	<i>Distribution</i>
Somerville	1,748,177
South Hadley	778,734
Southampton	482,017
Southborough	533,463
Southbridge	808,425
Southwick	521,960
Spencer	809,120
Springfield	5,860,225
Sterling	626,538
Stockbridge	331,733
Stoneham	744,717
Stoughton	1,189,993
Stow	375,258
Sturbridge	658,512
Sudbury	1,031,846
Sunderland	290,513
Sutton	675,902
Swampscott	419,947
Swansea	874,509
Taunton	2,007,363
Templeton	539,162
Tewksbury	1,240,404
Tisbury	185,552
Tolland	265,623
Topsfield	416,926
Townsend	665,033
Truro	276,168
Tyngsborough	504,644
Tyringham	169,798
Upton	447,524
Uxbridge	701,120
Wakefield	1,013,728
Wales	73,961
Walpole	1,040,837
Waltham	2,737,634
Ware	709,159
Wareham	1,039,664
Warren	495,863
Warwick	371,911
Washington	282,682

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<i>Municipality/Town</i>	<i>Distribution</i>
Watertown	1,173,073
Wayland	771,173
Webster	732,002
Wellesley	1,358,393
Wellfleet	386,458
Wendell	323,252
Wenham	220,620
West Boylston	445,520
West Bridgewater	471,578
West Brookfield	377,790
West Newbury	313,334
West Springfield	1,349,403
West Stockbridge	254,863
West Tisbury	115,805
Westborough	1,092,249
Westfield	1,781,635
Westford	1,087,372
Westhampton	307,819
Westminster	676,716
Weston	724,408
Westport	996,412
Westwood	807,094
Weymouth	1,787,313
Whately	228,531
Whitman	514,114
Wilbraham	771,325
Williamsburg	309,725
Williamstown	510,895
Wilmington	1,158,520
Winchendon	709,987
Winchester	822,983
Windsor	441,648
Winthrop	490,998
Woburn	1,852,187
Worcester	6,932,548
Worthington	394,236
Wrentham	561,859
Yarmouth	1,374,155

SECTION 32. The commissioner of the department of highways shall certify inwrit-

ing to each city and town its total apportionment of the funds authorized in item 6010-3950 of section two A within thirty days of the effective date of this act.

SECTION 33. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance shall reimburse, pursuant to section forty-nine of chapter five hundred and eighty-four of the acts of nineteen hundred and eighty-seven, the towns of Beverly, Reading, Saugus, Stoneham, Swampscott, Wakefield, and Winthrop, and the cities of Chelsea, Everett, Lynn, Malden, Melrose, and Revere for the debt service incurred for those costs attributable to the installation of certain environmental equipment, as required pursuant to section forty-eight A of said chapter five hundred and eighty-four at the RESCO resource recovery facility located in the town of Saugus for fiscal year nineteen hundred and ninety-five.

SECTION 34. For the purpose of making available for expenditure in fiscal year nineteen hundred and ninety-five certain balances of authorizations which would otherwise revert on June thirtieth, nineteen hundred and ninety-four, the expiration dates of the items listed below are hereby extended through June thirtieth, nineteen hundred and ninety-five.

7111-7891

7503-7892

SECTION 35. Notwithstanding the provisions of any general or special law to the contrary, any amounts heretofore made available by subsection (k) of section three of chapter thirty-three of the acts of nineteen hundred and ninety-one may also be made available for expenditure for the purposes of subsection (b) of section three of said chapter thirty-three.

SECTION 36. 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 in fee, grant permanent easement interests or lease for a term not to exceed fifty years, with an option for an additional term of twenty-five years, the property described below to the town of Medfield, subject to the requirements of sections thirty-seven to thirty-nine, inclusive, and to such additional terms and conditions as said commissioner may prescribe in consultation with the department of environmental management, said parcel is shown on a "PLAN TO SHOW EASEMENT FOR WATER SUPPLY PURPOSES NORTHMEADOWS ROAD MEDFIELD, MA. SURVEYED BY RIVELIN LAND SURVEYORS 700 WEST CENTER ST., WEST BRIDGEWATER, MA-; DATED AUGUST 30, 1993 or any revisions thereof to be recorded and is currently being used as dedicated open space, forest and agricultural lands within the commonwealth's Charles River Reservation.

SECTION 37. No instrument purporting to convey or lease on behalf of the commonwealth the property described in section thirty-six of this act shall be valid unless the instrument provides that said property shall be used solely for the purposes of laying, installing, maintaining, repairing and operating a public water supply and water supply distribution system.

SECTION 38. If the aforementioned purposes as described in section thirty-seven of this act are 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 may prescribe.

SECTION 39. The town of Medfield shall assume the costs of appraisals, surveys and other expenses as deemed necessary by the commissioner of the division of capital planning and operations for the disposition of the property referenced in section thirty-six of this act.

SECTION 40. The commissioner of the division of capital planning and operations, subject to the provisions of chapter forty of the General Laws, is hereby authorized to lease, subject to the conditions specified in section forty-one of this act, to the town of Tewksbury a parcel of land in said town bounded and described as follows: Beginning at a point of intersection of land of the commonwealth of Massachusetts and A & B Automotive thence, north along the east side of state route 38 to the intersection of said state route and Chandler street, a distance of 240 feet, plus or minus thence, northeast along the east side of Chandler Street to the paved entryway to Tewksbury state hospital, a distance of 270 feet, plus or minus thence, southeast along said paved way a distance of 410 feet, plus or minus to a point thence, southwest to land of A & B Automotive, a distance of 365 feet, plus or minus thence, along the boundary of land of the commonwealth of Massachusetts and A & B Automotive to the point of beginning, a distance of 150 feet, plus or minus. Said parcel contains 4 acres, more or less.

SECTION 41. The commissioner of the division of capital planning and operations is hereby authorized to lease for nominal consideration to the town of Tewksbury for a period of ninety-nine years the parcel of land described in section forty of this act; provided, however, that said lease may be renewed only at the end of such term; provided further, that said lease shall be reviewed by the inspector general; provided further, that said parcel of land shall be used by the town of Tewksbury for the construction of a public library; provided further, that if a library is not constructed on said parcel of land by August first, two thousand and one, the lease herein authorized shall terminate and said parcel shall revert to the commonwealth.

SECTION 42. Notwithstanding the provisions of any general or special law to the contrary, the department of environmental management is hereby authorized and directed to transfer the care, control, maintenance and operation of any new, reconstructed or existing seawall located in the Roughan's Point area of the city of Revere to the metropolitan district commission, upon the completion of the Roughan's Point, Revere federal flood damage control project.

SECTION 43. Any municipality receiving funds pursuant to subdivision (a) of clause (2) of section thirty-four of chapter ninety of the General Laws may provide for the accommodation of bicycle traffic in conjunction with the construction and reconstruction of proposed public ways; provided, that said accommodation shall not compromise public safety, degrade environmental quality, or conflict with existing rights of way.

SECTION 44. Notwithstanding the provisions of any general or special law to the contrary, the department of environmental management may, consistent with established procedures of the division of capital planning and operations, and as provided herein, lease

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real property under its control and supervision to any person or organization, if the commissioner of said department makes a determination that such lease will adequately ensure the preservation and maintenance of an historic property, and that such lease is otherwise consistent with the department's duties and responsibilities.

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

"Historic property", any real property possessing historic value, and so identified hereunder in this section.

Any lease entered into by the department pursuant to this section shall provide, at a minimum, for the following: (a) the improvement and maintenance and management, throughout the term of the lease, of the property by the lessee in conformance with appropriate standards for rehabilitation of historic properties approved by the Massachusetts historical commission, and all other applicable provisions of law; (b) the payment to the department of fair market rent for the property, provided that the value of any improvements and maintenance and management services provided by the lessee under the lease may be deducted from the amount payable over the term of the lease; (c) a finding by the commissioner that the property covered by the lease, while not needed for use by the department for the duration of the lease, is nonetheless subject to its statutory duty under section one of chapter twenty-one of the General Laws to exercise control and supervision of areas of historic significance committed to it, and that the lease is entered into by the department pursuant to said duty; (d) the opening of the property to the public, no less often than twice each year, for the purpose of providing public access to the historic qualities of the property; and (e) any and all other provisions, terms and conditions as the commissioner may deem necessary and appropriate to protect the interests of the commonwealth and ensure the adequate preservation of the historic or other qualities of the property for future generations.

Historic properties subject to the provisions of this section shall include: the Barton house, so-called, Foxborough state forest, the Bell house, so-called, in Maudslay state park, the farm house, so-called, in Maudslay state park, the superintendent's house, so-called, in Wachusett Mountain state reservation, the Benjamin Osborne house, so-called, in Mount Washington state forest, Palmer mansion, so-called, in Bradley Palmer state park, E. F. Dodge house, so-called, in Bradley Palmer state park, Summit house, so-called, in Skinner state park, Hunter House, so-called, in Windsor state forest, Lowell Lichfield house, so-called, in Carlisle state forest, Graham house, so-called, in Nickerson state park, the former Knights of Columbus camp, so-called, in Dubuque state forest, Hunt house, so-called, in Mount Washington state forest, the gatekeeper's house and shed, so-called, Lowell heritage park, the superintendent's house, so-called, Beartown state forest, Swans Lodge and barn, so-called, Beartown state forest, the Inteman house, so-called, Mount Washington state forest, Crosby mansion, so-called, Nickerson state park, Graham house, so-called, Nickerson state park, Vierick house, so-called, Halibut Point state park, Elder house, so-called, Natural Bridge state park, Windago Camp compound, so-called, Windsor state forest, and Bascomb Lodge, so-called, Mount Greylock state reservation.

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The commissioner shall establish guidelines for the implementation of a program of curatorship leases, provided, however, that such guidelines shall, at a minimum, provide for an open, competitive process for selecting lessees.

SECTION 45. The executive director of the Massachusetts Port Authority, hereinafter referred to as the port authority, is hereby authorized and directed to expend a sum not to exceed three million three hundred thousand dollars to fund the port authority's facilities, including but not limited to, parking, passenger shelters and amenities, and related support facilities in connection with shuttle bus service to and from Logan airport as part of the Industri-plex Regional Transportation Center in Woburn; provided, that the inspector general of the commonwealth shall study and examine the feasibility of relocating and operating the Massachusetts Port Authority's shuttle bus service to and from Logan International Airport, known as the "Woburn Logan Express", from its current site at Mishawum community Rail Station or any other site to the Industri-plex Regional Transit Center in Woburn; including but not limited to, an analysis of the potential economic benefits of such relocation, the potential for increased ridership from such relocation and the appropriateness of the site itself; provided further, that the inspector general shall file such study with the house and senate committees on ways and means and the joint committee on transportation. Funds authorized herein shall include, but not be limited to, the capital costs for the following:

(a) a sum not to exceed five hundred thousand dollars which the port authority is authorized to immediately transfer to the Woburn Redevelopment Authority, and which the Woburn Redevelopment Authority is authorized to accept, pursuant to the enabling legislation of the both authorities, to be used to fund the preliminary design and permitting of all aspects of the Regional Transportation Center;

(b) a sum not to exceed two million eight hundred thousand dollars to fund the capital costs in connection with the detailed design and construction of the port authority's airport shuttle bus service facilities, including parking for up to fifteen hundred cars and those costs, if any, which might be incurred by the port authority to acquire the rights in any land by lease, purchase or eminent domain under the provisions of chapter seventy-nine of the General Laws; provided, that prior to any acquisition of rights in any land by lease, purchase, or eminent domain, notice of said acquisition shall be filed for review with the inspector general of the commonwealth.

SECTION 46. Notwithstanding the provision of any general or special law to the contrary, the secretary of administration and finance is hereby authorized and directed to allot sufficient capital funds to the department of environmental management for general renovations to Forest Park in the city of Springfield.

Approved August 5, 1994.

Chapter 86. AN ACT PROVIDING FOR THE DISPOSITION OF CERTAIN PROPERTY AT NORTHAMPTON STATE HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. As used in this act, the following words shall, unless the context clearly indicates otherwise, have the following meanings:

"Committee", the Northampton state hospital citizen's advisory committee.

"Department", the department of mental health.

"Developer", the entity or entities, to which the commissioner of the division of capital planning and operations may convey all or part of the commonwealth's interest in the property located at Northampton state hospital.

"Division", the division of capital planning and operations.

"NDC", Northampton Development Corporation, hereinafter referred to as NDC, a private nonprofit corporation active in economic development activities in the city of Northampton.

"Northampton State Hospital" or "site", all land owned by the commonwealth as of January first, nineteen hundred and ninety-three located upon the site of Northampton state hospital in the city of Northampton, including, but not limited to, parcels commonly referred to as parcels "A" to "K", inclusive, including the buildings and other improvements thereupon, but excluding land referred to as Parcels "I" and "J" transferred to the department of agriculture by chapter five hundred and sixty-eight of the acts of nineteen hundred and eighty-three, as shown on a plan entitled "An Act for the Disposition of Northampton State Hospital" prepared on the Northampton GIS by the office of planning and development of the city of Northampton, on file with the division of capital planning and the city of Northampton.

SECTION 2. It shall be the policy of the commonwealth to stimulate the reuse of Northampton state hospital in an effort to create jobs and new economic opportunities in the Northampton area. Further, the policy of the commonwealth shall be, to the maximum extent feasible, to promote a mix of low income, affordable and market rate housing on the site, up to fifteen percent of which will be prioritized for clients of the department within region one to be funded and developed under the provisions of chapter fifty-two of the acts of nineteen hundred and ninety-three. Further, it is a goal of the commonwealth to make available fifteen percent of all employment generated by the development of the site for those clients of the department who reside in region one and proposals providing such employment will be preferred. Further, it is the policy of the commonwealth to promote the preservation of open space on the site, including, but not limited to, land currently used by the Northampton community gardens, land subject to agricultural preservation restrictions and conservation easements, land used for active and passive recreation, such as hiking, running and cross country skiing, and land that protects the beauty and integrity of the Smith College campus. Further, it is the policy of the commonwealth to create an opportunity for economic development among the division, the city of Northampton and other entities, including but not limited to the Northampton Development Corporation, which will promote the speedy and beneficial reuse of the site.

SECTION 3. 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, except as otherwise provided herein, to convey by deed or deeds, or to lease for a period not to exceed ninety-nine years, all or parts of the commonwealth's interest in all or portions of the land and buildings located at Northampton state hospital, except that land and the buildings thereon referred to in sections ten, eleven, twelve, fourteen, fifteen and sixteen of this act, to a developer or developers, selected in accordance with the provisions of this act. Said land is shown on a plan of land referred to in the definition of Northampton state hospital on file with the division, the precise configuration and area of which are to be described in a survey as provided for in section four of this act. Said deeds and leases shall be consistent with the policies set forth in this act.

SECTION 4. The division shall, within ninety days of the effective date of this act, issue a memorandum of agreement between said division and the city of Northampton concerning the reuse of the site. The division shall negotiate the terms of said agreement with the mayor of said city of Northampton with the advice of the state senator and state representative representing said city of Northampton in the general court. Said agreement shall incorporate existing zoning regulations and the provisions of the act, including, but not limited to, a commitment by said division to undertake pre-development studies of the site, to resurvey the site, to fund site assessment sufficiently to adequately determine the nature and extent of oil and hazardous materials on the site and the cost of remediation, in accordance with applicable laws and regulations and to market the site to potential developers; provided, however, that said agreement shall exclude the use of any portion of the site for an incinerator, landfill or other means of permanent disposal of solid or hazardous waste, house of correction, jail or prison. Composting or the disposal of agricultural waste may be allowed on the site as long as it is in compliance with applicable federal, state and local laws, regulations and ordinances. Said agreement shall include a timetable within which said division shall complete said surveys, evaluations and assessments of oil and hazardous materials. Said agreement shall include provisions that the citizens advisory committee shall review and have the authority to approve or reject the division's request for proposals for a developer or purchaser of the site, or portions thereof, before it is distributed and said committee shall review and have the authority to approve or disapprove the division's criteria for determining the suitability of a developer or a purchaser of the site or a portion thereof. In all other areas of review, the role of said committee shall be advisory only.

SECTION 5. Following approval of the memorandum of agreement and pursuant 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 shall, from time to time, issue requests for proposals for the reuse of all or a portion of the site. Said requests for proposals shall be based on the provisions of the memorandum of agreement and this act, and shall include, but not be limited to the following:

- (a) the time and date for receipt of proposals, the address of the office to which the

proposals are to be delivered, and the maximum time for proposal acceptance by the division;

(b) a description of the property offered;

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

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

SECTION 6. The commissioner of the division of capital planning and operations shall ninety days before the execution of any land disposition agreement authorized by section three or any subsequent amendment thereto, submit the land disposition agreement or amendment and a report thereon to the inspector general who shall review and comment upon said land disposition agreement or amendment within fifteen days of receipt thereof. Said commissioner shall submit the land disposition agreement and any subsequent amendments, thereto, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means, the committee on state administration, the house and senate committees on post audit and oversight, the Northampton state hospital citizens advisory committee, and the state representative and senator representing the city of Northampton in the general court at least seventy-five days prior to execution. Said land disposition agreement shall include conditions adopted in the memorandum of agreement, including, but not limited to, provisions that (i) the developer consult with the Northampton state hospital citizens advisory committee during the planning, development, construction and management of said development on a schedule to be established by said committee (ii) any housing development proposals shall make reasonable efforts to include a mix of low, affordable and market-rate housing, promote the preservation of open space, and shall include the construction, reconstruction or rehabilitation of fifteen percent of housing units under the provisions of chapter fifty-two of the acts of nineteen hundred and ninety-three, or by other authorizations or means; provided, however, that implementation of the memorandum of agreement demonstrates through environmental impact, engineering, and market survey studies, that said parcels can support such development; and (iii) require reasonable efforts to make fifteen percent of employment opportunities generated available for clients of the department who reside in region one.

SECTION 7. Within thirty days of the effective date of this act, there shall be established a Northampton state hospital citizens advisory committee, hereinafter referred to as the committee, to consist of not more than fifteen members to be appointed by the commissioner of the division of capital planning and operations in consultation with state and local officials; provided, however, that two members shall be representatives of the alliance for the mentally ill of western Massachusetts, two members shall be representatives of the Northampton Development Corporation, two members shall be members of the greater Northampton chamber of commerce, and there shall be at least one member from each of the following: the Northampton labor council, the Northampton housing partnership, the Northampton planning board, the mayor of the city of Northampton, the Valley Community

Development Corporation, the Hampshire community action commission, the commissioner of the department of mental health or his designee, the city council industry committee of the city of Northampton, and the Franklin/Hampshire private industry council. The representative and senator in the general court representing the city of Northampton shall serve as ex-officio, non-voting members of the committee. Said committee may review, comment and make recommendations concerning the implementation of the memorandum of agreement. Said committee shall review and approve or disapprove, by majority vote, the division's requests for proposals for developers of the site before they are distributed, and shall review and approve or disapprove, by majority vote, the division's criteria for determining the suitability of developers. A vacancy on said committee shall be filled by the organization that the departed member represented, with the approval of the commissioner of the division of capital planning and operations. Said committee shall meet at least six times each year, but may meet more frequently at the direction of the chairman of said committee. The chairman of said committee shall be elected by the membership of said committee by majority vote and shall serve a one year term.

SECTION 8. The commissioner of the division of capital planning and operations is hereby authorized to grant to the trustees of Smith College easements across two existing roads located on land known as "Parcel K" on the GIS map referred to in the definition of Northampton state hospital for the purposes of access, egress, drainage and utilities to and for the adjacent Smith College athletic fields, pursuant to the memorandum of agreement and subject to the terms of this act, so long as such easement shall not prohibit the lease or sale of portions of the parcel to a developer or developers other than Smith College for the purpose of creating housing or other uses in accordance with this act. The precise configuration and area of the two easements shall be described in a land survey accompanying the memorandum of agreement, provided, however, that nothing in this act shall preclude Smith College from acquiring all, or a portion of parcel K for uses that are not in conflict with the provisions of said agreement.

SECTION 9. The commissioner of the division of capital planning and operations is hereby authorized to retain or grant rights of way or easements for access, egress, utilities and drainage across property described in section three and across other commonwealth property contiguous to said property, and the commonwealth may accept from the developer rights of way or easements in roadways or across property to be conveyed by deed or leased pursuant to section three for purposes of access, egress, drainage and utilities.

SECTION 10. The division of capital planning and operations is hereby authorized and directed to convey by deed, a parcel of land and stone monument at Northampton state hospital commemorating the hanging of James Halligan and Domenic Daley, to the city of Northampton for use as a historic park. The precise configuration of said site shall be described in a land survey to be submitted to the division by the Northampton St. Patrick's Association; provided, however, that said site contains approximately eighteen thousand square feet of land and includes said monument and shall be maintained and protected by said city of Northampton in cooperation with the Northampton St. Patrick's Association. The conveyance of said site shall be without consideration and shall not be subject to the provi-

sions of chapter seven of the General Laws.

SECTION 11. The amount of consideration for the sales, lease, sublease, granting of easements or other conveyances authorized by the provisions of this act shall be equal to the fair market value or any portion thereof, as established by taking the average appraised fair market value from three independent appraisals from three independent appraisers selected by the commissioner of capital planning and operations through the competitive bidding process and with a methodology approved by the inspector general. Said commissioner shall, in like manner, conduct an appraisal of such property, or any portion thereof, every ten years to determine the current fair market value; provided, however, that such appraisal shall not include any privately constructed building thereon. Any subsequent sale, lease, sublease or other conveyance shall be adjusted based upon such subsequent appraisals. Consideration for parcels within the site, portions thereof, easements or other conveyances at less than fair market value shall be allowed if: 1) said commissioner, in consultation with the Northampton state hospital citizens advisory committee, determines that a direct public benefit is provided to citizens eligible for the services of the department; or 2) said commissioner, in consultation with the Northampton state hospital citizens advisory committee, determines that a direct public benefit shall be provided to the citizens of the commonwealth and approves such lesser consideration. The developer's obligations under the provisions of this act shall not be considered by the commissioner in determining a direct public benefit to citizens eligible for the services of the department and approving such lesser consideration. All funds derived from the sale, lease, sublease, granting of easements or other conveyances related to parcels within the site shall be credited to the General Fund.

SECTION 12. The division of capital planning and operations is hereby authorized and directed to transfer care and custody of a parcel of agricultural land at the Northampton state hospital, containing thirty-six acres to the department of food and agriculture for permanent protection as agricultural land. Said parcel is known as "Parcel D" and is a parcel of land on the southerly side of Rocky Hill road, in the city of Northampton. Said parcel is described as follows:

Parcel D:

A certain parcel of land on the southerly line of Rocky Hill Road, in the City of Northampton, Hampshire County, Massachusetts:

Beginning at a point on the southerly line of Rocky Hill Road, said point being the northwesterly corner of the premises described herein;

thence running southeasterly and easterly the southerly line of Rocky Hill Road, 1625' + to a point;

thence running southeasterly by land now or formerly of Charles Rust, 783.75' to a point;

thence running westerly and southwesterly along a curve and land now or formerly of the New York, New Haven and Hartford Railroad, approximately 1073.5' to a point;

thence running northwesterly along land now or formerly of R. S. Sanderson 1039.5' to a point;

thence running northerly continuing by land now or formerly of Sanderson 897.9' to a point of beginning.

Said "Parcel D" contains approximately thirty-six acres of land. The department of food and agriculture is hereby authorized and directed to grant an agricultural preservation restriction and public right-of-way to the city of Northampton for said parcel. The agricultural preservation restriction shall be recorded as authorized by chapters one hundred and thirty-two A and one hundred and eighty-four of the General Laws. The public right-of-way easement shall allow the public to pass and repass on foot trails for the purposes of hiking, winter sports, and nature study in a way that does not disturb crops, and shall allow the city of Northampton, through its conservation commission, to clear and mark trails for this purpose, provided, however, that nothing in this section shall prohibit an agriculture-related educational or commercial enterprise from being located on this parcel. Transfer of said parcel shall be without consideration and shall not be subject to the provisions of chapter seven of the General Laws.

SECTION 13. The division of capital planning and operations is hereby authorized and directed to grant a conservation restriction and a public right-of-way easement on a parcel of land at the Northampton state hospital to the city of Northampton. Said conservation restriction is described as follows:

Beginning at point at the northeast corner of a conservation restriction on land of the department of food and agriculture described by a conservation restriction recorded in the Hampshire County Registry of Deeds, in Book 3568, Page 153, said point being in the center of the Mill River.

Thence, running northeasterly, easterly, southeasterly, easterly, and northeasterly along the center of the Mill Road about 2355 feet to a point on the northwest corner of land of Smith College;

Thence, running southeasterly 150 feet more or less to a point one hundred feet south of the average high water mark of the Mill River;

Thence, running southwesterly, westerly, northwesterly, westerly, and southwesterly parallel and 100 feet from the average high water mark of the Mill River about 2355 feet;

Thence running N 06 -55'-42" W 150 feet more or less to the point of beginning;

Said parcel contain 8 acres, more or less.

Said parcel is subject to all easements of record.

The conservation restrictions shall be recorded as authorized by sections thirty-one to thirty-three, inclusive, of chapter one hundred and eighty-four, and section eight C of chapter forty of the General Laws. The public right-of-way easement shall allow the public to pass and repass on foot trails for the purpose of fishing, hiking, winter sports, and nature study and shall allow the city of Northampton, through its conservation commission, to clear and mark trails for this purpose.

SECTION 14. The division of capital planning and operations is hereby authorized and directed to convey by deed a parcel of land at the Northampton state hospital, containing approximately five acres of land to the city of Northampton for use as the Northampton community gardens and to provide underground utilities for any redeveloper and their suc-

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cessors to the balance of the Northampton state hospital site. Said parcel is known as "Parcel G" on the GIS map referred to in the definition of Northampton state hospital, and is a parcel of land on the northerly line of Burts Pit road in the city of Northampton. Said parcel is described as follows:

Parcel G: A certain parcel of land located on the northerly line of Burts Pit Road, in the city of Northampton.

Beginning at a point on the northerly line of Burts Pit Road, said point being the northwesterly corner of the premises herein described:

thence running northeasterly by land of the commonwealth of Massachusetts approximately 630 feet to a point;

thence running southwesterly by land of the commonwealth of Massachusetts, "Parcel A", approximately 500 feet to a point;

thence running southwesterly and continuing by land of said commonwealth, approximately 540 feet to a point on the northerly line of Burts Pit Road;

thence running northwesterly along the northerly line of Burts Pit Road, approximately 870 feet to the point of beginning. The above Parcel G contains approximately 5 acres of land.

The Northampton community gardens shall be operated by the recreation department in the city of Northampton in consultation with the community garden committee and the citizens advisory committee. No capital improvements shall be made on said parcel without the approval of the city of Northampton in consultation with said committees; provided, however, that nothing in this act shall prevent said city from replicating reasonably equivalent conditions of this site on another parcel if the city in consultation with said committees determines that a one hundred fifty foot wide strip on the eastern boundary of said parcel is required for the productive reuse of Northampton state hospital. Nothing in this act shall prohibit the transfer of all or a portion of the community gardens, with the approval of the Northampton community gardens committee, to prime agricultural land located at the Northampton state hospital site, currently under the care and custody of the department of food and agriculture and subject to an agricultural preservation restriction. Any such transfer shall be initiated by the Northampton city council property committee and approved by the mayor; provided, however, that pending the transfer, lease or sale of the existing athletic field located between the Haskell building and the Northampton community gardens, the commissioner of the division of capital planning and operations may transfer care and custody of the said athletic field to the Northampton soccer club for conducting games and team practices. Said Northampton soccer club shall assume all costs and liabilities associated with maintaining said field and the adjacent parking area. Said commissioner may permit said club to utilize space in a surplus building near said athletic field for the purposes of the club's membership. Nothing in this section shall imply the assumption of liability by the commonwealth for any activities overseen or organized by said Northampton soccer club on said athletic field.

SECTION 15. The commissioner of the division of capital planning and operations is hereby authorized to convey by deed to the Northampton housing authority, in the name

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and on behalf of the commonwealth by deed, certain parcels of land located in the city of Northampton, hereinafter referred to as "the parcels", for the purpose of providing state-aided affordable housing and housing for clients of the department of mental health, subject to the provisions of this act, and to such conditions as the commissioner of the division of capital planning and operations may prescribe in consultation with the executive office of communities and development and said department of mental health.

In the event that any of the parcels are not used for the purposes described in this act within five years of the effective date of this act, or if the Northampton housing authority, by majority vote with a quorum present, determines that it does not wish to use one or more of the parcels, or if the Northampton housing authority ceases to use any of the parcels for such purposes, title to the parcels shall revert to the commonwealth and shall be reused and may be disposed of in accordance with the provisions of this act, under the conditions and guidelines established by the memorandum of agreement.

The parcels are bounded and described as follows:

Parcel 1.

A certain parcel of land in the city of Northampton, County of Hampshire, commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at a point which is N 09 -07'-28" E 249.60 feet from West Street (route 66), as shown on the plan entitled "Plan of Land in Northampton, Massachusetts, surveyed for the City of Northampton, Date: September 16, 1981, by Almer Huntley, Jr. & Associates, Inc., Surveyors, Engineers, Planners, 125 Pleasant Street, Northampton MA." (unrecorded);

Thence: N 30 -04'-19" W, 258.35 feet to a chain link fence at land of Trustees of Smith College;

Thence: N 48 -27'-46" E, 324.00 feet by land of Trustees of Smith College to a point;

Thence: N 82 -13'-48" E, by land of Trustees of Smith College 200 feet more or less to the centerline of the Mill River;

Thence: Southerly by the centerline of the Mill River 378 feet more or less to the corner of Parcel A as shown on said plan;

Thence: S 82 -13'-48" W, 215 feet more or less to a point;

Thence: S 66 -59'-27" W, 135.07 feet to the point of beginning.

Containing 3.2 acres more or less.

Parcel 2.

A parcel of land in the City of Northampton, County of Hampshire, commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at an iron pipe on the southerly sideline of Grove Street at the most easterly corner of land of Elizabeth A. and Therese Gilbert and David Gordon as shown on plan of land entitled "Plan of Land in Northampton, Massachusetts surveyed for Timothy R. Feeney, Scale: 1"=20', Date: May 17, 1988, Heritage Surveys, Bruce A. Coombs, R.L.S. College Highway, Southampton, Massachusetts", recorded in the Hampshire Registry of Deeds in Plan Book 154, page 45, being the most northwesterly corner of the described parcel;

Thence: Easterly by the southerly sideline of Grove Street 185.2 feet more or less to

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land of Chester and Helen Monska;

Thence: Southeasterly by land of said Monska 257.5 feet more or less to a point at land of the Massachusetts Electric Company;

Thence: Southwesterly along land of Massachusetts Electric Company 147.7 feet more or less to a point;

Thence: Northwesterly by land of Massachusetts Electric Company 87 feet more or less to a point;

Thence: Northwesterly by land of Massachusetts Electric Company 74 feet more or less to a point;

Thence: Southwesterly by land of Massachusetts Electric Company 12 feet more or less to an iron pin, at land now of formerly of Elizabeth A. and Therese Gilbert and David Gordon;

Thence: Northerly by land now or formerly of Elizabeth A. and Therese Gilbert and David Gordon 151.34 feet more or less to the point of beginning.

Containing 1.25 acres more or less.

Parcel 3.

A certain parcel of land in the city of Northampton, County of Hampshire, commonwealth of Massachusetts being more particularly bounded and described as follows:

Beginning at the northwesterly corner of the described premises at a point on the easterly sideline of Laurel Street at other land of the grantor, said point being 160 feet more or less southerly of the southerly sideline of Chapel Street;

Thence: Northeasterly by land of the grantor and land of Joan C. Ray 200 feet more or less to a corner at other land of the grantor;

Thence: Southerly by other land of the grantor 365 feet more or less to a corner at other land of the grantor;

Thence: Westerly by other land of the grantor 180 feet more or less to the easterly sideline of Laurel Street;

Thence: Northerly 325 feet by the easterly sideline of Laurel Street to the point of beginning.

Containing 1.5 acres more or less.

Parcel 4.

A certain parcel of land in the City of Northampton, County of Hampshire, commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at a concrete bound on the southwesterly sideline of Burts Pit Road at the most easterly corner of land of Katherine T. Day at a fence corner;

Thence: Southeasterly by the southwesterly sideline of Burts Pit Road 428 feet more or less to a fence line at land of Northampton state hospital;

Thence: Southwesterly by said fence line 185 feet more or less to a fence corner;

Thence: Northwesterly by said fence line 256 feet more or less to a fence corner;

Thence: Continuing northwesterly on the same line 165 feet more or less to the intersection of the fence at land of Katherine R. Day; the preceding 3 courses by land of Northampton state hospital;

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Thence: Northeasterly by fence between land of said Day and Northampton state hospital 185 feet more or less to the point of beginning.

Containing 1.8 acres more or less.

For further reference, see a plan entitled "89 WIBI Northampton Housing Authority", dated November sixteenth, nineteen hundred and eighty-nine and prepared by TWM Northeast E.J. Flynn Engineers, Inc. The precise configuration and area shall be described in a land survey accompanying the memorandum of agreement. The Northampton housing authority shall assume the cost of appraisals, surveys and other expenses as deemed necessary by the commissioner of the division of capital planning and operations for the conveyance by deed of this property. Conveyance of said parcels shall be without consideration and shall not be subject to the provisions of chapter seven of the General Laws.

SECTION 16. The commissioner of the division of capital planning and operations is hereby authorized and directed to convey by deed, in a form, to the city of Northampton a parcel of land located at 91 Grove street on the site. Said parcel is to be used by the city or its assigns for the purpose of providing an emergency shelter for the homeless. Said parcel contains approximately one acre of land, the precise configuration of which shall be determined in a survey accompanying the memorandum of agreement. Conveyance of said parcel shall be without consideration and shall not be subject to the provisions of chapter seven of the General Laws.

SECTION 16A. The commissioner of capital planning and operations (DCPO) shall report in writing to the house and senate committees on ways and means, the committee on state administration, the inspector general, and the house and senate committees on post audit and oversight any violations of the provisions of this act.

SECTION 17. Section 2 of chapter 132 of the acts of 1993 is hereby amended by striking out line item 5500-8893 and inserting in place thereof the following item:-

5500-8893 For selected demolition and asbestos and hazardous waste
removal and abatement, for planning, marketing, survey-
ing, site evaluation and site preparation at Northampton
state hospital \$5,000,000

SECTION 18. This act shall take effect upon its passage.

Approved August 5, 1994

Chapter 87. AN ACT RELATIVE TO BOILERMAKERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately clarify that boilermaking is excluded from the definition of pipefitting for purposes of licensing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

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Section 81 of chapter 146 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "systems", in line 53, the following word:- , boilers.

The foregoing was laid before the Governor on the twenty-fifth day of July, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 88. AN ACT AUTHORIZING THE STATE SECRETARY TO PLACE A CERTAIN QUESTION ON THE NINETEEN HUNDRED AND NINETY-FOUR BIENNIAL STATE ELECTION BALLOT IN THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

SECTION 1. The state secretary shall cause the following question to be placed on the official ballot to be used in the city of Fall River at the biennial state election to be held in the year nineteen hundred and ninety-four.

"Do you approve of the following loan order which was adopted by the city council on June twenty-first, nineteen hundred and ninety-four by a vote of eight yeas and one nay and approved by the mayor on June twenty-second, nineteen hundred and ninety-four.

ORDERED, That the sum of \$9,113,000 be and hereby is appropriated for constructing, originally equipping and furnishing a new police station, including site acquisition and other costs incidental and related thereto, and that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is hereby authorized to borrow at one time or from time to time a sum not exceeding \$9,113,000 under and pursuant to Chapter 44, Section 7 (3), of the General Laws, as amended and supplemented, or any other enabling authority, and to issue and sell bonds or notes of the City therefor?"

If a majority of the votes cast in answer to said question is in the affirmative then said loan order shall take effect but not otherwise.

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

Approved August 9, 1994.

Chapter 89. AN ACT LIMITING THE LIABILITY OF CERTAIN FARMING OPERATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately limit the liability of certain farm operations, therefore 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 2D, as appearing in the 1992 Official Edition, the following section:-

Section 2E. No owner, operator, or employee of a farm who allows any person to enter said farm for the purpose of agricultural harvesting, including the cutting of Christmas trees under a so-called "pick-your-own" agreement shall be liable for injuries or death to persons, or damage to property, resulting from the conduct of such operation in the absence of wilful, wanton, or reckless conduct on the part of said owner, operator, or employee.

Said owner or operator of said farm shall post and maintain signs which contain the warning notice specified herein. Such signs shall be placed in a location visible to persons allowed to enter said farm for the purpose of agricultural harvesting. The warning notice shall appear on a sign in black letters, with each letter to be a minimum of one inch in height and shall contain the following notice:

WARNING

Under section 2E of chapter 128 of the General Laws the owner, operator, or any employees of this farm, shall not be liable for injury or death of persons, or damage to property, resulting out of the conduct of this "pick-your-own" harvesting activity in the absence of wilful, wanton, or reckless conduct.

SECTION 2. The provisions of this act shall apply to causes of action accruing on or after the effective date of this act.

Approved August 12, 1994.

Chapter 90. AN ACT RELATIVE TO THE HISTORIC DISTRICT COMMITTEE FOR THE TOWN OF BREWSTER.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 470 of the acts of 1973, as most recently amended by section 4 of chapter 338 of the acts of 1982, is hereby further amended by inserting after the third paragraph the following paragraph:-

Notwithstanding the provisions of this section, the members of the historic district committee for the town of Brewster shall be elected at said town's annual election and shall serve for four year terms commencing on June first and ending on May thirty-first.

SECTION 2. The terms of the incumbent members of the historic district committee for the town of Brewster on the effective date of this act whose terms expire on December thirty-first shall be extended until May thirty-first of the subsequent year.

Approved August 15, 1994.

Chapter 91. AN ACT AUTHORIZING THE STATE SECRETARY TO PLACE A CERTAIN QUESTION ON THE BIENNIAL NINETEEN HUNDRED AND NINETY-FOUR STATE ELECTION BALLOT IN THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. The state secretary shall cause the following question to be placed on the official ballot to be used in the town of Barnstable at the biennial state election to be held in the year nineteen hundred and ninety-four.

"Shall the town of Barnstable withdraw from the Cape Cod commission?"

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

Approved August 16, 1994.

Chapter 92. AN ACT RELATIVE TO THE TERMS OF CERTAIN NOTES AND 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 and notes to carry out the purposes of various acts passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section seven of chapter eight hundred and forty-six of the acts of nineteen hundred and sixty-five, as amended by section ten of chapter two hundred and nineteen of the acts of nineteen hundred and ninety-one, providing for funding a special capital outlay loan, shall be issued and renewed one or more times for terms not to exceed one year, and the final maturities of such notes, whether original or renewal, shall be no later than June thirtieth, nineteen hundred and ninety-nine, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 2. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section ten of chapter six hundred and seventy-eight of the acts of nineteen hundred and eighty-seven, providing for funding a Cushing Hospital Development Loan, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and thirteen, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 3. Notwithstanding any provision of law to the contrary, the bonds which

the state treasurer is authorized to issue under section seventy-five of chapter twenty-three of the acts of nineteen hundred and ninety-two, providing for funding Public Safety Improvement Loans in the commonwealth, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and seventeen, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 4. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section thirteen of chapter thirty-six of the acts of nineteen hundred and ninety-two, providing for funding Metropolitan Water Supply Protection Loans in the commonwealth, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and twenty-two, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 5. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section nineteen of chapter sixty-nine of the acts of nineteen hundred and ninety-two, providing for funding renovations and improvements at the state house, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and seventeen, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 6. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section three A of chapter seven hundred and eighty-six of the acts of nineteen hundred and sixty-seven, providing for funding Tenen Beach Loans, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and fifteen, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 7. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section two of chapter eight hundred and thirty-four of the acts of nineteen hundred and sixty-nine, as most recently amended by section twenty-three of chapter seven hundred and twenty-three, providing for funding Solid Waste Disposal bonds, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and fifteen, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 8. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section three of chapter eight hundred of the

acts of nineteen hundred and seventy-nine, providing for Groundwater Survey Loans, shall be issued for a term not to exceed ten years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and five, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 9. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eleven A of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, as amended by section nineteen of chapter two hundred and thirty-three of the acts of nineteen hundred and eighty-four, providing for funding Capital Outlay Equipment Loans, shall be issued for a term not to exceed seven years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and two, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 10. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eleven A> of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, as inserted by section twenty of chapter two hundred and thirty-three of the acts of nineteen hundred and eighty-four, providing for funding Word and Data Processing Equipment Loans, shall be issued for a term not to exceed five years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 11. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eleven D of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, providing for funding Highway Improvement Equipment Loans, shall be issued for a term not to exceed seven years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and two, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 12. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eleven S of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, providing for Capital Outlay Loan - County Correctional Facilities Loans, shall be issued for a term not to exceed seven years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and two, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 13. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section three of chapter seven hundred

and eighty-five of the acts of nineteen hundred and eighty-five, providing for funding Lockup Facilities Improvements, shall be issued for a term not to exceed seven years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and two, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 14. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section twelve of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five, providing for funding Mobility Assistance Program Loans, shall be issued for a term not to exceed five years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 15. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eight of chapter fifty-two of the acts of nineteen hundred and ninety-three, providing for funding Human Services Consolidation Capital Outlay Loans, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nineteen, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 16. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section three of chapter one hundred and thirty-two of the acts of nineteen hundred and ninety-three, providing for funding Human Services Consolidation Capital Outlay Loans, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nineteen, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 17. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section six of chapter four hundred and twenty-eight of the acts of nineteen hundred and ninety-three, providing for funding Low-Level Radioactive Waste Management, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and eighteen, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 18. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section three of chapter four hundred and ninety-three of the acts of nineteen hundred and ninety-three, providing for funding Emergency Capital Outlay Loans, shall be issued for a term not to exceed twenty years; pro-

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vided, however, that all such bonds shall be payable by June thirtieth, two thousand and nineteen, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 19. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section six of chapter four hundred and ninety-four of the acts of nineteen hundred and ninety-three, providing for funding Housing Preservation and Neighborhood Development, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and eighteen, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 20. Notwithstanding any provision of the 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 each of the calendar years nineteen hundred and ninety-four and nineteen hundred and ninety-five, as recommended by the governor in a message to the general court dated May thirty-first, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved August 16, 1994.

Chapter 93. AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO DISPOSE OF ITS AMBULANCE.

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 or by-law of the town of Marblehead, said town of Marblehead, acting by and through its board of selectmen, is hereby authorized to dispose of its ambulance for nominal consideration and upon such other terms and conditions as said board may determine as partial consideration in contracting for private ambulance service for said town.

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

Approved August 16, 1994.

Chapter 94. AN ACT ESTABLISHING A SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF HOLLISTON.

Be it enacted, etc., as follows:

SECTION 1. To the extent that the provisions of this act modify or repeal existing General Laws and special acts or that body of law which constitutes the town charter under Section 9 or Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern. For the purposes of this act, all references to officers, employees or other personnel shall be read as applying equally to males and females regardless of the gender or pronoun used.

SECTION 2. The board of selectmen of the town of Holliston, by an affirmative vote of at least a majority of the full membership of the board shall appoint a town administrator for an indefinite term and shall fix the compensation for such person within the amount annually appropriated for that purpose. The position of town administrator shall not be subject to the by-laws of the town relative to personnel, nor shall it be included in any certification of any collective bargaining unit.

SECTION 3. The town administrator shall be appointed solely on the basis of executive and administrative qualifications and shall be a person of proven professional ability especially fitted by education, training and previous full-time paid experience in business or public administration to perform the duties of the office. The person shall not have served in an elective office in or for the town of Holliston for at least thirty-six months prior to his appointment. The person shall devote full time to the office and shall not hold any other public office, elective or appointive, nor shall engage in any other business, occupation or profession during the term of office, unless such action is approved in advance, in writing, by the board of selectmen. The town may, from time to time, by by-law, establish such additional qualifications it deems necessary and appropriate. The board of selectmen may enter into a formal contract with the town administrator consistent with the provisions of this act which shall take precedence over any personnel by-laws. The town administrator shall be a citizen of the United States of America and need not be a resident of the town of Holliston. The board of selectmen shall evaluate annually the performance of the town administrator, based on mutually established predetermined goals, standards or criteria for performance and the evaluation shall, at least in summary form, be a public record.

SECTION 4. Before entering upon the duties of his office, the town administrator shall be sworn, in the presence of a majority of the selectmen, to the faithful and impartial performance thereof by the town clerk or a notary public. The town administrator shall execute a bond in favor of the town of Holliston for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed by the selectmen. The cost of said bond shall be paid by the town.

SECTION 5. The town administrator shall appoint, based upon merit and fitness alone and remove subject to the provisions of the General Laws and town by-laws where applicable, the treasurer/collector, accountant, building inspector and senior center director. The town administrator shall approve, upon the recommendation of department heads under the jurisdiction of the board of selectmen, the appointment and removal of all employees and subordinates, subject to the provisions of the General Laws and town by-laws where applicable. Department heads shall select, on merit and fitness alone, all department em-

ployees for such recommendation. Appointments to permanent positions made by the town administrator shall become effective on the fifteenth day following the day notice of the appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority of all members, vote to reject any such appointment. The town administrator shall consider the recommendations of committees and commissions when making any appointments within their respective areas. The town administrator shall be responsible for the initial screening of all applicants and recommend to the board of selectmen finalists for the positions of fire chief, police chief and highway superintendent. The town administrator shall supervise all department heads and employees under the jurisdiction of the board of selectmen.

SECTION 6. In addition to other powers and duties provided for in this act, the town administrator shall have the following powers and duties:

(a) The town administrator shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the efficient administration, supervision and coordination of all departments, commissions, boards and offices that come under the jurisdiction of the board of selectmen. He shall not, however, exercise any control over the discretionary power vested by statute in any such department, commission, board or office. He also shall coordinate all activities of town departments under the jurisdiction of the board of selectmen with the activities of departments under the control of officers, boards or commissions elected directly by the voters of the town.

(b) The town administrator shall be responsible for the implementation of all policies, directives and votes of the board of selectmen.

(c) The town administrator shall administer the town personnel system, including but not limited to personnel policies and practices, rules and regulations and standards, including provisions for an annual employee performance review, the consolidated personnel by-law and shall prepare the job compensation plan for consideration of town meeting if necessary. The personnel board shall act as a final board of appeal for personnel decisions rendered by the town administrator. The town administrator shall be the selectmen's agent for collective bargaining and may employ special counsel to assist him in the performance of those duties.

(d) The town administrator shall be responsible for the preparation of the annual operating budget for all town departments and agencies under the jurisdiction of the board of selectmen. He shall prepare a uniform budget document in a format which is acceptable to the finance committee. He shall compile, within a time fixed by agreement between the board of selectmen and the finance committee, the comprehensive annual operating budget and the annual capital improvements program for all town departments, agencies, boards and commissions and submit the same with his recommendations to the finance committee. For the purpose of compiling the comprehensive annual operating budget and the annual capital improvements program, all town departments, agencies, boards and commissions shall submit copies of their budgets and capital improvements requests to the town administrator within the time fixed by agreement between the board of selectmen and the finance committee.

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(e) With the assistance of the town accountant, the town administrator shall keep the board of selectmen and finance committee informed as to the financial condition and needs of the town and shall make such recommendations to the board of selectmen and finance committee as he deems necessary or expedient.

(f) The town administrator shall be responsible for the review of all current by-laws, regulations and policies that affect the departments and agencies under the jurisdiction of the board of selectmen, and shall make such recommendations for changes as he deems necessary.

(g) The town administrator shall be responsible for the negotiation of all contracts and grants which the board of selectmen is authorized by law to enter into. Such proposed contracts and grants shall be subject to final approval and execution by the board of selectmen.

(h) The town administrator shall act as the liaison and represent the board of selectmen before state, federal and regional authorities.

(i) The town administrator shall act as the chief procurement officer and be responsible for the approval of the purchase of all supplies, materials, equipment and other services for all departments or agencies under the selectman's jurisdiction, pursuant to the uniform procurement act. He may make purchases for departments and activities not under his supervision upon and in accordance with a requisition duly signed by the head of any such department.

(j) The town administrator shall be responsible for the use, maintenance, repair and rental of all town facilities and equipment and property under the jurisdiction of the board of selectmen. He shall be responsible for the preparation of plans and the supervision of work on all construction, reconstruction, alterations, improvements and other undertakings authorized by the selectmen.

(k) The town administrator may recommend to the board of selectmen, consistent with the provisions of this act and the General Laws, measures to reorganize, consolidate, create, divide or abolish boards, departments, agencies, committees, commissions or offices under the jurisdiction of the board of selectmen, in whole or in part; measures to establish such new boards, departments, agencies, committees, commissions or offices as he deems necessary; and for such purpose, measures to transfer the duties and powers of one board, department, agency, committee, commission or office to another.

(l) The town administrator shall develop and maintain a full and complete inventory of all town owned real and personal property.

(m) The town administrator shall see that all provisions of General Laws, by-laws, and other votes of the town meeting and votes of the board of selectmen which require enforcement, direction and supervision of the town administrator office are faithfully carried out and performed.

(n) The town administrator shall keep the board of selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient. In addition, the town administrator shall have access to all town books, papers and documents for in-

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formation necessary for the proper performance of his duties.

(o) The town administrator shall keep full and complete records of his office and shall render as often as may be required by the board of selectmen a full report of all operations during the period reported on.

(p) The town administrator shall attend all regular and special meetings of the board of selectmen, unless requested and allowed to be excused, and shall have a voice, but not vote, in all its discussions. Said administrator shall be accessible and available for consultation to the board of selectmen and shall make accessible and available to them all such data and records of his office as may be requested in connection with their official duties.

(q) The town administrator shall attend all sessions of the town meeting and shall be available to answer all questions concerning warrant articles which are directed to the office and relate to matters under the person's general supervision.

(r) The town administrator shall perform such other duties, consistent with his office, as may be required of him by the by-laws of the town, a majority vote of the board of selectmen or a vote of town meeting.

SECTION 7. Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen. Pending the appointment of a town administrator or the filling of any vacancy, the board of selectmen shall, within seven days, appoint a suitable person to perform the duties of the office.

SECTION 8. The town administrator may designate, subject to the approval of the board of selectmen, by letter filed with the town clerk, a qualified officer of the town to perform his duties during his temporary absence or disability. In the event of failure of the administrator to make such designation, the board of selectmen may, by resolution, designate an officer of the town to perform the duties of the administrator until he shall return or his disability shall cease.

SECTION 9. The selectmen may remove the town administrator by the affirmative vote of at least a majority of the full membership of the board. At least thirty days before such proposed removal shall become effective, the board of selectmen shall file a preliminary written resolution of removal with the town clerk setting forth in detail the specific reasons for the proposed removal. The town clerk shall forthwith deliver a copy of such resolution to the town administrator or mail the same to him by registered mail at his last known address. The town administrator may, within ten days of service of such resolution, reply in writing to the resolution and may request a public hearing. If the administrator so requests, the board of selectmen shall hold a public hearing not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, the board of selectmen, by affirmative vote of at least a majority of the full membership of the board, may adopt a final resolution of removal. In the preliminary resolution, the board of selectmen may suspend the town administrator from duty, but in any case, his salary shall continue to be paid until the expiration of at least one month and not more than three months after the date of the final

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resolution of removal, as the selectmen shall deem proper.

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

Approved August 16, 1994.

Chapter 95. AN ACT AMENDING THE CHARTER OF THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. The charter of the city of Lowell, 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 31 and inserting in place thereof the following section:-

Section 31. The school committee shall consist of seven members elected at large for a term of two years. The member who receives the largest number of votes at the general municipal election shall serve as chairperson of the school committee, and the member who receives the second largest number of votes at the general municipal election shall serve as vice-chairperson. If the office of chairperson becomes vacant it shall be filled by the vice-chairperson and the school committee shall elect one of its members to fill the office of vice-chairperson for the remainder of its term.

SECTION 2. Said charter is hereby further amended by striking out sections 95 to 100, inclusive, and inserting in place thereof the following five sections:-

Section 95. The government of the city and the general management and control of all its affairs shall, except as otherwise provided in this charter, be vested in a city council, which shall exercise its powers in the manner hereinafter set forth, but subject to sections one to forty-five, inclusive, insofar as not inconsistent; except that the mayor shall have the authority hereinafter specified that the general management and conduct of the public schools of the city and of the property pertaining thereto shall be vested in the school committee, and that the city clerk, the city auditor, any official of the city appointed by the governor and any trustees or other officers whose election by the voters of the city is required by reason of the fact that the city has accepted any gift, devise or bequest shall have the powers and duties which may be conferred and imposed upon them by law.

Section 96. The city council shall consist of nine members, all of whom shall, at each regular municipal election, be elected at large for terms of two years each and shall serve until their successors are qualified. Section eight of chapter thirty-nine of the General Laws shall apply to members of the city council.

Section 97. The city council, elected as aforesaid, shall meet at ten o'clock in the forenoon of the first Monday of January following the regular municipal election, and the members of the city council shall severally make oath, before the city clerk or a justice of the peace, to perform faithfully the duties of their respective offices, except that any member-elect not present shall so make oath at the first regular meeting of the city council thereafter which he attends. For the purposes of organization, the city clerk shall be tempo-

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rary chairperson until the chairperson or vice-chairperson has qualified. The member who receives the largest number of votes at the general municipal election shall serve as chairperson of the city council, and the member who receives the second largest number of votes at the general municipal election shall serve as vice-chairperson. The persons elected as such shall likewise make oath to perform faithfully the duties of the respective offices to which they are so elected, and they may so make oath at the same meeting at which they are so elected. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve or non-election of one or more of the members; provided, however, that a majority of all the members elected to the city council are present and have qualified. If the office of chairperson becomes vacant it shall be filled by the vice-chairperson and the city council shall elect one of its members to fill the office of vice-chairperson for the remainder of its term.

Section 98. The city council shall fix suitable times for its regular meetings. The chairperson or the vice-chairperson of the city council, or any four members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member of the city council, or left at his usual dwelling place, at least twelve hours before the time of such meeting.

Meeting of the city council may also be held at any time when all the members of the city council are present and consent thereto, provided such meeting is in compliance with section twenty-three B of chapter thirty-nine of the General Laws. Except in the cases of executive sessions authorized by section twenty-three A of said chapter thirty-nine, all meetings of the city council shall be open to the public, and the rules of the city council shall provide that citizens and employees of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

Section 99. A majority of all the members elected to the city council shall constitute a quorum. The chairperson, if present, shall preside at the meetings and may vote. In the absence of the chairperson, the vice-chairperson of the city council shall preside and, in the absence of both, a temporary chairperson shall be chosen, who shall serve during the absence of both the chairperson and the vice-chairperson. The city clerk shall be, ex officio, clerk of the city council, and shall keep records of its proceedings; but, in case of absence, disability or a vacancy in the office of said city clerk, the assistant city clerk shall perform the duties of clerk of the city council, who shall be sworn to the faithful discharge of his duties and shall act as clerk of the city council until the city clerk resumes his duties or a new clerk is qualified. All final votes of the city council on questions involving the expenditure of fifty dollars or more, or upon the request of any member, any vote of the city council, shall be by yeas and nays and shall be entered on the records. The affirmative vote of a majority of all the members elected to the city council shall be necessary for the passage of any order, ordinance, resolution or vote, except that the affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the city council.

SECTION 3. Said charter is hereby further amended by striking out sections 102 to 107, inclusive, and inserting in place thereof the following six sections:-

Section 102. A vacancy in any elective body therein shall be filled forthwith for the unexpired term by the remaining members of the body concerned, who shall choose whichever of the defeated candidates who are eligible and willing to serve, and who received the highest number of votes for membership in the body in which the vacancy occurs at the last regular municipal election at which members of said body were elected.

Section 103. There shall be a mayor, elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. He shall hold office for the term of two years from the first Monday of January following his election, and until his successor is qualified. The provisions of section forty-four C of chapter forty-three of the General Laws shall apply to candidates for the office of mayor.

If a vacancy occurs in the office of the mayor by death, resignation, inability to serve, or otherwise, during the first twelve months of his term, then the city council shall order a special election to fill the same for the unexpired term; and if a vacancy occurs in said office of the mayor by death, resignation, inability to serve, or otherwise, during the last twelve months of his term, then the chairperson of the city council shall perform the duties of mayor during the remainder of said term; except that the chairperson, while acting as mayor, shall not be able to make any permanent appointments to the city departments.

Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for his approval. If he approves it, he shall sign it; if he disapproves it, he shall return it, with his written objections, to the city council, which shall enter the objections at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two-thirds vote of all its members, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council.

Every such order, ordinance, resolution and vote shall be in force if not returned by the mayor within ten days after it has been presented to him. This section shall not apply to budgets submitted under section thirty-two of chapter forty-four of the General Laws or to appropriations by a city council under section thirty-three of said chapter.

Section 104. Except as otherwise specifically provided in this charter, it shall be the duty of the mayor to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that within the city the laws of the commonwealth and the ordinances, resolutions and regulations of the city council are faithfully executed; and to make such recommendations to the city council concerning the affairs of the city as may to him seem desirable; to make reports to the city council from time to time upon the affairs of the city; and to keep the city council fully advised of the city's financial condition and its future needs. He shall prepare and submit to the city council budgets as required of the mayor by section thirty-two of chapter forty-four of the General Laws and, in connection therewith, may, to the extent provided by this amended charter and, in connection therewith, may require the submission to him, by all departments, commissions, boards and offices for the city, of estimates of the amounts necessary for their expenses. He shall make all appointments and removals in the departments, commissions, boards and offices of the city for whose administration he is responsible, except as otherwise

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provided in this charter, and shall perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the city council. The mayor shall have and possess, and shall exercise, all the powers, rights, and duties, other than legislative, had, possessed or exercised, immediately prior to the adoption of this amended charter, by the city manager.

Section 105. Such officers and employees as the city council with the advice of the mayor, shall determine are necessary for the proper administration of the departments, commissions, boards and offices of the city for whose administration the mayor is responsible shall be appointed, and may be removed, by the mayor. The mayor shall report every appointment and removal made by him to the city council at the next meeting thereof following such appointment or removal. The mayor may authorize the head of a department, commission or board, or the holder of any office, for whose administration he is responsible, to appoint and remove subordinates in such department, commission, board or office. All appointments by, or under the authority of, the mayor, if subject to chapter thirty-one of the General Laws and the rules and regulations made under authority thereof, shall be made in accordance therewith, and all other appointments as aforesaid shall be on the basis of executive and administrative ability and training and experience in the work to be performed.

Section 106. Officers and employees of the city appointed by, or under the authority of, the mayor shall perform the duties required of them by the mayor, under general regulations of the city council. Any violation of this section shall constitute sufficient grounds for removal of any such officer or employee.

Section 107. Neither the city council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the mayor or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in that portion of the service of said city for whose administration the mayor is responsible. Except for the purpose of inquiry, the city council and its members shall deal with that portion of the service of the city as aforesaid solely through the mayor, and neither the city council nor any member thereof shall give orders to any subordinate of the mayor either publicly or privately. Any member of the city council who violates, or participates in the violation of, any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both, and upon final conviction thereof his office in the city council shall thereby be vacated and he shall never again be eligible for any office or position, elective or otherwise, in the service of the city.

SECTION 4. Said charter is hereby further amended by striking out section 109 and inserting in place thereof the following section:-

Section 109. The regular municipal election under this plan shall take place on the Tuesday next following the first Monday of November in every odd numbered year, the mayor, all members of the city council, the school committee and any board of trustees or other officers referred to in section ninety-five, and no others, shall be elected at each such election.

SECTION 5. Compensation of the elected mayor under this act shall be the same

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compensation as paid to the city manager under the Plan E Charter, until amended by ordinance.

SECTION 6. Compensation of the chairperson of the city council shall be the same compensation as paid to the mayor under the Plan E Charter, until amended by ordinance. Compensation of the chairperson of the school committee shall be the same compensation as paid to other members of the school committee until amended by ordinance.

SECTION 7. All other provisions of the charter of the city of Lowell, not inconsistent herewith, shall remain in force and effect until the same are repealed or amended.

SECTION 8. This act shall be submitted to the qualified voters of the city of Lowell at the state election to be held on the eighth day of November, nineteen hundred and ninety-four, in the form of the following which shall be placed upon the official ballot.

"Shall an act passed by the general court in the year nineteen hundred and ninety-four entitled 'An Act amending the Charter of the City of Lowell' be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative then the provisions of this act shall take effect in the city of Lowell as provided in section nine.

A fair, concise summary of this act as determined by the city solicitor shall appear on the ballot as provided in section fifty-eight A of chapter fifty-four of the General Laws.

SECTION 9. Upon acceptance of this act by the voters of the city of Lowell, this act shall thereupon take effect for the regular city election to be held on November seventh, nineteen hundred and ninety-five, and for the preliminary election for nominations to be held on October tenth, nineteen hundred and ninety-five; and it shall take effect for all other purposes at ten o'clock in the forenoon of the first Monday of January, nineteen hundred and ninety-six.

SECTION 10. Except as otherwise provided herein, this act shall take effect upon its passage.

Approved August 17, 1994.

Chapter 96. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE SPECIAL TOWN MEETING HELD IN THE TOWN OF PLYMOUTH ON JUNE TWENTY-SEVENTH, NINETEEN HUNDRED AND NINETY-FOUR.

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 Plymouth at its special town meeting held on June twenty-seventh, nineteen hundred and ninety-four are hereby ratified, validated, and confirmed notwithstanding the failure of said town to comply with its charter relative to the posting of the warrant for the meeting.

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

Approved August 17, 1994.

Chapter 97. AN ACT RELATIVE TO CERTAIN FUNDS OF THE TOWN OF BREWSTER.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 363 of the acts of 1992 is hereby amended by striking out, in line 17, the word "ninety-seven" and inserting in place thereof the following word:- ninety-nine.

SECTION 2. Said chapter 363 is hereby further amended by inserting after section 1 the following section:-

Section 1A. The funds described in section one which have been retained by the treasurer of the town of Brewster as unclaimed compensation for land taken by said town may be used to pay the financial obligations of debt instruments which were issued by said town to raise funds for other land takings. Nothing in this act shall affect in any way said town's obligations to provide fair compensation for real estate it has taken by eminent domain.

Approved August 17, 1994.

Chapter 98. AN ACT AUTHORIZING THE TOWN OF HOPKINTON TO NEGOTIATE FOR AND ADMINISTER A DISABILITY INSURANCE PROGRAM AND A DENTAL INSURANCE PROGRAM FOR ITS EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. The town of Hopkinton, acting by and through its board of selectmen, is hereby authorized to negotiate for, obtain, and administer a program for disability insurance and a program for dental insurance for active employees of said town and of the school department of said town. One hundred percent of the premiums associated with such disability insurance program and dental insurance program shall be paid by the qualified active employees who participate in such program, either by direct payment of premiums or by payroll deduction.

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

Approved August 17, 1994.

Chapter 99. AN ACT PROVIDING FOR THE APPOINTMENT OF THE TREASURER-COLLECTOR OF TAXES IN THE TOWN OF WEYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-one of

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the General Laws or any other general or special law to the contrary, there is hereby established in the town of Weymouth the office of treasurer-collector of taxes. The board of selectmen of said town of Weymouth shall, from a list of a minimum of three candidates recommended by the screening committee as set forth in section two, upon the expiration of the terms of the treasurer and the collector of taxes holding office on the effective date of this act, appoint a person to the office of treasurer-collector of taxes of said town. Said treasurer-collector of taxes so appointed shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law on town treasurers and collectors of taxes. Upon appointment and qualification, such treasurer-collector of taxes shall serve for a term of three years and until a successor is appointed and qualified. The treasurer-collector of taxes may be removed by the board of selectmen for cause after a public hearing and any vacancy in said office shall be filled by appointment in the same manner as the original appointment. The position of treasurer-collector of taxes shall not be subject to the provisions of chapter thirty-one of the General Laws. Compensation shall be established within the classification and pay plan of the town bylaws for the salary of the treasurer-collector of taxes and as set by the personnel board.

SECTION 2. A screening committee composed of a member of the board of selectmen who shall be selected by said board, a member of the personnel board, who shall be selected by said personnel board, the executive administrator and four citizens of the town of Weymouth to be appointed by the town moderator, shall submit to the board of selectmen the names of three persons as candidates for appointment to the office of treasurer-collector of taxes. Insofar as possible, the members of said committee shall be knowledgeable in municipal finance, data processing, human resources, law or other similar proficiencies.

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

Approved August 17, 1994.

Chapter 100. AN ACT FURTHER REGULATING THE SALE OF ALCOHOLIC BEVERAGES IN THE TOWN OF FAIRHAVEN.

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 to Vila Verde, Inc. d/b/a Vila Verde Restaurant at 362-364 Main Street in the town of Fairhaven, a license to sell all alcoholic beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight. Said license shall be subject to all 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 said license shall reduce

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by one any increase in the licenses granted due to census reapportionment under said section seventeen.

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

Approved August 22, 1994.

**Chapter 101. AN ACT RELATIVE TO THE FUNDING SCHEDULE FOR THE
MIDDLESEX COUNTY RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. The Middlesex county retirement system is hereby authorized and directed to adopt a funding schedule under the provisions of subdivision (1) of section twenty-two D of chapter thirty-two of the General Laws; provided, however, that the public employee retirement administration shall not impose a cost of benefits standard to be used in determining said funding schedule; provided, further, said schedule may only be disapproved by the actuary if said schedule does not meet the actuarial standards established under said subdivision (1) of said section twenty-two D of said chapter thirty-two.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety-four.

Approved August 22, 1994.

Chapter 102. AN ACT PROVIDING FOR AN ACCELERATED TRANSPORTATION DEVELOPMENT AND IMPROVEMENT PROGRAM FOR THE COMMONWEALTH.

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

Be it enacted, etc., as follows:

SECTION 1. To provide for a program of transportation development and improvements, the sums set forth in sections two, two A, two B, two C, two D and two E for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and approval thereof.

SECTION 2.
EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

- 6033-9513 For direct expenses in connection with research and planning projects and work, pursuant to the provisions of sections eleven and twelve of this act, to be done on a cooperative basis with educational institutions and other state, regional and federal agencies; provided, that notwithstanding the provisions of any general or special law to the contrary, or any other provision of this act, the department shall not enter into any obligations for projects which are eligible to receive federal funds pursuant to the authority granted under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the state portion of such obligation; and provided further, that the department shall only enter into obligations for said projects pursuant to the authority granted in this act based upon the prior commitment of sufficient federal funds and the availability of state funding authorized or appropriated for such use by the general court for the class and category of project for which such obligation applies \$9,200,000
- 6033-9515 For projects, pursuant to the provisions of sections eleven and twelve of this act, on the interstate federal aid highway system; provided, that said sum may be expended for the costs of said projects including, but not limited to, the costs of engineering and other services essential to such projects, rendered by department employees or by consultants; provided further, that amounts expended for department employees may include the salary and salary related expenses of such employees to the extent that they work on or in support of such projects, provided that such expenses are federally reimbursed; provided further, that notwithstanding the provisions of any general or special law to the contrary, or any other provision of this act, the department shall not enter into any obligations for projects which are eligible to receive federal funds pursuant to the authority granted under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the state portion of such obligation; and provided further, that the department shall only enter into obligations for said projects pursuant to the authority granted in this act based upon the prior commitment of sufficient federal funds and the avail-

	ability of state funding authorized or appropriated for such use by the general court for the class and category of project for which such obligation applies	\$1,025,599,268
6033-9516	For projects, pursuant to the provisions of sections eleven and twelve of this act, on the federal Aid Highway System; provided, that notwithstanding the provisions of any general or special law to the contrary, or any other provision of this act, the department shall not enter into any obligations for projects which are eligible to receive federal funds pursuant to the authority granted under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the state portion of such obligation; provided, further, that the department shall only enter into obligations for said projects pursuant to the authority granted in this act based upon the prior commitment of sufficient federal funds and the availability of state funding authorized or appropriated for such use by the general court for the class and category of project for which such obligation applies; provided, further, that one million three hundred thousand dollars shall be expended for the reconstruction of Westfield street in the town of Agawam; provided further, that sums provided herein may be expended for the costs of said projects including, but not limited to, the costs of engineering and other services essential to such projects, rendered by department employees or by consultants; and provided, further, that amounts expended for department employees may include the salary and salary related expenses of such employees to the extent that they work on or in support of such projects, provided that such expenses are federally reimbursable	\$684,772,548

SECTION 2A.
EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6033-9517	For the construction, repair or improvement of non-federally aided roadway projects pursuant to section twelve of this act; provided, that the costs of roadway resurfacing shall not be charged to this item; provided further, that the costs of professional personnel, directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that said costs shall not be classified as administrative	
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	costs; provided further, that an amount not to exceed two percent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; and provided further, that the commissioner shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item	\$170,081,657
6033-9569	For the design, reconstruction and improvement, including the testing, removal and encapsulation of lead-based paint, to highway bridges and other bridges, pursuant to section twelve of this act; provided, that five hundred and fifty thousand dollars shall be expended for the reconstruction of the Crest road bridge in the town of Wellesley; provided further, that four hundred thousand dollars shall be expended for the Harvard street bridge, so-called, located in the Dorchester section of the city of Boston; provided further, that the costs of professional personnel, directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that said costs shall not be classified as administrative costs; provided further, that an amount not to exceed two percent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; provided further, that the commissioner shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which shall detail, by subsidiary, all personnel costs and administrative costs charged to this item; and provided further, that the department is authorized and directed to pursue federal participation for projects earmarked herein wherever applicable	\$28,059,872
6033-9577	For roadway resurfacing of non-federally aided state highway projects pursuant to section twelve of this act; provided, that the costs of professional personnel, directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that said costs shall not be classified as administrative costs; provided further, that an amount not to exceed two percent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; and provided further, that the	

	commissioner shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which shall detail, by subsidiary, all personnel costs and administrative costs charged to this item	\$81,953,055
6033-9592	For municipal chemical storage shed facilities pursuant to section twelve of this act; provided, that the funds authorized herein, in conjunction with the uncommitted funds remaining from section three A of chapter fifteen of the acts of nineteen hundred eighty-eight, shall be used to provide grants to construct chemical storage facilities for the seventy-three municipalities with storage sheds determined to be contaminated, potentially contaminated in the future or in poor condition and located near public drinking supplies, according to department assessments as of April, nineteen hundred ninety-four	\$2,700,000

SECTION 2B.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6033-9559	For bridge painting pursuant to section twelve of this act	\$8,332,144
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SECTION 2C.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Office of the Secretary.

6001-9545	For the purpose of further implementing the provisions of section thirteen of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, as amended by section one hundred and nineteen of chapter thirty-three of the acts of nineteen hundred and ninety-one; provided, however, that any grant funds awarded under this item shall be for not more than eighty percent of the total purchase cost of the vehicles or equipment; and provided further, that the secretary may waive said limitation upon determination that a recipient is in critical financial need	\$1,000,000
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SECTION 2D.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Office of the Secretary.

6005-9505	For the purchase, long-term leasing and rehabilitation of rolling stock	\$85,000,000
6005-9515	For the purchase, long term leasing and rehabilitation of buses	\$20,500,000

6005-9520 For the procurement of light rail vehicles \$272,500,000

SECTION 2E.

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of the State Police.

8100-9510 For the purchase of state police cruisers \$16,000,000

8100-9520 For the design, construction and implementation of a state-wide telecommunications system and to enhance inter-agency communication capability among state and local agencies \$12,000,000

SECTION 3. To meet a portion of the expenditures necessary in carrying out the provisions of section two of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of three hundred six million eight hundred twenty-one thousand forty-two dollars to be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan Act of 1994 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 nineteen. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section two O of chapter twenty-nine of the General Laws; provided further, that in deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account (i) generally prevailing financial market conditions, (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth, (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued, and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section two O. All special obligation revenue bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act of 1994 and shall be issued for a 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 nineteen. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Subfund established in section two O of

said chapter twenty-nine. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section two O of said chapter twenty-nine.

SECTION 4. To meet a portion of the expenditures necessary in carrying out the provisions of section two A of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of two hundred eighty-two million seven hundred ninety-four thousand five hundred eighty-four dollars, to be in addition to those bonds previously authorized, for projects and programs which remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan Act of 1994 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 nineteen. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section two O of chapter twenty-nine of the General Laws; provided, further, that in deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account (i) generally prevailing financial market conditions, (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth, (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued, and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section two O. All special obligation bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act of 1994 and shall be issued for a 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 nineteen. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Subfund established in said section two O of said chapter twenty-nine. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section two O of said chapter twenty-nine.

SECTION 5. To meet a portion of the expenditures necessary in carrying out the provisions of section two B of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of eight million three hundred thirty-two thousand one hundred forty-four dollars, to be in addition to those

bonds previously authorized, for projects and programs which remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan Act of 1994 and shall be issued for such maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and nine. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section two O of chapter twenty-nine of the General Laws; provided, further, that in deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account (i) generally prevailing financial market conditions, (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth, (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued, and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section two O. All special obligation bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act of 1994 and shall be issued for a maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and nine. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Subfund established in said section two O of said chapter twenty-nine. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section two O of said chapter twenty-nine.

SECTION 6. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments authorized by sections two, two A, and two B 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, two thousand and one. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that the state treasurer may determine to issue any notes as special obligations pursuant to section two O of chapter twenty-nine of the General Laws if the notes, or renewals thereof, are to be paid from the proceeds of

special obligation bonds to be issued pursuant to said section two O. All payments on account of principal on the notes allocable to the Federal Highway Construction Program Fund shall be repaid from said fund.

SECTION 7. To meet the expenditures necessary in carrying out the provisions of section two C, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of one million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Mobility Assistance Loan Act of 1994, and shall be issued for such maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and four. All interest and payments on account of principal on such obligations shall be payable from the Local Aid Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 8. 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 such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

SECTION 9. To meet the expenditures necessary in carrying out the provisions of section two E, 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 twenty-eight million dollars. All bonds, issued by the commonwealth as aforesaid shall be designated on their face, Public Safety Program Loan Act of 1994, and shall be issued for such maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and four. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 10. 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 E of this act, and may issue and renew, from time to time, notes of the commonwealth therefor bearing interest payable at such time and at such

rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 11. The department of highways, hereinafter called the department, is hereby authorized and directed to expend the sums authorized in section two for the following purposes:

Projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, telecommunications, parking facilities, auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed under the provisions of section thirty-four of chapter ninety of the General Laws, highway or mass transportation studies including, but not limited to, traffic, environmental or parking studies, the establishment of school zones in accordance with section two of chapter eighty-five, improvements on routes not designated as state highways without assumption of maintenance responsibilities and, notwithstanding the provisions of any general or special law to the contrary, projects to alleviate contamination of public and private water supplies caused by the department's storage and use of snow removal chemicals which are necessary for the purposes of highway safety, and for the relocation of persons or businesses, or replacement of dwellings or structures including, but not limited to, the provision of last resort housing under federal law and such functional replacement of structures in public ownership as may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act, 42 USC 4601 et seq., PL 90-646, and to sell any structure the title to which has been acquired for highway purposes. When dwellings or other structures are removed, in furtherance of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and brought to grade within one month after such removal. In planning projects funded by section two, consideration shall be made, to the extent feasible, to accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means of transportation; provided, that nothing herein shall give rise or be construed as giving rise to enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the projects provided for herein.

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

political subdivision of the commonwealth.

Notwithstanding the provisions of sections thirty-eight C, forty A and forty B of chapter seven of the General Laws, the department shall have jurisdiction over the selection of designers performing design services in connection with the ventilation of buildings, utility facilities and toll booths to be constructed as part of the Central Artery/Third Harbor Tunnel Project, and shall construct, control, supervise, or contract for said structures; provided, however, that no construction or contractual agreement for construction shall begin prior to the review of the inspector general of the commonwealth.

In addition to the foregoing, the department is further authorized:

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

(2) to expend funds made available by this act for the acquisition of van-type vehicles used for multi-passenger, commuter-driven carpools and high occupancy vehicles including, but not limited to, water shuttles and water taxis; and

(3) in accordance with all applicable state and federal law, and regulations, to exercise all powers and do all things necessary and convenient to carry out the purposes of this act.

In carrying out the provisions of this section, the department may enter into contracts or agreements with cities to mitigate the impacts of projects undertaken pursuant to this act and to undertake additional transportation measures within the city, and may enter into such contracts or agreements with other state, local or regional public agencies, authorities, or political subdivisions as may be necessary to implement such city agreements. Cities and other state, local or regional public agencies, authorities or political subdivisions are hereby granted the authority to enter into such contracts or agreements with the department. In relation to such agreements the department is hereby authorized to and may advance to such agencies or authorities, without prior expenditure by such agencies or authorities, monies necessary to carry out such agreements; provided however, that the department certifies to the comptroller the amount so advanced; and provided further, that all monies not expended under such agreement shall be credited to the account of the department from which it was advanced. The commissioner of said department shall prepare and file semi-annual reports with the house and senate committees on ways and means and the joint committee on transportation detailing the expenditures made under the provisions of this section.

SECTION 12. In carrying out the provisions of sections two, two A, two B and two C, the department may enter into such contracts or agreements as are appropriate with other state, local or regional public agencies or authorities. In relation to such agreements between the department and other state agencies or authorities, the department is hereby authorized to advance monies to such agencies or authorities, without prior expenditure by such agencies or authorities, and such agencies and authorities are hereby authorized to accept monies necessary to carry out such agreements; provided, however, that the department shall certify to the comptroller the amounts so advanced; provided further, that

such agreements shall contain provisions satisfactory to the department for the accounting of such monies as expended by said agency or authority; and provided further, that all monies not expended under such agreement shall be credited to the account of the department from which they were advanced.

SECTION 13. Section 23 of chapter 161A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Not more than three billion five hundred fifty-six million three hundred thousand dollars of bonds of the authority under clauses (1), (2), (3), and (4) shall be outstanding at any time; provided, however, that such funds are expended for capital projects.

SECTION 14. Section 28 of said chapter 161A, as so appearing, is hereby amended by striking out, in lines 11 and 12, the words "two billion nine hundred thirty-seven million five hundred ten thousand" and inserting in place thereof the words:- three billion three hundred fifteen million five hundred ten thousand.

SECTION 15. Said chapter 161A is hereby further amended by adding the following section:-

Section 34. For the purposes of this section, the term "railroad" shall include any person, railroad corporation or other legal entity in the business of providing rail transportation which contracts with the Massachusetts Bay Transportation Authority for the provision of commuter rail services and the term "commuter rail service", shall include all services performed by a railroad pursuant to a contract with the Massachusetts Bay Transportation Authority in connection with the transportation of rail passengers including, but not limited to, the operation of trains, trackage and equipment, or the construction, reconstruction or maintenance of railroad equipment, tracks and any appurtenant facilities or the provision of trackage rights over lines owned by any such railroad.

Agreements between the authority and a railroad for the provision of commuter rail service shall provide that the authority shall secure and maintain a railroad protective liability insurance policy covering the liability of the authority and the railroad for property damage, personal injury, bodily injury and death arising out of such commuter rail service. Such policy shall name the authority as named insured, and the railroad as an additional insured, shall have policy limits of not less than seventy-five million dollars per occurrence annually and seventy-five million dollars in the aggregate annually, and shall be subject to self-insured retention in an amount not less than seven million five hundred thousand dollars. In no event shall the authority or the railroad be liable in excess of the coverage limits of such insurance policy for any and all claims for damage, whether compensatory or punitive, for property damage, personal injury, bodily injury and death arising out of such commuter rail service.

SECTION 16. Section 17 of chapter 161B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "government", in line 20, the following words:- , or other sources, including but not limited to, other governmental jurisdictions or private entities.

SECTION 17. Section 31 of chapter 85 of the acts of 1994 is hereby amended by

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striking out after the word "Franklin" the figure "1,063,633" and inserting in place thereof the following figure:- 1,063,663.

SECTION 18. Said section 31 of said chapter 85 is hereby further amended by striking out after the word "Sharon" the figure "891,324" and inserting in place thereof the following figure:- 894,324.

SECTION 19. Said section 31 of said chapter 85 is hereby further amended by striking out after the word "Stoneham" the figure "744,717" and inserting in place thereof the following figure:- 774,717.

SECTION 20. Bonds issued as special obligation bonds pursuant to the provisions of this act shall not be included in the computation of outstanding bonds for purposes of the limit imposed by the second paragraph of section sixty A of chapter twenty-nine of the General Laws, nor shall debt service with respect to such bonds be included in any computation of the limit imposed by section sixty B of said chapter twenty-nine.

SECTION 21. Notwithstanding the provisions of any general or special law to the contrary, the provisions of section sixty-one and section sixty-two A to sixty-two H, inclusive, of chapter thirty of the General Laws and chapter ninety-one of the General Laws and section forty of chapter one hundred and thirty-one of the General Laws shall not apply to bridge projects of the department of highways authorized under this act for the repair, reconstruction, replacement or demolition of existing state highway bridges and other bridges, including the immediate roadway approaches necessary to connect said bridges to the existing adjacent highway system, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced; provided, that notwithstanding the foregoing, the provisions of said section sixty-one and sections sixty-two A to sixty-two H, inclusive, of said chapter thirty and said chapter ninety-one and said section forty of chapter one hundred and thirty-one shall apply to any portions of the bridge and roadway approaches to the crossing of the Charles River for the Central Artery/Third Tunnel Project; provided further, that in the case of any state highway or other bridge crossing over a railroad right-of-way or railroad tracks, the department shall seek the opinion of any railroad company, railway company, or its assigns operating on said track of a necessary clearance between said track and the state highway bridge, but said clearance shall be at the discretion of the department; provided further, that the department, its agents or contractors may enter upon any right-of-way, land or premises of a railroad company or railway company or its assigns for such purposes as the department may deem necessary or convenient to carry out the provisions of this act; provided further, that if a flagman is necessary to carry out the provisions of this act, that railroad company, railway company, or its assigns shall provide such flagman. For the purposes of this paragraph and item 6033-9569 of section two A, the word "bridge" shall include any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility, or other area.

SECTION 22. Notwithstanding the provision of any general or special law to the contrary, the department of highways, hereinafter referred to as the department, is hereby authorized and directed to take all necessary actions to secure federal highway or mass trans-

portation assistance which is or may become available to the department including, but not limited to, actions authorized under or in compliance with the provisions of title twenty-three of the United States Code and section one hundred and forty-five of the Surface Transportation and Uniform Relocation Assistance Act of 1982, PL 97-424, the Surface Transportation and Uniform Relocation Act of 1987, PL 10-17, the Intermodal Surface Transportation Efficiency Act of 1991, PL 102-240, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements, and making any determinations and certifications necessary or appropriate to the foregoing. If any federal law, administrative regulation or practice requires any action relating to such federal assistance to be taken by any department, agency or other instrumentality of the commonwealth other than the department of highways, such other department, agency or instrumentality is hereby authorized and directed to take such action.

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

SECTION 23. All sums expended either pursuant to, or for which reimbursement is made under this act, for the purpose of acquiring, constructing, or altering public transportation passenger vehicles or facilities, shall be expended in accordance with the provisions of 42 USC 12141 to 42 USC 12150, inclusive.

SECTION 24. For the purposes of this section the following words shall have the following meanings:

"Minority business enterprise", any individual, business organization or nonprofit corporation which is certified as a minority business enterprise as defined in section forty of chapter twenty-three A of the General Laws by the state office of minority and women business assistance established pursuant to section forty-one of said chapter twenty-three A of the General Laws.

"Women business enterprise", any individual, business organization or nonprofit corporation which is certified as a women business enterprise by the state office of minority and women business assistance established pursuant to section forty-one of chapter twenty-three A of the General Laws.

It shall be the goal of each agency, commission, authority and political subdivision authorized to make expenditures pursuant to the provisions of this act, to enter into construction contracts with minority and women business enterprises equalling, at a mini-

num, ten percent of the total dollar value of such contracts funded by this act, to enter into contracts for goods with minority and women business enterprises equalling, at a minimum, five percent of the total dollar value of such contracts funded by this act, and to enter into contracts for services with minority and women business enterprises equalling, at a minimum, five percent of the total dollar value of such contracts funded by this act; provided, however, that the secretary of transportation and construction may revise these goals from time to time as necessary to comply with the results of the disparity studies conducted pursuant to subsection (s) of section three of chapter thirty-three of the acts of nineteen hundred and ninety-one.

The secretary of each agency or commission, and the executive officer of each authority or political subdivision authorized to make expenditures under the provisions of this act, shall monitor the implementation of this section to insure that the best efforts of each agency, commission and authority are utilized in the implementation of this section. Each agency, commission or authority authorized to make expenditures under the provisions of this act shall provide written quarterly reports to its respective secretary and, in the case of a political subdivision, said quarterly reports shall be filed with the office granting or otherwise providing funds authorized in this act, detailing the number of contracts entered into, the dollar value of each contract, the number of contracts entered into with minority and women business enterprises, and the dollar value of each contract entered into with minority and women business enterprises.

Notwithstanding the provisions of any general or special law to the contrary, each executive office, agency, commission, authority or political subdivision may initiate certification of minority and women business enterprises in a manner consistent with the rules and regulations promulgated by the state office of minority and women business assistance. If an executive office, agency, commission, authority or political subdivision makes a referral that a business may be a minority or women business enterprise, such referral, together with supporting documentation and a letter indicating the intent of the executive office, agency, commission, authority or political subdivision to contract with the business, shall be sent to said state office, which shall approve or disapprove said business within twenty-five business days. Upon the certification of a business as a minority or women business enterprise by said state office of minority and women business assistance, such certification shall be effective for all executive offices and agencies for the purposes of this section.

SECTION 25. Any amounts made available by this act or heretofore made available by chapter fifteen of the acts of nineteen hundred eighty-eight shall be available for expenditure until June thirtieth, nineteen hundred and ninety-nine; provided, that the Massachusetts Bay Transportation Authority shall not further extend or expand additional service of the commuter rail lines out of state without prior legislative authorization.

SECTION 26. The department of highways may provide functional replacement of real property in public ownership whenever the department has acquired such property in whole or in part under the provisions of this act or such property is significantly and adversely affected as a result of the acquisition of property for a highway or highway-related

project and whenever the department determines such functional replacement is necessary and in the public interest. For purposes of this section, the words "functional replacement" shall mean the replacement, pursuant to the provisions of chapter seven of the General Laws including sections forty F and forty F½ requiring authorization of the general court prior to disposition of real property, including either land or facilities thereon, or both, which will provide equivalent utility and the words "real property in public ownership" shall mean any and all present and future interest in land, including rights of use, now existing or hereafter arising, held by an agency, authority, board, bureau, commission, department, division or other unit, body, instrumentality or political subdivision of the commonwealth. This section shall not constitute authorization by the general court as required by said chapter seven.

Whenever the department determines it is necessary that any utility or utility facility, as defined under federal law, be relocated because of construction of a project which is to be reimbursed federally in whole or in part, then such facilities shall be relocated by the department or by the owner thereof in accordance with an order from the department; provided, however, that the commonwealth may reimburse the owner of such utility or utility facility for the cost of relocation; provided, further, that any relocation of facilities carried out under this section which is not performed by employees of the owner shall be subject to the provisions of section twenty-seven of chapter one hundred and forty-nine of the General Laws.

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

SECTION 27. Whenever the language of a general capital authorization item of this act includes a smaller allocation for a specific project, the amount of said allocation may be adjusted to a greater or lesser amount if required to conform to contract requirements, provided, that it shall not exceed the total amount authorized by the item.

SECTION 28. Notwithstanding the provisions of section six of chapter thirty-three of the acts of nineteen hundred and ninety-one or any other general or special law to the contrary, the commonwealth, through the department of highways, may reimburse the owner of an underground utility or utility facility as defined under federal law whenever such underground utility or utility facility has been relocated because of construction of a project which is to be reimbursed federally in whole or in part. The provisions of this section shall apply to any underground utility or utility location project eligible for federal reimbursement.

SECTION 29. The commissioner of the department of highways may appoint persons qualified in construction inspection to serve temporarily as engineering aide I, engineering aide II, general construction inspector I or general construction inspector II, for the purpose of construction inspection of department projects. The total number of appointments under this section shall not exceed one hundred and twenty-five at any one time. Notice of the availability of positions under this section shall be given to qualified

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employees of the department. At least forty percent of the total appointments under this section shall be posted within the department in accordance with the posting provision of the applicable collective bargaining agreement, and shall be offered to qualified employees of the department, whose applications shall be considered in accordance with the promotional criteria contained in the applicable collective bargaining agreement. Following their appointment, persons appointed under this section, notwithstanding chapter thirty-one of the General Laws, shall be considered temporary, and may be continued as construction inspectors on other department projects or terminated because of reduced need for construction inspectors; provided, that, in the event of a reduction in force because of reduced need for construction inspectors, persons appointed under this section shall be laid off in accordance with the layoff and recall provisions of the applicable collective bargaining agreement, except that seniority and bumping rights for purposes of such layoffs shall be determined only with respect to other persons appointed under this section, and recall rights shall extend only to the temporary positions established herein.

Approved August 23, 1994.

Chapter 103. AN ACT ESTABLISHING A COUNCIL MANAGER FORM OF GOVERNMENT FOR THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. The following shall be the charter for the city of Chelsea.

PART I

Incorporation, Short Title, Powers.

Section 1-1. - Incorporation continued.

The inhabitants of the city of Chelsea, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, under the name of the city of Chelsea and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and pertaining to the said city, as a municipal corporation.

Section 1-2. - Short title.

This act shall be cited and known as the city of Chelsea Charter.

Section 1-3. - Division of powers.

All legislative powers of the city shall be exercised by a city council. The administration of all fiscal, business and municipal affairs shall be vested in the executive branch under the supervision of the city manager.

Section 1-4. - Powers of the city.

The intent and purpose of this charter is to secure for the voters of the city of Chelsea, through the adoption of this charter, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution of the Com-

monwealth and laws of the commonwealth, as fully and as though each such power were specifically and individually enumerated herein.

Section 1-5. - Interpretation of powers.

The powers of the city under this charter shall be construed and interpreted liberally in favor of the city, and the specific mention of any particular power is not intended to limit in any way the general powers of the city as stated in section 1-4.

Section 1-6. - Intergovernmental cooperation.

The city may enter agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions, as authorized by the laws of the commonwealth.

PART II

Legislative.

Section 2-1. - Composition; eligibility; election and term.

(a) Composition. There shall be a city council composed of eleven members which shall exercise the legislative powers of the city. Three members, to be known as councillors-at-large, shall be nominated and elected by and from the voters at large. Eight members, to be known as district councillors, shall be nominated and elected by and from the voters of each district, one such district councillor to be elected from each of the eight council districts into which the city is divided in accordance with section 7-4.

(b) Eligibility. Except as otherwise provided in this act, any voter shall be eligible to hold the office of councillor-at-large; a district councillor shall be a voter and resident of the district from which the councillor is elected.

A councillor-at-large who shall remove from the city during the term for which such councillor-at-large was elected shall be deemed to have vacated the office of councillor-at-large and the office shall be considered vacant. A district councillor who shall remove from one district to another during the term of office for which such district councillor was elected shall be deemed to have vacated the office of district councillor and the office shall be considered vacant. Any vacancy in the office of councillor-at-large or district councillor shall be filled in accordance with section 2-4.

(c) Election and term. The term of office of city council members shall be for two years beginning on the first city business day of January in the year following election, and continuing until their successors are qualified.

Section 2-2. - City council organization.

After the councillors-elect have taken the oath of office, the city council shall be called together by the city clerk for the purpose of conducting an election among city council members for the office of city council president and vice-president to serve at the pleasure of the city council. The president shall preside at all meetings of the city council, perform ceremonial functions and perform such other functions as may be assigned by this charter, by ordinance or by vote of the city council. The vice-president shall perform all duties of the president during the president's absence or disability. The city council shall elect from among its members one councillor to sit as a non-voting member of the school committee; this member shall serve at the pleasure of the city council.

Section 2-3. - General powers and duties.

Except as otherwise provided by law or by this charter, all powers of the city shall be vested in the city council that shall provide for their exercise and for the performance of all duties and obligations imposed on the city by law.

Section 2-4. - Filling of vacancies.

If a vacancy occurs in the office of city councillor, whether by failure to elect or otherwise, the remaining councillors shall, within thirty days following the date of such vacancy, act to fill said vacancy. The city council shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate for said seat from the last regular city election; provided, however, that the defeated candidate shall have received at least twenty percent of the total votes cast for that office. If there was no other candidate for said office or the defeated candidate shall not have received at least twenty percent of the total votes cast, the city council shall at its discretion choose an individual, who may be the defeated candidate, from among the voters entitled to vote for such office to serve for the remainder of the unexpired term. Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held within one hundred and twenty days following the date the vacancy occurs.

Section 2-5. - Exercise of powers; quorum; rules of procedure.

(a) Exercise of powers. Except as otherwise provided by the laws of the commonwealth or this charter, the legislative powers of the city council may be exercised in a manner determined by it.

(b) Quorum. A quorum shall be a majority of the full city council. The affirmative vote of a majority of the full city council shall be necessary to adopt any appropriation order. An affirmative vote of two-thirds of the full city council shall be necessary to adopt any loan authorization. Except as otherwise provided by the laws of the commonwealth or this charter, any other motion or measure may be adopted by a majority vote of those present.

(c) Rules of procedure. The city council shall from time to time adopt rules for its proceedings. Regular meetings of the city council shall be held at a time and place fixed by ordinance, but shall be not less frequent than once monthly; provided however, that the city council president may suspend meetings during the months of July and August. Special meetings of the city council may be held on the call of the president of the city council, or on the call of any five or more members, by written notice delivered to the city clerk at least forty-eight hours in advance of the time set. Except as otherwise authorized by the laws of the commonwealth, all sessions of the city council shall be open to the public and the agenda of any regular or special city council meeting shall be available to the public in the office of the city clerk and posted on the city bulletin board at least forty-eight hours prior to any such meeting. Such posting shall not preclude the city council from the introduction of additional agenda items as allowed by the city council's rules of procedure. Every matter coming before the city council for action shall be put to a vote, the result of which shall be duly recorded. All city council votes on ordinances, appropriation orders, or loan authorizations shall be taken by roll call vote, and shall be duly recorded. A full, accurate, and up-to-date

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record of the proceedings of the city council shall be kept by the clerk of the city council and shall be open to inspection by the public.

(d) Public comment. Regular meetings of the city council shall provide for a period of public comment, provided however, the city council may regulate such period of public comment and method of city council response as deemed appropriate.

Section 2-6. - City council staff.

The city council shall appoint a clerk to the city council and may employ such staff and retain such assistance as is necessary to conduct the business of the city council. The city council shall establish the compensation of such staff.

Section 2-7. - Measures; emergency measures; objection; publication of measures.

(a) In general. No measure shall be passed finally on the date on which it is introduced, except in cases of emergency measures involving the health or safety of the people or their property. Except as otherwise provided by this charter, every adopted measure shall become effective at the expiration of fourteen days after adoption or at any later date specified therein. Measures not subject to referendum shall become effective upon adoption. No ordinance shall be amended or repealed, except by another ordinance adopted in accordance with this charter, or as provided in the initiative and referendum procedures.

(b) Emergency measures. An emergency measure shall be introduced in the form and manner prescribed for measures generally except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. A preamble that declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of the city council. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure, and except as provided by the laws of the commonwealth, no such grant, renewal or extension shall be made otherwise than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. An emergency measure shall become effective upon adoption or at such later time as it may specify.

(c) Objection. On the first occasion that the question on adoption of a measure is put to the city council, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council whether regular or special. If three members shall object, such postponement shall be until the next regular meeting; but for an emergency measure at least four members must object. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

(d) Publication of measures. Upon final passage, notice of every ordinance, appropriation order, or loan authorization shall be published by the city clerk in at least one newspaper of general circulation within the city within fourteen days, and posted on the city bulletin board. Any such publication notice required shall state the summary of the finally enacted ordinance or ordinances, appropriation order, or loan authorization, and the times and places at which copies of such measures may be obtained or reviewed by the public.

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Section 2-8. - Inquiries and investigations.

The city council shall have the authority to require any officer, employee or member of a multiple-member body to appear and give such information as required in relation to the function and performance of the office or position held by such person. The city council shall give at least forty-eight hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section.

The city council may make investigations into the affairs of the city and into the conduct of any city agency, and for this purpose may subpoena witnesses, administer oaths and require the production of evidence.

Section 2-9. - Prohibitions.

No councillor shall, while a member of the city council, hold any other office, including membership on a multiple-member body, or other position under the city. No former councillor shall hold any compensated appointive office or employment under the city until one year after the expiration of his service on the city council. This provision shall not prevent a city officer or employee who has been granted a leave of absence from such duties in order to serve as a member of the city council from returning to such office or employment following service as a member of the city council.

Any councillor who has been finally convicted of a criminal offense involving misconduct in any elective or appointive public office, trust or employment at any time held by him shall be deemed to have vacated office and shall not be eligible to serve in any other elective or appointive office or position under the city.

Section 2-10. - Compensation.

The city council shall by ordinance, establish an annual salary for its members. Except as provided by this section, members of the city council shall receive no other compensation or benefits from the city. Members of the city council shall be eligible for membership in the retirement system.

No ordinance increasing such salary shall be effective, however, unless it shall have been adopted by a two-thirds vote of the full city council during the first eighteen months of the term for which councillors are elected, and the revised salary schedule is to be effective upon the commencement of the terms of office of the next city council to be elected.

Section 2-11. - Relationship of the city manager and the city council.

The city manager shall be the primary officer responsible for the implementation of city council policy, as reflected by the city council's votes and resolutions, enactment of ordinances, appropriation orders and loan authorizations.

Except as may be otherwise authorized by this charter, no member of the city council, nor any committee of the city council, shall directly involve themselves in the conduct of the administrative business of the city.

PART III

School Committee.

Section 3-1. - Composition; eligibility; election and term; powers and duties.

(a) Composition. There shall be a school committee composed of seven members

nominated and elected by and from the voters at large.

(b) Eligibility. Except as otherwise provided by this charter, any voter shall be eligible to hold the office of school committee member. A school committee member who shall remove from the city during the term for which such school committee member was elected shall be deemed to have vacated the office of school committee member and the office shall be considered vacant. Any vacancy in office shall be filled in accordance with section 3-2.

(c) Election and term. The term of office of school committee members shall be for two years beginning on the first city business day of January in the year following election, and continuing until their successors are qualified.

(d) Powers and duties. The school committee shall have all the powers and duties given to school committees by the laws of the commonwealth. The school committee shall have general charge of the public schools of the city. The school committee shall have the power to select and to terminate a superintendent of schools, establish educational goals and policies for the schools consistent with the requirements of the laws of the commonwealth and standards established by the commonwealth.

Section 3-2. - Filling vacancies.

If a vacancy occurs in the membership of the school committee whether by failure to elect or otherwise, the president of the city council shall, within thirty days following the date of such vacancy, call a joint meeting of the city council and the school committee to act to fill said vacancy. At any such joint meeting a majority of those present and voting shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate for said seat at the last regular city election, provided however, that the defeated candidate shall have received at least twenty percent of the total votes cast for that office. If the defeated candidate shall not have received at least twenty percent of the total votes cast, the city council and the school committee shall at their discretion choose an individual, who may be the defeated candidate, from among the voters to serve for the remainder of the unexpired term. Any person so chosen shall take the oath of office and commence to serve forthwith. No vacancy shall be filled, in the manner herein provided, if a regular city election is to be held within one hundred and twenty days following the date the vacancy is declared to exist.

Section 3-3. - Prohibitions.

No school committee member shall, while a member of the school committee, hold any other office, including membership on a multiple-member body, or position under the city. No former school committee member shall hold any compensated appointive office or employment under the city until one year after the expiration of his service on the school committee. This provision shall not prevent an officer or employee who has taken a leave of absence from such duties in order to serve as a member of the school committee from returning to such office or employment following service as a member of the school committee.

Any school committee member who has been finally convicted of a criminal offense involving misconduct in any elective or appointive public office, trust or employment at any time held by him shall be deemed to have vacated office and shall not be eligible to serve

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in any other elective or appointive office or position under the city.

Section 3-4. - Compensation.

The school committee shall by vote establish an annual salary for its members. Except as provided by this section, members of the school committee shall receive no other compensation or benefits from the city. School committee members shall be eligible for membership in the retirement system.

No vote increasing such salary shall be effective however, unless it shall have been adopted by a two-thirds vote of the full school committee during the first eighteen months of the term for which school committee members are elected, and the revised salary schedule is to be effective upon the commencement of the terms of office of the next school committee to be elected.

PART IV

City Manager.

Section 4-1. - Appointment; qualifications.

The city council shall appoint and may remove by an affirmative vote of seven members the city manager. The city manager shall be a person of proven administrative ability, especially qualified by education and training with at least five years prior experience as a city or town manager, or an assistant city or town manager or the equivalent public sector level experience, and shall hold a bachelors degree or similar or higher level degree from a recognized, accredited college or university. The city council may from time to time establish such additional qualifications as deemed necessary and appropriate.

The city council shall enter into an employment agreement with the city manager. Said employment agreement and any renewals of said employment agreement shall be for a period of at least two years.

The city manager shall devote full time to the duties of the office and shall not hold any other elective or appointive office, nor shall the city manager engage in any other business unless such action is approved in advance in writing by the city council.

The city manager need not be a resident of the city or of the commonwealth at the time of appointment, but shall establish residence within the city within twelve months following appointment, unless the city council shall waive such requirement.

Section 4-2. - Powers of appointment.

Except as otherwise provided by this charter, the city manager shall appoint, based upon merit and fitness alone, all officers and employees for whom no other method of selection is provided in this charter except employees of the school department.

The city manager shall appoint all members of multiple-member bodies provided, however, that appointments made by the city manager shall become effective on the thirtieth day following the day on which notice of the proposed appointment is filed with the city council, unless the city council shall within such period by majority of the full city council vote to reject such appointment or has sooner voted to affirm it.

Section 4-3. - Administrative powers and duties.

The city manager shall be the chief administrative officer of the city and shall be responsible to the city council for the proper operation of city affairs for which the city man-

ager is given responsibility under this charter. The powers, duties and responsibilities of the city manager shall include, but are not intended to be limited to, the following:

(a) to supervise, direct and be responsible for the efficient administration of all officers and employees appointed by the city manager and their respective departments and of all functions for which the city manager is given responsibility, authority or control by this charter, by ordinance, or by vote of the city council;

(b) to administer either directly or through a person or persons supervised by the city manager, in accordance with this charter, all provisions of general or special laws applicable to the city, all ordinances, and all regulations established by the city council;

(c) to coordinate all activities of city departments or agencies;

(d) to attend all regular and special meetings of the city council, unless excused, and to answer all questions addressed to the city manager which are related to matters under the general supervision of the city manager;

(e) to keep the city council fully informed as to the needs of the city, and to recommend to the city council for adoption such measures requiring action by them as the city manager deems necessary or expedient;

(f) to ensure that complete and full records of the financial and administrative activity of the city are maintained and to render reports to the city council as may be required;

(g) to be responsible for the rental, use, maintenance and repair of all city facilities, except those under the jurisdiction of the school committee. Rental agreements of more than five years in duration shall be subject to the approval of the city council;

(h) to act as the chief procurement officer and be responsible for the purchase of all supplies, materials, and equipment. The city manager may delegate this function to some other officer or employee as deemed necessary;

(i) to prepare and maintain a full and complete inventory of all city owned real and personal property;

(j) to administer personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all city officers and employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the city;

(k) to fix the compensation of all city officers and employees appointed by the city manager within the limits established by appropriation and any applicable compensation plan or collective bargaining agreement;

(l) to be responsible for the negotiation of all collective bargaining agreements with city employees over wages, and other terms and conditions of employment. The city manager may employ special counsel to assist in the performance of these duties. Cost items of collective bargaining agreements shall be subject to the approval of the city council;

(m) to prepare and submit an annual operating budget, capital improvement program and a long term financial forecast;

(n) to keep the city council fully informed as to the financial condition of the city and to make recommendations to the city council as the city manager determines necessary

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or expedient;

(o) to inquire into the affairs of any city department, agency or office;

(p) to delegate, authorize or direct any subordinate officer or employee of the city to exercise any power, duty or responsibility which the office of city manager is authorized to exercise, provided, that all acts that are performed under such delegation shall be considered to be the acts of the city manager;

(q) to perform such other duties as necessary or as may be assigned by this charter, by ordinance, or by vote of the city council.

Section 4-4. - Compensation.

The city manager shall receive such compensation for services as the city council shall determine, but such compensation shall be within the limits of available appropriations.

Section 4-5. - Vacancy in office.

Any vacancy in the office of city manager shall be filled as soon as possible by the city council. Pending appointment of the city manager or the filling of any vacancy, the city council shall forthwith appoint some other person to perform the duties of the city manager. The appointment of the acting city manager shall be for a term not to exceed three months; provided, however, that a renewal, not to exceed an additional three months may be provided.

Section 4-6. - Temporary absence.

The city manager shall designate by letter filed with the city council and city clerk a qualified officer or employee of the city to perform the duties of the city manager during a temporary absence or disability, such officer or employee to be approved by vote of the city council. In the event of failure of the city manager to make such designation or if the officer or employee so designated is for any reason unable to serve, the city council may designate some other qualified officer or employee to perform the duties of the city manager until the city manager shall return.

Section 4-7. - Powers of the acting or temporary city manager.

The powers of the acting city manager under section 4-5 and the temporary city manager under section 4-6 shall be limited to matters not admitting of delay, provided however, that no temporary city manager under section 4-6 shall have the power to make any permanent appointment to, or removal from, any office or position under the city.

Section 4-8. - Annual review of the city manager.

Annually the city council shall prepare and deliver to the city manager a written evaluation of the city manager's performance.

The city council shall publish in at least one newspaper of general circulation in the city a notice stating the date and time of the city council meeting when the city manager's annual review shall be scheduled. Such notice shall appear at least fourteen days before said meeting.

PART V

Financial Procedures.

Section 5-1. - Annual budget policy.

The president of the city council shall call a joint meeting of the city council and

school committee prior to the commencement of the budget process to review the financial condition of the city, revenue and expenditure forecasts, and other relevant information prepared by the city manager in order to develop a coordinated budget. The superintendent of schools and the city manager shall be present at any such meeting.

Section 5-2. - Submission of operating budget; budget message.

At least sixty days before the commencement of the ensuing fiscal year, the city manager shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the city manager shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed operating budget and indicate any major variations from the current operating budget, fiscal policies, revenues and expenditures together with reasons for such change. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the city manager deems desirable.

The school budget as adopted by the school committee shall be submitted to the city manager at least thirty days prior to the submission of the proposed operating budget to the city council. The city manager shall notify the school committee of the date by which the budget of the school committee shall be submitted to the city manager. The city manager and the superintendent of schools shall coordinate the dates and times of the school committee's budget process in accordance with the laws of the commonwealth.

Section 5-3. - Action on the operating budget.

(a) Public hearing. The city council shall publish in at least one newspaper of general circulation in the city a summary of the proposed operating budget as submitted by the city manager by a notice stating: (1) the times and places where copies of the entire proposed operating budget are available for inspection by the public, and (2) the date, time and place not less than fourteen days after such publication, when a public hearing on said proposed operating budget will be held by the city council. For the purpose of this section the summary of the proposed operating budget that is required to be published shall contain proposed appropriations, funding sources and any narrative summary deemed necessary by the city council.

(b) Adoption of the budget. The city council shall adopt the operating budget, with or without amendments, within forty-five days following the date the budget is filed with the clerk of the city council. In amending the operating budget, the city council may delete or decrease any amounts except expenditures required by law, but except on the recommendation of the city manager, the city council shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the laws of the commonwealth.

If the city council fails to take action with respect to any item in the operating budget within forty-five days after receipt of the budget, such amount shall, without any action by the city council, become a part of the appropriations for the year, and be available for the

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purposes specified.

Section 5-4. - Capital improvements program.

(a) Preparation. The city manager shall annually submit a capital improvements program to the city council at least ninety days prior to the date for submission of the operating budget, unless some other time is provided by ordinance.

(b) Contents. The capital improvements program shall include: (1) a clear summary of its contents; (2) an itemization of all capital improvements, including those of the school department, proposed to be undertaken during the next five or more fiscal years with supporting data; (3) cost estimates, method of financing, and recommended time schedules; and, (4) the estimated annual cost of operating and maintaining the facilities included.

(c) Public hearing. The city council shall publish in at least one newspaper of general circulation in the city a summary of the capital improvements program and a notice stating: (1) the times and places where entire copies of the capital improvements program are available for inspection by the public; and, (2) the date, time and place not less than fourteen days after such publication, when a public hearing on said plan will be held by the city council.

(d) Adoption. At any time after the public hearing but before the first day of the last month of the current fiscal year, the city council shall by resolution adopt the capital improvements program with or without amendment, provided that each amendment must be voted separately and that any increase in the capital improvements program as submitted must clearly identify the method of financing proposed to accomplish such increase.

Section 5-5. - Long term financial forecast.

The city manager shall annually prepare a long-term financial forecast of city revenue, expenditures and the general financial condition of the city. The forecast shall include, but not be limited to, an identification of factors which will impact on the financial condition of the city, revenue and expenditure trends, potential sources of new or expanded revenues and any long or short term actions, that may be taken to enhance the financial condition of the city. The forecast shall be submitted to the city council and shall be available to the public for inspection.

Section 5-6. - Annual audit.

The city council shall provide for an annual audit of the books and accounts of the city to be made by a certified public accountant, or firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its agencies.

The city council shall publish in at least one newspaper of general circulation in the city a notice stating the availability of the final audit report for public inspection.

PART VI

Administrative Organization.

Section 6-1. - Organization of city agencies.

(a) Methods of organization. The organization of city government into operating agencies for the provision of services and the administration of government shall be the responsibility of the city manager. Subject only to the express prohibitions in the laws of

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the commonwealth or the provisions of this charter, the city manager may by administrative order reorganize, consolidate, create, merge, divide or abolish any city department or agency, in whole or in part, establish such new city agencies as he deems necessary or advisable, and prescribe the functions and the administrative procedures to be followed by all such agencies.

Administrative orders made by the city manager shall become effective on the thirtieth day following the day on which notice of the proposed administrative order is filed with the city council, unless the city council shall within such period by majority of the full city council vote to reject such administrative order or has sooner voted to affirm it.

(b) Publication of administrative code. For the convenience of the public, the administrative orders establishing the nature of the city organization and any amendments thereto shall be printed as an appendix to, but not be an integral part of, the ordinances of the city of Chelsea.

Section 6-2. - Licensing commission.

(a) Establishment; composition of commission. Until such time as provided otherwise by paragraph (a) of section 6-1, there shall be a licensing commission which shall consist of three residents of the city, the director of community development and director of inspectional services. One resident member shall serve as chairman. The three resident members shall be appointed in accordance with section 4-2.

(b) Powers and duties. Except as otherwise provided by this charter, the licensing commission shall act as the licensing authority for the city with all power to grant, suspend, or revoke licenses and permits for intoxicating liquors, and all licenses and permits now or hereafter vested by law in the mayors and city councils of cities of the commonwealth.

Section 6-3. - Traffic and parking commission.

(a) Establishment; composition of commission. Until such time as provided otherwise by paragraph (a) of section 6-1, there shall be a traffic and parking commission which shall consist of the police chief, who shall serve as chairperson, the fire chief, the director of public works, the director of community development, or their designees, and one resident member appointed in accordance with section 4-2. The officer or employee appointed as parking clerk in accordance with the laws of the commonwealth shall serve as clerk to the traffic and parking commission.

(b) Powers and duties. The traffic and parking commission shall have exclusive authority, except as otherwise provided by this charter, to adopt, amend, alter, and repeal rules and regulations, not inconsistent with the General Laws, relative to vehicular traffic in the city, and to the movement, stopping or standing of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways under the control of the city, including rules and regulations, designing any way or part thereof under said control as a through way under and subject to the provisions of section nine of chapter eighty-nine of the General Laws, and may prescribe penalties for violation of any rule or regulation adopted hereunder.

All rules and regulations promulgated by authorized vote of the traffic and parking commission, except temporary or emergency rules and regulations promulgated for less than

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thirty days, shall become effective upon publication in at least one newspaper of general circulation in the city.

Ten residents of the city, who are eighteen years of age or older, may petition the traffic and parking commission relating to any rule or regulation adopted or proposed to be adopted provided the rule or regulation has not been in effect for a period no longer than ninety days. The traffic and parking commission shall hold a public hearing thereon within thirty days after the filing with the traffic and parking commission of such petition.

If a public hearing shall be held on any proposed rule or regulation, the proposed rule or regulation shall not be adopted until the public hearing has been concluded. After the public hearing has been held, any vote on the subject matter must be passed by a majority of the full membership on the traffic and parking commission.

All rules and regulations adopted after any public hearing shall be published in at least one newspaper of general circulation in the city.

Section 6-4. - Personnel administration.

The city manager shall adopt rules and regulations establishing a personnel system. The personnel system shall make use of current concepts of personnel management and may include, but not be limited to, the following elements: a method of administration; personnel policies indicating the rights, obligations and benefits of employees; a classification plan; a compensation plan; a method of recruiting and selecting employees based upon merit principles; a centralized record keeping system; a performance evaluation system; disciplinary procedures; and other elements that are determined necessary.

The city manager may establish procedures for the selection of department heads, including but not limited to, the establishment of selection or screening committees; provided, however, that the provisions of section 4-2 of this charter are followed.

Unless otherwise provided by this charter, all city agencies and positions shall be subject to the rules and regulations adopted under this section excluding those of the school department. Personnel rules and regulations shall be made available to the city council.

PART VII

Nominations and Elections.

Section 7-1. - City elections; preliminary and general.

The regular city election shall be held on the first Tuesday following the first Monday in November of each odd-numbered year.

On the sixth Tuesday preceding every regular city election, there shall be held a preliminary election for the purpose of nominating candidates.

Section 7-2. - Preliminary elections.

(a) Signature requirements. The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: For the office of councillor-at-large the signature requirement shall be not less than one hundred and fifty. For the office of school committee member, the signature requirement shall be not less than one hundred. For an office district councillor the signature requirement shall be not less than fifty signatures from said district.

(b) Ballot position. The order in which names of candidates appear on the ballot for

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each office shall be determined by a drawing by lot conducted by the city clerk in the presence of such candidates or their representatives as may choose to attend such drawings. The city clerk shall provide notice to candidates of their ballot position.

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

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

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

(d) Nomination of candidates. If at the expiration of the time for filing petitions of candidates to be voted for at any preliminary election, not more than twice as many such petitions have been filed with the city clerk for an office as are to be elected to such office, the candidates whose petitions have thus been filed shall be deemed to have been nominated to said office and their names shall be voted on for such office at the succeeding regular election, and the city clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made.

Section 7-3. - General elections.

(a) Information to voters. If the candidate in a regular city election is an incumbent of the office to which he seeks election, against his name shall appear the phrase "candidate for re-election".

(b) Ballot position. The order in which names of candidates appear on the ballot for each office in a regular city election shall be determined by a drawing by lot conducted by the city clerk in the presence of such candidates or their representatives as may choose to attend. The city clerk shall provide notice to candidates of their ballot position.

Section 7-4. - Districts.

The territory of the city shall be divided into districts so established as to consist of as nearly equal a number of inhabitants as it is possible in compact and contiguous territory; bounded insofar as possible by the center line of known streets or ways or by other well defined limits.

Section 7-5. - Application of state law.

Except as expressly provided in this charter and authorized by laws of the commonwealth, all city elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the con-

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duct of preliminary and regular elections, the submission of charter amendments and other propositions, the counting of votes and the declaration of results.

PART VIII

Citizen Participation Mechanisms.

Section 8-1. - Free petition.

The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred and fifty voters or more, and which seeks the passage of a measure. The hearing shall be held by the city council or the school committee, or, in either case, by a committee or sub-committee thereof, and the action by the city council or the school committee shall be taken not later than six weeks after the petition is filed with the clerk of the city council or the secretary of the school committee, as may be appropriate. Hearings on two or more petitions filed under this section may be held at the same time and place. The clerk of the city council or the secretary of the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least seven days prior to the hearing. Notice, by publication, of all such hearings shall be at public expense.

Section 8-2. - Citizen initiative measures.

(a) Commencement of proceedings. Initiative procedures shall be commenced by the filing of an initiative petition with the city clerk. The petition shall be addressed to the city council or the school committee, shall contain a request for passage of a particular measure set forth in the petition and shall be signed by not less than twenty percent of the total number of voters.

Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the city clerk as one instrument, with the endorsement thereon of the names and addresses of the persons designated as filing the same. With each signature to the petition, shall be stated the place of residence of the signer, giving the street and number, if any.

Within ten days of the filing of said petition the registrars of voters shall ascertain by what number of voters the petition is signed, and shall attach thereto their certificate showing the result of such examination.

The city clerk shall forthwith transmit the said certificate with the said petition to the city council or to the school committee, as appropriate, and at the same time shall send a copy of said certificate to the persons designated on the petition as filing the same.

When such certificate has been so transmitted, said petition shall be deemed to be valid unless written objections are made with regard to the signatures thereon by a voter within forty-eight hours after such certification by filing such objections with the city council or the school committee, and a copy thereof with the registrars of voters. Any such objection shall be determined forthwith.

(b) Referral to city solicitor. If the city clerk determines that a sufficient number of signers are voters, the city clerk shall transmit a copy of the petition to the city solicitor.

Within fifteen days after receipt by the city solicitor of the petition the city solicitor shall advise the city clerk in writing whether the measure may be proposed by initiative pro-

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cedures, and whether it may be lawfully passed by the city council or the school committee. If the opinion of the city solicitor is that the measure may not lawfully be passed, the city solicitor shall state the reason or reasons therefor in said reply. The city clerk shall forthwith furnish a copy of the city solicitor's opinion to the person designated on the petition as filing the same.

(c) Initiative petition; requirements for passage and submission to electorate. If any initiative petition is signed by voters equal in number to at least twenty percent of the total number of voters, and in the opinion of the city solicitor, such measure may be lawfully passed by the city council or school committee, the city council or school committee within thirty days after the date of the certificate of the registrars to that effect: (1) may pass said measure without alteration, subject to the referendum vote provided in this charter; or (2) the city council shall call a special election to be held on a date fixed by it not less than sixty days after the date of the certificate herein mentioned, and shall submit the proposed measure without alteration to a vote of the voters at that election; provided, however, that if any city election is otherwise to occur within one hundred twenty days after the date of said certificate, the city council may, at its discretion, omit the calling of a special election and submit the proposed measure to the voters at such approaching election.

The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof.

(d) Ballot question. The ballots used when voting upon a proposed measure under this section shall state the nature of the measure in terms sufficient to show the substance thereof by preparation of a fair, concise summary by the city solicitor and approved by the registrars of voters.

The full text of the measure shall be published in a least one newspaper of general circulation in the city at least seven days before the election at which the question shall appear on the ballot.

The ballot used when voting upon a proposed measure under this section shall contain the question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

(Text of measure summary)

YES _____ NO _____

If a majority of the votes cast on the question is in the affirmative the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

Section 8-3. - Citizen referendum procedures.

If within ten days after the final passage of any measure a petition signed by voters equal in number to at least five percent of the total number of voters, and addressed to the city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, is filed with the city clerk, the same shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the city council shall submit the same, by the method herein provided, to a vote of the voters either at the next regular city election, or at a special

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election which may, in its discretion, be called for the purpose and such measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at such election vote in favor thereof. The petition described in this section shall be termed a referendum petition and paragraph (a) of section 8-2 shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section whenever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

Section 8-4. - Required voter participation.

For any measure to be effective under initiative or referendum procedures at least thirty percent of the voters shall vote at an election upon which an initiative or referendum question is submitted to the voters.

Section 8-5. - Measures not subject to initiative and referendum.

Measures which include the following subject matter shall not be subject to initiative and referendum procedures: (a) revenue loan orders; (b) appropriations for the payment of debt or debt service; (c) internal operational procedures of the city council and the school committee; (d) emergency measures; (e) the city budget or any appropriation contained therein; (f) the school committee budget or any appropriation contained therein; (g) the capital improvements program or any item contained therein; (h) appropriation of funds to implement a collective bargaining agreement; (i) procedures relating to election, appointment, removal, discharge or any other personnel action; and (j) proceedings providing for the submission or referral of a measure to the voters at an election.

Section 8-6. - Submission of proposed measure to voters.

The city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the voters for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

Section 8-7. - Measures with conflicting provisions.

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Section 8-8. - Recall of elected officials.

(a) Application. Any person who holds an elected city office with more than six months remaining of the term of office at the time of the filing of the affidavit may be recalled from the office by the voters in the manner provided in this section. No recall petition may be filed against an elected official within six months after taking office.

(b) Recall petitions. A recall affidavit signed by at least three hundred for any official elected at large and by at least one hundred for any officer elected by district may be filed with the city clerk containing the name of the office whose recall is sought and a statement of the grounds for recall. The board of registrars of voters shall certify such petitions with regard to the sufficiency and validity of the signatures of voters and within five working days following such filing the city clerk shall deliver to the ten persons first

named on such petitions, petition blanks demanding said recall, printed forms of which the city clerk shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the city council; they shall contain the names of the ten persons to whom they are issued and the grounds for the recall as stated in the affidavit; they shall be dated and signed by the city clerk. A copy of the petition shall be entered into the records kept in the office of the city clerk.

The recall petitions shall be returned to the office of the city clerk within twenty days following the date they are issued, signed by at least twenty percent of the total number of persons who voted at the most recent municipal election for officials elected at large, and for officials elected by district, signed by at least twenty percent of the total number of persons who voted at the most recent municipal election from the district the official sought to be recalled represents.

The city clerk shall forthwith submit the petition to the registrars of voters, and the registrars shall within five working days certify thereon the names of the registered voters of the city, or from the district represented by the official sought to be recalled.

(c) Recall election. If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with such certificate to the city council within five working days, and the city council shall forthwith give written notice of the receipt of the certificate to the official sought to be recalled, and shall, if the official does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty days after the date of the city clerk's certificate, provided however, that if any city election is otherwise to occur within one hundred and twenty days after the date of said certificate, the city council may, at its discretion, omit the calling of a special election and submit the proposed recall to the voters at such approaching election. The recall election for any official elected by district shall only be held in the district that the official represents.

If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.

(d) Office holder. The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If recalled, the official shall be deemed removed and the office vacant. The vacancy created thereby shall be filled in accordance with this charter. Any person appointed to fill the vacancy caused by such recall shall hold office for the unexpired term of the official recalled.

(e) Ballot question. The form of the question to be voted upon shall be substantially as follows:

"Shall - here insert the name and title of the elected official whose recall is sought - be recalled?" If a majority of the votes cast upon the question of recall is in the affirmative, such elected official shall be recalled.

No recall election shall be effective unless at least forty percent of those entitled to vote shall have voted.

(f) Repeat of recall. In the case of an official subjected to a recall election and not recalled thereby, no recall petition shall be filed against such an official until at least sixty

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days after the election at which the official's recall was submitted to the voters of the city.

(g) Office holder recalled. No person recalled from office or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any office or employment under the city within two years after such recall or resignation.

PART IX

General Provisions.

Section 9-1. - Revision or amendment of act.

This act may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and any laws of the commonwealth enacted to implement said constitutional amendment.

Section 9-2. - Rules of interpretation.

The following rules shall apply when interpreting the charter:

(a) Specific provisions to prevail. To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

(b) Computation of time. In computing time under this charter, if seven days or less, only business days, not including Saturdays, Sundays, or legal holidays shall be counted; if more than seven days, every day shall be counted.

Section 9-3. - Definitions.

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

(a) "Charter", this charter and any amendments to it made through any methods provided under Article LXXXIX of the Amendments to the Constitution of the Commonwealth.

(b) "City", the city of Chelsea.

(c) "City agency or agency", any board, commission, committee, department or office of city government, whether elected, appointed or otherwise constituted.

(d) "City bulletin board", the bulletin board located outside the office of the city clerk.

(e) "Emergency", a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.

(f) "Majority vote", a majority of those present and voting, provided a quorum is present when a vote is taken, unless a higher number is required by law, this charter, or by the city council's own rules.

(g) "Multiple-member body", any board, commission or committee, except advisory bodies, appointed by the city manager.

(h) "Receiver", the chief executive officer appointed in accordance with the provisions of chapter two hundred of the acts of nineteen hundred and ninety-one.

(i) "Resident", an inhabitant of the city.

(j) "Remove from the district", a person's place of regular domicile is not within the territorial limits of the district.

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(k) "Remove from the city", a person's place of regular domicile is not within the territorial limits of the city.

(l) "Voters", registered voters of the city as defined by the laws of the commonwealth, including but not limited to, the residency, age, and citizenship requirements of voters.

Section 9-4. - Inspection of documents.

All documents cited in this charter as available for public inspection shall be maintained in the office of the city clerk and in the Chelsea public library. The city clerk shall provide copies of documents to the Chelsea public library.

Section 9-5. - Multiple-member bodies.

(a) Multiple-member bodies; composition; terms of office. Except as otherwise provided by this charter, all multiple-member bodies shall consist of three or more members appointed for terms of three years each, so arranged that the term of one-third of the members, or as nearly that number as may be possible, shall expire each year. All members of multiple-member bodies, except members of the board of assessors, shall serve without compensation or benefits. All members of multiple-member bodies shall take the oath of office within four weeks of their appointment and must take the oath of office prior to entering upon the duties of their office. Unless a member of a multiple-member body serves by virtue of office or employment, all members shall be residents of the city. This requirement may be waived upon the recommendation of the city manager with the approval of the city council.

(b) Method of appointment. All appointments to multiple-member bodies shall become effective in accordance with section 4-2.

Any officials appointed to serve on multiple-member bodies may be removed from office by the city manager for such cause as the city manager deems sufficient and such cause shall be stated in the order of removal. A member of a multiple-member body shall be deemed to have vacated office if said member fails to attend regularly scheduled meetings for a period of three consecutive months without express leave from the chair of such multiple-member body or if such member is absent from such duties for the period of one year notwithstanding the permission from the chair to be absent. Any member of a multiple-member body shall be deemed to have vacated office if such member is finally convicted of a criminal offense involving misconduct in any elective or appointive public office trust or employment at any time held by him and shall not be eligible to serve in any other elective or appointive office or position under the city.

(c) Uniform procedures applicable to multiple-member bodies. In order to acquaint new members of multiple-member bodies with the affairs which will come before them, the chair of each such multiple-member body shall make available to each new member, the minutes of the meetings of the two prior years and copies of any applicable laws, rules, or regulations governing such multiple-member body.

All multiple-member bodies shall meet regularly at such times and places as they shall determine, unless some other provision is made by administrative order. Special meetings of any multiple-member body shall be held on the call of the chair or by a majority

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of its members, by written notice delivered in hand or to the place of residence of each member and which contains notice of the matters to be acted upon. Except in the case of any emergency, all notices shall be delivered at least forty-eight hours in advance of the time set for such meeting. A copy of such notice shall, forthwith, be posted upon the city bulletin board.

Each multiple-member body shall determine its own rules of order of business unless another provision is made by administrative order, and shall provide for the keeping of a journal of its proceedings. Such rules and journals shall be available for public inspection.

If requested by any member, any vote of any multiple-member body shall be taken by a call of the roll and the vote shall be recorded in the journal provided, however, if the vote is unanimous, only that fact need be recorded.

A majority of the members of a multiple-member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time.

(d) Notice of vacancies. Whenever a vacancy occurs on a multiple-member body, whether because of death, resignation, removal from the city, removal by the city manager or the pending expiration of a term for which a person has been appointed, public notice of the vacancy or pending expiration of the term shall be given in the following manner: by publication in at least one newspaper of general circulation in the city, by title, length of term, brief description of duties and a general indication of the qualifications desired of candidates. Such notice shall also state the time in which persons who desire to be considered for appointment of such offices shall file a statement of interest, with whom, and shall indicate the form in which such applications should be made. A copy of all such notices shall be posted on the city bulletin board and in one or more public places within the city.

Section 9-6. - Disqualification from office.

Any individual who has been finally convicted of a criminal offense involving misconduct in any elective or appointive public office, trust or employment at any time held by him shall not be eligible to serve in any other elective or appointive office or position under the city.

Section 9-7. - Charter review.

In every year ending in zero the city council shall establish a charter review committee to examine and review the charter and report to the city council findings, conclusions and recommendations.

Section 9-8. - Reenactment and publication of ordinances.

In the year following the initial review as referenced in section 9-7, and at five year intervals thereafter, the city council shall cause to be prepared a proposed revision or recodification of all city ordinances which shall be submitted to the city council for reenactment. The city council shall adopt the proposed revision or recodification with or without amendment prior to the expiration of the calendar year in which it is submitted to them. Such revisions or recodification shall be prepared under the supervision of the city solicitor, or if the city council so directs by special counsel retained for such purposes. Copies of the revised or recodified ordinances shall be made available for distribution, pro-

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vided however, that a charge not to exceed the actual cost per copy of reproduction may be charged.

In each year between such reenactments, an annual supplement shall be published in at least one newspaper of general circulation in the city which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

PART X

Transition Provisions.

Section 10-1. - Continuation of existing laws.

All ordinances, resolutions, rules, regulations, and votes of the city council and all administrative orders adopted by the receiver which are in force at the time this charter is adopted, not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed.

Where provisions of this charter conflict with provisions of city ordinances, rules, regulations, orders, and special acts and acceptances of laws of the commonwealth, the provisions of this charter shall govern. All provisions of city ordinances, rules, regulations, orders and administrative orders of the receiver not superseded by this charter shall remain in force.

Section 10-2. - Existing officers and employees.

All city officers and employees shall retain such office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency. No existing officer or employee of the city shall forfeit pay grade or time in service.

Section 10-3. - Continuation of government.

All city officers, boards, commissions or agencies shall continue to perform their duties until re-appointed or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another city office, board, commission or agency.

Section 10-4. - Continuation of obligations.

All official bonds, obligations, contracts and other instruments entered into or executed by or to the city before the adoption of this charter, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this charter. No legal act done by or in favor of the city shall be rendered invalid by the adoption of this charter.

Section 10-5. - Transfer of records and property.

All records, property and equipment whatsoever of any office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another city office, board, commission or agency shall be transferred forthwith to such office, board, commission or agency.

Section 10-6. - Time of taking effect.

This charter shall become fully effective upon passage in accordance with the following schedule and except as otherwise provided in this section:

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(a) A special preliminary election to nominate the first candidates for elective office under this charter shall be held within one hundred and twenty days following the effective date of this charter.

(b) At least four weeks after the date of the special preliminary election there shall be a special general election of the first city council and school committee under this charter. Such elected officials shall serve until the first city business day of January nineteen hundred and ninety-eight. Upon the election and the qualification of the first city council under this charter, the terms of office of the present board of aldermen elected in the municipal election held in November nineteen hundred and ninety-three shall be terminated and the offices abolished. No later than fourteen days following their election, the first school committee shall take the oath of office and the terms of office of the present school committee elected in the municipal election held in November nineteen hundred and ninety-three shall be terminated.

(c) No later than fourteen days following the election of the first city council under this charter the city clerk shall call together persons elected to the city council for the purpose of taking their oaths of office, to choose a president and vice president of the city council and to adopt any temporary rules governing the conduct of meetings of the city council.

(d) Following the organization meeting of the city council, the city council shall prepare to assume its full powers, duties and responsibilities which will devolve upon the city council under this charter. The city council president shall as soon as practicable appoint a committee of the city council to develop rules and regulations governing the conduct of city council meetings and business. Said committee shall propose such rules and regulations for review and adoption by the city council as a whole within forty-five days following the organization of government.

(e) Within thirty days following the election of the first city council under this charter or following a vacancy in the office of city manager, the president of the city council shall initiate the process for the recruitment and selection of a city manager by establishing a special screening committee. The size and composition of the special screening committee shall be determined by the city council. The special screening committee shall, within thirty days of appointment, meet and plan for the process for the solicitation by advertisement and by other means to attract applications for the position of city manager.

The special screening committee shall review applications, screen applicants, and provide for interviews or other selection processes to be conducted with such number of candidates for the position as it deems to be necessary and expedient.

Not more than one hundred and fifty days following the date the committee meets to organize, the committee shall submit to the city council the names of not less than three candidates whom it believes to be the best suited to perform the duties of the city manager. Within thirty days following the date the list of candidates is submitted to it, the city council shall choose one of the recommended candidates to be appointed to the office of city manager. In the event the city council shall fail to act or if the city council does not believe that selection of any of the candidates is in the best interest of the city or if candidates are

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not available to be selected, the special screening committee shall as soon as possible recommend additional candidates to the city council.

Upon the appointment of a city manager the special screening committee shall be considered discharged. Until such time as another method of selection for a city manager shall be established by ordinance, a special screening committee as called for by this section shall be established and serve whenever the office of city manager shall become vacant.

(f) The initial salary of the city manager shall not be less than eighty thousand dollars per annum.

(g) The receiver shall prepare the operating budget for the city for fiscal year nineteen hundred and ninety-six.

(h) Subject to appropriation, members of the city council shall receive six thousand dollars per annum and members of the school committee shall receive three thousand dollars per annum. These amounts shall continue until such amount is changed by the city council or school committee in accordance with provisions of this charter.

(i) Upon the appointment of the licensing commission established under section 6-2 of this charter, the board of excise established by chapter three hundred and ten of the acts of nineteen hundred and sixteen shall cease to exist and all powers and duties of said board shall be vested in the licensing commission. The board of excise shall continue to exercise all powers and duties until said licensing commission is appointed.

(j) Except as otherwise provided in this section, the city shall not be subject to provisions of chapter thirty-one of the General Laws. Uniform positions within the police department and the fire department below the rank of chief of department shall continue to be subject to said chapter thirty-one. The position of chief of the fire department shall be removed from coverage under said chapter thirty-one; provided, however, that the incumbent fire chief shall retain civil service status. Tenured civil service employees of the city shall continue to be subject to the provisions of said chapter thirty-one in the classification held at the time of the effective date of this charter.

(k) The acceptance by the city of chapter forty-three C of the General Laws, establishing a department of community development and a department of municipal inspections shall be deemed to be in force and may be amended, repealed or revised in accordance with the provisions of paragraph (a) of section 6-1. Any organization of the department of community development and the department of municipal inspections established by the receiver shall be in force until amended, repealed or revised in accordance with the provisions of said paragraph (a).

SECTION 2. (a) Within ninety days of the effective date of this act, the receiver shall promulgate a series of ordinances, including ordinances providing for a code of conduct and a code of ethics applicable to all appointed and elected officials and employees, and an ordinance establishing a youth commission. Such ordinances shall remain in force until such time as amended by the city council.

(b) Within ninety days of the effective date of this act, the receiver shall promulgate a series of administrative orders providing for the organization of city government into operating agencies in accordance with paragraph (a) of section 6-1. Such administrative

orders shall not be subject to city council approval and shall remain in force until such time as altered by the city manager in accordance with said paragraph (a).

(c) As soon as possible after the adoption of this act, the board of registrars of voters shall establish eight districts for the election of district city council members as provided for under paragraph (a) of section 2-1. The districts shall consist of as nearly an equal number of inhabitants as it is possible in compact and contiguous territory; bounded insofar as possible by the center line of known streets or ways or by other well defined limits. In establishing these districts the board of registrars of voters shall hold at least two public hearings. The receiver shall approve the final district plan prepared by said registrars. Upon final approval of such plan the board of registrars of voters shall provide at least two notices to voters of the location of polling places.

SECTION 3. Notwithstanding the provisions of any general or special law or charter to the contrary, the special preliminary and general municipal elections provided for in section one of this act shall be held as follows: the special preliminary municipal election, if necessary, shall be held on November eighth, nineteen hundred and ninety-four; the special general municipal election shall be held on December sixth, nineteen hundred and ninety-four.

SECTION 4. Notwithstanding the provisions of section twenty-six of chapter fifty-one of the General Laws, or any other general or special law or charter provision to the contrary, the dates and times for voter registration for said special preliminary municipal election shall coincide with the dates and times for voter registration for the biennial state elections to be held on November eighth, nineteen hundred and ninety-four. Voter registration for the special general municipal election shall be in accordance with those provisions of section twenty-nine of said chapter fifty-one applicable to special municipal elections.

SECTION 5. Balloting for said special preliminary municipal election shall be on ballots separate from those prepared by the secretary of state for the biennial state election. The city clerk of Chelsea shall cause to be prepared ballots for the special preliminary municipal election, approved by the secretary of state as provided for under section forty of chapter fifty-four.

SECTION 6. Such additional electronic voting machines as may be needed in the city of Chelsea to accommodate separate balloting under this act shall be provided at all polling places within the city.

SECTION 7. All provisions of state and local law, not otherwise inconsistent with the provisions of sections three to six, inclusive, of this act, shall be applicable to the elections referred to in this act.

SECTION 8. The receiver as established under chapter two hundred of the acts of nineteen hundred and ninety-one shall continue to be responsible for the general operation and business of city government and shall continue to perform all of the powers, duties and responsibilities of the office of receiver until such time as a city manager takes office at which time the receiver shall cease to hold the office of receiver and shall not thereafter exercise official acts or perform official duties.

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SECTION 9. Chapter two hundred of the acts of nineteen hundred and ninety-one shall become inoperative when the city manager takes office or on September first, nineteen hundred and ninety-five, whichever occurs first.

SECTION 10. Chapter six hundred and eighty of the acts of nineteen hundred and eleven is hereby repealed.

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

Approved August 26, 1994.

Chapter 104. AN ACT RELATIVE TO HORSE RACING AT FAIRS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize certain wagering at state or county fairs, therefore 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 5 of chapter 114 of the acts of 1991, as amended by section 9 of chapter 101 of the acts of 1992, is hereby further amended by inserting after the sixth paragraph the following two paragraphs:-

Each licensee conducting a running horse racing meeting in connection with a state or county fair shall return to the winning patrons wagering on the speed or ability of 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 running horse, and less the so-called breaks; and each licensee conducting a running 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 each such licensee shall allocate a sum equal to seven percent of each wager to 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 seven percent shall be paid from the respective nineteen percent withheld and twenty-six percent withheld as provided in this section from the total amount wagered.

Each person licensed to conduct a running horse racing meeting, in connection with a state or county fair, shall pay to the state racing commission on the day following each day

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of such horse racing meeting, a sum equal to seven 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.

Approved August 26, 1994.

Chapter 105. AN ACT RELATIVE TO CERTAIN NOTES AND 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 certain bonds and notes, therefore 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 846 of the acts of 1965 is hereby amended by striking out the words "nineteen hundred and ninety-five", inserted by section 10 of chapter 219 of the acts of 1991, and inserting in place thereof the following words:- nineteen hundred and ninety-nine.

SECTION 2. Section 3A of chapter 786 of the acts of 1967 is hereby amended by striking out, in lines 19 and 20, the words "nineteen hundred and ninety-two" and inserting in place thereof the following words:- two thousand and fifteen.

SECTION 3. Section 2 of chapter 834 of the acts of 1969, as amended by section 1 of chapter 1023 of the acts of 1971, is hereby further amended by striking out, in lines 22 and 23, the words "nineteen hundred and ninety-three" and inserting in place thereof the following words:- two thousand and fifteen.

SECTION 4. The second paragraph of section 3 of chapter 800 of the acts of 1979 is hereby amended by striking out, in line 15, the words "nineteen hundred and ninety-two" and inserting in place thereof the following words:- two thousand and five.

SECTION 5. Section 11A of chapter 723 of the acts of 1983, as amended by section 19 of chapter 233 of the acts of 1984, is hereby further amended by striking out, in line 9, the words "nineteen hundred and ninety-five" and inserting in place thereof the following words:- two thousand and two.

SECTION 6. Section 11A½ of said chapter 723, inserted by section 20 of chapter 233 of the acts of 1984, is hereby amended by striking out, in line 16, the words "nineteen hundred and ninety-four" and inserting in place thereof the following words:- two thousand.

SECTION 7. Section 11D of said chapter 723 is hereby amended by striking out, in line 9, the words "nineteen hundred and ninety-five" and inserting in place thereof the fol-

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lowing words:- two thousand and two.

SECTION 8. Section 11S of said chapter 723 is hereby amended by striking out, in lines 8 and 9, the words "nineteen hundred and ninety-five" and inserting in place thereof the following words:- two thousand and two.

SECTION 9. Section 3 of chapter 785 of the acts of 1985 is hereby amended by striking out, in line 12, the words "nineteen hundred and ninety-five" and inserting in place thereof the following words:- two thousand and two.

SECTION 10. Section 12 of chapter 811 of the acts of 1985 is hereby amended by striking out, in line 12, the words "nineteen hundred and ninety-three" and inserting in place thereof the following words:- two thousand.

Approved August 26, 1994.

Chapter 106. AN ACT RELATIVE TO A BOND AUTHORIZATION FOR A CERTAIN CAPITAL PROJECT OF THE COMMONWEALTH.

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

Be it enacted, etc., as follows:

SECTION 1. To provide for a capital outlay program for a certain project, the sum set forth in section two of this act, for the several purposes and subject to the conditions specified under the provisions of this act, is hereby made available from the General Capital Projects Fund, subject to the provisions of law regulating the disbursement of public funds.

SECTION 2.

EXECUTIVE OFFICE OF EDUCATION.

Higher Education.

7410-8958 For the preparation of plans, research, development and construction of a large millimeter, radiowave telescope at the university of Massachusetts at Amherst; provided, that funds appropriated herein shall be used in conjunction with any federal or private funds available for the purpose authorized herein \$5,000,000

SECTION 3. To meet the expenditures necessary in carrying 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 specified by the governor from time to time, but not exceeding, in the aggregate, five million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Higher Education Capital Outlay Loan Act of 1994, and shall be issued for such maximum term of years, not exceed-

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ing 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 nineteen. 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 4. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section two of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. All interest and payments on account of principal of such obligations shall be payable from the General Fund.

Approved August 26, 1994.

Chapter 107. AN ACT RELATIVE TO THE TERMS OF CERTAIN NOTES AND 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 and notes to carry out the purposes of a certain act passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section three of chapter eighty-five of the acts of nineteen hundred and ninety-four, providing for funding an emergency capital outlay, shall be issued for term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nineteen, as recommended by the governor in a message to the general court dated August third, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 2. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section five of chapter eighty-five of the acts of nineteen hundred and ninety-four, providing for funding special obligation revenue high-

way improvement projects, shall be issued for term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nineteen, as recommended by the governor in a message to the general court dated August third, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 3. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section seven of chapter eighty-five of the acts of nineteen hundred and ninety-four, providing for funding Computer System Technology Loans, shall be issued for term not to exceed ten years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nine, as recommended by the governor in a message to the general court dated August third, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 4. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section nine of chapter eighty-five of the acts of nineteen hundred and ninety-four, providing for funding municipal emergency capital outlay loans, shall be issued for term not to exceed ten years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nine, as recommended by the governor in a message to the general court dated August third, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 5. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eleven of chapter eighty-five of the acts of nineteen hundred and ninety-four, providing for funding municipal highway and traffic management capital outlay loans, shall be issued for term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nineteen, as recommended by the governor in a message to the general court dated August third, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 6. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section thirteen of chapter eighty-five of the acts of nineteen hundred and ninety-four, providing for funding state facilities improvements and emergency repair capital outlay loans, shall be issued for term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nineteen, as recommended by the governor in a message to the general court dated August third, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 7. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section fifteen of chapter eighty-five of the acts of nineteen hundred and ninety-four, providing for funding agricultural preservation capital outlay loans, shall be issued for term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nineteen, as recom-

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mended by the governor in a message to the general court dated August third, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

Approved August 26, 1994.

Chapter 108. AN ACT PROVIDING FOR THE ELECTION OF THE PLANNING BOARD OF THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, in the year nineteen hundred and ninety-five and at the biennial city election in every second year thereafter, there shall be elected seven members to the planning board of the city of Taunton. All such members shall be elected for a term of two years. If a member of the planning board resigns or if there is a vacancy in said planning board by reason of death, imprisonment or any other cause, the municipal council shall, within fifteen days thereafter, fill such vacancy by electing the person who, at the last biennial election, received the next highest vote to the last of the seven persons elected thereat, to said planning board, and, on his refusal to serve, the person who received the next highest vote at said election and, on his refusal to serve, other persons who were candidates for membership on said planning board at said election and were defeated shall be elected to fill such vacancy in the order of the respective number of votes received by each such candidate at said election. If there is no person qualified as provided herein who is willing to serve or if there are an insufficient number of candidates participating in the biennial election to fill the seven planning board positions, a registered voter of the city duly qualified to vote for the office in which there is a vacancy shall be so elected. The person so elected shall serve for the remainder of the unexpired term of the person he succeeds if he is elected to fill a vacancy created by resignation, death, imprisonment or other cause, or for a term of two years if he is elected to fill a vacancy created by lack of candidate participation in the most recent biennial election.

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

Approved August 26, 1994.

Chapter 109. AN ACT PROVIDING FOR THE ELECTION OF THE ZONING BOARD OF APPEALS OF THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any special or general law to the contrary, in the year nineteen hundred and ninety-five and at the biennial city election and

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every second year thereafter, there shall be elected five permanent members and two alternate members of the zoning board of appeals of the city of Taunton. All such members shall be elected for a term of two years. The two candidates receiving the sixth and seventh highest number of votes for said board at the preceding biennial election shall be designated respectively the first and second alternates and shall participate on said board in the order of their election only in the absence of a permanent member.

If a permanent member of the zoning board of appeals resigns, or if there is a vacancy of a permanent position on said board by reason of death, imprisonment, or any other cause, the first alternate shall fill the vacated permanent position; and on his refusal to serve, the second alternate shall fill the position. The municipal council shall, within fifteen days thereafter, fill the alternate position left vacant as a result thereof; and shall, also within fifteen days, fill any alternate position left vacant by reason of resignation, death, imprisonment, or other cause, which, in either case, thereupon shall be designated the second alternate position, by electing the person who at the last biennial election, received the next highest vote to the last of the seven persons elected thereat to the zoning board of appeals, and on his refusal to serve, the person who received the next highest vote to him at said election; and on his refusal to serve, other persons who were candidates for membership of the zoning board of appeals and were defeated shall be elected to fill such vacancy in the order of the respective number of votes received by any such candidate at said election. If there is no person qualified as provided herein who is willing to serve or if there are an insufficient number of candidates participating in the biennial election to fill the seven zoning board of appeals positions, a registered voter of the city duly qualified to vote for the office in which there is a vacancy shall be so elected. The person so selected shall serve for the remainder of the unexpired term of the person he succeeds if he is elected to fill a vacancy created by resignation, death, imprisonment or other cause or for a term of two years if he is elected to fill a vacancy created by lack of candidate participation in the most recent biennial election.

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

Approved August 26, 1994.

Chapter 110. AN ACT PROVIDING FOR BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 448 of the acts of 1909 is hereby amended by striking out section 1, as amended by section 1 of chapter 55 of the acts of 1948, and inserting in place thereof the following section:-

Section 1. Beginning with the year nineteen hundred and ninety-five, biennial municipal elections in the city of Taunton for the election of mayor, members of the municipal council, members of the school committee, members of the planning board, mem-

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bers of the zoning board of appeals and members of the Taunton municipal lighting plant commission shall be held biennially on the Tuesday next following the first Monday of November in each odd-numbered year.

SECTION 2. Said chapter 448 is hereby further amended by striking out section 3, as amended by section 1 of chapter 407 of the acts of 1941, and inserting in place thereof the following section:-

Section 3. The municipal officers to be elected at city elections shall be the mayor; members of a single council, to consist of nine members, to be called the municipal council; members of the school committee; members of the planning board; members of the zoning board of appeals, to consist of seven members, two of whom shall be alternate members; and members of the Taunton municipal lighting plant commission.

SECTION 3. Said chapter 448 is hereby further amended by striking out section 4, as most recently amended by section 2 of chapter 407 of the acts of 1941, and inserting in place thereof the following section:-

Section 4. At the biennial city election in the year nineteen hundred and ninety-five, and every second year thereafter, there shall be elected, by and from the qualified voters of the city, a mayor, nine municipal council members, eight school committee members, three Taunton municipal lighting plant commissioners, seven planning board members, and seven zoning board of appeals members.

SECTION 4. Section 6 of said chapter 448, as amended by section 1 of chapter 187 of the acts of 1930, is hereby further amended by striking out, in lines 2 and 3, the words "or member of the school committee," and inserting in place thereof the following words:- , member of the school committee, member of the Taunton municipal lighting plant commission, member of the planning board or member of the zoning board of appeals.

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

Approved August 26, 1994.

Chapter 111. AN ACT RELATIVE TO BOSTON EDISON EMPLOYEES CREDIT UNION.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eight of chapter one hundred and seventy-one of the General Laws, or any other general or special law to the contrary, the commissioner of banks, after such notice and hearing as he may require, is hereby authorized to permit Boston Edison Employees Credit Union, under such conditions as he may impose, to establish and maintain a branch office or depot on the premises of a facility of the Boston Edison Company located in the town of Plymouth, for the benefit and convenience of the employees of said facility.

Approved August 29, 1994.

Chapter 112. AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO GRANT A CERTAIN EASEMENT.

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 Barnstable is hereby authorized to execute and deliver in the name of and on behalf of the town one or more instruments to grant for nominal consideration a permanent easement in certain cemetery land in said town for the purpose of allowing vehicle and pedestrian right of access to land now or formerly of Joan Bentinck-Smith, her heirs, successors and assigns in perpetuity. Said easement is shown on a plan entitled "Plan of the Cotuit Cemetery for town of Barnstable," drawn by Charles N. Savery Co., Engineers and Surveyors, Cotuit-Falmouth dated 31 Jan. 1959, which is on file with the public works department of said town.

Approved August 29, 1994.

Chapter 113. AN ACT AUTHORIZING THE TOWN OF EDGARTOWN TO LEASE CERTAIN PROPERTY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section three of chapter forty of the General Laws, the town of Edgartown is hereby authorized to lease the property and building known as Katama Farm for a term greater than ten years. Said lease shall not be subject to the provisions of chapter thirty B of the General Laws.

Approved August 29, 1994.

Chapter 114. AN ACT AUTHORIZING THE TOWN OF GAY HEAD TO LEASE CERTAIN LAND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty B of the General Laws, the town of Gay Head is hereby authorized to lease a certain parcel of land located in said town known as the Cliff Leased Lots and shown as parcel 20 on assessors map 6.

Approved August 29, 1994.

Chapter 115. AN ACT AUTHORIZING THE TOWN OF AUBURN TO EXECUTE A CERTAIN LEASE TO THE AUBURN DISTRICT NURSING ASSOCIATION, INC.

Be it enacted, etc., as follows:

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SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Auburn is hereby authorized to lease a certain parcel of land located at 41 South street in said town together with the building thereon to the Auburn District Nursing Association, Inc.

Said lease shall be for the sum of one dollar for a term of five years, and may provide for an extension of said lease for an additional five years; provided, however, that any capital or other improvement to the leased premises made during the term of the lease, including any extension thereof, shall be the property of the town.

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

Approved August 29, 1994.

Chapter 116. AN ACT RELATIVE TO THE COOPERATIVE CENTRAL BANK.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section 7 of chapter 45 of the acts of 1932, as most recently amended by section 2 of chapter 244 of the acts of 1986, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The resources of the central bank shall be invested only in one or another of the following: (a) obligations of the United States; (b) except as otherwise provided herein, federal agency obligations, referred to in section forty-two of chapter one hundred and sixty-eight of the General Laws, in effect on June thirtieth, nineteen hundred and eighty-three, and included on the list of investments pursuant to section fifteen A of chapter one hundred and sixty-seven of the General Laws maturing not more than five years from the date of acquisition thereof by the central bank; (c) obligations of the Government National Mortgage Association; (d) obligations of the commonwealth; (e) loans to member banks under conditions herein provided; (f) federal funds and repurchase agreements secured by United States treasury obligations and federal agency obligations which have unexpired terms of five years or less with a banking corporation in the common stock of which a cooperative bank may invest pursuant to paragraph 1 of section forty-seven of chapter one hundred and sixty-eight of the General Laws in effect on June thirtieth, nineteen hundred and eighty-three, and included on the list of investments pursuant to section fifteen A of chapter one hundred and sixty-seven of the General Laws; provided, however, that such banking corporation has a combined total of capital stock, surplus, undivided profits and reserves for contingencies equal to at least fifteen million dollars and total assets of one hundred and fifty million dollars and also equal to at least six percent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment.

SECTION 2. The first paragraph of section 3 of chapter 73 of the acts of 1934, as appearing in section 91 of chapter 371 of the acts of 1983, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Except as provided in this act, said fund may be invested by the corporation only in the cash, securities

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or other property referred to in clauses (a), (b), (c) and (d) of section twenty-two of chapter one hundred and seventy of the General Laws or in any of the federal agency obligations referred to in section forty-two of chapter one hundred and sixty-eight of the General Laws in effect on June thirtieth, nineteen hundred and eighty-three, and included on the list of investments pursuant to section fifteen A of chapter one hundred and sixty-seven of the General Laws, or in stock of the Federal National Mortgage Association referred to in said section forty-two, or obligations of the Government National Mortgage Association, or federal funds and repurchase agreements secured by the United States treasury obligations and federal agency obligations which have unexpired terms of five years or less with a banking corporation in the common stock of which a cooperative bank may invest pursuant to paragraph 1 of section forty-seven of said chapter one hundred and sixty-eight in effect on June thirtieth, nineteen hundred and eighty-three, and included on the list of investments pursuant to section fifteen A of chapter one hundred and sixty-seven of the General Laws; provided, however, that such banking corporation has a combined total of capital stock, surplus, undivided profits and reserves for contingencies equal to at least fifteen million dollars and total assets of one hundred and fifty million dollars and also equal to at least six percent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment.

Emergency Letter: August 31, 1994 @ 3:32 P.M.

Approved August 30, 1994.

Chapter 117. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF WELLESLEY.

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 through forty J, inclusive of chapter seven of the General Laws to sell and convey by deed, a parcel of state owned land located in the town of Wellesley to an individual or entity subject to the requirements of section two and to such additional terms and conditions as the commissioner may prescribe in consultation with the metropolitan district commission.

Said parcel is described as follows:

Beginning at a point a distance of 120.46' from the southerly side of Cedar Brook Road and along the easterly sideline of land now or formerly of Lawrence B. Francis & Donna M. Wheeler, said point being the northeasterly corner of the parcel herein described, thence S 76 degrees 27' 00" W a distance of 82.83' to a point, thence N 78 degrees 56' 24" E a distance of 82.85' to a point, thence N 12 degrees 35' 20" W along the westerly sideline of land now or formerly owned by Albert G. & Nina J. Valenino a distance of 3.60' to the point of beginning, containing 149 square feet more or less and shown on a plan entitled "Plan of Land in Wellesley, Mass. Norfolk County." by Salvetti, Surveying & Engineering

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Assoc., Franklin, Mass. dated October 21, 1993.

SECTION 2. The grantee of said parcel shall assume the costs of all appraisals, surveys, and other expenses as deemed necessary by the commissioner for the disposition of this property.

SECTION 3. The commissioner of the division of capital planning and operations shall forty-five days before the execution of any contract authorized by section one or any subsequent amendment thereto, submit the contract or amendment thereto to the inspector general who shall review and approve said contract or amendment and said inspector general shall submit his approval or disapproval to the commissioner of the division of capital planning and operations within twenty days of receipt thereof.

Approved August 30, 1994.

Chapter 118. AN ACT RELATIVE TO SAVINGS BANK LIFE INSURANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for changes in the operation of the Savings Bank Life Insurance Company of Massachusetts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 11A of chapter 30A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 21, the words "and the General Insurance Guaranty Fund" and inserting in place thereof the following words:- or the Policyholders Protective Board.

SECTION 2. Section 3 of chapter 178A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

No director shall be personally liable to the company or its stockholders for monetary damages for breach of fiduciary duty as a director, notwithstanding any provision of law imposing such liability, except for liability; (1) for any breach of the director's duty of loyalty to the corporation and its stockholders, (2) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (3) incurred pursuant to the provisions of section sixty-one or sixty-two of chapter one hundred and fifty-six B or (4) for any transaction from which the director derived an improper personal benefit.

SECTION 3. Said chapter 178A is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. Within forty-five days after the establishment of the company, the directors shall submit to the commissioner a plan pursuant to which the company shall assume the ownership and operation of the insurance department of each savings and insurance bank. Said plan shall provide that all savings and insurance banks shall be issued shares of the capital stock of the company in such proportion as the surplus of the insurance

department of each such bank calculated at the fair market value of its assets bears to the total surplus of the insurance departments of all such banks as of the date of conversion, or in such other manner deemed to be fair and equitable by the directors and approved by the commissioner; provided, however, that each such bank shall receive not less than one share of the capital stock of the company. Said plan shall further provide that there shall be two classes of such stock: (a) Class A shares which shall be voting shares, and (b) Class B shares which shall be nonvoting shares. The first share of stock issued to each such bank shall be Class A stock and all remaining shares so issued to any such bank shall be Class B stock. All shares of such stock shall be considered equal with respect to the payment of dividends, if any, in accordance with section ten.

The capital stock of the company shall be held only by a savings bank or its holding company; provided, however, that no such bank or holding company shall, collectively, hold more than one share of Class A stock; and provided, further, that upon any proposed sale of such stock by any such bank or holding company, the shares to be sold shall first be offered to the company for purchase upon the same terms and conditions as those of the proposed sale and the company is hereby authorized, with the approval of the commissioner, to purchase and hold such shares.

Notwithstanding the foregoing provisions of this section, any bank or bank holding company which acquires shares of stock of the company through a merger with or acquisition of a bank, to which any such shares were issued by the company pursuant to this section, its holding company or any successor to either said bank or holding company, may retain such shares; provided, however, that if any bank or bank holding company thereby acquires more than one share of said Class A stock, it shall offer the amount of such shares in excess of one to the company. The company is hereby authorized and directed to purchase the same at a price consistent with the value assigned to such stock pursuant to a current appraisal thereof performed by an investment banking firm registered with the Securities and Exchange Commission and retained by the company to make such appraisal; and provided, further, that any proposed sale of shares of stock so retained shall be effected in compliance with this section.

Notwithstanding the provisions of section one hundred and seventy-four E of chapter one hundred and seventy-five, a bank and its officers and employees may act as an agent or broker exclusively for the company in the sale of insurance contracts. No such bank or its officers and employees shall act as agent or broker for any other insurance company doing business in the commonwealth. All licenses for the sale of savings bank life insurance acquired in accordance with the provisions of section ten A of chapter one hundred and seventy-eight and in effect on the date of conversion are hereby transferred to the company and shall continue in force until the stated expiration date, at which time, they may be renewed by the company. Applicants for a license as an agent or broker for the company shall be filed in accordance with sections one hundred and sixty-three and one hundred and sixty-three A of said chapter one hundred and seventy-five; provided, however, that any such license shall not become effective until the date of conversion.

SECTION 4. Section 10 of said chapter 178A, as so appearing, is hereby amended

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by inserting after the third sentence the following sentence:- If the commissioner has failed to act within sixty days after receipt of the approval and findings of said board, the company may pay such dividends without further delay or action.

SECTION 5. Said chapter 178A is hereby further amended by adding the following section:-

Section 11. Any suit brought on or in respect to any insurance contract issued or assumed by the company shall be brought in the county where such contract was issued, and within two years following the date the alleged cause of action accrues.

SECTION 6. The provisions of section three of this act shall take effect as of September thirtieth, nineteen hundred and ninety-three.

Approved August 31, 1994.

Chapter 119. AN ACT RELATIVE TO A BOND AUTHORIZATION FOR A CERTAIN EMERGENCY CAPITAL PROJECT OF THE COMMONWEALTH.

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

Be it enacted, etc., as follows:

SECTION 1. To provide for a capital outlay program for certain emergency repairs, improvements, construction, and reconstruction projects, the sum set forth in section two of this act, for the several purposes and subject to the conditions specified under the provisions of this act, is hereby made available from the General Capital Projects Fund, subject to the provisions of law regulating the disbursement of public funds.

SECTION 2.

7502-7957 For the renovation and installation of heating systems at Berkshire community college; provided, that said project shall be completed not later than June thirtieth, nineteen hundred and ninety-seven \$3,000,000

SECTION 3. To meet the expenditures necessary in carrying 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 specified by the governor from time to time, but not exceeding, in the aggregate, the sum of three million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Berkshire Community College Emergency Capital Outlay Loan Act of 1994, 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 nineteen. 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 4. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section two of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. All interest and payments on account of principal of such obligations shall be payable from the General Fund.

SECTION 5. Item 1102-9951 of section 2 of chapter 85 of the acts of 1994 is hereby amended by striking out the wording and inserting in place thereof the following:-

For the purpose of establishing a multi-purpose sports arena in the city of Lowell in conjunction with the University of Massachusetts at Lowell and the city of Lowell and for any costs related thereto; provided, however, that no funds shall be expended from this item until a comprehensive plan for said multi-purpose sports arena is submitted to the house and senate committees on ways and means.

Approved August 31, 1994.

Chapter 120. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE CERTAIN PARCELS OF LAND IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. 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 purchase, subject to appropriation, certain hereinafter described parcels of land in the city of Lowell and to transfer the care, custody and control of said parcels to the University of Massachusetts at Lowell in conjunction with the expansion of its existing operations at the Mill Site; provided, however, that no purchase and sale agreement shall be executed for the purchase of said parcel until three independent appraisals of the value of the parcels for the use of economic development projects and education have been made by certified disinterested appraisers. The inspector general shall review and approve said ap-

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praisals and said review shall include a review of the methodology utilized for each appraisal. The inspector general shall prepare a report of his review and file said report with said commissioner for submission to the house and senate committees on ways and means and house and senate chairmen of the joint committee on state administration in accordance with section three of this act.

SECTION 2. The parcels of land referred to in section one are shown on the following plans of land:

(a) Parcel shown as Phase I on "Compiled Plan of Land in Lowell, Mass. for Wannalancit Office and Technology Center Realty Trust," Scale 1"=20', dated March twenty-fifth, nineteen hundred and eighty-three, by Robert M. Gill & Associates, Inc. Civil Engineers & Surveyors, Lowell, Mass., which plan is recorded at the Middlesex northern district registry of deeds at Plan Book 140, Plan 1;

(b) Parcel shown as Lot C on "Compiled Plan of Land in Lowell, Mass." dated September thirteenth, nineteen hundred and eighty-two, Scale 1"=40', prepared by Robert M. Gill & Associates, Inc., Lowell, Massachusetts, which plan is recorded with said Middlesex northern district registry of deeds at Plan Book 137, Plan 121;

(c) Parcels shown as Lots 4 and 5, and Mill No. 10 on "Plan of Land in Lowell, Mass., surveyed for Jacob Ziskind Foundation, June 1948" recorded with said Middlesex northern district registry of deeds at Plan Book 74, Plan 4;

(d) Parcel shown on "Plan of Land in Lowell, Mass. belonging to Eastern Wool Warehouse Inc." surveyed December sixteenth, nineteen hundred and forty-seven, Brooks, Jordan and Graves, C.E.'s recorded with said Middlesex northern district registry of deeds at Plan Book 72, Plan 10.

SECTION 3. The commissioner of the division of capital planning and operations shall, thirty days before the execution of a purchase and sale agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within fifteen days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the house and senate chairmen of the joint committee on state administration at least fifteen days prior to its execution.

SECTION 4. In the event that the property described in section two is not used for the purposes described in section one within three years of the effective date of this act, or if the use for the aforementioned purpose ceases at any time, the property shall revert to the commonwealth for another use to be determined by the division of capital planning and operations.

Approved August 31, 1994.

Chapter 121. AN ACT RELATIVE TO CERTAIN STATE LAND IN THE TOWN OF FRAMINGHAM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the development of certain state land in the town of Framingham, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 678 of the acts of 1987 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The commissioner of the division of capital planning and operations is hereby authorized to undertake such planning and study as is necessary to create an integrated development district, including facilities and improvements thereon, at the site of the former Cushing Hospital; a public health hospital, in the town of Framingham, for the construction of geriatric care facilities, elderly housing, open space, recreation or other uses compatible with the residential character of the area on an approximately ninety-eight acre parcel, consisting of two parcels referred to as "Parcel one" and "Parcel two".

Parcel one and Parcel two are bounded and described as follows:

Parcel one:

A certain parcel of land located on the westerly line of West Road in Framingham, Middlesex County, Massachusetts; excepted from Parcel two, and bounded and described as follows:

Beginning at a point to be located at the intersection of the westerly line of West Road with the northerly line of "F" Road; thence running north- westerly along the easterly line of West Road 760 feet, more or less, to a point on the southerly line of "D" Road; thence turning at a 90 degree angle and running northeasterly along the southerly line of "D" Road 730 feet, more or less, to a point; thence turning at a 90 degree angle and running southeasterly along the center line of an existing hospital building 760 feet, more or less, to a point in the northerly line of "F" Road, thence turning at a 90 degree angle and running southwesterly along the northerly line of "F" Road 730 feet, more or less, to the point of the beginning. Said Parcel one contains approximately thirteen acres of land as shown on the above referenced plan, the precise boundaries of which shall be determined by the studies prepared pursuant to section two.

Parcel two:

A certain parcel of land located on the westerly line of West Road and the westerly line of Dudley Road in Framingham, Middlesex County, Massachusetts, and bounded and described as follows:

Beginning at the southeast corner of North Street at the intersection of North Street and Dudley Road said point being the northeasterly corner of the premises herein described:

Thence running southeasterly along the westerly line of Dudley Road a distance of 1,345 feet, more or less, to a point, thence southwesterly a distance of 210 feet, more or less, to a point, thence southeasterly 270 feet, more or less, to a point at the southerly line of

South Road, thence turning and running southwesterly along South Road a distance of 673 feet, more or less, to a point; thence turning and running southeasterly a distance of 535 feet, more or less, to a point; thence turning and running southwesterly a distance of 985 feet, more or less, to a point on the easterly line of Winter Street; thence turning and running northeasterly along the easterly line of Winter Street a distance of 120 feet, more or less, to a point; thence turning and running northeasterly a distance of 220 feet, more or less, to a point; thence turning and running northwesterly a distance of 200 feet, more or less, to a point; thence turning and running southwesterly a distance of 220 feet, more or less, to a point on the easterly line of Winter Street; thence turning and running northwesterly along the easterly line of Winter Street a distance of 1,090 feet, more or less, to a point; thence turning and running northeasterly a distance of 150 feet, more or less, to a point on the westerly line of West Road; thence turning and running northwesterly along the westerly line of West Road a distance of 1,680 feet, more or less, to a point at the intersection of the westerly line of West Road with the southerly line of North Road; thence crossing North Road and running northeasterly 710 feet, more or less, to a point; thence turning and running southeasterly 700 feet, more or less, to a point, thence turning and running southeasterly 370 feet, more or less, to a point at the southerly sideline of North Street; thence running northeasterly along the southerly sideline of North Street a distance of 365 feet, more or less, to the point of beginning.

The above described parcel, exclusive of Parcel one, contains approximately 85 acres of land and is shown on a plan entitled "Existing Conditions, Site Parcels" prepared by HFMH Architects, Inc. on file with the division of capital planning and operations. The precise boundaries of the said Parcel two shall be determined by the studies prepared pursuant to section two. Excepting from both Parcel one and Parcel two all lands contained within public ways owned by either the commonwealth or the town of Framingham.

SECTION 2. Section 2 of said chapter 678 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Said commissioner is hereby authorized to expend the sum of five million dollars to demolish existing structures and building foundations and to otherwise prepare Parcel one and Parcel two for development and render said parcels safe from physical constraint and environmental hazard; provided, however, that no less than eighty thousand dollars shall be granted to the town of Framingham or its designee for the restoration of the chapel on said property which shall be dedicated to the veterans of the commonwealth.

SECTION 3. Said chapter 678 is hereby further amended by striking out sections 3 to 7, inclusive, and inserting in place thereof, the following five sections:-

Section 3. Said commissioner is hereby authorized to expend the sum of five hundred thousand dollars to develop a master plan for the reuse of Parcel one and Parcel two for elderly housing, geriatric care facilities, open space, recreation and other uses compatible with the residential character of the area to evaluate alternative proposals, and to negotiate and monitor land disposition agreements. The commissioner shall establish a planning process, including the formation of a citizens advisory committee of up to fifteen members, herein after referred to as "the committee", comprised of residents of the town of Framing-

ham, housing development experts, design and planning professionals and other participants which the commissioner, with the advice of elected officials, deems appropriate. The committee shall include state and local elected officials from the district as ex-officio members. The commissioner shall consider a master plan, which the committee shall prepare for the reuse of Parcel one and Parcel two, for elderly housing, geriatric care facilities, open space, recreation, and other uses compatible with the residential character of the area as the committee deems appropriate. Said master plan shall be advisory only and in no event shall the commissioner delegate his legal authority to the committee.

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 part of the property described in section one to an entity or entities, hereinafter referred to as "the developer", for the purpose of developing elderly housing and geriatric care facilities, or other uses compatible with the residential area in accordance with a master plan dated November fifth, nineteen hundred and ninety-two approved by the commissioner. The commissioner shall, forty-five days prior to the execution of the proposed deed authorized by this section or any subsequent amendment thereof, submit a report to the inspector general for his review and comment regarding compliance with the objectives of this act. The report shall describe the costs and benefits to the commonwealth of the proposed disposition. The inspector general shall issue any comment within fifteen days of receipt of the report. The commissioner shall submit the report and any subsequent amendments thereof, and the comments of the inspector general, if any, to the house and senate chairmen of the committees on state administration and ways and means at least twenty days prior to execution of the proposed deed. The commissioner is further authorized to convey by deed part of the property described in section one to the town of Framingham for open space, recreation or other uses compatible with the residential area in accordance with a master plan dated November fifth, nineteen hundred and ninety-two approved by the commissioner, subject to the conditions, however, that the town of Framingham shall accept in its then existing condition, and agree to maintain as a public way, an improved roadway located within the property described in section one commonly known as "North Road", and shall also accept in its then existing condition, and agree to maintain, a sewage pumping station located within the property described in section one.

Section 5. Pursuant to the provisions of this section and sections forty E to forty J, inclusive, of chapter seven of the General Laws, the commissioner is hereby authorized to solicit, evaluate, and select development proposals and enter into land disposition agreements between the division of capital planning and operations and the developer consistent with the master plan.

Prior to issuing a request for proposals pursuant to this section, the commissioner shall undertake such studies he deems necessary to determine the economic feasibility of the terms and conditions including selection criteria, set forth in the request for proposals. The commissioner shall issue a request for proposals consistent with the master plan. Taking into consideration the proposed price and the evaluations based on the criteria set forth in the request for proposals, the commissioner shall determine the responsible and responsive de-

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veloper submitting the most advantageous proposal. The commissioner may condition disposition of any part of the property described in section one on the negotiation of revisions in the development proposal submitted by the selected developer. The commissioner may reject any and all proposals if he determines that rejection is in the best interests of the commonwealth.

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

Section 6. The amount of consideration for the sale or lease of the property described in section one shall be determined pursuant to sections forty F and forty H of chapter seven of the General Laws. The consideration for the property shall take into account the developer's obligations required by this act and the master plan.

Section 7. The commissioner is hereby authorized, notwithstanding chapter seven of the General Laws, to acquire by purchase, eminent domain pursuant to chapter seventy-nine, or otherwise, and to grant, easements for drainage, access, utilities, and other purposes, as deemed necessary by the commissioner to carry out the purposes of this act.

SECTION 4. Sections eight and nine of said chapter six hundred and seventy-eight are hereby repealed.

SECTION 5. The first paragraph of section 10 of said chapter 678 is hereby amended by striking out, in line 5, the word "forty-seven" and inserting in place thereof the following word:- five.

Approved September 1, 1994.

Chapter 122. AN ACT AUTHORIZING THE CONVEYANCE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF AUBURN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, and notwithstanding any covenant or restriction contained in the deed from the commonwealth to said town or any agreement between the commonwealth and said town, the town of Auburn, acting by and through its board of selectmen, is hereby authorized to: (1) transfer to the department of highways a strip of land from the parcel of land on which the police department of the town of Auburn is located as may be reasonably necessary to widen route 12, as proposed and approved by the department of highways; and, (2) to sell and to convey the remainder of said parcel of land on which the police department of said town of Auburn is situated on the northerly side of Southbridge Street in said town of Auburn. Said premises are more particularly described in the deed to said town from the

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commonwealth recorded in the Worcester district registry of deeds in Book 5787, Page 198 and as shown on a plan entitled "Proposed Parcel Modification Sketch Plan for Town of Auburn" by Cullinan Engineering Co., Inc. dated April, 1992 on file with the town clerk of said town of Auburn. Said sale of the said police department parcel shall be by open competitive bid with bidders providing monetary consideration and a replacement police station within said town, which the board of selectmen of said town are hereby authorized to accept; provided, however, that such replacement police station shall be suitable to the police department of said town as determined by the police chief and police station study committee.

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

Approved September 1, 1994.

Chapter 123. AN ACT RELATIVE TO THE DESIGNATION OF CHARLES H. BRUNDAGE, MARY H. BRUNDAGE AND MARK A. BRUNDAGE AS RESIDENTS OF THE TOWN OF UXBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and sixty-one of the acts of nineteen hundred and eighty-seven is hereby repealed.

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

Approved September 1, 1994.

Chapter 124. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO USE CERTAIN PARK LAND FOR THE CONSTRUCTION OF A POLICE STATION.

Be it enacted, etc., as follows:

The city of Fall River is hereby authorized to use a certain parcel of park land containing 3.4 acres, more or less, and known as Britland park located in said city for the construction of a police station. Said parcel is shown on a plan entitled "Plan of Land in Fall River, Massachusetts for the city of Fall River" drawn by the planning department of said city, dated May, 1994, which is on file with said planning department.

Approved September 1, 1994.

Chapter 125. AN ACT RELATIVE TO THE FINANCING OF A GOLF COURSE BY THE TOWN OF BRIDGEWATER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter forty-four of the General Laws to the contrary, the maturities of bonds issued by the town of Bridgewater for design, development, construction and equipping of a municipal golf course, including a clubhouse and related structures, either shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the town treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. The first payment of principal of each issue of bonds shall be not later than one year from the estimated date of commencement of regular operation of the golf course, as determined by the town treasurer, and the last payment of principal shall be not later than thirty years from the date of the bonds. Project costs to be financed by the issue of the bonds may include interest incurred on the bonds and any bond anticipation notes for a period of up to two years after the date of the original borrowing or, if later, one year after the estimated date of commencement of regular operation of the golf course, as determined by the town treasurer. The town may create and maintain, from sources of funds other than bond proceeds, such reserve, replacement, maintenance and improvement funds in connection with the golf course as it may deem necessary and prudent; in addition, not more than ten percent of the principal amount of the bonds issued for the project may be used to fund a debt service reserve fund. Any net earnings derived from investment of the proceeds of the bonds may be expended by the town treasurer to pay interest on the bonds but otherwise shall be used only for construction, equipping, operation or maintenance of the golf course. Except as otherwise provided in this act, indebtedness incurred by the town for the golf course project shall be subject to the applicable provisions of said chapter forty-four.

SECTION 2. The vote of the town passed under Article 1 of the town meeting held on February seventh, nineteen hundred and ninety-four, authorizing bonds for the golf course project, is hereby ratified and confirmed. Proceeds of the bonds issued in accordance with section one of this act may be used to refund any bond anticipation notes previously issued for the design, environmental permitting and other preliminary expenses relating to the golf course project.

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

Approved September 1, 1994.

**Chapter 126. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR
ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND NINETY-
FOUR 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 for fiscal year nineteen hundred and ninety-four, 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 ten of the acts of nineteen hundred and ninety-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 ten, for the fiscal year ending June thirtieth, nineteen hundred and ninety-four, the sums so appropriated shall be in addition to any amounts available for the purpose.

SECTION 2.

JUDICIARY.

Committee for Public Counsel Services.

0321-1510	.....	\$6,935,000
0321-1512	.....	\$2,565,000
0321-1520	.....	\$1,124,534

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Bureau of State Office Buildings.

1102-3302	\$500,000
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Reserves.

1599-0036	\$400,531
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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Department of Public Welfare.

4403-2100	\$800,000
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EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of State Police.

8100-0007	\$2,036,000
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Military Division.

8700-0001	\$281,190
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EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Office of the Secretary.

9000-1900	\$421,611
9000-1920	\$200,265
9000-2100	\$31,621

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SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, 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 conditions pertaining to appropriations in chapter one hundred and ten of the acts of nineteen hundred and ninety-three for the fiscal year ending June thirtieth, nineteen hundred and ninety-four.

JUDICIARY.

Supreme Judicial Court.

0320-0005 For a six percent pay increase for all union exempt employees of the supreme judicial court and the Suffolk county clerk's office \$71,681

TREASURER AND RECEIVER GENERAL.

State Board of Retirement.

0612-0105 For payment of benefits authorized by chapter sixty-nine of the acts of nineteen hundred and ninety-four; provided, that the state board of retirement shall develop a plan outlining the feasibility of purchasing insurance to pay future costs of such benefits; provided further, said plan shall be filed with the budget bureau, the executive office for administration and finance and the house and senate committees on ways and means no later than October fifteenth, nineteen hundred and ninety-four \$700,000
Local Aid Fund 100.0%

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

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 payment to the several state or other funds to which said payment would have been chargeable if appropriations had been available thereof; provided further, that of the amount

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	appropriated herein, not less than one million three hundred seventy-six thousand dollars shall be obligated to pay for deficiencies incurred in prior fiscal years by the trial court system for various services, including, but not limited to, court interpreters, guardians ad litem, care and protection case investigators, so-called, and sundry other contracted legal services which would be paid from the JJ and HH subsidiaries, so-called	\$6,000,000
1599-2200	For an emergency reserve to fund grants to counties; provided, that no grant shall be awarded from this item to any county unless and until the commissioner of revenue has made a determination of the county's inability to continue operations and make debt service payments; provided further, that no grant shall be made from this item without the prior approval of the secretary of administration and finance; provided further, that such grants shall be placed within the county treasury as directed by the secretary of administration and finance, and shall be expended in such manner as the secretary of administration and finance shall prescribe; and provided further, that the house and senate committees on ways and means shall be notified of all disbursements made from this item and the amount received by each county	\$2,300,000
	Local Aid Fund	100.0%
1599-3389	For a reserve to satisfy the commonwealth's obligations pursuant to the terms of the settlement agreement between the parties in American Trucking Associations, Inc. v. Secretary of Administration and Finance, Suffolk Superior Court No. 91-7048; provided, that all amounts donated by refund recipients to the commonwealth for trucking and highway safety programs pursuant to said agreement shall be available to the governor's highway safety bureau for expenditure on such programs, without further appropriation	\$20,000,000
1599-3740	For a reserve to meet the cost of certain salary adjustments authorized by the collective bargaining agreement between the commonwealth and the Massachusetts nurses association (Unit 7), 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 ad-	

justments 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-five such amounts as are necessary to meet the cost of said adjustments for fiscal years nineteen hundred and ninety-three and nineteen hundred and ninety-four where amounts otherwise available are insufficient for the purpose, subject to an allocation plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that said secretary is authorized to allocate the cost of said adjustments to the several state or other funds to which the items of appropriation are charged \$11,585,038

1599-5500 For the payment of claims due pursuant to the provisions of section thirty-nine of chapter one hundred and thirty-one of the General Laws \$5,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Division of Medical Assistance.

4000-0814 For the payment of final rate liabilities, so-called, to nursing home facilities for the rate years prior to nineteen hundred ninety-one only as calculated by the division of medical assistance and the rate setting commission; provided, that the division of medical assistance shall pay out all final rate settlements by December fifteenth, nineteen hundred and ninety-four and shall prioritize payments to facilities in greatest financial need; provided further, that the funds appropriated herein and in item 4000-0816 of section two of chapter sixty of the acts of nineteen hundred and ninety-four as amended by section thirty-one of this act shall be the only funds used to pay said final rate liabilities for nursing home facilities; provided further, that should a nursing home facility close, change ownership or file a petition in the United States bankruptcy court, the division may withhold or offset said final rate liability against any other liability of said facility to the extent permitted by law; provided further, that all federal reimbursement obtained as a result of the payment of said final rate liabilities shall be deposited in the General Fund in fiscal year nineteen hundred and ninety-five and shall

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	not be considered retained revenue; and provided further, that the division of medical assistance shall provide the house and senate committees on ways and means with a list each month of the facilities which received a settlement in the prior month and the final amount of the settlement received by each facility	\$36,050,000
4000-0815	For the payment of final rate liabilities, so-called, to acute hospitals for the rate years prior to nineteen hundred ninety-two only as calculated by the division of medical assistance and the rate setting commission; provided, that the division of medical assistance shall pay out all final rate settlements by December fifteenth, nineteen hundred and ninety-four and shall prioritize payments to hospitals in greatest financial need; provided further, that the funds appropriated herein and in item 4000-0817 of section two of chapter sixty of the acts of nineteen hundred and ninety-four as amended by section thirty-one of this act shall be the only funds used to pay said final rate liabilities for acute hospitals; provided further, that should an acute hospital close, change ownership or file a petition in the United States bankruptcy court, the division may withhold or offset said final rate liability against any other liability of said hospital to the extent permitted by law; provided further, that all federal reimbursement obtained as a result of the payment of said final rate liabilities shall be deposited in the General Fund in fiscal year nineteen hundred and ninety-five and shall not be considered retained revenue; and provided further, that the division of medical assistance shall provide the house and senate committees on ways and means with a list each month of the hospitals which received a settlement in the prior month and the final amount of the settlement received by each facility	\$25,500,000
	<i>Department of Public Welfare.</i>	
4405-2010	For payment of prior fiscal year expenses incurred by resthome vendors pursuant to the provisions of item 4405-2000 of section two of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two	\$200,000
4405-2500	For the payment of prior fiscal year final retroactive rate adjustments to rest home vendors for fiscal years nineteen hundred and eighty-nine through nineteen hundred and ninety-three ..	\$1,250,000
4408-1010	For the payment of prior fiscal year expenses of health services provided to recipients of emergency aid to the elderly, disabled, and children; provided, that all expenditures made	

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from this item shall be subject to the provisions of item
4408-1000 of section two of chapter one hundred and
thirty-three of the acts of nineteen hundred and ninety-two

\$600,000

SECTION 2B. To provide for certain unanticipated intragovernmental chargebacks and to meet certain requirements of law, the sum set forth herein shall be appropriated for the several purposes and subject to the conditions specified in chapter one hundred and ten of the acts of nineteen hundred and ninety-three, including the fund designations of said chapter one hundred and ten 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 ten for the fiscal year ending June thirtieth, nineteen hundred and ninety-four. The sum so appropriated shall be in addition to any amounts available for said purposes.

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of State Police.

8100-0002

\$300,000

SECTION 2CI For the purpose of making available in fiscal year nineteen hundred and ninety-five the balances of appropriations which would otherwise revert on June thirtieth, nineteen hundred and ninety-four, 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-five. Amounts in this section shall be 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 chapter sixty of the acts of nineteen hundred and ninety-four; 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-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 appropriations 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 a fund is not designated below, the amounts in this section are re-appropriated from the fund or funds designated for the corresponding item in section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, 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 or two A of this act or in prior appropriation acts.

JUDICIARY.

Supreme Judicial Court.

0320-0005

\$71,681

EXECUTIVE.
Governor's Office.

0411-1000 \$690,000

TREASURER AND RECEIVER GENERAL.
Office of the Treasurer and Receiver General.

0610-5011 \$15,000

State Board of Retirement.

0612-0105 \$700,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.
Department of Revenue.

1233-2010 \$3,750,000

Reserves.

1599-0036 \$400,531

1599-3389 \$20,000,000

1599-3740 \$11,585,038

1599-5500 \$5,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.
Office of the Secretary.

2020-0100 \$40,000

Department of Environmental Management.

2100-0005 \$286,000

Department of Environmental Protection.

2200-1202 \$30,000

Department of Fisheries, Wildlife, and Environmental Law Enforcement.

2300-0101 \$29,948

2320-0200 \$225,000

Metropolitan District Commission.

2440-0100 \$451,855

2440-4000 \$24,188

2440-8999 \$65,605

2460-1100 \$8,500

Department of Food and Agriculture.

2520-0107 \$841,198

2520-0300 \$10,474

2520-1200 \$13,981

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.
Office of the Secretary.

3222-9006 \$704,344

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4000-0814	\$36,050,000
4000-0815	\$25,500,000

Department of Public Health.

4510-0617	\$26,000
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Department of Social Services.

4800-0016	\$30,000
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EXECUTIVE OFFICE OF EDUCATION.*Department of Education.*

7052-0004	\$871,953
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EXECUTIVE OFFICE OF PUBLIC SAFETY.*Department of Public Safety.*

8314-1200	\$4,500,000
8314-1400	.....	\$500,000

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.*Office of the Secretary.*

9000-1900	.....	\$502,019
9000-1920	\$200,265
9000-2100	\$31,621

Division of Energy Resources.

9095-0005	\$100,000
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EXECUTIVE OFFICE OF CONSUMER AFFAIRS.*Community Antenna Television Commission.*

9215-0001	\$60,000
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Division of Banks.

9221-1000	\$142,000
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Division of Insurance.

9222-7800	\$180,000
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Board of Registration in Medicine.

9230-9000	\$267,000
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SECTION 2C.II For the purpose of making available in fiscal year nineteen hundred and ninety-five the balances of retained revenues, so-called, which would otherwise revert on June thirtieth, nineteen hundred and ninety-four, the unexpended balances of the retained revenue authorizations listed below, not to exceed the amount specified below for each item, are hereby re-authorized for the fiscal year nineteen hundred and ninety-five. Amounts in this section shall be for the purposes of and subject to the conditions stated be-

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low 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 chapter sixty of the acts of nineteen hundred and ninety-four; 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 or two A of this act or in prior appropriations 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 a fund is not designated below, the amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section two of chapter sixty of the acts of nineteen hundred and ninety-four; provided, that for items neither with a fund designated below nor appearing in said section two, the amounts in this section are re-authorized from the fund or funds designated for the corresponding item in section two or two A of this act or in prior appropriation acts.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

2001-1001 \$20,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

Office of the Secretary.

4000-0105 \$3,000,000

SECTION 2D. For the purpose of making available for expenditure in fiscal year nineteen hundred and ninety-five certain balances of authorizations which would otherwise revert on June thirtieth, nineteen hundred and ninety-four, the expiration dates of the items listed below are hereby extended through June thirtieth, nineteen hundred and ninety-five:

1102-8804	2440-7894	5377-7871	5911-7890
1102-8812	4190-7881	5377-7872	9801-7880
1102-9802	4190-7883	5377-8841	9801-7890
2440-7849	4238-8871	5377-8842	

SECTION 2E. For the purpose of making available for expenditure in fiscal year nineteen hundred and ninety-five certain balances of authorizations which would otherwise revert on June thirtieth, nineteen hundred and ninety-four, the expiration dates of the items listed below are hereby extended through February first, nineteen hundred and ninety-five.

1102-7884	5911-7891	7110-7891	7115-7892
1102-7895	5911-7892	7111-7890	7220-7880
2121-8996	5911-7893	7111-7891	7220-7895
2121-8997	7070-8811	7111-7894	7220-7897
4312-8842	7109-7881	7113-7871	7220-7898
4342-8841	7109-7890	7114-7890	7410-7890
5011-8844	7109-7893	7114-7892	7410-7891

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7410-7895	7490-8722	7506-7890	7510-7891
7410-7897	7490-8751	7507-7872	7511-8802
7410-8781	7502-7890	7507-7890	7511-8841
7410-8784	7502-7893	7507-7891	7511-8842
7410-8842	7503-7892	7507-8841	7512-7881
7410-8843	7504-7871	7508-7891	7512-7890
7410-8846	7504-7872	7509-7871	7512-7892
7411-7881	7504-7880	7509-7880	7514-7890
7411-7883	7504-7891	7509-7891	7516-8841
7411-7891	7504-7892	7509-8841	8200-7871
7411-7894	7505-7890	7510-7881	8200-7880
7452-7894	7505-8843	7510-7890	8312-7892
7490-8721	7506-7880		

SECTION 3. Section 10A of chapter 3 of the General Laws, inserted by section 18 of chapter 60 of the acts of 1994, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- In special elections, called for the purposes of filling a vacancy in the general court, state funds for compensation of members pursuant to section nine of chapter three of the General Laws not expended during such period of vacancy shall not revert to the General Fund or any legislative accounts but shall be set aside in a special fund in the office of the state treasurer and made payable to the city or town in which such election was held. The city or town clerk shall certify to the state treasurer the total actual costs of holding such special election, and such city or town shall be reimbursed up to one hundred percent of the net costs thereof from said fund without further appropriation.

SECTION 4. Chapter 7 of the General Laws is hereby amended by adding the following section:-

Section 56. Payments by the commonwealth, or by any agency, authority or political subdivision thereof, pursuant to a contract with any person or entity shall not be made for the costs of any attorney, consultant or other person to advise, consult or provide any other service to such contracting person or entity relative to persuading employees thereof to support or oppose any organization of said employees or any other employee self-organization or concerted activity for mutual aid or protection. This section shall not apply to the costs of attorneys or consultants to assist in collective bargaining with a union or other employee organization recognized as said employees' bargaining agent or to administer a collective bargaining agreement.

SECTION 5. Section 61 of chapter 10 of the General Laws, as most recently amended by section 37 of chapter 60 of the acts of 1994, is hereby further amended by striking out the second and third sentences and inserting in place thereof the following two sentences:- There shall be credited to such fund fifty percent of all monies received or collected and recovered by the commonwealth from the portion of the fee charged for each motor vehicle safety inspection pursuant to section seven of chapter ninety. Amounts credit-

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ed to said fund shall be received and held in trust for the commonwealth, for the purposes of the motor vehicle safety inspection program, and shall be expended without further appropriation; provided, however, that such amounts may be expended for direct and indirect costs associated with personnel and for the purpose of administration and implementation of the provisions of section seven of said chapter ninety.

SECTION 6. Chapter 20 of the General Laws is hereby amended by adding the following section:-

Section 22. Notwithstanding the requirements of sections forty F to forty I, inclusive, of chapter seven, the department may acquire non-development covenants for terms of limited duration. The department shall adopt regulations to carry out the provisions of this section.

SECTION 7. Paragraph (5) of section 3E of chapter 23A of the General Laws, as amended by section 76 of chapter 110 of the acts of 1993, is hereby further amended by adding the following sentence:- The limitations imposed by this section shall not apply to the EACC in its designation of communities applying for designation under the federal empowerment zones and enterprise communities program, so called.

SECTION 8. Section 31E of chapter 29 of the General Laws is hereby further amended by striking out the first sentence, as amended by section 22 of chapter 151 of the acts of 1993, and inserting in place thereof the following sentence:- Notwithstanding the provisions of any general or special law to the contrary, a state employee, during working hours and at such times as are approved by his supervisor and in accordance with regulations promulgated hereunder, may, without loss of salary, provide voluntary services at a public elementary, secondary, or vocational-technical school to assist the improvement of a student's or school's educational program; provided, however, that said voluntary services do not exceed the equivalent of one work day per month.

SECTION 9. Section 53A of chapter 29 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "issue", in line 36, the following words:- ; and provided, further, that the debt service on such refunding bonds shall be charged to the various budgeted funds of the commonwealth in proportion to the principal amounts being refunded.

SECTION 10. Section 39R of chapter 30 of the General Laws, as so appearing, is hereby amended by striking out the words ", or eleven B of chapter twenty-five A", inserted by section 59 of chapter 60 of the acts of 1994, and inserting in place thereof the following words:- , or eleven C of chapter twenty-five A.

SECTION 11. Paragraph (1) of subsection (a) of said section 39R of said chapter 30, as appearing in section 60 of said chapter 60, is hereby amended by striking out, in line 4, the word "eleven B" and inserting in place thereof the following word:- eleven C.

SECTION 12. Paragraph (2) of said subsection (a) of said section 39R, as so appearing, is hereby amended by striking out, in line 3, the word "eleven B" and inserting in place thereof the following word:- eleven C.

SECTION 13. Section 51 of chapter 111 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "hundredths", in

line 40, the following words:- ; provided, however, that no such adjustment shall be made on or after October first, nineteen hundred and ninety-three, if such adjustment would result in the loss of the hospital's eligibility for an additional payment amount pursuant to section 1886 (d) (5) (F) of the Social Security Act if at any time during the prior fiscal year said hospital serves a disproportionate number of low income patients as defined in section 1886 (d) (5) (F) (v) of said Social Security Act.

SECTION 14. Subsection (e) of section 142M of said chapter 111, as appearing in section 6 of chapter 490 of the acts of 1993, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The department shall contract with a private entity for the design, construction, equipment, establishment, maintenance, and operation of emissions inspection facilities, and for related services and functions. The term of the initial contract shall not be more than nine years. The term of any subsequent re-award of the contract shall be not more than seven years. In this contract with said contractor, the department shall require all bidders to commit to selling its inspection sites and associated equipment and buildings at fair market value, if at the end of said contract term, the contractor fails to secure a re-award of a contract to perform emissions inspections.

SECTION 15. The second paragraph of section 57 of chapter 130 of the General Laws, as appearing in section 135A of chapter 60 of the acts of 1994, is hereby amended by inserting after the words "portion of", in line 2, the following word:- coastal.

SECTION 16. The second paragraph of subsection (2) of section 44A of chapter 149 of the General Laws is hereby amended by striking out the last sentence, as added by section 136 of chapter 60 of the acts of 1994, and inserting in place thereof the following sentence:- Notwithstanding the provisions of the preceding paragraph, a public agency may procure energy management services in accordance with section eleven C of chapter twenty-five A and regulations promulgated thereunder.

SECTION 17. Section 44J of said chapter 149 is hereby amended by striking out the words "of this chapter or section eleven B of chapter twenty-five A", inserted by section 137 of said chapter 60, and inserting in place thereof the following words:- of this chapter or section eleven C of chapter twenty-five A.

SECTION 18. Chapter 217 of the General Laws is hereby amended by inserting after section 29E, inserted by section 156 of said chapter 60, the following section:-

Section 29F. The first justice of the Worcester probate court may, with the approval of the chief justice of the probate court, designate one employee as deputy assistant register with the same powers as an assistant register and may revoke any such designation at his pleasure. Said deputy assistant register shall receive a salary of six thousand dollars.

SECTION 19. Section 57 of chapter 218 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 152, the words "as the chief justice of the juvenile court department may determine" and inserting in place thereof the following words:- ; provided, however, that sessions of the Fitchburg division of the juvenile court may be held in the Leominster, Gardner, or Winchendon divisions of the district court department, as the chief justice of the juvenile court department may determine;

and, provided further, that each session so held shall have the same jurisdiction as herein prescribed for the Fitchburg division.

SECTION 19A. Section 92 of chapter 71 of the acts of 1993 is hereby amended by striking out, in line 1, the word "thirty-eight" and inserting in place thereof the following word:- forty-one.

SECTION 20. Item 1100-1100 in section 2 of chapter 110 of the acts of 1993 is hereby amended by inserting after the word "dollars", in line 8, the following words:- ; and provided, further, that nine hundred sixteen dollars and eighteen cents may be expended from this item to satisfy an obligation for a fiscal year nineteen hundred and ninety-two step increase.

SECTION 21. Section 375 of chapter 110 of the acts of 1993 is hereby amended by striking out the words "May second, nineteen hundred and ninety-four", inserted by section 104 of chapter 495 of the acts of 1993, and inserting in place thereof the following words:- February first, nineteen hundred and ninety-five.

SECTION 22. Section three of chapter forty-eight of the acts of nineteen hundred and ninety-four is hereby repealed.

SECTION 23. Section 2 of chapter 60 of the acts of 1994 is hereby amended by striking out item 1108-5300 and inserting in place thereof the following item:-

1108-5350 For the costs of the elderly governmental retired employees' premiums; provided, that the commission is hereby authorized and directed to deposit revenues collected 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 in the General Fund; and provided further, that notwithstanding the provisions of any general or special law to the contrary, any remaining balance associated with item 1108-5300 of section two of chapter one hundred and ten of the acts of nineteen hundred and ninety-three at the end of fiscal year nineteen hundred and ninety-four shall revert to the General Fund \$2,522,934

SECTION 24. Item 1201-0160 in said section 2 of said chapter 60 is hereby amended by inserting after the word "funds", in line 9, the following words:- ; provided, further, that not less than four hundred thousand dollars be made available for the procurement of goods and services and the administrative costs, including the cost of personnel, associated with the enhancement or development of the child support computer network.

SECTION 25. Item 1410-0012 in said section 2 of said chapter 60 is hereby amended by striking out, in line 16, the words "sixty thousand" and inserting in place thereof the following words:- seventy-nine thousand five hundred.

SECTION 26. Said section 2 of said chapter 60 is hereby further amended by inserting after item 1599-3731 the following item:-

1599-3741 For a reserve to meet the fiscal year nineteen hundred and ninety-five costs of certain salary adjustments authorized by the collective bargaining agreement between the commonwealth and the Massachusetts nurses association (Unit 7), 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, 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 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-five such amounts as are necessary to meet the cost of said adjustments for said fiscal year where amounts otherwise available are insufficient for the purpose, subject to an allocation plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that said secretary is authorized to allocate the cost of said adjustments to the several state or other funds to which the items of appropriation are charged \$10,484,000

SECTION 27. Item 2350-0100 in said section 2 of said chapter 60 is hereby amended by striking out, in lines 15 to 18, inclusive, the words

"Environmental Law Enforcement Fund ... 65.0%,
Inland Fisheries and Game Fund 15.0%,
Highway Fund 10.0%,
General Fund 10.0%"

and inserting in place thereof the following words:-

Environmental Law Enforcement Fund 50.0%
Inland Fisheries and Game Fund 15.0%
Highway Fund 15.0%
General Fund 20.0%.

SECTION 28. Item 2511-4000 in said chapter 60 is hereby amended by striking out the figure "1,016,893" and inserting the following figure:- 1,116,893.

SECTION 29. Item 2520-1000 in said section 2 of said chapter 60 is hereby amended by striking out the figure "581,597" and inserting in place thereof the following figure:- 593,597.

SECTION 30. Item 2520-1400 in said section 2 of said chapter 60 is hereby amend-

ed by striking out the figure "564,449" and inserting in place thereof the following figure:- 574,015.

SECTION 31. Said section 2 of said chapter 60 is hereby further amended by inserting after item 4000-0813 the following two items:-

- 4000-0816 For the payment of final rate liabilities, so-called, to nursing home facilities for the rate years prior to nineteen hundred ninety-one only as calculated by the division of medical assistance and the rate setting commission; provided, that the division of medical assistance shall pay out all final rate settlements by December fifteenth, nineteen hundred and ninety-four and shall prioritize payments to facilities in greatest financial need; provided further, that the funds appropriated herein and in item 4000-0814 of the final supplemental appropriations act for fiscal year nineteen hundred and ninety-four shall be the only funds used to pay said final rate liabilities for nursing home facilities; provided further, that should a nursing home facility close, change ownership or file a petition in the United States bankruptcy court, the division may withhold or offset said final rate liability against any other liability of said facility to the extent permitted by law; provided further, that all federal reimbursement obtained as a result of the payment of said final rate liabilities shall be deposited in the General Fund in fiscal year nineteen hundred and ninety-five and shall not be considered retained revenue; and provided further, that the division of medical assistance shall provide the house and senate committees on ways and means with a list each month of the facilities which received a settlement in the prior month and the final amount of the settlement received by each facility \$36,050,000
- 4000-0817 For the payment of final rate liabilities, so-called, to acute hospitals for the rate years prior to nineteen hundred ninety-two only as calculated by the division of medical assistance and the rate setting commission; provided, that the division of medical assistance shall pay out all final rate settlements by December fifteenth, nineteen hundred and ninety-four and shall prioritize payments to hospitals in greatest financial need; provided further, that the funds appropriated herein and in item 4000-0815 of the final supplemental appropriations act for fiscal year nineteen hundred and ninety-four shall be the only funds used to pay said final rate liabilities for acute hospitals; provided further, that should an acute hospital

close, change ownership or file a petition in the United States bankruptcy court, the division may withhold or offset said final rate liability against any other liability of said hospital to the extent permitted by law; provided further, that all federal reimbursement obtained as a result of the payment of said final rate liabilities shall be deposited in the General Fund in fiscal year nineteen hundred and ninety-five and shall not be considered retained revenue; and provided further, that the division of medical assistance shall provide the house and senate committees on ways and means with a list each month of the hospitals which received a settlement in the prior month and the final amount of the settlement received by each facility \$25,500,000

SECTION 32. Said section 2 of said chapter 60 is hereby further amended by striking out item 4000-0830 and inserting in place thereof the following item:-

4000-0830 For the intergovernmental transfer component of the medicaid payments to the university of Massachusetts medical center for hospital services as provided pursuant to the terms and conditions of the contract between the division of medical assistance and said medical center; provided, that programs funded pursuant to this item shall not create recurring liabilities to the commonwealth in future fiscal years; provided further, that the General Fund shall be reimbursed four million five hundred thousand dollars by the medical center for its share of funds transferred pursuant to this item; and provided further, that said hospital shall submit by December first, nineteen hundred and ninety-four, to the house and senate committees on ways and means, a report detailing the programs funded from this item \$9,000,000

SECTION 33. Item 4401-1000 in section 2 of chapter 60 of the acts of 1994 is hereby amended by inserting after the word "children", in line 28, the following words:- provided further, that one hundred thousand dollars shall be expended for the purposes of MassJOBS refugee training and employment for the recipients of said program in Boston;

SECTION 34. Item 4403-2000 in said section 2 of said chapter 60 is hereby amended by inserting after the word "only", in line 24, the following words:- ; provided, further, that if federal reimbursement for said voucher is not available on or before September thirtieth, nineteen hundred and ninety-four, the allowance shall be provided as a direct cash payment, subject to federal reimbursement; provided further, that the department shall continue to seek a federal waiver to provide said allowance in the form of a voucher.

SECTION 35. Item 4406-3000 in said section 2 of said chapter 60 is hereby amend-

ed by inserting after the word "indigent", in line 4, the following words:- ; provided, however, that shelter providers which are not specified herein shall be granted a ten percent rate increase to the extent the amount herein appropriated permits.

SECTION 36. Said item 4406-3000 in said section 2 of said chapter 60 is hereby further amended by striking out, in line 21, the word "Leominster" and inserting in place thereof the following word:- Fitchburg.

SECTION 37. Item 5920-2000 in said section 2 of said chapter 60 is hereby amended by inserting after the word "transfer", in line 15, the following words:- ; and provided, further, that not less than one million dollars shall be obligated to fund the placement of blind and/or retarded residents into community based settings pursuant to the federal district court order in Ricci v. Okin.

SECTION 38. Item 6010-1018 in said section 2 of said chapter 60 is hereby amended by adding the following paragraph:-

Highway Fund 100%

SECTION 39. Item 7070-0065 in said section 2 of said chapter 60 is hereby amended by striking out the figure "63,60,665" and inserting in place thereof the following figure:- 63,650,665.

SECTION 40. Item 7100-0200 in said section 2 of said chapter 60 is hereby amended by striking out the figure "313,113,278" and inserting in place thereof the following figure:- 312,968,278.

SECTION 41. Said section 2 of said chapter 60 is hereby further amended by inserting after item 7100-0220 the following item:-

7100-0225 For the health and welfare pool expenses for eligible employees
of the university of Massachusetts at Worcester \$145,000

SECTION 42. Item 7504-0101 in said section 2 of said chapter 60 is hereby amended by inserting after the words "Reservation", in line 7, the following words:- , or at any other site on Cape Cod to be determined by the Cape Cod community college,.

SECTION 43. Item 7511-0100 in said section 2 of said chapter 60 is hereby amended by striking out, in lines 4 to 6, inclusive, the words "for the associated expenses of maintaining the Massachusetts bay transportation authority parking garage" and inserting in place thereof the following words:- and paid to the Massachusetts Bay Transportation Authority for associated improvements to the thirteen thousand seven hundred square feet of retail space at the Lynn commuter rail garage that will be used by North Shore community college.

SECTION 44. Section 8 of said chapter 60 is hereby amended by striking out, in line 4, the word "ninety-four" and inserting in place thereof the following word:- ninety-five.

SECTION 45. Section 133 of said chapter 60 is hereby amended by striking out, in line 1, the words "sections one hundred and thirty-one and" and inserting in place thereof the following word:- section.

SECTION 46. Section 264 of said chapter 60 is hereby amended by striking out, in line 19, the word "ninety-four" and inserting in place thereof the following word:- ninety-

five.

SECTION 47. Said chapter 60 is hereby further amended by inserting after section 311 the following two sections:-

Section 311A. Sections ninety-one, ninety-two and ninety-three shall take effect on July first, nineteen hundred and ninety-five.

Section 311B. Sections ninety-seven, ninety-eight and one hundred shall take effect on June thirtieth, nineteen hundred and ninety-five.

SECTION 48. The provisions of paragraphs (a) and (i) of section thirty-one A of chapter sixty-three of the General Laws, added by sections eighty-three and eighty-four of chapter sixty of the acts of nineteen hundred and ninety-three shall apply to qualifying property leased and placed in service on or after July first, nineteen hundred and ninety-four.

SECTION 49. The division of medical assistance is hereby authorized and directed to collect final rate liabilities owed by hospitals for the rate years prior to nineteen hundred and ninety-two and by nursing homes for the rate years prior to nineteen hundred and ninety-one as calculated by the rate setting commission. The division shall maximize collections in fiscal year nineteen hundred and ninety-five and shall submit a plan in cooperation with the executive office for administration and finance to the house and senate committees on ways and means. Said plan shall be submitted by October fifteenth, nineteen hundred and ninety-four, shall project collections by month and shall indicate collection totals net of the federal share of said collections. The comptroller and the division shall track these collection revenues separately as General Fund revenue on the Massachusetts management accounting and reporting system, so-called. No revenues attributable to hospital or nursing home final rate collections shall be deposited as retained revenue in item 4000-0320 in section two of chapter sixty of the acts of nineteen hundred and ninety-four and all such revenue shall be deposited in the General Fund. Any collections from hospitals that were made in fiscal year nineteen hundred and ninety-four shall be deposited in the General Fund as provided in this section in fiscal year nineteen hundred and ninety-five.

SECTION 50. 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 and chapter three of the acts of nineteen hundred and ninety-two, is hereby revived and continued. Said commission may report to the general court from time to time the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the senate or the clerk of the house of representatives on or before the last Wednesday in December, nineteen hundred and ninety-five.

SECTION 51. The governor's domestic violence policy commission transition subcommittee shall evaluate research regarding the effectiveness of existing programs and their ability to meet required standards, and gaps and services to special needs populations such as cultural and linguistic minorities, mentally ill and substance abusing battered women, as well as teens in violent relationships and develop program recommendations to address these needs. Such evaluations shall be provided to the house and senate committees

on ways and means not later than October first, nineteen hundred and ninety-four.

SECTION 52. The office of the chief justice of administration and management is hereby authorized and directed to conduct a study of the need and feasibility of constructing a new district court facility in the city of Brockton for the Brockton division of the district court department. Said study shall be submitted to the house and senate committees on ways and means on or before December thirtieth, nineteen hundred and ninety-four.

SECTION 53. The university of Massachusetts medical center shall make a full payment within fiscal year nineteen hundred and ninety-five to the division of medical assistance for the net liability owed by said hospital for the upper limit settlement, so-called, for the rate years nineteen hundred and eighty-eight to nineteen hundred and ninety-one. The payment shall be the net liability as stated in the settlement agreement to be filed in said hospital's appeal before the division of administrative law appeals.

SECTION 54. The secretary of economic affairs is hereby authorized and directed to conduct a feasibility study on the re-use of vacant industrial buildings in the town of Hopedale. Said study shall be filed with the house committee on ways and means on or before February twenty-fourth, nineteen hundred and ninety-five.

SECTION 55. The comptroller is hereby authorized and directed to promulgate rules and regulations to ensure that, effective July first, nineteen hundred and ninety-four, state agencies are informed that no payment of prior year deficiencies, so-called, will be made until such time as such comptroller has certified to the house committee on ways and means that sufficient funds, excluding interest costs, were available and did revert in the prior fiscal year in which said deficiency occurred.

SECTION 56. Notwithstanding the provisions of any general or special law to the contrary, sixty thousand dollars of the unexpended balance from item 2260-8870 in section two of chapter one hundred and ten of the acts of nineteen hundred and ninety-three shall be transferred into item 2260-8880 in section two of chapter sixty of the acts of nineteen hundred and ninety-four and made available, in addition to any funds provided in said item 2260-8880, for expenditure in the fiscal year ending June thirtieth, nineteen hundred and ninety-five.

SECTION 57. Notwithstanding any general or special law to the contrary, the academy for math and sciences at Worcester Polytechnic Institute shall certify to the state treasurer the number of students attending the academy, the city or town of residence of each such child, the amount of tuition owed pursuant to section eighty-nine of chapter seventy-one of the General Laws, and unpaid to the academy based on full or partial attendance, itemized by the amount attributable to each city or town of residence; provided, that the state treasurer shall deduct said itemized amounts from the distributions to be made to each city or town from item 7061-0008 in section two of chapter sixty of the acts of nineteen hundred and ninety-four; and provided further, that the amounts so deducted shall be credited to item 7005-0003 in said section two. The secretary of education is authorized to execute an addendum to the contract with the academy for the payment of the sums deposited in said item 7005-0003.

SECTION 58. Notwithstanding the provisions of any general or special law to the

contrary, the state comptroller is hereby authorized to transfer from the following items such amounts as would otherwise be unexpended on June thirtieth, nineteen hundred and ninety-four, 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-four; 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 59. Notwithstanding any general or special law to the contrary, the commissioner of the department of environmental protection shall not promulgate any amendments to Title V of the Environmental Code until a version of such proposal shall have been produced and until the lapse of sixty days from the release thereof, in which to obtain public comment thereon, and in no case shall such sixty day period commence to run prior to December first, nineteen hundred and ninety-four.

SECTION 60. Notwithstanding the provisions of any general or special law to the contrary, the allocation of debt service charges provided for in section fifty-three A of chapter twenty-nine of the General Laws, as amended by section nine of this act, shall apply to refunding bonds issued on or after July first, nineteen hundred and ninety-one.

SECTION 61. Notwithstanding the provisions of any general or special law to the contrary, the amount re-appropriated in item 7052-0004 of section two C.I of this act shall be made available in fiscal year nineteen hundred and ninety-five to the town of Newbury for a certain school building project originally authorized to receive its first annual payment in fiscal year nineteen hundred and ninety-four.

SECTION 62. Notwithstanding the provisions of any general or special law to the contrary, the amount re-appropriated in item 4800-0016 of section two C.I of this act shall be expended by Big Brothers and Big Sisters of Cape Cod and the Islands in fiscal year nineteen hundred and ninety-five for one-time costs and shall not increase base funding for said vendor in fiscal year nineteen hundred and ninety-six.

SECTION 63. Notwithstanding any general or special law to the contrary, the commissioner of the department of environmental protection shall be required to approve alternative sanitation technology, which can be effectuated by a minimum of four alternative on-site sewerage treatment systems for single family residences, listed in writing for general use, which are likely to provide a level of environmental protection equivalent to that which is suitable to the public health and safety, at least equivalent to that of a municipal sewer and are comparable in cost to current sanitation system installations.

SECTION 64. Notwithstanding the provisions of any general or special law to the contrary, the secretary of state is hereby authorized and directed to increase the current annual fee of forty dollars to Massachusetts registered agents of broker-dealers to fifty dollars. All monies received by the secretary of state as said fee shall be deposited into the General Fund.

SECTION 65. Notwithstanding the provisions of any general or special law, rule

or regulation to the contrary, the commissioner of the department of environmental protection is hereby authorized to approve the payment of grant awards to grantees authorized by section nine H of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three. Said commissioner shall examine all grantees who are ranked under thirty-one on a list compiled by the said department, known as the fundable priority list, and shall determine that such grantees have otherwise complied with all reasonable regulation, and are eligible for such payments.

SECTION 66. Notwithstanding the provisions of sections three or eight of chapter thirty-two of the General Laws or any other general or special law to the contrary, any retired member who has retired under the provisions of section seven of said chapter thirty-two who has been continuously employed by the commonwealth or one of its political subdivisions for at least ten years after such retirement shall be deemed, upon his election, restored to active service; provided, however, that after being restored to active service said retired member's retirement allowance, if any, shall cease, and he shall again become a member in service and regular deductions shall again be made from his regular compensation. Any creditable service in effect for him at the time of his retirement for disability shall thereupon be restored to full force and effect, and upon subsequent retirement he shall be entitled to a normal yearly amount of retirement allowance computed as though such disability retirement and reinstatement had not taken place. No additional member contributions shall be required as a precondition of receiving any such creditable service.

SECTION 67. Notwithstanding any general or special law or regulation to the contrary, a nursing home (i) with a rate of public utilization, consisting of medicare, medicaid and commission for the blind patients, of ninety percent or more, (ii) located in the service area of a federally designated sole community hospital, and (iii) with more than ten percent of its variable costs and nursing costs disallowed by the rate setting commission pursuant to 114.2 CMR 5.00 or any successor regulation, shall have all of its variable costs and nursing costs recognized by the said commission and its medicaid rate of payment adjusted accordingly. Said rate adjustment shall be made to the maximum extent such adjustment remains eligible for federal financial participation. Said commission shall adjust the prospective rates for any such nursing home that meet the aforementioned criteria for the rates that were effective January first, nineteen hundred and ninety-four and for each succeeding rate year that such nursing homes comply with the aforementioned criteria. The amount of variable costs and nursing costs recognized as allowable by the commission for any rate for a nursing home shall be limited to an amount that will not increase costs to the medical assistance program in an amount greater than three hundred thousand dollars. The division of medical assistance is hereby authorized and directed to seek approval of medicaid state plan revisions that meet the requirements of this section.

SECTION 68. Notwithstanding any general or special law or regulation to the contrary, any nursing home transferred to a new owner in nineteen hundred and ninety-two shall be entitled to elect to have the costs reported by the prior owner for calendar year nineteen hundred and ninety-one as base year costs for the determination of prospective rates established by the rate setting commission under 114.2 CMR 5.00 for rates in effect in nine-

teen hundred and ninety-four, and to use said base year costs for any subsequent rate year for which said commission uses nineteen hundred and ninety-two as a base year. Said commission shall trend said costs forward for inflation using a cost adjustment factor of nine and fifty-seven hundredths percent. Said commission shall determine allowable nursing per diem rates by utilizing management minutes by patient by month for all months of the base year. To be eligible to make such an election, any such nursing home transferred in nineteen hundred and ninety-two shall further demonstrate (i) a nineteen hundred and ninety-two public occupancy rate, including medicaid, medicare and commission for the blind patients, in excess of ninety percent; (ii) a nineteen hundred and ninety-two occupancy rate in excess of ninety-seven percent; (iii) a location within the catchment area of a municipal acute care hospital; and (iv) financing with a section 504 loan, so-called, from the United States small business administration. Any such nursing home shall remain entitled to receive any other administrative adjustments for relief set forth in said regulation for which it meets the applicable requirements of the regulation. The commission shall not allow any adjustments which are not reimbursable by the federal government. The division of medical assistance shall seek such federal reimbursements financial participation and make adjustments to the medicaid state plan as necessary to meet the purposes of this section.

SECTION 69. Notwithstanding any general or special law to the contrary, the Massachusetts state lottery commission is hereby restricted to developing lottery games, including instant games, exclusively for the purpose of attaining lottery revenues for the Local Aid Fund and the Massachusetts cultural council. Nothing in this section shall be construed to alter or amend the provisions of section two C½ of chapter twenty-nine of the General Laws or the distribution of state financial assistance to cities and towns thereunder.

SECTION 70. Notwithstanding the provisions of any general or special law to the contrary, not less than fifty thousand dollars of the amount re-appropriated in item 9000-1900 of section two C.I of this act shall be expended for the Massachusetts sports partnership, so-called, during fiscal year nineteen hundred and ninety-five.

SECTION 71. Notwithstanding the provisions of any general or special law to the contrary, any net balance remaining in the Thoroughbred and Standardbred and Greyhound Dog Lottery Fund on June thirtieth, nineteen hundred and ninety-four, after deductions made pursuant to subparagraph 5(b)(1) and (b)(2) of section seven of chapter one hundred twenty-eight C of the General Laws, shall be transferred to the Local Aid Fund; provided, that the comptroller is hereby authorized to conduct such other final accounting of the Thoroughbred and Standardbred and Greyhound Dog Lottery Fund as may be necessary, including deductions for such other expenses relating to the previous generation of monies for the Fund as the comptroller determines are reasonable. The determination of the comptroller shall be reviewed and approved by the secretary of administration and finance whose approval shall be final. The comptroller shall submit such final accounting determination to the secretary for approval. If said secretary disapproves of the comptroller's determination, the secretary shall submit to the comptroller the reasons for the disapproval. Said comptroller shall then submit a revised final accounting determination with due consideration to the secretary's reasoning. This section shall not create a right by any person

or entity with respect to either the occurrence or the amount of any such deductions.

SECTION 72. The definition of "contribution" in section one of chapter fifty-five of the General Laws, as amended by section eleven of chapter forty-three of the acts of nineteen hundred and ninety-four shall take effect on July first, nineteen hundred and ninety-four.

SECTION 73. The provisions of section forty-seven O and forty-seven P of chapter one hundred and seventy-five of the General Laws as added by section one hundred and forty-two of chapter sixty of the acts of nineteen hundred and ninety-four, and the provisions of section eight O of chapter one hundred and seventy-six A of the General Laws as added by section one hundred and forty-four of said chapter sixty, and the provisions of section four P of chapter one hundred and seventy-six B of the General Laws as added by section one hundred and forty-six of said chapter sixty, and the provisions of section four G of chapter one hundred and seventy-six G of the General Laws as added by section one hundred and forty-nine of said chapter sixty shall take effect as of October first, nineteen hundred and ninety-four.

SECTION 74. Sections two, two A, two B, two C, two C.I, two C.II, two D, two E, twenty and twenty-one shall take effect as of June thirtieth, nineteen hundred and ninety-four.

SECTION 75. Sections three, twenty-three to forty-seven, inclusive, sections forty-nine to fifty-three, inclusive, sections fifty-five, fifty-six, fifty-nine, sixty-one, sixty-two, sixty-four, sixty-six and seventy shall take effect as of July first, nineteen hundred and ninety-four.

SECTION 76. The remaining provisions of this act shall take effect upon its passage.

Sections disapproved: SECTIONS 4, 59, 63, 64 and 73. The remainder of this bill approved by the Governor September 1, 1994.

Chapter 127. AN ACT AUTHORIZING THE PLACING OF A PUBLIC POLICY QUESTION ON THE BALLOT TO BE USED IN THE CITY KNOWN AS THE TOWN OF AGAWAM AT THE STATE ELECTION.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of ascertaining the will of the people of the city known as the town of Agawam, the state secretary shall cause to be placed on the official ballot to be used in the city known as the town of Agawam at the biennial state election held in the year nineteen hundred and ninety-four the following nonbinding question on public policy:

This question is not binding.

Shall Riverside Park in the city known as the town of Agawam be permitted to have a casino gambling facility on its property?

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

Approved September 2, 1994.

Chapter 128. AN ACT PROVIDING THAT THE MAYOR OF THE CITY OF MELROSE BE A VOTING MEMBER OF THE SCHOOL COMMITTEE, THE SCHOOL COMMITTEE BE REDUCED FROM NINE TO SEVEN, AND THAT EACH OF THE OTHER SIX MEMBERS BE ELECTED FOR FOUR YEARS ON A STAGGERED BASIS, THREE MEMBERS EVERY TWO YEARS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 162 of the acts of 1899 is hereby amended by striking out section 32, as amended by section 1 of chapter 163 of the acts of 1984, and inserting in place thereof the following section:-

Section 32. The management and control of the public schools of the city of Melrose shall be vested in a school committee consisting of seven persons, six of whom shall be elected by the city at large for a term of four years and the mayor who shall be a voting member. Three members of said school committee shall be elected at each regular city election. The school committee shall serve without pay and shall exercise the powers and discharge the duties imposed by law upon school committees. The school committee shall at its first meeting in each municipal year, or as soon thereafter as may be feasible, choose a chairperson from among its members by ballot and the votes of a majority of all of the members of the board shall be required in order to so elect.

The committee shall make rules for its proceedings. A majority of all members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. No member of the school committee, other than the mayor of the city, shall hold any other office in or under the city government or act as counsel in any matter before the board of aldermen or any committee thereof.

SECTION 2. The voters of the city of Melrose, at the biennial city election to be held in the year nineteen hundred and ninety-five, shall vote for six school committee members; provided, however, that notwithstanding the provisions of section one of this act, the three persons receiving the highest number of votes at said election shall each be elected for a term of four years and the persons receiving the fourth, fifth and sixth highest number of votes shall each be elected for a term of two years; and, provided further, that said terms shall commence on the first Monday in January, nineteen hundred and ninety-six.

SECTION 3. The state secretary shall cause the following question to be placed on the official ballot to be used in the city of Melrose at the biennial state election to be held in the year nineteen hundred and ninety-four: "Shall an act passed by the General Court in the year nineteen hundred and ninety-four, entitled 'An Act providing that the mayor of the city of Melrose be a voting member of the school committee, the school committee be reduced from nine to seven, and that each of the other six members be elected for four years on a staggered basis, three members every two years', 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 in regard to elections for school committee commencing with the election to be held in the year nineteen hundred and ninety-five, and school committee membership commencing on the first Monday in January, nineteen hundred and ninety-six, but not otherwise.

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

Approved September 2, 1994.

**Chapter 129. AN ACT AUTHORIZING THE STATE SECRETARY TO PLACE
BALLOT QUESTION SUMMARIES ON SEPARATE SHEETS IN
VOTING MACHINE COMMUNITIES.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow printed ballot question summaries to be disseminated to voters as they prepare to vote, therefore 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 35A of chapter 54 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the last two sentences and inserting in place thereof the following sentence:- When the state secretary shall determine that it is not feasible for the summary of any question or questions submitted to the people to appear on the voting machine, he shall prepare separate sheets of paper containing such summary and provide such sheets for each polling place, to be used by the voters casting their votes on the voting machine, and one such sheet shall be furnished to each voter as he prepares to cast his vote by the use of such a machine.

Approved September 2, 1994.

**Chapter 130. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE
TOWN OF HANOVER TO CONTRACT FOR OR PURCHASE
CERTAIN ACCIDENTAL DEATH AND DISMEMBERMENT AND
LIFE INSURANCE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections eleven and eleven A of chapter thirty-two B of the General Laws or any other general or special law or rule to the contrary, the board of selectmen of the town of Hanover is hereby authorized to contract for or purchase accidental death and dismemberment and life insurance in excess of or different from the amounts so authorized by said chapter thirty-two B.

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

Approved September 2, 1994.

Chapter 131. AN ACT ESTABLISHING A BOARD OF SELECTMEN-TOWN MANAGER FORM OF ADMINISTRATION IN THE TOWN OF SUDBURY.

Be it enacted, etc., as follows:

SECTION 1. The following shall be the charter of the town of Sudbury.

PART I. INCORPORATION AND AUTHORITY.

Section 1. Incorporation continued.

The inhabitants of the Town of Sudbury, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the Town of Sudbury.

Section 2. Short title.

This instrument may be cited and shall be known as the Sudbury Home Rule Charter Act.

Section 3. Powers of the town.

The intent and purpose of this act is to secure for the voters of the town of Sudbury, through the adoption of this act, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution of the Commonwealth and laws of the commonwealth, as fully and as though each such power were specifically and individually enumerated herein. To the extent that the provisions of this act modify or repeal existing general laws and special laws or the body of law which constitutes the town charter under Section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern.

PART II. LEGISLATIVE BRANCH.

Section 4. Town meeting.

The legislative powers of the town shall continue to be exercised by a town meeting open to all voters of the town.

PART III. CHIEF EXECUTIVE FUNCTION.

Section 5. Board of selectmen.

(a) Composition, term of office.

There shall be a board of selectmen composed of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.

(b) Powers and duties.

The executive powers of the town shall be vested in the board of selectmen. The board of selectmen shall have all of the powers and duties given to boards of selectmen under the constitution and laws of the commonwealth and such additional powers and duties as may be authorized by this act, by by-law or by other town meeting vote. The board of selectmen shall cause the laws and orders for the government of the Town to be enforced and shall cause a record of its official acts to be maintained. The board of selectmen shall be the chief policy making board of the town and shall act by the issuance of policy statements and guidelines to be followed and implemented by all town agencies serving under the board.

The board of selectmen shall be the licensing authority of the town and shall have power to issue licenses, to make all necessary rules and regulations regarding the issuance

of such licenses, and to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all businesses for which it issues licenses.

To aid the board of selectmen in the conduct of its official business and duties, the board of selectmen shall appoint a town manager.

(c) Appointment powers.

The board of selectmen shall appoint a town manager, town counsel, and town accountant. The board of selectmen shall also appoint all boards, committees, and commissions except as otherwise provided by this act, by by-law or other vote of the town meeting and such other regional authorities, districts, or committees in accordance with any applicable laws, or interlocal agreement.

PART IV. ADMINISTRATIVE OFFICER/TOWN MANAGER.

Section 6. Appointment, qualifications for the town manager.

The board of selectmen shall appoint a town manager who shall serve at the pleasure of the board. The town manager shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. Any vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen. Pending the appointment of a town manager or the filling of any vacancy, the board of selectmen shall appoint a suitable person to perform the duties of the office. In the event of temporary absence or disability of the town manager, the board of selectmen may designate a qualified person to serve as acting town manager and to perform the duties of the town manager during such temporary absence or disability. The town manager shall receive such compensation for services as the board of selectmen shall determine, but such compensation shall not exceed the amount appropriated therefor by the town.

Section 7. General responsibilities of the town manager.

The town manager shall be the chief administrative officer of the town, shall act as the agent for the board of selectmen and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town manager is given responsibility under this act. The town manager, under the policy direction of the board of selectmen, shall supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility, authority or control by this act, by by-law, by town meeting vote, or by vote of the board of selectmen. The town manager shall have the power to delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility which the office of town manager is authorized to exercise under this act. All actions that are performed under such delegation shall be deemed to be the actions of the town manager.

Section 8. Appointment responsibilities.

Except as otherwise provided by this act, the town manager shall appoint, based upon merit and fitness alone, a director of finance, a police chief, a fire chief, a town clerk, a treasurer-collector, a director of assessing, a director of public works and all department heads and officers, subordinates, and employees under the direct supervision of the town

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manager and officers, subordinates, employees for whom no other method of selection is provided in this act, except employees of the school and health departments. The town manager may appoint ad hoc committees as is deemed necessary.

Section 9. Personnel management responsibilities.

The personnel management powers, duties and responsibilities of the town manager shall include, but are not intended to be limited to, the following:

(a) to administer and to adopt personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements, except for school department agreements, entered into by the town.

(b) to fix compensation of all town employees and officers appointed by the Town Manager within the limits established by appropriation and any applicable compensation plan and/or collective bargaining agreements.

(c) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department; such contracts shall 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.

Section 10. Financial management responsibilities.

The town manager, with the assistance of the finance director and the treasurer-collector, shall be responsible for all the financial management functions of the town, unless otherwise provided by this act. Such functions shall include, but are not intended to be limited to, the following:

(a) to prepare and submit, after consultation with all town departments, an annual operating budget and capital improvement program for all town departments.

(b) to insure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the board of selectmen as may be required.

(c) to approve warrants for payments of town funds prepared by the town accountant.

(d) to be responsible for the purchase of all supplies, materials, and equipment, except books and other educational materials for schools and books and other media materials for libraries. The town manager shall award all contracts for all town departments with the exception of the school and health departments, subject to the approval of the board of selectmen.

(e) to keep the board of selectmen and finance committee fully informed as to the financial condition of the town and to make recommendations to the board of selectmen and to other elected and appointed officials as the town manager deems necessary or expedient.

(f) to prepare, annually, a financial forecast of town revenue, expenditures and the general financial condition of the town.

Section 11. Administrative responsibilities.

The administrative powers, duties and responsibilities of the town manager shall in-

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clude, but are not intended to be limited to, the following:

(a) to attend all regular and special meetings of the board of selectmen, unless excused.

(b) to attend all sessions of the town meeting and to answer all questions addressed to the town manager which are related to the warrant articles and to matters under the general supervision of the town manager.

(c) to administer either directly or through a person or persons supervised by the town manager, in accordance with this act, provisions of general or special laws, by-laws and other votes of the town meeting.

(d) to investigate or inquire into the affairs of any town department or office, under the supervision of the town manager.

(e) to coordinate activities of all town departments, officers, boards or commissions of the town.

(f) to keep the board of selectmen fully informed as to the needs of the town requiring action by them, or by the town, as the town manager deems necessary or expedient.

(g) to be responsible for the efficient use, maintenance and repair of all town facilities, except those under the jurisdiction of the school committee.

(h) to develop and maintain a full and complete inventory of all town owned real and personal property.

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

PART V. ADMINISTRATIVE ORGANIZATION.

Section 12. General power to reorganization.

The town manager may reorganize, consolidate or abolish, create, merge, or divide, alter the term of office, the manner of selection of any town department, office, agency or function under the jurisdiction of the town manager.

The board of selectmen may reorganize, consolidate or abolish, create, merge, reassign responsibilities and duties or divide, alter the term of office, the number of members, the manner of selection, of any board, commission or committee of the Town under the jurisdiction of the board of selectmen.

Section 13. Department of public works.

Until such time as another form of organization is provided for in accordance with section twelve of this act, there shall be established a department of public works. The department of public works shall be charged with responsibility for the management of public works operations of the town including, but not limited to, the following: highways; solid waste and recycling activities; maintenance of cemeteries, town property, open space, public memorials, and 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. The department of public works shall also perform such functions and responsibilities as required by bylaw, vote of the town meeting or upon direction of the town manager or board of selectmen. The functions of the highway surveyor and the tree warden shall be incorporated

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into the department of public works. The town manager shall appoint a director of public works. The director shall be especially fitted by education, training and experience to perform the duties of the office; the director shall have such other qualifications as the town manager may from time to time provide.

Until such time as another form of organization is provided for in accordance with section twelve of this act, personnel responsible for building inspection and zoning enforcement, electrical, gas and plumbing inspection shall be under the direction of the director of public works.

PART VI. ELECTED TOWN OFFICERS.

Section 14. Elected town officials.

The registered voters of the town of Sudbury shall, in accordance with any applicable laws, by-laws, votes of the town, or interlocal agreement continue to elect the following:

- Board of assessors
- Board of health
- Board of selectmen
- Moderator
- School committee
- Library trustees
- Planning board
- Housing authority
- Park and Recreation commission

Other such regional authorities, districts, or committees as may be established by law or interlocal agreement.

Section 15. Transition provisions.

(a) Upon the adoption of this act the incumbent serving as town clerk, shall continue to serve in said office for the balance of the term for which the town clerk was elected. Thereafter, the town clerk shall be appointed in accordance with this act.

(b) Upon the adoption of this act the incumbent serving as highway surveyor shall continue to serve in said office for the balance of the term for which elected. Upon the expiration of said term of office or if a vacancy shall sooner occur, the functions of the office shall be transferred to the department of public works.

(c) The incumbents serving as constables shall continue to serve in said offices for the balance of the terms for which they were elected. Upon the expiration of said terms of office or if a vacancy shall sooner occur, the offices shall be appointed by the board of selectmen.

(d) The department of public works shall become operational thirty days after the appointment of the director of public works.

(e) Within six months of the effective date of this act the board of selectmen shall appoint a town manager.

PART VII. GENERAL PROVISIONS.

Section 16. Severability.

The provisions of this act are severable. If any of the provisions of this act are held

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to be unconstitutional or invalid, the remaining provisions of this act shall not be affected thereby.

Section 17. Existing law.

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

Nothing contained herein shall impair contractual rights established prior to the adoption of this act, or any amendment thereto.

Section 18. Existing employees.

Any person holding a town office, or employment under the town, shall retain such office or employment, and shall continue to perform their duties until provisions shall have been made in accordance with this act, for the performance of said duties by another person, or agency. No person in the permanent full-time service or employment of the town shall forfeit pay grade for time in service.

SECTION 2. The state secretary shall cause the following question to be placed on the official ballot to be used in the town of Sudbury at the biennial state election to be held in the year nineteen hundred and ninety-four: "Shall an act passed by the general court in the year nineteen hundred and ninety-four, entitled 'An act establishing a board of selectmen-town manager form of administration in the town of Sudbury', be accepted?" If a majority of the voters voting on this question shall vote in the affirmative, said act shall take effect immediately. If a majority of the voters voting on this question shall vote in the negative, this act shall thereupon become void.

SECTION 3. Section 2 shall take effect upon its passage.

Approved September 2, 1994.

Chapter 132. AN ACT RELATIVE TO THE MASSACHUSETTS WATER RESOURCES AUTHORITY BOND CAP AND CERTAIN PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the completion of certain projects 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. 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 acting for and on behalf of the commonwealth, is hereby authorized and directed to transfer, for nominal

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consideration, three permanent sewer easements together with appurtenant temporary construction sewer easements in a parcel of land in the town of Natick, acquired by the metropolitan water supply commission, a predecessor agency to the metropolitan district commission, which transferred control to the department of conservation, a predecessor agency to the department of environmental management, for park purposes to the Massachusetts Water Resources Authority for the purpose of installing, maintaining and operating a sewer line, subject to such additional terms and conditions as the commissioner may prescribe, being more particularly bounded and described as follows:

Parcel 1. The first permanent sewer easement is located in the town of Natick, Massachusetts, containing an area of 1,190 square feet as shown as Parcel 11A on Sheet 4 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 on January 22, 1993 at the Middlesex County South Registry of Deeds and being more particularly bounded and described as follows:

Beginning at its northwest corner, also being a common corner on the line between said DEM land and the land of the Massachusetts Bay Transportation Authority (MBTA). Said beginning corner is located about four hundred sixty feet ($460\pm$) east of the center of Mill Street;

Thence, running $N86^{\circ}53'52''E$, for a distance of one hundred thirty and sixty-two hundredths feet (130.62') by said MBTA land to a corner on a line of the existing 20' wide Framingham Extension Sewer Easement owned by the Metropolitan District Commission (MDC) of the Commonwealth of Massachusetts;

Thence, turning and running $S11^{\circ}38'29''W$, for a distance of four and fourteen hundredths feet (4.14') through said DEM land, also being by said existing MDC Sewer Easement to a corner;

Thence, turning and running $S86^{\circ}53'52''W$, for a distance of three and sixty hundredths feet (3.60') by said DEM land, also being by said existing MDC Sewer Easement, to a corner;

Thence, turning and running $S03^{\circ}06'08''E$, for a distance of five and no hundredths feet (5.00') through said DEM land, also being by said existing MDC Sewer Easement, to a corner;

Thence, turning and running $S86^{\circ}53'52''W$, for a distance of one hundred thirty-four and eighty-two hundredths feet (134.82') through said DEM land, also being by said existing MDC Sewer Easement line, to a corner;

Thence, turning and running $N41^{\circ}26'37''E$, for a distance of twelve and sixty-three hundredths feet (12.63') by said MBTA land to the point of beginning.

Said permanent easement being over land of the Commonwealth of Massachusetts, Department of Environmental Management, described in an instrument transferring control from the Metropolitan District Commission to the Department of Conservation recorded in the Middlesex County South Registry of Deeds in Book 7324, Page 206.

Parcel 2. The second permanent sewer easement is located in the Town of Natick,

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Massachusetts, containing an area of 976 square feet as shown as Parcel 11B on Sheet 4 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 at the Middlesex County South Registry of Deeds, and being more particularly bounded and described as follows:

Beginning at a point at its northwest corner, located about six hundred twenty feet (620±) east of the center of Mill Street, also being an intersection of the existing 20' wide Framingham Extension Sewer Easement owned by the MDC with the line between said DEM land and said MBTA land;

Thence, running N86°53'52"E, for a distance of one hundred eleven and seven hundredths feet (111.07') by said MBTA land to a corner, said corner being on the dividing line with land now or formerly of Arthur, Raymond and Ernest J. DeVincent;

Thence, turning and running S37°14'57"W, for a distance of eleven and eighty hundredths feet (11.80') by said DeVincent land to a corner being on said existing MDC Sewer Easement;

Thence, turning and running S86°53'52"W, for a distance of one hundred five and eighty-two hundredths feet (105.82') through said DEM land, also being by said existing MDC Sewer Easement, to a corner;

Thence, turning and running N11°38'29"E, for a distance of nine and thirty-one hundredths feet (9.31') through said DEM land, also being by said existing MDC Sewer Easement, to the point of beginning.

Said permanent easement being over land of the Commonwealth of Massachusetts, Department of Environmental Management, described in an instrument transferring control from the Metropolitan District Commission to the Department of Conservation recorded in the Middlesex County South Registry of Deeds in Book 7324, Page 206.

Parcel 3. The third permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 3,944 square feet as shown as Parcel 12 on Sheet 5 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 at the Middlesex County South Registry of Deeds, and being more particularly bounded and described as follows:

Beginning at a point at its northwest corner, also being the intersection of the southerly line of land of said MBTA with the line by said DeVincent land and the existing 20' wide Framingham Extension Sewer Easement owned by the MDC. Said beginning corner is located at a distance of about one hundred twenty feet (120±) west of the center of Beaver Dam Brook and four hundred thirteen and fifty-three hundredths feet (413.53') west of a stone bound found:

Thence, running N86°53'52"E, for a distance of about one hundred eight feet (108±) by said MBTA land to the westerly side of Beaver Dam Brook;

Thence, continuing to run N86°53'52"E for a distance of about twenty feet (20±) by

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said MBTA land to the easterly side of said Beaver Dam Brook;

Thence, continuing to run $N86^{\circ}53'52''E$, for a distance of about two hundred eighty-five feet ($285\pm$) by said MBTA land to a corner, marked by a stone bound, on the westerly line of Town of Natick land;

Thence, turning and running $S01^{\circ}38'08''E$, for a distance of twenty-six and sixty-eight hundredths feet ($26.68'$) by said Town of Natick land to a corner;

Thence, turning and running $N58^{\circ}06'37''W$, for a distance of thirty and eighty-two hundredths feet ($30.82'$) through said DEM land, also being by said existing MDC Sewer Easement, to a corner;

Thence, turning and running $S86^{\circ}53'52''W$, for a distance of about two hundred fifty-eight feet ($258\pm$) through said DEM land, also being by said existing MDC Sewer Easement, to the easterly side of Beaver Dam Brook;

Thence, continuing to run $S86^{\circ}53'52''W$, for a distance of about twenty-three feet ($23\pm$) through said DEM land, also being by the existing MDC Sewer Easement, to the westerly side of Beaver Dam Brook;

Thence, continuing to run $S86^{\circ}53'52''W$, for a distance of about one hundred six feet ($106\pm$) through said DEM land, also being by said existing MDC Sewer Easement, to a corner, being on the easterly line of said DeVincent land;

Thence, turning and running $N08^{\circ}48'13''W$ for a distance of nine and four hundredths feet ($9.04'$) by said DeVincent land to the point of beginning.

Said permanent easement being over land of the Commonwealth of Massachusetts, Department of Environmental Management, described in an instrument transferring control from the Metropolitan District Commission to the Department of Conservation recorded in the Middlesex County South Registry of Deeds in Book 7324, Page 206.

Temporary Construction Easements. The appurtenant temporary construction easements are located in the Town of Natick, Massachusetts, as shown on Sheet 6 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 at the Middlesex County South Registry of Deeds.

SECTION 2. 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 acting for and on behalf of the commonwealth, is hereby authorized and directed to transfer, for nominal consideration, three permanent sewer easements together with appurtenant temporary construction sewer easements and temporary access easements in a parcel of land in the towns of Wellesley and Dover, which was transferred to the care and control of the Metropolitan District Commission for park purposes pursuant to chapter six hundred twenty-four of the acts of nineteen hundred and eighty-six, to the Massachusetts Water Resources Authority for the purpose of installing, maintaining and operating a sewer line, subject to such additional terms and conditions as the commissioner may prescribe, being more particularly bounded and described as follows:

Parcel 4. The fourth permanent sewer easement is located in the town of Wellesley, Massachusetts, containing an area of 7,620 square feet as shown as Parcel 82A on Sheet FM-18 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" prepared by ASEC Corporation to be recorded at the Middlesex County South Registry of Deeds, and being more particularly bounded and described as follows:

Beginning at its northeasterly corner, also being the intersection of the southerly line of Washington Street and the most southeasterly corner of Permanent Easement Parcel 75;

Thence, running S43°13'43"E, for three hundred fourteen and sixty hundredths feet (314.60') through said MDC land to a corner;

Thence, turning and running S84°21'44"E, for twenty-one and forty-nine hundredths feet (21.49') to a corner on the westerly line of land owned by Philip C. and Christina C. Moses;

Thence, turning and running S43°09'04"E, for forty-five and fifty-three hundredths feet (45.53') by said Moses land to a corner;

Thence, turning and running N84°21'44"W, for fifty-one and eighty hundredths feet (51.80') through said MDC land to a corner;

Thence, turning and running N43°13'43"W, for three hundred thirty-seven and forty-three hundredths feet (337.43) through said MDC land to a corner on the southerly line of Washington Street;

Thence, turning and running N47°07'53"E, twenty and zero hundredths feet (20.00') by Washington Street to the point of beginning.

Said permanent easement being on land of the Commonwealth of Massachusetts, Metropolitan District Commission, described in a deed from the Trustees of the Stigmatine Fathers, Inc. to the Commonwealth of Massachusetts and recorded in the Middlesex County South Registry of Deeds in Book 5197, Page 372.

Parcel 5. The fifth permanent sewer easement is located on the town line of Wellesley, Massachusetts and Dover, Massachusetts, said line also being the centerline of the Charles River, containing an area of about 171,932 square feet as shown as Parcel 82B on Sheets FM-18 through FM-22 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" prepared by ASEC Corporation to be recorded at the Middlesex County South Registry of Deeds, and being more particularly bounded and described as follows:

Beginning at its northwesterly corner, said corner being on the Wellesley/Dover Town Line, said line also being the centerline of the Charles River, said corner also being located about eighty feet (80'±) north of Cheney Bridge;

Thence, running S84°21'44"E, for about seventy-three feet (73'±) to a corner;

Thence, turning and running N67°37'12"E, for fifty-nine and eighty-three hundredths (59.83') to a corner;

Thence, running northerly and bending easterly by a curve having a radius of three

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hundred thirty-two feet (332.00') and a length of two hundred twenty-one and thirty-nine hundredths feet (221.33') to a corner;

Thence, turning and running N65°09'27"E for fifty-six and six hundredths feet (56.06') to a corner;

Thence, turning and running N68°11'36"E for one hundred forty-two and six hundredths feet (142.06') to a point;

Thence, continuing to run N68°11'36"E for forty-two and twenty-eight hundredths feet (42.28') to a corner;

Thence, turning and running S86°24'9"E for fifty and sixty-six hundredths feet (50.66') to a corner;

Thence, turning and running S05°17'45"E for thirty-two and twenty-two hundredths feet (32.22') to a corner;

Thence, turning and running S29°37'08"E for three hundred two and forty-three hundredths feet (320.42') to a corner;

Thence, turning and running S25°06'53"E for thirty-six and forty hundredths feet (36.40') to a corner;

Thence, turning and running S06°34'55"E for twenty-seven and ten hundredths feet (27.10') to a corner;

Thence, turning and running S03°59'27"E for forty-two and forty-four hundredths feet to a corner;

Thence, turning and running S12°08'06"E for seven and forty-eight hundredths feet (7.48') to a corner;

Thence, turning and running S27°15'19"E for thirty-seven and twelve hundredths feet (37.12') to a corner;

Thence turning and running S63°5'54"W for one hundred twenty and five hundredths feet (120.5') to a corner;

Thence, turning and running S24°33'56"E for about sixty-four feet (64'±) to a corner;

Thence, turning and running S63°59'54"W for about seven feet (7'±) to a corner;

Thence, turning and running S24°33'56"E for about twelve feet (12') to a corner;

Thence, turning and running S63°59'54"W for about twenty-seven feet (27') to a corner;

Thence, turning and running N24°33'56"W for about one hundred feet (100') to a corner;

Thence, turning and running N63°59'54"E for ninety-seven and five hundredths feet (97.05') to a corner;

Thence, turning and running N08°40'11"E for thirty-eight and thirty hundredths feet (38.30') to a corner;

Thence, turning and running N03°59'27"W for thirty-seven and no hundredths feet (37.00') to a corner;

Thence, turning and running N06°34'55"W for twenty-three and thirty-nine hundredths feet (23.39') to a corner;

Thence, turning and running N25°06'53"W for thirty-two and sixteen hundredths

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feet (32.16') to a corner;

Thence, turning and running N29°37'08"W for three hundred six and six hundredths feet (306.06') to a corner;

Thence, turning and running N05°17'45"W for fifteen and sixty-eight hundredths feet (15.68') to a corner;

Thence, turning and running N86°24'49"W for thirty-seven and fifty-nine hundredths feet (37.59') to a corner;

Thence, turning and running S68°11'36"W for one hundred seventy and fifty-five hundredths feet (170.55') to a corner;

Thence, turning and running S65°09'27"W for fifty-five and fifty hundredths feet (55.50') to a corner;

Thence, running southerly and bending westerly along a curve with a radius of three hundred twelve and no hundredths feet (321.00') and a length of two hundred fifteen and thirty-seven hundredths feet (215.37') to a corner;

Thence, turning and running S67°37'12"W for forty-one and seventy-four hundredths feet (41.74') to a corner;

Thence, turning and running S21°16'13"E for one hundred eighty-one and sixty hundredths feet (181.60') to a corner;

Thence, turning and running S64°49'35"W, for five and no hundredths feet (5.00') to a corner;

Thence, turning and running S25°10'25"E, for thirty-eight and ninety-four hundredths feet (38.94') to a corner;

Thence, turning and running S06°00'32"E, for one hundred fifteen and sixty-four hundredths feet (115.64') to a corner;

Thence, turning and running S13°47'58"E, for one hundred seventeen and thirty-three hundredths feet (117.33') to a corner;

Thence, turning and running S06°37'29"E, for four hundred ninety-two and eight hundredths feet (492.08') to a corner;

Thence, turning and running N83°35'21"E, for seventy-seven and fifty-six hundredths feet (77.56') to a corner;

Thence, turning and running N71°45'18"E, for one thousand three hundred forty-seven and eighty-two hundredths feet (1,347.82') to a corner;

Thence, turning and running S48°00'1"E for five hundred fifty-seven and thirty-one hundredths feet (557.31') to a corner;

Thence, turning and running S88°08'32"E, for six hundred forty-four and forty-one hundredths feet (644.41') to a corner;

Thence, turning and running S68°54'06"E, for four hundred five and seventy-two hundredths feet (405.72') to a corner on the northerly line of the existing 25' wide Framingham Extension Sewer Easement owned by the Massachusetts Water Resources Authority (MWRA);

Thence, turning and running S66°23'34"W, along said existing MWRA Sewer Easement for fifty-six and eighty-six hundredths feet (56.86') to a corner;

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Thence, turning and running N68°54'06"W, for three hundred fifty-eight and fifty-three hundredths feet (358.53') to a corner;

Thence, turning and running N88°08'32"W, for six hundred fifty-two and twenty-four hundredths feet (652.24') to a corner;

Thence, turning and running N48°00'18"W, for five hundred forty-eight and seventy-one hundredths feet (548.71') to a corner;

Thence, turning and running S71°45'18"W, for one thousand three hundred twenty-eight and seventy-six hundredths feet (1,328.76') to a corner;

Thence, turning and running S83°35'21"W, for one hundred one and fifty-six hundredths feet (101.56') to a corner;

Thence, turning and running N06°37'29"W, for five hundred thirty and seventy-five hundredths feet (530.75') to a corner;

Thence, turning and running N13°47'58"W, for one hundred seventeen and forty-four hundredths feet (117.44') to a corner;

Thence, turning and running N06°00'32"W, for one hundred thirteen and sixty-two hundredths feet (113.62') to a corner;

Thence, turning and running N25°10'25"W, for thirty-five and fifty-seven hundredths feet (35.57') to a corner;

Thence, turning and running S64°49'35"W, for five and no hundredths feet (5.00') to a corner;

Thence, turning and running N25°10'25"W, for seventy-three and seventy-five hundredths feet (73.75') to a corner;

Thence, turning and running N21°16'13"W, for one hundred seventy and forty-nine hundredths feet (170.49') to a corner;

Thence, turning and running N84°21'44"W, for about eighty-five feet (85'±) to a corner on the Dover/Wellesley Town Line;

Thence, turning and running north along said Town Line for about thirty feet (30'+) to the point of beginning.

Said permanent easement being over land of the Commonwealth of Massachusetts, Metropolitan District Commission described in a deed from the Trustees of the Stigmatine Fathers, Inc. to the Commonwealth of Massachusetts and recorded at the Middlesex County South Registry of Deeds in Book 5197, Page 372.

Parcel 6. The sixth permanent sewer easement is part of land owned by the Commonwealth of Massachusetts, Metropolitan District Commission (MDC) located in the Town of Dover, Massachusetts, containing an area of 13,492 square feet as shown as Parcel 82C on Sheet FM-21 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority," prepared by ASEC Corporation to be recorded at the Middlesex County South Registry of Deeds, and being more particularly bounded and described as follows:

Beginning at its northeasterly corner, located about one hundred forty-five feet (145'±) west of the Wellesley/Dover Town Line, also being at a corner of the existing Fram-

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ingham Extension Sewer Easement owned by the Massachusetts Water Resources Authority;
Thence, S26°22'22"E, along said existing MWRA Sewer Easement for twenty and two hundredths feet (20.02') to a corner;

Thence, turning and running S66°23'34"W, for six hundred sixty-four and ninety-nine hundredths feet (664.99') to a corner;

Thence, turning and running N68°54'06"W, for twenty-eight and forty-three hundredths feet (28.43') to a corner on the southerly line of said existing MWRA Sewer Easement;

Thence, turning and running N66°23'34"E, for six hundred eighty-four and twenty-three hundredths feet (684.23') along said easement to the point of beginning.

Said permanent easement being over land of the Commonwealth of Massachusetts, Metropolitan District Commission described in a deed from the Stigmatine Fathers, Inc. to the Commonwealth of Massachusetts and recorded in the Middlesex County South Registry of Deeds in Book 5197, Page 372.

Temporary Construction Easements and Access Easements. The appurtenant temporary construction easements are located in the towns of Wellesley, Massachusetts and Dover, Massachusetts as shown on Sheets FM-18 through FM-22 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority," prepared by ASEC Corporation to be recorded at the Middlesex County South Registry of Deeds. In addition, the MWRA is also authorized to use existing roads within the Elm Bank Reservation for construction access and is also authorized to acquire a temporary access easement in, on, and through a parcel of land located within the Elm Bank Reservation and generally described as follows: including so much of the Elm Bank Reservation land as lies between the proposed Framingham Extension Relief Sewer alignment and the property line dividing the Reservation from privately owned land in Dover; and bounded on the easterly side by a line commencing at a point on the intersection of the property line of the Reservation and private property in Dover and the easterly limit of a dirt road running northerly from Turtle Lane, a private lane in Dover, and extending northerly along the eastern limit of an existing dirt road within the Reservation to the proposed Framingham Extension Relief Sewer alignment; and bounded on the westerly side by a line commencing at a point on the intersection of the property line of the Reservation and private property in Dover and a line approximately 100 feet westerly of Buttercup Lane, a private lane in Dover, and extending northerly to the proposed Framingham Extension Relief Sewer alignment, as generally shown on a plan of land entitled "Framingham Extension Relief Sewer Proposed Elm Bank Alignment"; to be recorded at the Middlesex county south registry of deeds. The more precise location and orientation of the limits of the temporary access easement on the Elm Bank Reservation will be determined by the MWRA in consultation with the metropolitan district commission.

SECTION 3. 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 division of capital planning and operations, acting for and on behalf of the com-

monwealth, is hereby authorized and directed to transfer, for nominal consideration, a temporary construction sewer easement in a parcel of land in the town of Natick, acquired by the metropolitan water board, a predecessor of the metropolitan district commission, by Order of Taking by said metropolitan water board recorded at Middlesex county south registry of deeds on January 1, 1898 in Book 2635, Page 1 to the Massachusetts Water Resources Authority for the purpose of constructing a sewer line, subject to such additional terms and conditions as the commissioner may prescribe. Said temporary construction sewer easement contains an area of about eight hundred square feet as shown as Parcel TC-80 on Sheet FM-16 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority," prepared by ASEC Corporation, to be recorded at the Middlesex county south registry of deeds.

SECTION 4. The board of selectmen of the town of Natick, acting for and on behalf of the town of Natick, is hereby authorized and directed to transfer, for nominal consideration, pursuant to the provisions of section three of chapter forty of the General Laws, five permanent sewer easements together with appurtenant temporary construction sewer easements in a parcel of land in the town of Natick, acquired by the town of Natick, for park purposes to the Massachusetts Water Resources Authority for the purpose of installing, maintaining and operating a sewer line, subject to such additional terms and conditions as are mutually agreed between the board of selectmen and the Massachusetts Water Resources Authority, being more particularly bounded and described as follows.

Parcel 7. The seventh permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 6,469 square feet as shown as Parcel 10A on Sheet 4 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 on January 22, 1993 at the Middlesex County South Registry of Deeds, and being more particularly bounded and described as follows:

Beginning at a point at its northwest corner, also being a common corner with the line between land owned by John A. Hill, Jr., and land of the Massachusetts Bay Transportation Authority (MBTA);

Thence, running N86°31'30"E, for twenty and no hundredths feet (20.00') by said MBTA land;

Thence, turning and running S04°28'04"E, for three hundred twenty-three and twenty-seven hundredths feet (323.27') through said Town of Natick land to a corner on the northerly layout line of West Central Street;

Thence, turning and running S85°27'53"W, for twenty and no hundredths feet (20.00') by West Central Street to a corner on the line with said Hill land owned by John A. Hill, Jr.;

Thence, turning and running N04°28'04"W, for three hundred twenty-three and sixty-four hundredths feet (323.64') by said Hill land to the point of beginning.

Said permanent easement being over land of the town of Natick described in a deed

from George C. Fairbanks to the town of Natick on October 31, 1927.

Parcel 8. The eighth permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 3,214 square feet as shown as Parcel 1OB on Sheet 4 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 on January 22, 1993 at the Middlesex County South Registry of Deeds, and being more particularly bounded and described as follows:

Beginning at a point at its northeast corner, also being a corner between land of the Massachusetts Bay Transportation Authority (MBTA) and the Mill Street layout line;

Thence, turning and running S29°16'08"E, for thirty-five and sixty-six hundredths feet (35.66') along said layout line to a corner;

Thence, turning and running S86°53'52"W, for ninety-one and twenty-eight hundredths feet (91.28') along the existing 20' wide Framingham Extension Sewer Easement owned by the Metropolitan District Commission (MDC) of the Commonwealth of Massachusetts to a corner;

Thence, turning and running N49°51'28"W, for forty-six and seventy-one hundredths feet (46.71') again by said existing MDC sewer easement to a corner, also being on the line with land of said MBTA;

Thence, turning and running N86°53'52"E, for one hundred nine and fifty-eight hundredths feet (109.58') to the point of beginning.

Said permanent easement being over land of the town of Natick described in a deed from George C. Fairbanks to the town of Natick on October 31, 1927.

Parcel 9. The ninth permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 21,051 square feet as shown as Parcel 51 on Sheets FM-5 and FM-6 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated November 1991, prepared by ASEC Corporation to be recorded at the Middlesex County South Registry of Deeds, and being more particularly bounded and described as follows:

Beginning at a point at its southeast corner, also being a corner at the intersection of two southerly lines of said MBTA land with the westerly line of said other Natick land;

Thence, running S56°13'31"W, for twenty-seven and sixty-three hundredths feet (27.63') by said other Natick land to a corner;

Thence, running westerly and bending northerly by a curve having a radius of three thousand eight hundred eighty-one and eight hundredths feet (3,881.08') and a length of nine hundred thirty-two and seventy-two hundredths feet (932.72') through said Natick land to a corner;

Thence, turning and running N04°11'45"E, for ten and no hundredths feet (10.00') through said Natick land to a corner;

Thence, running westerly and bending northerly by a curve having a radius of three thousand eight hundred seventy-one and eight hundredths feet (3,871.08') and a length of

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two hundred nine and nine hundredths feet (209.09') through said Natick land to a corner;

Thence, turning and running $N07^{\circ}17'26''$, for ten and no hundredths feet (10.00') through said Natick land to a corner on the southerly line of said MBTA land;

Thence, running easterly and bending northerly by a curve having a radius of three thousand eight hundred sixty-one and eight hundredths feet (3,861.08') and a length of one thousand one hundred sixty-one and sixty-one hundredths feet (1,161.61') by said MBTA land to a corner;

Thence, turning and running $S09^{\circ}56'49''E$, for eight and seventy-five hundredths feet (8.75') by said MBTA land to the point of beginning.

Said permanent easement being over land of the town of Natick described in the deed from George P. Baker, Richard C. Bond, Jervis Langdon, Jr. and Willard Wirtz, Trustees of the Property of the Penn Central Transportation Company to the town of Natick recorded in the Middlesex County South Registry of Deeds in Book 12115 Page 294.

Parcel 10. The tenth permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 3,125 square feet as shown as Parcel 52 on Sheet FM-7 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated November 11, 1991, prepared by ASEC Corporation to be recorded at the Middlesex County South Registry of Deeds and being more particularly bounded and described as follows:

Beginning at a point at its southeast corner, also being a corner on the northerly line of other land of the town of Natick, also being about two hundred and forty-six feet (246 \pm) from the intersection of said northerly line with the westerly line of land owned now or formerly by Ermeto & Gena W. Antinori;

Thence, running $S73^{\circ}26'02''W$, for twenty and sixty hundredths feet (20.60') by said Natick land to a corner;

Thence, turning and running $N30^{\circ}23'44''W$, for one hundred fifty-six and forty-six hundredths feet (156.46') through said Natick land to a corner on the southerly line of said MBTA land;

Thence, turning and running $N74^{\circ}28'11''E$, for twenty and sixty-nine hundredths feet (20.69') by said MBTA land to a corner;

Thence, turning and running $S30^{\circ}23'44''E$, for one hundred fifty-six and eight hundredths feet (156.08') through said Natick land to the point of beginning.

Said permanent easement being over land of the town of Natick described in a deed from the Commonwealth of Massachusetts, Department of Natural Resources to the town of Natick and recorded in the Middlesex County South Registry of Deeds in Book 12460 Page 348.

Parcel 11. The eleventh permanent sewer easement is located in the town of Natick, Massachusetts, containing an area of 11,045 square feet as shown as Parcel 53 on Sheets FM-7 and FM-8 on a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated November 1991, pre-

pared by ASEC Corporation to be recorded at the Middlesex County South Registry of Deeds, and being more particularly bounded and described as follows:

Beginning at its northeast corner, also being a corner on the westerly end of Middlesex Avenue and located about seven feet (7') south of the intersection of said westerly end with the northerly street line of said Middlesex Avenue;

Thence, running $S19^{\circ}33'58''E$, for twenty and five hundredths feet (20.05') by said Middlesex Avenue to a corner;

Thence, turning and running $S74^{\circ}16'26''W$, for two hundred fifty-five and nineteen hundredths feet (255.19') through said Natick land to a corner;

Thence, turning and running $S48^{\circ}39'08''W$, for sixteen and fifty-seven hundredths feet (16.57') through said Natick land to a corner;

Thence, turning and running $S73^{\circ}22'52''W$, for two hundred five and ninety-four hundredths feet (205.94') through said Natick land to a corner;

Thence, turning and running $S64^{\circ}17'24''W$, for thirty-five and twenty-five hundredths feet (35.25') through said Natick land to a corner;

Thence, turning and running $N53^{\circ}07'48''W$, for twenty-eight and nine hundredths feet (28.09') through said Natick land to a corner;

Thence, turning and running $N30^{\circ}23'44''W$; for twenty-six and fifty-one hundredths feet (26.51') through said Natick land to a corner on the southerly line of land owned by the Town of Natick;

Thence, turning and running $N73^{\circ}26'02''E$, for twenty and sixty hundredths feet (20.60') by said Natick land to a corner;

Thence, turning and running $S30^{\circ}23'44''E$, for twenty-three and forty hundredths feet (23.40') through said Natick land to a corner;

Thence, turning and running $N73^{\circ}22'52''E$, for two hundred thirty-three and twenty-two hundredths feet (233.22') through said Natick land to a corner;

Thence, turning and running $N48^{\circ}39'08''E$, for sixteen and seventy-three hundredths feet (16.73') through said Natick land to a corner;

Thence, turning and running $N74^{\circ}16'26''E$, for two hundred fifty-eight and thirty-nine hundredths feet (258.39') through said Natick land to the point of beginning.

Said permanent easement being over land of the town of Natick described in a deed from the Middlesex and Boston Street Railway Company to the town of Natick recorded in the Middlesex County South Registry of Deeds in Book 11457, Page 566.

Temporary Construction Easements. The appurtenant temporary construction easements are located in the Town of Natick, Massachusetts, shown on Sheets 4 through 9 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority," dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 on January 22, 1993 at the Middlesex County South Registry of Deeds and on Sheets FM-5, FM-6, FM-7, and FM-8 of plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority,"

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prepared by ASEC Corporation to be recorded at the Middlesex county south registry of deeds.

SECTION 5. The more precise configuration of the parcels described in sections one, two, three and four of this act shall be as shown on that plan of land referenced in said sections one, two, three and four, as such plan is further revised, if necessary, and recorded with the Middlesex county south county registry of deeds. In the event that the property so described in this act contradicts or is inconsistent with such parcels as shown upon said plan of record, then said plan of record and any subsequent plans of record shall control as to the accuracy and correctness of such description.

SECTION 6. All right, title and interest to the parcels described in section one shall revert to the commonwealth in the event that the Massachusetts Water Resources Authority no longer needs such land for the purpose of installing, maintaining and operating a sewer line.

SECTION 7. All right, title and interest to the parcels described in section two shall revert to the town of Natick in the event that the Massachusetts Water Resources Authority no longer needs such land for the purpose of installing, maintaining and operating a sewer line.

SECTION 8. All costs associated with the transfer and use of the parcels described in sections one, two and three shall be borne by the Massachusetts Water Resources Authority.

SECTION 9. None of the easements authorized by this act shall be granted until the same have been ratified by legislation enacted in accordance with the provisions of Article 97 of the Articles of Amendment to the Constitution.

Approved September 2, 1994.

Chapter 133. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the issuance of bonds and notes to carry out the purposes of various acts passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section three of chapter one hundred and two of the acts of nineteen hundred and ninety-four, providing for funding highway improvement loans, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nineteen, as recommended by the governor in a message to the general court dated August

twenty-fourth, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section four of chapter one hundred and two of the acts of nineteen hundred and ninety-four, providing for funding highway improvement loans, shall be issued for a term not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nineteen, as recommended by the governor in a message to the general court dated August twenty-fourth, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 3. Notwithstanding any provision of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section five of chapter one hundred and two of the acts of nineteen hundred and ninety-four, providing for highway improvement loans, shall be issued for a term not to exceed ten years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and nine, as recommended by the governor in a message to the general court dated August twenty-fourth, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, the notes which the state treasurer is authorized to issue under section six of chapter one hundred and two of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times for terms not to exceed one year; and the final maturities of such notes whether original or renewal, shall be no later than June thirtieth, two thousand and one, as recommended by the governor in a message to the general court dated August twenty-fourth, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 5. Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section seven of chapter one hundred and two of the acts of nineteen hundred and ninety-four, providing for funding mobility assistance loans, shall be issued for a term not to exceed five 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 August twenty-fourth, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary, the notes which the state treasurer is authorized to issue under section eight of chapter one hundred and two of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times for terms not to exceed one year, and the final maturities of such notes whether original or renewal, shall be no later than June thirtieth, two thousand and one, as recommended by the governor in a message to the general court dated August twenty-fourth, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

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SECTION 7. Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section nine of chapter one hundred and two of the acts of nineteen hundred and ninety-four, providing for funding public safety program loans, shall be issued for a term not to exceed five 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 August twenty-fourth, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

SECTION 8. Notwithstanding the provisions of any general or special law to the contrary, the notes which the state treasurer is authorized to issue under section ten of chapter one hundred and two of the acts of nineteen hundred and ninety-four, shall be issued and may be renewed one or more times for terms not to exceed one year, and the final maturities of such notes whether original or renewal, shall be no later than June thirtieth, two thousand and one, as recommended by the governor in a message to the General Court dated August twenty-fourth, nineteen hundred and ninety-four, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

Approved September 2, 1994.

**Chapter 134. AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN
EMPLOYEE OF THE HOGAN REGIONAL CENTER.**

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 Hogan Regional Center, therefore 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 Hogan Regional Center is hereby authorized and directed to establish a sick leave bank for Steven Berry, an employee of said center. Any employee of said center may voluntarily contribute one or more sick, personal or vacation days to said sick leave bank for use by said Steven Berry.

The foregoing was laid before the Governor on the twenty-second day of August, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 135. AN ACT AMENDING THE CHARTER OF THE CITY OF LOWELL TO IMPOSE LIMITATIONS ON THE TERMS OF ALL CITY OF LOWELL ELECTED PUBLIC OFFICIALS.

Be it enacted, etc., as follows:

SECTION 1. Section 31 of the charter of the city of Lowell is hereby amended by adding the following paragraph:-

No person shall serve as a member of the school committee of the city of Lowell for more than a total of four consecutive or non-consecutive two year terms.

SECTION 2. Section 96 of said charter is hereby amended by adding the following paragraph:-

No person shall serve as a member of the city council of the city of Lowell for more than a total of four consecutive or non-consecutive two year terms.

SECTION 3. Section 103 of said charter is hereby amended by adding the following paragraph:-

No individual elected to the office of mayor by the voters of the city of Lowell shall serve as mayor of said city for more than a total of four consecutive or non-consecutive two year terms.

SECTION 4. This act shall be submitted to the qualified voters of the city of Lowell at the next state election to be held in November, nineteen hundred and ninety-four in the form of the following question, which shall be placed upon the official ballot:

"Shall an act passed by the General Court in the year nineteen hundred and ninety-four entitled 'An Act amending the charter of the city of Lowell to impose limitations on the terms of office of all city of Lowell elected public officials' be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative then the provisions of this act shall take effect at ten o'clock in the forenoon of the first Monday of January, nineteen hundred and ninety-six; provided, however, that section three shall not so take effect unless the act entitled "An Act amending the charter of the city of Lowell" has been accepted by the voters.

SECTION 5. Section four shall take effect upon its passage. The remainder of this act shall take effect upon its acceptance by the voters of the city of Lowell in accordance with the terms and conditions set forth in section four.

Approved September 8, 1994.

Chapter 136. AN ACT RELATIVE TO RESERVE FUNDS OF THE GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 652 of the acts of 1987 is hereby amended by adding the following sentence:- Any such funds established by the district, including any reserve fund for landfill closure costs or any working capital reserve fund, may be invested

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in accordance with the provisions of section fifty-four of chapter forty-four of the General Laws.

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

Approved September 8, 1994.

Chapter 137. AN ACT AUTHORIZING THE TOWN OF WAYLAND TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

The town treasurer of the town of Wayland is hereby authorized to pay from available funds to the Mystic Bituminous Products Co., Inc. the sum of twelve thousand one hundred and ninety-six dollars and seventy-eight cents and to R. H. White Construction Co, Inc. the sum of twenty-four thousand twenty-four dollars and forty-eight cents for work and materials furnished to 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 September 8, 1994.

Chapter 138. AN ACT FURTHER REGULATING LIENS ON BETTERMENT ASSESSMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate liens on betterment assessments paid in full, therefore 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 12 of chapter 80 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the second sentence the following two sentences:- Notwithstanding any other provision of this section or chapter eighty-three, if a county, city, town, or district elects to send notice to the owner of the land assessed indicating the amount of the assessment for the betterment, and said owner pays the amount due, no lien shall be recorded. The assessors shall indicate on the next tax bill that the amount of the betterment assessment has been paid and no further notation or demand shall be made on land so assessed.

Approved September 12, 1994.

Chapter 139. AN ACT VALIDATING THE PROCEEDINGS OF THE ANNUAL TOWN ELECTION IN THE TOWN OF CLINTON.

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 Clinton at its annual town election held on May second, nineteen hundred and ninety-four and all actions taken pursuant thereto are hereby ratified, validated, and confirmed notwithstanding any defect or omission in the calling of said election.

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

Approved September 15, 1994.

Chapter 140. AN ACT ESTABLISHING AN EARLY RETIREMENT INCENTIVE PROGRAM FOR EMPLOYEES OF THE CITY OF GARDNER.

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 city of Gardner and the Gardner retirement board shall establish and implement a retirement incentive program for employees of the city of Gardner, hereinafter referred to as the retirement incentive program, in accordance with the provisions of this act; provided, however, 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 active employee of the city of Gardner on the effective date of this act; (ii) shall be classified in Group 1, Group 2, or Group 4 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 of subdivision (1) of section ten of said chapter thirty-two upon the date of his written application with said board; (iv) shall have at least twenty-five years of creditable service; (v) shall have filed such written application with said board within twenty days of the effective date of this act 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 later than forty-five days after the effective date of this act. Said program shall be administered by the city of Gardner retirement system, which shall promulgate regulations to implement the provisions of said program.

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 the city of Gardner 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 con-

tained 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 three years of age or by up to three years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than three; provided, however, that the executive authority in the city of Gardner 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 value 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 the city of Gardner 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-four, and shall send a copy thereof to the mayor; 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-four.

The city of Gardner 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 city of Gardner retirement system's additional pension liability attributable to such costs and liabilities to zero on or before June thirtieth, two thousand and ten; 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 ten. Said board

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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-five, 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 city of Gardner 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. This act shall take effect upon its passage.

Approved September 15, 1994.

Chapter 141. AN ACT RELATIVE TO THE SOUNDING OF CERTAIN WARNING DEVICES IN THE TOWN OF ACTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter one hundred and sixty of the General Laws or any other general or special law to the contrary, no railroad corporation including any locomotive engine operated by or on behalf of the Massachusetts Bay Transportation Authority shall permit a locomotive engine passing on its railroad in the town of Acton to sound whistles at any grade crossing which has the following safety features: flashing lights in each direction which are automatically activated by the approaching train; two gates, one on each side of the crossing, both of which are automatically lowered by the approaching train and both extend across approximately half the width of the lanes of traffic so that the entire width of the lanes of traffic is blocked when the gates are lowered; a bell that is automatically activated by the approaching train; overhead street lights; signs posted before the grade crossing in each direction warning motorists and pedestrians of the crossing ahead; posted speed limits for traffic of not more than twenty-five miles per hour; and not more than two lanes of vehicular traffic in each direction at the grade crossing. Notwithstanding the provisions of this paragraph, a train shall be required to sound its whistle in the event of an emergency.

SECTION 2. The department of public utilities shall require that whistle markers on the railroad right of way on the approach to each crossing shall be replaced with bell markers within ninety days of the effective date of this act.

SECTION 3. The department of public utilities shall notify the Massachusetts Bay Transportation Authority and all other railroad corporations operating locomotive engines in the town of Acton of the provisions of this act within thirty days of its effective date.

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

Approved September 15, 1994

Chapter 142. AN ACT RELATIVE TO THE EXPENDITURE OF CERTAIN SURPLUS BOND PROCEEDS BY THE TOWN OF HOPKINTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty of chapter forty-four of the General Laws, the town of Hopkinton is hereby authorized to appropriate, for any lawful purpose, sixty-one thousand eight hundred and fifteen dollars and forty-six cents, from the balance of proceeds from the sale of bonds issued prior to nineteen hundred and eighty-nine.

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

Approved September 15, 1994.

Chapter 143. AN ACT RELATIVE TO A CERTAIN DISABILITY RETIREMENT FOR STEPHEN A. BRODERICK.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the Essex County Retirement Board is hereby authorized and directed at the request of Stephen A. Broderick, to retire said Stephen A. Broderick under the terms and conditions of a disability caused by lung cancer pursuant to section ninety-four B of chapter thirty-two of the General Laws.

Approved September 16, 1994.

Chapter 144. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ADELE GILLIS, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.

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 mental retardation, therefore 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 mental retardation is hereby authorized and directed to establish a sick leave bank for Adele Gillis, an employee of said department. Any employee of said department may voluntarily contribute one or more of his sick, personal or vacation

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days to said sick leave bank for use by said Adele Gillis.

The foregoing was laid before the Governor on the eighth day of September, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 145. AN ACT RELATIVE TO THE OAK BLUFFS WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 439 of the acts of 1991 is hereby amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. The district, for the purpose of paying the expenses and liabilities incurred in connection with this act, including the funding of reserves for debt service or other district expenses, but excluding operating and maintenance expenses, may, from time to time, borrow such sums as may be necessary and may issue bonds or notes therefor. The maturities of bonds or notes issued by the district, other than temporary loans, shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year shall be as nearly equal as practicable in the opinion of the district treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. Except as otherwise provided in this act, indebtedness incurred by the district shall be subject to the provisions of chapter forty-four of the General Laws.

SECTION 2. Section 10 of said chapter 439 is hereby amended by inserting after the first paragraph the following six paragraphs:-

The position of moderator of the district, hereafter referred to as moderator, is hereby created for the district.

Nominations of potential members of the board of water commissioners, moderator, clerk or treasurer shall be made by nomination papers stating as to the nominee his residence, with street and number, if any, and signed by not less than fifty district voters. Such nomination papers shall be submitted to the registrar of the town of Oak Bluffs on or before five o'clock post meridian of the fourteenth day preceding the day on which the certified nomination papers are required to be filed with the town clerk of the town of Oak Bluffs, which required filing date shall be twenty days prior to the date on which the election shall be held. Each nomination paper shall be marked with the date and time it was submitted and such papers shall be certified in order of submission. In each case the registrar shall check each name to be certified by them on the nomination paper and shall forthwith certify thereon the number of signatures so checked which are names of voters in the town of Oak Bluffs, and only names so checked shall be deemed to be names of qualified voters for the purposes of nomination. The registrars need not certify a greater number of names than are required to make a nomination, increased by one-fifth thereof. The registrar shall also certify that each such nominee is a registered voter in the town of Oak Bluffs, and

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no such nominee shall be qualified to be member of the board, moderator, clerk or treasurer of the district unless such certification is obtained.

The final date for obtaining blank nomination papers from the town clerk for nomination to the board, moderator, clerk or treasurer shall be forty-eight weekday hours prior to the hour on which nomination papers are required to be submitted to the registrar of voters for certification. No candidate shall receive more blank nomination papers than will contain the number of signatures required to place his name in nomination, multiplied by five.

Upon certification of the nomination papers as aforesaid, the applicant for such nomination shall submit the certified nomination papers to the town clerk. The town clerk shall cause the names of all such nominees to be listed as nominees for the position of water commissioner, moderator, clerk or treasurer in the warrant for the next town election.

The town clerk shall have the same duties and responsibilities with respect to the nomination and election of the said water commissioners as he shall have with respect to the nomination and election of town officials including but not limited to the nomination process, preparation of ballots, conduct of the election and certification of the vote to the secretary of the commonwealth and the clerk of the district.

The terms of office for moderator, clerk and treasurer of the district shall be for three years.

Approved September 28, 1994.

Chapter 146. AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO PROHIBIT HEAVY COMMERCIAL VEHICLES FROM CRANE AVENUE IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of section two of chapter eighty-five of the General Laws or any other general or special law to the contrary, the city council of the city of Pittsfield is hereby authorized to prohibit by ordinance heavy commercial traffic from Crane avenue in said city. Said prohibition shall not apply to the following:

(1) commercial vehicles going to or from premises situated on Crane avenue or to which vehicular access cannot be had except by the use of Crane avenue;

(2) commercial vehicles belonging to the city or operated by or in connection with city departments; or such vehicles belonging to or operated by public service corporations, public utility corporations, or private corporations in performance of contractual service to the city in connection with work required to be done on Crane avenue;

(3) police or fire department vehicles, ambulances, or other emergency vehicles;

(4) vehicles engaged in collecting or distributing United States mail; and

(5) that portion of Crane avenue between Route 8 and Oak Hill road.

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

Approved September 29, 1994.

Chapter 147. AN ACT AUTHORIZING THE STATE SECRETARY TO PLACE A CERTAIN BINDING QUESTION ON THE BALLOTS TO BE USED IN THE CITY OF LOWELL AT THE STATE ELECTION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section forty-two C of chapter fifty-four of the General Laws, the state secretary shall cause the following question to be placed on the official ballot to be used in the city of Lowell at the biennial state election to be held in the year nineteen hundred and ninety-four:

"This question is binding.

Do you approve of the expenditure of public funds by the city of Lowell for the purpose of participating in the construction and/or development of the proposed multi-purpose sports arena in the city of Lowell for use by the University of Massachusetts at Lowell, the city and other public and private users?"

If a majority of the votes cast in answer to said question is in the affirmative, then such public funds may be expended by the city of Lowell for the construction and development of the proposed multi-purpose sports arena in the city of Lowell, but not otherwise.

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

Approved September 29, 1994.

Chapter 148. AN ACT ESTABLISHING A SICK LEAVE BANK FOR SHARON DAVIS, 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 Sharon Davis, an employee of said department. 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 Sharon Davis.

The foregoing was laid before the Governor on the nineteenth day of September, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

**Chapter 149. AN ACT RELATIVE TO FIREFIGHTERS AND POLICE OFFICERS
IN THE TOWN OF WILLIAMSBURG.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eighty-five H of chapter thirty-two of the General Laws, section one hundred and eleven F of chapter forty-one of the General Laws or any other general or special law to the contrary, and notwithstanding any greater compensation or benefits as may be provided by any insurance policy, the town of Williamsburg is hereby authorized to make payments, in the event one or more of its firefighters or police officers is injured in the line of duty, at the level of his regular employment up to, but not exceeding, the levels which would be authorized by law, assuming that the salary of any such firefighter or police officer was that of a full time entry level permanent firefighter or police officer in a community to be chosen from those communities presently comprising Hampshire county by the board of selectmen of said town of Williamsburg. The community chosen shall be a community which provides twenty-four hours per day on duty firefighters and police officers. Said town is hereby authorized to provide such compensation directly or through insurance.

Approved October 3, 1994.

**Chapter 150. AN ACT AUTHORIZING THE TOWN OF WESTON TO RE-
IMBURSE RUTH P. MILLER OF THE TOWN OF WESTWOOD AND
THE TOWN OF WESTWOOD FOR INTEREST AND CHARGES
AND MOTOR VEHICLE EXCISE PAID TO SAID TOWN OF
WESTON.**

Be it enacted, etc., as follows:

SECTION 1. The town of Weston is hereby authorized to reimburse Ruth P. Miller the sum of one hundred ninety-one dollars and three cents paid to said town for interest and charges relative to a bill for motor vehicle excise erroneously committed to an address of said town and to authorize said town to pay to the town of Westwood the sum of two hundred ninety-two dollars and fifty cents the amount of the motor vehicle excise paid by said Ruth P. Miller.

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

Approved October 4, 1994.

Chapter 151. AN ACT RELATIVE TO FILLING VACANCIES IN THE BOARD OF WATER COMMISSIONERS OF THE TOWN OF WESTON.

Be it enacted, etc., as follows:

SECTION 1. Section 15 of chapter 217 of the acts of 1896 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Any vacancy occurring in said board from any cause shall be filled in accordance with the provisions of section eleven of chapter forty-one of the General Laws.

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

Approved October 4, 1994.

Chapter 152. AN ACT RELATIVE TO THE REGULATION OF DOGS IN THE TOWN OF WAREHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one hundred and fifty-seven of chapter one hundred and forty of the General Laws, the chief of police of the town of Wareham or his designee shall have the powers and duties assigned to the board of selectmen and chief of police under the provisions of said section one hundred and fifty-seven of said chapter one hundred and forty.

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

Approved October 5, 1994.

Chapter 153. AN ACT DESIGNATING THE DEPARTMENT OF HIGHWAYS BUILDING IN TAUNTON AS THE JOSEPH T. CRONIN BUILDING.

Be it enacted, etc., as follows:

SECTION 1. The department of highways district five headquarters building located at 1000 County street in the city of Taunton shall be known and designated as the Joseph T. Cronin Building, in recognition of the sixty-four years of meritorious public service to the department of highways and the people of the commonwealth by Joseph T. Cronin, district highway engineer. A suitable marker bearing said designation shall be attached to said building by the commissioner of highways, who shall provide for appropriate ceremonies to be held in connection therewith.

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

Approved October 5, 1994.

Chapter 154. AN ACT AUTHORIZING THE TOWN OF WESTON TO ARRANGE FOR DENTAL INSURANCE AND DISABILITY INSURANCE FOR EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the board of selectmen of the town of Weston is hereby authorized to negotiate and arrange for the purchase of a policy or policies of dental insurance and disability insurance for its active employees on such terms and conditions as it deems to be in the best interest of its employees. Said insurance may be written as either a group plan or individual policies. Said insurance shall provide that the full amount of premiums shall be paid by the participating employees. Said town may make payroll deductions for such insurance premiums or a portion thereof.

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

Approved October 5, 1994.

Chapter 155. AN ACT AUTHORIZING THE TOWN OF NORTH ATTLEBOROUGH TO PAY A CERTAIN UNPAID BILL.

Be it enacted, etc., as follows:

The town treasurer of the town of North Attleborough is hereby authorized to pay from available funds to Gregory D. Dorrance Co. the sum of three thousand dollars for the custom framing of certain photographs, notwithstanding the failure of said town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contract to Gregory D. Dorrance Co.

Approved October 6, 1994.

Chapter 156. AN ACT RELATIVE TO THE TOWING OF VEHICLES.

Be it enacted, etc., as follows:

Section 7A of chapter 89 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the third sentence the following sentence:- Authorized police or fire department personnel may tow a vehicle found to be in violation of the provisions of this section or which is illegally parked or standing in a fire lane as established by the fire department, whether or not a fire is in progress, and such personnel shall not be subject to the provisions of section one hundred and twenty D of chapter two hundred and sixty-six.

Approved October 11, 1994

Chapter 157. AN ACT FURTHER REGULATING THE APPOINTMENT OF TRUSTEES OF THE PUBLIC LIBRARY OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 114 of the acts of 1878 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. The trustees of the public library shall be nine in number and shall be appointed by the mayor for terms of five years; provided, however, that two members shall be appointed for an initial term of one year, two members shall be appointed for an initial term of two years, two members shall be appointed for an initial term of three years, two members shall be appointed for an initial term of four years, and one member shall be appointed for an initial term of five years. Trustees shall serve until the expiration of their term and until their successors are qualified. Whenever a vacancy shall occur in the office of the board of trustees by death, resignation or otherwise, such vacancy shall be filled by the appointment of a successor trustee who shall hold office for the remainder of the unexpired term. Members of said board of trustees shall not receive any pecuniary compensation and shall be deemed to be special municipal employees for the purposes of chapter two hundred and sixty-eight A of the General Laws.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the term of office of each member holding the position of trustee on the effective date of this act shall expire thirty days after said effective date.

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

Approved October 11, 1994.

Chapter 158. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JOANNE OUELLET, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL HEALTH.

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 mental health, therefore 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 mental health is hereby authorized and directed to establish a sick leave bank for Joanne Ouellet, an employee of said department. Any employee of said department may voluntarily contribute one or more of his sick, personal or vacation days to

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said sick leave bank for use by said Joanne Ouellet.

The foregoing was laid before the Governor on the twenty-ninth day of September, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 159. AN ACT ESTABLISHING A SICK LEAVE BANK FOR A CERTAIN EMPLOYEE OF THE DEPARTMENT OF MENTAL HEALTH.

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 mental health, therefore 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 mental health is hereby authorized and directed to establish a sick leave bank for Kenneth Hughes, an employee at Westboro state hospital. Any employee of the department of mental health may voluntarily contribute one or more of his sick, personal, or vacation days to said sick leave bank for use by said Kenneth Hughes.

The foregoing was laid before the Governor on the third day of October, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 160. AN ACT ESTABLISHING A SICK LEAVE BANK FOR ELLSWORTH STANLEY APPLGATE A CERTAIN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.

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 mental retardation, therefore 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 mental retardation is hereby authorized and directed to establish a sick leave bank for Ellsworth Stanley Applegate, an employee of said department. Any employee of said department may voluntarily contribute one or more of his sick,

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personal or vacation days to said sick leave bank for use by said Ellsworth Stanley Applegate.

The foregoing was laid before the Governor on the third day of October, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 161. AN ACT RELATIVE TO CERTAIN PARK LAND IN THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the parks and recreation commission of the city of Holyoke is hereby authorized to transfer to the city council of said city the care, custody, management and control of a certain parcel of land with the improvements thereon, used as park property and described in section two. Said city council is hereby authorized to change the use of said land from park land to city land use.

SECTION 2. The parcel of land referred to in section one is shown on the assessor's records of the city of Holyoke as Map 10, Block 3, Parcel 1, and is more particularly described in an Order of Taking by said city dated September twenty-ninth, nineteen hundred and seventy-one and recorded in the Hampden county registry of deeds in Book 3628, Page 581.

Approved October 14, 1994.

Chapter 162. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF BRAINTREE.

Be it enacted, etc., as follows:

SECTION 1. Any person who holds an elected office in the town of Braintree, with more than six months remaining in the term of such office on the date of the filing of a recall affidavit, may be recalled therefrom as provided herein.

SECTION 2. Two hundred and fifty or more qualified voters of the town of Braintree may file with the clerk of said town, an affidavit containing the name of the officer whose recall is being sought, along with a statement of the grounds of such recall. Said clerk shall provide to the voters petition blanks demanding such recall printed forms of which shall be kept available by said clerk. Such petition blanks shall be completed either by writing or typewriting, shall be addressed to the board of selectmen and shall contain the names of the voters who filed the affidavit and the grounds for such recall as stated in such affidavit. Such petition blanks shall demand the election of a successor to such office and

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shall be dated and signed by said clerk with the official seal attached thereto. A copy of such petition shall be kept on file in the office of said clerk in a record book maintained for such purpose.

The recall petitions shall be returned and filed in the office of the clerk within twenty days following the date upon which said clerk issued such petitions and shall contain the signatures of at least ten percent of the total number of voters duly recorded on the registration list of said clerk as of the most recent preceding town election, not less than five percent of which shall be from each precinct, who shall add to their signatures, the street and number, if any, of their residences.

The clerk shall, within forty-eight hours following such filing, submit such petitions to the registrars of voters who shall, within five working days, certify thereon the number of signatures which in fact are names of registered voters of said town.

SECTION 3. If the recall petitions shall be certified by the registrars of voters to contain the sufficient number of voter signatures, the clerk of the town of Braintree shall forthwith submit such petitions to the board of selectmen of said town. Upon its receipt of the certified petitions, said board of selectmen shall, within forty-eight hours, give written notice of such recall petitions and the certification thereof to the person whose recall is being sought.

If the officer sought to be recalled does not resign his office within five days following the delivery of such notice, the board of selectmen shall order an election to be held not less than sixty-five nor more than ninety days after the date of the certification of the sufficiency of the petition by the registrars of voters; provided, however, that if another town election is scheduled to occur within one hundred days after the date of such certification, said board of selectmen shall postpone the holding of such recall election until the date of such other town election.

If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section; provided, however, that only the ballots for new candidates shall be counted.

SECTION 4. No officer whose recall is being sought shall be a candidate to succeed himself at the recall election. The nomination of candidates, the publication of the warrant for the recall election and the conduct of such election shall be in accordance with the provisions of law relative to elections, unless otherwise provided herein.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election is held. If not recalled in such election, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before except as provided herein.

If the incumbent officer is recalled, he shall be deemed removed upon the qualification of a successor who shall hold office for the remainder of the unexpired term; provided, however, that if the successor fails to qualify within five days after receiving notification of election, the incumbent nevertheless shall thereupon be deemed removed and such office shall remain vacant for the remainder of the unexpired term.

SECTION 6. All ballots used at a recall election shall contain the following pro-

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positions in the following order:

For the recall of (name of officer)

Against the recall of (name of officer).

Adjacent to each proposition, there shall be a place to mark a vote.

After the propositions shall appear the word "candidates" followed by the names of all candidates arranged alphabetically by surname.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected.

If a majority of the votes cast upon the question of recall is in the negative, the ballots for the candidates need not be counted unless the incumbent officer has previously resigned from office pursuant to section three.

SECTION 7. No recall petition shall be filed against an officer within six months of the assumption of his office. In the case of an officer who has been subjected to a recall election and was not thereby recalled, no subsequent recall petition shall be filed against such officer until at least six months after the date of the election at which such initial recall was voted upon.

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

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

Approved October 14, 1994.

Chapter 163. AN ACT AUTHORIZING THE TOWN OF NORTON TO USE A PORTION OF PARK LAND FOR RECREATIONAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Norton is hereby authorized to use a portion of a certain parcel of land known as "The Rose Farm" acquired by the town for passive recreational uses for active recreational uses, playing fields and general recreational uses.

Said parcel of land is situated off the easterly side of North Worcester street in the town of Norton, and is bounded and described as follows:

Beginning at a point at the south westerly corner of the described parcel, said corner being also the north westerly corner of land owned by the Town of Norton (School Department), and on the easterly boundary line of land now or formerly of Dammers, and being approximately 182.4' from the easterly sideline of North Worcester Street; thence

N 78-38 E a distance of 725'± by the northerly boundary of land of the Town of Norton (School Department) and the Solomonese Elementary School to a corner; thence

N 23-50 W a distance of 390.85'± by land now or formerly of Holmes to a concrete bound; thence

S 73-35 W a distance of 395'± by the remaining land of the Rose Farm Conservation

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Area to the easterly corner of land now or formerly of Dion; thence

S 71-09 W a distance of $334.5' \pm$ by land of Dion to a corner; thence

S 27-01 E a distance of $295.0' \pm$ by land now or formerly of Desjardins; thence

S 27-01 E a distance of $20' \pm$ by land now or formerly of Dammers to the point of beginning.

All bearings and distances are approximate, and are taken from information provided on the plan referenced below.

The above described parcel contains an area of $5.84 \pm$ acres, and is intended to contain the southerly end of a $22.80 \pm$ acre parcel labeled "Proposed Conservation Area" as shown on a plan entitled "Town of Norton, Future School Sites Committee in Cooperation with Conservation Commission" prepared by Robert C. Libbey and Associates, Jan. 1966, and filed in the Northern Bristol county registry of deeds Plan Book 106, Page 65.

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

Approved October 21, 1994.

Chapter 164. AN ACT RELATIVE TO THE MASSACHUSETTS WATER RESOURCES AUTHORITY BOND CAP AND CERTAIN PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the completion of certain projects 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. 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 acting for and on behalf of the commonwealth, is hereby authorized and directed to transfer, for nominal consideration, three permanent sewer easements together with appurtenant temporary construction sewer easements in a parcel of land in the town of Natick, acquired by the metropolitan water supply commission, a predecessor agency to the metropolitan district commission hereinafter referred to as MDC, which transferred control to the department of conservation, a predecessor agency to the department of environmental management hereinafter referred to as DEM, for park purposes to the Massachusetts Water Resources Authority for the purpose of installing, maintaining and operating a sewer line, subject to such additional terms and conditions as the commissioner may prescribe, being more particularly bounded and described as follows:

Parcel 1. The first permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 1,190 square feet as shown as Parcel 11A on Sheet 4 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham,

Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 on January 22, 1993 at the Middlesex county south registry of deeds and being more particularly bounded and described as follows:

Beginning at its northwest corner, also being a common corner on the line between said DEM land and the land of the Massachusetts Bay Transportation Authority (MBTA). Said beginning corner is located about four hundred sixty feet (460'+) east of the center of Mill Street;

Thence, running $N86^{\circ}53'52"E$, for a distance of one hundred thirty and sixty-two hundredths feet (130.62') by said MBTA land to a corner on a line of the existing 20' wide Framingham Extension Sewer Easement owned by the Metropolitan District Commission (MDC) of the Commonwealth of Massachusetts;

Thence, turning and running $S11^{\circ}38'29"W$, for a distance of four and fourteen hundredths feet (4.14') through said DEM land, also being by said existing MDC Sewer Easement to a corner;

Thence, turning and running $S86^{\circ}53'52"W$, for a distance of three and sixty hundredths feet (3.60') by said DEM land, also being by said existing MDC Sewer Easement, to a corner;

Thence, turning and running $S03^{\circ}06'08"E$, for a distance of five and no hundredths feet (5.00') through said DEM land, also being by said existing MDC Sewer Easement, to a corner;

Thence, turning and running $S86^{\circ}53'52"W$, for a distance of one hundred thirty-four and eighty-two hundredths feet (134.82') through said DEM land, also being by said existing MDC Sewer Easement line, to a corner;

Thence, turning and running $N41^{\circ}26'37"E$, for a distance of twelve and sixty-three hundredths feet (12.63') by said MBTA land to the point of beginning.

Said permanent easement being over land of the commonwealth under the care and custody of the department of environmental management, described in an instrument transferring control from the metropolitan district commission to the department of conservation recorded in the Middlesex county south registry of deeds in Book 7324, Page 206.

Parcel 2. The second permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 976 square feet as shown as Parcel 11B on Sheet 4 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 at the Middlesex county south registry of deeds, and being more particularly bounded and described as follows:

Beginning at a point at its northwest corner, located about six hundred twenty feet (620'+) east of the center of Mill Street, also being an intersection of the existing 20' wide Framingham Extension Sewer Easement owned by the MDC with the line between said DEM land and said MBTA land;

Thence, running N86°53'52"E, for a distance of one hundred eleven and seven hundredths feet (111.07') by said MBTA land to a corner, said corner being on the dividing line with land now or formerly of Arthur, Raymond and Ernest J. DeVincent;

Thence, turning and running S37°14'57"W, for a distance of eleven and eighty hundredths feet (11.80') by said DeVincent land to a corner being on said existing MDC Sewer Easement;

Thence, turning and running S86°53'52"W, for a distance of one hundred five and eighty-two hundredths feet (105.82') through said DEM land, also being by said existing MDC Sewer Easement, to a corner;

Thence, turning and running N11°38'29"E, for a distance of nine and thirty-one hundredths feet (9.31') through said DEM land, also being by said existing MDC Sewer Easement, to the point of beginning.

Said permanent easement being over land of the commonwealth under the care and custody of the department of environmental management, described in an instrument transferring control from the metropolitan district commission to the department of conservation recorded in the Middlesex county south registry of deeds in Book 7324, Page 206.

Parcel 3. The third permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 3,944 square feet as shown as Parcel 12 on Sheet 5 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 at the Middlesex county south registry of deeds, and being more particularly bounded and described as follows:

Beginning at a point at its northwest corner, also being the intersection of the southerly line of land of said MBTA with the line by said DeVincent land and the existing 20' wide Framingham Extension Sewer Easement owned by the MDC. Said beginning corner is located at a distance of about one hundred twenty feet (120+) west of the center of Beaver Dam Brook and four hundred thirteen and fifty-three hundredths feet (413.53') west of a stone bound found:

Thence, running N86°53'52"E, for a distance of about one hundred eight feet (108+) by said MBTA land to the westerly side of Beaver Dam Brook;

Thence, continuing to run N86°53'52"E for a distance of about twenty feet (20+) by said MBTA land to the easterly side of said Beaver Dam Brook;

Thence, continuing to run N86°53'52"E, for a distance of about two hundred eighty-five feet (285+) by said MBTA land to a corner, marked by a stone bound, on the westerly line of Town of Natick land;

Thence, turning and running S01°38'08"E, for a distance of twenty-six and sixty-eight hundredths feet (26.68') by said Town of Natick land to a corner;

Thence, turning and running N58°06'37"W, for a distance of thirty and eighty-two hundredths feet (30.82') through said DEM land, also being by said existing MDC Sewer Easement, to a corner;

Thence, turning and running $S86^{\circ}53'52''W$, for a distance of about two hundred fifty-eight feet (258'+) through said DEM land, also being by said existing MDC Sewer Easement, to the easterly side of Beaver Dam Brook;

Thence, continuing to run $S86^{\circ}53'52''W$, for a distance of about twenty-three feet (23'+) through said DEM land, also being by the existing MDC Sewer Easement, to the westerly side of Beaver Dam Brook;

Thence, continuing to run $S86^{\circ}53'52''W$, for a distance of about one hundred six feet (106'+) through said DEM land, also being by said existing MDC Sewer Easement, to a corner, being on the easterly line of said DeVincent land;

Thence, turning and running $N08^{\circ}48'13''W$ for a distance of nine and four hundredths feet (9.04') by said DeVincent land to the point of beginning.

Said permanent easement being over land of the commonwealth under the care and custody of the department of environmental management, described in an instrument transferring control from the metropolitan district commission to the department of conservation recorded in the Middlesex county south registry of deeds in Book 7324, Page 206.

Temporary Construction Easements. The appurtenant temporary construction easements are located in the town of Natick, as shown on Sheet 6 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 at the Middlesex county south registry of deeds.

SECTION 2. 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 acting for and on behalf of the commonwealth, is hereby authorized and directed to transfer, for nominal consideration, three permanent sewer easements together with appurtenant temporary construction sewer easements and temporary access easements in a parcel of land in the towns of Wellesley and Dover, which was transferred to the care and control of the metropolitan district commission for park purposes pursuant to chapter six hundred and twenty-four of the acts of nineteen hundred and eighty-six, to the Massachusetts Water Resources Authority for the purpose of installing, maintaining and operating a sewer line, subject to such additional terms and conditions as the commissioner may prescribe, being more particularly bounded and described as follows:

Parcel 4. The fourth permanent sewer easement is located in the town of Wellesley, Massachusetts, containing an area of 7,620 square feet as shown as Parcel 82A on Sheet FM-18 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" prepared by ASEC Corporation to be recorded at the Norfolk county registry of deeds, and being more particularly bounded and described as follows:

Beginning at its northeasterly corner, also being the intersection of the southerly line

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of Washington Street and the most southeasterly corner of Permanent Easement Parcel 75;

Thence, running S43°13'43"E, for three hundred fourteen and sixty hundredths feet (314.60') through said MDC land to a corner;

Thence, turning and running S84°21'44"E, for twenty-one and forty-nine hundredths feet (21.49') to a corner on the westerly line of land owned by Philip C. and Christina C. Moses;

Thence, turning and running S43°09'04"E, for forty-five and fifty-three hundredths feet (45.53') by said Moses land to a corner;

Thence, turning and running N84°21'44"W, for fifty-one and eighty hundredths feet (51.80') through said MDC land to a corner;

Thence, turning and running N43°13'43"W, for three hundred thirty-seven and forty-three hundredths feet (337.43') through said MDC land to a corner on the southerly line of Washington Street;

Thence, turning and running N47°07'53"E, twenty and zero hundredths feet (20.00') by Washington Street to the point of beginning.

Said permanent easement being on land of the commonwealth under the care and custody of the metropolitan district commission, described in a deed from the trustees of the Stigmatine Fathers, Inc. to the commonwealth of Massachusetts and recorded in the Norfolk county registry of deeds in Book 5197, Page 372.

Parcel 5. The fifth permanent sewer easement is located on the town line of Wellesley, Massachusetts and Dover, Massachusetts, said line also being the centerline of the Charles River, containing an area of about 171,932 square feet as shown as Parcel 82B on Sheets FM-18 through FM-22 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" prepared by ASEC Corporation to be recorded at the Norfolk county registry of deeds, and being more particularly bounded and described as follows:

Beginning at its northwesterly corner, said corner being on the Wellesley/Dover Town Line, said line also being the centerline of the Charles River, said corner also being located about eighty feet (80'+) north of Cheney Bridge;

Thence, running S84°21'44"E, for about seventy-three feet (73'+) to a corner;

Thence, turning and running N67°37'12"E, for fifty-nine and eighty-three hundredths (59.83') to a corner;

Thence, running northerly and bending easterly by a curve having a radius of three hundred thirty-two feet (332.00') and a length of two hundred twenty-one and thirty-nine hundredths feet (221.39') to a corner;

Thence, turning and running N65°09'27"E for fifty-six and six hundredths feet (56.06') to a corner;

Thence, turning and running N68°11'36"E for one hundred forty-two and six hundredths feet (142.06') to a point;

Thence, continuing to run N68°11'36"E for forty-two and twenty-eight hundredths feet (42.28') to a corner;

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Thence, turning and running $S86^{\circ}24'9''E$ for fifty and sixty-six hundredths feet (50.66') to a corner;

Thence, turning and running $S05^{\circ}17'45''E$ for thirty-two and twenty-two hundredths feet (32.22') to a corner;

Thence, turning and running $S29^{\circ}37'08''E$ for three hundred two and forty-three hundredths feet (302.43') to a corner;

Thence, turning and running $S25^{\circ}06'53''E$ for thirty-six and forty hundredths feet (36.40') to a corner;

Thence, turning and running $S06^{\circ}34'55''E$ for twenty-seven and ten hundredths feet (27.10') to a corner;

Thence, turning and running $S03^{\circ}59'27''E$ for forty-two and forty-four hundredths feet (42.44') to a corner;

Thence, turning and running $S12^{\circ}08'06''E$ for seven and forty-eight hundredths feet (7.48') to a corner;

Thence, turning and running $S27^{\circ}15'19''E$ for thirty-seven and twelve hundredths feet (37.12') to a corner;

Thence, turning and running $S63^{\circ}59'54''W$ for one hundred twenty and fifteen hundredths feet (120.15') to a corner;

Thence, turning and running $S24^{\circ}33'56''E$ for about sixty-four feet (64'+) to a corner;

Thence, turning and running $S63^{\circ}59'54''W$ for about seven feet (7'+) to a corner;

Thence, turning and running $S24^{\circ}33'56''E$ for about twelve feet (12') to a corner;

Thence, turning and running $S63^{\circ}59'54''W$ for about twenty-seven feet (27') to a corner;

Thence, turning and running $N24^{\circ}33'56''W$ for about one hundred feet (100') to a corner;

Thence, turning and running $N63^{\circ}59'54''E$ for ninety-seven and five hundredths feet (97.05') to a corner;

Thence, turning and running $N08^{\circ}40'11''E$ for thirty-eight and thirty hundredths feet (38.30') to a corner;

Thence, turning and running $N03^{\circ}59'27''W$ for thirty-seven and no hundredths feet (37.00') to a corner;

Thence, turning and running $N06^{\circ}34'55''W$ for twenty-three and thirty-nine hundredths feet (23.39') to a corner;

Thence, turning and running $N25^{\circ}06'53''W$ for thirty-two and sixteen hundredths feet (32.16') to a corner;

Thence, turning and running $N29^{\circ}37'08''W$ for three hundred six and six hundredths feet (306.06') to a corner;

Thence, turning and running $N05^{\circ}17'45''W$ for fifteen and sixty-eight hundredths feet (15.68') to a corner;

Thence, turning and running $N86^{\circ}24'49''W$ for thirty-seven and fifty-nine hundredths feet (37.59') to a corner;

Thence, turning and running $S68^{\circ}11'36''W$ for one hundred seventy and fifty-five

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hundredths feet (170.55') to a corner;

Thence, turning and running S65°09'27"W for fifty-five and fifty hundredths feet (55.50') to a corner;

Thence, running southerly and bending westerly along a curve with a radius of three hundred twelve and no hundredths feet (312.00') and a length of two hundred fifteen and thirty-seven hundredths feet (215.37') to a corner;

Thence, turning and running S67°37'12"W for forty-one and seventy-four hundredths feet (41.74') to a corner;

Thence, turning and running S21°16'13"E for one hundred eighty-one and sixty hundredths feet (181.60') to a corner;

Thence, turning and running S64°49'35"W, for five and no hundredths feet (5.00') to a corner;

Thence, turning and running S25°10'25"E, for thirty-eight and ninety-four hundredths feet (38.94') to a corner;

Thence, turning and running S06°00'32"E, for one hundred fifteen and sixty-four hundredths feet (115.64') to a corner;

Thence, turning and running S13°47'58"E, for one hundred seventeen and thirty-three hundredths feet (117.33') to a corner;

Thence, turning and running S06°37'29"E, for four hundred ninety-two and eight hundredths feet (492.08') to a corner;

Thence, turning and running N83°35'21"E, for seventy-seven and fifty-six hundredths feet (77.56') to a corner;

Thence, turning and running N71°45'18"E, for one thousand three hundred forty-seven and eighty-two hundredths feet (1,347.82') to a corner;

Thence, turning and running S48°00'18"E for five hundred fifty-seven and thirty-one hundredths feet (557.31') to a corner;

Thence, turning and running S88°08'32"E, for six hundred forty-four and forty-one hundredths feet (644.41') to a corner;

Thence, turning and running S68°54'06"E, for four hundred five and seventy-two hundredths feet (405.72') to a corner on the northerly line of the existing 25' wide Framingham Extension Sewer Easement owned by the Massachusetts Water Resources Authority (MWRA);

Thence, turning and running S66°23'34"W, along said existing MWRA Sewer Easement for fifty-six and eighty-six hundredths feet (56.86') to a corner;

Thence, turning and running N68°54'06"W, for three hundred fifty-eight and fifty-three hundredths feet (358.53') to a corner;

Thence, turning and running N88°08'32"W, for six hundred fifty-two and twenty-four hundredths feet (652.24') to a corner;

Thence, turning and running N48°00'18"W, for five hundred forty-eight and seventy-one hundredths feet (548.71') to a corner;

Thence, turning and running S71°45'18"W, for one thousand three hundred twenty-eight and seventy-six hundredths feet (1,328.76') to a corner;

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Thence, turning and running $S83^{\circ}35'21''W$, for one hundred one and fifty-six hundredths feet (101.56') to a corner;

Thence, turning and running $N06^{\circ}37'29''W$, for five hundred thirty and seventy-five hundredths feet (530.75') to a corner;

Thence, turning and running $N13^{\circ}47'58''W$, for one hundred seventeen and forty-four hundredths feet (117.44') to a corner;

Thence, turning and running $N06^{\circ}00'32''W$, for one hundred thirteen and sixty-two hundredths feet (113.62') to a corner;

Thence, turning and running $N25^{\circ}10'25''W$, for thirty-five and fifty-seven hundredths feet (35.57') to a corner;

Thence, turning and running $S64^{\circ}49'35''W$, for five and no hundredths feet (5.00') to a corner;

Thence, turning and running $N25^{\circ}10'25''W$, for seventy-three and seventy-five hundredths feet (73.75') to a corner;

Thence, turning and running $N21^{\circ}16'13''W$, for one hundred seventy and forty-nine hundredths feet (170.49') to a corner;

Thence, turning and running $N84^{\circ}21'44''W$, for about eighty-five feet (85'+) to a corner on the Dover/Wellesley Town Line;

Thence, turning and running north along said Town Line for about thirty feet (30'+) to the point of beginning.

Said permanent easement being over land of the commonwealth under the care and custody of the metropolitan district commission described in a deed from the trustees of the Stigmatine Fathers, Inc. to the commonwealth of Massachusetts and recorded at the Norfolk county registry of deeds in Book 5197, Page 372.

Parcel 6. The sixth permanent sewer easement is part of land owned by the Commonwealth of Massachusetts, Metropolitan District Commission (MDC) located in the Town of Dover, Massachusetts, containing an area of 13,492 square feet as shown as Parcel 82C on Sheet FM-21 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority", prepared by ASEC Corporation to be recorded at the Norfolk county registry of deeds, and being more particularly bounded and described as follows:

Beginning at its northeasterly corner, located about one hundred forty-five feet (145'+) west of the Wellesley/Dover Town Line, also being at a corner of the existing Framingham Extension Sewer Easement owned by the Massachusetts Water Resources Authority;

Thence, $S26^{\circ}22'22''E$, along said existing MWRA Sewer Easement for twenty and two hundredths feet (20.02') to a corner;

Thence, turning and running $S66^{\circ}23'34''W$, for six hundred sixty-four and ninety-nine hundredths feet (664.99') to a corner;

Thence, turning and running $N68^{\circ}54'06''W$, for twenty-eight and forty-three hundredths feet (28.43') to a corner on the southerly line of said existing MWRA Sewer

Easement;

Thence, turning and running N66°23'34"E, for six hundred eighty-four and twenty-three hundredths feet (684.23') along said easement to the point of beginning.

Said permanent easement being over land of the commonwealth under the care and custody of the metropolitan district commission described in a deed from the trustees of the Stigmatine Fathers, Inc. to the commonwealth of Massachusetts and recorded in the Norfolk county registry of deeds in Book 5197, Page 372.

Temporary Construction Easements and Access Easements: The appurtenant temporary construction easements are located in the towns of Wellesley and Dover, as shown on Sheets FM-18 through FM-22 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority", prepared by ASEC Corporation to be recorded at the Norfolk county registry of deeds. In addition, the Massachusetts Water Resources Authority is also authorized to use existing roads within the Elm Bank Reservation for construction access and is also authorized to acquire a temporary access easement in, on, and through a parcel of land located within the Elm Bank Reservation and generally described as follows: including so much of the Elm Bank Reservation land as lies between the proposed Framingham Extension Relief Sewer alignment and the property line dividing the reservation from privately owned land in the town of Dover; and bounded on the easterly side by a line commencing at a point on the intersection of the property line of the reservation and private property in said town of Dover and the easterly limit of a dirt road running northerly from Turtle Lane, a private lane in said town of Dover, and extending northerly along the eastern limit of an existing dirt road within the reservation to the proposed Framingham Extension Relief Sewer alignment; and bounded on the westerly side by a line commencing at a point on the intersection of the property line of the reservation and private property in said town of Dover and a line approximately one hundred feet westerly of Buttercup Lane, a private lane in said town of Dover, and extending northerly to the proposed Framingham Extension Relief Sewer alignment, as generally shown on a plan of land entitled "Massachusetts Water Resources Authority Elm Bank Access Easement Plan", to be recorded at the Norfolk county registry of deeds. The more precise location and orientation of the limits of the temporary access easement on the Elm Bank Reservation will be determined by the Massachusetts Water Resources Authority in consultation with the metropolitan district commission.

SECTION 3. 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 division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized and directed to transfer, for nominal consideration, a temporary construction sewer easement in a parcel of land in the town of Natick, acquired by the metropolitan water board, a predecessor of the metropolitan district commission, by Order of Taking by said metropolitan water board recorded at Middlesex county south registry of deeds on January 1, 1898 in Book 2635, Page 1 to the Massachusetts Water Resources Authority for the purpose of constructing a sewer line, subject to such additional

terms and conditions as the commissioner may prescribe. Said temporary construction sewer easement contains an area of about 800 square feet as shown as Parcel TC-80 on Sheet FM-16 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority", prepared by ASEC Corporation, to be recorded at the Middlesex county south registry of deeds.

SECTION 4. The board of selectmen of the town of Natick, acting for and on behalf of the town of Natick, is hereby authorized and directed to transfer, for nominal consideration, pursuant to the provisions of section three of chapter forty of the General Laws, five permanent sewer easements together with appurtenant temporary construction sewer easements in a parcel of land in the town of Natick, acquired by the town of Natick, for park purposes to the Massachusetts Water Resources Authority for the purpose of installing, maintaining and operating a sewer line, subject to such additional terms and conditions as are mutually agreed between the board of selectmen and the Massachusetts Water Resources Authority, being more particularly bounded and described as follows:

Parcel 7. The seventh permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 6,469 square feet as shown as Parcel 10A on Sheet 4 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 on January 22, 1993 at the Middlesex county south registry of deeds, and being more particularly bounded and described as follows:

Beginning at a point at its northwest corner, also being a common corner with the line between land owned by John A. Hill, Jr., and land of the Massachusetts Bay Transportation Authority (MBTA);

Thence, running N86°31'30"E, for twenty and no hundredths feet (20.00') by said MBTA land;

Thence, turning and running S04°28'04"E, for three hundred twenty-three and twenty-seven hundredths feet (323.27') through said Town of Natick land to a corner on the northerly layout line of West Central Street;

Thence, turning and running S85°27'53"W, for twenty and no hundredths feet (20.00') by West Central Street to a corner on the line with said Hill land owned by John A. Hill, Jr.;

Thence, turning and running N04°28'04"W, for three hundred twenty-three and sixty-four hundredths feet (323.64') by said Hill land to the point of beginning.

Said permanent easement being over land of the town of Natick described in a deed from George C. Fairbanks to the town of Natick on October 31, 1927.

Parcel 8. The eighth permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 3,214 square feet as shown as Parcel 10B on Sheet 4 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated January, 1993, prepared by ASEC Corporation and recorded as Plan Num-

ber 51 of 1993 on January 22, 1993 at the Middlesex county south registry of deeds, and being more particularly bounded and described as follows:

Beginning at a point at its northeast corner, also being a corner between land of the Massachusetts Bay Transportation Authority (MBTA) and the Mill Street layout line;

Thence, turning and running S29°16'08"E, for thirty-five and sixty-six hundredths feet (35.66') along said layout line to a corner;

Thence, turning and running S86°53'52"W, for ninety-one and twenty-eight hundredths feet (91.28') along the existing 20' wide Framingham Extension Sewer Easement owned by the Metropolitan District Commission (MDC) of the Commonwealth of Massachusetts to a corner;

Thence, turning and running N49°51'28"W, for forty-six and seventy-one hundredths feet (46.71') again by said existing MDC sewer easement to a corner, also being on the line with land of said MBTA;

Thence, turning and running N86°53'52"E, for one hundred nine and fifty-eight hundredths feet (109.58') to the point of beginning.

Said permanent easement being over land of the town of Natick described in a deed from George C. Fairbanks to the town of Natick on October 31, 1927.

Parcel 9. The ninth permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 21,051 square feet as shown as Parcel 51 on Sheets FM-5 and FM-6 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated November 1991, prepared by ASEC Corporation to be recorded at the Middlesex county south registry of deeds, and being more particularly bounded and described as follows:

Beginning at a point at its southeast corner, also being a corner at the intersection of two southerly lines of said MBTA land with the westerly line of said other Natick land;

Thence, running S56°13'31"W, for twenty-seven and sixty-three hundredths feet (27.63') by said other Natick land to a corner;

Thence, running westerly and bending northerly by a curve having a radius of three thousand eight hundred eighty-one and eight hundredths feet (3,881.08') and a length of nine hundred thirty-two and seventy-two hundredths feet (932.72') through said Natick land to a corner;

Thence, turning and running N04°11'45"E, for ten and no hundredths feet (10.00') through said Natick land to a corner;

Thence, running westerly and bending northerly by a curve having a radius of three thousand eight hundred seventy-one and eight hundredths feet (3,871.08') and a length of two hundred nine and nine hundredths feet (209.09') through said Natick land to a corner;

Thence, turning and running N07°17'26"E, for ten and no hundredths feet (10.00') through said Natick land to a corner on the southerly line of said MBTA land;

Thence, running easterly and bending northerly by a curve having a radius of three thousand eight hundred sixty-one and eight hundredths feet (3,861.08') and a length of one thousand one hundred sixty-one and sixty-one hundredths feet (1,161.61') by said MBTA

land to a corner;

Thence, turning and running $S09^{\circ}56'49''E$, for eight and seventy-five hundredths feet (8.75') by said MBTA land to the point of beginning.

Said permanent easement being over land of the town of Natick described in the deed from George P. Baker, Richard C. Bond, Jervis Langdon, Jr. and Willard Wirtz, Trustees of the Property of the Penn Central Transportation Company to the town of Natick recorded in the Middlesex county south registry of deeds in Book 12115, Page 294.

Parcel 10. The tenth permanent sewer easement is located in the Town of Natick, Massachusetts, containing an area of 3,125 square feet as shown as Parcel 52 on Sheet FM-7 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated November 11, 1991, prepared by ASEC Corporation to be recorded at the Middlesex county south registry of deeds and being more particularly bounded and described as follows:

Beginning at a point at its southeast corner, also being a corner on the northerly line of other land of the town of Natick, also being about two hundred and forty-six feet (246'+) from the intersection of said northerly line with the westerly line of land owned now or formerly by Ermeto & Gena W. Antinori;

Thence, running $S73^{\circ}26'02''W$, for twenty and sixty hundredths feet (20.60') by said Natick land to a corner;

Thence, turning and running $N30^{\circ}23'44''W$, for one hundred fifty-six and forty-six hundredths feet (156.46') through said Natick land to a corner on the southerly line of said MBTA land;

Thence, turning and running $N74^{\circ}28'11''E$, for twenty and sixty-nine hundredths feet (20.69') by said MBTA land to a corner;

Thence, turning and running $S30^{\circ}23'44''E$, for one hundred fifty-six and eight hundredths feet (156.08') through said Natick land to the point of beginning.

Said permanent easement being over land of the town of Natick described in a deed from the commonwealth under the care and custody of the department of natural resources to the town of Natick and recorded in the Middlesex county south registry of deeds in Book 12460, Page 348.

Parcel 11. The eleventh permanent sewer easement is located in the town of Natick, Massachusetts, containing an area of 11,045 square feet as shown as Parcel 53 on Sheets FM-7 and FM-8 on a plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority" dated November 1991, prepared by ASEC Corporation to be recorded at the Middlesex county south registry of deeds, and being more particularly bounded and described as follows:

Beginning at its northeast corner, also being a corner on the westerly end of Middlesex Avenue and located about seven feet (7') south of the intersection of said westerly end with the northerly street line of said Middlesex Avenue;

Thence, running $S19^{\circ}33'58''E$, for twenty and five hundredths feet (20.05') by said

Middlesex Avenue to a corner;

Thence, turning and running S74°16'26"W, for two hundred fifty-five and nineteen hundredths feet (255.19') through said Natick land to a corner;

Thence, turning and running S48°39'08"W, for sixteen and fifty-seven hundredths feet (16.57') through said Natick land to a corner;

Thence, turning and running S73°22'52"W, for two hundred five and ninety-four hundredths feet (205.94') through said Natick land to a corner;

Thence, turning and running S64°17'24"W, for thirty-five and twenty-five hundredths feet (35.25') through said Natick land to a corner;

Thence, turning and running N53°07'48"W, for twenty-eight and nine hundredths feet (28.09') through said Natick land to a corner;

Thence, turning and running N30°23'44"W, for twenty-six and fifty-one hundredths feet (26.51') through said Natick land to a corner on the southerly line of land owned by the Town of Natick;

Thence, turning and running N73°26'02"E, for twenty and sixty hundredths feet (20.60') by said Natick land to a corner;

Thence, turning and running S30°23'44"E, for twenty-three and forty hundredths feet (23.40') through said Natick land to a corner;

Thence, turning and running N73°22'52"E, for two hundred thirty-three and twenty-two hundredths feet (233.22') through said Natick land to a corner;

Thence, turning and running N48°39'08"E, for sixteen and seventy-three hundredths feet (16.73') through said Natick land to a corner;

Thence, turning and running N74°16'26"E, for two hundred fifty-eight and thirty-nine hundredths feet (258.39') through said Natick land to the point of beginning.

Said permanent easement being over land of the town of Natick described in a deed from the Middlesex and Boston Street Railway Company to the town of Natick recorded in the Middlesex county south registry of deeds in Book 11457, Page 566.

Temporary Construction Easements. The appurtenant temporary construction easements are located in the town of Natick, shown on Sheets 4 through 9 of a plan entitled "Framingham Extension Relief Sewer Land Taking Plans in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority", dated January, 1993, prepared by ASEC Corporation and recorded as Plan Number 51 of 1993 on January 22, 1993 at the Middlesex county south registry of deeds and on Sheets FM-5, FM-6, FM-7, and FM-8 of plan entitled "Framingham Extension Relief Sewer Land Taking Plans (Force Main and Gravity Sewer) in Framingham, Natick, Wellesley and Dover, Mass. to be taken by the Massachusetts Water Resources Authority", prepared by ASEC Corporation to be recorded at the Middlesex county south registry of deeds.

SECTION 5. The more precise configuration of the parcels described in sections one, two, three and four of this act shall be as shown on that plan of land referenced in said sections one, two, three and four as such plan is further revised, if necessary, and recorded with the Middlesex county south registry of deeds and the Norfolk county registry of deeds. In the event that the property so described in this act contradicts or is inconsistent with such

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parcels as shown upon said plan of record, then said plan of record and any subsequent plans of record shall control as to the accuracy and correctness of such description.

SECTION 6. All property interest to the parcels described in sections one, two and three of this act shall revert to the commonwealth in the event that the Massachusetts Water Resources Authority no longer needs such land for the purpose of installing, maintaining and operating a sewer line.

SECTION 7. All property interest to the parcels described in section four of this act shall revert to the town of Natick in the event that the Massachusetts Water Resources Authority no longer needs such land for the purpose of installing, maintaining and operating a sewer line.

SECTION 8. All costs associated with the transfer and use of the parcels described in sections one, two, three and four of this act shall be borne by the Massachusetts Water Resources Authority.

SECTION 9. Chapter one hundred and thirty-two of the acts of nineteen hundred and ninety-four is hereby repealed.

Approved October 21, 1994.

Chapter 165. AN ACT ESTABLISHING THE BILLERICA FINANCIAL DEVELOPMENT CORPORATION.

Be it enacted, etc., as follows:

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

"Corporation", the Billerica Financial Development Corporation, established in section three.

"Financial institution", a 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", Onorio Cerrato, Brian H. Bullock, Robert A. Leverone, William G. Greene, Jr., and James T. Dangora, Sr.

SECTION 2. It is hereby directed that unused, underused or underdeveloped areas exist in parts of the town of Billerica including, but not limited to, the town center business district, Middlesex turnpike area, West Billerica and other areas of the town zoned for business and industrial use; that a redevelopment plan is necessary to retain existing commercial enterprises, to attract new commercial development and to promote the sound economic growth of said town; that the existence of such unused, underused or underdeveloped areas render persons and entities unwilling to locate in said town and cannot be dealt with effectively by the ordinary operation of private enterprise without the aids herein provided including, but not limited to, preventing recurrence of such conditions in

each such area, improving sites for business and industrial uses and disposing of property for redevelopment incidental to the foregoing; that the exercise of powers by the corporation and any assistance that may be provided by said town or 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 and underdeveloped areas for commercial purposes are public benefits for which private property may be regulated by wholesome and reasonable order, law and direction and for which public funds may be expended for the welfare of said town and the commonwealth.

It is hereby further found and declared that there exists in said town of Billerica a condition of underemployment which causes hardship to many individuals and families, wastes vital human resources, impedes the economic and physical development of said town and adversely affects the welfare and prosperity of the people; underemployment has been caused in substantial part by commercial companies moving from said town, that such facilities are underutilized or vacated, thereby creating additional underemployment; that such abandonment of existing facilities is causing serious injury to the economy of said town; that the commercial sector of the economy provides one of the best opportunities for jobs at higher wages for the inhabitants of said town; 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 suburban 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. There is hereby constituted a body corporate under the name of the Billerica Financial Development Corporation. Said corporation shall be subject to and shall have the powers and privileges conferred by the provisions 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 town of Billerica.

SECTION 5. The purposes of the corporation shall be to correct the conditions found to exist in the town of Billerica, as set forth in section two, to promote the common good and general welfare of said town, to improve the living standards of the citizens thereof by fostering the improvement of their employment opportunities, and to solicit, encourage and induce business organizations and educational institutions to locate in said town with an emphasis on expanding the tax base of said town.

The corporation shall assist and promote the development and expansion of business activities and business organizations in said town including, but not limited to, the town center business district, Middlesex turnpike area, West Billerica and other areas of the town zoned for business and industrial use.

In furtherance of the public purposes named herein and in addition to the powers con-

ferred on said corporation under the provisions of section three, said corporation shall, subject to the restrictions and limitations hereinafter provided, 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 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 lien upon, assignment of or agreement in regard to all or any part of the property, rights or privileges of said corporation whether now owned or hereafter acquired;

(d) to make loans to any person, firm, corporation, joint stock company, association or trust located or doing business in said town of Billerica for the purpose of promoting and developing business activities;

(e) to acquire improved and unimproved real estate for the purpose of constructing retail, commercial and residential or other business establishments thereon, for the purpose of disposing of such real estate for the construction of retail, commercial or other business establishments as the objectives and purposes of said corporation may require; provided, however, that 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 objectives 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 evidence 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 Massachusetts Office of Business Development, The United States Department of Commerce, the New England Regional Commission and any similar governmental agencies;

(i) to receive stocks, bonds, donations and gifts and to otherwise raise money for the above purposes;

(j) to elect, appoint and employ officers, agents and employees to enter into contracts and to incur liabilities for any of the purposes of said corporation;

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(k) to employ consultants; and

(l) to promote said town of Billerica as a retail, commercial, business, industrial, professional and financial center.

Said corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office nor publish or distribute any statements with respect thereto. Notwithstanding any other provision of this act, neither the members, directors, officers, nor said corporation shall participate in any of the prohibited transactions, as defined in section 503 of the Internal Revenue Code 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 said Internal Revenue Code, nor shall said corporation be operated at any time for the purpose of carrying on a trade or business for profit, or other than for a public purpose. The transactions in which the corporation engages shall not result in the private inurement of any of the incorporators, members, directors, officers or employees.

SECTION 6. Notwithstanding any rule at common law or any authorization, limitation or any other provision of any general or special law, or any provision in their respective charters, agreements of association, 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, any railroad corporation as defined in section one of chapter one hundred and sixty of the General Laws, financial institutions, trustees and the town of Billerica are hereby authorized to acquire, purchase, hold, sell, assign, transfer or otherwise dispose of any bonds, securities or other evidence of indebtedness of said corporation and to make contributions to said corporation.

Any contribution made under the provisions of this section to said corporation shall be in addition to the contributions authorized by section twelve C of chapter one hundred and fifty-five of the General Laws and by any other provisions of any general or special law.

SECTION 7. In order to carry out the purposes and exercise the powers of the corporation, the town of Billerica 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 8. The members of the corporation shall have the powers of the corporation to elect directors as provided in section ten and to exercise such other powers of said corporation as may be conferred on the members by the by-laws.

The members may determine by majority vote that the organization shall apply to become a tax exempt corporation under Section 501(c)(3) of the Internal Revenue Code. Upon achieving such tax-exempt status, the corporation shall be operated in compliance with applicable federal and state law and any inconsistent provisions contained herein shall not be effective.

SECTION 9. The board of directors of the corporation shall be elected annually and shall have the following powers of said corporation: (a) to set a fiscal year for the operation of the corporation; and (b) to make, amend, or repeal the by-laws in whole or in part.

SECTION 10. The business and affairs of the corporation shall be managed and

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conducted by a board of directors. Said board shall consist of up to fifteen members, one of whom shall be a person designated by the board of selectmen of the town of Billerica. The remaining voting members shall be elected annually by and from among the members of said corporation. There shall be elected by and from said board of directors a president, treasurer, secretary or clerk, and an executive committee of five active members. Said 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 11. The corporation shall not deposit any of its funds in a 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 12. 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 town of Billerica 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 13. 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 of the incorporators. There shall be recorded in the minutes of the meeting a copy of such notice or of such unanimous agreement by 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 the provisions of this act, under the seal of the commonwealth, and said corporation shall then be authorized to commence business.

SECTION 14. The corporation shall not be subject to any of the provisions of chapter sixty-three of the General Laws, nor shall said corporation be liable for any taxes based upon or measured by income, which may be enacted by the general court. The securities and evidence of indebtedness issued by said corporation and income therefrom shall, at all times, be free from taxation by the commonwealth.

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SECTION 15. This charter may be amended by the affirmative vote of two-thirds of the members entitled to vote; provided, however, that no such amendment which is inconsistent with the general purposes expressed herein or which eliminates or restricts the right of the state secretary to examine the corporation or the obligation of said corporation to make reports as provided in section twelve shall be made without the approval of the general court; and provided, further, that no amendment of this charter which affects a member's voting rights shall be made without the consent of such member affected by such amendment.

Within thirty days after any meeting at which amendments to 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 said state secretary determines that such amendments 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.

SECTION 16. 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.

SECTION 17. If the corporation shall fail to commence operations within three years from the effective date of this act, then the provisions of this act shall cease to be effective.

SECTION 18. This act shall take effect upon its passage.

Approved October 21, 1994.

Chapter 166. AN ACT AUTHORIZING THE TOWN OF GRAFTON TO LEASE A CERTAIN PARCEL OF LAND TO THE SOUTH GRAFTON WATER DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section three of chapter forty of the General Laws, the town of Grafton, acting by and through its board of selectmen, is hereby authorized to grant a lease, for a term of thirty years, which may be extended subject to the approval of said town for another term of thirty years, of a portion of a certain parcel of land, to the South Grafton Water District, said portion of the parcel being more particularly described as follows:

Beginning at the most southeasterly corner of the parcel herein described at land of the South Grafton Water District;

Thence N 25° 30' E three hundred sixty-six and 96/100 (366.96) feet by land of the

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South Grafton Water District to land now or formerly of Penn Central Railroad;

Thence by a curved line to the right having a radius of two thousand and 72/100 (2,000.72) feet a distance of one hundred thirty-nine and 95/100 (139.95) feet by land now or formerly of Penn Central Railroad to land now or formerly of John and Mary Kupiec;

Thence N 79° 32' W four hundred eighty-four (484) feet by land now or formerly of John and Mary Kupiec to a point;

Thence S 00° 15' 45" W two hundred eighty-three and 28/100 (283.28) feet to a point;

Thence N 40° 03' 30" E three hundred (300) feet to a point;

Thence S 79° 32' E approximately ninety-seven (97) feet to the point of beginning.

The last three courses being by other land of said town of Grafton.

Containing 164,228 square feet of land and being shown on a Plan entitled "Plan of Land in Grafton, Mass." dated August twenty-fourth, nineteen hundred and eighty-four, prepared by Whitman & Howard Inc. and recorded in the Worcester district of the Worcester county registry of deeds in Plan Book 662, Plan 42.

Approved October 21, 1994.

Chapter 167. AN ACT AUTHORIZING THE TOWN OF HULL TO ABATE CERTAIN SEWER ASSESSMENTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Hull is hereby authorized to abate sewer assessments on properties located at 1164 Nantasket avenue and 27 State Park road in said town for the time said properties were not connected to the sanitary sewer system of said town.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the town of Hull is hereby authorized to abate sewer assessment on certain properties where there was an error in billing computation.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the town of Hull is hereby authorized to abate sewer assessments on certain properties when it is determined said properties are not connected to the sanitary sewer systems of said town.

Approved October 26, 1994.

Chapter 168. AN ACT PROHIBITING CERTAIN ACTS RELATIVE TO COMPUTERS AND COMPUTER SYSTEMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 233 of the General Laws is hereby amended by inserting after

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section 79J the following section:-

Section 79K. A duplicate of a computer data file or program file shall be admissible in evidence as the original itself unless (1) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original.

For the purposes of this section, if data is stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, shall be an original.

A "duplicate of a computer data file or program file" shall mean a file produced by the same impression as the original, or from the same matrix, or by mechanical or electronic recording, in the normal way such a duplicate is produced on a computer, or by other equivalent techniques that accurately reproduce the original.

SECTION 2. Chapter 266 of the General Laws is hereby amended by inserting after section 33 the following section:-

Section 33A. Whoever, with intent to defraud, obtains, or attempts to obtain, or aids or abets another in obtaining, any commercial computer service by false representation, false statement, unauthorized charging to the account of another, by installing or tampering with any facilities or equipment or by any other means, shall be punished by imprisonment in the house of correction for not more than two and one-half years or by a fine of not more than three thousand dollars, or both. As used in this section, the words "commercial computer service" shall mean the use of computers, computer systems, computer programs or computer networks, or the access to or copying of the data, where such use, access or copying is offered by the proprietor or operator of the computer, system, program, network or data to others on a subscription or other basis for monetary consideration.

SECTION 3. Said chapter 266 is hereby further amended by inserting after section 120E, inserted by chapter 218 of the acts of 1993, the following section:-

Section 120F. Whoever, without authorization, knowingly accesses a computer system by any means, or after gaining access to a computer system by any means knows that such access is not authorized and fails to terminate such access, shall be punished by imprisonment in the house of correction for not more than thirty days or by a fine of not more than one thousand dollars, or both.

The requirement of a password or other authentication to gain access shall constitute notice that access is limited to authorized users.

SECTION 4. Section 127 of said chapter 266, as appearing in the 1992 Official Edition, is hereby amended by adding the following sentence:- The words "personal property", as used in this section, shall also include electronically processed or stored data, either tangible or intangible, and data while in transit.

SECTION 5. Chapter 277 of the General Laws is hereby amended by inserting after section 58A the following section:-

Section 58A½. The crimes described in sections thirty-three A and one hundred and twenty F of chapter two hundred and sixty-six and section one hundred and twenty-seven of said chapter two hundred and sixty-six when the personal property involved is electron-

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ically processed or stored data, either tangible or intangible, and data while in transit, may be prosecuted and punished in any county where the defendant was physically located at the time of the violation, or where the electronic data was physically located at the time of the violation.

Approved October 26, 1994.

Chapter 169. AN ACT RELATIVE TO THE SUBDIVISION CONTROL LAW.

Be it enacted, etc., as follows:

Section 81 O of chapter 41 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

A plan shall be submitted under this section when delivered at a meeting of the board or when sent by registered mail to the planning board. If so mailed, the date of receipt shall be the date of submission of the plan.

Approved October 31, 1994.

Chapter 170. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF ROCKLAND.

Be it enacted, etc., as follows:

SECTION 1. Subsection G. of section 2.02 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 twelve of chapter forty-three B of the General Laws, is hereby amended by striking out clause d. and inserting in place thereof the following clause:-

d. A Director of Emergency Management

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

Approved November 3, 1994.

Chapter 171. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF TRURO.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 3 of the charter of the town of Truro which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out the second paragraph.

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SECTION 2. The fourth paragraph of section 2 of said chapter 3 of said charter, as appearing in section 2 of chapter 181 of the acts of 1993, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- No person shall be a candidate for, or hold concurrently more than one elected town office.

SECTION 3. Paragraph 2 of section 4 of chapter 5 of said charter is hereby amended by adding the following words:-

Town Clerk

Town Treasurer

Collector of Taxes.

SECTION 4. Notwithstanding the provisions of sections one to three, inclusive, the incumbents in the offices of town clerk, town treasurer and collector of taxes on the effective date of this act shall continue to hold said offices and perform the duties thereof for the remainder of their unexpired terms unless sooner vacated.

Approved November 3, 1994.

**Chapter 172. AN ACT AUTHORIZING THE TOWN OF HOPEDALE TO ABATE
AND REIMBURSE CERTAIN TAX PAYMENTS.**

Be it enacted, etc., as follows:

The town of Hopedale is hereby authorized to appropriate and pay to the following persons the following amounts: Kevin M. and Donna M. Marsh, one thousand five hundred eighty-two dollars and twenty-eight cents; Arthur F. and Katherine A. Posch, one thousand eight hundred fifty-nine dollars and ninety-seven cents; Dominic Rizzo and Laurie Daubert, one thousand five hundred fifty-five dollars and twenty-four cents; James M. Clement Jr. and Ellen T. Brown, one thousand six hundred sixty-six dollars and thirty cents; Karl R. and Mary T. Zhongi, one thousand eight hundred twenty-three dollars and seventy-one cents; Joseph P. and Diane P. Luchini, one thousand five hundred eighty-seven dollars and eighty-three cents; and Karen Ryan and Mark Wyspianski, two thousand thirty-seven dollars and ninety-two cents for abatement and reimbursement of taxes assessed on their property in fiscal year nineteen hundred and ninety-three.

Approved November 4, 1994.

**Chapter 173. AN ACT PROVIDING FOR THE CREATION AND OPERATION OF
BUSINESS IMPROVEMENT DISTRICTS.**

Be it enacted, etc., as follows:

The General Laws are hereby amended by inserting after chapter 40N the following chapter:-

CHAPTER 40 O.
BUSINESS IMPROVEMENT DISTRICTS.

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

"Business improvement district board of directors" or "Board of directors", a locally designated board of property owners or their designees who are assigned responsibility for the management of a business improvement district.

"BID", a business improvement district formed pursuant to this chapter, which is a contiguous geographic area with clearly defined boundaries in which at least three-fourths of the area is zoned or used for commercial, industrial, retail, or mixed uses.

"BID member", a property owner who elects to participate in a BID.

"Elector", a BID member, or a natural person designated by a member to vote by proxy for such member; provided, however, that such designation shall be in writing and filed with the city or town clerk; provided, further, that only one such proxy may be designated by an owner.

"Fee", a payment for services or improvements specified by the BID improvement plan.

"Improvement plan", the strategic plan for the BID which sets forth the supplemental services and programs, revitalization strategy, budget and fee structure, as well as the management entity for the business improvement district, and is approved by the local municipal governing body as part of the creation of the BID. An improvement plan shall, within the limitations described in section nine, be updated at least once every three years by the BID board of directors, and a copy thereof shall be mailed or delivered to each BID member. The updated improvement plan shall take effect upon the approval of a majority of the electors. Any amendment to the improvement plan under section nine shall be deemed to be an update of the improvement plan.

"Local municipal governing body", the city council or board of aldermen in a city or the board of selectmen or town council in a town.

"Management entity", an entity designated in an improvement plan to receive funds to carry out and implement the purposes of the BID, and which shall be governed by the BID board of directors. The improvement plan may designate the BID board of directors to act as the management entity, or may designate that the management entity will be selected by the board of directors. If a management entity is utilized, such entity shall be required to furnish a surety bond conditioned on the faithful performance of its duties.

"Property", any real property located within the BID.

"Property owner", the owner of record of property.

"Standard government services", governmental functions, programs, activities, facilities, improvements and other services which a municipality is authorized to perform or provide.

"Supplemental service", the provision of programs, public services, activities, amenities, or information in addition to the standard governmental services provided to the BID.

Section 2. The rights and powers of a BID approved by a municipal governing body shall include: retaining or recruiting business; administering and managing central and neighborhood business districts; promoting economic development; managing parking; designing, engineering, constructing, maintaining, or operating buildings, facilities, urban streetscapes or infrastructures to further economic development and public purposes; conducting historic preservation activities; leasing, owning, acquiring, or optioning real property; supplementing maintenance, security, or sanitation; planning and designing services; formulating a fee structure; accumulating interest; incurring costs or indebtedness; entering into contracts; suing and being sued; employing legal and accounting services; undertaking planning, feasibility and market analyses; developing common marketing and promotional activities; and supporting public art and human and environmental services as related to the enhancement of the business district or other supplemental services or programs that would further the purposes of this chapter.

Section 3. The organization of a BID shall be initiated by a petition of the property owners within the proposed BID which shall be filed in the office of the clerk of the municipality.

Such petition shall contain:

- (1) the signatures of the owners of at least fifty-one percent of the assessed valuation of all real property within the proposed BID and sixty percent of the real property owners within the proposed BID;
- (2) a description of and a site map delineating the boundaries of the proposed BID;
- (3) the proposed improvement plan which shall set forth the supplemental services and programs, revitalization strategy, update mechanism, and budget and fee structures;
- (4) the identity and location of the management entity designated to implement and oversee the ongoing improvement plan; and
- (5) the criteria for waiving the fee for any property owner within the BID who can provide evidence that the imposition of such fee would create a significant financial hardship.

Such petition may include a mechanism for reimbursing the municipality for the costs incurred in establishing the BID, and for costs incurred in collecting the district fees.

A copy of said petition shall be filed with the secretary of the executive office of communities and development within thirty days of receipt of such petition by the clerk of the municipality.

Section 4. The local municipal governing body shall hold a public hearing within sixty days of the receipt of a petition. Written notification of such hearing shall be sent to each property owner within the boundary of the proposed BID at least thirty days prior to such hearing, by mailing notice to the address listed in the property tax records. Notification of the hearing shall also be published for two consecutive weeks in a newspaper of general circulation in the area at least fourteen days prior to such hearing. Such public notice shall contain the proposed boundaries of the BID, the proposed fee level, the proposed benefits, the basis for determining the district fee, and the process by which a property owner may elect not to participate in or benefit from such BID.

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Prior to the public hearing, the local municipal governing body shall direct the town clerk or city clerk or his designee to determine that the establishment criteria has been met as set forth in section three.

At the public hearing, the local municipal governing body shall determine if the petition satisfies the purposes set forth and the establishment criteria of this chapter and shall obtain public comment regarding the improvement plan and the effect the proposed BID will have on the property owners, tenants, and others within the BID. If it appears that said petition is not in conformity with the purposes and establishment criteria, the local municipal governing body shall dismiss the petition. At the public hearing, the presiding officer or clerk of said governing body shall read into the record the basis for determining the district fee pursuant to section seven and the process for property owners to follow who elect not to participate in or benefit from said BID in accordance with the provisions of this section.

Within forty-five days after the public hearing, the local municipal governing body, in its sole discretion, may by a vote declare the district organized and describe the boundaries and service area of the district. Upon such declaration, the BID may commence operations.

Notice of the declaration of the organization of the BID and of the time period within which an owner of real estate within the district may elect not to participate shall be mailed or delivered to each property owner within the proposed BID. Said notice shall describe the process by which a property owner may elect not to participate in the BID, explain that membership in the bid is irrevocable until dissolution of the BID or a transfer of BID property, and include a description of the basis for determining the district fee, the projected fee level, and the proposed services to be provided by the BID. Such notice shall also be published for two consecutive weeks in a newspaper of general circulation in the area, the last publication being at least seven days prior to the last date for an election not to participate.

Any property owner within the BID may, within thirty calendar days after such declaration of organization by the local municipal governing body, elect not to participate and not be subject to the BID fee. Such property owner shall notify, in writing, the city or town clerk of the intent not to participate in the BID. Such property owner shall not receive benefits or services from the BID. Property owners who choose not to participate in the BID may, at a later date, elect to participate in the BID by notifying the city or town clerk, the BID board of directors, and the management entity in writing. The decision to participate in the BID shall be permanent until dissolution of the BID as set forth in section ten, or until the transfer of such property as provided herein. Upon the transfer of any participating property, the new owner shall have the option to withdraw the property from BID participation within thirty days of closing; provided, however, that the new owner shall reimburse the BID for the allocable share of any debt which may have been incurred but remains unpaid prior to the date of withdrawal, as determined by the management entity.

Nothing in this section shall prevent the filing of a subsequent petition for a similar project.

Section 5. Each BID shall have a board of directors who shall oversee the manage-

ment entity to insure the implementation of the improvement plan. The BID board of directors shall be designated by a majority vote of the electors, or their designees, who own real property participating in the BID. The local municipal governing body may establish rules and regulations governing the BID board of directors.

Section 6. All real property located within the proposed BID shall be considered in the fee formula for the supplemental services and programs as outlined in the improvement plan.

The municipality may exempt from fees certain properties, specifically classified as: (1) owner-occupied residential; (2) agricultural; or (3) tax exempt.

Section 7. By formal approval of a BID, the local municipal governing body shall adopt the district fee structure for the financing of items submitted in the improvement plan for the BID; provided, however, that the total fees assessed in any one year may not exceed one-half of one percent of the sum of the assessed valuation of the real property owned by participating members in the BID district.

The basis of such district fee may be determined by a formula utilizing any one or a combination of the following:

- (1) different levels for varying classifications of real property;
- (2) benefit zones;
- (3) assessed valuation;
- (4) square footage;
- (5) street frontage; or
- (6) any other formula which meets the objectives of the BID.

The BID, through its improvement plan, shall have the option to limit or cap the maximum annual fee derived from individual properties or the total annual revenue generated by the BID.

The formula for determining the district fee structure shall be set forth in the original petition as required by section three.

In addition to receiving funds from the district fee, the management entity shall be authorized to receive grants, donations or gifts on behalf of the BID.

Section 8. The collector-treasurer of each municipality is hereby authorized to collect such district fees in designated BIDs and to disburse the funds to the designated management entity.

The district fees collected shall be used solely to fund items identified and approved in the improvement plan for the BID.

The collector-treasurer shall disburse revenues to the management entity within thirty days of the collection of such fees, together with the interest earned on the holding of such fees.

Following establishment of the BID, all fees billed by or on behalf of the BID and unpaid after thirty days from the date of billing shall become a lien on the property, which shall have priority over all other liens except municipal liens and mortgages of record prior to the recording of a notice of lien, if notice of the lien is duly recorded by the management entity in the appropriate registry of deeds or land court registry district.

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An annual audit, certified by a certified public accountant, of the revenues generated, grants, donations, and gifts received by the BID and its expenses shall be made within one hundred and twenty days of the close of the fiscal year, and shall be placed on file with the collector. Such accounting shall be a public record.

Section 9. At any time after the establishment of a BID pursuant to the provisions of this chapter, the improvement plan upon which the establishment was based may, upon the recommendation of the BID board of directors, with the concurrence of the owners of at least fifty-one percent of the assessed valuation of all participating real property within the BID and fifty-one percent of the participating real property owners within the BID, be amended by the local municipal governing body after compliance with the procedures set forth in this section.

Amendments to the BID improvement plan which provide for additional improvements, program services or expenditures which affect more than twenty-five percent of the total project budget, incurring indebtedness, changes to the fee structure or management entity or changes to the district boundaries shall be subject to the approval of the local municipal governing body; provided, however, that said governing body, after a public hearing, determines that it is in the public interest to adopt said amendments.

The local municipal governing body shall give notice of the public hearing for amendment by publication of a notice, in at least one newspaper having general circulation in the district, specifying the time and the place of such hearing and the amendments to be considered. Such notice shall be published once at least thirty days prior to the date of such hearing.

The local municipal governing body may, within thirty days of the public hearing and, in its sole discretion, declare the amendments approved or disapproved. If approved, such amendments shall be effective upon the date of such approval.

Upon the adoption of any amendment to the district boundaries which increases the size of the district, any owner of property to be added to the district shall be notified of the new boundaries of the district in accordance with section four and may elect not to participate in the BID as provided in such section.

Section 10. A BID may be dissolved by petition to the local municipal governing body and a subsequent decision by such governing body to authorize dissolution.

In order to be considered by the local municipal governing body, a petition to dissolve a BID shall contain the signatures of the owners of at least fifty-one percent of the assessed valuation within the district or at least fifty-one percent of the real property owners within the district.

The local municipal governing body shall hold a public hearing within thirty days of receipt of a completed petition on the issue of dissolution.

Following the public hearing, the local municipal governing body may declare the BID dissolved; provided, however, that no BID shall be dissolved until it has satisfied or paid in full all of its outstanding indebtedness, obligations, and liabilities; or until funds are on deposit and available therefor; or until a repayment schedule has been formulated and municipally approved therefor. In addition, the BID shall be prohibited from incurring any

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new or increased financial obligations.

Any liabilities, either current or future, incurred as a result of action to accomplish the purposes of the BID improvement plan shall not be an obligation of the municipality, but said liabilities shall be paid for entirely from revenue gained from the project or facilities authorized, or from the fees on the properties in the BID.

Upon the dissolution of a BID, any remaining revenues derived from the sale of assets acquired with fees collected shall be refunded to the property owners in the BID in which fees were charged by applying the same formula used to calculate the fee in the fiscal year in which the BID is dissolved.

Approved November 7, 1994.

Chapter 174. AN ACT RELATIVE TO PRIVATE ROADS IN THE TOWN OF BARNSTABLE.

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 borrow from time to time as authorized by a two-thirds vote of the town council such sums as may be necessary, not to exceed, in the aggregate, ten million dollars, for the purpose of making repairs to private ways within said town. Each authorized issue shall be payable within fifteen years from its date. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section ten of chapter forty-four of the General Laws but, except as provided herein, shall otherwise be subject to the provisions of said chapter forty-four.

Approved November 7, 1994.

Chapter 175. AN ACT RELATIVE TO HOUSING FOR THE ELDERLY IN THE TOWN OF DOVER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B of the General Laws, the town of Dover is hereby authorized to convey, for nominal consideration, a certain parcel of land located in said town, acquired for general municipal purposes, to the Dover Community Development Corporation, Inc. or to another nonprofit corporation for the purpose of constructing affordable housing. Said parcel is shown as Lot B on a plan entitled "Plan of Land in Dover, MA.", dated February nineteenth, nineteen hundred and ninety-two, drawn by Needham Survey Associates, Inc. which plan is on file in the office of the town clerk.

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SECTION 2. The grantee of the conveyance authorized in section one shall grant to the town of Dover an affordable housing restriction as defined in section thirty-one of chapter one hundred and eighty-four of the General Laws.

SECTION 3. Notwithstanding the provisions of section four of chapter one hundred and fifty-one B of the General Laws, it shall not be an unlawful practice for the grantee of the conveyance authorized in section one, or its successors or assigns, to refuse to rent, lease, or sell or negotiate for sale or otherwise deny or withhold from any person or group housing accommodations built or to be built under the provisions of this act because of age or to cause to be made any written or oral inquiry of the age of any person seeking to rent, lease or purchase any such accommodation; provided, however, that such accommodations are part of a retirement community having not more than seventeen units which retirement community has a minimum age requirement for residency of at least fifty-five years; and, provided further, that no more than one occupant of any unit may be under the age of fifty-five exclusive of nurses and other persons providing health care services to elderly occupants.

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

Approved November 7, 1994.

**Chapter 176. AN ACT REGARDING A PILOT PROGRAM FOR THE LICENSURE
OF NURSES CLINICS OPERATED BY PINE STREET INN, INC.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the department of public health shall, after public hearing, promulgate rules and regulations for a pilot program for the licensing and conduct of nurses clinics for the homeless by Pine Street Inn, Inc. and its related entities at their various facilities.

The services provided by such nurses clinics for the homeless under said pilot program may include, but need not be limited to, nursing care provided by or under the supervision of a registered professional nurse. Under said pilot program, said department of public health shall issue for a term of two years, and renew for a like term and for successive like terms, a license to Pine Street Inn, Inc. or its related entities to operate and maintain such nurses clinics for the homeless. Such license shall be subject to suspension, revocation, or refusal to renew for cause. Nurses clinics for the homeless shall not be subject to the provisions of sections twenty-five B to twenty-five G, inclusive, of chapter one hundred and eleven of the General Laws.

Approved November 10, 1994.

Chapter 177. AN ACT ESTABLISHING A BOARD OF SELECTMEN - TOWN ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF DEDHAM.

Be it enacted, etc., as follows:

SECTION 1. Section 3-1 of Article 3 of the charter of the town of Dedham, 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 subsection (e) and inserting in place thereof the following subsection:-

(e) Coordination - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen or of the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.

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

Section 3-2. BOARD OF SELECTMEN.

(a) Composition, Term of Office - There shall be a board of selectmen consisting of five members elected 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.

(b) Powers and Duties in General - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive office of the town. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. The board of selectmen shall serve as the chief policy making agency of the town. The board of selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony. Provided however, nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under it.

(c) Licensing Authority - The board of selectmen shall be a licensing board for the town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.

(d) Appointments - The board of selectmen shall appoint: a town administrator; constables, registrars of voters and other election officers, but not the town clerk; the members of the board of appeals, conservation commission, historic district commission, industrial development finance authority, if any, and other members of multiple member bodies the functions of which do not involve direct operating responsibilities but are primarily policy making or advisory in nature and other individuals who are to serve as rep-

representatives of the town to the governing or advisory bodies of area, regional or district authorities.

(e) Investigations - The board of selectmen may investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. Copies of the full text of the report of the results of any such investigation shall be placed on file in the office of the board of selectmen, the office of the town clerk and in the town library and a report summarizing the results of such investigation shall be printed in the next annual town report.

SECTION 3. Said charter is hereby further amended by striking out Article 4 and inserting in place thereof the following article:-

ARTICLE 4

TOWN ADMINISTRATOR

Section 4-1. APPOINTMENT; QUALIFICATION; TERM.

The board of selectmen shall appoint the town administrator to serve for a definite term of not more than five years and shall fix the compensation for such person, annually, within the amount appropriated by the town. The town administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The town administrator shall be a person qualified by education, training and previous experience to perform the duties of the office. A town administrator need not be a resident of the town of Dedham or of the commonwealth at the time of appointment, but, unless the board of selectmen shall, by a majority of its members extend such time or waive such requirement, said administrator shall establish a residence within the town of Dedham within twelve months following his appointment. The town administrator shall not have served in any elected office in the town government for at least twelve months prior to appointment. The town may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate. The town administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor be actively engaged in any other business or occupation during such service, unless such action is approved in advance and in writing by the board of selectmen. The board of selectmen shall provide for an annual review of the job performance of the town administrator which shall, at least in summary form, be a public record.

Section 4-2. POWERS AND DUTIES.

The town administrator shall be the chief administrative officer of the town, directly responsible to the board of selectmen for the administration of all town affairs for which the office of town administrator is given responsibility by or under this charter. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

(a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of town administrator is given authority, responsibility or control by this charter, by by-law, by town meeting vote, by vote of the board of selectmen, or otherwise.

(b) To appoint, and in appropriate circumstances to remove, subject to the provisions

of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, members of boards and commissions and officers, who report directly to the town administrator. Such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen, unless, within that period, the board of selectmen by a vote of at least three of its members shall vote to reject such appointment, or, has sooner voted to affirm it. Copies of the notices of all such appointments shall be posted on the town bulletin board when submitted to the board of selectmen.

(c) To be entrusted with the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the school department.

(d) To fix the compensation of all appointed officers and employees within the limits established by appropriations.

(e) To attend all regular and special meetings of the board of selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings. To keep the board of selectmen fully advised concerning the status of all matters which have been referred to the office of the town administrator by the board of selectmen by providing to its members for review at each regular meeting of the board of selectmen a full and complete summary of all activity conducted by the office of the town administrator since the last meeting of the board of selectmen.

(f) To assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the board of selectmen, but not less frequently than quarterly, a full report of all town administrative operations during the period reported on, which report shall be made available to the public.

(g) To keep the board of selectmen fully advised as to the needs of the town and shall recommend to the board of selectmen and to other elected town officers and agencies for adoption such measures requiring action by them or by the town meeting as the town administrator may deem necessary or expedient.

(h) To have full jurisdiction over the rental and use of all town facilities and property except property under the control of the school committee, or the conservation commission. The town administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town administrator's control by this charter, by by-law, by vote of the town or otherwise.

(i) To prepare and present, in the manner provided in Article 5A, an annual operating budget for the town and a proposed capital outlay program for the five fiscal years next ensuing.

(j) To assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the school committee.

(k) To negotiate all contracts involving any subject within the jurisdiction of the of-

fice of town administrator, including contracts with town employees, except employees of the school department, involving wages, hours and other terms and conditions of employment. All contracts shall be subject to ratification and execution by the board of selectmen.

(l) To be responsible for purchasing all supplies, material and equipment for all departments and activities of the town. The town administrator shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency. The town administrator shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any town agency.

(m) To see that all of the provisions of the general laws, of this charter, town by-laws and other votes of the town meeting, and votes of the board of selectmen which require enforcement by the town administrator or officers subject to the direction and supervision of the town administrator are faithfully executed, performed or otherwise carried out.

(n) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other town agency.

(o) To attend all sessions of all town meetings and answer all questions raised by voters which relate to warrant articles and to matters over which the town administrator exercises any supervision.

(p) To reorganize, consolidate or abolish, in the manner provided in Article 5, town agencies serving under the supervision of the town administrator, in whole or in part, provide for new town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.

(q) To coordinate the activities of all town agencies serving under the office of town administrator and the office of board of selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For the purpose of effecting coordination and cooperation among all agencies of the town, the town administrator shall have authority to require the persons so elected, or their representatives, to meet with the town administrator, at reasonable times, to submit such reports of their doings and summaries of actions taken as may be deemed to be necessary or desirable to have available for the purpose of such coordination.

(r) To perform any other duties as are required to be performed by the town administrator by by-laws, administrative code, votes of the town meeting, or votes of the board of selectmen, or otherwise.

Section 4-3. DELEGATION OF AUTHORITY.

The town administrator may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of town administrator, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the town administrator.

Section 4-4. ACTING TOWN ADMINISTRATOR.

(a) Temporary Absence - By letter filed with the town clerk, the town administrator shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town administrator during a temporary absence. During a tem-

porary absence the board of selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the town administrator shall return.

(b) *Vacancy* - Any vacancy in the office of town administrator shall be filled as soon as possible by the board of selectmen in the manner provided in section 4-1, however, pending such regular appointment the board of selectmen shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three months but one renewal may be voted by the board of selectmen not to exceed a second three months. Compensation for such person shall be set by the board of selectmen but shall not exceed the compensation paid to the most recent incumbent of the office of town administrator.

(c) *Powers and Duties* - The powers of a temporary or acting town administrator, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations.

Section 4-5. REMOVAL AND SUSPENSION.

The board of selectmen by the affirmative votes of three or more members may terminate and remove, or suspend, the town administrator from office in accordance with the following procedure.

(a) The board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of at least three of its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town administrator for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town administrator forthwith.

(b) Within five days after receipt of the preliminary resolution, the town administrator may request a public hearing by filing a written request for such hearing with the board of selectmen. This hearing shall be held at a meeting of the board of selectmen not later than thirty days after the request is filed nor earlier than twenty days. The town administrator may file a written statement responding to the reasons stated in the resolution of removal with the board of selectmen provided that said statement is received at the board of selectmen office more than forty-eight hours in advance of the public hearing.

(c) The board of selectmen may adopt a final resolution of removal, which may be made effective immediately, by the affirmative votes of three of its members not less than ten nor more than twenty-one days following the date of delivery of a copy of the preliminary resolution to the town administrator, if the town administrator has not requested a public hearing; or, within ten days following the close of the public hearing if the town administrator has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the town administrator shall, at the expiration of said time, forthwith resume the duties of the office. The town administrator shall continue to receive a salary until the effective date of a final resolution of removal. The action of the board of selectmen in suspending or removing the town administrator shall be final, it being the intention of this provision to vest

all authority and fix all responsibility for such suspension or removal solely in the board of selectmen.

SECTION 4. Article 5 of said charter is hereby amended by striking out section 5-1 and inserting in place thereof the following section:-

Section 5-1. COMPTROLLER.

(a) **Appointment, Term of Office** - There shall be a town comptroller appointed by the town administrator, with the consent of the board of selectmen, for an initial term of three years. Whenever a comptroller who has served an initial term of three years is reappointed to the office such appointment shall be deemed to be for an indefinite term, not subject to further reappointment. In making an appointment to the office the town administrator shall establish specific goals and objectives to be met by the appointee during the period of the appointment, or at designated periods during the period of appointment. Failure to meet the stated goals and objectives shall constitute grounds for dismissal. A town comptroller may be removed from office in accordance with the procedures established in section 6-15.

(b) **Salary** - In establishing an annual salary for the town comptroller the town administrator shall take into account both the quality of the applicant or incumbent and the economic forces of the human resource market.

(c) **Powers and Duties** - In addition to all of the powers and duties conferred and imposed by law upon town accountants the town comptroller shall have the following powers and duties:

(1) the comptroller shall be responsible for coordinating and directing all aspects of the town's financial practices and procedures consistent with Massachusetts General Laws and shall have oversight of all accounting, treasury, collection, assessment, risk management and automated data processing functions of the town.

(2) the comptroller shall be responsible to assure that all financial transactions of the town are in accordance with all requirements of federal, state county and local law and all rules and regulations relating thereto.

(3) the comptroller shall be responsible to assure that all financial resources of the town are adequately safeguarded and utilized.

(4) the comptroller shall be responsible for both short term and long term financial planning for the town.

(5) the comptroller shall be an ex officio member of every multiple member body of the town which is in any way concerned or involved with financial planning, policies or practices, specifically including the finance committee or any other committee established to advise the town meeting with respect to appropriations to be made. The comptroller may designate another to attend any meeting of any such multiple member body to represent the views of the town comptroller.

(d) **Acting Comptroller** - In the event of a vacancy in the office, or the temporary absence of the comptroller due to illness or other cause, the town administrator may appoint an acting comptroller to serve for not more than ten days. If a vacancy will exist for more than ten days, the consent of the board of selectmen shall be required for any such temporary

appointment.

(e) Bond - The comptroller shall give bond to the town with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of the duties of said office. The premium for such bond shall be paid by the town.

SECTION 5. Article 5 of said charter is hereby further amended by striking out section 5-2 and inserting in place thereof the following three sections:-

Section 5-3. ORGANIZATION OF TOWN AGENCIES.

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

(a) By-Laws - Subject only to express prohibitions in a general law or the provisions of this charter, the town meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part, establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

(b) Administrative Code - The town administrator, after consultation with the board of selectmen, may from time to time prepare and submit to the annual town meeting, plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Whenever the town administrator prepares such a plan the board of selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not later than fourteen days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town meeting by an appropriate warrant article. An organization or reorganization plan shall become effective at the start of the next fiscal year following the date of adjournment of the town meeting at which the proposal is submitted unless the town meeting shall, by a majority vote, vote to disapprove the plan. The town meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

The town administrator may, through the administrative code, and subject only to express prohibitions in a General Law or this charter, reorganize, consolidate or abolish any town agency, in whole or in part, establish such new town agencies as is deemed necessary to the same extent as is provided in section 5-3 (a), above, for by-laws, and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless this charter specifically so provides.

Section 5-4. PUBLICATION OF ADMINISTRATIVE CODE AND STAFFING

PLAN.

For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to the by-laws of the town of Dedham. The personnel staffing plan, prepared in conformity with section 4-2 (c), shall be published annually in the town report.

Section 5-5. MERIT PRINCIPLE.

All appointments and promotions of town officers and employees shall be made on the basis of merit and fitness, demonstrated by examination or by other evidence of competence and suitability.

SECTION 6. Said charter is hereby further amended by inserting after Article 5 the following article:-

**ARTICLE 5A
FINANCE AND FISCAL PROCEDURES**

Section 5A-1. FISCAL YEAR.

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by General Law.

Section 5A-2. SCHOOL COMMITTEE BUDGET.

(a) Public Hearing - At least seven days before the meeting at which the school committee is to vote on its final budget request, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public, and the date, time and place when a public hearing will be held by the school committee on the proposed budget. The school committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

(b) Submission to Town Administrator - The budget, as adopted by the school committee, shall be submitted to the town administrator, within the time fixed by by-law, before the date the town administrator is required to submit a proposed town budget to the finance committee to enable the town administrator to consider the effect of the school department's requested appropriation upon the total town operating budget, which is required to be submitted under this article.

Section 5A-3. SUBMISSION OF BUDGET AND BUDGET MESSAGE.

Within the time fixed by by-law, before the annual town meeting is to convene, the town administrator, after consultation with the board of selectmen, shall submit to the finance committee a proposed, balanced, operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town administrator shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

Section 5A-4. BUDGET MESSAGE.

The budget message of the town administrator shall explain the budget for all town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the town's debt position and include other material as the town administrator deems desirable or the board of selectmen may reasonably require.

Section 5A-5. THE BUDGET.

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by General Law, by this charter, or by by-law, it shall be in the form which the town administrator deems desirable or the board of selectmen may require. In the presentation of the budget, the town administrator shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The budget shall show, in detail, all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a) proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the method of financing such expenditures;
- (b) proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure; and
- (c) estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 5A-6. ACTION ON THE BUDGET.

(a) Public Hearing - Forthwith upon its receipt of the proposed operating budget the finance committee shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

(b) Review - The finance committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration. The finance committee may require the town administrator, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(c) Action by Town Meeting - The finance committee shall file a report containing its recommendations for the action to be taken on each line item in the proposed operating budget as submitted by the town administrator, which report shall be available as provided in sections 5 and 6 of Chapter II of the Revised By-Laws of the Town of Dedham. When

the proposed operating budget for the ensuing fiscal year is before the town meeting for action the prevailing motion shall be: "Shall the operating budget be adopted in the amounts as recommended by the finance committee?"

Section 5A-7. CAPITAL IMPROVEMENT PROGRAM.

The town administrator shall submit a capital improvement program to the board of selectmen and the finance committee at least one hundred and fifty days before the start of each fiscal year. Said program shall be based on material prepared by the capital improvement committee established by by-law, if any, including:

- (a) a clear and concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement; and,
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the town administrator with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

Section 5A-8. APPROVAL OF WARRANTS.

The town administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared and signed by the comptroller in accordance with the provisions of the General Laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator and at least three members of the board of selectmen shall be sufficient authority to authorize payment by the town treasurer, but the board of selectmen alone shall approve all warrants prepared and signed by the comptroller in the event of the absence of the town administrator or a vacancy in the office of town administrator.

Section 5A-9. AUDITS.

The board of selectmen shall annually provide for an independent audit of all financial books and records of the town, or, whenever it deems an audit of the whole town or of any particular town agency, to be necessary.

Audits of the town's financial books and records shall be conducted by a certified public accountant, or firm of such accountants, having no interest, direct or indirect, in the affairs of the town.

SECTION 7. Article 6 of said charter is hereby amended by inserting after section 6-13 the following two sections:-

Section 6-14. APPOINTMENTS AND REMOVALS.

Except as otherwise provided in this charter, the town administrator shall appoint, subject to the consent of the board of selectmen, all persons categorized as heads of departments. Except as may otherwise be required by the civil service law, appointments made by the town administrator shall be for periods not to exceed five years. The town administrator may suspend or remove any person appointed by the town administrator in ac-

cordance with the procedure established in section 6-15. The decision of the town administrator in suspending or removing a department head shall be final.

All persons categorized as department heads shall, subject to the consent of the town administrator, appoint all assistants, subordinates and other employees of the department for which such person is responsible. The department head may suspend or remove any assistant, subordinate or other employee of the department for which such person is responsible in accordance with the procedures established in section 6-15. The decision of the department head to suspend or remove any assistant, subordinate or other employee shall be subject to review by the town administrator. A person for whom a department head has determined that suspension or removal is appropriate may seek review of such determination by the town administrator by filing a petition for review in the office of the town administrator, in writing, within ten days following receipt of notice of such determination. The review by the town administrator shall follow the procedures established in section 6-15. The decision of the town administrator shall be final.

Section 6-15. REMOVALS AND SUSPENSIONS

Any appointed town officer, member of a multiple member body or employee of the town, not subject to the provisions of the state civil service law or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term "good cause" shall include, but not be limited to incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the appointing authority if such action is deemed, by said appointing authority, to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure provided.

The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

(a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered in hand, or by certified mail, return receipt requested, to the last known address of the person sought to be removed.

(b) Within five days following delivery of such notice, the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel and shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

(c) Between one and ten days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six and fifteen days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure

of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when the original term expires.

SECTION 8. The provisions of sections one to seven, inclusive, shall take effect upon their adoption by the voters of the town of Dedham except as hereinafter provided:-

(a) Until such time as the town meeting may act, by by-law, to establish a higher minimum salary, and to provide a range within which the first candidates for the office of town administrator may be recruited, the salary range for the position is hereby declared to be not less than fifty-five thousand nor more than seventy-five thousand dollars per year.

(b) Until such time as the town meeting may act, by by-law, to establish different qualifications for the office, the town administrator, in addition to the qualifications as stated in section 4-1, shall have the following specific qualifications,

(1) hold at least an earned bachelor degree in public administration or a closely related field from a recognized, accredited college or university, and ten years experience as a public administrator, the most recent three years of which shall have been as a chief administrative officer; or,

(2) hold an earned bachelor degree in any field and an earned master degree in public administration; from a recognized, accredited college or university, and five years experience as a public administrator, the most recent three years of which shall have been as a chief administrative officer.

The term "chief administrative officer" shall mean a person who has had major responsibilities in a municipality, under any title, in most, if not all, of the following areas: general supervision and management of all administrative agencies of a city or town, but not including schools; direct involvement in the formulation of budget proposals for all municipal offices and agencies and the administration of the budget throughout the fiscal year; purchasing; and personnel administration.

(c) The position of executive secretary, established by article 4 of the Dedham Home Rule Charter of 1974 is hereby abolished effective upon the assumption of office by the first town administrator appointed pursuant to the provisions of the revised charter, provided, however, the incumbent of said office may be continued in town service for a period of up to ninety days following such assumption of office for the purpose of providing transitional assistance to the first town administrator. While it is the intention of this provision and subsection (b), above, that there be a widespread, diligent search for candidates for the office of town administrator and that the incumbent executive secretary is not automatically to be continued in office as the town administrator, nothing contained in this document shall be construed in any way as to prevent the incumbent of said office from applying for, or from being considered as a candidate to fill, such position, provided such person possess all other qualifications.

(d) Forthwith following the election at which these charter amendments are accept-

ed, a special committee of seven members shall be appointed by the board of selectmen to revise the by-laws of the town in order to fully implement the provisions of these charter amendments. Said committee shall submit a report and recommendations to the town meeting for adoption by a warrant article at a session of the town meeting held not later than the year following the year in which these charter amendments are accepted. At least one member of said committee shall have been a member of the charter commission of 1993-94.

(e) Notwithstanding any provision of this charter to the contrary, it is not expected that the first person to serve as town administrator shall forthwith upon appointment begin at once to perform all of the duties and exercise all of the powers, duties and responsibilities assigned by this charter to the office of town administrator. It is recognized that in the best long-range interest of the town of Dedham, that such assumption must be gradual and on a phased-in basis.

(f) The provisions of section 5A-2 and section 5A-6 of the charter shall not become effective until the year following the year in which these amendments to the charter are adopted.

(g) Until such time as the following time periods may be changed, by by-law, for the purpose of charter section 5A-2 (h) and charter section 5A-3, the following shall apply: The town administrator shall submit a proposed town operating budget to the finance committee not less than sixty days prior to the date on which the town meeting is to convene in its annual meeting. The school committee shall submit its proposed operating budget to the town administrator at least seventy-five days prior to the date on which the town meeting is to convene in its annual meeting.

(h) Until such time as the following provision may be amended, repealed or revised in accordance with the procedures in Article 5, a department of public works is hereby established as follows:

Department of Public Works.

(1) Establishment, Scope - There shall be a department of public works responsible for the performance of all public works related activities of the town. The department of public works shall assume all of the duties and responsibilities related to public works activities which prior to the adoption of these charter revisions were performed under section 5-2 of the 1974 home rule charter.

(2) Commissioner of Public Works - The department of public works shall be under the direct control and supervision of a commissioner of public works who shall be appointed by and who shall be responsible to the town administrator. The commissioner of public works shall serve for an indefinite term. The commissioner of public works shall be a person especially fitted by education, experience and training to perform the duties of said office. The commissioner of public works shall be responsible for the supervision and coordination of all activities of the department of public works in accordance with state statutes, town by-laws, administrative code and rules and regulations.

(3) Policy Formulation - The board of selectmen, acting through the town administrator, shall be responsible for the overall supervision of the department of public works and for the establishment of priorities and policies to govern the operation of the de-

partment. The board of selectmen shall establish and set the fees or charges for all services provided by the department of public works.

SECTION 9. This act shall be submitted for acceptance to the voters of the town of Dedham at the annual town election to be held in the year nineteen hundred and ninety-five 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-four entitled 'An act establishing a board of selectmen-town administrator form of government in the town of Dedham' be accepted?" which question shall be followed by a brief summary of the amendments to be prepared by the town counsel.

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

SECTION 10. Section nine of this act shall take effect upon its passage.

Approved November 16, 1994.

Chapter 178. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF GREENFIELD.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Greenfield, which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 18.5 and inserting in place thereof the following section:-

18.5 Measures in General. The town council may pass any measure through all its stages at one meeting. But, if any five members object, a vote on the measure shall be postponed to the next meeting of the town council.

SECTION 2. Section 18.7 of said charter is hereby amended by striking out, in lines 5 and 6, the words "before its initial consideration by either the town council or a standing committee of the town council" and inserting in place thereof the following words:- before being voted on by the town council.

SECTION 3. Said charter is hereby further amended by striking out section 19.3 and inserting in place thereof the following section:-

19.3 Supplementary Budgets. Whenever there shall be submitted to the town council a request for an appropriation of any sum of money, whether as a supplement to the annual operating budget or for an item or items not included therein, the town council shall not act upon such request until it has (1) given notice by publication in a local newspaper of the request not less than five days before the public hearing concerning such request; and (2) held a public hearing concerning such request by either the town council or a standing committee of the town council. Such public hearing may be held as part of the town council meeting, which votes on such request, or at any time prior thereto.

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SECTION 4. Said charter is hereby further amended by striking out section 28.15 and inserting in place thereof the following section:-

28.15 Election Day. The words "annual election day" shall mean the second Tuesday in June and all election days other than the second Tuesday in June shall take place on a Tuesday. All elected officials shall take office on July first, and all previously elected officials shall remain in office until June thirtieth.

Approved November 16, 1994.

Chapter 179. AN ACT DESIGNATING A CERTAIN BRIDGE CONNECTING THE TOWN OF SOUTH HADLEY AND THE CITY OF HOLYOKE AS THE SOUTH HADLEY-HOLYOKE VIETNAM VETERANS MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge located over the Connecticut River on state highway Route 116 connecting the town of South Hadley and the city of Holyoke shall be designated and known as the South Hadley - Holyoke Vietnam Veterans memorial bridge. Suitable signs bearing said designation shall be erected thereon by the department of highways in compliance with the standards of said department.

Approved November 16, 1994.

Chapter 180. AN ACT RELATIVE TO THE PROCUREMENT OF PHOTOGRAPHY SERVICES BY PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

Paragraph (b) of section 1 of chapter 30B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 81, the word "or",- by striking out, in line 88, the word "materials." and inserting in place thereof the following:- materials; or

(31) an agreement for the purchase of photography services entered into by a public school.

Approved November 16, 1994.

Chapter 181. AN ACT ESTABLISHING A SICK LEAVE BANK FOR LINDA M. REGO, AN EMPLOYEE OF THE EXECUTIVE OFFICE OF HEALTH AND HUMAN 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 executive office of health and human 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 executive office of health and human services is hereby authorized and directed to establish a sick leave bank for Linda M. Rego, an employee of said executive office. Any employee of said executive office may voluntarily contribute one or more of his sick, personal or vacation days to said sick leave bank for use by said Linda M. Rego.

The foregoing was laid before the Governor on the seventh day of November, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 182. AN ACT AUTHORIZING SPECIAL ASSESSMENTS FOR WATER IMPROVEMENTS IN THE LEINO PARK WATER DISTRICT IN THE TOWN OF WESTMINSTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter three hundred and ninety-eight of the acts of nineteen hundred and eighty-five or any other general or special law to the contrary, and notwithstanding the Leino park water district's failure to seasonably comply with the provisions of section one of chapter eighty of the General Laws and seasonably to adopt and to comply with the provisions of sections forty-two G to forty-two I, inclusive, of chapter forty of the General Laws, the Leino Park Water District in the town of Westminster may utilize the assessment and betterment provisions of said chapter forty and said chapter eighty to satisfy outstanding fiscal obligations incurred for capital expenditures made for the purpose of laying pipes and otherwise supplying said water district with water under section one of said chapter three hundred and ninety-eight.

SECTION 2. The authority granted under section one shall terminate upon the Leino park water district's failure to implement the provisions hereof by ordinance, by-law or vote on or before one year following the effective date of this act.

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

Approved November 20, 1994.

Chapter 183. AN ACT ESTABLISHING A SICK LEAVE BANK FOR DIANE HUNT, AN EMPLOYEE OF THE DEPARTMENT OF PUBLIC WELFARE.

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 public welfare, therefore 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 public welfare is hereby authorized and directed to establish a sick leave bank for Diane Hunt, an employee of said department. 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 Diane Hunt.

The foregoing was laid before the Governor on the fourteenth day of November, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 184. AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO RELEASE ITS SANDING RIGHTS IN A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Falmouth is hereby authorized to release its sanding rights in a certain parcel of land in said town. Said parcel is shown as Lot B1 on a plan of land entitled "plan of land prepared for Edward J. and Nancy M. Sheehan in East Falmouth, MA, dated December 23, 1989".

SECTION 2. In consideration of the release authorized by section one, Edward J. and Nancy M. Sheehan shall convey to the town of Falmouth all of their right, title and interest in a certain parcel of land in said town. Said parcel is shown as Lot B2 on the plan described in section one.

Approved November 30, 1994.

Chapter 185. AN ACT PROVIDING FOR SICK LEAVE FOR RHEA LINDSTEDT, AN EMPLOYEE OF THE DEPARTMENT OF REVENUE.

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 revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate

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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 provide for the transfer of sick, personal and vacation days, which may be contributed as hereinafter provided, to the catastrophic illness leave bank within the department of revenue for Rhea Lindstedt, an employee of said department and a former employee of said probate and family court department of the trial court. Any employee of said probate and family court department of the trial court of the commonwealth may voluntarily contribute one or more of his sick, personal or vacation days to said catastrophic illness leave bank for use by said Rhea Lindstedt.

The department of revenue is hereby authorized and directed to credit to said catastrophic illness leave bank the number of such aforesaid days which are transferred from said probate and family court department of the trial court and to designate such days for use by said Rhea Lindstedt.

The foregoing was laid before the Governor on the seventeenth day of November, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 186. AN ACT ESTABLISHING A SICK LEAVE BANK FOR JOAN FUMAROLA, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL RETARDATION.

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 mental retardation, therefore 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 mental retardation is hereby authorized and directed to establish a sick leave bank for Joan Fumarola, an employee of said department. Any employee of said department may voluntarily contribute one or more of his sick, personal

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or vacation days to said sick leave bank for use by said Joan Fumarola.

The foregoing was laid before the Governor on the seventeenth day of November, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time

Chapter 187. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MICHELLE VALENTY, 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 Michelle Valenty, an employee of said department. 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 Michelle Valenty.

The foregoing was laid before the Governor on the seventeenth day of November, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 188. AN ACT ESTABLISHING A SICK LEAVE BANK FOR MICHAEL CLIFFORD, AN EMPLOYEE OF THE DEPARTMENT OF EDUCATION.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to

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the contrary, the department of education is hereby authorized and directed to establish a sick leave bank for Michael Clifford, an employee of the department of education. 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 Michael Clifford.

The foregoing was laid before the Governor on the seventh day of November, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 189. AN ACT RELATIVE TO THE AMOUNT OF RETIREMENT BENEFITS WHICH MAY BE PAID BY THE NEEDHAM POLICE BENEFIT ASSOCIATION OF THE TOWN OF NEEDHAM.

Be it enacted, etc., as follows:

Chapter 178 of the acts of 1983 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The Needham Police Benefit Association, Incorporated, a corporation duly established under the provisions of chapter one hundred and seventy-six of the General Laws, is hereby authorized, upon the retirement from the police department of the town of Needham of any member in good standing, to pay to each such member a sum of money, not to exceed one-half of the amount of the death benefit in effect at the time of such retirement.

Approved December 1, 1994.

Chapter 190. AN ACT VALIDATING THE PROCEEDINGS OF THE ANNUAL TOWN ELECTION IN THE TOWN OF GEORGETOWN.

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 Georgetown at its annual town election held on May ninth, nineteen hundred and ninety-four and all actions taken pursuant thereto are hereby ratified, validated, and confirmed notwithstanding any defect or omission in the calling of said election.

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

Approved December 7, 1994.

Chapter 191. AN ACT PROVIDING FOR A NEW SALARY SCHEDULE FOR CERTAIN JUDICIAL POSITIONS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 37 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 12, the word "eighty" and inserting in place thereof the following word:- ninety.

SECTION 2. Section 22 of chapter 211 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The chief justice shall receive a salary of ninety-nine thousand three hundred and thirty dollars and each associate justice shall receive a salary of ninety-five thousand eight hundred and eighty dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by them in the discharge of their duties.

SECTION 3. Said section 22 of said chapter 211 is hereby further amended by striking out the first sentence, as amended by section 2 of this act, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of one hundred five thousand two hundred and ninety dollars and each associate justice shall receive a salary of one hundred and one thousand six hundred and thirty dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by them in the discharge of their duties.

SECTION 4. Said section 22 of said chapter 211 is hereby further amended by striking out the first sentence, as most recently amended by section 3 of this act, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of one hundred eleven thousand six hundred and ten dollars and each associate justice shall receive a salary of one hundred seven thousand seven hundred and thirty dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by them in the discharge of their duties.

SECTION 5. Section 2 of chapter 211A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The chief justice shall receive a salary of ninety-two thousand one hundred and ninety dollars, and each associate justice shall receive a salary of eighty-eight thousand seven hundred and thirty dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by them in the discharge of their duties.

SECTION 6. Said section 2 of chapter 211A of the General Laws is hereby amended by striking out the first sentence, as amended by section 5 of this act, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of ninety-seven thousand seven hundred and twenty dollars, and each associate justice shall receive a salary of ninety-four thousand and fifty dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by them in the discharge of their duties.

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SECTION 7. Said section 2 of chapter 211A of the General Laws is hereby further amended by striking out the first sentence, as most recently amended by section 6 of this act, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of one hundred and three thousand five hundred and eighty dollars, and each associate justice shall receive a salary of ninety-nine thousand six hundred and ninety dollars; and the chief justice and each associate justice *shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by them in the discharge of their duties.*

SECTION 8. Section 4 of chapter 211B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the first three paragraphs and inserting in place thereof the following three paragraphs:-

The salaries of the justice of the trial court shall be paid by the commonwealth. Each associate justice shall receive a salary of eighty-five thousand one hundred and eighty dollars.

The chief justice of the several departments shall receive a salary of eighty-eight thousand seven hundred and thirty dollars.

The chief administrative justice shall receive a salary of ninety-two thousand one hundred and ninety dollars.

SECTION 9. Said section 4 of said chapter 211B of the General Laws is hereby further amended by striking out the first three paragraphs, as amended by section 8 of this act, and inserting in place thereof the following three paragraphs:-

The salaries of the justice of the trial court shall be paid by the commonwealth. Each associate justice shall receive a salary of ninety thousand two hundred and ninety dollars.

The chief justice of the several departments shall receive a salary of ninety-four thousand fifty dollars.

The chief administrative justice shall receive a salary of ninety-seven thousand seven hundred and twenty dollars.

SECTION 10. Said section 4 of said chapter 211B of the General Laws is hereby amended by striking out the first three paragraphs, as most recently amended by section 9 of this act, and inserting in place thereof the following three paragraphs:-

The salaries of the justice of the trial court shall be paid by the commonwealth. Each associate justice shall receive a salary of ninety-five thousand seven hundred and ten dollars.

The chief justice of the several departments shall receive a salary of ninety-nine thousand six hundred and ninety dollars.

The chief administrative justice shall receive a salary of one hundred and three thousand five hundred and eighty dollars.

SECTION 11. Sections one, two, five and eight of this act shall take effect on January first, nineteen hundred and ninety-five, sections three, six and nine shall take effect on July first, nineteen hundred and ninety-five, and sections four, seven and ten shall take effect on January first, nineteen hundred and ninety-six. The remaining section of this act shall take effect upon its passage.

Approved December 8, 1994.

Chapter 192. AN ACT FURTHER REGULATING LEGISLATIVE AND CONSTITUTIONAL OFFICERS' COMPENSATION.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act for fiscal year nineteen hundred and ninety-five, the sums set forth in section two are hereby appropriated for the several purposes and subject to the conditions specified in chapter sixty of the acts of nineteen hundred and ninety-four, and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in said chapter sixty for the fiscal year ending June thirtieth, nineteen hundred and ninety-five, the sums so appropriated shall be in addition to any amount available for the purpose.

SECTION 2.

EXECUTIVE.

0411-1000 \$15,000

STATE SECRETARY.

0511-1000 \$7,500

TREASURER.

0610-0000 \$7,500

STATE AUDITOR.

0710-0000 \$7,500

ATTORNEY GENERAL.

0810-0000 \$7,500

LEGISLATURE.

Senate.

9511-0000 For the compensation of senators; provided, that the funds appropriated herein shall be expended only in accordance with the provisions of section three of this act, prior appropriation continued \$352,200

House of Representatives.

9621-0000 For the compensation of representatives; provided, that the funds appropriated herein shall be expended only in accordance with the provisions of section three of this act, prior appropriation continued \$1,408,800

SECTION 3. Notwithstanding the provisions of any other law to the contrary and except as herein provided, each member of the general court shall receive for each regular annual session forty-six thousand four hundred and ten dollars. The president of the senate

and the speaker of the house of representatives shall each receive for each regular session eighty-one thousand four hundred and ten dollars. The chairman of the senate committee on ways and means and the chairman of the house committee on ways and means shall each receive for each regular session seventy-one thousand four hundred and ten dollars. The floor leaders of each of the major political parties in the senate and house of representatives shall each receive sixty-eight thousand nine hundred and ten dollars. The assistant floor leaders of each of the major political parties in the senate and the assistant floor leader of each of the major political parties in the house of representatives, and the second assistant floor leaders of each of the major political parties in the senate and house of representatives, the third assistant floor leader of the minority party in the senate and house of representatives, the vice chairman of the house committee on ways and means and the vice chairman of the senate committee on ways and means and the ranking minority members of the house and senate committees on ways and means, the senate chairman and the house chairman of the committee on post audit and oversight, the senate chairman and the house chairman of the committee on taxation, the senate chairman and the house chairman of the committee on science and technology shall each receive sixty-one thousand four hundred and ten dollars. Other chairmen of committees of the house of representatives and the senate established by the joint rules or the house or senate rules, and the house vice chairman of the committee on post audit and oversight, the assistant vice chairman of the senate committee on ways and means and the assistant vice chairman of the house committee on ways and means and the vice chairman of the house committee on taxation shall each receive fifty-three thousand nine hundred and ten dollars, provided, however, that no chairman who serves as chairman of more than one such committee shall receive more than the compensation established for a chairman of one of any such committees. Each member of the general court shall be entitled to be paid for his compensation for each such session at the rate of one-twelfth the amount of compensation for such session for each full month of the session. Such payment shall be to him, upon his request, on the last legislative day in which the general court is in session preceding the fifteenth day of each month, and on the date preceding the last legislative day of each month, and shall be for an amount not exceeding the proportion then due at the aforesaid rate; provided, that the state treasurer may, during such regular session, make additional payments on account, in excess of such monthly rate, to any member making written request but the amount of such additional payments shall not exceed, in the aggregate, fifteen hundred dollars in any one such session, or two thousand dollars if such session continues beyond July first, and in no event shall the amount of all payments under this section during such session to any member exceed, in the aggregate, the compensation of such member for such session.

SECTION 4. Section three of this act shall survive the expiration of the fiscal year.

SECTION 5. Section 9B of said chapter 3 as appearing in the 1992 Official Edition is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Each member of the general court shall receive thirty-six hundred dollars annually for expenses to be paid as follows:-

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each member shall be entitled to receive three hundred dollars on the first day of each session and the first day of each month thereafter until said sum of thirty-six hundred dollars shall have been paid; and on the last day of the session there shall be paid to each member of the general court the balance, if any, of said sum of thirty-six hundred dollars.

SECTION 6. Section 1 of chapter 6 of the General Laws as appearing in the 1992 Official Edition is hereby amended by striking out, in line 1, the word "seventy-five" and inserting in place thereof the following word:- ninety.

SECTION 7. Section 2 of said chapter 6 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "sixty" and inserting in place thereof the following word:- seventy-five.

SECTION 8. Section 1 of chapter 9 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 8, the word "sixty" and inserting in place thereof the word:- seventy-five.

SECTION 9. Section 1 of chapter 10 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 3, the word "sixty" and inserting in place thereof the following word:- seventy-five.

SECTION 10. Section 1 of chapter 11 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 4, the word "sixty" and inserting in place thereof the following word:- seventy-five.

SECTION 11. Section 1 of chapter 12 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 3, the word "sixty-five" and inserting in place thereof the following word:- eighty.

SECTION 12. There is hereby established a special commission on the compensation of legislators consisting of the president and chief executive officer of the New England Electric System, the president of Robinson Lake Sawyer Miller, the president of Suffolk University and two members to be appointed by the governor. The commission shall make an investigation and study of the most independent method of determining cost-of-living adjustments to the salaries of members of the general court. 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 senate and the clerk of the house of representatives on or before the second Wednesday of December, nineteen hundred and ninety-five.

SECTION 13. The provisions of sections two, three, four and five shall take effect as of January fourth, nineteen hundred and ninety-five. The provisions of sections six and seven shall take effect as of January fifth, nineteen hundred and ninety-five. The provisions of sections eight, nine, ten and eleven shall take effect as of January eighteenth, nineteen hundred and ninety-five. The remaining provisions of this act shall take effect upon passage.

Approved December 8, 1994.

Chapter 193. AN ACT ALLOWING RETAIL STORES AND SHOPS TO OPEN AT ANY TIME ON SUNDAYS AND SUMMER HOLIDAYS.

Be it enacted by the People, and by their authority, as follows:

Chapter 136 of the General Laws is hereby amended by inserting at the end thereof the following new section sixteen.

Section 16. All stores and shops which sell goods at retail may be open at any time on Sundays and on Memorial Day, July Fourth and Labor Day. The performance of labor, business and work directly connected to retail sales on said days shall also be allowed. Stores and shops allowed to open under this section may sell on said days all types of goods and foodstuffs which may lawfully be offered for sale in the Commonwealth other than alcoholic beverages. To the extent the provisions of this section are inconsistent with the provisions of section five of this chapter or of any other general or special law, the provisions of this section shall control.

The provisions of law inserted into clause (50) of section six of this chapter by chapter five hundred and fifty-six of the Acts of 1982 pertaining to voluntariness of work and time and one half payments shall apply to any such work performed on said days. The terms "Memorial Day," "July Fourth" and "Labor Day" shall mean the legal holidays on which said days are celebrated in accordance with clause eighteen of section seven of chapter four of the General Laws.

This law was approved by the people at the November 8, 1994 election under the provisions of Article XLVIII of the Amendments to the Constitution.

Chapter 194. AN ACT AUTHORIZING THE TOWN OF ABINGTON TO ISSUE A LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifteen of chapter one hundred and thirty-eight of the General Laws limiting the number of licenses in the aggregate that a town may grant to a corporation, the licensing authority of the town of Abington is hereby authorized to grant a license for the sale of wine and malt beverages not to be drunk on the premises to Stone Enterprises, Inc. Said license shall be subject to all other provisions of said chapter one hundred and thirty-eight.

SECTION 2. All actions taken by the licensing authority of the town of Abington at a meeting held on August twenty-fourth, nineteen hundred and ninety-two issuing a license for the sale of wine and malt beverages not to be drunk on the premises to James J. Stone, d/b/a Stone Enterprises, Inc. are hereby ratified, validated, and confirmed in all respects as though this act had been in full force and effect at the time of said meeting.

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

Approved December 9, 1994.

Chapter 195. AN ACT PROVIDING TAX RELIEF FOR LOW INCOME FAMILIES.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 62 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "person", in line 21, the following words:- , other than a married person who qualifies as head of household under section two (b) of the Code,.

SECTION 2. Said section 3 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 76, the word "only",- and by inserting after the word "year", in line 77, the following words:- or if the taxpayer qualifies as a head of household under section two (b) of the Code.

SECTION 3. Said section 3 of said chapter 62, as so appearing, is hereby further amended by inserting after the word "person", in line 84, the following words:- , a person that qualifies as a head of household under section two (b) of the Code,.

SECTION 4. Section 5 of said chapter 62, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Notwithstanding the provisions of section four, Part A taxable income and Part B taxable income, shall be exempt from all taxes imposed under this chapter if the Massachusetts adjusted gross income for the taxable year does not exceed the following threshold:

(1) in the case of a single person, eight thousand dollars, or

(2) in the case of a husband and wife filing a joint return or a person filing as a head of household, seven thousand six hundred dollars plus the deductions allowed under the following provisions of paragraph (b) of subsection (B) of section three of this chapter.

(A) an amount equal to that allowed for personal exemptions under clause (A) of subparagraph (1a) of said paragraph or clause (A) of subparagraph (2) of said paragraph, and

(B) an amount equal to the total exemption allowed under subparagraph (3) of said paragraph.

No tax imposed under this chapter shall exceed ten percent of the Massachusetts adjusted gross income less the aforementioned threshold; provided, however, that the provisions of this sentence shall not apply in any case where Massachusetts adjusted gross income exceeds one hundred and seventy-five hundredths of the aforementioned threshold. No exemptions shall be allowed under this section to a married individual filing a separate return, except for those individuals qualifying for head of household under section two (b) of the Code. In the case of a short taxable year, occurring for any reason other than residence during one portion of the normal taxable year and nonresidence during another portion, there shall be substituted for the above threshold amounts, those amounts which bear the same relation to such sums as the number of days in the taxable year bears to three hundred and sixty-five. With respect to a person who is a nonresident for all or part of the taxable year, Massachusetts adjusted gross income shall be determined as if he were a resident of the commonwealth throughout the entire taxable year.

SECTION 5. Section 1 of Chapter 62 of the General Laws, as appearing in the 1992

Official Edition, is hereby amended by striking out subsection (m) and inserting in place thereof the following subsection:-

(m) The term "capital asset" shall have the meaning as given in section one thousand two hundred and twenty-one of the Code and shall be limited to assets which are sold, exchanged or otherwise disposed of by a person while he is subject to taxation under this chapter on any Part A or Part C taxable income; provided, further, that property used in a trade or business within the meaning of section one thousand two hundred and thirty-one (b) of the Code, without regard to the holding period requirement in said section, and property held in connection with a trade or business or transaction entered into for profit within the meaning of section one thousand two hundred and thirty-one (a)(3)(A)(ii)(II) of the Code, without regard to the holding period requirement in said section, shall be treated as if such property were a "capital asset" within the meaning of section one thousand two hundred and twenty-one of the Code.

The term "capital gain income" shall mean gain from the sale or exchange of a capital asset. In determining the amount of gain or loss on any sale, exchange, or other disposition of property, the provisions of section six F of this chapter shall be taken into account; provided that losses from the sale or exchange of capital assets do not include any item the deduction of which is, or but for some other section would be, prohibited by section two hundred and sixty-seven of the Code.

SECTION 6. Subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 102 thereof, the words "two classes" and inserting in place thereof the words:- three Parts.

SECTION 7. Paragraph (1) of subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 104, the words "capital gain net income" and inserting in place thereof the words:- capital gain income.

SECTION 8. Paragraph (1) of subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following subparagraph:-

(C) Gain income from the sale or exchange of capital assets held for more than one year, with such holding period beginning on January 1, 1995 but not including gain income from the sale or exchange of property defined under section four hundred and eight (m)(2) of the Code, as amended and in effect for the taxable year.

SECTION 9. Subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) Part B gross income shall be Massachusetts gross income not included in Part A or Part C gross income.

SECTION 10. Subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by adding the following paragraph:-

(3) Part C gross income shall be capital gain income comprised of the following classes:

(A) Class B gain which equals the gains from the sale or exchange of capital assets held for more than one year but less than or equal to two years.

(B) Class C gain which equals the gains from the sale or exchange of capital assets held for more than two years but less than or equal to three years.

(C) Class D gain which equals the gains from the sale or exchange of capital assets held for more than three years but less than or equal to four years.

(D) Class E gain which equals the gains from the sale or exchange of capital assets held for more than four years but less than or equal to five years.

(E) Class F gain which equals the gains from the sale or exchange of capital assets held for more than five years but less than or equal to six years.

(F) Class G gain which equals the gains from the sale or exchange of capital assets held for more than six years.

For purposes of this subsection, property acquired prior to January 1, 1996 shall be deemed to have been acquired on January 1, 1995 or on the date of actual acquisition, whichever is later.

SECTION 11. Subsection (c) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 122, the word "deductions:" and inserting in place thereof the words:- deductions and including the following class of gain income:-

SECTION 12. Subsection (c) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraphs (2) and (3) and inserting in place thereof the following paragraphs:-

(2) Losses from the sale or exchange of capital assets held for one year or less, provided, that any such losses which exceed Part A gross income shall be a loss under this paragraph (2) in succeeding taxable years.

(3) A deduction equal to fifty percent of the gain income from the sale or exchange of property defined under section four hundred and eight (m)(2) of the Code, as amended and in effect for the taxable year, and held for more than one year, after reduction by any losses in paragraph (2).

SECTION 13. Subsection (d) of section 2 of said chapter 62, as amended by section 45 of chapter 43 of the acts of 1994, is hereby amended by adding the following paragraph:-

(M) The deduction allowed by section sixty-two (a)(3) of the Code.

SECTION 14. Section 2 of said chapter 62, as most recently amended by section 45 of chapter 43 of the acts of 1994, is hereby amended by adding the following subsection:-

(e) Part C adjusted gross income shall be the Part C gross income comprised of the following classes as adjusted:

(A) Class B net gain which equals the excess of Class B gains over the losses from the sale or exchange of capital assets held for more than one year but less than or equal to two years.

(B) Class B net loss which equals the excess of losses from the sale or exchange of capital assets held for more than one year but less than or equal to two years over the Class B gains.

(C) Class C net gain which equals the excess of Class C gains over the losses from the sale or exchange of capital assets held for more than two years but less than or equal

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to three years.

(D) Class C net loss which equals the excess of losses from the sale or exchange of capital assets held for more than two years but less than or equal to three years over the Class C gains.

(E) Class D net gain which equals the excess of Class D gains over the losses from the sale or exchange of capital assets held for more than three years but less than or equal to four years.

(F) Class D net loss which equals the excess of losses from the sale or exchange of capital assets held for more than three years but less than or equal to four years over the Class D gains.

(G) Class E net gain which equals the Class E gains over the losses from the sale or exchange of capital assets held for more than four years but less than or equal to five years.

(H) Class E net loss which equals the excess of losses from the sale or exchange of capital assets held for more than four years but less than or equal to five years over the Class E gains.

(I) Class F net gain which equals the Class F gains over the losses from the sale or exchange of capital assets held for more than five years but less than or equal to six years.

(J) Class F net loss which equals the excess of losses from the sale or exchange of capital assets held for more than five years but less than or equal to six years over the Class F gains.

(K) Class G net gain which equals the Class F gains over the losses from the sale or exchange of capital assets held for more than six years.

(L) Class G net loss which equals the excess of losses from the sale or exchange of capital assets held for more than six years over the Class G gains.

For purposes of this subsection, property acquired prior to January 1, 1996 shall be deemed to have been acquired on January 1, 1995 or on the date of actual acquisition, whichever is later.

Any excess net long-term capital loss from property sold or exchanged prior to January 1, 1996 as determined under paragraph (2) of subsection (c) of section (2) of this chapter in effect prior to January 1, 1996, shall be treated as Class B losses for purposes of paragraphs (A) and (B) of this subsection. Any excess net short-term capital loss from property sold or exchanged prior to January 1, 1996 as determined under paragraph (2) of subsection (c) of section (2) of this chapter in effect prior to January 1, 1996, shall be treated as losses from the sale or exchange of capital assets held for one year or less for purposes of paragraph (2) of subsection (c).

SECTION 15. Subsection (e) of section 2 of said chapter 62, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 203, the letter "(e)" and inserting in place thereof the letter:- (f).

SECTION 16. Subsection (f) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out, in line 206, the letter "(f)" and inserting in place thereof the letter:- (g).

SECTION 17. Section 2 of said chapter 62, as most recently amended by section

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45 of chapter 43 of the acts of 1994, is hereby amended by adding the following subsection:-

(h) The Part C taxable income shall be the Part C adjusted gross income less the deductions and exemptions allowable under Part C of section three.

SECTION 18. Section 2 of said chapter 62, as so amended, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(i) Massachusetts adjusted gross income shall be the sum of Part A adjusted gross income, Part B adjusted gross income and Part C adjusted gross income.

SECTION 19. Section 3 of said chapter 62, as most recently amended by sections 79 and 80 of chapter 60 of the acts of 1994, is hereby amended by adding the following subsection:-

C. In determining the Part C taxable income, the Part C adjusted gross income shall be reduced by the following deductions and exemptions:

(a) There shall be deducted from the Part C adjusted gross income in determining the Part C taxable income:

(1) Such net amount of the Part C adjusted gross income of trustees or other fiduciaries subject to taxation under sections nine or ten as is payable to or accumulated for persons not inhabitants of the commonwealth to the extent that such income would not be subject to taxation under section five A if received by a non-resident.

(2) Such net amount of the Part C adjusted gross income of trustees, executors or administrators as is pursuant to the terms of the will, deed or other instrument governing the estate or trust currently payable to or irrevocably set aside for public charitable purposes, or to or for the benefit of any organization or organizations established and operated exclusively for charitable purposes.

(b) An exemption shall be allowed under this section equal to the amount by which the total exemptions allowable under Part B of section three exceed the Part B adjusted gross income less the deductions allowable under paragraph (a) of Part B of section three and the Part A adjusted gross income less the deductions allowable under paragraph (a) of Part A of section three. No exemption shall be allowed hereunder to any married person filing a separate return.

SECTION 20. Section 4 of said chapter 62, as appearing in the 1992 Official Edition, is hereby amended by adding the following subsection:-

(c) The tax on Part C taxable income shall be equal to the sum of the following:

- (1) Class B net gain or net loss multiplied by the rate of five percent;
- (2) Class C net gain or net loss multiplied by the rate of four percent.
- (3) Class D net gain or net loss multiplied by the rate of three percent.
- (4) Class E net gain or net loss multiplied by the rate of two percent.
- (5) Class F net gain or net loss multiplied by the rate of one percent.
- (6) Class G net gain or net loss multiplied by the rate of zero percent.

If such sum is a negative amount, such negative amount shall be a Part C credit and shall be applied against any Part A tax imposed on any capital gain as determined under subsection (a) of this section before any credits in section six. If there remains any excess Part C credit after offsetting any such Part A tax, such excess Part C credit shall be carried

over without limitation, and in any tax year may first offset any Part C tax as calculated under this subsection (c) before any credits in section six, with any excess Part C credit applied against any Part A tax imposed on any capital gain as determined under subsection (a) of this section before any credits in section six. For purposes of this subsection, capital gain determined under subsection (a) of this section, shall be capital gain reduced by any capital losses in subsection (c).

SECTION 21. Subsection (a) of section 5 of said chapter 62, as so appearing, is hereby amended by striking out, in line 2, the words "income and Part B Taxable income" and inserting in place thereof the following words:- income, Part B taxable income and Part C taxable income.

SECTION 22. Subsection (a) of section 5A of said chapter 62, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "income and the Part B taxable income" and inserting in place thereof the following words:- income, the Part B taxable income and the Part C taxable income.

SECTION 23. Subsection (a) of section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 14, the words "Part A or Part B gross income" and inserting in place thereof the following words:- Part A, Part B or Part C income.

SECTION 24. Subsection (a) of section 6 of said chapter 62, as so appearing, is hereby amended by striking out, in line 15, the words "Part A or Part B gross income" and inserting in place thereof the following words:- Part A, Part B or Part C income.

SECTION 25. Subsection (a) of section 8 of said chapter 62, as so appearing, is hereby amended by striking out, in line 11, the words "three A or three B" and inserting in place thereof the following words:- three A, three B or three C.

SECTION 26. Subsection (b) of section 8 of said chapter 62, as so appearing, is hereby amended by striking out, in line 32, the words "Part A gross income" and inserting in place thereof the following words:- Part A gross income and Part C gross income.

SECTION 27. Subsection (g) of section 10 of said chapter 62, as so appearing, is hereby amended by striking out, in line 84, the words "income or Part B income" and inserting in place thereof the following words:- income, Part B income or Part C income.

SECTION 28. Subsection (C) of section 17 of said chapter 62, as so appearing, is hereby amended by striking out clauses (1) and (2), appearing in lines 33 through 36, and inserting in place thereof the following:-

(1) The offset of Part A losses against interest and dividends provided in paragraph 2 of subsection (c) of section 2; the deduction allowed under paragraph (3) of subsection (c) of section 2; and the credits allowed under subsection (c) of section 4; (2) the exemptions provided in section five and clauses one, two, three, and four of paragraph (b) of subsection B of section three;.

SECTION 29. Sections 1 to 4, inclusive shall apply to taxable years beginning on or after January first, nineteen hundred and ninety-five.

SECTION 30. Sections 5 to 28, inclusive shall apply to taxable years beginning on or after January first, nineteen hundred and ninety-six.

Approved December 9, 1994.

Chapter 196. AN ACT RELATIVE TO THE GERIATRIC AUTHORITY OF MILFORD.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 76 of the acts of 1982 is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following sentence:- The authority shall be required to pay to the Milford retirement system the amount which is assessed to it annually pursuant to said chapter thirty-two.

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

Approved December 9, 1994.

Chapter 197. AN ACT RELATIVE TO CREDITABLE SERVICE FOR UNPAID ELECTED MEMBERS OF SCHOOL COMMITTEES.

Be it enacted, etc., as follows:

Section 4 of chapter 32 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 187 and 188, the words "or city councilor" and inserting in place thereof the following words:- city councilor or school committee member.

Emergency Letter: December 9, 1994 @ 4:53 P.M.

Approved December 9, 1994.

Chapter 198. AN ACT AUTHORIZING THE SOMERVILLE HOUSING AUTHORITY TO TRANSFER A CERTAIN PARCEL OF LAND TO THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of subsection (k) of section twenty-six and thirty-four of chapter one hundred and twenty-one B of the General Laws or any other general or special law to the contrary, the Somerville Housing Authority is hereby authorized to transfer ownership of a certain parcel of land located in the city of Somerville to the city of Somerville. Said parcel which is presently dedicated for a housing use shall be diverted to a park and playground use. Said parcel being the same premises conveyed to Somerville Housing Authority by deed of Parkview Gardens Realty Trust dated September 6, 1974 and recorded at Middlesex south registry of deeds Book 12696, Page 360.

Approved December 9, 1994.

Chapter 199. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF HUGH J. SCHULTZ AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

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

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifty-eight of chapter thirty-one of the General Laws or any other general or special law to the contrary, the administrator of the division of personnel administration shall certify Hugh J. Schultz for appointment as a police officer according to the grade he received in the examination for police officer held on June eleventh, nineteen hundred and ninety-four, notwithstanding his age; provided, however, that he fulfills all other requirements for certification as such police officer. If appointed to a permanent, temporary, intermittent, or reserve police position, Hugh J. Schultz shall be required to comply with all regulations promulgated under sections sixty-one A and sixty-one B of chapter thirty-one of the General Laws as though the town of Swampscott had accepted those provisions.

Approved December 9, 1994.

Chapter 200. AN ACT PROVIDING FOR AN EARLY RETIREMENT INCENTIVE PROGRAM FOR MUNICIPAL EMPLOYEES OF THE CITY OF REVERE.

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 provisions of this section providing for a retirement program for the city of Revere municipal employees 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 city of Revere retirement system and who (i) is an employee of said city of Revere on the effective date of this act; (ii) is 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 the city of Revere retirement board; and (iii) shall have filed a written application after December first, nineteen hundred and ninety-four, but not later than December fifteenth, nineteen hundred and ninety-four to retire for superannuation as of the date which shall be specified in such application; provided, however, that such date for retirement shall be no earlier than December fifteenth, nineteen hundred and ninety-four and not later December thirty-

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first, nineteen hundred and ninety-four.

Notwithstanding the foregoing, the provisions of this act shall not be effective until said city of Revere 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 the effective date of this act or unless said city adopts the provisions of said section twenty-two 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 of said city of Revere pursuant to 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 three years of age or by up to three years of creditable service or by a combination of additional years of age and service the sum of which shall not be greater than three; provided, however, that the mayor of said city of Revere may limit the amount of additional credit for service and the number of employees to be approved for 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 provisions 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 the 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 value 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 said city of Revere municipal employees established by this section for the city of Revere retirement system; provided, however, that said commissioner shall file a report in writing

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of his findings to said city of Revere retirement board on or before December thirty-first, nineteen hundred and ninety-five.

Said city of Revere 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 ten; 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 ten. 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-six, 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 to be an obligation of the city of Revere 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. This act shall take effect upon its passage.

Approved December 9, 1994.

Chapter 201. AN ACT RELATIVE TO THE EXTENSION OF VENUE FOR CRIMINAL VIOLATION OF ABUSE PREVENTIONS ORDER.

Be it enacted, etc., as follows:

Chapter 277 of the General Laws is hereby amended by inserting after section 62, as appearing in the 1992 Official Edition, the following section:-

Section 62A. Any criminal violation of chapter two hundred and nine A may be prosecuted and punished in the territorial jurisdiction in which the violation was committed or in which the original order under said chapter two hundred and nine A was issued.

Approved December 9, 1994.

Chapter 202. AN ACT FURTHER REGULATING STATE AND COUNTY FAIRS.

Be it enacted, etc., as follows:

Section eleven A of chapter one hundred and twenty-eight A of the General Laws is hereby repealed.

Approved December 12, 1994.

Chapter 203. AN ACT DESIGNATING A CERTAIN CAUSEWAY AS THE REPRESENTATIVE PHILIP N. CARNEY CAUSEWAY.

Be it enacted, etc., as follows:

The causeway connecting the city of Lynn with the town of Nahant shall be designated and known as the Representative Philip N. Carney causeway.

A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission in conformity with the standards of said commission.

Approved December 13, 1994.

Chapter 204. AN ACT AUTHORIZING THE CITY OF WORCESTER TO CONVEY A CERTAIN PARCEL OF LAND TO STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B, section fifteen of chapter forty, section sixty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the city of Worcester is hereby authorized to convey in fee to State Mutual Life Assurance Company of America a certain parcel of land in the city of Worcester, presently used for school athletic facilities. Prior to such conveyance, all conditions specified in the contract between said city of Worcester and said State Mutual Life Assurance Company of America to be satisfied by said city of Worcester, including but not limited to, the conditions specified in section seven, shall be satisfied by said city of Worcester. After such conveyance, said State Mutual Life Assurance Company of America shall be obligated to relocate and construct such athletic facilities on the adjacent parcel owned by said city of Worcester, according to plans approved by said State Mutual Life Assurance Company of America and said city of Worcester, acting through the Worcester public schools and any other department of said city of Worcester from which approval is required. State Mutual Life Assurance Company of America, based on plans and specifications developed by Beals and Thomas, Inc., copies of which will be reviewed and approved by said State Mutual Life Assurance Company of America and said city of Worcester prior to such conveyance, shall be obligated to expend not less than one million dollars nor more than one million two hundred and fifty thousand dollars for the design, approval and construction of such athletic facilities which construction shall include the facilities described in section eight.

SECTION 2. The parcel to be conveyed as authorized in section one is bounded and described as follows: BEGINNING at a point at the most southwesterly corner of Lot 1 at North Parkway, THENCE running N 67° 57' 14" E 226.05 feet to a point, THENCE turning and running N 63° 17' 55" E 275.00 feet to a point, THENCE turning and running N 10° 24' 50" E 469.28 feet to a point, THENCE turning and running N 03° 37' 24" E 168.33 feet to the point, said last four courses being bounded by land now or formerly of the city of Wor-

cester, THENCE turning and running S 24° 23' 49" E 681.86 feet to a point, THENCE turning and running S 68° 54' 12" W 18.00 feet to a point, THENCE turning and running S 24° 24' 48" E 50.00 feet to a point; THENCE turning and running S 63° 17' 55" W 628.09 feet to a point on the northerly side line of North Parkway, said last four courses being bounded by land now or formerly of State Mutual Life Assurance Company of America, THENCE turning and running Northerly by a curve to the left having a radius of 379.33 feet and a length of 307.36 feet to the point of beginning, said last course being by the northerly side line of North Parkway; all of said boundaries being more or less, containing 5.4 acres, more or less, meaning and intending to convey said parcel with all rights held by the city of Worcester in the fee to the centerline of North Parkway and reserving to the city of Worcester and to the city of Worcester on behalf of the general public the right to pass and repass over North Parkway.

SECTION 3. The city of Worcester shall retain permanent easements for any water or sewer facilities currently existing in said parcel. Such easements may be relocated, from time to time, by State Mutual Life Assurance Company of America at State Mutual Life Assurance Company of America's sole cost if necessary or desirable for State Mutual Life Assurance Company of America's use of the parcel.

SECTION 4. After the conveyance of said parcel, State Mutual Life Assurance Company of America shall perform the relocation and construction of the athletic facilities on the adjacent parcel owned by the city of Worcester. Upon completion of such facilities, the superintendent of schools of said city of Worcester shall accept the facilities which acceptance shall be within sixty days of completion of such facilities. Upon acceptance of such facilities, the same shall become the sole property, liability and responsibility of said city of Worcester. Such relocation and construction shall be according to plans and specifications which are approved by said State Mutual Life Assurance Company of America and said city of Worcester, acting through the Worcester public schools and any other department of said city of Worcester from which approval is required. The provisions of sections thirty-eight A½ 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 shall not be applicable to any work performed by said State Mutual Life Assurance Company of America, its general contractors and its subcontractors under the provisions of this act on property of said city of Worcester.

SECTION 5. State Mutual Life Assurance Company of America shall comply with the provisions of section forty J of chapter seven of the General Laws, regarding notification of the conveyance to the commissioner of capital planning and operations, and of section sixty-three A of chapter forty-four of the General Laws, regarding payment of a pro forma tax. Such pro forma tax shall be calculated based on a valuation of the parcel conveyed as determined by the assessor of the city of Worcester.

SECTION 6. Conveyance of the parcel shall be upon the order of the city council of the city of Worcester authorizing the city manager to execute a deed to State Mutual Life Assurance Company of America and execution of such deed.

SECTION 7. The city of Worcester is hereby authorized to enter into a contract with State Mutual Life Assurance Company of America to carry out the purposes of this act. Said contract shall include, among other provisions, such conditions relating to the purchase of the parcel by said State Mutual Life Assurance Company of America, as: (i) the size and configuration of the parcel, as specified in section two and shall include not less than three hundred and seven feet of frontage along North Parkway; (ii) receipt by said State Mutual Life Assurance Company of America, at its sole cost and expense, of satisfactory title and environmental reports and a survey; (iii) final approval by said State Mutual Life Assurance Company of America and said city of Worcester of the plans and specifications for the athletic facilities; (iv) issuance of all permits or approvals to construct the athletic facilities; (v) issuance of parking plan approval by the planning board of said city of Worcester and any other approvals required to construct and operate a parking lot for at least four hundred and fifty cars on said parcel for the use of the employees and invitees of said State Mutual Life Assurance Company of America; (vi) final approval by said city of Worcester changing the zoning of the parcel to BO-2 by the city council of said city of Worcester and the expiration of any applicable appeal period; and (vii) such other approvals and permits necessary for the parking lot to be constructed and operated on the parcel. It shall be the obligation of said city of Worcester to secure and provide to said State Mutual Life Assurance Company of America all necessary approvals and permits in the name of said State Mutual Life Assurance Company of America or its designee necessary to construct and operate the parking lot on the parcel and to change the zoning of the parcel to BO-2 before the parcel is conveyed to said State Mutual Life Assurance Company of America and before said State Mutual Life Assurance Company of America commences to relocate and construct the athletic facilities on the adjacent parcel owned by said city of Worcester. Said city of Worcester shall proceed to secure all such approvals and permits as soon as practical. Any terms or conditions contained in said contract, as approved by said city of Worcester, shall be presumptively valid, although not explicitly provided for in this act; provided, however, that such contract shall not contain any provision exempting or excepting said contract from any general or special law except as provided for in this act.

SECTION 8. After the conveyance of the parcel specified in section two, State Mutual Life Assurance Company of America shall construct or cause to be constructed on land retained by the city of Worcester the following athletic facilities:

- (i) a four hundred-meter, six-lane synthetically surfaced running track designed to meet all National Federation of State High School Association Standards;
- (ii) a turf field within the track perimeter large enough to support formal football, soccer and field hockey surfaces, which field will be crowned at a slope of one and one-half percent to ensure effective surface drainage and shall include subsurface underdrains as well as a fully automated underground irrigation system to enhance operational maintenance;
- (iii) a single story masonry block equipment storage shelter twenty-two feet by eighteen feet to be serviced with electricity and potable water;
- (iv) a baseball diamond providing for approximately three hundred and sixty feet of clearance from home plate to the design limit of the softball field, such diamond to be sup-

ported by subsurface drains and an irrigation system;

(v) a softball diamond providing for approximately two hundred and fifty feet of clearance from home plate to the design limit of the baseball field, such diamond to be supported by subsurface underdrains and an irrigation system;

(vi) a tennis court complex, containing three regulation size courts to be surfaced with asphalt concrete and marked in compliance with National Federation of State High School Association Standards, such courts to be surrounded by a two-tier, vinyl-covered chain link enclosure fence; and

(vii) such accessory facilities and supporting improvements as specified in detailed plans and specifications and as shall be agreed upon by State Mutual Life Assurance Company of America and the city of Worcester.

All construction specified herein shall be in accordance with detailed plans and specifications agreed upon by said State Mutual Life Assurance Company of America and said city of Worcester.

SECTION 9. Any cost incurred, for the design, approval and construction of the facilities described in section eight by State Mutual Life Assurance Company of America which is in excess of the valuation of the parcel as determined by the assessor of the city of Worcester, as provided for in section five shall be deemed to be a charitable donation by said State Mutual Life Assurance Company of America to said city of Worcester.

SECTION 10. The city manager of the city of Worcester shall have the authority to take all actions necessary to carry out the purposes of this act as it relates to the conveyance of the parcel described in section two from said city of Worcester to State Mutual Life Assurance Company of America and the negotiation and execution of the contract referred to in section seven.

SECTION 11. The superintendent of schools of the city of Worcester shall have the authority to take all actions necessary to carry out the purposes of this act as it relates to the approval of plans and specifications for the athletic facilities to be constructed by State Mutual Life Assurance Company of America on land owned by said city of Worcester and to accept the athletic facilities upon completion.

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

Approved December 15, 1994.

Chapter 205. AN ACT AUTHORIZING THE CITY OF NEWBURYPORT 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, the city of Newburyport is hereby authorized to auction a certain parcel of land located in said city and after such auction to convey said parcel. Said parcel is bounded and described as follows:

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A certain parcel of land situated in that part of Newburyport known as Belleville, containing 58 45/100 square rods, described as follows: Beginning at a post at the northerly corner of said parcel and at the northwesterly corner of land now or late of William M. Hopkinson and a two rod lake adjoining said land of Hopkinson and leading to High street, said post being 247 ½ feet south 74 ½° west from the line of said High street, thence south 28 ½° east 178 ½ feet by land of said Hopkinson and land now or late of James M. Morse to land now or late of the City of Newburyport, thence by said land of said City south 77 ½° west 100 feet to a stake and stones, thence north 28 ½° west by land now or late of Hale 153 feet to a stake and stones at the extension of said two rod lane, thence north 62° east 96 feet to the point of beginning, together with a right of way over said Lane and extension and the right to dig up the same and lay pipes thereunder the owner of said land being bound to build and maintain all fences. Including the stand pipe and its foundations with all gates, valves, fixtures, appliances and appurtenances used or connected therewith situated upon land described in item five herein.

SECTION 2. All actions taken by the city of Newburyport at the public auction of the property described in section one held on March nineteenth, nineteen hundred and ninety-four and any conveyance made or to be made pursuant thereto are hereby ratified, validated and confirmed in all respects and as though this act had been in full force and effect at the time of said auction.

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

Approved December 16, 1994.

Chapter 206. AN ACT RELATIVE TO THE EXCISE ON VESSELS IN THE TOWN OF HULL.

Be it enacted, etc., as follows:

Notwithstanding the provisions of subsection (i) of section two of chapter sixty B of the General Laws, commencing with fiscal year nineteen hundred and ninety-six, one hundred percent of the excise imposed on a vessel, as defined in section one of said chapter sixty B in the town of Hull shall be credited to municipal waterways improvement and maintenance fund of said town to be used for expenses, maintenance and improvements to the town's harbors and piers.

Approved December 19, 1994.

Chapter 207. AN ACT RELATIVE TO RECALL ELECTIONS IN THE TOWN OF HULL.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 495 of the acts of 1980 is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:- One hundred voters of the town of Hull may file with the clerk of said town an affidavit containing the name of the officer whose recall is sought along with 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.

SECTION 2. Said section 2 of said chapter 495 is hereby further amended by adding the following two sentences:- The town clerk shall within forty-eight hours following such filing submit such petitions to the registrars of voters who shall, within ten working days, certify thereon the number of signatures which are those of qualified persons registered to vote in the town as of the date of such affidavit was filed with the town clerk. The board of registrars of voters, upon completion of their certification, shall return the recall petition forms to the town clerk.

SECTION 3. Section 3 of said chapter 495, as amended by chapter 443 of the acts of 1987, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- If the petition shall be found and certified by the board of registrars to be sufficient, the town clerk shall forthwith submit the same to the board of 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 removed does not resign within five days thereafter, thereupon order a removal election to be held on a day fixed by them not less than sixty-one days after the date of the registrar's certification that a sufficient petition is filed; provided, however, that if any other town election is to occur within one hundred days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the removal election to the date of such other election.

Approved December 19, 1994.

Chapter 208. AN ACT AUTHORIZING THE TOWN OF SCITUATE TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty B of the General Laws, the town of Scituate is hereby authorized to convey a certain parcel of land with the building thereon together with an easement over the existing access road to the Scituate Arts Association, Incorporated for the consideration of one dollar; provided, however, that title to said land, building and easement shall revert to said town in the event said Scituate Arts Association, Incorporated ceases to use said property for the purposes of promoting the arts or violates such other terms and conditions as the board of selectmen deems appropriate. Said parcel is shown as Lot 1C on a plan of land entitled "Ellis House, 1994 Annual Town Meeting" which is on file in the offices of the town clerk and engineering department.

Approved December 19, 1994.

Chapter 209. AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO USE CERTAIN PARK LAND TO CONSTRUCT AN EASTERN CAMBRIDGE YOUTH CENTER.

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge is hereby authorized to use for the erection of an Eastern Cambridge youth center, and for other related youth center activities and all purposes incidental thereto, the parcel of land located in said city, described in section two, now owned and held by said city for park, playground or recreational purposes.

SECTION 2. The parcel referred to in section one, containing an area of twenty-two thousand one hundred and fifty-five square feet, is shown on a plan entitled "Plan of Land for Eastern Cambridge Youth Center in Cambridge, Mass." drawn by Wendell H. Mason, professional land surveyor, dated August twenty-ninth, nineteen hundred and ninety-four.

SECTION 3. This act shall take effect upon its acceptance by vote of the city council of said city, but not otherwise.

Approved December 19, 1994.

Chapter 210. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF CHARLTON.

Be it enacted, etc., as follows:

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

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

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, it shall be submitted with the clerk's certificate to the selectmen without delay. The selectmen shall forthwith give written notice of receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five days thereafter, the board of selectmen shall order an election to be held on a date fixed by them not less than sixty nor more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to occur within one hundred days after the date of the certificate, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer sought to be removed may be a candidate to succeed himself in an election to be held to fill such vacancy and, unless the officer requests otherwise in writing, the town clerk shall place said name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same shall be in accordance with the provisions of law relating to elections, unless otherwise provided herein.

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

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

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

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

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of said propositions. Just above said squares there shall appear the direction "vote for one". Under the proposition shall appear the word "Candidates" and the directions to voters required by section forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. In case of machine voting or punch card balloting or other forms of balloting, appropriate provision shall be made to allow for the same intent of the voter. If a majority of the votes cast on the question of recall is in the affirmative, then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes cast on the question of recall is in the negative, then the ballots for candidates to fill the potential vacancy need not be counted.

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

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was submitted to the voters of the town.

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

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

Approved December 19, 1994.

Chapter 211. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF ORANGE.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Orange may be recalled therefrom by the registered voters of the town as herein provided, except the maximum numbers of members of a board that may be recalled is a majority.

SECTION 2. Any twenty-five registered voters of the town may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for such recall. The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms the town clerk shall keep available. Such blanks shall be issued by the town clerk, with the town clerk's signature and official seal attached thereto. They shall be dated, shall be addressed to the selectmen and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds for such recall as stated in the affidavit, and shall demand the election of a successor to said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within thirty days after the filing of the affidavit, and shall have been signed by at least ten percent of the registered voters of the town, who shall add to their signatures, the street and number, if any, of their residences. The town clerk, shall within forty-eight hours of receipt, submit the 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, he shall submit the same with his certificate to the selectmen without delay and the selectmen shall, within five working days, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition was filed; provided, however, that if any other town election is to occur within ninety days after the date of the certificate, the selectmen shall postpone the holding of the recall election to the date of such other election.

No person shall be subject to recall if the elected official's 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 oneself, and unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall be in accordance with the provisions of law relating to elections unless otherwise provided herein.

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

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

SECTION 8. No person who has been recalled from an office or who has resigned from an 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 December 19, 1994.

**Chapter 212. AN ACT RELATIVE TO THE NEW ENGLAND EDUCATION LOAN
MARKETING CORPORATION.**

Be it enacted, etc., as follows:

Section 4 of chapter 356 of the acts of 1982 is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- For the purposes of Section 435(d)(1)(F) of the Higher Education Act, the corporation shall be deemed to be an agency of the commonwealth functioning as a secondary market. For all purposes of the laws of the commonwealth, the corporation shall be treated as a private, nonprofit corporation, as provided in this chapter, and, unless explicit reference to the provisions of this sentence is contained therein, no provision of any special or general law heretofore or hereafter enacted shall be effective to provide or be construed to provide that the corporation is an agency or authority of the commonwealth or of any political subdivision thereof or a governmental unit or entity of any kind whatsoever or to impose on the corporation any obligations not applicable generally to corporations organized under chapter one hundred and eighty of the General Laws.

Approved December 19, 1994.

**Chapter 213. AN ACT RELATIVE TO ELECTIONS IN THE TOWN OF
WEBSTER.**

Be it enacted, etc., as follows:

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

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, no primary or caucus for the nomination of town officers shall be held in the town of Webster. No ballot used at a regular or special town election shall have printed thereon a party or political designation or mark and there shall not be appended to the name of a candidate any political designation or mark.

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

Approved December 19, 1994.

**Chapter 214. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF
ACUSHNET.**

Be it enacted, etc., as follows:

SECTION 1. Section 3-1-1 of the charter of the town of Acushnet, 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 inserting after the word "Commission", in line 4, the following words:- Board of Public Works.

SECTION 2. Chapter 3 of said charter is hereby amended by adding the following section:-

Section 10. Board of Public Works.

3-10-1. There is hereby established in the town of Acushnet a board of public works, hereinafter called the board, consisting of five members to be elected at the first annual town election after the passage of this charter amendment. All members of said board shall be elected at large and the first two in order of the votes received shall serve for terms of three years, the second two in the order of the votes received shall serve for terms of two years, and the remaining one shall serve for a one year term. Thereafter, when the term of any member expires, his successor shall be elected at the annual town election to serve for a term of three years. Members of said board shall serve until their successors are sworn in.

3-10-2. The board of public works shall, after each annual town election, elect from among its members a chairperson and a clerk for the ensuing year. In case of a vacancy, the board of selectmen, shall, within thirty days, fill such vacancy until the next town election.

3-10-3. No person who holds an elective or appointed office in the town, or who is an employee of the town shall serve on said board of public works.

3-10-4. Upon election and qualification of the initial members of the board of public works, the board of water and sewer commissioners shall be abolished.

Approved December 19, 1994.

**Chapter 215. AN ACT PROVIDING THAT A CERTAIN LABORER IN THE
DEPARTMENT OF PUBLIC WORKS OF THE CITY OF CAM-
BRIDGE BE SUBJECT TO THE PROVISIONS OF THE CIVIL SER-
VICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections twenty-eight and twenty-nine of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, Edward R. Corey of the city of Cambridge, employed in the position of laborer in the department of public works in said city, shall be deemed to be appointed as a temporary employee in said position, in accordance with the provisions of said chapter thirty-one; provided, however, that such appointment shall not impair any rights, protection, or benefits, including without limitation, rights provided under the provisions of said chapter thirty-one, to which said Edward R. Corey is entitled on the effective date of this act.

SECTION 2. This act shall take effect as of April eighteenth, nineteen hundred and eighty-nine.

Approved December 19, 1994.

Chapter 216. AN ACT RELATIVE TO THE WILLIAMSTOWN LIBRARY BOARD OF TRUSTEES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section ten of chapter seventy-eight of the General Laws or any other general or special law to the contrary, the town of Williamstown shall establish a board of library trustees to consist of five members. Said board of library trustees shall initially consist of the trustees holding office on the effective date of this act. The incumbent trustees shall remain in office until their terms expire. Subsequent trustees shall be elected as follows: three members shall be elected at the town's annual election in nineteen hundred and ninety-five, two of whom shall be elected for three year terms and one of whom shall be elected for a one year term; two members shall be elected for three year terms at the town's annual election in nineteen hundred and ninety-six; and one member shall be elected for a three year term at the town's annual election in nineteen hundred and ninety-seven. Elections of all subsequent trustees shall be for three year terms.

Approved December 19, 1994.

Chapter 217. AN ACT ESTABLISHING THE POSITION OF TOWN ADMINISTRATOR IN THE TOWN OF NORFOLK.

Be it enacted, etc., as follows:

SECTION 1. There shall be a town administrator in the town of Norfolk who shall be the chief administrative officer of the town and who shall be especially qualified by education and experience for said position. The town administrator shall be appointed by the board of selectmen for a three year term and shall be subject to dismissal by the board of selectmen for just cause.

SECTION 2. The town administrator shall be responsible for the daily management of the town. He shall act as the agent for the board of selectmen for the administration of all town affairs placed in his charge by, or pursuant to this act, town by-law or charter.

SECTION 3. The town administrator, under the policy direction of the board of selectmen, shall supervise, direct and be responsible for the efficient administration of all officers appointed by him and their respective departments and for all functions for which he is given responsibility and authority by this act, town meeting or vote of the board of selectmen.

SECTION 4. The town administrator shall have the power to delegate, authorize or direct subordinates or employees of said town of Norfolk to exercise any power, duty or responsibility which the office of town administrator is authorized to exercise under this act. All actions performed under such delegation shall be deemed to be the actions of said town administrator.

SECTION 5. Subject to ratification by a majority vote of the board of selectmen, the town administrator shall appoint the police chief, fire chief, highway superintendent, di-

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rector of the finance department, building commissioner, director of the emergency management office and animal control officer. Said positions shall be subject to dismissal by the board of selectmen for just cause. Subject to the confirmation of the board of selectmen, the town administrator shall appoint employees of boards, commissions, councils or committees appointed by the board of selectmen.

SECTION 6. In consultation with the department heads, the town administrator shall appoint all employees of such departments, except clerical and maintenance employees who shall be appointed by said department heads.

SECTION 7. This act shall be submitted for acceptance to the voters of the town of Norfolk at the next annual town election or 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-four, entitled 'An Act establishing the position of town administrator in the town of Norfolk', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

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

Approved December 19, 1994.

Chapter 218. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE SPECIAL TOWN MEETING HELD IN THE TOWN OF NORFOLK ON OCTOBER TWENTY-THIRD, NINETEEN HUNDRED AND NINETY-ONE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Norfolk at its special town meeting held on October twenty-third, nineteen hundred and ninety-one are hereby ratified, validated and confirmed to the same extent as if the warrant for such meeting had been published and posted as required by law.

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

Approved December 19, 1994.

Chapter 219. AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO LEASE A CERTAIN PARCEL OF LAND TO SCHUPP-ZORN REALTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty B of the General Laws, the city of Pittsfield is hereby authorized to lease a certain parcel of land located in

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said city to Schupp-Zorn Realty for a term of twenty years for the development of the downtown area of said city. Said parcel is shown on a plan of land entitled, "City of Pittsfield, portion of municipal parking area No. 6", drawn by the city engineer of said city and dated September seventh, nineteen hundred and ninety-four which is on file with the office of the city engineer.

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

Approved December 19, 1994.

Chapter 220. AN ACT RELATIVE TO ADJOURNMENT OF EXAMINATION OR TRIAL IN THE COUNTIES OF ESSEX AND NORFOLK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-five of chapter two hundred and seventy-six of the General Laws, in the county of Essex and in the county of Norfolk, except in proceedings under sections fifteen to eighteen A, inclusive, of chapter two hundred and seventy-three of the General Laws, the court or justice may adjourn an examination or a trial from time to time, not exceeding thirty days at any one time against at the objection of the defendant, and to the same or different place in the county; provided, however, that the chief justice for the district court department, with the approval or at the discretion of the supreme judicial court, may suspend the provisions herein if he finds that circumstances have arisen which seriously delay the trial of cases and seriously impede the administration of justice. 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 with surety or sureties to the satisfaction of the court or justice, or without surety, for his appearance for such further examination or trial, or for want of such recognizance he shall be committed.

SECTION 2. The provisions of this act shall be effective in the county of Essex and in the county of Norfolk for a period of one year commencing on January first, nineteen hundred and ninety-five and shall apply only to actions commenced on or after January first, nineteen hundred and ninety-four.

Approved December 19, 1994.

Chapter 221. AN ACT AUTHORIZING THE TOWN OF SOUTH HADLEY TO ESTABLISH A MEDICAL SELF-INSURANCE PROGRAM FOR POLICE OFFICERS INJURED IN THE LINE OF DUTY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of South Hadley is hereby authorized to establish a medical self-insurance

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program for police officers injured in the line of duty. The town meeting may appropriate an amount not exceeding in any one year one-fiftieth of one percent of its equalized valuation as defined in section one of chapter forty-four of the General Laws, to establish and maintain a self-insurance fund to pay all medical expenses, including but not limited to all reasonable hospital, medical and surgical, chiropractic, pharmaceutical, prosthetic and related charges of police officers, who without fault are injured in the performance of their duties; provided, however, that no money shall be appropriated for such purpose while the fund equals or exceeds one-half of one percent of such equalized valuation. Any interest shall be added to and become a part of the fund.

The town treasurer shall be the custodian of the fund, and may deposit the proceeds in such banks or invest the same in such securities as are legal under the laws of the commonwealth. Such fund shall be managed and administered by the board of selectmen, or its designee, in its capacity as police commissioners.

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

Approved December 19, 1994.

Chapter 222. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF AMHERST TO JAY GARFIELD AND BLAINE GARSON.

Be it enacted, etc., as follows:

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, which provisions may have been completed before the effective date of this act, to sell and convey by deed a certain parcel of land located in the town of Amherst, which currently is a portion of the now or former Five College Bike Trail, to Jay Garfield and Blaine Garson for residential purposes subject to such terms and conditions as the commissioner may prescribe, in consultation with the department of environmental management. Said parcel is shown on a plan as "2032 SQ. FT." parcel on a plan identified as "Plan of Land in Amherst, Massachusetts Prepared for Commonwealth of Massachusetts Division of Capital Planning and Operations", Scale 1" = 20'; dated: January 2, 1992; Sheet 1 of 1; drawn by Douglas W. Thompson, RLS #28088, Almer Huntley, Jr. & Associates, Inc., Northampton, Mass. and further described as follows:

A certain parcel of land located on the southeasterly side of Southeast Street, a 1884 Hampshire County Highway (see Hampshire County Commissioners Records Book Number 11, page 193), in the town of Amherst and the northeasterly side of land of Grantor, managed by the Department of Environmental Management now or formerly known as the Five College Bike Trail (the "Trail") located within the town of Amherst southerly to the city of Northampton, formerly the abandoned Boston and Maine Rail Road, Wheelwright

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Branch, which parcel is bounded and described as follows:

Beginning at an iron pipe on the northeasterly sideline of said Trail in the town of Amherst with a Massachusetts Grid Coordinate of N 495,900.501, E 328,488.779. Said pipe is located forty-one and twenty-five hundredths (41.25) feet, at a bearing of N 58 degrees 28' 04" E, from Station 4824+78.9, as shown on plan of "Land in Massachusetts Boston and Maine Corporation to the Commonwealth of Massachusetts Department of Environmental Management, Date: 11-21-84" stamped by Corwin H. Rose, R.L.S. #7883, being the "Right-of-Way and Track Map, Boston and Maine R.R., Operated by the Boston and Maine R.R., Station 4788+40 to Station 4841+20"; scale: 1" = 100 Ft; dated: June 30, 1914, revised February, 1931, June 3, 1948; Office of Valuation Engineer, Boston, Mass.; Sheet V-5/89, recorded in the Hampshire County Registry of Deeds Plan Book 131, page 71. Said beginning point is also located S 62 degrees 32' 54" W, a distance of forty-seven and six hundredths (47.06) feet from an iron pipe located by lands of Grantee and now or formerly the Estate of Amelia Rock as recorded in Book 840, page 16 and shown on a plan of land entitled "Plan of Seven Parcels of Land in Amherst, Massachusetts" Prepared for Otto Paparazzo, dated: June 7, 1971; scale: 1" = 200'; drawn by Almer Huntley, Jr., RLS, Almer Huntley, Jr. & Associates, Northampton, Mass. and recorded in Plan Book 78, page 34.

Thence S 58 degrees 28' 04" W, a distance of ten and zero hundredths (10.00) feet to a point;

Thence, along a curve to the right with a radius of one thousand six hundred five and seventy-five hundredths (1,605.75) feet for a distance of one hundred eighty-five and nine hundredths (185.09) feet, to a point within the easterly layout line of Southeast Street, the last two (2) courses by and through said Trail;

Thence, N 09 degrees 34' 08" W for a distance of thirty-nine and forty-seven hundredths (39.47) feet by the easterly sideline of Southeast Street to a point in said easterly layout line of Southeast Street;

Thence, turning to the right, along a curve to the left with a radius of one thousand five hundred ninety-five and seventy-five hundredths (1,595.75) feet for a distance of two hundred twenty-two and zero hundredths (222.00) feet by land now or formerly of Grantee, to the point of beginning also being the Grantee's southwesterly corner of land as described in Book 2873, page 69-A dated December 17, 1986.

Containing two thousand and thirty-two (2,032) square feet, more or less, in the town of Amherst.

Being a portion of Grantor's property as described in a deed from the Boston and Maine Corporation to the Commonwealth of Massachusetts dated February 6, 1985 and recorded in Book 2546, page 132.

Said parcel is further described as being a portion of property as described in a deed from Edward H. Hawkes to the Boston and Maine Corporation dated July 25, 1881 in Book 365, page 95 and shown as "N/F B&M Corp.", a portion of Parcel No. 3 on a plan entitled "Right-Of-Way and Track Map, Boston and Maine R.R., Operated by the Boston and Maine R.R., Station 4788+40 to Station 4841+20"; scale: 1" = 100 Ft; dated June 30,

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1914, revised February, 1931, June 3, 1948, Office of Valuation Engineer, Boston, Mass.; Sheet V-5/89 recorded in Plan Book 131, page 71.

Meaning and intending to release, relinquish, grant and convey all, if any, right, title and interests to land, now or formerly owned by the Commonwealth, westerly by Southeast Street, northerly by lands of Grantee and easterly and southerly by Grantor's Trail in the town of Amherst, howsoever the same may be measured, bounded or described on said Plan.

The above described parcel shall be conveyed subject to and with the benefit of easements, restrictions and covenants of record insofar as the same are now in force and applicable, including, but not limited to, covenants regarding building and maintaining fences, at the discretion of Boston and Maine Corporation, its successors and assigns, and the reservation of rights of Boston and Maine Corporation, its successors and assigns, to a permanent right-of-way and easement along the entire length of said trail for the purposes of construction, installation, operation, maintenance, repair, reinstallation, relocation and removal of fiber optic cable telecommunications system to be located in, on, upon, under, across, along and through a portion of the trail, together with the right of access to the area where the cable is to be located, all as set forth in the aforesaid deed recorded in said registry of deeds in Book 2546, page 132.

The covenants in the deed from the Boston and Maine Corporation to the grantor are covenants running with the land and shall be binding upon the grantee, its successors and assigns, forever.

SECTION 2. Chapter eighty-one of the acts of nineteen hundred and ninety is hereby repealed.

Approved December 19, 1994.

Chapter 223. AN ACT RELATIVE TO THE APPOINTMENT OF CITY AUDITORS.

Be it enacted, etc., as follows:

Section 48 of chapter 41 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "removed", in lines 4 and 5, the following words:- ; provided, however, the appointing authority may, by written contract, appoint an auditor for a term not to exceed five years.

Approved December 19, 1994.

**Chapter 224. AN ACT RELATIVE TO THE PUBLIC EDUCATION OF PERSONS
RESIDING WITHIN THE DEVENS REGIONAL ENTERPRISE
ZONE.**

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 498 of the acts of 1993 is hereby amended by adding the following sentence:- It is also the purpose of this act to provide an interim governmental structure for Devens which will assume specified local authority and duties, in recognition of the state and local partnership necessary for the successful redevelopment of Devens, and the duty of the commonwealth in this regard to consider local and regional interests.

SECTION 2. Section 9 of said chapter 498 is hereby amended by striking out clause (1) and inserting in place thereof the following clause:- (1) the board of selectmen of each of the towns shall, within thirty days of the approval by the towns of the reuse plan and by-laws, nominate two candidates for commissioner whom the governor shall, in each case and in his sole discretion, appoint or reject within thirty days of his receipt of the nominations, and, for any rejected nominee, the board of selectmen of the town whose nominee was rejected shall nominate successive candidates for commissioner and the governor shall appoint or reject such successive candidates within thirty days of his receipt of their nominations.

SECTION 3. Said section 9 of said chapter 498 is hereby further amended by striking out the seventh sentence and inserting in place thereof the following sentence:- No elected official of the federal government, the commonwealth or any political subdivision of the commonwealth, or employee or agent of, or contractor to the bank or the commission may serve hereunder as commissioner.

SECTION 4. The last sentence of said section 9 of said chapter 498 is hereby amended by adding the following words:- ; provided, however, that only an associate member nominated by the board of selectmen of a town may assume the position of a commissioner appointed by the board of selectmen of that town.

SECTION 5. Section 10 of said chapter 498 is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- The bank and the town shall prepare a reuse plan and associated by-laws for Devens as provided for in this section, hereinafter referred to as the reuse plan and by-laws. The purpose of the reuse plan and by-laws will be to establish objectives, policies, requirements and standards to guide public and private decision-making and investment and to ensure the maintenance of quality of life and the protection of natural resources.

SECTION 6. Said section 10 of said chapter 498 is hereby further amended by striking out clause (i) and inserting in place thereof the following clause:- (i) the allocation of land that is expected to be developed primarily by private parties into zones or districts for industrial, commercial, residential and other basic uses, for the height, area and land coverage of development within such zones or districts and the types or range of uses that will be permitted or prohibited within such zones or districts.

SECTION 7. The second paragraph of said section 10 of said chapter 498 is hereby

amended by striking out the second sentence and inserting in place thereof the following sentence:- To provide a mechanism for amending and modifying the reuse plan and by-laws after final approval, as set forth herein, the reuse plan and by-laws shall contain criteria for determining which amendments or modifications constitute substantial revisions to the approved reuse plan and by-laws.

SECTION 8. Said section 10 of said chapter 498 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Within thirty days of the last public hearing on the proposed reuse plan and by-laws held by the bank and the towns, the bank shall submit copies of the reuse plan and by-laws to the governor, the secretary, the clerk of the house and the clerk of the senate, the legislative representatives from the house and senate of the Devens region.

SECTION 9. The sixth paragraph of said section 10 of said chapter 498 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Revisions to the reuse plan and by-laws not considered substantial pursuant to the provisions contained in the reuse plan and by-laws shall be effective upon approval thereof by the commission.

SECTION 10. Section 11 of said chapter 498 is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following two paragraphs:-

(1) The commission shall after notice and public hearing, develop and adopt, by a two-thirds majority of the commissioners, a comprehensive set of regulations for the Devens Regional Enterprise Zone, which set of regulations shall be collectively identified as the Devens regulations, hereinafter referred to as the regulations. The regulations shall, in conjunction with the reuse plan and by-laws, carry out the purposes and intent of the General Laws relating to zoning, subdivision control, historic commission and conservation commission regulatory powers, and shall be promulgated pursuant to chapter thirty A of the General Laws. The reuse plan and by-laws and regulations shall constitute the principal means of controlling the land development activities within Devens, and either or both of the by-laws and the regulations may contain duties of the commission to be undertaken in the exercise of the powers granted in section ten and this section. The regulations shall be promulgated no later than eighteen months after the passage of this act. Revisions to the regulations shall be approved and promulgated in the same manner as the regulations.

(2) The commission shall administer and enforce the reuse plan and by-laws and regulations and in so doing may exercise the powers of a special permit granting authority and of a planning board for the purposes of regulating land use under chapter forty A of the General Laws and subdivision control under chapter forty-one of the General Laws, sections eighty-one K to eighty-one GG, inclusive. The commission shall also have all the powers and authority conferred upon planning boards by chapter forty-one of the General Laws, sections eighty-one A to eighty-one J, inclusive. The commission shall have all the powers and authority conferred upon conservation commissions for the purposes of enforcing the provisions of chapter one hundred and thirty-one of the General Laws, sections forty and forty A, provided, however, that the commission shall administer its powers relating to the protection of wetlands in accordance with regulations issued by the department of environ-

mental protection for the implementation of the Wetlands Protection Act; provided, further, that any appeal of an order of conditions issued by the commission shall be made to said department. The commission shall also have all the powers and authority conferred upon boards of health by chapter one hundred and eleven of the General Laws, sections twenty-six to thirty-two, inclusive. The commission shall also have all the powers and authority conferred upon zoning boards of appeals by chapter forty A of the General Laws, sections twelve to seventeen. The commission shall also have all the powers and authority conferred upon historic district commissions and towns by chapter forty C of the General Laws.

SECTION 11. Subsection (3) of said section 11 of said chapter 498 is hereby amended by striking out the first sentence and inserting in place thereof the following sentences:- Any person aggrieved by a determination or approval of the commission, whether or not previously a party to the proceeding, or any municipal officer or board, may appeal to the superior court by bringing an action within twenty days after the commission has filed its decision in each of the three towns' clerk's offices. Said twenty-day period shall commence only after all such recordings have been completed. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds that said determination is unsupported by substantial evidence or exceeds the authority of the commission, or it may remand the case for further action by the commission or may make such other decree as is just and equitable. All issues in any proceeding under this subsection shall have precedence over all other actions and proceedings.

SECTION 12. Said section 11 of said chapter 498 is hereby further amended by striking out subsection (4) and inserting in place thereof the following subsection:-

(4) In addition to its land use regulatory and permitting powers as set forth herein, and except as otherwise reserved to the towns herein, the commission shall adopt regulations within twenty-four months after the effective date of this act, and thereafter as deemed necessary by the commission, relating to any other permitting or licensing powers granted in the General Laws to municipalities in the commonwealth, provided that such regulations shall be consistent with the reuse plan and by-laws and shall be prepared and, following notice and public hearing, adopted in accordance with the provisions of chapter thirty A of the General Laws.

SECTION 13. Subsection (5) of said section 11 of said chapter 498 is hereby amended by striking out clause (e) and inserting in place thereof the following clause:-

(e) exercise the power of eminent domain within Devens as provided in chapters seventy-nine, seventy-nine A, eighty and eighty A of the General Laws, consistent with the reuse plan and by-laws, and with the approval of the bank.

SECTION 14. Said subsection (5) of said section 11 of said chapter 498 is hereby further amended by striking out clause (j) and inserting in place thereof the following clause:-

(j) employ a land use administrator to assist in the administration of the by-laws and regulations, and delegate certain powers to said land use administrator to administer and enforce the by-laws and regulations, as may be provided in the by-laws, or if not so provided, by vote of seven members of the commission.

SECTION 15. Said subsection (5) of said section 11 of said chapter 498 is hereby further amended by striking out clause (k) and inserting in place thereof the following clause:-

(k) enforce the reuse plan and by-laws, the regulations and all other by-laws and regulations authorized under this section.

SECTION 16. Said subsection (5) of said section 11 of said chapter 498 is hereby further amended by striking out clause (p) and inserting in place thereof the following clause:-

(p) following notice and public hearing, discontinue any street, public way or public use of a private way consistent with the reuse plan and by-laws and with the approval of the bank.

SECTION 17. The third paragraph of section 12 of said chapter 498 is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) investigate, engineer, lay out, accept and construct any public or private way consistent with the reuse plan, by-laws and regulations.

SECTION 18. Said third paragraph of said section 12 of said chapter 498 is hereby further amended by striking out clause (o) and inserting in place thereof the following clause:-

(o) exercise the power of eminent domain within Devens, as provided in chapters seventy-nine, seventy-nine A, eighty and eighty A of the General Laws, consistent with the reuse plan and by-laws and with the approval of the commission.

SECTION 19. Paragraph (2) of section 15 of said chapter 498 is hereby amended by inserting after the word "agency", in line 1, the following words:- profit or not for profit organization or corporation.

SECTION 20. Section 21 of said chapter 498 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The towns shall not be entitled to assess any fees or taxes on property, persons or businesses located in Devens, except for fees assessed by town clerks for licenses or permits issued pursuant to clause (g) of subsection (5) of section eleven of this act.

SECTION 21. Said chapter 498 is hereby further amended by striking out section 22 and inserting in place thereof the following section:-

Section 22. Public health and safety and inspection services. The commission shall have the right to establish a department or contract for services for inspections relating to public health, public safety and inspection services, or may designate the division of inspection in the department of public safety or the department of public health to provide said services. The commission shall review and grant permits and other licenses, including building and occupancy permits, and conduct inspections and enforce such permits and licenses, in accordance with the requirements of the General Laws and state regulations pertaining to the construction, development and maintenance of buildings and property, including, but not limited to, the state building code, the wire code, plumbing and gas code, the fire code and elevator operations. The commission shall also review and grant permits and other licenses and conduct inspections and enforce the state sanitary code and laws and

regulations related to the protection of the public health at Devens, to the same extent as undertaken by local boards of health pursuant to the General Laws. The commission shall establish reasonable fees for such permits and licenses, based upon the costs expended in the review, issuance and enforcement of such permits and licenses. The commission may, as may be provided in the by-laws, or if not so provided, by a vote of seven members of the commission, delegate certain powers to commission staff or contractors, including the land use administrator, to issue, administer and enforce said codes, laws, regulations, licenses and permits.

SECTION 22. Section 23 of said chapter 498 is hereby amended by inserting before the first sentence the following three sentences:- On or before July first, two thousand and thirty, the commission, the boards of selectmen of the towns, with the advice of the planning boards, and the bank shall initiate a study, hereinafter called the study, concerning permanent government structure for the ongoing operation and administration of Devens. The study shall evaluate alternative structures for government, ownership and operation of open space, recreation, and other lands and facilities, infrastructure, easements, equipment and records, with such alternative structures including, but not limited to, town government and joint entities or combinations thereof, or the bank and the commission, and shall identify transition costs and further investments needed. During the preparation of the study, public participation shall be encouraged and public hearings held.

SECTION 23. The first sentence of said section 23 of said chapter 498 is hereby amended by inserting after the word "submit", in line 2, the following words:- the study and.

SECTION 24. Said chapter 498 is hereby further amended by striking out section 26 and inserting in place thereof the following section:-

Section 26. (1) Upon approval of the reuse plan and by-laws by the towns, pursuant to section ten, and notwithstanding any general or special law to the contrary, the bank shall be the public agency responsible for ensuring that persons residing at Devens will receive the same educational benefits and opportunities to which other persons in the commonwealth are entitled under the General Laws.

(2) The bank shall initially discharge the responsibilities set forth in this section by entering into a contract or contracts with the school committee or committees, following a public hearing, of one or more of the towns, or of any other municipality or district within the commonwealth, to provide to persons residing at Devens all of the educational and education-related services to which such persons would be entitled if they resided in the school district which the contracted school committee serves; which school district shall, for the term of the contract, serve as their district of residence for purposes of all general and special laws related to public education.

(3) The bank shall be responsible for the actual costs incurred by the contracted school committee in providing educational and education-related services to the residents of Devens during the term of the contract, the determination of these costs and the terms for payment of these amounts to be set forth in the contract.

(4) The initial contract or contracts shall be executed on or before July first, nineteen hundred and ninety-five, shall be for a term of not fewer than five years, and shall be subject

to review and approval by the commissioner of education to ensure compliance with all state and federal public education laws.

(5) At least one year prior to expiration of the initial contract or contracts, the bank shall either enter into an agreement to renew the contract or contracts, contract with one or more other school committees following public hearings to assume the bank's responsibilities to provide all educational and education-related services to which persons residing at Devens are legally entitled, or, subject to the approval of the commissioner of education, begin undertaking the necessary preparations to form a regional school district with one or more of the towns or nearby municipalities or to operate its own school system.

(6) For purposes of providing advice and consultation to the bank regarding educational and education-related issues and concerns pertaining to persons who reside at Devens, there is hereby established a Devens educational advisory committee comprised of one representative each from the school committees of each of the towns and four persons residing within Devens, said residents to be elected biannually at an open public meeting of Devens residents, at least two of whom shall be parents of school age children. Said advisory committee shall meet at least quarterly with the board of directors of the bank for the purpose of reviewing educational issues and concerns of persons residing at Devens, and advising the bank on matters related to its contract or contracts for the provision of educational and education-related services to persons residing at Devens.

(7) In the event that the reuse plan and by-laws are not approved and the bank exercises its right to abandon its activities related to the operations, maintenance, and redevelopment of Devens, pursuant to section ten, the obligations of the bank under this section shall be given no further force and effect, in which event the education of persons residing within the area designated as Devens shall remain the responsibility of the towns in which such persons reside.

(8) In the event that the reuse plan and by-laws are approved, but the bank is unable, after diligent efforts, to contract with one or more school committees to provide educational and education-related services to the persons residing at Devens or to establish its own school system, the bank shall promptly so notify the towns, and it shall be the responsibility of each town in which such persons actually reside to provide those services to its residents. The bank, however, shall remain financially responsible for the education of persons residing at Devens, and each town may assess the bank on a semi-annual basis, and the bank shall pay to the towns, the actual cost of providing such services, which costs shall include but not be limited to transportation, capital expenses, bond payments, operating and maintenance of facilities, personnel benefits, special education and related services, and general administration, on a direct or pro rata basis as deemed appropriate by agreement of the school committee of each town and the bank.

SECTION 25. The fifth paragraph of section 7A of chapter 212 of the acts of 1975, as amended by section 63 of chapter 287 of the acts of 1989, is hereby further amended by inserting after the word "for", in line 12, the following words:- institutional, governmental,-

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and by inserting after the word "unemployment", in line 13, the following words:- or will stimulate economic development.

Approved December 20, 1994.

**Chapter 225. AN ACT AUTHORIZING THE TOWN OF MARION TO ISSUE AN
ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC
BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

Be it enacted, etc., as follows:

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 Marion is hereby authorized to issue to James and Tsutako Masterson, d/b/a Jimmy's Variety of the town of Marion, a license for the sale of all alcoholic beverages not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen; provided, however, that the number of seasonal licenses for the sale of all alcoholic beverages not to be drunk on the premises under the provisions of said section seventeen of said chapter one hundred and thirty-eight shall be reduced by one such license.

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

Approved December 21, 1994.

**Chapter 226. AN ACT PROVIDING FOR THE ESTABLISHMENT OF A SEPTAGE
DISPOSAL FACILITY ENTERPRISE FUND IN THE TOWN OF
HINGHAM.**

Be it enacted, etc., as follows:

SECTION 1. The town of Hingham is hereby authorized to establish an enterprise fund for its septage disposal facility and the operation thereof which shall be subject to the provisions of section fifty-three F and one-half of chapter forty-four of the General Laws; provided, however, that any available surplus in the reserve fund established under said section may be appropriated by said town for any capital project for which borrowing may be authorized under the provisions of section seven or section eight of said chapter forty-four.

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

Approved December 22, 1994.

Chapter 227. AN ACT VALIDATING CERTAIN ACTIONS OF THE TOWN OF LUNENBURG AT THE ANNUAL TOWN MEETING HELD ON MAY SEVENTH, NINETEEN HUNDRED AND NINETY-FOUR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the vote on the question of exempt borrowing taken by the town of Lunenburg at the annual town election held on May seventh, nineteen hundred and ninety-four, to exempt pursuant to subsection (k) of section twenty-one C of chapter fifty-nine of the General Laws the amount required to pay for the bond to be issued for the capital projects identified in said town of Lunenburg capital plan for fiscal year nineteen hundred and ninety-five, as provided in Article 7 of the warrant for the town meeting held in Lunenburg on May fourteenth, nineteen hundred and ninety-four is hereby ratified, validated and confirmed, notwithstanding any defect in the form of the ballot question used at said election.

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

Approved December 22, 1994.

Chapter 228. AN ACT AUTHORIZING THE CITY OF BEVERLY TO ENTER INTO A CERTAIN CONTRACT FOR THE DISPOSAL OF SEWAGE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter three hundred and thirty-nine of the acts of nineteen hundred and twenty-five, the city of Beverly is hereby authorized to enter into a contract with Gourdeau Limited, Inc., a Massachusetts corporation for the disposal of sewage emanating from a one hundred and twenty-eight acre subdivision of land located on Grapevine road in the town of Wenham, presently owned by Gordon College, but under agreement for sale to said Gourdeau Limited, Inc., said contract to be approved by the board of the South Essex Sewerage District and said city of Beverly.

The contract may allow for the use of the system of sewer mains, or any portion thereof, belonging to said city of Beverly. The contract may be entered into at any time. The city council of said city of Beverly shall have the authority to enter into, extend, renew, amend or alter the contract, or any part thereof in agreement with said Gourdeau Limited, Inc. and with the approval of said board of the South Essex Sewerage District.

Said Gourdeau Limited, Inc. shall pay all costs, charges, and fees arising from, or incidental to its utilizing the mains, pumping stations and related facilities owned by or available to said city of Beverly, including:

(a) engineering, planning and drawing fees for the design or redesign or any mains or systems necessary to carry the flow from said Gourdeau Limited, Inc.;

(b) obtaining, utilizing and protecting easements or other rights necessary for laying mains to transport sewage from said Gourdeau Limited, Inc. to the mains of said city of Beverly;

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(c) the laying, maintaining and servicing of the mains laid from said Gourdeau Limited, Inc. to the mains of said city of Beverly;

(d) all legal, engineering or other costs and fees connected with, or incidental to, the preparation for, connection with, or operation of the connection of mains belonging to said Gourdeau Limited, Inc. to the mains of said city of Beverly;

(e) the periodic cost of operation, as determined by said city of Beverly;

(f) a contribution toward bonded indebtedness as determined by said city of Beverly.

Approved December 22, 1994.

Chapter 229. AN ACT AUTHORIZING THE TOWN OF METHUEN TO GRANT A PENSION TO ROBERT J. MONAHAN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, and, in order to promote the public good, the town of Methuen retirement board is hereby authorized and directed to retire Robert J. Monahan, a firefighter in the town of Methuen, who as a result of injuries sustained while in the performance of his duties at the central fire station in the town of Methuen on March twenty-seventh, nineteen hundred and eighty-six, is totally and permanently incapacitated as for services as a firefighter. The annual amount of pension payable shall be fixed in an amount equal to seventy-two percent of the rate of compensation which would have been paid had he continued in service as a firefighter in said town 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 is entitled to receive regular compensation.

The retirement board shall further forthwith pay to Robert J. Monahan all amounts standing to his credit in the annuity savings fund of the retirement system of said town.

SECTION 2. The provisions of section one hundred B of chapter forty-one of the General Laws shall continue to apply to Robert J. Monahan relative to his indemnification by the town of Methuen for any hospital, medical and related expenses which may be incurred by him after the date of his retirement as a result of the aforementioned incapacity.

SECTION 3. Notwithstanding the provisions of section nine of chapter thirty-two of the General Laws, if the Methuen retirement board, upon proper proof, finds that said Robert Monahan died as the natural and proximate result of the personal injury sustained on March twenty-seventh, nineteen hundred and eighty-six, the town of Methuen shall pay to the wife of Robert J. Monahan an annual annuity equal to the sum of three-quarters of the pension payable to him at the time of his death and the town shall pay the sum of three hundred and twelve dollars for each child of said Robert J. Monahan for such time as such child is either under eighteen years of age or totally physically or mentally incapacitated from working. If the wife of said Robert J. Monahan receiving the annuity herein mentioned shall remarry, the town shall then pay to her, in lieu of the aforesaid annuity, an annual annu-

ity of five hundred and twenty dollars for each child of said Robert J. Monahan for such time as such child is residing with her and is either under eighteen years of age on January first of the year in question or is totally physically or mentally incapacitated from working.

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

Approved December 22, 1994.

Chapter 230. AN ACT TO EFFECT THE PROVISIONS OF ARTICLE VIII OF THE MASSACHUSETTS CONSTITUTION AND TO CURTAIL THE EFFECTS OF ENTRENCHED INCUMBENCY BY LIMITING THE NUMBER OF CONSECUTIVE TERMS A PUBLIC OFFICER MAY BE LISTED ON THE PRIMARY AND GENERAL ELECTION BALLOT TO SERVE IN THE SAME PUBLIC OFFICE AND BY ENCOURAGING VOLUNTARY LIMITATION OF TERMS OF OFFICE OF THE GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY, TREASURER, AUDITOR, ATTORNEY GENERAL, GOVERNOR'S COUNCILLORS, STATE SENATORS AND STATE REPRESENTATIVES BY REDUCING PAY, PERQUISITES AND PRIVILEGES.

Be it enacted by the People, and by their authority:

SECTION 1. Section 48 of chapter 53 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after line 47, the following new paragraph:

There shall not be printed on the ballot at the state primary or state election the name of any person as a candidate for nomination or election for any office to be filled by all the voters of the commonwealth, or for representative in congress, governor's councillor, senator in the general court or representative in the general court, if said person: (a) is a candidate for the office of Governor, Lieutenant Governor, Secretary, Treasurer, Auditor or Attorney General who, by the end of the then current term of office will have served, or but for resignation would have served, for two consecutive terms in that office within the eleven year period immediately preceding the end of the then current term of office; (b) is a candidate for the office of governor's councillor, senator in the general court, representative in the general court, or representative in congress from Massachusetts who, by the end of the then current term of office will have served, or but for resignation would have served, four consecutive terms in that office within the nine year period immediately preceding the end of the then current term of office; or (c) is a candidate for the office of United States Senator from Massachusetts who, by the end of the then current term of office will have served, or but for resignation would have served, two consecutive terms in that office within the seventeen year period immediately preceding the end of the then current term of office. For the purpose of this section, (i) any person elected or appointed to the office of governor, lieu-

tenant governor, secretary, treasurer, auditor, attorney general, representative in the general court, senator in the general court, representative in congress or United States Senator from Massachusetts who serves more than one-half of a term in that office, shall be deemed to have served an entire term in that office, and (ii) any person serving in one of the foregoing offices as of January 15, 1995 shall be deemed to be serving his first term in that office.

SECTION 2. Section 9 of chapter 3 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after line 46, the following paragraph:

Notwithstanding other provisions of this section to the contrary, any representative in the general court who has served, or but for resignation would have served, four consecutive terms in that office within the preceding nine years and any senator in the general court who has served, or but for resignation would have served, four consecutive terms in that office within the preceding nine years shall receive for each regular annual session no compensation. For the purpose of this section, any person serving in one of the foregoing offices as of January 15, 1995 shall be deemed to be serving his first term in that office.

SECTION 3. Section 9B of chapter 3 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after line 105, the following paragraph: Notwithstanding other provisions of this section to the contrary, no representative in the general court who has served, or but for resignation would have served, four consecutive terms in that office within the preceding nine years shall receive any payment annually for expenses, mileage, meals, lodging or travel and no senator in the general court who has served, or but for resignation would have served, four consecutive terms in that office within the preceding nine years shall receive any payment annually for expenses, mileage, meals, lodging or travel. For the purpose of this section, any person serving in one of the foregoing offices as of January 15, 1995 shall be deemed to be serving his first term in that office.

SECTION 4. Section 2 of chapter 6 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after line 5, the following paragraph:

Notwithstanding other provisions of this section to the contrary, any lieutenant governor who has served, or but for resignation would have served, two consecutive terms in that office within the preceding eleven years shall receive no compensation. For the purpose of this section, any person serving in the office of lieutenant governor as of January 15, 1995 shall be deemed to be serving his first term in that office.

SECTION 5. Section 3 of chapter 6 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after line 2, the following paragraph:

Notwithstanding other provisions of this section to the contrary, any member of the council who has served, or but for resignation would have served, four consecutive terms in that office within the preceding nine years shall receive no compensation. For the purpose of this section, any person serving as a member of the council as of January 15, 1995 shall be deemed to be serving his first term in that office.

SECTION 6. Section 4 of chapter 6 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after line 5, the following paragraph:

Notwithstanding other provisions of this section to the contrary, no lieutenant governor who has served, or but for resignation would have served, two consecutive terms in that office within the preceding eleven years and no member of the council who has served, or but for resignation would have served, four consecutive terms in that office within the preceding nine years shall receive any payment annually for expenses, mileage, meals, lodging or travel. For the purpose of this section, any person serving in one of the foregoing offices as of January 15, 1995 shall be deemed to be serving his first term in that office.

SECTION 7. Section 1 of chapter 9 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after line 8, the following paragraph:

Notwithstanding other provisions of this section to the contrary, any state secretary who has served, or but for resignation would have served, two consecutive terms in that office within the preceding eleven years shall receive no compensation. For the purpose of this section, any person serving as state secretary as of January 15, 1995 shall be deemed to be serving in his first term in that office.

SECTION 8. Section 1 of chapter 10 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after line 4, the following paragraph:

Notwithstanding other provisions of this section to the contrary, any state treasurer who has served, or but for resignation would have served, two consecutive terms in that office within the preceding eleven years shall receive no compensation. For the purpose of this section, any person serving as state treasurer as of January 15, 1995 shall be deemed to be serving his first term in that office.

SECTION 9. Section 1 of chapter 11 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after line 6, the following paragraph:

Notwithstanding other provisions of this section to the contrary, any state auditor who has served, or but for resignation would have served, for two consecutive terms in that office within the preceding eleven years shall receive no compensation. For the purpose of this section, any person serving as state auditor as of January 15, 1995 shall be deemed to be serving his first term in that office.

SECTION 10. Section 1 of chapter 12 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after line 5, the following paragraph:

Notwithstanding other provisions of this section to the contrary, any attorney general who has served, or but for resignation would have served, two consecutive terms in that office within the preceding eleven years shall receive no compensation. For the purpose of this section, any person serving as attorney general as of January 15, 1995 shall be deemed to be serving his first term in that office.

SECTION 11. If any of the provisions of this act shall be held unenforceable by any court of competent jurisdiction, this act shall be construed as though such provision had not been included in it.

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

This law was approved by the people at the November 8, 1994 election under the provisions of Article XLVIII of the amendments to the Constitution.

**Chapter 231. AN ACT PROVIDING FOR THE REPAIR OF PUBLIC HIGHWAYS,
ROADS AND BRIDGES.**

Be it enacted by the People, and by their authority:

Section One:

Massachusetts General Laws, Chapter 64A, Section 13, Subsection (b) as amended by St. 1992, c. 286 sec 139, is hereby stricken.

Section Two:

Massachusetts General Laws, Chapter 64A, Section 13, Subsection (a) as amended by St. 1992, c. 286 sec 139, in line 11 is hereby amended by striking the words: "sixty-nine and eighty-five hundredths percent" and inserting in its place thereof the following: "seventy percent".

Section Three:

Massachusetts General Laws, Chapter 64A, Section 13, Subsection (d), as amended by St. 1992, c. 286 sec 139, shall be further amended by inserting at the end thereof the following new clause: "and further, other than the revenues specified herein no other revenues under this section shall be used for the sole purpose specified in this subsection."

Section Four:

Massachusetts General Laws, Chapter 29, Section 1 as amended by St. 1992, c. 133 sec 333, is hereby amended by inserting after the word "General Fund", in Line 28 thereof, the word "and" and by striking the following words: "the Highway Fund".

Section Five:

Massachusetts General Laws, Chapter 29B, Section 1 as amended by St. 1992, c. 133 sec 348 and sec 599 is hereby amended by inserting after the word "General Fund", in Line 45 thereof, the word "and" and by striking, in Line 46 thereof, the following words: "the Highway Fund".

Section Six:

Massachusetts General Laws, Chapter 90, Section 34 as amended by St. 1991, c. 552 sec 74, is hereby amended by adding at the beginning thereof the following: "The citizens of the Commonwealth have a right to a safe and efficient public highway, roads and bridge system. This system includes highways, roads and bridges constructed and maintained by the Commonwealth of Massachusetts, that of its counties, cities, and towns which continues to deteriorate, causing an urgent need for the Commonwealth to construct and maintain a safe, sound and efficient public highway, road and bridge system necessary for the well being of the citizens of the Commonwealth. Unless sufficient funding and planning is provided immediately, the cost of repair and reconstruction will increase and the economic well being and safety of the users of this system will be endangered."

Section Seven:

Massachusetts General Laws, Chapter 90, Section 34, as amended by St. 1991, c. 552 sec 74, shall be further amended by inserting in Line 34 thereof the following new clause: "No revenue credited to the Highway Fund shall be transferred from said Fund to any other Fund of the Commonwealth for any other purpose".

Section Eight:

Massachusetts General Laws, Chapter 90, Section 34, as amended by St. 1991, c.552 sec 74, is hereby further amended by inserting at Line 29 a new clause numbered (1)(a) which shall provide: "(1)(a) The secretary of transportation and construction shall, within one year of the effective date of this act, prepare a comprehensive state transportation plan for the fiscal years from nineteen hundred and ninety-six through two thousand two. Said plan shall be prepared after public hearings pursuant to chapter thirty A of the General Laws. 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. 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. The above referenced plan shall provide for the repair and reconstruction of five percent annually at minimum of the public highways and bridges of the Commonwealth, its counties, cities and towns.

Section Nine:

The preceding sections of this act are severable and in the event that any section is to be deemed invalid such invalidity shall not be given any effect with respect to the remaining sections.

This law was approved by the people at the November 8, 1994 election under the provisions of Article XLVIII of the amendments to the Constitution.

Chapter 232. AN ACT AUTHORIZING THE MASHPEE WATER DISTRICT TO ESTABLISH A BETTERMENT RESERVE FUND.

Be it enacted, etc., as follows:

SECTION 1. Chapter 136 of the acts of 1987 is hereby amended by inserting after section 5A, inserted by section 2 of chapter 450 of the acts of 1989, the following section:-

Section 5B. 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 Mashpee water district is hereby authorized to establish a separate fund to be known as the Betterment Reserve Fund, which shall be kept separate and apart from all other monies of said district by the treasurer of said district. All betterment payments, apportioned and unapportioned and received by said district shall be deposited into said fund.

The treasurer may invest such funds in the manner authorized by sections fifty-four and fifty-five of said chapter forty-four.

The principal and interest thereon shall be reserved for appropriation for the payment

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of said district's betterment debt. Any excess in said fund may be transferred to the general fund of said water district.

SECTION 2. This act shall take effect as of July first, nineteen hundred and ninety-four.

Approved December 23, 1994.

Chapter 233. AN ACT ESTABLISHING A SPECIAL ACCOUNT IN THE TOWN OF BRIDGEWATER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other provisions of law to the contrary, the town of Bridgewater is hereby authorized to establish a special account to be known as the Bridgewater Senior Center Trust Fund into which account shall be deposited all donations and gifts received from any source by the trustees of the senior center of the town. Donations from private sources or specific fund raising campaigns may be received and placed into said account, as well as monies from other sources authorized by law.

SECTION 2. Said account shall be maintained by the town treasurer of said town and shall be kept separate and apart from all other monies by said treasurer. Said treasurer may invest the monies in said account in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four of the General Laws. The interest accruing on said account shall inure solely to the benefit of said account. Said account shall be audited by the town's certified public accountants and said audit report shall be submitted to the director of the bureau of accounts.

SECTION 3. The town treasurer shall assure that sufficient money is available at all times to meet expenditures from said fund. The trustees of the senior center in said town shall annually furnish the treasurer a schedule of anticipated expenditures on a monthly basis. Expenditures from said account may be authorized by a majority vote of the trustees of the senior center with approval from the board of selectmen of the town, in accordance with conditions, restrictions or guidelines, if any, which may accompany the donation or gift of any funds. Any monies so authorized for expenditure but not expended shall revert to said trust account.

Approved December 23, 1994.

Chapter 234. AN ACT RELATIVE TO QUARTERLY TAX BILLS IN THE 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-five to issue notices of preliminary tax in addition to such notice of preliminary tax as provided in said section; and 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 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-five, such notice shall be sent on or before December thirty-first, nineteen hundred and ninety-four 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-five 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 year nineteen hundred and ninety-five as provided for by 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-five are not mailed by December thirty-first, nineteen hundred and ninety-four, 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-five, 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 27, 1994.

**Chapter 235. AN ACT FURTHER REGULATING THE RIGHTS OF CERTAIN
FIREFIGHTERS AND POLICE OFFICERS.**

Be it enacted, etc., as follows:

SECTION 1. In a city, town, or fire district, which accepts the provisions of this act, a firefighter or police officer, whose employment was terminated due to a reduction in force and subsequently was reinstated to his former position within three years of termination, shall be credited with active service for such period of unemployment. Such credited service shall be included as part of his length of service, and shall be applied to his seniority, promotional examinations and retirement; provided, however, that said firefighter or police officer shall be required to pay into the annuity savings fund of the retirement system in one sum, or in installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions otherwise payable by him had he remained an active member in service during said period of unemployment at the rate of compensation he was receiving at the time of the aforesaid termination of employment together with regular interest thereon to his date of reinstatement; and provided, further, that said firefighter or police officer shall be required to pay into the annuity savings fund of the retirement system in one sum, or in installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions withdrawn by him, if any, with the regular interest to the date of his reinstatement.

SECTION 2. Nothing contained in this act shall be construed to require, as a condition for such credit, the payment of any additional sums other than the sums required pursuant to chapter three hundred and twenty-four of the acts of nineteen hundred and eighty-three for any such firefighter or police officer in any city or town having accepted the provisions of said chapter three hundred and twenty-four prior to October eighth, nineteen hundred and eighty-five.

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

Approved December 27, 1994.

**Chapter 236. AN ACT AUTHORIZING AND DIRECTING THE STATE SUPERIN-
TENDENT OF STATE OFFICE BUILDINGS TO INSTALL A
PLAQUE IN THE STATE HOUSE HONORING DOCTOR FRANK H.
PARKER.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the installation of a certain plaque in the state house, therefore 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 superintendent of state office buildings is hereby authorized and directed, in con-

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sultation with the art commission, established under the provisions of section nineteen of chapter six of the General Laws, to install in a suitable place in the state house, a plaque to be provided and maintained by the department of public health honoring Doctor Frank H. Parker.

Approved December 27, 1994.

Chapter 237. AN ACT RELATIVE TO THE FUELING OF MOTORBOATS.

Be it enacted, etc., as follows:

Chapter 90B of the General Laws is hereby amended by inserting after section 5A the following section:-

Section 5B. Each pump or other dispensing device used to provide motor fuel for motorboats shall be equipped with an automatic shut-off nozzle which shall not be capable of being locked into an open position. Any violation of this section shall be punished by a fine of not more than five hundred dollars.

Approved December 27, 1994.

Chapter 238. AN ACT RELATIVE TO THE YOUTH COMMISSION OF THE TOWN OF DARTMOUTH.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eight E of chapter forty of the General Laws, the youth commission of the town of Dartmouth shall consist of nine members.

Approved December 27, 1994.

Chapter 239. AN ACT RELATIVE TO SEWER CONNECTION FEES IN THE TOWN OF WEBSTER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Webster acting through its board of selectmen is hereby authorized to refund, without interest, sewer connection fees charged to and paid by local property owners prior to May ninth, nineteen hundred and ninety-four.

SECTION 2. All persons who have actually paid the sewer connection fee, or their spouses, shall be entitled to apply for a refund. The board of selectmen shall issue a refund to an eligible applicant hereunder provided that such application is made within ninety days

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after this act becomes effective in the town of Webster pursuant to section three. In the event that said ninetieth day falls on a Saturday, Sunday or legal holiday, the deadline shall be extended to include the next business day. For the purposes of this act, "filing" shall mean the physical receipt of an application by the office of the board of selectmen before the close of business on the last day for applying for such refund and an "application" shall mean any writing which is signed by the applicant which identifies the applicant, the property for which the fee was paid, and which identifies the approximate date of payment.

SECTION 3. This act shall take effect in the town of Webster upon its acceptance by the voters at the next annual town election next following the date of this act.

Approved December 27, 1994.

Chapter 240. AN ACT AUTHORIZING THE TOWN OF MASHPEE TO ESTABLISH A CAPITAL REPLACEMENT FUND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Mashpee is hereby authorized to establish and maintain a separate account to be known as the Capital Replacement Fund and to raise and appropriate money therefor. Said fund shall be kept separate and apart from all other monies of said town by the town treasurer. Said treasurer may invest such funds in the manner authorized by sections fifty-four and fifty-five of chapter forty-four of the General Laws.

Said town of Mashpee may appropriate money from the Fund by majority vote at an annual or special town meeting such sums as may be available in said fund for any capital purchase or expenditure of said town.

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

Approved December 27, 1994.

Chapter 241. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO APPROPRIATE CERTAIN SEWER PROJECT REIMBURSEMENTS FOR OTHER PURPOSES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the city of Westfield is hereby authorized to appropriate from monies received as reimbursement from the commonwealth for completed sewer projects for the purpose of providing financial assistance for the purchase and installation of sewer grinder pumps for owner-occupants of residences located in the western Hampton pond area of said city who are ineligible for federal assistance.

Approved December 27, 1994.

Chapter 242. AN ACT PROVIDING FOR COMPENSATION OF CERTAIN COURT OFFICERS OF THE TRIAL COURT OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Section 46 of chapter 30 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "dollar", in line 253, the following words:- or, in the case of court officers of the trial court of the commonwealth employed by courts located in Dukes and Nantucket counties, in excess of twenty-seven thousand dollars.

Approved December 27, 1994.

Chapter 243. AN ACT RELATIVE TO THE MARTHA'S VINEYARD REGIONAL HIGH SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 83 of the acts of 1991 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following three sections:-

Section 1. Notwithstanding the provisions of any general or special law to the contrary, the Martha's Vineyard regional high school district committee may make payments to defray administrative and operational costs, for which expenditures would otherwise be pro-rated and separately paid by the member towns of Edgartown, Oak Bluffs and Tisbury, the Up-Island Regional School District of Martha's Vineyard and the Regional High School District.

Section 2. The treasurer of the Martha's Vineyard Regional High School District is hereby authorized to pay the liabilities incurred under the provisions of section one after such payment is received from the towns of Edgartown, Oak Bluffs, Tisbury, the Up-Island Regional School District of Martha's Vineyard and the Regional High School District, according to each for its pro-rata share. Such reimbursements received by said treasurer from such school district shall be credited to the estimated receipts account.

Section 2A. Notwithstanding the provisions of any general or special law to the contrary, the Martha's Vineyard Regional High School District shall act as a fiscal agent for the payment of costs attributable to the employment of persons employed by any combination of the school district, the Up-Island Regional School District and the towns of Edgartown, Oak Bluffs and Tisbury including costs attributable to the employment of persons employed in any combination but only by the member towns of Edgartown, Oak Bluffs, Tisbury and the Up-Island Regional School District to serve at the elementary school level.

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

Approved December 27, 1994.

**Chapter 244. AN ACT RELATIVE TO A NONBINDING PUBLIC OPINION
ADVISORY QUESTION IN THE CITY OF HOLYOKE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section eighteen A of chapter fifty-three of the General Laws or any other general or special law to the contrary, the city of Holyoke is hereby authorized to place a nonbinding public opinion advisory question related to casino gambling on the ballot for a special election to be held not later than one hundred and twenty days after the effective date of this act. The city council and the mayor of said city shall, not later than thirty days after the effective date of this act and after a public hearing approve the specific language for such nonbinding public opinion advisory question and set a date for said special election.

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

Approved December 27, 1994.

**Chapter 245. AN ACT FURTHER REGULATING THE CHARGING OF POINTS
OR FEES IN CERTAIN RESIDENTIAL MORTGAGE TRANS-
ACTIONS.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 183 of the General Laws is hereby amended by striking out section 63, as appearing in the 1992 Official Edition, and inserting in place thereof the following section:-

Section 63. A mortgagee, or a mortgage lender or mortgage broker as defined in section one of chapter two hundred and fifty-five E, shall not charge a loan fee, finder's fee, points, so-called, or similar fees in a mortgage transaction involving residential property located in the commonwealth of four or less units and occupied in whole or in part by the mortgagor, except to the extent that such fees or points have been previously disclosed to the mortgagor in writing, which disclosure may be in the form required by section seventeen D of chapter one hundred and eighty-four, or such other form which discloses said fees or points. A mortgagor shall not be obligated to pay fees or points which have not been previously disclosed as required herein. Nothing contained in this section shall limit a mortgagor's ability to obtain from such mortgagee, mortgage lender or mortgage broker a temporary or permanent interest rate buydown.

SECTION 2. Said chapter 183 is hereby further amended by striking out section 63, as amended by section 1 of this act, and inserting in place thereof the following section:-

Section 63. A mortgagee shall not charge a loan fee, finder's fee, points, so-called, or similar fees in a mortgage transaction involving residential property located in the commonwealth of four or less units and occupied or to be occupied in whole or in part by the mortgagor, except to the extent such fees or points constitute reimbursement for reasonable originating or underwriting expenses, as determined by the commissioner, incur-

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red by the mortgagee and reimbursement for any commitment or other fees paid or to be paid by the mortgage for the intended purposes of selling mortgage loans in the secondary mortgage market; provided, however, that this section shall not apply to loans guaranteed in whole or in part by the Veterans Administration, loans insured by the Federal Housing Administration, or other loans subject to governmentally imposed interest rate ceilings, as determined by the commissioner.

SECTION 2A. Said chapter 183 is hereby further amended by inserting after section 63A the following section:-

Section 63B. No mortgagee who makes a loan to be secured by a mortgage on real estate located in the commonwealth, and which is to be recorded in a registry of deeds or registry district of the commonwealth, shall cause documents evidencing such mortgage loan to be executed by the mortgagor's affixation of his signature thereon and delivered for recording, unless at the time such executed documents are so delivered, said mortgagee causes the net proceeds of such loan to be transferred to the mortgagor, the mortgagor's attorney or the mortgagee's attorney, in the form of a certified check, bank treasurer's check, cashier's check or by federal funds wire transfer; provided, however, that in any such loan with respect to which the mortgagor has a right of rescission pursuant to 209 CMR 31.35 and 32.23 or comparable federal law and regulations, said loan proceeds shall be transferred to the mortgagor, the mortgagor's attorney or the mortgagee's attorney, in said form not later than the first business day following the expiration of any such right of rescission; and, provided further, that the mortgagee's attorney shall not be required to make disbursements or deliver the net proceeds of such loan in the form of a certified check, bank treasurer's check, cashier's check or by federal funds wire transfer.

SECTION 3. Section two shall take effect on December thirty-first, nineteen hundred and ninety-seven.

Approved December 27, 1994.

Chapter 246. AN ACT RELATIVE TO ELECTRONIC FUND TRANSFERS.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section 3 of chapter 167B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- An electronic branch may be located in a mobile unit under such conditions and limitations as the commissioner, by regulation, shall establish. No electronic branch shall be located upon premises where there occurs legalized gambling, other than a state lottery.

SECTION 2. Said section 3 of said chapter 167B, as so appearing, is hereby further amended by striking out the fifth paragraph.

SECTION 3. The ninth paragraph of said section 3 of said chapter 167B, as so appearing, is hereby amended by inserting after the word "withdrawals," in line 121, the fol-

lowing words:- to make transfers between accounts, whether deposits or credits.

SECTION 4. Chapter 168 of the General Laws is hereby amended by striking out section 39, as so appearing, and inserting in place thereof the following section:-

Section 39. Fifteen or more savings banks may form the Savings Banks Employees Retirement Association in this section, and in sections forty and forty-one, called the association for the purpose of providing to eligible employees of participating banks plans that are qualified under section 401 of the federal Internal Revenue Code. The association, in its name and by or through its authorized officers, may (a) make agreements and investments subject to such limitations as from time to time may be prescribed by law or the by-laws of the association, (b) sue and be sued, plead and be impleaded, (c) enforce liens and other obligations and foreclose mortgages held by the association on or with respect to real or personal property situated in the commonwealth or in any state or territory of the United States, (d) adopt an official seal and alter the same at pleasure, and (e) do such other acts and things as may be necessary to carry out the powers conferred upon it by law and its by-laws.

All savings banks established under the laws of the commonwealth, all federal savings banks with their main offices located in the commonwealth which have converted from a state chartered savings bank, the Massachusetts Bankers Association and any bank which is a voting member thereof, the Savings Banks Employees Retirement Association, the Mutual Savings Central Fund, Inc., and such other Massachusetts savings bank organizations as may from time to time be provided for in the by-laws of the association, and such of the respective employees of each of the foregoing as may be provided by such by-laws, shall be eligible for membership in the association. For the purposes of this section and sections thirty-nine, forty and forty-one, reference to "bank" or "banks" shall, unless the context otherwise requires, mean any or all of the organizations named or referred to in this paragraph, and a reference to "trustees" of a bank shall, unless the context otherwise requires, shall mean the governing body of any such organization.

Eligible employees may contribute a portion of their salaries or wages, to be deducted by the employing banks and paid to the association.

A participating bank may contribute to the funds of the association to the extent determined by its trustees, but its contributions for current services, as defined in the by-laws, on account of any employee shall not exceed fifteen percent of his compensation.

A participating bank may also contribute for service, as defined in the by-laws, amounts necessary to provide eligible employees with an annuity or pension to begin at age sixty-five or later, such annuity or pension not to exceed sixty percent of the highest average salary for any three successive years within the five years preceding retirement.

If the commissioner finds that the continuation of contributions by a participating savings bank may affect its safety and soundness, including reducing its risk-based capital ratio below any prescribed regulatory level, said commissioner may order the savings bank to (a) freeze its benefits and cease further funding for future benefit accruals under any plans qualified under section 401 of the federal Internal Revenue Code; (b) revise its benefits for future service under any such plans so that contributions on account of any employee will be limited to an appropriate percentage of compensation; or (c) terminate its participation

in any such plans.

In the event that any employee who has been continuously in the employ of such a bank for ten years or more becomes incapacitated for further service by reason of physical or mental disability before age sixty-five, the employing bank may pay him a pension in an amount not to exceed two percent of his average salary for the three years preceding the date of retirement for each year, not exceeding thirty years of continuous service with any and all banks as defined in the second paragraph of this section. Any pension paid on account of disability may be discontinued at any time by trustees of the employing bank, and shall be discontinued when any such pensioner substantially recovers his earning capacity or attains age sixty-five or the date the employee elects to have his pension or annuity commence.

The funds contributed by participating banks and member employees shall be held or used by the trustees of the association for the purchase of annuities or payment of pensions to eligible employees upon their retirement from service, for the payments to beneficiaries or representatives of any member employee of the participating bank dying before reaching the age of retirement, and for the payment to any such employee retiring from service before becoming entitled to a pension or annuity. Expenses necessary for the administration of the association shall be paid by participating banks on a proportionate basis as provided in the by-laws.

In any calendar year, the association or a bank, by vote of its board of trustees, may directly supplement the retirement benefits being paid to the former employees or their beneficiaries on account of bank service; provided, however, that no supplement of a retirement benefit shall exceed the retirement benefit multiplied by the increase in the cost of living since the retirement began. The increase in the cost of living is the percentage by which the national monthly consumer price index for all urban consumers issued by the bureau of labor statistics of the United States Department of Labor for the last November before the year in which payment is made is greater than the beginning index figure. The beginning index figure is the average of such monthly consumer price index figures for the year in which a retirement benefit was first paid to or with respect to a former employee. No bank may become obligated to pay in future years any supplement authorized by this paragraph.

The association shall be the exclusive provider of such plans to all savings banks established under the laws of the commonwealth. No such savings bank may establish or provide any such plans to its employees independent of the association; provided, however, that nothing contained herein shall be construed as requiring any such savings bank to provide such plans to its employees.

Emergency Letter: December 28, 1994 @ 5:01 P.M.

Approved December 27, 1994.

Chapter 247. AN ACT FURTHER REGULATING THE WARRANT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Section 22 of chapter 90 of the General Laws, as amended by section 19 of chapter 460 of the acts of 1993, is hereby further amended by adding the following paragraph:-

(h) The registrar shall not issue, renew or reinstate a license to operate of any person against whom a default or arrest warrant issued by any court in the commonwealth is outstanding. Evidence of the outstanding warrant appearing in the warrant management system, established by section twenty-three A of chapter two hundred and seventy-six, shall be sufficient grounds for such action by the registrar.

SECTION 2. Section 26 of chapter 248 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 2, the words "true copy of the warrant" and inserting in place thereof the following words:- printed copy of the warrant contained in the warrant management system.

SECTION 3. Chapter 276 of the General Laws is hereby amended by striking out section 23A, inserted by section 175 of chapter 60 of the acts of 1994, and inserting in place thereof the following section:-

Section 23A. Whenever a court is requested to issue a warrant, the requesting authority shall provide to the court, to the extent known to such requesting authority, the person's name, last known address, date of birth, gender, race, height, weight, hair and eye color, the offense or offenses for which the warrant is requested, a designation of the offense or offenses as felonies or misdemeanors, and any known aliases. Such information and the name of the police department responsible for serving the warrant shall be entered by the clerk's office into a computer system to be known as the warrant management system. All warrants appearing in the warrant management system shall be accessible through the criminal justice information system, maintained by the criminal history systems board, to law enforcement agencies and the registry of motor vehicles. The warrant shall consist of sufficient information electronically appearing in the warrant management system, and a printout of the electronic warrant from the criminal justice information system shall constitute a true copy of the warrant. Such warrants appearing electronically in the warrant management system and, in turn, in the criminal justice information system, shall constitute notice and delivery of said warrants to the police department responsible for serving the warrant. Whenever a warrant is recalled or removed, the clerk's office shall, without any unnecessary delay, enter the same in the warrant management system which entry shall be electronically transmitted to the criminal justice information system.

No law enforcement officer, who in the performance of his duties relies in good faith on the warrant appearing in the warrant management system and, in turn, the criminal justice information system, shall be liable in any criminal prosecution or civil action alleging false arrest, false imprisonment, or malicious prosecution or arrest by false pretense.

SECTION 4. Said chapter 276 is hereby further amended striking out sections 29 to 32, inclusive, as appearing in the 1992 Official Edition, and inserting in place thereof the following four sections:-

Section 29. Before a court releases, discharges or admits to bail any person brought before said court, in any criminal matter, the court shall first check the warrant management system to determine whether any warrant has been issued against the person in any jurisdiction of the commonwealth. If the warrant management system indicates that any warrant is outstanding, said court shall, if the outstanding offense is bailable pursuant to section fifty-seven, fifty-eight or fifty-eight A of this chapter, make a determination of bail as provided by said sections for each outstanding warrant.

If such person is released on bail or recognizance for an outstanding warrant, said court shall confer with the court that issued the outstanding warrant and, based thereon, specify in the warrant management system the date on which the person must appear before the issuing court and so notify the person. If such person is not released on bail or recognizance for an outstanding warrant, the person shall be transported by an officer, or in accordance with section twenty-four of chapter thirty-seven, or in accordance with any other law of the commonwealth, to the court that issued the warrant, or if the issuing court is not in session, to the jail in the county of the issuing court, and thereafter, to the next regular sitting of the court that issued the warrant.

A person arrested on a default warrant for a felony or a misdemeanor punishable by imprisonment for more than one hundred days may be released on bail or recognizance only by a justice of the court having jurisdiction over the place where the person was arrested or is being held, or by a justice of the court that issued the warrant.

No person authorized to admit to bail, including but not limited to judges or court personnel, and no sheriff or police officer shall release a person from custody before he determines by checking the warrant management system whether any warrant is outstanding in the commonwealth against said person; provided, however, that no person authorized to admit to bail, including but not limited to judges or court personnel, and no sheriff or police officer, who in the performance of his duties acts in good faith, shall be liable in any criminal prosecution or civil action where a person is released from custody before determining by checking the warrant management system whether a warrant is outstanding against said person in the commonwealth.

If a warrant is outstanding for a felony charge, or a misdemeanor punishable by imprisonment for more than one hundred days, the person being held shall be brought before the court having jurisdiction over the place where the person is held, or to the court that issued the warrant, and a justice, clerk or assistant clerk of said court shall make a determination of bail as provided in the first and second paragraphs of this section.

If a warrant is outstanding for a misdemeanor punishable by imprisonment for one hundred days or less, the person may be released on bail or recognizance by a person authorized to admit to bail. Such person authorized to admit to bail shall, without unnecessary delay, provide the clerk of the court that issued the warrant with notice of the fact that the person was admitted to bail. If the person held on such misdemeanor warrant is not released, the person shall be brought before the next session of the court having jurisdiction over the place where the person is held, or to the court that issued the warrant, and such court shall make a determination of bail as provided in the first and second para-

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graphs of this section.

Section 30. Notwithstanding any law, rule or regulation to the contrary, whenever a default warrant, issued in any jurisdiction in the commonwealth against any person, is recalled by a court, the court shall assess a fee of fifty dollars against the person in payment of the costs of recalling the warrant, except that upon a finding of good cause by the court the fee may be waived.

Any person arrested on a warrant issued because such person has forfeited or defaulted on his bail bond or recognizance or has been surrendered by a probation officer shall be required by the court to pay a fee of fifty dollars payable to the city or town in which such arrest was effected, unless the judge finds that such person is indigent, in which case such person shall be required to perform one day of community service, unless the judge further finds that such person is physically or mentally unable to perform such service.

Section 31. Whenever a court issues a default warrant solely due to the person's failure to pay a fine, assessment, court cost, restitution, support payment or other amount as ordered by the court or required by law, the court shall specify the amount owed, including an additional assessment of fifty dollars which assessment may be waived by the court upon a finding of good cause, with the statement that the person may be discharged upon payment of the amount and the assessment, if any, and shall note the same in the warrant management system.

Section 32. Whenever a person, brought before a court, against whom an outstanding warrant was issued, solely due to the failure of the person brought before the court to pay a fine assessment, court cost, restitution, support payment, or other amount, the court may accept payment of such amount and assess an additional fifty dollars which assessment may be waived by the court upon a finding of good cause and if the person is not being held on other process, the court may direct that the person be released from custody and shall notify the jurisdiction in which the warrant was issued of the payment and the assessment, if any. Upon notice of the release the court that issued the warrant shall recall the warrant and cause such information to be entered in the warrant management system.

SECTION 5. Section sixty-seven of said chapter two hundred and seventy-six is hereby repealed.

SECTION 6. Chapter 280 of the General Laws is hereby amended by striking out section 6, as appearing in the 1992 Official Edition, and inserting in place thereof the following section:-

Section 6. Costs shall not be imposed by a justice as a penalty for a crime. A justice may, as a condition of the dismissal or placing on file of a complaint or indictment, or as a term of probation, order the defendant to pay the reasonable and actual expenses of the prosecution. A justice may impose reasonable costs as a result of a default by a criminal defendant that was intentional or negligent and without good cause.

SECTION 7. This act shall take effect as of February first, nineteen hundred and ninety-five.

Approved December 28, 1994.

Chapter 248. AN ACT RELATIVE TO THE LICENSING OF CERTAIN ALCOHOLIC BEVERAGE ESTABLISHMENTS IN THE TOWN OF LANESBOROUGH.

Be it enacted, etc., as follows:

The board of selectmen of the town of Lanesborough is hereby authorized to impose a condition on any license issued under the provisions of chapter one hundred and thirty-eight of the General Laws limiting the occupancy of a licensed premise to a number less than that certified by any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules or regulations if said board finds that a higher number would not serve the public need or would not protect the common good.

In making such findings the board may consider the area where such premises are located and that a higher occupancy would unreasonably increase disruption, criminal activity, noise, pedestrian traffic, vehicular traffic or parking problems in said area.

Said board may deny an application to increase the occupancy level of a licensed premise or to change the description of a licensed premise on the same basis as above.

Said board may, pursuant to this section, deny liquor license applications citing the occupancy level, in whole or in part, as the basis for such denial, and may condition a liquor license on an occupancy level lower than the occupancy level set pursuant to the said building code or any of its rules and regulations.

The foregoing was laid before the Governor on the fifteenth day of December, 1994 and after ten days had the force of law as prescribed by the Constitution as it was not returned by him to the branch in which it originated with his objections thereto within that time.

Chapter 249. AN ACT AUTHORIZING THE LICENSING BOARD OF THE CITY OF NEW BEDFORD TO GRANT AN ALL ALCOHOLIC BEVERAGES LICENSE TO THE CAPE VERDEAN ASSOCIATION IN NEW BEDFORD, 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 board of the city of New Bedford is hereby authorized to grant a license for the sale of all alcoholic beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight to the Cape Verdean Association in New Bedford, Inc. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen.

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

Approved December 29, 1994.

Chapter 250. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT A CERTAIN EASEMENT IN LAND LOCATED IN THE TOWN OF HUBBARDSTON.

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 grant certain easements in certain parcels of land located in the town of Hubbardston, presently under the care and control of the Metropolitan District Commission; the department of fisheries, wildlife and environmental law enforcement and the department of environmental management and being used for environmental purposes, to Worcester county for highway purposes. Said parcels are shown as parcels #1, #23 and #25 on plan H-4546-R entitled "Plan of Williamsville-Templeton Road and Williamsville Road in the Town of Hubbardston - Proposed Highway and Drainage Easements from the Commonwealth of Massachusetts Metropolitan District Commission, Division of Capital Environmental Management and Division of Fisheries and Wildlife", and filed in the Worcester county engineering department. Such easements are to be on said parcels in locations determined by the commissioner of the division of capital planning and operations and are subject to such terms and conditions as said commissioner may prescribe in consultation with the Metropolitan District Commission, the department of fisheries, wildlife and environmental law enforcement and the department of environmental management.

Approved December 29, 1994.

Chapter 251. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND LOCATED IN THE CITY OF LOWELL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately convey a parcel of land within the Commonwealth of Massachusetts, Lowell Heritage State Park, by the Division of Capital Planning and Operations to the city of Lowell, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of 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 to the city of Lowell certain park land located in said city of Lowell, to be under the care and control of the department of environmental management for any and all activities which benefit the general public subject to the requirements of sections two to four, inclusive, and subject to such other additional terms and conditions as the commissioner may prescribe in consultation with said

department of environmental management.

Said parcel is shown as Parcel 1 on a plan entitled "Plan of Property Owned by Manzi Sales & Service, Inc., The Commonwealth of Massachusetts, Broadway Street, Lowell, Massachusetts", dated November 27, 1979, by Cullinan Engineering Co., Inc., and recorded at Middlesex north registry of deeds at Plan Book 133, Page 86. In the event that all or a portion of the description of the parcel set forth within this chapter contradicts or is inconsistent with the description of such parcels as shown upon said plans of record, then said plans of record and any subsequent plans of record shall control as to the accuracy and correctness of such description.

The purchase price paid by the city of Lowell for said parcel shall be the full and fair market value of the property as determined by independent appraisal, for its use as described herein. The inspector general shall review and approve such appraisal and such review shall include a review of the methodology utilized for said appraisal. The inspector general shall prepare a report of his review and file such report with the commissioner for submission to the house and senate committees on ways and means and house and senate chairmen of the joint committee on state administration in accordance with section five. Said city of Lowell shall pay such purchase price in full at the time of said conveyance.

SECTION 2. The use of the parcel described in section one by the city, its successors and assigns, shall not interfere with the commonwealth's use and operation of the adjacent properties as a state park. Any improvements made on the above described parcel shall be in conformance with the standards of the Lowell historic preservation commission and the Lowell historic board or their successors and assigns. In the event that exterior restorations have not been substantially completed within three years of the conveyance authorized herein, all interests conveyed in such parcel shall revert to the commonwealth and shall be under the care and control of the department of environmental management.

SECTION 3. In the event that the parcel conveyed pursuant to this act is not developed within three years after the effective date of this act, or ceases to be used for any and all activities which benefit the general public at any time thereafter, said interests shall revert to the commonwealth and shall be under the care and control of the department of environmental management.

SECTION 4. The city of Lowell shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the property authorized in section one, or for any costs and expenses of any nature and kind for its development or for its maintenance.

SECTION 5. The purchase price paid pursuant to section one shall be deposited in the General Fund of the commonwealth.

SECTION 6. The commissioner shall, within forty-five days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit such agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within fifteen days of receipt of any such agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector gen-

eral, if any, to the house and senate committees on ways and means and the house and senate chairmen of the joint committee on state administration at least fifteen days prior to execution.

Approved December 29, 1994.

Chapter 252. AN ACT RELATIVE TO MUNICIPAL RELIEF.

Be it enacted, etc., as follows:

SECTION 1. The definition of "Owner" in section 2 of chapter 21E of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 170, the word "and".

SECTION 2. Said definition of "Owner", in said section 2 of said chapter 21E, as so appearing, is hereby further amended by inserting after the word "vessel", in line 175, the following words:- and (10) when a city or town which is not the 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 city or town obtaining ownership or possession of such site or vessel.

SECTION 3. Said definition of "Owner" in said section 2 of said chapter 21E, as so appearing, is hereby further amended by adding the following paragraph:-

(d) A city or town shall not be deemed an owner or operator if all of the following requirements are met:

(1) The city or town has purchased or taken the site for nonpayment of taxes under section forty-three or fifty-three or chapter sixty, respectively.

(2) No act of the city or town, or of its employees or agents, 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.

(3) After acquiring title to or commencing control or management of the site or vessel, the city or town satisfies all of the following conditions:

(A) the city or town 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 city or town 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 city or town 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 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

city or town takes action to control the potential for health damage, human exposure, safety hazards, and environmental harm through appropriate short term measures;

(E) if the city or town elects to voluntarily undertake a response action or portion of a response action at a site or vessel, the city or town conducts such response action in compliance with the requirements of this chapter and the Massachusetts contingency plan; and

(F) the city or town acts diligently to sell or otherwise divest itself of ownership or possession of the site or vessel.

Whether the city or town is acting or has acted diligently to sell or otherwise divest itself of ownership or possession of the site or vessel shall be determined by considering the same criteria applicable to secured lenders set forth in subclause (E) of clause (3) of paragraph (c).

A city or town which takes any action referred to in clause (3) shall not be deemed an owner or operator solely because said city or town took such action.

A city or town which meets all of the requirements set forth in the provisions of this paragraph 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 the city or town acquires ownership or possession. Notwithstanding any other provision of this definition, a city or town shall be deemed an owner or operator with respect to any release or threat of release that first begins to occur at or from the site or vessel during the time that the city or town has ownership or possession of it for any purpose.

SECTION 4. Said section 2 of said chapter 21E, as so appearing, is hereby further amended by striking out, in line 482, the words "or a" and inserting in place thereof the following words:- , city or town or.

SECTION 5. Said section 2 of said chapter 21E, as so appearing, is hereby further amended by striking out, in line 484, the words "or the" and inserting in place thereof the words:- , city or town or.

SECTION 6. Said section 2 of said chapter 21E, as so appearing, is hereby further amended by inserting after the word "fiduciary", in line 488, the following words:- , city or town.

SECTION 7. Section 4 of said chapter 21E, as so appearing, is hereby amended by inserting after the word "fiduciary", in lines 9 and 13, in each instance, the following words:- , city or town.

SECTION 8. Section 7 of said chapter 21E, as so appearing, is hereby amended by inserting after the word "fiduciary", in line 3, the following words:- , city or town.

SECTION 9. Section 8 of said chapter 21E, as so appearing, is hereby amended by inserting after the word "fiduciary", in lines 33, 45, 47, and in line 49, in each instance, the following words:- , city or town.

Approved December 29, 1994.

Chapter 253. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT A CERTAIN EASEMENT TO THE TOWN OF YARMOUTH.

Be it enacted, etc., as follows:

The commissioner of the division of capital planning and operations is hereby authorized, notwithstanding the provisions of section forty E to forty J, inclusive, of chapter seven of the General Laws, to grant an easement over certain land located in the town of Yarmouth and presently under the control and supervision of the department of public safety to the town of Yarmouth for the purpose of constructing a sidewalk.

Said parcel is described as follows:

Beginning at a point at the northeasterly intersection of State Highway (Route 28) and Davis Road N 24°-21'-20"W Five and no Hundredths (5.00) feet;

THENCE, N 24°-21'-20"W Twenty-Two and Forty-Four Hundredths (22.44) feet to Wood Road;

THENCE, N 13°-22'-35" E Two Hundred Thirty-Five and Twenty-Eight Hundredths (235.28) feet:

THENCE, N 12°-28'-00" E Eighty and Eighty-Four Hundredths (80.84) feet, the last two courses by the easterly line of Wood Road;

THENCE, S 75°-25'-10" E Six and no Hundredths (6.00) feet;

THENCE, S 13°-53'-04" W Eighty and Sixty-Eight Hundredths (80.68) feet;

THENCE, S 11°-10'-26" W Two Hundred Fifty-Three and Twenty-Five Hundredths (235.25) feet, to the point of beginning containing 2,525 square feet of land as shown on an Easement Plan of Land in Yarmouth, Mass. by Whitman & Howard, Inc., dated April 11, 1994.

Approved December 29, 1994.

Chapter 254. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Chapter 412 of the acts of 1993 is hereby amended by striking out section 1 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 to the city of Boston, a certain parcel of land known as Pagel Playground located in the city of Boston, for recreational purposes and subject to the requirements of section two, three and four of this act and to such additional terms and conditions as the commissioner may prescribe.

Said parcel of land contains sixty-six thousand one hundred and forty square feet

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more or less, and is bounded and described as follows:

Beginning at the intersection of the boundary line between land now or formerly of Bowers Motor Sales, Inc. and land of the city of Boston with the northwesterly side line of Hyde Park Avenue, as shown on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Parks Division, Hyde Park Ave., Boston (West Roxbury District) Plan of Taking From Bowers Motor Sales, Inc. near Larch Place..." which plan of taking is dated March 24, 1959 and referenced as plan number 37770 VT;

Thence the line runs north 47° 50' 05" west by said land of the city of Boston two hundred sixty-one and 63/100 (261.63) feet to a point at land now or formerly of the New York, New Haven & Hartford Railroad;

Thence south 4° 07' 33" west by said land of the New York, New Haven & Hartford Railroad four hundred three and 53/100 (403.53) feet to a point at land now or formerly of Bowers Motor Sales, Inc.;

Thence south 83° 42' 11" east by said land of Bowers Motor Sales, Inc. one hundred and ninety-six and 65/100 (196.65) feet to a point at land of said northwesterly side line of Hyde Park Avenue;

Thence north 6° 17' 49" east by said northwesterly side line of Hyde Park Avenue two hundred fifty and 00/100 (250.00) feet to a point of beginning.

Approved December 29, 1994.

Chapter 255. AN ACT AUTHORIZING AN ADDITION TO THE LEASE OF A CERTAIN PORTION OF NICKERSON STATE PARK IN THE TOWN OF BREWSTER TO THE CAPE COD REPERTORY THEATRE COMPANY, INCORPORATED AND THE GRANTING OF UTILITY EASEMENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 518 of the acts of 1991 is hereby amended by inserting after the word "lease", in line 3, the following words:- , and to grant utility easements for utilities, drainage, access and egress over, under and through.

SECTION 2. The second paragraph of said chapter 518 is hereby amended by inserting after the first sentence the following sentence:- The lease shall include the lease of the structure and adjacent grounds known as "Backworks Hall" for an initial term of ten years, with an option to renew for an additional term of fifteen years if the commissioner of the department of environmental management approves such option to renew, in writing.

Approved December 29, 1994.

Chapter 256. AN ACT RELATIVE TO AGRICULTURAL BUILDINGS.

Be it enacted, etc., as follows:

The first paragraph of section 26G of chapter 148 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following sentence:- This section shall not apply to buildings used for agricultural purposes as defined in section one A of chapter one hundred and twenty-eight.

Approved December 29, 1994.

Chapter 257. AN ACT AUTHORIZING THE TOWN OF MONSON TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted, etc., as follows:

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 Monson is hereby authorized to issue a license for the sale of all alcoholic beverages, not to be drunk on the premises, to Ford's Discount Package, Inc. under the provisions of section fifteen of said chapter one hundred and thirty-eight. 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 issuance of said license shall reduce by one any increase in licenses due to census reapportionment under said section seventeen.

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

Approved December 29, 1994.

Chapter 258. AN ACT AUTHORIZING THE TOWN OF HARVARD TO CONVEY CERTAIN LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the conservation commission of the town of Harvard is hereby authorized to convey to Robert J. Pena and Dana W. Fairbanks two certain parcels of land located on Brown road in said town of Harvard, being shown as "PCL.D" and "PARCEL E" on a plan entitled "Clarification Plan of Land in Harvard, Massachusetts, dated March, 1994, prepared for Robert J. Pena and Dana W. Fairbanks by Joseph R. Henry & Associates, Inc. "Parcels D & E contain 12,705 and 40,249 square feet of land, more or less, respectively, according to said plan. Said conveyance shall include the perpetual right to pass and repass over, across, and under a parcel of land shown as "PARCEL C" on said plan for the benefit of the land shown as Parcels 1-R, 2-R, D and E on said Clarification Plan and to use said Parcel C for

all purposes for which driveways are commonly used in the town of Harvard, including installation, repair, replacement and maintenance of utilities over, across, and under said Parcel C, and also to grant utility easements to utility companies in said Parcel C for the benefit of said land. Said Parcel C contains 1,306 square feet of land according to said plan.

Parcels C, D, and E are a portion of the premises conveyed to said conservation commission, by deed recorded with the Worcester county registry of deeds in Book 6400, Page 203.

In consideration for the conveyance the town of Harvard shall receive the land in accordance with the provisions of section two.

SECTION 2. In consideration for the conveyance provided in section one, the town of Harvard is hereby authorized to accept for conservation purposes by deed from Robert J. Pena and Dana W. Fairbanks two certain parcels of land located on Brown road in the town of Harvard, being shown as "PARCEL A-1" and "PARCEL B" on a plan entitled "Clarification Plan of Land in Harvard, Massachusetts, dated March, 1994, prepared for Robert J. Pena and Dana W. Fairbanks by Joseph R. Henry & Associates, Inc." Parcels A-1 contains 4.1 acres of land, and Parcel B contains 32,506 square feet of land, according to said plan. Parcel A-1 is the Harvard portion of the land described in a deed recorded in Worcester Registry of Deeds in Book 3480, Page 499; Parcel B is a portion of the land described in a deed recorded in Worcester Registry of Deeds in Book 10022, Page 193.

Said conveyance shall be subject to a reservation of a perpetual right to pass and repass over, across, and under said Parcel B for the benefit of the land shown as Parcels 1-R, 2-R, D, and E on said Clarification Plan and to use Parcel B for all purposes for which driveways are commonly used in the town of Harvard, including installation, repair, replacement and maintenance of utilities over, across, and under said Parcel B, and also to grant utility easements to utility companies in said Parcel B for the benefit of said land.

Approved December 29, 1994.

Chapter 259. AN ACT RELATIVE TO THE EXEMPTION OF MEDIATION SESSIONS FROM THE OPEN MEETING LAW.

Be it enacted, etc., as follows:

The fourth paragraph of section 23B of chapter 39 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following clause:-

(9) To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty-three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that: (a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b) no action shall be taken by any governmental body with respect to those issues which are the subject

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of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section.

Approved December 29, 1994.

Chapter 260. AN ACT RELATIVE TO UNEMPLOYMENT INSURANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate unemployment insurance in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fourteen of chapter one hundred and fifty-one A of the General Laws, and section twenty-seven of chapter twenty-six of the acts of 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 "D" for the calendar year nineteen hundred and ninety-five.

SECTION 2. Section 2 of chapter 62E of the General Laws, as amended by section 10 of chapter 460 of the acts of 1993, is hereby further amended by inserting after the first sentence the following sentence:- Such reports shall be submitted not later than the fifteenth calendar day following the end of the calendar quarter; provided, however, that if the fifteenth day falls on a Saturday, Sunday or legal holiday such reports shall be submitted not later than the next succeeding business day.

SECTION 2A. Subsection (a) of section 1 of chapter 151A of the General Laws is hereby amended by striking out the first paragraph, as amended by section 20 of chapter 19 of the acts of 1993, and inserting in place thereof the following paragraph:-

"Base period", with respect to benefit years beginning on or after October second, nineteen hundred and ninety-four 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, or has reason to believe he would receive a benefit credit less than or equal to ninety percent of the benefit credit said individual would receive if the benefits were calculated using the prior fifty-two weeks as the base period, then 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 compen-

sation 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 2B. Said subsection (a) of said section 1 of said chapter 151A is hereby further amended by striking out the first paragraph, as amended by section 2A of this act, and inserting in place thereof the following paragraph:-

"Base period", the last four completed calendar quarters immediately preceding the first day of an individual's benefit year; provided, however that if an individual as a result of the above provision does not meet the requirement of clause (a) of section twenty-four, or has reason to believe that he would be eligible for an increase of ten percent or more in his total benefit credit as defined in subsection (a) of section thirty, if his base period was calculated using the last three completed calendar quarters and any weeks in which wages were paid to the individual during the incomplete calendar quarter in which the individual files a claim, and any such individual who has reason to believe that he would be eligible for an increase of ten percent or more has presented credible substantiation for such belief to the commissioner in writing including, but not limited to, an individual's wage statement, and the commissioner has verified such circumstance by requesting a report of wages from any employer in such incomplete calendar quarter, then the term "base period" shall mean the last three completed calendar quarters and any weeks in which wages were paid to the individual in the incomplete calendar quarter in which the individual files a claim for benefits; provided, further, 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; and 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 3. Said subsection (a) of said section 1 of said chapter 151A is hereby further amended by inserting after the first paragraph, as so appearing, the following paragraph:-

Applicants shall receive notice of the option to use the method of determining base period on the basis of the last three completed calendar quarters and any weeks in which wages were paid to the individual during the incomplete calendar quarter, or the prior fifty-two weeks, whichever is applicable. Notice of the availability of this option for all claimants with benefit years beginning on or after October second, nineteen hundred and ninety-four shall be posted in each office in which individuals may apply for benefits. The commissioner shall inform all claimants applying on or after January first, nineteen hundred

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and ninety-five, in writing, of said option at the time of such filing.

SECTION 4. Subsection (a) of section 24 of said chapter 151A, as amended by section 12 of said chapter 263, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Have been paid wages in the base period amounting to at least thirty times the weekly benefit rate; provided, however, that for the period beginning on January first, nineteen hundred and ninety-five the individual has been paid wages of at least two thousand dollars during said base period; provided, further, that said amount shall be increased annually proportionately, rounding to the nearest one hundred dollars, to any increases which have occurred during the prior calendar year in the minimum wage as set forth in section one of chapter one hundred and fifty-one; and, provided further, that any such increase shall be effective beginning on the first Sunday in January.

SECTION 5. Section 29 of said chapter 151A, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 138 to 141, inclusive, the words ", except that no payment shall reduce the amount of benefits otherwise payable unless the individual's date of entitlement for such payment occurred during the base period or benefit year".

SECTION 6. Section two A shall apply to any benefit year beginning on or after October second, nineteen hundred and ninety-four. Section two B shall take effect on April second, nineteen hundred and ninety-five. Section four shall take effect on January first, nineteen hundred and ninety-five.

SECTION 7. Section five of this act shall be applicable with respect to new initial claims for unemployment benefits filed on or after April tenth, nineteen hundred and ninety-four; provided, however, that with respect to individuals receiving social security benefits whose date of entitlement to such benefits occurred prior to the beginning of the base period, section five shall be applicable with respect to new initial claims for unemployment benefits filed on or after January first, nineteen hundred and ninety-five.

SECTION 8. The provisions of section two of this act shall be applicable with respect to reports due on or after March thirty-first, nineteen hundred and ninety-five.

Approved December 29, 1994.

Chapter 261. AN ACT RELATIVE TO THE BOARD OF ASSESSORS FOR THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Clause (8) of paragraph C of section 1 of chapter 5 of the acts of 1990 is hereby amended by adding the following sentence:- The administrative assistant shall not approve any abatement in settlement or other disposition of a complaint filed by an aggrieved person with the appellate tax board pursuant to section sixty-nine of chapter fifty-nine of the General Laws without first having submitted a recommendation to the board of assessors for its action thereon. Said board may grant or deny the settlement or dis-

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position as recommended or substitute another amount.

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

Approved December 29, 1994.

Chapter 262. AN ACT RELATIVE TO THE EXPENDITURE OF SURPLUS BOND PROCEEDS IN THE TOWN OF AMESBURY AND THE ESTABLISHMENT OF A TRUST COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Amesbury which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 3-7 and inserting in place thereof the following section:-

Section 3-7. Amesbury Hospital Trust Commission. - (a) Composition. There shall be a hospital trust commission consisting of five members elected for three year terms so arranged that nearly in equal number of terms as possible shall expire each year.

(b) Powers and Duties. The hospital trust commission shall have full authority over the trust funds of the Amesbury hospital in the town's possession or received as provided in sections forty-five to forty-seven, inclusive, of chapter forty-one of the General Laws.

SECTION 2. Notwithstanding the provisions of section one, the incumbents in the office of trustees on the effective date of this act shall serve as members of the trust commission until the expiration of their terms unless sooner vacated.

SECTION 3. Notwithstanding the provisions of section twenty of chapter forty-four of the General Laws, the town of Amesbury is hereby authorized to apply from the surplus proceeds of bonds issued on June first, nineteen hundred and ninety-three in the amount of one hundred twenty-eight thousand four hundred and fifty dollars per year to reduce the amount added to its tax levy pursuant to a debt-exclusion, so-called, approved by the voters on June twenty-second, nineteen hundred and ninety-three for each of the fiscal years beginning July first, nineteen hundred and ninety-four through July first, two thousand and two.

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

Approved December 29, 1994.

Chapter 263. AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO ENTER CONTRACTS FOR THE LEASE, OPERATION, MAINTENANCE AND MODIFICATION OF WATER AND WASTEWATER TREATMENT FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. The city of Leominster may enter into a contract or contracts for the lease, operation and maintenance, design and construction of modifications, and installation of new equipment and systems necessary to ensure the ability of said city's water and wastewater treatment facilities to operate in full compliance with all applicable requirements of federal, state and local law; provided, however, that such contract or contracts shall not be subject to the competitive bid requirements set forth in sections thirty-eight A to thirty-eight O, inclusive, of chapter seven, section thirty-nine M of chapter thirty, or section forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws; provided, further, that said contract shall be awarded pursuant to the provisions of chapter thirty B of the General Laws.

SECTION 2. (a) Notwithstanding the provisions of any general or special law to the contrary, any such contract or contracts may provide for a term, including any option for renewal or extension, not exceeding twenty years and may further provide that said city of Leominster shall not be exempt from liability thereon, subject to a majority vote of the city council.

(b) Any contract or contracts entered into pursuant to this act may provide for such activities as may be deemed necessary to carry out the purposes authorized herein, including, but not limited to, equipment purchase, equipment installation and replacement, performance testing and operation, studies, design and engineering work, construction work, ordinary repairs and maintenance, and the furnishing of all related material, supplies and services required for the water and wastewater treatment facilities and the management, operation, maintenance and repair of said city's water and wastewater treatment facilities and related pump stations.

(c) The city may, in carrying out the purposes of this act, incur debt for any purpose authorized herein, subject to a two-thirds vote of the city council. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of said city under section ten of chapter forty-four of the General Laws but, except as provided herein, shall otherwise be subject to the provisions of said chapter forty-four.

SECTION 3. Any contract awarded pursuant to this act shall be subject to such terms and conditions as the mayor shall determine to be in the best interests of the city of Leominster.

SECTION 4. Prior to execution of a contract or contracts pursuant to this act, the selected offeror shall furnish to said city of Leominster a performance bond and a payment bond, each in the sum of the contract price and issued by a surety company licensed by the division of insurance and satisfactory to the city.

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

Approved December 29, 1994.

Chapter 264. AN ACT FURTHER REGULATING THE USE OF PESTICIDES.

Be it enacted, etc., as follows:

Section 1 of chapter 132B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following paragraph:-

The purpose of this chapter is to conform the laws of the commonwealth to the Federal Insecticide, Fungicide, and Rodenticide Act, Public Law 92-516, as amended, and the regulations promulgated thereunder and to establish a regulatory process in the commonwealth. The exclusive authority in regulating the labeling, distribution, sale, storage, transportation, use and application, and disposal of pesticides in the commonwealth shall be determined by this chapter.

Approved December 30, 1994.

Chapter 265. AN ACT REGULATING STATE CONTRACTS WITH COMPANIES DOING BUSINESS IN NORTHERN IRELAND.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 7 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following paragraph:-

For the purposes of sections twenty-two C to twenty-two F, inclusive, unless a contrary intention clearly appears, the following words shall have the following meanings:

"Comparable low bid or offer", a responsive and responsible bid or offer which is no more than ten percent greater than the lowest bid or offer submitted for goods or a service.

"Essential", necessary in order that an agency or authority may perform its mission, there being no substitute, to avoid irreparable harm to agency or authority programs.

"Person", an individual, partnership, firm, association, corporation, or other entity, or a subsidiary thereof.

"Secretary", the secretary of administration and finance.

"State agency", awarding authorities of the commonwealth, including, but not limited to, executive offices, agencies, departments, commissions, and public institutions of higher education.

"State authority" shall include, but not be limited to: the Bay State Skills Corporation, Centers of Excellence, Community Economic Development Assistance Corporation, Community Development Finance Corporation, government land bank, Massachusetts Bay Transportation Authority, Massachusetts Business Development Corporation, Massachusetts Capital Resource Company, Massachusetts Convention Center Authority, Massachusetts Corporation for Educational Telecommunications, Massachusetts Educational Loan Authority, Massachusetts Health and Educational Facilities Authority, Massachusetts Higher Education Assistance Corporation, Massachusetts Housing Finance Agency, Massachusetts Racing Commission, Massachusetts Industrial Finance Agency, Massachusetts Industrial Service Program, Massachusetts Legal Assistance Corporation,

Massachusetts Port Authority, Massachusetts Product Development Corporation, Massachusetts Technology Development Corporation, Massachusetts Technology Park Corporation, Massachusetts Turnpike Authority, Massachusetts Water Resource Authority, Nantucket Land Bank, New England Loan Marketing Corporation, Pension Reserves Investment Management Board, State College Building Authority, Southeastern Massachusetts University Building Authority, Thrift Institutions Fund for Economic Development, University of Lowell Building Authority, University of Massachusetts Building Authority, Victim and Witness Assistance Board, and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority.

SECTION 2. Said chapter 7 is hereby further amended by inserting after section 22B the following four sections:-

Section 22C. (a) Except as otherwise provided in this section, a state agency, a state authority, the house of representatives or the state senate may not procure goods or services from any person employing ten or more employees in an office or other facility located in Northern Ireland, who fails to certify that:

(1) he does not discriminate in employment, compensation, or the terms, conditions and privileges of employment on account of religious or political belief; and

(2) he promotes religious tolerance within the work place, and the eradication of any manifestations of religious and other illegal discrimination.

The certification shall also confirm that the certifying person is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

(b) A state agency, a state authority, or the house of representatives or the senate may procure goods or services from a person who employs ten or more employees in an office or other facility located in Northern Ireland and fails to provide the certification required by subsection (c) only after certifying, in writing, to the secretary or, in the case of a state authority, to the chief operating officer that:

(1) the procurement is essential; and

(2) compliance with this section would eliminate the only bid or offer or would result in inadequate competition.

(c) In any solicitation, a state agency, a state authority, the house of representatives or the senate shall provide notice of the requirements of this section. Prior to reviewing responses to bid documents for any procurements or, if there are none, prior to entering into any contractual arrangement, the awarding authority shall obtain from such person seeking a contract a statement under pains and penalties of perjury from an authorized representative, on a form to be provided by the awarding authority, that he does not employ ten or more employees in an office or other facility located in Northern Ireland or, if he does, certifying compliance with the principles listed in subsection (a) or declaring that he does not so certify.

(d) In any procurement that includes bidders or offerors who employ ten or more employees in an office or other facility located in Northern Ireland and do not certify com-

pliance with the principles listed in subsection (a), the awarding authority may award the contract to a person who does not certify compliance with the principles listed in subsection (a) only if there is no comparable low bid or offer by a person who does so certify or who does not employ ten or more employees in an office or other facility located in Northern Ireland.

(e) A person who employs persons in Northern Ireland for the sole purpose of reporting the news, or solely for the purpose of providing goods or services for the provision of international telecommunications shall not be subject to the provisions of sections twenty-two C to twenty-two D, inclusive.

Section 22D. (a) Notwithstanding the provisions of section twenty-two C, a state agency may purchase medical supplies intended to preserve or prolong life or to cure, prevent, or ameliorate diseases, including hospital, nutritional, diagnostic, pharmaceutical and nonprescription products specifically manufactured to satisfy identified health care needs, for which there is no medical substitute. The determination of whether no medical substitute exists shall be made by the state agency requiring the supply, pursuant to general standards of good medical and professional practice. The state agency shall give notice to the state purchasing agent in writing, certifying compliance with this exemption, said notice and certification being sufficient to allow the purchase of medical supplies under this exemption.

(b) to the extent that a person doing business in Northern Ireland is providing only medical supplies, as described in subsection (a), to persons in Northern Ireland, then the supply of goods or equipment to the commonwealth by said person shall also be exempt from the preference requirements of these regulations. This exemption from the preference requirements shall not apply in any case in which the nature of any person's business dealings in Northern Ireland include both medical and nonmedical supplies.

Section 22E. Any contract entered into in violation of sections twenty-two C twenty-two D, inclusive, shall be voidable.

Section 22F. The secretary is hereby authorized to promulgate regulations to assure the timely and effective implementation of sections twenty-two C to twenty-two E, inclusive.

SECTION 3. The provisions of this act shall apply to contracts entered into after the effective date of this act. A contract existing on the effective date of this act shall remain in full force and effect and shall not be subject to the provisions of this act until such time as such existing contract is renewed.

SECTION 4. This act shall be effective on January 1, 1996.

Approved December 30, 1994.

Chapter 266. AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO CONVEY CERTAIN LAND.

Be it enacted, etc., as follows:

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Notwithstanding the provisions of chapter thirty B of the General Laws or any other general or special law to the contrary, the town of Barnstable is hereby authorized to abandon a certain portion of Camp Opechee road, a public way in said town, and to execute and deliver in the name of and on behalf of said town, a deed on such terms and conditions as it deems appropriate, conveying the land which comprises said portion, together with certain contiguous land to the abutter thereto. Said land is shown on a plan entitled "Town of Barnstable Sketch Plan Showing Proposed Alteration of Camp Opechee Road, Centerville, Scale 1"=40', May 3, 1994".

Approved December 30, 1994.

Chapter 267. AN ACT RELATIVE TO THE PRONOUNCEMENT OF DEATHS BY REGISTERED NURSES.

Be it enacted, etc., as follows:

Section 9 of chapter 46 of the General Laws, as amended by section 15 of chapter 495 of the acts of 1993, is hereby further amended by striking out the third and fourth paragraphs and inserting in place thereof the following paragraph:-

When a patient suffering from a terminal illness or whose death is anticipated and who is receiving the services of a home health agency, as that term is defined in 42 USC 1395x(o), or of a hospice program licensed by the commonwealth, or who resides in a certified nursing home, dies, at home, in a hospice, or a nursing home, a registered professional nurse, licensed by the board of registration in nursing and employed by a certified home health agency, hospice or nursing home, may declare such person dead; provided, however, that said nurse first makes a reasonable effort to contact the attending physician or medical examiner before making such determination or pronouncement; provided, further, that such determination or pronouncement be made in writing on a form approved by the commissioner of public health and subscribed under pain and penalties of perjury; and provided, further, that said physician or medical examiner be notified forthwith of the exact location to which the decedent has been removed.

Approved December 30, 1994.

Chapter 268. AN ACT RELATIVE TO CERTAIN CONSERVATION LAND IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. The town of Nantucket is hereby authorized to change the terms of a certain conservation restriction held by said town and recorded with the Nantucket registry division of the land court as document No. 14709 from conservation users to conservation

and recreational use.

SECTION 2. The town of Nantucket is hereby authorized to convey an easement for recreational purposes in a certain parcel of land located in said town to the county of Nantucket, said parcel being the same parcel upon which the conservation restriction described in section one is held.

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

Approved December 30, 1994.

**Chapter 269. AN ACT AUTHORIZING THE TOWN OF YARMOUTH TO GRANT
AN EASEMENT ON CERTAIN CONSERVATION LAND.**

Be it enacted, etc., as follows:

SECTION 1. The town of Yarmouth, acting by and through its board of selectmen, is hereby authorized to grant to Aqua Circus of Cape Cod Limited Partnership an easement in a certain parcel of conservation land for the maintenance of existing structures and to release to said Aqua Circus of Cape Cod a right of way over a certain ten foot way. Said easement and right of way are shown on a plan of land entitled "Town of Yarmouth Easement Plan in West Yarmouth, Ma." dated May 2, 1994 drawn by the town of Yarmouth engineering department, said plan being on file with said department.

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

Approved December 30, 1994.

**Chapter 270. AN ACT AUTHORIZING THE NANTUCKET ISLANDS LAND BANK
COMMISSION TO CONTRACT FOR THE CONSTRUCTION,
OPERATION AND MAINTENANCE OF AN EIGHTEEN-HOLE
PUBLIC GOLF COURSE ON NANTUCKET.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Nantucket islands land bank commission is hereby authorized to enter into contracts to provide for the expansion of an existing nine hole golf course to an eighteen hole public golf course and to provide for the construction, operation and maintenance of such an eighteen hole public golf course on property acquired by said commission for said purpose.

SECTION 2. A contract entered into by the commission as authorized by section one shall be subject to the provisions of section six of chapter thirty B of the General Laws; provided, however, that such contract and the construction, operation and maintenance activities of any person awarded such contract shall not be subject to the provisions of sec-

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tion thirty-eight A½ of chapter seven, section thirty-nine M of chapter thirty, sections one, two and sixteen of chapter thirty B and section forty-four A of chapter one hundred and forty-nine of the General Laws.

SECTION 3. Nothing in this act shall have any effect upon the applicability of any environmental law or regulation if such law or regulation is otherwise applicable.

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

Approved December 30, 1994.

Chapter 271. AN ACT RELATIVE TO THE MEMBERSHIP OF THE OLD COLONY PLANNING COUNCIL.

Be it enacted, etc., as follows:

The first paragraph of section 1 of chapter 332 of the acts of 1967, as amended by section 24 of chapter 761 of the acts of 1968, is hereby further amended by adding the following two sentences:- The council shall appoint for a term of not less than two years a member, from the residents of the district who shall be representative of ethnic, sexual gender or social interests. Said member shall have the right to vote in the deliberations of the council.

Approved December 30, 1994.

Chapter 272. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND AND EASEMENTS TO COLONIAL GAS COMPANY IN THE TOWN OF LYNNFIELD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the division of capital planning and operations to convey a certain parcel of land together with easements across adjacent land for gas transmission facilities in order to ensure the distribution of material gas to certain areas 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. The commissioner of the division of capital planning and operations, in consultation with the adjutant general, is hereby authorized, notwithstanding the provisions of section thirty-nine and sections forty E to forty L, inclusive, of chapter seven of the General Laws, to convey and grant by deed or deeds, a fee simple of exclusive permanent easement interest in a parcel of land located in the town of Lynnfield, presently

under the care and control of the military division together with a thirty foot wide permanent easement and a temporary work space for construction purposes no more than thirty feet wide on each side of said permanent easement to Colonial Gas Company and its successors and assigns all as shown on a plan of land entitled "Proposed Right-of-Way, Commonwealth of Massachusetts, Camp Curtis Guild Property, Essex County, Massachusetts, File No. TB-L12-E270C-900-4, Scale 1"=200'". Said plan is on file with the military division.

Said fee simple parcel and easements shall be used for the installation and maintenance of a gate station facility and related gas transmission lines connecting distribution system of the Colonial Gas Company to the interstate gas pipeline of Tennessee Gas Pipeline Company, together with appliances and appurtenances necessary thereto.

SECTION 2. The provisions of chapter forty A and sections eighty-one K to eighty-one GG, inclusive, of chapter forty-one of the General Laws shall not apply to the conveyance authorized in section one. This exemption shall not apply to any and all other applicable state and local permits required for the construction of the proposed facilities.

SECTION 3. In consideration for the fee simple interest and easements authorized in section one, Colonial Gas Company shall convey to the commonwealth in fee simple a parcel or parcels of land determined to be equivalent to or in excess of the value of the fee simple interest conveyed and easements granted to Colonial Gas Company and approved by the commissioner of the division of capital planning and operations, or, if the division of capital planning and operations so decides, Colonial Gas Company shall pay a fair market value price to be determined by one or more independent appraisals approved by said division with the cost of said appraisal or appraisals to be assumed by the Colonial Gas Company.

The value of the land conveyed by Colonial Gas Company to the commonwealth in consideration for the fee simple interest and easements authorized in section one or, if the division of capital planning and operations so decides the fair market value of the property paid by Colonial Gas Company for the fee simple interest and easements authorized in section one shall be reviewed and approved by the inspector general and said review shall include a review of the methodology utilized for said appraisal.

Approved December 30, 1994.

Chapter 273. AN ACT PROVIDING FOR AN ACCELERATED TRANSPORTATION DEVELOPMENT AND IMPROVEMENT PROGRAM FOR THE COMMONWEALTH.

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

Be it enacted, etc., as follows:

SECTION 1. To provide for a program of transportation development and improvements, the sums set forth in sections two, two A, two B, two C, two D, two E, two F, two G, two H, two I, two J, and two K for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and approval thereof.

SECTION 2.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Massachusetts Highway Department.

- 6033-9513 For direct expenses in connection with research and planning projects and work, consistent with the Intermodal Surface Transportation Efficiency Act of 1991 P.L. 102-240 provisions for research and planning, pursuant to the provisions of sections 115 and 53 of this act, to be done on a cooperative basis with educational institutions and other state, regional and federal agencies; provided, that, notwithstanding the provisions of any general or special law to the contrary, or any other provision of this act, the department shall not enter into any obligations for projects which are eligible to receive federal funds pursuant to the authority granted under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the state portion of such obligation; and provided further, the department shall only enter into obligations for said projects pursuant to the authority granted in this act based upon the prior commitment of sufficient federal funds and the availability of state funding authorized or appropriated for such use by the general court for the class and category of project for which such obligation applies \$86,200,000
- 6033-9515 For projects, pursuant to the provisions of sections 115 and 53 of this act, on the interstate federal aid highway system; provided, that not more than twenty million dollars shall be expended for the purposes of treating or eliminating the discharge of highway drainage under the control of the department into the Hobbs brook and Stoney brook reservoirs or onto any land area within five hundred feet thereof; provided further, that said sum may be expended for the costs of said projects including, but not limited to, the costs of engineering and other services essential to such projects, rendered by department employees or by consultants; provided further, that amounts expended for department employees may include the salary and salary related expenses of such employees to the extent that they work on or in sup-

port of such projects, provided that such expenses are federally reimbursed; provided further, that, notwithstanding the provisions of any general or special law to the contrary, or any other provision of this act, the department shall not enter into any obligations for projects which are eligible to receive federal funds pursuant to the authority granted under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the state portion of such obligation; provided further, the department shall only enter into obligations for said projects pursuant to the authority granted in this act based upon the prior commitment of sufficient federal funds and the availability of state funding authorized or appropriated for such use by the general court for the class and category of project for which such obligation applies; and provided further, that the commissioner of the department of highways shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item \$868,500,732

6033-9516 For projects, pursuant to the provisions of sections 115 and 53 of this act, on the federal aid highway system; provided, that, notwithstanding the provisions of any general or special law to the contrary, or any other provision of this act, the department shall not enter into any obligations for projects which are eligible to receive federal funds pursuant to the authority granted under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the state portion of such obligation; provided further, the department shall only enter into obligations for said projects pursuant to the authority granted in this act based upon the prior commitment of sufficient federal funds and the availability of state funding authorized or appropriated for such use by the general court for the class and category of project for which such obligation applies; provided further, that four hundred thousand dollars shall be expended for work on the intersection of Shays street and route 116, in the town of Amherst; provided further, that one hundred and sixty thousand dollars shall be expended for work on the intersection of East Hadley road and route 116 in the town of Amherst; provided further, that ten million dollars shall be expended for the purpose of project development of

an additional exit ramp or roadway on United States highway route 6, to be located in the town of Barnstable between exits presently numbered six and seven; provided further, that an amount not to exceed thirty million dollars shall be expended for the purpose of geometric modifications necessary to improve the efficiency of traffic at the Sagamore rotary, so-called, in the town of Bourne; provided further, that one hundred thousand dollars shall be expended for the purpose of constructing an eight-foot opaque fence between United States highway route 1 and land in the town of Saugus upon which the high school is located; provided further, that one hundred fifty thousand dollars shall be expended for the design, engineering and reconstruction of Great Plain avenue from Linden street to the Wellesley town line, so-called; provided further, that one million three hundred thousand dollars shall be expended for the reconstruction of Westfield street in the town of Agawam; provided further, that one million eight hundred fifty-eight thousand dollars shall be expended for the replacement of bridges on Weston road and Kingsbury street in Wellesley; provided further, that two million five hundred thousand dollars shall be expended for the rehabilitation of a bridge over route 27 in Acton and the removal of bridge #A-2-5 in Acton; provided further, that five hundred sixty thousand dollars shall be expended for the replacement of a bridge in the town of Hudson on Chapin road over the Assabet river; provided further, that three million five hundred thousand dollars shall be expended for the reconstruction of route 109 in Millis and Medway; provided further, that an amount not to exceed one million dollars shall be expended for the purpose of an additional exit ramp, roadway or slip ramp on route 3 connecting state highway 139 located in the town of Marshfield between exits presently numbered twelve and eleven in the vicinity of Enterprise Drive; provided further, that sums provided herein may be expended for the costs of said projects including, but not limited to, the costs of engineering and other services essential to such projects, rendered by department employees or by consultants; provided further, amounts expended for department employees may include the salary and salary related expenses of such employees to the extent that they work on or in support of such projects, provided that such expenses are federally reimbursable; and provided further,

that the commissioner of the department of highways shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item \$508,727,452

SECTION 2A.
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

2100-0950 For the design, layout, construction, reconstruction, resurfacing, restoration and installation of safety improvements to existing roadways and new roadways at state forests, parks and reservations; provided, that no more than three hundred thousand dollars be expended on the existing structure and entrance way for roadway improvements at Sandy Point State Park on Plum Island; provided further, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that said costs shall not be classified as administrative costs; provided further, that an amount not to exceed two percent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; and provided further, that the commissioner of the department of environmental management shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item \$13,500,000

2100-0951 For the design, layout, construction and reconstruction of timber bridges at state forests, parks and reservations, and for the repair and improvement of bridges not under the control of the department but deemed by the department to primarily serve the department; provided, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that said costs shall not be classified as administrative costs; provided further, that an amount not to exceed two percent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; and provided further, that the commissioner of the department of environmental management shall file an an-

	nual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item	\$1,300,000
2100-0952	For the design, layout, construction, repair and maintenance of bikeways and rail trails; provided, that eight hundred and thirty thousand dollars shall be expended for a community pedestrian and bicycle path linking the towns of Harwich and Chatham and the Cape Cod rail trail; provided further, that one hundred thousand dollars shall be expended for a community pedestrian and bicycle path linking the towns of Barnstable, Yarmouth and Dennis to the existing Cape Cod rail trail in the town of Dennis; provided further, that two hundred and fifteen thousand dollars shall be expended for a community pedestrian and bicycle path extending the Cape Cod rail trail in the town of Wellfleet; provided further, that six hundred thousand dollars shall be expended for a pedestrian and bicycle bridge linking the Cape Cod rail trail and the town of Orleans; provided further, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided, that said costs shall not be classified as administrative costs; provided further, that an amount not to exceed two percent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; and provided further, that the commissioner of the department of environmental management shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item	\$6,145,000
	<i>Metropolitan District Commission.</i>	
2490-0017	For the design, construction, reconstruction or rehabilitation of commission parkways, boulevards and related appurtenances and equipment, including but not limited to, the costs of engineering and other services essential to such projects, rendered by commission employees or by consultants, pursuant to section one hundred and three of this act; provided, that five hundred thousand dollars shall be expended for the study and repair of commission roadways, sideboards, off ramps, entrance ramps, lighting, handicap ac-	

cessible walkways, and directional signals within the city of Somerville; provided further, that the commission shall conduct a traffic signal study to determine the need for a traffic signal at the intersection of Savin Street and Fellsway East, Malden; provided further, that two million dollars shall be expended for two pedestrian overpass systems at McGrath highway and Broadway, and McGrath highway and Highland avenue in the city of Somerville; provided further, that said ramps meet all existing federal regulations; provided further, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that said costs shall not be classified as administrative costs; provided further, that an amount not to exceed two percent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; and provided further, that the commissioner of the metropolitan district commission shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item \$115,200,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Massachusetts Highway Department.

6033-9500 For public improvement projects, pursuant to section 53 of this act, deemed necessary by the secretary of transportation and construction upon petition of the appropriate committee, board or other local governmental body to mitigate any adverse economic impact to municipalities resulting from major projects undertaken by the department; provided, that funding for any one such public improvement project shall not be in excess of two hundred fifty thousand dollars; provided further, funds authorized under this section shall be expended solely for public improvement projects which result in the tangible enhancement and furtherance of the public economy, safety and general welfare; provided further, that for the purposes of this section, the route 146/Turnpike Interchange Project and any other project undertaken by the department for which the cost is in excess of one hundred fifty million dollars and results in adverse economic impact shall be deemed a major project; and provided further, that

	notwithstanding the aforementioned funding limitation on individual projects, nothing in this section shall be construed as limiting the number of eligible public improvement projects related to any one major project	\$1,500,000
6033-9501	For the design and construction of roads, roadways and other transportation related projects deemed necessary for economic development by the secretary of transportation and construction upon the petition of the appropriate local executive government body and pursuant to section 53 of this act; provided, that two million three hundred thousand dollars shall be expended to fund improvements and an industrial access road at Addition Hill in the city of Marlborough upon compliance with 701 CMR 5.00 through 701 CMR 5.10; provided further, that funds authorized in this item shall be expended in accordance with the provisions of chapter nineteen of the acts of nineteen hundred and eighty-three; provided further, that all projects funded for this program through this item and in subsection three F in chapter fifteen of the acts of nineteen hundred eighty-eight shall be in accordance with 701 CMR 5.00 through 701 CMR 5.10; and provided further, that the secretary of transportation and construction shall notify all cities and towns of the availability of funds through this program and shall inform said municipalities of the application process prior to the expenditure of any funds from this item	\$35,000,000
6033-9517	For the construction of, repair of or improvement to non-federally aided roadway projects pursuant to section 53 of this act, provided that the costs of roadway resurfacing shall not be charged to this item unless such resurfacing is incidental to such roadway projects; provided further, that not more than six hundred thousand dollars shall be expended for the repair and reconstruction of the state-owned portion of Dedham street, located in the town of Dover; provided further, that not more than three million dollars shall be expended for the reconstruction of the portion of the state roadway, route 116, known as Chicopee Street, located in the town of Chicopee; provided further, that ten million dollars shall be expended for the Commercial street/Corporation way connector road in the cities of Malden and Medford; provided further, that four million dollars shall be expended for the department of highway's responsibilities associated with the removal of the A-Line tracks, so-called, in accordance with the provisions of	

Section 85 of this act; provided further, that sixteen thousand five hundred dollars shall be expended for the purchase of signal equipment for the intersection of South Main street and Laurel avenue in the city of Haverhill; provided, that not less than fifty thousand dollars shall be expended to study the transportation and traffic needs of downtown Salem including, but not limited to, the intersection of Bridge and Washington streets; provided further, that the "lower" portion of route 28 in the town of Stoneham, from Marble street to Park street, is reconstructed, including roadway replacement, curbing replacement and sidewalk replacement; provided further, that three hundred thousand dollars shall be expended for the purpose of improvements to the North Avenue and Albion Street intersection and the North avenue and Main Street intersection in the town of Wakefield including, but not limited to, widening the road, redesigning traffic lanes, installing traffic lights and coordinating with the Massachusetts bay transportation authority railway crossing; provided further, that twenty thousand dollars shall be expended for all costs associated with the installation of school zone flashing lights at the Osborne school, located in the city of Fall River; provided further, that, 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-five necessary traffic signals at the intersection of Bushee road, route 6 and Old Fall River road in the town of Swansea; provided further, that one million two hundred thousand dollars shall be expended for the Reed road project, so-called, in the town of Dartmouth including, but not limited to, drainage improvements, resurfacing and reconstruction of six thousand and one hundred feet of Reed road between the north side of route 6 and the south side of the interchange of interstate 195 and said Reed road; provided further, that one million dollars shall be expended for the Faunce Corner road project, so-called, in the town of Dartmouth including, but not limited to, reconstruction, widening and realignment along the portion of said road from the interchange of Interstate 195 and Faunce Corner road extending north along said road for five thousand feet; provided further, that three million dollars shall be expended for the construction of a means of access from state highway route 3 in the town of Burlington to a par-

cel of land abutting said route and state highway route 128 currently landlocked; provided further, that said construction is accomplished with the approval of all appropriate boards and committees in the town of Burlington; provided further, that not less than one million dollars shall be provided for the design and construction of traffic safety and transportation improvements on Boston street located in the city of Lynn; provided further, that not less than two million eight hundred thousand dollars shall be expended for the design and construction of traffic safety and transportation improvements on route 107 and Wester avenue, located in the city of Lynn; provided further, that four hundred fifty thousand dollars shall be expended for the reconstruction of Central street gateway and Lincoln street in the city of Worcester; provided further, that five hundred thousand dollars shall be expended for the construction of a pedestrian overpass over route 9 in the town of Southborough; provided further, that three million one hundred thousand dollars shall be expended for the Worcester Center Boulevard improvement program in the city of Worcester; provided further, that eight hundred twenty-five thousand dollars shall be expended for a signage and urban design study in the city of Worcester; provided further, that five hundred thousand dollars shall be expended for the study, design and construction of traffic flow improvements on route 126 with particular attention to the portion of said route which runs through Framingham; provided that said project shall be conducted by the town of Framingham with the approval of the executive office of transportation and construction; provided further, that the costs of professional personnel, directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item provided, that said costs shall not be classified as administrative costs; provided further, that an amount not to exceed two percent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; and provided further, that the commissioner shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item; and provided further, that the department is authorized and directed to seek

	federal participation for projects earmarked herein wherever applicable	\$89,938,343
6033-9518	For the construction and reconstruction of tourist information centers and sanitary facilities, including lighting and safety projects, pursuant to section 53 of this act; provided, that not less than fifty thousand dollars shall be made available to the Cape Cod economic development council for the formation of a special working group on tourism to study visitor facilities on route 6 in the town of Barnstable and along interstate highway 195 in the town of Wareham, pursuant to section 77 of this act; provided further, that two million dollars shall be expended for an urban transportation visitors' center for the city of Springfield; provided further, that in all new construction of sanitary facilities, no-discharge onsite recycling waste treatment systems shall be used; provided further, that the department shall submit to the house and senate committees on ways and means a plan detailing the annual operating costs for each tourist center and sanitary facility to be constructed or reconstructed; provided further, that said plan shall contain a funding plan to meet these operating costs and shall include, but not be limited to, expenditure and revenue assumptions for each facility; and provided further, that no construction or reconstruction shall begin until such a plan is filed by the department	\$4,000,000
6033-9519	For the acquisition and improvement of maintenance sites and the erection of protective fences pursuant to section 53 of this act	\$1,000,000
6033-9529	For the construction and reconstruction of department owned garages and maintenance shops, and for beneficial and necessary improvements to department owned garages, maintenance shops, administrative buildings and other structures pursuant to section 53 of this act; provided, that notwithstanding the provisions of any general or special law to the contrary, the department shall construct or contract for, control and supervise said projects; and provided further, that no construction or contractual agreement shall be entered into prior to the review of the inspector general of the commonwealth	\$3,000,000
6033-9530	For a program to develop and construct on-street bicycle routes to urban centers and to transit, rail, bus, ferry and other modal terminals, to provide secure bicycle locking facilities at such terminals and to promote bicycle and pedestrian commuting	

	pursuant to section 53 of this act; provided, that one hundred and fifty thousand dollars shall be expended for a community pedestrian and bicycle path linking the Newburyport Rail Station and the Newburyport waterfront	\$6,000,000
6033-9539	For the acquisition, by eminent domain under the provisions of chapter seventy-nine of the General Laws or by purchase or otherwise, of land or rights in land within or adjacent to public ways for the purpose of restoring, preserving, or enhancing areas of scenic beauty or special environmental value pursuant to section 53 of this act; provided, that such acquisition shall be made following consultation with the secretary of environmental affairs and appropriate advisory committees; and provided further, that prior to any such acquisition, notice of acquisition shall be filed with the house and senate committees on ways and means and the joint committee on transportation and the inspector general of the commonwealth	\$10,000,000
6033-9540	For the design and construction by the department of a combined maintenance and materials testing facility to be located at D Street, South Boston, to be spent in conjunction with the funds authorized by clause L of section three of chapter thirty-three of the acts of nineteen hundred ninety-one as amended in this act in section 72	\$5,000,000
6033-9550	For the removal and/or replacement of fuel tanks on department property pursuant to section 53 of this act	\$500,000
6033-9555	For the purposes of auditing and assessing the existence and extent of hazardous materials and environmental contamination at maintenance facilities and rest areas operated by the department; provided, that said funds, expended pursuant to section 53 of this act, shall only be used for assessments associated with property that is envisioned for continued use by the department; provided, that initial screenings be conducted at all applicable department maintenance facilities; provided further, that following a statewide screening process, the department shall identify those sites requiring further assessment and shall conduct such appraisals; and provided further, that the department shall submit to the house and senate committees on ways and means a report detailing the list of sites audited and the results of said audits, including, but not limited to, the cost estimates for the remediation of environmental hazards at each contaminated site	\$20,000,000
6033-9560	For the purposes of remediating environmental contamination	

at those maintenance facilities and rest areas operated by the department which are listed in section one hundred and twenty-six of this act; provided, that priority shall be given to remediating all sites fully assessed prior to the enactment of this legislation; provided, that said funds, expended pursuant to section fifty-three of this act, can only be used for remediation efforts associated with property that is envisioned for continued use by the department; provided further, that the department submit to the house and senate committees on ways and means, a list of contaminated sites to be remediated using funds authorized herein, in accordance with the assessments conducted pursuant to item 6033-9555 in section two A of this act \$20,000,000

6033-9569 For the design, reconstruction and improvement, including the testing, removal and encapsulation of lead-based paint, to highway bridges and other bridges, pursuant to section 53 of this act, including, but not limited to, the Fore River bridge between the city of Quincy and the town of Weymouth; provided, that funds authorized herein shall be used for the design, reconstruction and rehabilitation of bridge A-3-1 =N-6-3, carrying Wood street and Slocum street over the Acushnet river in the municipalities of Acushnet and New Bedford; provided further, that not more than one hundred and fifty thousand dollars shall be expended for the repair and reconstruction of the Foundry, Phillips and Nebo bridges, located in the town of Medfield; provided further, that not more than two million dollars shall be expended for the emergency structural repair and reconstruction of the Congress street bridge located in the city of Salem; provided further, that not more than five hundred thousand dollars be expended for the demolition of the Clark street bridge in Belmont and its replacement with a bridge for pedestrians and bicyclists only; provided further, that the bridge on Pike avenue over Conrail in the city of Attleboro is hereby designated and known as the Bearcroft Station bridge and the department shall erect and maintain suitable markers on said bridge bearing such designation in compliance with the standards of said department; provided further that funds authorized herein shall be expended for the reconstruction and rehabilitation of the Hellenic Farmers Bridge, so-called, on Phineas street in the town of Dracut; provided further, that ten thousand eight hundred and fifty dollars shall be expend-

ed: for the design, construction and placement of signage in the town of Fairhaven and the town of New Bedford, said signage shall notify drivers that businesses on Fish Island and Pope's Island remain open during bridge reconstruction of route 6 over the Acushnet river; provided further, that nine hundred thousand dollars shall be expended for reimbursement to the city of Beverly for the taking of land by the department to be used for a public pier in the city of Beverly; provided further, that six hundred and fifty-eight thousand seven hundred and ninety dollars shall be expended for the purpose of restoring the Padanaram bridge located in South Dartmouth; provided further, that three hundred fifty thousand dollars be expended for a bridge at Drake Village in the town of Arlington; provided further, that the reconstruction and rehabilitation of bridge F-1-2=3-P-F, on route 6 over Acushnet river in Fairhaven and New Bedford shall be completed by October twelfth, nineteen hundred ninety-six; provided further, that five hundred and fifty thousand dollars shall be expended for the reconstruction of the Crest road bridge in Wellesley; provided further, that the costs of professional personnel, directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that said costs shall not be classified as administrative costs; provided further, that an amount not to exceed two percent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein; provided further, that the commissioner shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item; and provided further, that the department is authorized and directed to pursue federal participation for projects earmarked herein wherever applicable \$97,020,128

6033-9570 For the department's contribution to the total capital costs associated with the design, construction and, if required, acquisition of rights in any land by lease, purchase or eminent domain taking, for implementation of the Industri-plex Regional Transportation Center, so-called, in Woburn which shall provide up to fifteen hundred new spaces for a park-and-ride facility and any necessary appurtenant passen-

ger shelters or other amenities for such park-and-ride facility; provided, that the study prepared by the Woburn redevelopment authority pursuant to subsection (a) of section eighty-six of this act recommends locating the Massachusetts port authority's park-and-ride facility at the Industri-Plex site; provided further, that, notwithstanding the conclusions of said study, for the department's reimbursement of the Massachusetts port authority for the department's share, being one-third, of the five hundred thousand dollars paid by the Massachusetts port authority pursuant to subsection (a) of section eighty-six of this act, for the preliminary design, environmental permitting and feasibility study; provided further, that funds authorized in this item shall be subject to the provisions of the first paragraph of sections six, seven and nine of chapter seven hundred and eighteen of the acts of nineteen hundred and fifty-six; provided further, that the inspector general of the commonwealth shall study and examine the feasibility of relocating and operating the Massachusetts Port Authority's shuttle bus service to and from Logan International Airport, known as the "Woburn Logan Express", from its current site as Mishawum community Rail Station or any other site to the Industri-plex Regional Transit Center in Woburn; including but not limited to, an analysis of the potential economic benefits of such relocation, the potential for increased ridership from such relocation and the appropriateness of the site itself; provided further, that the inspector general shall file such study with the house and senate committees on ways and means and the joint committee on transportation; provided further, that no funds shall be expended from this item for the Industri-plex site unless or until the attorney general certifies in writing to the comptroller that the commonwealth will not thereby undertake any additional financial liability pursuant to any federal environmental statute, including the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USCA 9601, et seq.; provided further, that the amount of just compensation paid by the department of highways to acquire the rights in any land by eminent domain shall not exceed the approved appraisal of the fair market value of the property or one dollar, whichever is greater; provided further, that the amount of just compensation shall take into account and include, but not be limited to, the fol-

	lowing: (i) the environmental condition of the property, and (ii), if applicable, the cost required to render any such property commercially usable in light of any contamination affecting such property; and provided further, that thirty days prior to any such acquisition of rights in any land by lease, purchase or eminent domain, notice of said acquisition shall be filed for review with the inspector general of the commonwealth	\$3,300,000
6033-9577	For roadway resurfacing of non-federally aided highway projects	\$115,946,945
6033-9581	For the route 57 extension project, so-called, including access ramps and connecting roads; provided, that one million dollars shall be expended for the acquisition, design and construction of Bowles road access from said route 57 to the Agawam regional industrial park	\$16,700,000
6033-9582	For the study, design and construction of a grade separation, so-called, at Mahoney circle, located in the city of Revere, pursuant to section 53 of this act	\$10,000,000
6033-9598	For mitigation measures associated with the Central Artery/Third Harbor Tunnel project pursuant to section 53 of this act; provided, that the amount authorized in this item shall be expended according to a spending plan submitted jointly by the North End community health center, the North End union and the North End/West End neighborhood service center to the secretary of transportation and construction; and provided further, the Massachusetts highway department is authorized and directed to seek federal participation, if available, in said mitigation measures	\$2,651,838
6033-9599	For the Winthrop community health center, inc., to mitigate the effects of the Central Artery/Third Harbor Tunnel project	\$1,000,000

SECTION 2B.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Metropolitan District Commission.

2490-0018	For the purchase of highway and bridge maintenance fleet equipment and bridge painting, notwithstanding any other general or special law to the contrary; provided that said funds shall be expended pursuant to section one hundred and three of this act	\$5,300,000
2490-0019	For commuter boat services along the Charles River, including the contract costs associated with the design, engineering and construction of three boat dock landings located along the	

Charles River and for the repair of the existing Esplanade dock, so-called; provided, that no funds shall be expended from this item prior to the completion of a feasibility study by the commission \$200,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Massachusetts Highway Department.

6033-9559 For bridge painting pursuant to section 53 of this act \$11,667,856

SECTION 2C.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Massachusetts Highway Department.

6033-9520 For the purchase and installation of landscape materials along the state highways \$2,000,000
6033-9562 For the purchase of parts for durable equipment including highway maintenance fleet equipment, pursuant to section 53 of this act \$2,000,000

SECTION 2D.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Executive Office.

6001-9510 For the design, environmental review, permitting, and construction of excavation support slurry walls related to elements of the central artery project necessary to facilitate construction of a rail link connecting the north station transportation center and the south station transportation center, each located in the city of Boston; provided, that funds expended from this item shall not exceed federal funds authorized, committed, and expended for the purposes of this item; provided further, that no federal highway or transit funding authorized in the Intermodal Surface Transportation Efficiency Act of 1991 P.L. 102-240 shall be used for the purposes of this item; provided further, that nothing in this item be construed to suggest that any future federal funding for this project shall be equalled by state authorizations; provided further, that a report shall be filed by the secretary of transportation and construction with the house and senate committees on ways and means and the joint committee on transportation, detailing the overall costs of this project, a projected timeframe for each phase through construction, economic and regional benefits and a funding plan, prior to the commencement of any construction; and provided further,

that construction of said project, beyond the element authorized in this act, shall not commence until additional authorizations are provided by the general court \$60,000,000

SECTION 2E.
EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.
Executive Office.

6001-9505 For the purposes authorized by chapter one hundred and sixty-one B of the General Laws, including the purchase, long-term lease and rehabilitation of rolling stock, and the construction, reconstruction, and rehabilitation of regional transit authority facilities and related appurtenances \$15,000,000

SECTION 2F.
EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.
Executive Office.

6001-9520 For the study and possible development of high speed ground transportation between Pittsfield and Boston via Springfield; provided, that not more than five hundred thousand dollars be expended for a study conducted under the direction of Maglev prototype commission, established pursuant to section 84 of this act; provided further, that said commission shall produce a report examining the feasibility of establishing high speed ground transportation through magnetic levitation technology developed in the commonwealth; provided further, that said commission shall report to the house and senate committees on ways and means and the joint committee on transportation concerning longterm planning for the development and implementation of a magnetic levitation transportation system in the commonwealth; provided further, that said report shall include, but not be limited to, an evaluation of the findings of the bi-state study, the compatibility of a Maglev system with the Massachusetts turnpike right of way, recommendations for future efforts, and financial plans, including state and federal funds, for any proposed development and testing of said system; provided further, that no additional funds from this item shall be expended until said study is submitted to the aforementioned committees; and provided further, that funds from this item, other than those funding the Maglev prototype commission, may only be expended in an amount equal to or less than federal funds authorized, committed, and expended

	for the purposes of this item	\$1,500,000
6001-9545	For the purpose of further implementing the provisions of section thirteen of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, as inserted by section seventy-five of chapter fifteen of the acts of nineteen hundred and eighty-eight; provided, that a capital grant be provided to the appropriate public agency in city of Medford for the purchase of a handicap accessible, fifteen person van when said agency complies with all program regulations; provided further, that any grant funds awarded under this item shall be for not more than eighty percent of the total purchase cost of the vehicles or equipment; and provided further, that the secretary may waive said limitation upon determination that a recipient is in critical financial need	\$2,000,000

SECTION 2G.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Massachusetts Aeronautics Commission.

6006-9500	For the purpose of airport systems planning, improvement and development in the commonwealth including, but not limited to, the development of a pavement management program and an airport fuel tank replacement program, fostering air commerce and private flying, airport system planning, improvement and development, for reimbursements to cities, towns and counties, payments, or both, for planning, design, construction, maintenance, and promotion of airports, for the acquisition, design and construction of a public use helipad/heliport system in Boston to replace the Nashua street helipad providing navigational aids; provided further, that five million dollars shall be expended for the Worcester municipal airport pursuant to section 108 of this act; provided further, that the commission shall not use existing regulations or implement new regulations that prohibit said Authority and said city from entering into a mutually satisfactory agreement for the leasing, management or operation of said airport; provided further, that the costs of professional personnel, directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item, provided, that said costs shall not be classified as administrative costs; provided further, that an amount not to exceed two percent of the amount authorized herein may be expended for the admin-
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istrative costs directly attributable to the programs funded herein; and provided further, that the executive director shall file an annual spending plan with the budget bureau and the house and senate committees on ways and means which details, by subsidiary, all personnel costs and administrative costs charged to this item; and provided further, that the department is authorized and directed to seek federal participation for projects earmarked herein wherever applicable . \$22,000,000

SECTION 2H.
EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Office of the Secretary.

6005-9505	For the north station transportation center project located in the city of Boston	\$96,500,000
6005-9510	For the purchase, long-term lease and rehabilitation of buses	\$73,500,000
6005-9512	For the purchase, long-term lease and rehabilitation of heavy rail vehicles for the rapid transit blue line, so-called	\$55,000,000
6005-9514	For the purchase, long-term lease and rehabilitation of commuter rail rolling stock	\$37,000,000
6005-9520	For the purchase and long-term lease of heavy rail vehicles for the rapid transit orange line, so-called	\$115,000,000
6005-9522	For the expansion and upgrading of parking facilities at commuter rail and rapid transit stations, including, but not limited to, the purchase of acquisition of property surrounding the Beverly Depot and Haverhill commuter rail stations for said purposes; provided further, that the route 128 commuter rail station located on University avenue in Dedham, Westwood and Canton be rehabilitated through the repaving of parking areas, installation of improved lighting and other improvements; provided further, that four million dollars shall be expended for the design and construction of a commuter parking deck in the town of Littleton; provided further, that a secure bicycle facility be provided at the Massachusetts bay transportation authority Alewife station; and provided further, that the authority shall expend seventy-five thousand dollars to study, design and implement the replacement of lighting at the Wedgemere and Winchester commuter rail stations in Winchester	\$100,000,000
6005-9524	For the Arborway restoration project; provided, that said project shall be constructed to accommodate the use of light rail vehicles for the provision of mass transportation service bet-	

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	ween Heath street and the Arborway in the Jamaica Plain section of the city of Boston	\$20,000,000
6005-9526	For the renovation of commuter boat facilities	\$5,000,000
6005-9528	For the design, environmental review and construction of the blue line/red line connector, so-called	\$49,000,000
6005-9530	For the South Boston transitway project	\$125,000,000
6005-9532	For the Ipswich to Newburyport commuter rail restoration project; provided, that not more than one million seven hundred thousand dollars shall be expended for the construction of a commuter rail station in the town of Rowley; provided further, that not more than ten million dollars shall be expended for the construction of an enclosed commuter rail station in the city of Newburyport	\$32,300,000
6005-9534	For the Framingham to Worcester commuter rail extension project, including an examination by the Massachusetts bay transportation authority of the feasibility of constructing a regional commuter rail station on route 495	\$78,000,000
6005-9536	For the extension of the commuter rail line from Forge Park to the town of Milford, the Franklin Park extension, so-called	\$28,000,000
6005-9540	For the design, environmental review and permitting of a circumferential transit corridor in the cities of Boston, Cambridge, Chelsea, Everett and Somerville and the town of Brookline	\$4,000,000
6005-9545	For a tunnel under Hingham Center to facilitate commuter rail service; provided that funds authorized herein constitute the state's share for said project which shall be equal to the federal share	\$50,000,000
6005-9550	For the purchase of low-floor light rail vehicles for the green line, so-called	\$47,000,000
6005-9552	For the purchase of vans for the RIDE program, so-called	\$3,000,000
6005-9554	For station renovation projects required by the federal Americans with Disabilities Act regulations and commuter rail and rapid transit key station plans; provided, that ten million dollars shall be expended for public access improvements at Wellington station located in the city of Medford, including, but not limited to, the design and construction of alternate approaches, pathways and entrances, the modification of existing guardrails, protective screens and other improvements to bring said station into compliance with the Americans with Disabilities Act; provided further that not less than six million one hundred thousand dollars shall be	

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	expended for the purpose of bringing the Malden Center station into compliance with the federal Americans with disabilities act, and for the construction of a pedestrian overpass between said station and the Malden government center; and provided further, that not more than twenty-five percent of the funds authorized in this item may be committed prior to the commencement of the Malden Center station project identified herein	\$20,400,000
6005-9560	For a study to determine the environmental impact of extending commuter rail service to New Bedford/Fall River via the Stoughton Line pursuant to the nineteen hundred ninety Massachusetts bay transportation authority New Bedford/Fall River commuter rail extension feasibility study or via the Middleborough/Lakeville line pursuant to the nineteen hundred ninety-four Massachusetts bay transportation authority Old Colony line extension feasibility study	\$3,475,000
6005-9562	For a feasibility study to establish commuter rail service to Fall River via the proposed Taunton extension	\$1,000,000
6005-9564	For a feasibility study to establish commuter rail services to New Bedford via Taunton	\$1,000,000
6005-9566	For a feasibility study to establish commuter rail service from the terminus of the Old Colony commuter rail project in the town of Middleborough to the Buzzards Bay area of the town of Bourne	\$1,000,000
6005-9568	For a feasibility study for the purpose of examining the construction of a ramp or roadway connecting the Old Colony commuter rail station in the town of Kingston to state highway route 3	\$200,000
6005-9570	For environmental remediation for compliance with federal and state requirements on property owned by the authority, including the remediation of underground storage tanks, contaminated sites, sewage and septic discharges, water, wetlands and waterways, hazardous waste, air quality, solid waste, noise, lead and asbestos; provided further, that not more than three million three hundred thousand dollars may be expended as the authority's share of the cost to design and construct a regional transportation center at the Industri-plex Superfund Site in the town of Woburn, including new commuter rail facilities for up to twenty-five hundred vehicles, which facilities may be built as part of the EPA-approved Superfund remedy for the Site and thereby ensure full compliance with all environmental laws, includ-	

ing, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), governing the remedial action required by the authority as a named responsible party for this Site; provided further, that these funds shall not include any other expenditures not directly related to the regional transportation center that may otherwise be required by the authority to comply with Superfund laws at the Industri-plex Site; provided further, that the inspector general of the commonwealth shall study and examine the feasibility of relocating and operating the Massachusetts Port Authority's shuttle bus service to and from Logan International Airport, known as the "Woburn Logan Express", from its current site as Mishawum community Rail Station or any other site to the Industri-plex Regional Transit Center in Woburn; including but not limited to, an analysis of the potential economic benefits of such relocation, the potential for increased ridership from such relocation and the appropriateness of the site itself; provided further, that the inspector general shall file such study with the house and senate committees on ways and means and the joint committee on transportation; and provided further, that no funds shall be expended from this item for the Industri-plex site unless or until the attorney general certifies in writing to the comptroller that the commonwealth will not thereby undertake any additional financial liability pursuant to any federal environmental statute, including CERCLA, 42 USCA 9601, et seq. \$90,400,000

6005-9575 For the demolition and removal of hazardous waste from the site of the East First street power station and complex in the South Boston area of the city of Boston, which site is currently dedicated to mass transportation purposes and owned by the Massachusetts bay transportation authority; provided, that said site is hereby transferred to the commonwealth and placed under the control of the metropolitan district commission by virtue of the authority of this act; provided further, that said site shall be dedicated to public uses authorized by Article Amendment XCVII of the Constitution of the Commonwealth; provided further, that it shall remain the responsibility of the Massachusetts bay transportation authority to complete any demolition project concerning said site which was authorized prior to the effective date of this act; and provided further, that said site

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	is more particularly described in section ne hundred and six of this act	\$14,000,000
6005-9580	For the soundproofing of residences on property abutting rapid transit service rights of way, including but not limited to, the red and blue lines, so-called	\$12,000,000
6005-9582	For a study to determine the noise impact of train service along the southwest corridor in Boston, including but not limited to commuter rail service, the impact of any planned expansion of service along the corridor, and mitigation efforts which might be undertaken to minimize the effect of such noise on residences abutting the corridor	\$1,000,000

SECTION 2I.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Executive Office.

2000-6950	For a grant program to cities and towns for projects to construct, reconstruct, and otherwise improve boat pumpout facilities and stormwater drainage facilities along roads, highways and bridges within the watershed of the Massachusetts coastal zone; provided, that said grants shall be used to alleviate inadequacies, deficiencies and pollutants in coastal waters caused by marine sanitation device discharges and stormwater runoff from paved surfaces; and provided further, that the secretary shall establish rules and regulations to govern the application process and disbursement of grant funds under the provisions of this item	\$4,000,000
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SECTION 2J.

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of the State Police.

8100-9520	For the design, construction and implementation of a statewide telecommunications system and to enhance interagency communication capability among state and local agencies	\$36,000,000
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SECTION 2K.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Executive Office.

1100-9510	For the Salem state college assistance corporation for the acquisition of land and buildings thereon at the GTE/Sylvania site in the city of Salem, including any related costs as determined by the Salem state college assistance corporation	
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	as necessary for the future use of such site by said corporation; provided, that the seller of the GTE/Sylvania site shall fund a site assessment sufficient to adequately determine the nature and extent of any hazardous materials on the site, and the seller will further fund the cost of any required remediation of said hazardous materials required by any applicable laws and regulations	\$4,500,000
1100-9515	For the Springfield Technical Community College assistance corporation, pursuant to section one hundred and twenty-five of this act, for the acquisition of land and buildings thereon at the Digital Equipment Corporation plant site in the city of Springfield, to be designated the Massachusetts Center for Telecommunications and Information Technology, including any related costs as determined by the Springfield Technical Community College assistance corporation as necessary for the future use of such site by said corporation; provided, that the seller of the Digital Equipment Corporation plant shall fund a site assessment sufficient to adequately determine the nature and extent of any hazardous materials on the site, and the seller will further fund the cost of any required remediation of said hazardous materials required by any applicable laws and regulations	\$4,500,000
1100-9520	For the purposes of an off-street parking program pursuant to chapter four hundred and eighty-seven of the acts of nineteen hundred and eighty; provided, not more than three million two hundred thousand dollars shall be expended for an off-street parking facility in the city of Springfield; provided further, that not more than two hundred thousand dollars shall be expended for an off-street parking facility in the town of Danvers; provided further, that not less than four hundred thirty-one thousand three hundred ninety-five dollars shall be expended for a parking facility in Methuen; provided further, that not less than one hundred thousand dollars shall be expended for an off-street parking facility on route 53 in Weymouth landing; provided further, not less than five million shall be expended for the acquisition, design and construction of a parking facility in Haverhill; provided further, that not more than three million two hundred thousand dollars shall be expended for an off-street parking facility in the town of Stoneham; and provided further, that funds authorized herein be expended for a facility in Beverly	\$12,200,000

Division of Capital Planning and Operations.

1102-9530 For the demolition and removal of all buildings and other structures constituting an incinerator complex located on property of the commonwealth which is the site of the former city of Boston incinerator, being a portion of the land conveyed to the commonwealth by the city of Boston by deed dated March twenty-third, nineteen hundred eighty-nine and recorded with the Suffolk county registry of deeds in book sixteen thousand eight hundred seventeen at page forty-six \$20,000,000

SECTION 3. To provide for a program of transportation development and improvements, the sums set forth in sections two, two A, two B, two C, two D, two E, two F, two G, two H, two I, two J, and two K for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and approval thereof.

SECTION 4. To meet a portion of the expenditures necessary in carrying out the provisions of section two, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of two hundred sixty-one million six hundred thirty-six thousand nine hundred fifty-eight dollars to be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan Act II of 1994 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 nineteen. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section two O of chapter twenty-nine of the General Laws; provided further, that in deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account (i) generally prevailing financial market conditions, (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth, (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued, and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section two O. All special obligation revenue bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act II of 1994 and shall be issued for a 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 nineteen. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Fund established in section two O of said chapter twenty-nine. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section two O of said chapter twenty-nine.

SECTION 5. To meet a portion of the expenditures necessary in carrying out the provisions of section two A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of five hundred seventy-eight million seven hundred two thousand two hundred fifty-four dollars, to be in addition to those bonds previously authorized, for projects and programs which remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan Act II of 1994 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 nineteen. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section two O of chapter twenty-nine of the General Laws; provided, however, that in deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account (i) generally prevailing financial market conditions, (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth, (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued, and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section two O. All special obligation bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act II of 1994 and shall be issued for a 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 nineteen. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Fund established in said section two O of said chapter twenty-nine. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section two O of said chapter twenty-nine.

SECTION 6. To meet a portion of the expenditures necessary in carrying out the provisions of section two B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of seventeen million one hundred sixty-seven thousand eight hundred fifty-six dollars, to be in addition to those bonds previously authorized, for projects and programs which remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan Act II of 1994 and shall be issued for such maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and nine. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section two O of chapter twenty-nine of the General Laws; provided, however, that in deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account (i) generally prevailing financial market conditions, (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth, (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued, and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section two O. All special obligation bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act II of 1994 and shall be issued for a maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and nine. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Fund established in said section two O of said chapter twenty-nine. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section two O of said chapter twenty-nine.

SECTION 7. To meet a portion of the expenditures necessary in carrying out the provisions of section two C, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of four million dollars, to be in addition to those bonds previously authorized, for projects and programs which remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan Act II of 1994 and shall be issued for such maximum term of years, not exceeding five years, as the governor

may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and four. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section two O of chapter twenty-nine of the General Laws; provided, however, that in deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account (i) generally prevailing financial market conditions, (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth, (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued, and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section two O. All special obligation bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act II of 1994 and shall be issued for a maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and four. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Fund established in said section two O of said chapter twenty-nine. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section two O of said chapter twenty-nine.

SECTION 8. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by sections two, two A, two B, and two C 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, two thousand and one. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that the state treasurer may determine to issue any notes as special obligations pursuant to section two O of chapter twenty-nine of the General Laws if the notes, or renewals thereof, are to be paid from the proceeds of special obligation bonds to be issued pursuant to said section two O. All payments on account of principal on the notes allocable to the Federal Highway Construction Program Fund shall be repaid from said fund.

SECTION 9. To meet the expenditures necessary in carrying out the provisions of

section two D, 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 sixty million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Rail Transportation Loan Act of 1994, 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 nineteen. All interest and payments on account of principal on 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 10. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by section two D 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 be not later than June thirtieth, two thousand and one. Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

SECTION 11. To meet the expenditures necessary in carrying out the provisions of section two E, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth, in an amount specified by the governor from time to time, but not exceeding in the aggregate, the sum of fifteen million dollars. Bonds issued by the commonwealth as aforesaid shall be designated on their face, Regional Transit Authority Capital Assistance Loan Act of 1994 and shall be issued for such maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all bonds shall be payable not later than June thirtieth, two thousand and nine. All interest and payments on account of principal on such obligations shall be payable twenty percent from the Highway Fund, forty percent from the General Fund and forty percent from the Local Aid Fund.

SECTION 12. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by section two E 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 one. Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be issued as special obligations pursuant to section two O of said chapter twenty-nine of the General Laws. Such notes or renewals thereof shall be paid from the proceeds of special obligations bonds to be issued pursuant to said section two O of said chapter twenty-nine.

SECTION 13. To meet the expenditures necessary in carrying out the provisions of section two F, 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 three million five hundred thousand dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, General Transportation Planning Loan Act of 1994, and shall be issued for such maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and four. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 14. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by section two F 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 one. Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

SECTION 15. To meet the expenditures necessary in carrying out the provisions of section two G, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of twenty-two million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Airport Capital Outlay Act of 1994, 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 nineteen. All interest and payments on account of principal on 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 common-

wealth.

SECTION 16. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by section two G 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 one. Notes and interest thereon issued under the authority of this section, shall be general obligations of the commonwealth.

SECTION 17. To meet the expenditures necessary in carrying out the provisions of section two I, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount specified by the governor from time to time, not exceeding, in the aggregate, four million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Coastal Pollution Mitigation Capital Outlay Loan Act of 1994, and shall be issued for such maximum term, 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, that all such bonds shall be payable not later than June thirtieth, two thousand and nineteen. All interest and payments on account of principal on such obligations shall be payable from the Local Aid Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 18. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purposes of meeting payments authorized by section two I of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. All interest and payments on account of principal of such obligations shall be payable from the Local Aid Fund.

SECTION 19. To meet the expenditures necessary in carrying out the provisions of section two J, 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 thirty-six million dollars. All bonds, issued by the commonwealth as aforesaid shall be designated on their face, Public Safety Program Loan Act of 1994, and shall be issued for such maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to Section 3 of Article

LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and four. All interest and payments on account of principal on such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 20. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized in section two J, 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 one. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 21. To meet the expenditures necessary in carrying out the provisions of section two K, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount specified by the governor from time to time, not exceeding, in the aggregate, forty-one million two hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, General Capital Outlay Loan Act of 1994, and shall be issued for such maximum term, 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, that all such bonds shall be payable not later than June thirtieth, two thousand and nineteen. All interest and payments on account of principal on such obligations shall be payable from the Local Aid Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 22. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purposes of meeting payments authorized by section two K and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. All interest and payments on account of principal of such obligations shall be payable from the Local Aid Fund.

SECTION 23. Notwithstanding the provisions of section twenty-three of chap-

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ter one hundred and sixty-one A of the General Laws, the Massachusetts bay transportation authority may issue bonds in the additional amount of one billion sixty-two million seven hundred seventy-five thousand dollars, solely for the purposes authorized by section two H of this act.

SECTION 24. Notwithstanding the provisions of section twenty-eight of chapter one hundred and sixty-one A of the General Laws, the commonwealth may enter into contracts to provide assistance to the Massachusetts bay transportation authority in the additional amount of nine hundred fifty-six million six hundred ninety-seven thousand five hundred dollars, solely for the purposes authorized by section two H of this act.

SECTION 25. Chapter 64H of the General Laws is hereby amended by adding the following section:-

Section 34. Taxes paid under the provisions of this chapter for the purchase of tangible personal property purchased by a consultant contractor or consultant subcontractor of any governmental body or agency, described in paragraph (d) of section six, for use in fulfilling a consulting contract to provide qualified services in a public project shall be eligible for reimbursement, provided that the consultant contractor or consultant subcontractor is required to be and has been reimbursed for the cost of such property, exclusive of any tax paid under the provisions of this chapter, pursuant to such consulting contract. All claims for reimbursement shall be for not less than one dollar, shall be made by affidavit in such form and containing such information as the commissioner shall prescribe and shall be accompanied by an affidavit from the governmental body or agency, consultant contractor or consultant subcontractor providing reimbursement of such purchase cost reflecting such actual reimbursement exclusive of taxes paid under this chapter. Such application for reimbursement shall be made within six months of the reimbursement of the purchase cost. The commissioner shall promulgate such regulations as are necessary to implement the provisions of this section and may require such further information as may be necessary for the determination of such claims. The commissioner shall transmit all claims approved by him to the comptroller for certification; and the amount approved by the commissioner and certified as aforesaid shall be paid forthwith from the proceeds of the tax levied under this chapter, without specific appropriation.

For purposes of this section:

(a) A consultant contractor of any governmental body or agency described in said paragraph (d) shall mean a person who enters into a consulting contract with such governmental body or agency;

(b) A consultant subcontractor shall mean a person who enters into a contract with a consultant contractor to provide qualified services in fulfilling a consulting contract. A consultant subcontractor shall be considered to be reimbursed for the cost of tangible personal property whether it receives such funds directly from any governmental body or agency described in said paragraph (d) or indirectly through a consultant contractor or consultant subcontractor pursuant to a consulting contract;

(c) A consultant subcontractor of a consultant subcontractor shall be deemed to be a consultant subcontractor;

(d) A consulting contract shall be deemed to be a contract under which any governmental body or agency described in said paragraph (d) delegates its governmental function to a person who agrees to provide qualified services to such governmental body or agency. A governmental body or agency described in said paragraph (d) shall be considered to delegate its governmental function to another person when it enters into a contract that authorizes the person to act as an agent or subagent of such governmental body or agency;

(e) Tangible personal property shall be considered to be used in fulfilling a consulting contract if the cost of such tangible personal property is reimbursed by the governmental body or agency described in said paragraph (d), if such property is used exclusively in fulfilling such consulting contract and if, (i) it is completely expended in the performance of qualified services and is not used to administer, oversee or control the consultant contractor's or consultant subcontractor's offices or workshops; (ii) it is turned over to a governmental body or agency described in said paragraph (d) pursuant to the consulting contract; or (iii) it becomes an ingredient and component part of tangible personal property that is turned over to said governmental body or agency pursuant to the consulting contract;

(f) A qualified service is, (i) studying the feasibility or environmental impact of a public project; (ii) engineering, architectural or other design services necessary to complete a public project; or (iii) the management of the planning, design, or construction of a public project, including the procurement of materials, supplies and services;

(g) A public project is any project for the construction, alteration, remodeling, repair or remediation of any public highway, tunnel, bridge, building, real property structure, or other public work, the cost of which is funded, in whole or in part, by funds which are generated through the use of multi-year debt financing and appropriated to or authorized for expenditure by any governmental body or agency described in said paragraph (d).

SECTION 26. The General Laws are hereby further amended by inserting after chapter 90G the following chapter:-

CHAPTER 90H.

GATEWAY ROADS PROGRAM.

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

"Program", the Gateway Roads program established by section two.

"Department", the department of highways.

"Commissioner", the commissioner of the department of highways.

"Secretary", the secretary of the executive office of transportation and construction.

"Gateway roads", the portion of state highway Route 2 between its junction with state highway Route 8 in the town of North Adams and the New York state border, the portion of United States highway Route 20 between its junction with state highway Route 7 in the city of Pittsfield and the New York state border, the portion of United States highway Route 20 between its junction with state highway Route 102 in the town of Lee at Exit 2 of the Massachusetts Turnpike, the portion of state highway Route 7 between its junction with United States highway Route 20 in the town of Lenox and the Connecticut state border, the

portion of state highway Route 8 between its junction with United States highway Route 20 in the town of Becket and the Connecticut state border, those portions of United States highway Route 5 between its intersection with interstate highway Route 91 in the town of West Springfield and the Connecticut state border and between its intersection with state highway Route 2 in the town of Greenfield and the Vermont state border, those portions of interstate highway Route 91 between its intersection with interstate highway Route 90 in the town of West Springfield and the Connecticut state border and its intersection with state highway Route 2 in the town of Greenfield and the Vermont state border, interstate highway Route 84, interstate highway Route 395, the portion of state highway Route 146 between its intersection with interstate highway Route 90 in the town of Millbury and the Rhode Island state border, those portions of United States highway Route 1 between its intersection with state highway Route 128 in the town of Dedham and the Rhode Island state border and between its intersection with state highway Route 128 in the city of Peabody, and the New Hampshire state border, those portions of interstate highway Route 95 between its junction with state highway Route 128 in the town of Canton and the Rhode Island state border and between its junction with state highway Route 128 in the city of Peabody and the New Hampshire state border, interstate highway Route 195, the portion of interstate highway Route 93 between its intersection with state highway Route 128 in the city of Woburn and the New Hampshire state border, and state highway Route 3 between its junction with state highway Route 128 in the town of Burlington and the New Hampshire state border.

"Improvements", construction, reconstruction, and resurfacing of roads, bridges and bicycle routes and paths, lighting, drainage, storm water runoff, construction and repair of tourist information centers and rest areas, enhanced signage, intermodal integration, acquisition of open space for the purposes of preservation and aesthetic enhancements and other improvements which enhance the attractiveness of the commonwealth as a tourist destination and facilitate the movement of commerce within the commonwealth.

Section 2. There is hereby established in the department of highways a program to be known as the Gateway Roads Program for the purpose of undertaking improvements of the gateway roads defined in section one, which are deemed to be essential routes for the convenience of tourists entering the commonwealth and for the movement of commerce within the commonwealth.

Section 3. The secretary and the commissioner shall consult on a regular basis with the secretary of the executive office of economic affairs, the secretary of the executive office of environmental affairs, the commissioner of the department of environmental management and the director of the office of travel and tourism in order to determine the extent and nature of improvements the department may undertake to accomplish the purposes of this chapter. The commissioner shall file a report with the clerks of the senate and house of representatives on or before the first day of December of each year detailing the improvements undertaken on the gateway roads during the prior year and outlining the projects to be undertaken on said roads during the subsequent year.

Section 4. The commissioner is hereby authorized to enter into agreements with federal, state, regional and local agencies and authorities and private parties to accomplish

the purposes of section two.

Section 5. The secretary is hereby authorized to enter into agreements on behalf of the department with state, regional or local agencies or authorities of bordering states to accomplish the purposes of this chapter.

SECTION 27. The first paragraph of section 37 of chapter 92 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the first sentence the following three sentences:- No person shall operate a truck, bus, camper, trailer or mobile home or other vehicle with a seating capacity of more than twelve persons upon any road, driveway, parkway, boulevard or bridge under the jurisdiction of the metropolitan district commission which is restricted to pleasure vehicles only; provided, however, that "pickup trucks", so-called, having a gross vehicle weight of five thousand pounds or less and a maximum overall height of seven feet or less shall be permitted. Any road, driveway, parkway, boulevard or bridge under the jurisdiction of the metropolitan district commission which is restricted to pleasure vehicles only as of January first, nineteen hundred and ninety-four shall remain so restricted, unless such restriction is statutorily removed. Nothing in this section shall prohibit any use of a road, driveway, parkway, boulevard or bridge under the jurisdiction of the Metropolitan District Commission if such particular use was authorized prior to August first, nineteen hundred and ninety-four or the permission of the metropolitan district commission for such use was sought prior to August first, nineteen hundred and ninety-four.

SECTION 28. Section 101 of chapter 159 of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "five nor more than twenty" and inserting in its place the following:- "fifty nor more than five hundred."

SECTION 29. Section 19 of chapter 161A of the General Laws, as so appearing, is hereby amended by inserting after the word "conditions", in line 4, the following words:- , the assignment of work schedules and work locations on the basis of seniority, including: (a) hours worked each day and days worked each week; provided, however that a change in such assignment shall not provide for a change in classification; and (b) the filling of vacancies by promotion or transfer of qualified applicants on the basis of seniority.

SECTION 30. The first paragraph of said section 19 of said chapter 161A, as so appearing, is hereby further amended by striking out subparagraph (i) and inserting in place thereof the following subparagraph:-

(i) to direct, appoint, and employ officers, agents and employees and to determine the standards therefor.

SECTION 31. Said chapter 161A is hereby further amended by adding the following section:-

Section 35. Whenever the Massachusetts Bay Transportation Authority deems it necessary to make surveys, soundings, test pits, borings, drillings or examinations to obtain information for or to expedite the construction of public transportation facilities or other projects under its jurisdiction, said authority, or its authorized agents or employees may, after thirty days notice by registered or certified mail and without the necessity of any judicial orders or other legal proceedings, enter upon any lands, waters and premises, not in-

cluding buildings, in the commonwealth, including lands both publicly and privately owned, including land owned by railroad corporations, for the purpose of making such surveys, soundings, test pits, borings, drillings or examinations as it may deem necessary or convenient for the purposes of this section, and the entry shall not be deemed to be a trespass. Said authority shall make reimbursement for any injury or damage to lands resulting from entry caused by any act of its authorized agents or employees and shall, so far as possible, restore such lands to the same condition as prior to the making of such surveys, soundings, test pits, borings, drillings or examinations.

SECTION 32. Section 5 of chapter 598 of the acts of 1958 is hereby amended by striking out clause (c) and inserting in place thereof the following new clause:-

(c) To fix and revise from time to time and charge and collect tolls for travel through the Callahan and Sumner tunnels, so-called; provided, that no toll or charge for the use of said tunnels shall be collected by the authority for the passage of official vehicles of the Boston police and fire departments; provided, further, that passenger vehicles registered in the two neighborhoods that hosted tunnel portals and ventilation buildings as of January first, nineteen hundred and ninety-three shall be charged the toll in effect for the use of the tunnels for such vehicles on such date.

SECTION 33. Section two of chapter one thousand and sixteen of the acts of nineteen hundred and seventy-three is hereby repealed.

SECTION 34. The first paragraph of section 32 of chapter 637 of the acts of 1983 is hereby amended by striking out the last sentence, added by section 75 of chapter 15 of the acts of 1988, and inserting in place thereof the following sentence:- The amount of any such grant shall not exceed five hundred thousand dollars.

SECTION 35. The third paragraph of said section 32 of said chapter 637 is hereby amended by striking out, in line 1, the word "fifteen" and inserting in place thereof the following words:- two thousand five.

SECTION 36. Said section 32 of said chapter 637 is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Upon the approval of said application, the commissioner shall notify the town as to the total amount of state aid for such project and the provisions for repayment. No grant shall be approved after June thirtieth, nineteen hundred and ninety-seven.

SECTION 37. Subsection (c) of section 1 of chapter 240 of the acts of 1984 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any operating agreement with the tenant pertaining to said garage shall be for a term, including all options for extension, that is coterminous with the termination date of the lease with tenant authorized in subsection (b).

SECTION 38. Clause (l) of section 3 of chapter 33 of the acts of 1991 is hereby amended by striking out, in lines 2 and 3, the words "located in the town Wellesley" and inserting in place thereof the following words:- to be located at D street, South Boston.

SECTION 39. Section 8 of said chapter 33, as amended by section 11 of chapter 493 of the acts of 1993, is hereby further amended by striking out the words "less than twen-

ty-five million dollars on the issuance of special obligation bonds for the purposes of said clauses (i) and (ii), the state treasurer shall, upon the request of the governor, issue special obligation bonds in an amount specified by the governor from time to time, but not exceeding in the aggregate, the sum of not less than" and inserting in place thereof the following words:- more than twenty-five million dollars on the issuance of special obligation bonds for the purposes of said clauses (i) and (ii), the state treasurer shall, upon the request of the governor, issue special obligation bonds in an amount specified by the governor from time to time, but not exceeding in the aggregate the sum of.

SECTION 40. Section 18 of said chapter 33, as amended by section 13 of said chapter 493, is hereby further amended by striking out the words "less than twenty-five million dollars" and inserting in place thereof the following words:- more than twenty-five million dollars.

SECTION 41. Section 46A of said chapter 33 is hereby amended by striking out, in line 7, the word "three" and inserting in place thereof the following word:- ten.

SECTION 42. Section 46C of said chapter 33 is hereby amended by striking out, in line 4, the word "three" and inserting in place thereof the following word:- ten.

SECTION 43. Item 1101-8921 of section 2 of chapter 194 of the acts of 1992, as amended by section 14 of chapter 493 of the acts of 1993, is hereby further amended by adding after the words "assigned to said projects" the following words:- provided, that not less than three hundred thousand dollars be made available to the Cape and Islands working group on tourism, as established in section 77 of the second transportation bond authorization act of nineteen hundred and ninety-four, for the purpose of designing and constructing visitor information service kiosks in Barnstable county.

SECTION 44. Item 3722-8894 of section 2 of chapter 494 of the acts of 1993 is hereby amended by inserting after the word "laws", in line 11, the following words:- , and the costs for drainage repair at the parking lot abutting the Edward F. Doolan Apartments located in the city of Fall River.

SECTION 45. Notwithstanding the provisions of sections fifty-five, fifty-six, fifty-seven, sixty and sixty-one of this act, the affirmative action officer or the officer designated to monitor affirmative action hiring in the department of public highways and the metropolitan district commission are hereby directed to submit a written report, in the case of said department to the secretary of transportation and construction, and in the case of said commission to the secretary of environmental affairs, within sixty days of the effective date of this act detailing the hiring plan to be utilized to recruit and employ members of protected groups as established pursuant to Executive Orders numbered two hundred and twenty-seven, two hundred and forty-six, and two hundred and thirty-five, as amended by Executive Order number two hundred and fifty-three; for positions authorized in said sections.

SECTION 46. Notwithstanding the provisions of chapters one hundred and sixty-one A and one hundred and sixty-one B of the General Laws to the contrary, a city or town which is located in the area constituting the Massachusetts Bay Transportation Authority may contract for mass transportation services with a regional transit authority esta-

blished under the provisions of chapter one hundred and sixty-one B of the General Laws provided that the net cost of such service shall be paid entirely by said city or town.

SECTION 47. Notwithstanding the provisions of any general or special law to the contrary, the secretary of the executive office of transportation and construction, the commissioner of the department of highways, the commissioner of the department of environmental management, the commissioner of the metropolitan district commission, and the colonel of the department of state police, as appropriate are hereby authorized and directed to submit on or before April fifth, nineteen hundred and ninety-five and on or before October fifth, nineteen hundred and ninety-five, and semi-annually thereafter to the joint committee on transportation and the house and senate committees on ways and means a schedule of all employees who work on or in support of projects funded in section two of this act. Said schedule shall include the number of employees, the position titles of all said employees, and corresponding job descriptions for all said employees.

SECTION 48. The department of highways is hereby authorized and directed to design and construct a regulation safety fence not less than one-half mile in length above the existing "Jersey" barrier on the median from the existing fence to the intersection of Route One and Morse Street in the town of Norwood. Said department is hereby further authorized and directed to conduct a motor vehicle and pedestrian traffic flow study of the immediate vicinity of the intersection of said Route One and Dean Street in said town; provided, that said study shall include the cost and design of a barrier-free pedestrian overpass to be constructed at said Dean Street intersection or in its vicinity with a height of not less than the existing motor vehicle overpass located on said Route One at the Pendergast traffic rotary, so-called; provided further, that upon completion of said study, said department shall construct and maintain such an overpass at said Dean Street intersection or in its vicinity. Said overpass shall be known as The Thomas P. Hynes Memorial Overpass.

SECTION 49. Notwithstanding the provisions of any general or special law to the contrary, the metropolitan district commission is hereby authorized and directed to expend certain funds for the reconstruction of a retaining wall and roadway adjacent to the Neponset Valley Parkway, River Street, and Readville Street, located in the Readville section of the city of Boston, from item 2490-0014.

Notwithstanding the provisions of any general or special law to the contrary, for the purposes of the implementation of this section, the metropolitan district commission shall have exclusive control and jurisdiction over the reconstruction of said retaining wall and roadway.

SECTION 50. The executive office of environmental affairs is hereby authorized and directed to study the environmental impact of the westerly Route 7 bypass.

SECTION 51. The executive office of transportation and construction is hereby authorized and directed to study the need for parking for vans of publicly funded vanpool programs, and shall report in writing to the joint committee on transportation not later than the first Wednesday in December, nineteen hundred and ninety-five.

SECTION 52. Bonds issued as special obligation bonds pursuant to the provisions of this act shall not be included in the computation of outstanding bonds for purposes of the

limit imposed by the second paragraph of section sixty A of chapter twenty-nine of the General Laws, nor shall debt service with respect to such bonds be included in any computation of the limit imposed by section sixty B of said chapter twenty-nine.

SECTION 53. In carrying out the provisions of sections two, two A, two B and two C, the department may enter into such contracts or agreements as are appropriate with other state, local or regional public agencies or authorities. In relation to such agreements between the department and other state agencies or authorities, the department is hereby authorized to advance monies to such agencies or authorities, without prior expenditure by such agencies or authorities, and such agencies and authorities are hereby authorized to accept monies necessary to carry out such agreements; provided, however, that the department shall certify to the comptroller the amounts so advanced; provided, further, that such agreements shall contain provisions satisfactory to the department for the accounting of such monies as expended by said agency or authority; and, provided, further, that all monies not expended under such agreement shall be credited to the account of the department from which they were advanced.

SECTION 54. Notwithstanding the provision of any general or special law to the contrary, the department of highways, hereinafter referred to as the department, is hereby authorized and directed to take all necessary actions to secure federal highway or mass transportation assistance which is or may become available to the department including, but not limited to, actions authorized under or in compliance with the provision of title 23 of the United States Code and section one hundred and forty-five of the Surface Transportation and Uniform Relocation Assistance Act of 1982, PL 97-424, the Surface Transportation and Uniform Relocation Act of 1987, PL 10-17, the Intermodal Surface Transportation Efficiency Act of 1991, PL 102-240, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements, and making any determinations and certifications necessary or appropriate to the foregoing. If any federal law, administrative regulation or practice requires any action relating to such federal assistance to be taken by any department, agency or other instrumentality of the commonwealth other than the department, such other department, agency or instrumentality is hereby authorized and directed to take such action.

In furtherance of the foregoing purposes, the department, as appropriate, shall apply for and accept any federal funds available for projects authorized in section two of this act, and such federal funds when received shall be credited to the Federal Highway Construction Program Fund. To meet a portion of the expenditures authorized by section two of this act, there is hereby appropriated to the Federal Highway Construction Program Fund a sum of two billion six hundred fourteen million six hundred thousand dollars which shall be expended, subject to the limitations contained in Article LXXVIII of the Amendments to the Constitution of the Commonwealth and which shall be in addition to the amounts appropriated in section one of chapter fifteen of the acts of nineteen hundred eighty-eight and section one of chapter thirty-three of the acts of nineteen hundred ninety-one.

SECTION 55. The commissioner of the department of highways may appoint, to serve in any civil engineering title in the department at the assistant, senior, principal, asso-

ciate, or supervising level, for the purposes of planning, preliminary engineering, and final engineering of department projects, any person who (i) holds a permanent position in the department in the next title lower than the position applied for in the same or similar career ladder, and who is qualified by training and experience for said position; or (ii) has received the degree of bachelor of science in an appropriate or environmental discipline from an accredited college or university, and has been certified as an engineer-in-training or a registered professional engineer by the board of registration of professional engineers and land surveyors under the provisions of section eighty-one of chapter one hundred and twelve of the General Laws. The total number of appointments under this section shall not exceed one hundred at any one time; provided, that after one hundred appointments have been made, additional appointments may be made under this section only to fill vacancies created by termination of appointments previously made under this section. Notice of availability of positions under this section shall be given to qualified employees of the department. At least one-quarter of the appointments under this section at each level shall be posted within the department in accordance with the posting provision of the applicable collective bargaining agreement, and shall be offered to qualified employees of the department, whose applications for such positions shall be considered in accordance with the promotional criteria contained in the applicable collective bargaining agreement. Following their appointment, persons appointed under this section shall be eligible to take, and shall take, the first promotional civil service examination for the title to which they have been appointed and held more than one year following their appointment; provided, that prior to such examination, there shall have been added to the schedule of permanent offices and positions approved by the house and senate committees on ways and means, as it exists on the effective date of this act, a number of permanent positions within the department in said title equal to the number of persons appointed in said title under this section who are taking such examination which additional permanent positions shall be filled from the civil service list to be established on the basis of such examination. If that the number of persons appointed in said title under this section exceeds the number of permanent positions added to the schedule as provided in the preceding sentence, persons appointed under this section shall be eligible to take the promotional examination to the extent of the available additional positions in the order of their appointment. If the employee passes a promotional examination, said employee shall be appointed permanently in a title in the order of his ranking on the applicable civil service list, without regard to requests for lateral transfers to a position under any applicable collective bargaining agreement, and the provisions of chapter thirty-one of the General Laws shall thereafter apply to said employee. Until such time as a person appointed under this section may be permanently appointed to the title as a result of such promotional examination; or if a person fails to take or fails to pass the first promotional examination for which he is eligible, held more than one year following his appointment, the commissioner may, notwithstanding said chapter thirty-one or any collective bargaining agreement, terminate the employment of the person in his sole discretion. Nothing in this section shall be construed to relieve the department of any appointment obligations pursuant to any relevant court orders or consent decrees. To the extent practicable, preference in initial ap-

pointments made pursuant to this section shall be given first to disabled veterans as defined in section one of said chapter thirty-one; second to veterans as defined in section one of said chapter thirty-one; and third to all other qualified persons. The commissioner of the department shall institute appropriate recruitment procedures to effectuate the purposes of the provisions of this act.

SECTION 56. Notwithstanding the provisions of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, the commissioner of the department of highways may provisionally appoint in any fiscal year not more than one hundred and fifty persons who have received a bachelor's or master's degree in an appropriate engineering, environmental, architectural, or scientific discipline from an accredited college or university to serve in the titles of civil engineer I, environmental analyst I, game biologist I, or chemist I; provided, that upon request to the personnel administrator, the commissioner may appoint persons possessing said bachelor's or master's degrees to additional non-engineering professional titles in the first level of a class series within the statewide classification plan after a determination by the personnel administrator that the knowledge, skills, and abilities of the title are necessary to effectuate the purposes of the provisions of this act; provided, further, that no appointment may be made under this section to a title for which the minimum entrance requirements as established by the personnel administrator include experience in addition to education. Following such provisional appointment, each person appointed under this section shall be subject to the provisions of chapter one hundred and fifty E of the General Laws except as otherwise provided herein; provided, that no such person shall be terminated or otherwise removed from a position as a result of the establishment or certification of a civil service eligible list for the title in which such person is employed. Each such person appointed under this section or under section (1) of paragraph (c) of section two of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five or under section forty-one of chapter fifteen of the acts of nineteen hundred and eighty-eight or under section twenty of chapter thirty-three of the acts of nineteen hundred and ninety-one shall be deemed eligible to take and shall take the first civil service examination, or otherwise acquire civil service status in a manner consistent with civil service laws and rules, for the title in which he is employed, the announcement for which is posted following such provisional appointment or the effective date of this act, whichever is later; provided, that in the case of engineering titles, each such person appointed under this section shall within one year of his provisional appointment secure certification as an engineer-in-training or as a registered professional engineer by the board of registration of professional engineers and land surveyors as provided by the provisions of chapter one hundred and twelve of the General Laws. Upon receipt of a satisfactory performance evaluation as defined in section six A of said chapter thirty-one for a one year probationary period and, in the case of persons appointed to said engineering title, certification as an engineer-in-training or as a registered professional engineer, each such person appointed under this section or under said section (1) of said paragraph (c) of said section two of said chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five or under section forty-one of chapter fifteen of the acts of

nineteen hundred and eighty-eight or under section twenty of chapter thirty-three of the acts of nineteen hundred and ninety-one shall be deemed to be appointed a civil service employee in accordance with the provisions of said chapter thirty-one; provided, that if a person appointed under this section fails to take and pass the first civil service examination or otherwise acquire civil service status in a manner consistent with civil service laws and rules, and where required fails to pass the first engineer-in-training examination or professional engineer certification, within one year of his provisional appointment, notwithstanding the provisions of any law or collective bargaining contract to the contrary, the commissioner may terminate the employment of said person; provided, however, in the case of persons appointed to said engineering titles under this section or under section (l) of said paragraph (c) of said section two of said chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five or under said section forty-one of said chapter fifteen of acts of nineteen hundred and eighty-eight or under said section twenty of said chapter thirty-three of the acts of nineteen hundred and ninety-one, upon successful completion of the probationary period of one year, and examination and certification as a engineer-in-training by the board of registration of professional engineers and land surveyor under the provisions of section eighty-one of chapter one hundred and twelve of the General Laws, persons appointed under the provisions of this section shall have all rights of permanent tenured civil service appointees as provided by said chapter thirty-one.

SECTION 57. Notwithstanding the provisions of chapter thirty-one of the General Laws or any general or special law or rule to the contrary, the commissioner may provisionally appoint not more than thirty persons who have received bachelor's or master's degrees in geography or related degrees with appropriate experience in GIS applications or an appropriate environmental, architectural or scientific discipline from an accredited college or university and who possess the appropriate additional experience requirements as established by the personnel administrator to serve in titles of wildlife land acquisition coordinator, landscape architect, geologist, building inspector, ornithologist, meteorologist or construction coordinator 1, or in titles above the first level of a class series of the statewide classification plan not described above after a determination by the personnel administrator that the knowledge, skills and abilities of the title are necessary to effectuate the purposes of the provisions of this act. Following his provisional appointment, each such person shall be subject to the provisions of chapter one hundred and fifty E of the General Laws, but shall not be subject to the provisions of said chapter thirty-one except as otherwise provided herein; provided, that no such person shall be terminated or otherwise removed from such position as a result of the establishment or certification of a civil service eligible list for the title in which a person is employed. Each such person provisionally appointed under this section shall be deemed eligible to take and shall take the first appropriate civil service examination, or otherwise acquire civil service status in a manner consistent with civil service laws and rules for the title in which he is employed, the announcement for which is posted following such provisional appointment or the effective date of this act, whichever is later. Each such person appointed under this section, after a satisfactory performance evaluation as defined in section six A of said chapter thirty-one for a one-year

probationary period shall be deemed to be appointed a civil service employee in accordance with the provisions of said chapter thirty-one; provided, that if a person appointed under this section fails to take and pass the appropriate civil service examination, or otherwise acquire civil service status in a manner consistent with civil service laws and rules notwithstanding the provisions of any law or collective bargaining agreement to the contrary, the commissioner may terminate the employment of said person.

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

SECTION 58. Notwithstanding the provisions of chapter thirty-one of the General Laws or any general or special law or rule to the contrary, the Massachusetts aeronautics commission is hereby authorized to appoint two airport engineers, one environmental planner and two aviation planners. Following appointment under this section, a person shall not be subject to the provisions of said chapter thirty-one; and a person shall not be terminated or otherwise removed from a position as a result, directly or indirectly, of the establishment, or operation of any civil service list pursuant to said chapter thirty-one.

SECTION 59. The Massachusetts aeronautics commission is hereby authorized and directed to establish rules and regulations governing the reimbursement to airport owners for costs and expenses incurred in conjunction with the programs and activities funded in item 6006-9500 in section 2G of this act and shall include a provision that the commonwealth's participation in the funding of those projects and activities shall not exceed eighty percent of the total project or activity costs and expenses as adjusted for federal reimbursements, if any.

SECTION 60. Notwithstanding the provisions of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, the commissioner of the metropolitan district commission may provisionally appoint in any fiscal year not more than fifty persons who have received a bachelor's or master's degree in an appropriate engineering, environmental, architectural, or scientific discipline from an accredited college or university to serve in the titles of civil engineer I, environmental analyst I, game biologist I, chemist I and regional planner I; provided, that upon request to the personnel administrator, the commissioner may appoint persons possessing said bachelor's or master's degrees to additional non-engineering professional titles in the first level of a class series within the statewide classification plan after a determination by the personnel administrator that the knowledge, skills and abilities of the title are necessary to effectuate the purposes of the provisions of this act; provided, further, that no appointment may be made under this section to a title for which the minimum entrance requirements as established by the personnel administrator include experience, in addition to education. Following such provisional appointment; each person appointed under this section shall be subject to the

provisions of chapter one hundred and fifty E of the General Laws, but shall not be subject to the provisions of chapter thirty-one of the General Laws except as otherwise provided herein; provided, further, that no such person shall be terminated or otherwise removed from a position as a result of the establishment or certification of a civil service eligible list for the title in which a person is employed. Each person appointed under this section or under paragraph sixty-four of chapter thirty-three of the acts of nineteen hundred and ninety-one shall be deemed eligible to take and shall take the first civil service examination for the title in which he is employed, the announcement for which is posted following a provisional appointment or the effective date of this act, whichever is later; provided, however, that in the case of engineering titles, each person appointed under this section shall secure certification as an engineer-in-training or as a registered professional engineer by the board of registration of professional engineers and land surveyors as provided by the provisions of chapter one hundred and twelve of the General Laws. Upon receipt of a passing grade on the examination and a satisfactory performance evaluation as defined in section six A of said chapter thirty-one for a one year probationary period and, in the case of persons appointed to said engineering titles, certification as an engineer-in-training or as a registered professional engineer, each person appointed under this section or under section sixty-four of chapter thirty-three of the acts of nineteen hundred and ninety-one shall be deemed to be appointed a civil service employee in accordance with the provisions of said chapter thirty-one; provided, that if a person appointed under this section fails to take and pass the first appropriate civil service examination, and, where required fails to pass the engineer-in-training examination or professional engineer certification within one year of his provisional appointment, notwithstanding the provisions of any law or collective bargaining contract to the contrary, the commissioner may terminate the employment of the person.

Nothing in this section shall be construed to relieve the commissioner of any appointment obligations pursuant to any relevant court orders or consent decrees. To the extent practicable, preference in initial appointments made pursuant to this section shall be given first to disabled veterans as defined in section one of said chapter thirty-one of the General Laws, second to veterans as defined in section one of said chapter thirty-one, and third to all other qualified persons, including employees of the commission having such degrees as are specified. Persons appointed under the provisions of this section shall have all rights of permanent tenured civil service appointees as provided by said chapter thirty-one.

SECTION 61. Notwithstanding the provisions of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, the commissioner may provisionally appoint no more than thirty persons who have received a bachelor's or master's degree in geography, or related degrees with appropriate experience in GIS applications, or an appropriate environmental, architectural or scientific discipline from an accredited college or university and who possesses the appropriate additional experience requirements as established by the personnel administrator to serve in titles of wildlife and acquisition coordinator, landscape architect, geologist, building inspector, ornithologist, construction

coordinator I, regional planner III, or regional planner IV and any other entry level title associated with said disciplines, or in titles above the first level class series of the statewide classification plan not described above after a determination by the personnel administrator that the knowledge, skills and abilities of the titles are necessary to effectuate the purposes of the provisions of this act. Following his provisional appointment, each person shall be subject to the provisions of chapter one hundred and fifty E of the General Laws, but shall not be subject to the provisions of said chapter thirty-one except as otherwise provided herein; provided, that no person shall be terminated or otherwise removed from a position as a result of the establishment or certification of a civil service eligible list of the title in which a person is employed. Each person provisionally appointed under this section shall be deemed eligible to take and shall take, the first appropriate civil service examination for the title in which he is employed, the announcement for which is posted following a provisional appointment or the effective date of this act, whichever is later. Each person appointed under this section, after a satisfactory performance evaluation as defined in section six A of said chapter thirty-one of a probationary period and the receipt of a passing grade on the civil service examination, shall be deemed to be appointed a civil service employee in accordance with the provisions of said chapter thirty-one; provided, that if a person appointed under this section fails to take and pass the first appropriate civil service examination, or otherwise acquire civil service status in a manner consistent with civil service law and rules, notwithstanding the provisions of any law or collective bargaining agreement to the contrary, the commissioner may terminate the employment of the person.

Nothing in this section shall be construed to relieve the commissioner of any appointment obligations pursuant to any relevant court orders or consent decrees. To the extent practicable, preference in initial appointments made pursuant to this section shall be given first to disabled veterans as defined in section one of said chapter thirty-one of the General Laws, second to veterans as defined in section one of said chapter thirty-one, and third to all other qualified persons, including employees of the commission having such degrees as are specified. Persons appointed under the provisions of this section shall have all rights or permanent tenured civil service employees as provided by said chapter thirty-one.

SECTION 62. The secretary of the executive office of transportation and construction is hereby authorized and directed to examine the feasibility of the integration of advanced transportation technologies which may contribute to the alleviation of corridor congestion in and around urban areas and other areas of congestion identified by the secretary into existing mass transportation planning programs. The secretary shall report the findings of said study to the joint committee on transportation and the senate committee on science and technology not later than two years from the effective date of this act.

SECTION 63. Notwithstanding any general or special law to the contrary, the department of highways is prohibited from constructing, expending or implementing any project or road widening on South Main street in the town of Middleboro from a point beginning at the eastern edge of route 28 as it crosses South Main street, and proceeding easterly, therefrom.

SECTION 64. The parcel of land in the section of the city of Boston known as Charlestown, located between the southwesterly side of Rutherford avenue and ramp T-L, and consisting of approximately 2.2 acres, shall be known as the "Major General Michael Joseph Galvin Green".

SECTION 65. The commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E through forty J, inclusive, of chapter seven of the General Laws, to acquire by eminent domain, purchase or otherwise, certain parcels of land, herein, described in the following section, in behalf of the city of Northampton. These parcels are owned by the commonwealth of Massachusetts and are presently under the care, custody and control of the department of mental health. The parcels are to be diverted from their present use for mental health purposes to a highway use.

SECTION 66. The description of the parcels to be taken pursuant to section 65 in behalf of the city of Northampton are as follows:

Parcel No. 15-16-C establishes a location for the widening of a portion of Route 66, on the northerly side thereof. Said parcel of land adjoins the northerly County layout line of Route 66 and is located about 500 feet east of the intersection at Wilson Road. Said parcel is bounded on the southeast by said northerly County layout line of Route 66 (Rocky Hill Road) about 485 feet, southwesterly, northwesterly and northeasterly by other land of said Commonwealth of Massachusetts (Northampton State Hospital) in respective courses of 10 feet, about 489 feet, and 10 feet. Said parcel of land contains about 4,873 square feet.

Parcel Nos. 15-D-3-C, 15-D-4-C, 15-D-5-C and 15-D-7-C are to be taken for the purpose of draining and maintaining said highway.

Parcel No. 15-D-3-C adjoins the northerly County layout line of Route 66 and is located about 1200 feet east of the intersection at Wilson Road. Said parcel is bounded southerly by said northerly County layout line of Route 66 (Rocky Hill Road) 20 feet, westerly, northerly and easterly by other land of said commonwealth of Massachusetts (Northampton State Hospital) in respective courses of 40 feet, 20 feet and 40 feet.

Said parcel of land contains 800 square feet.

Parcel No. 15-D-4-C adjoins the southerly County layout line of Route 66 and is located about 1200 feet east of the intersection at Wilson Road. Said parcel is bounded northerly by said southerly County layout line of Route 66 (Rocky Hill Road) 70 feet, easterly, southerly and westerly by other land of said commonwealth of Massachusetts (Northampton State Hospital) in respective courses of 35 feet, 70 feet and 35 feet. Said parcel of land contains 2450 square feet.

Parcel No. 15-D-5-C adjoins the northerly County layout line of Route 66 and is located about 350 feet east of the intersection at Grove Street. Said parcel is bounded on the south by said northerly County layout line of Route 66 (Chapel Street) 20 feet, westerly, northerly and easterly by other land of said Commonwealth of Massachusetts (Northampton State Hospital) in respective courses of 15 feet, 20 feet and 15 feet. Said parcel of land contains 300 square feet.

Parcel No. 15-D-7-C adjoins the southerly County layout line of Route 66 and is located about 550 feet west of the intersection at Grove Street. Said parcel is bounded on

the northwest by said southerly County layout line of Route 66 (Rocky Hill Road) 50 feet, southwesterly, southeasterly and northeasterly by other land of said commonwealth of Massachusetts (Northampton State Hospital) in respective courses of 30 feet, 50 feet and 30 feet. Said parcel of land contains 1,500 square feet.

The parcels of land, hereinbefore described, are shown on a plan entitled "THE COMMONWEALTH OF MASSACHUSETTS PLAN OF LAND IN THE CITY OF NORTHAMPTON HAMPSHIRE COUNTY SHOWING LOCATION OF PARCELS TO BE TAKEN BY THE DEPARTMENT OF HIGHWAYS, MARCH 1994 SCALE: 200 FEET TO THE INCH". This plan shall be kept on file with the chief engineer of the Department of Highways.

SECTION 67. Notwithstanding the provisions of chapter four hundred ninety-five of the acts of nineteen hundred and eighty-four, section eight of chapter three hundred seventy-two of the acts of nineteen hundred and eighty-four, or any other general or special law to the contrary, a certain parcel of land lying in the town of Weston, being described as follows, shall be a part of the town of Natick sewer district, said parcel of land being bounded by the Natick/Weston town line at or about the Massachusetts turnpike authority baseline station number 1306 + 0 and running easterly to Massachusetts turnpike authority baseline station number 1341 + 0 and bounded northerly by the limits of the order of taking number ten, dated January twentieth, nineteen hundred fifty-five as more fully described on the taking plans number one hundred thirty-five of nineteen hundred fifty-five filed therewith and being recorded January twenty-sixth, nineteen hundred fifty-five at the county of Middlesex, southern district registry of deeds, book number eight thousand four hundred three, page number two hundred twenty-nine and alteration number three to order of taking number ten, date March sixteenth, nineteen hundred fifty-six as more fully described on the taking plan number five hundred thirty-one of nineteen hundred fifty-six filed therewith and being recorded March twenty-second, nineteen hundred fifty-six at the county of Middlesex, southern district registry of deeds, book number eight thousand seven hundred three, page one hundred ninety-two and bounded southerly by the southerly limits of before described order of taking number ten.

SECTION 68. The department of highways is authorized and directed to undertake a feasibility study for the widening of Route 2 between the towns of Phillipston and Erving and for the addition of climbing lanes on the eastbound lanes.

SECTION 69. The executive office of transportation and construction is hereby authorized and directed to develop and implement a plan of residential soundproofing for residences within the boundaries of the central artery/third harbor tunnel project, including the Charles river crossing, so-called. Said plan shall evaluate residences which are subject to excessive noise during one or all of the following times: construction, utility relocation or upon completion of construction of the central artery/third harbor tunnel project.

Said plan shall include a section, developed jointly by the secretary of transportation and construction and the secretary of the executive office of health and human services, addressing emergency soundproofing required in said project area for individuals suffering from serious illnesses including, but not limited to, cancer. Said section shall include criteria

used to determine eligibility for such a soundproofing program and individuals determined to be eligible shall be given priority when a residential soundproofing plan is implemented. Said criteria shall take into consideration individuals who, due to health reasons, must spend a significant percentage of time within their residences and shall also reflect the adverse affect of stress and inadequate rest caused by excessive noise upon the health of an individual who already suffers from a serious health condition or disease.

Said plan shall be filed with the house and senate committees on ways and means, the joint committee on transportation and the clerks of the house and the senate on or before the May first, nineteen hundred and ninety-five.

SECTION 70. The department of highways is hereby authorized and directed to erect sound barriers in the towns of Dedham and Westwood along route one hundred twenty-eight in those residential neighborhoods which are adjacent to said route.

SECTION 71. (1) The executive office of transportation and construction, hereafter in this section referred to as the office, is hereby authorized and directed to identify information regarding and gather samples of existing and emerging products, materials, and technologies designed and produced to increase the use of certain recyclable materials in its road and bridge construction projects. The office shall gather, compile, and analyze the results from the commonwealth and other states in the following subject areas:

- (a) existing and current uses of recyclable materials in construction projects;
- (b) studies and demonstration projects regarding the use of recyclable materials; and
- (c) existing and proposed germane statutes, regulations, and specifications regarding the use of recyclable materials.

(2) The office shall conduct its research cooperatively with the University of Massachusetts, and any other appropriate academic departments at state universities and colleges, and the executive office of environmental affairs, including but not limited to the office of technical assistance within said executive office, and the department of environmental protection's office of recycling. The research activities shall include, but not be limited to, the following materials:

(a) ground rubber from automobile tires in road resurfacing or sub-base materials for roads shall include, but not be limited, to the following activities:

- (i) determining the type and amount of ground tire rubber that would provide acceptable properties in an asphalt concrete mix;

- (ii) determining preprocessing requirements and the method of incorporation of ground rubber in the asphalt concrete mix and identifying potential effects on pavement and construction and performance;

- (iii) determining effects and procedures for the recycling of asphalt concrete containing ground tire rubber;

- (iv) determining the amount of ground tire rubber that may be used in road construction and the expected cost of such use; and

- (v) identifying changes needed in office and local government specifications and procedures to allow for use of ground tire rubber from waste tires in asphalt concrete pavements.

(b) ash residue, fly ash, and bottom ash from coal combustion byproducts for concrete and ash residue from incineration facilities and oil combustion by products for sub-base materials for roads;

(c) recycled mixed-plastic materials for guard rail posts, sign posts, highway mile markers, parking stops, speed bumps, curbing, barricades, landscape timber, and fence posts;

(d) construction steel, including reinforcing rods and I-beams, manufactured from scrap metals;

(e) glass, and glass aggregates;

(f) accessories for vehicles, including mud flaps, oil pans, tire chocks;

(g) outdoor furniture and accessories, including picnic tables, chairs, bicycle racks, and benches; and

(h) compost for soil amendments and roadside cover.

(3) The office shall report to the governor and the joint committee on transportation not later than six months after the effective date of this act. The report shall include, but not be limited to:

(a) the maximum quantity and percentage of each recyclable material and products that can be effectively utilized in construction projects;

(b) projections for the quantity and percentage of each recyclable material and products that can be effectively utilized in construction projects; and

(c) an evaluation of mandating price preferences and content requirements for the use of recyclable materials and products.

Concurrent with submission of the report, the office shall review and modify its standard road and bridge construction specifications and recommend any statutory changes necessary to allow and encourage the use of recyclable materials consistent with the findings of its research and reporting.

(4) The office shall review and revise existing bid procedures and specifications for the purchase or use of products and materials to eliminate any procedures or specifications that explicitly discriminate against products and materials with recycled content, except where such procedures and specifications are necessary to protect the health, safety, and welfare of the people of the commonwealth.

(5) The office shall monitor and analyze its efforts to achieve said goals and report these results to the governor and the general court on an annual basis, on the anniversary of the initial report.

(6) The office shall review and revise its bid procedures and specifications on a continuing basis to encourage the use of products and materials with recycled content and shall, in developing new procedures and specifications, encourage the use of products and materials with recycled content.

(7) The office shall adopt policies, specifications, and regulations to encourage its contractors to use products and materials with recycled content, whether or not those products and materials, or both, will become the property of the commonwealth.

(8) The office shall continuously update its survey and research on the use of recyclable materials.

(9) All agencies shall cooperate with the office in carrying out the provisions of this section.

SECTION 72. The inspector general shall review the transfer of highway functions by the department of highways from its Wellesley central maintenance facility to other locations and to private contractors. The inspector general shall investigate the costs and benefits of performing these functions at such other locations or through such contractors rather than at the Wellesley facility, the possible future uses of the Wellesley facility site by the department or other state agencies, and the likely income to be realized by possible sale or other disposition of said site. The inspector general shall report in writing his findings and recommendations following said review to the house and senate committees on ways and means as soon as possible but not later than June thirtieth, nineteen hundred and ninety-five. No sale or other disposition of all or any portion of the Wellesley facility site shall occur until the inspector general has filed said report.

SECTION 73. The department of highways is authorized and directed to conduct a study of a portion of state highway, known as route 1, from the Westwood town line north of Everett street to Spring street in the city of Boston. The study shall assess the feasibility of reconstructing said section of route 1 and shall include, but not be limited to, the modifications necessary to improve the efficiency and safety of the signalized intersection at route 1 and the Veterans of Foreign Wars parkway as well as any landtakings necessary for such reconstruction. Said study shall include cost estimates for such reconstruction and shall be submitted to the house and senate committees on ways and means on or before May first, nineteen hundred and ninety-five.

SECTION 74. The department of highways is hereby authorized and directed to name a bikeway which may be constructed in the town of Sutton in memory of Samuel B. Vaillancourt.

SECTION 75. There is hereby established an advisory committee consisting of one member of the senate whose district includes East Boston, or his designee, one member of the house of representatives whose district includes East Boston, or his designee, one person selected by the East Boston community working group or the Advisory Task Force successor thereto who shall be a resident of East Boston, one person to be appointed by the executive director of the Massachusetts Turnpike Authority, one person to be appointed by the commissioner of the department of highways, the mayor of the city of Boston, or his designee, and two persons to be appointed by the executive director of the Massachusetts Port Authority, for the purpose of studying and making recommendations relative to the impact of existing and projected vehicular traffic from regional highways and General Edward Lawrence Logan International Airport on local streets in that part of the city of Boston known as East Boston.

Said study shall include: (1) the effect of airport traffic on local streets in East Boston; (2) the effect of the regional highway traffic on local streets in East Boston; and (3) the means of improving traffic routing, signalization and flow on local streets in East Boston, including but not limited to (a) the use of technology commonly known as Intelligent Highway Vehicle Systems, and (b) the use of other computer assisted controls of

traffic sorting, traffic signalization and signalization timing.

No member of said advisory committee shall receive any compensation for his services, nor shall any member of said advisory committee be reimbursed for any travel expenses or actual expenses incurred in carrying out his duties as a member of said advisory committee.

Said advisory committee shall report to the joint committee on transportation of the general court the results of its study, together with its recommendations and drafts of any legislation necessary to carry said recommendations into effect, within ninety days of the enactment of this chapter.

SECTION 76. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall maintain staffing levels at all stations adequate to meet public safety needs and said staffing levels shall include the assignment of not less than one employee to the Shawmut station in the city of Boston at all times that said station is open to the public.

SECTION 77. There shall be established a Cape Cod economic development council special working group which shall consist of the commissioner of the executive office of transportation and construction, or his designee; the director of the Massachusetts office of travel and tourism, or his designee; and the secretary of the executive office of economic affairs, or his designee; the chairman of the Cape Cod economic development council, or his designee; the president of the Cape Cod chamber of commerce, or his designee; the director of the Lower Cape Cod community development corporation, or his designee; the chairman of the Cape Cod, Martha's Vineyard and Nantucket regional employment board, or his designee; the chairman of the Dukes county commissioners, or his designee; the chairman of the Cranberry Highway Association or his designee; the chairman of the Cape Cod commission, or his designee; representatives of at least three chambers of commerce in Barnstable county including one each from the Upper, Mid and Lower Cape, chosen by the Barnstable county commissioners; one representative from the Nantucket chamber of commerce; one representative from the Martha's Vineyard chamber of commerce; the speaker of the Barnstable county assembly of delegates, or his designee; and the members of the Cape Cod and Islands state delegation. The chairman of said special working group shall be the chairman of the Cape Cod economic development council, or his designee.

Said working group shall consider the design, engineering and construction of full-service tourist rest areas which include visitor information services. The working group shall consider areas both eastbound and westbound on route 6 between exits six and seven in the town of Barnstable, taking into consideration the potential to develop the proposed rest areas at the site of the proposed exit six and a half in Barnstable or at the current exit six in Barnstable. Said working group shall coordinate the construction of said rest areas to coincide with the construction of exit six and a half in the town of Barnstable.

The working group will also examine the management and operation of said facilities in coordination with the operation and management of the new visitor's center on route twenty-five in Bourne and Plymouth visitor's center on route three. Further, the working

group shall consider services provided by other regional and local chambers of commerce and tourist information booths, taking into consideration management structure and federal, state, county, local and private sources of funding. The working group shall also consider the coordination of visitor information and other services. The working group shall file a report on or before March first, nineteen hundred ninety-five with the secretary for administration and finance and the house and senate committees on ways and means.

SECTION 78. Notwithstanding the provisions of any general or special law to the contrary, the balance of the appropriation remaining in item 2000-9841, established in section thirty of chapter two hundred thirty-three of the acts of nineteen hundred and eighty-four, on January first, nineteen hundred and ninety-five shall be transferred to the department of environmental protection, provided that the monies shall be expended by said department for the purposes specified in said section in which it was established.

SECTION 79. The Massachusetts Bay Transportation Authority is hereby authorized and directed to erect sound barriers in the Hyde Park, Roslindale and Jamaica Plain sections of the city of Boston along railroad tracks owned by said Authority which are part of the Northeast Corridor.

SECTION 80. Pursuant to the provisions of sections two and two A of this act and sections two and two A of chapter one hundred and two of the acts of nineteen hundred and ninety-four, the department of highways is hereby authorized and directed to expend a sum of not less than five hundred million dollars for projects in the counties of Berkshire, Hampden, Hampshire, Franklin, Norfolk, Worcester, Essex, Middlesex, Barnstable, Bristol, Dukes County, Nantucket and Plymouth; provided, that the department shall expend not less than one hundred million in the counties of Berkshire, Hampden, Hampshire, and Franklin; not less than one hundred million dollars in the counties of Norfolk and Worcester; not less than one hundred million dollars in the counties of Essex and Middlesex; and not less than one hundred million dollars in the counties of Barnstable, Bristol, Dukes County, Nantucket and Plymouth.

SECTION 81. The executive office of transportation and construction is hereby authorized and directed to study the necessity for additional access or connector roads to Downing Industrial Park, so-called, located in the city of Pittsfield. Said study shall be filed with the house and senate committees on ways and means on or before December first, nineteen hundred and ninety-five.

SECTION 82. Any amounts made available by this act or heretofore made available by chapter fifteen of the acts of nineteen hundred eighty-eight and chapter thirty-three of the acts of nineteen hundred ninety-one shall be available for expenditure until June thirtieth, nineteen hundred and ninety-nine.

SECTION 83. Notwithstanding the provisions of any general or special law to the contrary, the Metropolitan District Commission, through the office of the state comptroller, is hereby authorized, pursuant to a memorandum of agreement to be negotiated and signed between the Metropolitan District Commission and the department of the state police, to transfer a sum not to exceed five million five hundred thousand dollars from account number 2490-0016, established pursuant to section two (b) (iii) of chapter thirty-three of the acts of

nineteen hundred and ninety-one, to account number 8100-9103 within the consolidated department of the state police as established pursuant to chapter four hundred and twelve of the acts of nineteen hundred and ninety-one; provided, that said funds shall only be used for expenses associated with the expansion of the 800 MHZ advanced telecommunications system, so-called.

SECTION 84. There is hereby established a special commission authorized and directed to study the feasibility of developing a high speed ground transportation system within the commonwealth. Said study shall include a review and assessment of the findings, recommendations and conclusions of the Massachusetts/New York High Speed Ground Transportation Study. Said review and assessment shall consider any relevant analysis including, but not limited to, the following: the impact on the environment; the impact on energy resources and conservation; an evaluation and forecast of market demand; an evaluation of the potential corridors; the impact on economic development and job creation; the financial impact on other modes of transportation; and General Information Services activities.

Said special commission shall be known as the Maglev Prototype Commission and shall consist of fourteen members. The following individuals shall be appointed by the governor: the secretary of the executive office of transportation and construction or a designee; a representative of the Massachusetts turnpike authority; a representative of the Massachusetts bureau of transportation planning and development with appropriate experience in General Information Services applications; the secretary of the executive office of environmental affairs or his designee; the commissioner of the department of energy resources or a designee; two individuals with expertise in magnetic levitation technology; and a representative of a Massachusetts manufacturing industry association. The president of the senate shall appoint two members of the senate, at least one of whom shall be a member of the joint committee on transportation. The speaker of the house of representatives shall appoint three members of the house of representatives, at least one of whom shall be a member of the joint committee on transportation and at least one of whom shall be a member of the house committee on science and technology. Said special commission shall be chaired by the chairperson of the senate committee on science and technology.

Said commission shall report its findings and its prototype plan by filing said report and plan with the legislature, pursuant to item 6001-9520 of section two F of this act.

SECTION 85. The department of highways is hereby authorized and directed to remove the A-line tracks, so-called, which have been abandoned as of December thirty-first, nineteen hundred and sixty-nine. The Massachusetts Bay Transportation Authority shall remove the related poles, wires and other structures incidental thereto, as provided in section two hundred fifty-eight of chapter sixty of the acts of nineteen hundred and ninety-four. Track removal by the department of highways, as directed in item 6033-9517 of section two A of this act, shall be conducted concurrently with resurfacing and other major improvements undertaken on the relevant municipal roadways.

SECTION 86. (a) The Massachusetts Port Authority, hereinafter referred to as the

port authority, is hereby authorized and directed to transfer a sum not to exceed five hundred thousand dollars to the Woburn Redevelopment Authority, which the Woburn Redevelopment Authority is hereby authorized to accept, pursuant to the enabling acts of both authorities, and pursuant to a mutually acceptable contract to be executed by both authorities, to fund (i) the preliminary design of an Industri-plex regional transportation center to be located in Woburn on land commonly known as the Woburn Industri-plex site, with such center including Massachusetts Bay Transit Authority (the "MBTA") commuter rail service and related facilities, including new parking spaces for up to twenty-five hundred vehicles, a Massachusetts highway department (the "department") park-and-ride facility for up to fifteen hundred vehicles and related high occupancy vehicle commuter facilities, and parking facilities for no less than twelve hundred vehicles, passenger shelters and amenities and related support facilities in connection with shuttle bus service to and from General Edward Lawrence Logan International Airport, (ii) the costs of evaluating and procuring any and all necessary federal and state environmental permits, including but not limited to any drafts and statements required pursuant to sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws, for construction of said Regional Transportation Center, and assessing any additional costs imposed by federal environmental laws and (iii) a study, under the direction of the Port Authority, of the feasibility of relocating and operating said Port Authority's existing shuttle bus service to and from the airport in Woburn from its current site at Mishawam Commuter Rail Station to the Industri-plex site, the feasibility of relocating all or a portion of the Massachusetts Bay Transportation Authority's commuter rail services from the Mishawam Commuter Rail Station to the Industri-plex site and the feasibility of locating the department's park-and-ride facility at the Industri-plex site, which study shall include but not be limited to an analysis of the effect of such relocation on the port authority's shuttle bus passenger demand, analysis of the potential economic benefits of such relocations and location, an analysis of the potential for increased ridership on the port authority's shuttle bus services from such relocation, and an analysis of the appropriateness of the site itself. The port authority is hereby authorized to accept reimbursement of all or a portion of said five hundred thousand dollars as set forth in section two of this act.

(b) The port authority is authorized to expend a sum of up to two million eight hundred thousand dollars to fund the capital costs in connection with the final design and construction of the port authority's shuttle bus service facilities, including parking of not less than twelve hundred vehicles and related passenger shelters and amenities and related support facilities, and those costs, if any, which might be incurred by the Port Authority to acquire rights in land by lease, purchase or eminent domain under the provisions of chapter seventy-nine; provided, however, that the study required pursuant to subsection (a) concludes recommends relocating the port authority's Woburn shuttle bus service to and from the airport to the Industri-plex regional transportation center.

(c) The port authority shall, in the event it acquires any interest in the Industri-plex site, be exempt from any and all liability to third parties and to the commonwealth that may be imposed under sections four, five and eleven of chapter twenty-one E of the General Laws

for releases of oil or hazardous substances or material existing as of the date of said acquisition, provided that the port authority shall comply with any and all restrictions and obligations imposed by the United States Environmental Protection Agency on the use and operation of the Industri-plex site.

(d) No action shall be taken to carry out this section unless or until the attorney general certifies in writing to the comptroller that the commonwealth will not thereby undertake any additional financial liability pursuant to any federal environmental statute, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USCA 9601, et seq.; provided, however, that the amount of just compensation paid by the Port Authority to acquire the rights in any land by eminent domain shall not exceed the approved appraisal of the fair market value of the property or one dollar, whichever is the greater. The amount of just compensation shall, among other rights, take into account (i) the environmental condition of the property, and (ii), if applicable, the cost required to render any such property commercially usable in light of any contamination affecting such property; and provided, further, that thirty days prior to any such acquisition of rights in any land by lease, purchase or eminent domain, notice of said acquisition shall be filed for review with the inspector general of the commonwealth.

SECTION 87. The chairman of the Massachusetts Turnpike Authority, in consultation with the executive director of the Massachusetts Port Authority, the commissioner of the department of highways and the secretary of the executive office of transportation and construction shall, within four months of the effective date of this act, study and develop specifications and standards for a comprehensive, interagency-compatible electronic toll collection and traffic management system that shall encourage multiple bidders; provided, however, that such study and plan shall not preclude a system supplied or purchased from one manufacturer or vendor. Said system shall, to the extent feasible, be compatible with all non-electric toll and traffic management systems to be installed by the Port Authority, the Massachusetts turnpike authority and the department of highways on all toll roads, toll tunnels, toll bridges, parking facilities and other ground transport facilities and no such system shall be acquired or installed, except on a demonstration basis, until such time as such study and plan has been completed. The secretary of each agency or the commissioner and the executive officer of each authority or political subdivision under the provisions of this section shall not purchase or implement an electronic toll collection or traffic management system that is not compatible, under said plan.

SECTION 88. The department of public utilities is hereby authorized and directed to study the feasibility of implementing in the commonwealth the Automated Horn System currently under study in Gering, Nebraska, which is designed to replace the train whistle under certain conditions, and shall report in writing to the house and senate committees on ways and means and the joint committee on transportation not later than February twenty-eighth, nineteen hundred and ninety-five.

SECTION 89. The department of highways may provide functional replacement of real property in public ownership whenever the department has acquired such property in whole or in part under the provisions of this act or such property is significantly and adverse-

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ly affected as a result of the acquisition of property for a highway or highway-related project and whenever the department determines such functional replacement is necessary and in the public interest. For purposes of this section, the words "functional replacement" shall mean the replacement, pursuant to the provisions of chapter seven of the General Laws including sections forty F and forty F½ requiring authorization of the general court prior to disposition of real property, including either land or facilities thereon, or both, which will provide equivalent utility and the words "real property in public ownership" shall mean any and all present and future interest in land, including rights of use, now existing or hereafter arising, held by an agency, authority, board, bureau, commission, department, division or other unit, body, instrumentality or political subdivision of the commonwealth. This section shall not constitute authorization by the general court as required by said chapter seven.

Whenever the department determines it is necessary that any utility or utility facility, as defined under federal law, be relocated because of construction of a project which is to be reimbursed federally in whole or in part, then such facilities shall be relocated by the department or by the owner thereof in accordance with an order from the department; provided, however, that the commonwealth may reimburse the owner of such utility or utility facility for the cost of relocation; provided, further, that any relocation of facilities carried out under this section which is not performed by employees of the owner shall be subject to the provisions of section twenty-seven of chapter one hundred and forty-nine of the General Laws.

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

SECTION 90. Notwithstanding the provisions of section six of chapter thirty-three of the acts of nineteen hundred and ninety-one or any other general or special law to the contrary, the commonwealth, through the department of highways, may reimburse the owner of an underground utility or utility facility as defined under federal law whenever such underground utility or utility facility has been relocated because of construction of a project which is to be reimbursed federally in whole or in part. The provisions of this section shall apply to any underground utility or utility location project eligible for federal reimbursement having commenced on or after the first day of January, nineteen hundred and eighty-four.

SECTION 91. Recognizing the importance of properties listed on the state and national registers of historic places to the economy and resources of the commonwealth, the special commission on historic preservation is hereby directed to seek recommendations from the department of highways on the subject of limiting truck traffic, where appropriate, and generally seeking their cooperation in reviewing transportation projects, in the area of properties listed in the state and national registers of historic places and of local historic districts established pursuant to chapter forty C of the General Laws.

SECTION 92. Notwithstanding the provisions of any general or special law to the contrary, the provisions of section sixty-one and section sixty-two A to sixty-two H, inclu-

sive, of chapter thirty of the General Laws and chapter ninety-one of the General Laws and section forty of chapter one hundred and thirty-one of the General Laws shall not apply to bridge projects of the department authorized under this act for the repair, reconstruction, replacement or demolition of existing state highway bridges and other bridges, including the immediate roadway approaches necessary to connect said bridges to the existing adjacent highway system, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced; provided, that notwithstanding the foregoing, the provisions of said section sixty-one and sections sixty-two A to sixty-two H, inclusive, of said chapter thirty and said chapter ninety-one and said section forty of chapter one hundred and thirty-one shall apply to any portions of the bridge and roadway approaches to the crossing of the Charles River for the Central Artery/Tunnel Project; provided further, that in the case of any state highway or other bridge crossing over a railroad right-of-way or railroad tracks, the department shall seek the opinion of any railroad company, railway company, or its assigns operating on said track of a necessary clearance between said track and the state highway bridge, but said clearance shall be at the discretion of the department; provided, further, that the department, its agents or contractors may enter upon any right-of-way, land or premises of a railroad company or railway company or its assigns for such purposes as the department may deem necessary or convenient to carry out the provisions of this act; provided, further, that if a flagman is needed to carry out the provisions of this act, that railroad company, railway company, or its assigns shall provide such flagman. For the purposes of this section and item 6033-9569 of section two A, the word "bridge" shall include any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility, or other area.

SECTION 93. In addition to any contract assistance paid to the Massachusetts Bay Transportation Authority under the provisions of chapter one hundred and sixty-one A of the General Laws, or to any regional transit authority under the provisions of chapter one hundred and sixty-one B of the General Laws, or to any other authority under the provisions of any other general or special law and in order to facilitate compliance by said authorities with the Clean Air Act Amendments of 1990 and the regulations promulgated thereunder by the federal Environmental Protection Agency including, without limitation 40 C.F.R. Part 85, the executive office of administration and finance, acting on behalf of the Commonwealth, is hereby authorized, on the recommendation of the secretary of the executive office of transportation and construction and the commissioner of the department of energy resources, to enter into a contract with each such authority that elects to do so, providing for additional contract assistance for any such authority's biodiesel fuel expenses during calendar years nineteen hundred and ninety-five to two thousand and seven, inclusive; provided, however, that the recommendation of said executive office of administration and finance, shall be based upon a finding by the commissioner of the department of energy resources, subject to appropriation, that during said period of years use of said fuel can reasonably be expected to be the least costly compliance option with the compliance requirements of Program 2 of 40 C.F.R. Part 85 pursuant to the Clean Air Act

based on total life cycle costs, including the value of any applicable emission reduction credits earned by said authority.

SECTION 94. No payment in excess of one hundred seventy-five thousand dollars by way of purchase of real estate or any interest therein shall be made by the department of highways and no settlement in excess of one hundred seventy-five thousand dollars or in excess of the amount recommended by the real estate review board established by section six of chapter seven hundred and eighteen of the acts of nineteen hundred and fifty-six shall be made out of court for damages recoverable under chapter seventy-nine of the General Laws, by reason of a purchase or taking under this act. Each recommendation of the real estate review board shall be in writing and shall be accompanied by a written statement of the reasons for such recommendation.

No settlement by reason of taking under this act in excess of one hundred seventy-five thousand dollars or in excess of the recommendation of the real estate review board shall be made by agreement of the parties during or after trial except with the written approval of the court; provided, that the settlements in excess of the recommendation of the board may be made without such approval if the settlement does not exceed the amount of any verdict or finding which has been rendered, together with interest and costs.

SECTION 95. The department of environmental protection and other state agencies, authorities, or other public entities may enter into agreements whereby said department may receive and expend capital or operating funds from such agencies, authorities, or other public entities to support the department's costs for staff, consulting assistance, supplies, equipment and other necessary expenses associated with reviewing and acting on permits, certifications, licenses or other approvals for public projects of unusually large or complex size or scope as determined by the commissioner of said department. Such agreements shall contain measures adequate to ensure that the procedural and substantive requirements of the department applicable to such projects shall not in any manner be affected by virtue of the agreement, a plan for the expenditure of the funds, and provision satisfactory to the secretary of administration for chargebacks or other mechanisms of accounting for such costs and such monies as may be expended by the department. All monies not expended by the department under any such agreement at the termination of the agreement shall be credited to the account of the agency, authority, or other public entity from which they were received. The department may receive and expend such funds, not to exceed five million dollars, for staff, consulting assistance, supplies, equipment and other necessary expenses without further appropriation in accordance with the agreements and law pertaining to the department's expenditure of funds.

SECTION 96. The general manager of the Massachusetts Bay Transportation Authority, or a designee of the general manager, is hereby authorized and directed to provide for the accommodation of bicycle patrons and pedestrians in the planning, design, reconstruction and construction of any project undertaken by the authority unless the general manager, or a designee of the general manager, determines that the inclusion of such accommodations in such project would be contrary to acceptable standards of public safety, would be incompatible with an assessment of the costs and benefits involved, would degrade

environmental quality, or would conflict with existing rights of way.

SECTION 97. The commissioner of the metropolitan district commission, or a designee of the commissioner, is hereby authorized and directed to provide for the accommodation of bicycle traffic in the planning, design, reconstruction and construction of any project undertaken by the commission unless the commissioner, or a designee of the commissioner, after appropriate review, determines that the inclusion of bikeways in such project would be contrary to acceptable standards of public safety, would be incompatible with an assessment of the costs and benefits involved, would degrade environmental quality, or would conflict with existing rights of way.

SECTION 98. The commissioner of the department of highways, or a designee of the commissioner, is hereby authorized and directed to provide for the accommodation of bicycle traffic and pedestrian walkways in the planning, design, reconstruction and construction of any project undertaken by the department unless the commissioner, or a designee of the commissioner, after appropriate review, determines that the inclusion of bikeways in such project would be contrary to acceptable standards of public safety, would be incompatible with an assessment of the costs and benefits involved, would degrade environmental quality, or would conflict with existing rights of way.

SECTION 99. The executive office of transportation and construction is hereby authorized and directed to study the necessity and feasibility, including all required engineering and other surveys, of the development of an East-West travel corridor, so-called, through the city of Quincy. Said study shall be filed with the house and senate committees on ways and means on or before December first, nineteen hundred and ninety-five.

SECTION 100. The department of highways is hereby directed to separate the storm drain and sanitary sewer lines on the portion of the State roadway, Route 116, known as Chicopee street, as part of the reconstruction and discontinuance of the roadway to the city of Chicopee.

SECTION 101. Notwithstanding the provisions of any general or special law to the contrary, the secretary of the executive office of transportation and construction is hereby authorized and directed to allow zero emission vehicles, as so defined by the department of environmental protection pursuant to section one hundred and forty-two K of chapter one hundred and eleven of the General Laws, to have access to the so called South Boston by-pass and Third Harbor Tunnel whenever said bypass or tunnel first becomes accessible to commercial vehicles; provided, however, that only electrically powered zero emission vehicles must be given such access.

SECTION 102. Notwithstanding any general or special law to the contrary the secretary of transportation and construction is hereby authorized and directed to prepare a financing plan for the commonwealth's share of the expense of the central artery third harbor tunnel project; provided however, that said plan shall also detail the financing plan for other transportation improvement projects located throughout the commonwealth scheduled for construction during the duration of the central artery project. Said financing plan shall be filed with the clerk of the house of representatives and the senate on or before June thirtieth, nineteen hundred and ninety-five.

SECTION 103. The metropolitan district commission, hereinafter called the commission, is hereby authorized and directed to expend the sums authorized sections two A and two, for the following purposes:

Projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of parkways, bridges, bicycle paths or facilities, telecommunications, parking facilities, auto restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on commission roads, highway or mass transportation studies including, but not limited to, traffic environmental or parking studies, the establishment of school zones in accordance with section two of chapter eighty-five of the General Laws, improvements on routes not designated as commission roads without assumption of maintenance responsibilities, and notwithstanding the provisions of any general or special law to the contrary, projects to alleviate contamination of public and private water supplies caused by the commission's storage and use of snow removal chemicals which are necessary for the purposes of road safety, and for the relocation of persons or businesses, or replacement of dwellings or structures including, but not limited to, the provisions of last resort housing under federal law and such functional replacement of structures in public ownership as may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act, 42 USC 4610 et seq., PL 90-646, and to sell any structure the title to which has been acquired for highway purposes. When dwellings or other structures are removed, in furtherance of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and brought to grade within one month. Provided further, the commission may expend funds for the planning, design, construction, reconstruction or rehabilitation or enhancement of commission parkways, boulevards and related appurtenances and equipment.

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

SECTION 104. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Bay Transportation Authority is hereby directed to investigate and study the impact of the Boston to Worcester commuter rail link on private bus line carriers and to develop a plan to mitigate any adverse impacts of said rail link. Said study shall include but not be limited to the following: the impact on private bus line carriers' passenger ridership; a cost-benefit analysis of ridership by rail and ridership by bus; the impact and the feasibility of including a private bus line feeder system for passengers of the Boston to Worcester commuter rail link; an analysis of the environmental impact a private bus line feeder system; and the impact on employment of the private bus line carriers. Said report and plan shall be filed with the senate and house committees on ways and means on or before March first, nineteen hundred and ninety-five.

SECTION 105. The Massachusetts Port Authority is hereby authorized and directed to conduct a study to determine the feasibility of establishing a new airport in the city of Fall River or in another community in Bristol county. Said study shall be submitted to the senate and house committees on ways and means by May first, nineteen hundred and ninety-five.

SECTION 106. The following is a legal description of the land referred to in item 6005-9575 of section two H of this act: Beginning at the northwesterly corner of the northerly sideline of east first street shown as Point A on a plan entitled, "plan of land owned by metropolitan transit authority on O and East First streets South Boston", on file with the Massachusetts bay transportation authority; thence running in an easterly direction along said sideline a distance of eighty feet + to a Point B on the plan; thence returning and running on a northerly direction a distance of two hundred eighty feet + to a Point C on the plan; thence turning and running in an easterly direction a distance of one hundred feet + to a Point D on the plan; thence turning and running in a northerly direction a distance of two hundred fifty feet + to a Point E on the plan; thence turning and running in an easterly direction two hundred ninety feet + to a Point F on the plan; thence turning and running in a northeasterly direction fifty feet + to a Point G on the plan; thence turning and running in a northerly direction one hundred twenty feet + to a Point H on the plan; thence turning and running in a northerly direction a distance of three hundred feet + to a Point I on the plan; thence turning and running in a northerly direction six hundred ten feet + to a Point J on the plan; said point being the northeasterly corner of the so-called line of Reserved Channel as shown on the plan; thence turning and running in a westerly direction along said line of Reserved Channel a distance of eight hundred two feet + to a Point K on the plan; thence turning and running in a southerly direction a distance of one thousand three hundred feet + to Point A which is the point of beginning, containing six hundred twenty-four thousand eight hundred thirty square feet + of varied facilities.

SECTION 107. Notwithstanding any general or special law to the contrary, plans for the Northeast High-Speed Rail Improvement Project must receive local approval from those communities through which these rails run, to the extent permitted by federal law, prior to the construction of the electrification system in order to determine under what conditions the construction may commence.

SECTION 108. (a) The following words as used in this section shall, unless the context clearly requires otherwise, have the following meanings:

"Airport", the Worcester Airport and all buildings located thereon, located in the Western portion of the city of Worcester, bordering Leicester, and owned and operated by the city of Worcester.

"Authority", the Massachusetts Port Authority.

"City", the city of Worcester.

"Commission," the Massachusetts Aeronautics Commission.

(b) 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, and in addition to the powers otherwise granted to the city and the Authority in act or by law, the Authority and the city are hereby authorized and empowered to negotiate, and on mutually

satisfactory terms consistent with the Authority's trust agreement obligations, to enter into an agreement or agreements concerning the leasing, management, operation and/or improvement of the airport by the Authority, and such other rights in property as the Authority and the city may deem necessary and appropriate, consistent with the purposes and provisions of this act; provided further, that the commission shall not use existing regulations or implement new regulations that prohibit said Authority and said city from entering into a mutually satisfactory agreement for the leasing, management or operation of said airport.

(c) The commission is hereby authorized and directed to provide a sum not exceeding five million dollars for the purpose of paying costs of capital improvements to the airport pursuant to item 6005-9500 in section two G of this act; provided, that the capital improvements are to be constructed in accordance with the agreement.

SECTION 109. Notwithstanding the provisions of any other law to the contrary, the provisions of section ninety-two of this act shall not apply to any portions of any bridge crossing the North river in the towns of Hanover and Norwell subject to the provisions of section seventeen B of chapter twenty-one of the General Laws.

SECTION 110. Notwithstanding the provisions of paragraph (c) of section seventeen of chapter seven hundred thirty-two of the acts of nineteen hundred and eighty-one and any rule or regulation promulgated in accordance with such provision, the executive office of transportation and construction shall reimburse the town of Sandwich the sum of four hundred seventy-eight thousand dollars for the reconstruction of Jan Sebastian drive.

SECTION 111. The Massachusetts Bay Transportation Authority is hereby authorized and directed to remove the pedestrian stairs, so-called, from River street to Belnel Road located in the Hyde Park section of the city of Boston.

SECTION 112. The Massachusetts Bay Transportation Authority and each regional transit authority are hereby authorized to develop a plan for the transportation of bicycles on all rolling stock and heavy rail vehicles used by the authority.

SECTION 113. The executive office of transportation and construction shall study the need for parking for vans of publicly funded vanpool programs, and shall report in writing to the house and senate committees on ways and means and the joint committee on transportation not later than June thirtieth, nineteen hundred and ninety-five.

SECTION 114. There is hereby established a special committee to study and investigate the tolls charged to motorists who are residents of Winthrop and Revere using the Sumner and Callahan tunnels.

SECTION 115. The department of highways, hereinafter called the department, is hereby authorized and directed to expend the sums authorized in section two for the following purposes:

Projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, telecommunications, parking facilities, auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed under the provisions of section thirty-four of chapter ninety of the General Laws, highway or mass transportation studies including, but not limit-

ed to, traffic, environmental or parking studies, the establishment of school zones in accordance with section two of chapter eighty-five, improvements on routes not designated as state highways without assumption of maintenance responsibilities and, notwithstanding the provisions of any general or special law to the contrary, projects to alleviate contamination of public and private water supplies caused by the department's storage and use of snow removal chemicals which are necessary for the purposes of highway safety, and for the relocation of persons or businesses, or replacement of dwellings or structures including, but not limited to, the provision of last resort housing under federal law and such functional replacement of structures in public ownership as may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act, 42 USC 4601 et seq., PL 90-646, and to sell any structure the title to which has been acquired for highway purposes. When dwellings or other structures are removed, in furtherance of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and brought to grade within one month after such removal. In planning projects funded by section two, consideration shall be made, to the extent feasible, to accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means of transportation; provided, that nothing herein shall be construed as giving rise to enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the projects provided herein.

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

Notwithstanding the provisions of sections thirty-eight C, forty A and forty B of chapter seven of the General Laws, the department shall have jurisdiction over the selection of designers performing design services in connection with the ventilation of buildings, utility facilities and toll booths to be constructed as part of the Central Artery/Third Harbor Tunnel Project, and shall construct, control, supervise or contract said structures; provided, however, that no construction or contractual agreement for construction shall begin prior to the review of the inspector general of the commonwealth.

In addition to the foregoing, the department is further authorized:

- (1) to expend funds made available by this act to acquire from any person land or rights in land by lease, purchase or eminent domain under the provisions of chapter seventy-nine of the General Laws, or otherwise for parking facilities adjacent to any public way, to be operated by the department or under contract with any person;
- (2) to expend funds made available by this act for the acquisition of van-type vehicles used for multi-passenger, commuter-driven carpools and high occupancy vehicles including, but not limited to, water shuttles and water taxis; and
- (3) in accordance with all applicable state and federal law, and regulations, to exer-

cise all powers and do all things necessary and convenient to carry out the purposes of this act.

In carrying out the provisions of this section, the department may enter into contracts or agreements with cities to mitigate the impacts of projects undertaken pursuant to this act and to undertake additional transportation measures within the city, and may enter into such contracts or agreements with other state, local or regional public agencies, authorities, or political subdivisions as may be necessary to implement such city agreements. Cities and other state, local or regional public agencies, authorities or political subdivisions are hereby granted the authority to enter into such contracts or agreements with the department. In relation to such agreements the department is hereby authorized to and may advance to such agencies or authorities, without prior expenditure by such agencies or authorities, monies necessary to carry out such agreements; provided however, that the department certifies to the comptroller the amount so advanced; and, provided further, that all monies not expended under such agreement shall be credited to the account of the department from which it was advanced. The commissioner of said department shall prepare and file semi-annual reports with the house and senate committees on ways and means and the joint committee on transportation detailing the expenditures made under the provisions of this section.

SECTION 116. Notwithstanding the provisions of chapter thirty-three of the acts of nineteen hundred and ninety-one, or any other special or general law to the contrary, amounts authorized by section one of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five, section one of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, section fifteen of chapter seven hundred and thirty-two of the acts of nineteen hundred and eighty-one, section one of chapter four hundred and eighty of the acts of nineteen hundred and seventy-nine, section one of chapter three hundred fifty-six of the acts of nineteen hundred and seventy-seven, section six of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five, section one of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two, and section one of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven that are unexpended shall no longer be available for further expenditure.

SECTION 117. Whenever the language of a general capital authorization item of this act includes a smaller allocation for a specific project, the amount of said allocation may be adjusted to a greater or lesser amount if required to conform to contract requirements, provided that it shall not exceed the total amount authorized by the item; and provided further, that in any instance in which said allocation is adjusted to a greater amount, the appropriate department shall report to the committee on transportation and the house and senate committees on ways and means.

SECTION 118. All sums expended either pursuant to, or for which reimbursement is made under this act, for the purpose of acquiring, constructing, or altering public transportation passenger vehicles or facilities, shall be expended in accordance with the provisions of 42 USC 12141 to 42 USC 12150, inclusive.

SECTION 119. Section 14 of chapter 102 of the Acts and Resolves of 1994 is hereby amended by deleting the words "three billion three hundred fifteen million five hun-

dred ten thousand" and inserting in place thereof the words "three billion two hundred seventy-seven million seven hundred ten thousand."

SECTION 120. There is hereby established a task force for the purpose of developing a program to improve the transportation infrastructure of the commonwealth. Said task force shall include: the secretary of transportation and construction, who shall serve as chairman; three members of the senate appointed by the senate president; five members of the house appointed by the speaker of the house; a representative of the Massachusetts Port Authority, a representative from affected railroad companies, including, but not limited to, Consolidated Rail Corporation ("Conrail"), Guilford Transportation Industries, Providence & Worcester Railroad and the MassCentral Railroad, and a representative of the International Longshoremen's Association all of whom shall be appointed by the governor.

Said task force shall focus on ways to accommodate the efficient and safe movement of freight to, through and from the port of Boston and the port of Worcester through the use of new technology freight equipment, including double stack container technology.

Said task force shall further review the selection of freight corridors and associated clearance improvement projects, based upon independent market data and engineering feasibility; the identification of one or more corridors linking the port of Boston to landside rail connections; the negotiated agreement among the affected rail companies as identified herein establishing the cost sharing formula of clearance improvements; the assurance of rate equalization protecting the port of Boston and the port of Worcester; the negotiated schedule agreed upon by all of the affected carriers of all proposed clearance improvements ensuring that no carrier will achieve a competitive advantage over others as a result of public investment in clearance access, with a consideration in establishing such a schedule of the costs incurred by those carriers who have made clearance improvements without public investment; and a plan to fund the implementation of said program from all available sources, both public and private.

The task force shall submit its final report along with any legislation necessary to carry out its report to the governor and the clerks of the senate and house of representatives, not later than by April twenty-eighth, nineteen hundred and ninety-five.

SECTION 121. Item 6033-9592 of section 2A of chapter 102 of the acts of 1994 is hereby amended by inserting after the words "shall be used to provide grants to" the following words:- or reimbursements for.

SECTION 122. Section 24 of said chapter 102 is hereby amended by inserting before the definition of "Minority business enterprise" the following definition:-

"Minority", a person with permanent residence in the United States who is Black, Portuguese, Western Hemisphere Hispanic, Asian, Native American or Cape Verdean.

SECTION 123. Notwithstanding the provisions of section two of this act or any other general or special law to the contrary, no funds authorized in items 6005-9505 through item 6005-9582, inclusive, of section two H of this act shall be obligated or expended prior to the submission of a capital spending plan by Massachusetts bay transportation authority to the house and senate committees on ways and means, house committee on transportation

and the senate committee on transportation; provided, however, that such plan shall be submitted sixty days prior to the expenditure of any funds authorized herein. Said capital spending plan shall include:

(a) a concise title description of the project; (b) the location of the project and its site in relation to any existing facilities in close proximity; (c) the estimated schedule for completion of the project including the dates upon which the design and construction of the project are estimated to be commenced and completed and the facility occupied or used; (d) a description of the project and what it involves, appending any planning documents, accurate summaries of design documents and any other documents prepared for or pertaining to that project, if not previously submitted; (e) the useful life of the project before replacement would be necessary; (f) the current status of the plans and site for the project; (g) the status of utilities required for the project; (h) the relationship of the project to the long range capital facilities development plan; (i) the total project cost; (j) the effect of the proposed project on annual operating costs, including maintenance costs; (k) the proposed source of funds; (l) an explanation of the purpose for the proposed project.

The description of the project shall identify any and all previously approved appropriations or authorizations pertaining to the proposed or earlier phases of the project; the phase or phases approved, in progress, and completed, the estimated or final cost of each phase of the project through completion, and the sum of money permitted to be expended on each phase of the project as so authorized. The total project cost shall include at least the following items: the cost of all real estate, properties, rights and easements acquired, utility services, site development; the cost of construction and the initial furnishing thereof; all architectural and engineering and legal expenses, the cost of surveys and plans and specifications; and such other expenses as are necessary or incident to determining the feasibility or practicability of any project. The estimate of the total project cost shall be based on the assumption that the project will be undertaken and completed according to the estimated schedule. The estimate of the effect of the proposed project on annual operating costs shall be based on the estimated date of use or occupancy of the facility. In the proposal for source of funds, there shall be included a statement of what federal funds are potentially available, what efforts are necessary and have been or must be made to obtain them, or why they cannot be obtained.

The Massachusetts Bay Transportation Authority is prohibited from entering into any contracts that obligate funds authorized previously by the general court without prior written notice to the joint committee on transportation and the house and senate committees on ways and means not later than thirty days before the execution of said contractual obligations.

SECTION 124. For the purposes of this act the following words shall have the following meanings:

"Minority", a person with permanent residence in the United States who is Black, Portuguese, Western Hemisphere Hispanic, Asian, Native American or Cape Verdean.

"Minority business enterprise", any individual, business organization or nonprofit corporation which is certified as a minority business as defined in section forty of chapter twenty-three A of the General Laws by the state office of minority and women business as-

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sistance established pursuant to section forty-one of chapter twenty-three A of the General Laws.

"Women business enterprise," any individual, business organization or nonprofit corporation which is certified as a women business enterprise by the state office of minority and women business assistance established pursuant to section forty-one of chapter twenty-three A of the General Laws.

It shall be the goal of each agency, commission, authority and political subdivision authorized to make expenditures pursuant to the provisions of this act, to enter into construction contracts with minority and women business enterprises equalling, at a minimum, ten percent of the total dollar value of such contracts funded by this act, to enter into contracts for goods with minority and women business enterprises equalling, at a minimum, five percent of the total dollar value of such contracts funded by this act, and to enter into contracts for services with minority and women business enterprises equalling, at a minimum, five percent of the total dollar value of such contracts funded by this act; provided, however, that the secretary of transportation and construction may revise these goals from time to time as necessary to comply with the results of the disparity studies conducted pursuant to subsection (s) of section 3 of chapter 33 of the acts of 1991.

The secretary of each agency or commission, and the executive officer of each authority or political subdivision authorized to make expenditures under the provisions of this act, shall monitor the implementation of this section to insure that the best efforts of each agency, commission and authority are utilized in the implementation of this section. Each agency, commission or authority authorized to make expenditures under the provisions of this act shall provide written quarterly reports to its respective secretary and, in the case of a political subdivision, said quarterly reports shall be filed with the office granting or otherwise providing funds authorized in this act, detailing the number of contracts entered into, the dollar value of each contract, the number of contracts entered into with minority and women business enterprises, and the dollar value of each contract entered into with minority and women business enterprises.

Notwithstanding the provisions of any general or special law to the contrary, each executive office, agency, commission, authority or political subdivision may initiate certification of minority and women business enterprises in a manner consistent with the rules and regulations promulgated by the state office of minority and women business assistance. If an executive office, agency, commission, authority or political subdivision makes a referral that a business may be a minority or women business enterprise, such referral, together with supporting documentation and a letter indicating the intent of the executive office, agency, commission, authority or political subdivision to contract with the business, shall be sent to said state office, which shall approve or disapprove said business within twenty-five business days. Upon the certification of a business as a minority or women business enterprise by said state office of minority and women business assistance, such certification shall be effective for all executive offices and agencies for the purposes of this section.

SECTION 125. (a) It is hereby found and declared that:

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(1) The Springfield Technical Community college is a critical element of the commonwealth's higher education system and fulfilling the mission of Springfield Technical Community college to provide educational resources to the citizens of the commonwealth is essential to providing students with the skills and opportunities necessary to a full and productive life.

(2) Providing physical and financial resources necessary to meet the needs of the Springfield Technical Community college now and in the future is critical to the ability of Springfield Technical Community college to fulfill its mission including providing the work force with skills necessary to allow for the maintenance and expansion of the industrial, technological and manufacturing sectors of the commonwealth's economy.

(3) There exists within the city of Springfield a site of approximately thirty-seven and one-half acres, which was formerly the site of the Digital Equipment Corporation plant, located proximately between the north and south campuses of Springfield Technical Community college.

(4) Creation of a nonprofit assistance corporation with certain statutory authority would provide a vehicle with the necessary flexibility to prudently pursue such opportunities for the benefit of Springfield Technical Community college, its present and future students and the commonwealth.

(5) It is therefore expressly declared that the provisions of this section constitute a needed program in the public interest in furtherance of an essential governmental function and serve a necessary and valid public purpose for which public money may be expended or invested.

(b) As used in this section the following terms shall, unless otherwise required, have the following meanings:

"board of directors", board of directors of the Springfield Technical Community college assistance Corporation;

"board of trustees", board of trustees of the Springfield Technical Community college;

"college", Springfield Technical Community college or, should Springfield Technical Community college be dissolved or fail to qualify either as a political subdivision of the commonwealth or an educational institution exempt from federal income tax under Section 501(c)(3) of the Code, then such other educational institution of higher learning established and operating in the commonwealth as shall be designated by the council, which is either such a political subdivision or such an exempt organization;

"Code", the Internal Revenue Code of 1986, as the same may, from time to time, be amended;

"corporation", Springfield Technical Community college assistance corporation created by subsection (c);

"the council", the higher education coordinating council established pursuant to section four of chapter fifteen A of the General Laws;

"educational institution", an educational organization within the meaning of section 170(b)(1)(A)(ii) of the Code;

"site", the thirty-seven-and-one-half-acre site, within the city of Springfield, which was formerly the site of the digital equipment corporation plant, located proximately between the north and south campuses of Springfield Technical Community college, to be designated as the Massachusetts center for telecommunications and information technology at Springfield technical community college. Said center shall be authorized, among other activities, to: take advantage of the unparalleled telecommunications and information technology in western Massachusetts and beyond; to retain and attract telecommunications-intensive companies and content providers for the information superhighway; to offer and attract cable television networks, office space, studio space and satellite up-link antennas; to create a network for the region's software firms and the computer science department of the University of Massachusetts at Amherst for applied research and development, basic research and technology transfer projects; to establish a market manager component to recruit administrative and back-office operations to the area; to coordinate projects with the Center for Advanced Fiberoptic Applications; and to provide job training and skills enhancement programs.

(c)(1) There is hereby created a body politic and corporate to be known as the Springfield Technical Community college assistance corporation. The corporation is not and shall not be deemed a public agency or state agency within the meaning of such terms in chapter seven of the General Laws for any purpose.

(2) The corporation shall be governed by a board of eleven directors, four of whom shall be appointed by the board of trustees, three of whom shall be appointed by the governor, one of whom shall be the President of the college ex officio, one of whom shall be the mayor of the City of Springfield, ex officio, or his designee, one of whom shall be the planning director of the City of Springfield, ex officio, and one of whom shall be appointed by the Springfield chamber of commerce. Of the governor's appointees at least one shall be a person experienced in financial aspects of real estate development and management, at least one shall be a person experienced in planning, and at least one shall be a person experienced in college administration.

(3) Directors shall serve for a term of three years provided, however, of those initially appointed by the board of trustees two shall be appointed for one year, and one for two years, and of those initially appointed by the governor one shall be appointed for one year and one for two years and the individual initially appointed by the chamber of commerce shall be appointed for two years. Vacancies arising from other than the expiration of the term shall be filled by the party responsible for the initial appointment. Directors shall serve without compensation but may be reimbursed for expenses necessarily incurred in the performance of their duties.

(4) The board of trustees from time to time shall designate one of the directors to serve as chairman. The directors shall from time to time elect from among themselves a vice-chairman and a secretary. The secretary shall be the custodian of all books, documents and papers of the corporation and of its minute book and seal. Unless otherwise provided in by-laws adopted by the board of directors, the number of directors required to constitute a quorum shall be a majority of the directors then in office. If a quorum is present, a major-

ity of the directors present may take any action on behalf of the board of directors except to the extent that a larger number is required by this section, other applicable laws or by-laws adopted by the board of directors.

(5) The purposes of the corporation shall be to (i) promote the orderly growth and development of the college; (ii) to assist the college in securing physical and financial resources necessary for the acquisition and development of the site.

(6) In furtherance of such purposes the corporation shall, subject only to the restrictions and limitations hereinafter contained, have the following powers:

(A) To make and execute contracts and any other instruments necessary or convenient for the exercise of its powers or the discharge of its duties and incur liabilities for any other purposes of the corporation;

(B) To have a corporate seal which it may alter at its pleasure;

(C) To adopt by-laws for the regulation of its affairs;

(D) To accept, acquire, receive, take, 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 reasonably related to the acquisition and development of the site;

(E) To sue or be sued, provided, however, a director or officer of the corporation shall not be liable for the performance of his duties if he acts in compliance with section six C of chapter one hundred and eighty of the General Laws;

(F) To sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of any such property, both real and personal, as the objects and purposes of the corporation may require;

(G) To borrow money, and from time to time, to make, accept, endorse, execute, and issue promissory notes, bills of exchange, and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of any such obligation by mortgage, pledge, deed, agreement, or other instrument of trust, or other lien upon; assignment of, or agreement in regard to all or any part of the property rights or privileges of the corporation, whether now owned or hereafter to be acquired;

(H) To receive stocks, bonds, donations, gifts and to otherwise raise money for the corporation's purposes;

(I) To elect, appoint and employ officers, agents and employees; to fix their compensation and define their duties and obligations and to indemnify corporate personnel;

(J) To enter into agreements for other transactions with any person, including, without limitation, any governmental instrumentalities or agencies in connection with any of its powers or duties and any governmental agency is hereby authorized to enter into such agreements or transactions with the corporation;

(K) To do all acts and things necessary or convenient to the exercise of any power or the discharge of any duty provided for by this section.

(d) The corporation is hereby deemed to be an "institution for higher education" solely for the purposes such term is used in chapter six hundred and fourteen of the acts of

nineteen hundred and sixty-eight. Any acquisition of property by purchase, lease, or other method by the corporation shall be deemed a "project" as such term is used in chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight. The corporation shall be fully eligible to receive any and all assistance from the Massachusetts health and education facilities authority created by chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight in the same manner as any institution for higher education.

(e) The corporation shall assess the space needs of the college on a regular basis and shall lease or rent land or space in any facility under the control of the corporation to any entities other than the college only after making a determination that the college does not have a foreseeable need for such space or land for the term of the lease or rental agreement. In no event shall the corporation sell, convey, transfer, exchange or otherwise dispose of any real property without notifying in writing and consulting with the board of trustees and the council, and after such consultation making a determination that such sale, conveyance, transfer or exchange is in the best interests of the college. Any such sale, conveyance, transfer or exchange shall require a vote of two-thirds of the members of the board of directors.

(f) The college or any state agency or entity acting on the college's behalf, may enter into an agreement to rent, lease or otherwise utilize any facility owned by, or under the control of, the corporation. The corporation shall be paid rent and costs for such facilities at a rate agreed to by the corporation and college or state agency or entity entering into an agreement on the college's behalf, provided that such amount may not exceed the fair market value for the use of such facilities at the time the agreement is made. Subject to this limitation, the college's determination to rent, lease or otherwise utilize any facility owned or under the control of the corporation and any agreement related thereto shall not be subject to chapter seven of the General Laws.

(g) The corporation shall not have the authority to engage in any activities which are not in furtherance of its corporate purposes or to support or benefit any organization other than the college, and all of the powers granted under this section to the corporation shall be exercised in a manner consistent therewith.

Notwithstanding any other provision herein contained, neither the directors and officers of the corporation nor the corporation shall participate in any "prohibited transaction" within the meaning of Section 503 of the Code, nor shall the corporation be operated at any time for the primary purpose of carrying on a trade or business for profit.

Subject to the other provisions of this section, the corporation shall use and/or distribute all property from time to time held by the corporation solely in the furtherance of its corporate purposes in such manner as the board of directors shall determine; no part of the assets or net earnings, if any, of the corporation shall inure to the benefit of, or be distributable to, its directors, its officers or any private individual, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its corporate purposes; and the corporation shall not directly or indirectly participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition

to any candidate for public office, and no substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation (except to the extent the corporation makes expenditures for purposes of influencing legislation in conformity with the requirements of Section 501(h) of the Code). If the corporation is deemed to be a private foundation as defined in Section 509 of the Code, the provisions of chapter sixty-eight A of the General Laws shall apply to it.

(h) The operation and maintenance of projects by the corporation shall constitute the performance of an essential governmental function, and the corporation shall not be required to pay any taxes or special, betterment or other assessments within the commonwealth, including, without limitation, taxes on real or personal property and any ad valorem taxes, upon any property owned, constructed, acquired, leased or used by it under the provisions of this section. The corporation shall not be subject to any taxes based upon or measured by income which may be enacted by the commonwealth. Obligations issued by the corporation under this section, and any income derived therefrom, including any sale, exchange or transfer of such obligation, shall at all times be free from taxation within the commonwealth.

Land, buildings and tangible personal property of the corporation, if leased to the extent permitted pursuant to this section for any activity or transaction entered into by the lessee for financial profit or gain, shall be taxed or assessed by the city or town in which such land, buildings and tangible personal property may be situated to the lessees thereof respectively, in the same manner as such land, buildings and tangible personal property would be taxed or assessed to such lessees if they were owners thereof, except as follows:

(1) the payment of the tax or assessment shall not be enforced by any lien upon or sale of such land or buildings, but for the purpose of enforcing the payment of such taxes or assessments by such lessees to the city or town in which such land or buildings are situated, a sale of the leasehold interest therein may be made by the collector of the city or town in the manner provided by law for selling real estate for the nonpayment of real estate taxes.

(2) such land, buildings and tangible personal property leased to any political subdivision of the commonwealth or to any public charity described in section eight of chapter twelve of the General Laws for its charitable purposes shall not be taxed or assessed to any such lessees.

(3) that in lieu of such taxes, and any betterment of special assessments, the city of Springfield may determine a sum to be paid to it annually in any year or period of years, such sum to be in any year equal to or less than the amount that would be levied at the then current tax rate upon the then current assessed value of such real estate; including buildings and other structures, the valuation for each year being reduced by all abatements thereon. In no event, however, shall any amount be due prior to the first year in which the corporation has leased some portion of the real property to a third party and has received rental payments for fees in return therefore and any amount so due shall be prorated based upon the percentage of the property for which rental payments or fees have been received.

If any such lessee is subject to the excise levied under the provisions of sections thirty to forty-two B, inclusive, of chapter sixty-three of the General Laws, such tangible personal property shall be treated as though it were owned by such lessee for the purposes

of such excise, and it shall be valued at eight times its annual rental rate, unless and to the extent that such property is treated by the lessee as owned by it for federal income tax purposes, in which case its value shall be its adjusted basis, as defined in the applicable provisions of the Code.

All tangible property, real or personal, so leased shall be considered tangible property owned or rented and used in the commonwealth by such lessee for the purposes of section thirty-eight of chapter sixty-three of the General Laws.

(i) Upon or dissolution of the corporation after payment of all of the liabilities of the corporation or due provision therefor, all of the assets of the corporation shall be distributed to the council, to be held in trust for the benefit and purposes of the college, and shall not inure to the benefit of or be distributed to any private individual.

(j) None of the powers, duties, actions, responsibilities, or authorities of whatever kind or nature which are vested or created in the corporation or college by this section, either explicitly or implicitly, shall be legally valid nor may said powers, duties, actions, responsibilities, or authorities be exercised in the absence of review and comment by the inspector general of the commonwealth of the propriety of any proposed action and further specific legislative authorization.

(k) The provisions of this section 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 affect or impair any of the remaining provisions.

SECTION 126. The Department of Highways is hereby authorized to spend funds pursuant to item 6033-9560 at the following departmental locations:

<u>City/Town</u>	<u>Address</u>
1. Lenox	District One Headquarters
2. Becket	Route 8
3. Buckland	Route 2, Creamery Road
4. Dalton	229 Orchard Road
5. Goshen	Route 9, Berkshire Terrace
6. Huntington	Route 112, East Main Street
7. Lee	Route 102, Pleasant Street
8. North Adams	590 Ashland Street
9. Otis	Route 8
10. Pittsfield	Central Berkshire Boulevard (Route 41)
11. Sheffield	Route 7
12. Williamstown	900 New Ashfield Road
13. Northampton	District Two Headquarters
14. Athol	Route 32, Petersham Road
15. Belchertown	Route 9, Ware Road
16. Bernardstown	Route 10
17. Deerfield	Route 116
18. Erving	Route 2
19. Greenfield	Route 2, Mohawk Trail

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20. Northampton	Route 5, Mount Tom Road
21. Northampton	Locust Street, Route 9
22. Orange	Route 122
23. Palmer	Route 20
24. Springfield	Magaziner Street
25. South Hadley	Route 33
26. Westfield	Route 20, Little River Road
27. West Springfield	Ashley Avenue
28. Winchendon	Route 202, Baldwinville Road
29. Worcester	District 3 Headquarters
30. Boxboro	Swanson Road at Route 495
31. Charlton	Route 20
32. Franklin	Route 140 at Route 495
33. Hopkinton	Route 495
34. Lancaster	Route 2
35. Littleton	Route 2 at Underpass
36. Littleton	Route 2 at Rail Road Bridge
37. Millbury	Route 146
38. Millbury	Main Street Bridge
39. Northboro	Route 9
40. Oxford	Route 395
41. Rutland	Route 122
42. Sterling	Route 12
43. Sterling	Chocksett Road
44. Sturbridge	Routes 20 and 131
45. Sudbury	Boston Post Road
46. Townsend	Route 119
47. Upton	Route 140
48. Uxbridge	Route 146
49. Westford	Route 225
50. Westminster	Routes 140 and 2
51. Arlington	District 4 Headquarters
52. Andover	Route 125 and Prospect Street
53. Bedford	Crosby Road off Route 3
54. Beverly	Park Street
55. Boston	Under X-Way at Albany Street
56. Boston	Dewey Square, South Street
57. Boston	Research & Materials Lab, D Street
58. Boxford	Topsfield Road
59. Braintree	99 Wood Road
60. Burlington	Grant Avenue
61. Chelmsford	Route 4 North of Route 3

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62. Concord	Route 2 at Crosby Corner
63. Concord	215 Elm Street
64. Danvers	485 Maple Street, Route 62 at Intersection of Route 1
65. Haverhill	Route 97
66. Ipswich	Route 1A
67. Lawrence	Marston Street
68. Lawrence	Route 114 at Route 495
69. Lexington	Marrett Road
70. Manchester	Pine Street off Route 128
71. Methuen (Leased Site)	Riverside Drive
72. Milton	Granite Avenue
73. Newbury	Scotland Road
74. Peabody	Route 1
75. Reading	Route 28 Route 128
76. Reading	Route 129 at Route 93
77. Revere	745 Washington Avenue
78. Rowley	Route 1
79. Salisbury	Rabbit Road
80. Somerville	Mystic Avenue under Route 93
81. Tewksbury	Clark Street
82. Wellesley	Central Repair and Maintenance Facility, 9 Worcester Street
83. Weston	Riverside Road
84. Westwood	Route 1A
85. Taunton	District Five Headquarters
86. Avon	Pond Street
87. Bridgewater	Routes 24 and 104
88. Bourne	Sagamore Circle
89. Cohasset	Route 3A
90. Dartmouth	Route 6
91. Dartmouth	Faunce Corner Road
92. Duxbury	East and Summer Streets
93. East Freetown	Braley Road
94. Fall River	North Main Street
95. Falmouth	Route 151
96. Freetown	Route 79 Off Route 140
97. Foxboro	(Relocated) Route 140
98. Hanover	Route 53 at Mill Street
99. Lakeville	Route 105 and 118
100. Mattapoisett	North Street at Route 195
101. Middleboro	Vine Street

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102. Middleboro	Route 28
103. Norton	Route 123
104. North Attleboro	Draper Avenue
105. Orleans	Route 6A at Bay Ridge
106. Plymouth	Obery Street
107. Sandwich	Route 130
108. Seekonk	Route 114A
109. Sharon/Walpole	Route 77
110. Stoughton	Park Street
111. Swansea	1001 G.A.R. Highway
112. Taunton	1050 County Street
113. Truro	Route 6
114. Wareham	Plymouth Road Ext.
115. West Tisbury (Leased)	AT AIRPORT
116. Whitman	Route 18 and Bedford Street
117. Wrentham	Route 1
118. Yarmouth	Willow Street
119. Florida	Route 2
120. Granby	Route 116
121. Ware	Route 32
122. Boylston	Route 140
123. Framingham	Route 9
124. Hudson	Routes 62 and 495
125. West Brookfield	Route 9
126. Worcester	Route 290
127. Brookline	Route 9 at Hammond Street
128. Chelsea	Beech and Sixth Street
129. Dedham	West Street
130. Lexington	Route 2 at Watertown Street
131. Lowell	Route 495 at Lowell Connector
132. North Reading	Route 28
133. Barnstable	Phinney's Lane
134. Bourne	MacArthur Boulevard
135. Carver	Route 58
136. Dennis	Theo F. Smith Road
137. Edgartown	Meshakett Road at the dump
138. Fall River	Braga Bridge
139. New Bedford	King's Highway

Items disapproved: Section 2A, item 6033-9599; Sections disapproved: Sections 25, 27, 29, 30, 69, 70, 79, 98, 107, 109 and 113. The remainder approved by the Governor on December 30, 1994.

Chapter 274. AN ACT RELATIVE TO UNEMPLOYMENT HEALTH INSURANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the postponement of certain unemployment health insurance contributions 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 19 of chapter 118F of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 3 and 4, the word "ninety-five" and inserting in place thereof the following word:- ninety-six.

SECTION 2. 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-five", each time it appears, and inserting in place thereof, in each instance, the following word:- ninety-six.

SECTION 3. Section 79 of chapter 23 of the acts of 1988 is hereby amended by striking out the word "ninety-five", inserted by section 222 of chapter 138 of the acts of 1991, and inserting in place thereof the following word:- ninety-six.

SECTION 4. There is hereby established a special commission for the purpose of making an investigation and study of methods for achieving universal health care coverage for residents of the commonwealth. Said commission shall consist of three members of the senate; four members of the house of representatives; the secretary of the executive office of health and human services or his designee; the commissioner of the division of insurance or his designee; and six members to be appointed by the governor. Of the six members appointed by the governor, two shall be consumers representing diverse cultural backgrounds and geographic regions, three shall be members of the business community who represent different size employers and geographic regions, and one shall be nominated by the Massachusetts AFL-CIO.

Said commission shall be cochaired by a member of the house of representatives and a member of the senate to be elected by the members of the commission. The commission shall adopt such rules and establish such procedures as it considers necessary for the conduct of its business. The commission may expend such funds as may be appropriated or made available therefor. No action of the commission shall be considered official unless approved by a majority vote of the commission.

The commission shall have the following responsibilities and duties:

(a) to design a plan to provide access to and coverage for health care to all residents of the commonwealth. In discussing alternatives for achieving universal coverage the commission shall investigate a variety of issues including, but not limited to: (i) employer and individual responsibility to purchase insurance, including incentives to ensure that employers continue to provide insurance coverage; (ii) health coverage financing through broad-based revenue sources such as income, payroll, sales and provider taxes; (iii) government programs that subsidize low-income families and low-wage employers for whom health coverage payments represent a disproportionate hardship; (iv) the expansion of services and programs proposed by the medicaid research and development waiver filed

on behalf of the commonwealth in April of nineteen hundred and ninety-four under section 1115 of the Social Security Act; provided, however, that any contingencies stated by the United States health care financing administration regarding said waiver shall be taken into consideration; and (v) effects of the federal ERISA act on achieving universal coverage.

(b) to investigate and report on the need for health insurance market reforms intended to increase the affordability and accessibility of health insurance including, but not limited to, the following: (i) the need for a statewide uniform standard benefits package; (ii) the need for regional or statewide health insurance purchasing cooperatives; (iii) merger of the nongroup and small group insurance markets into a single community-rated risk pool; (iv) the use of risk adjustment as a mechanism for creating a fair and equitable access to insurance coverage; and (v) other relevant issues which may impact on consumer access to health insurance and fairness and competitiveness in the health insurance market.

(c) to design a plan to constrain the growth of per capita health care costs in the commonwealth. Said plan shall examine options including, but not limited to (i) the establishment of an annual global health care budget or expenditure targets for the commonwealth; (ii) reforms designed to decrease the practice of defensive medicine; (iii) reforms designed to improve treatment protocols, practice standards and establish outcomes measures; (iv) reforms designed to decrease the administrative costs associated with health care delivery by establishing a uniform billing and claims format utilizing electronic data interchange; and (v) reforms of the determination of need program and other regulatory controls to achieve optimal effects on the costs of health care delivery.

(d) to design a plan for monitoring the conduct of participants in the health care industry in order to protect consumer interest in quality, affordable and accessible health care services. Said plan shall include, but not be limited to, an investigation of mergers, acquisitions, cooperative agreements and affiliations between and among health care providers, provider groups and health care facilities.

(e) to design a plan for promoting the standardization, collection, analysis and dissemination of information related to health care costs and the provision of health care services in the commonwealth.

(f) to investigate and report on the impact on health care costs, quality, and access of regulatory and legislative proposals that affect the ability of health insurers and self-insured plans, including health maintenance organizations, to contract with selected networks of health care providers.

In pursuing its responsibilities and duties, the commission is hereby authorized and directed to consult with parties affected by said commission's matters of study and shall, prior to voting on any final recommendations, consult with the parties affected by said recommendations.

Said commission shall file its final report with the clerks of the senate and the house of representatives and with the governor on or before the last Monday of September, nineteen hundred and ninety-five.

SECTION 5. The department of medical security and the secretary of administration

and finance are hereby authorized and directed to conduct a review of the solvency of the medical security plan trust fund established by section sixteen of chapter one hundred and eighteen F of the General Laws. Said review shall assess the solvency of said trust fund, assuming current employer assessment levels, current employee benefit levels and beneficiary utilization patterns in effect on the effective date of this section. Said review shall cover the immediate future, defined as the twelve months following said effective date, and the long-term future, defined as a period of ten years. Said review shall include specific recommendations to rectify any solvency problems identified in said review; provided, that said recommendations shall include options that do not reduce benefits or current eligibility standards for the program. A report of said review and recommendations shall be filed with the house and senate committees on ways and means within ninety days after the effective date of this section.

SECTION 6. The provisions of sections one, two and three shall take effect on January first, nineteen hundred and ninety-five.

Approved December 30, 1994.

Chapter 275. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND LOCATED IN THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

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

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 convey, by deed approved as to form by the attorney general, a certain parcel of land located in the town of Tewksbury, presently under the care and control of the department of public health, to the town of Tewksbury for recreational, outdoor cultural, skating and other purposes. Said parcel is shown on Tewksbury assessor map 87, Lot 1 and is bounded and described as follows:- Beginning at the Northwest corner of the premises, said point being on the easterly line of Livingston Street, approximately 0.6 miles north of the intersection of Main Street and being the southwest corner of land of now or formerly the Tewksbury Housing Authority, thence; N 87° 15' 00" E by said Housing Authority land and land of the Commonwealth of Massachusetts, a distance of 653.93 feet, more or less to a point thence; S 09° 02' 00" E by said Commonwealth land a distance of 687.00 feet more or less, to a point, thence; N 69° 07' 48" W by said Commonwealth land a distance of 272.63 feet, more or less, to a point, thence; N 89° 04' 18" W by said Commonwealth land a distance of 420.00 feet, more or less, to a point on the easterly line of said Livingston Street, thence; N 09° 02' 00" W by said easterly line of Livingston Street, a distance of 550.00 feet, more or less, to the point of beginning.

SECTION 3. The consideration for the conveyance of said parcel shall be the acceptance of the town of Tewksbury that said conveyance is the full and complete compensation or discharge of any obligation, whether obligation be monetary, moral or of any kind or nature, that the town of Tewksbury may be owed by the commonwealth for the closure of the Danvers State Hospital and its subsequent merger with the Tewksbury State Hospital. In the event said parcel of land ceases to be used at any time for the purposes contained herein said parcel of land shall revert to the care and control of the division of capital planning and operations and any further disposition of said parcel of land shall be subject to the provisions of sections forty E to forty J, inclusive of chapter seven of the General Laws.

SECTION 4. The town of Tewksbury shall be responsible for any costs for appraisals, surveys, and other expenses relating to the transfer of property, or for any costs of any nature and kind for its development or for its maintenance and liabilities.

Approved, December 30, 1994.

**Chapter 276. AN ACT FURTHER REGULATING THE OPERATION OF FARM-
STANDS RELATIVE TO THE ZONING ENABLING ACT.**

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 40A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "year", in line 11, the following words:- or during the harvest season of the primary crop raised on land of the owner or lessee.

SECTION 2. Said section 3 of said chapter 40A, as so appearing, is hereby further amended by inserting after the word "owner", in line 13, the following words:- or lessee.

Approved December 30, 1994.

**Chapter 277. AN ACT RELATIVE TO THE COMPENSATION FOR INCAPAC-
ITATED CALL AND VOLUNTEER FIREFIGHTERS IN THE TOWN
OF TEMPLETON.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eighty-five H of chapter thirty-two, section one hundred and eleven F of chapter forty-one of the General Laws or any other general or special law to the contrary, the town of Templeton is hereby authorized to make payments in the event that one or more of its volunteer or call firefighters is injured and disabled, or killed, in the line of duty. Such payments shall be the amounts which would otherwise be authorized by law as if such firefighters salary were that of a full time entry level permanent

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firefighter in Worcester county, such amount to be the average of such salaries in the city of Gardner, towns of Ashburnham and Westminster at the time pertinent, and the town of Templeton is also hereby authorized to provide such compensation directly or through insurance.

Approved December 30, 1994.

Chapter 278. AN ACT RELATIVE TO RETIREMENT CREDIT FOR MEMBERS OF THE DEPARTMENT OF STATE POLICE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 412 of the acts of 1991 is hereby amended by inserting after section 120 the following section:-

Section 120A. Notwithstanding the provisions of section one hundred and twenty or any other general or special law, rule or regulation to the contrary, for the purpose of determining creditable service under the provisions of chapter thirty-two of the General Laws, any person serving in a position or employed as a police officer in the capitol police force, the metropolitan police force or serving in a position or employed as an employee exercising police powers in the division of law enforcement of the registry of motor vehicles on the effective date of this act, and who became members of the department of state police as a result of the provisions of this act, shall be credited with all membership service, prior service and other service for which credit had been established by said members prior to the passage of this act.

SECTION 2. Section 91 of chapter 32 of the General Laws is hereby amended by inserting after the word "pension", in line 1, the following:- disability pension.

Approved January 3, 1995.

Chapter 279. AN ACT FURTHER REGULATING ASBESTOS IN THE COMMON-WEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 6A of chapter 149 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following sentence:- The department may cooperate with the federal government in the furtherance of the provisions of this section and in a manner consistent with section six B of chapter twenty-nine.

SECTION 2. Section 6C of said chapter 149, as so appearing, is hereby amended by adding the following paragraph:-

Any rule or regulation of the department which incorporates or references a rule, regulation or other proceeding of the federal government related to asbestos or asbestos con-

taining material which is administered pursuant to this chapter shall be promulgated in accordance with the provisions of chapter thirty A.

Approved January 3, 1995.

Chapter 280. AN ACT RELATIVE TO THE LEASE OF CERTAIN LAND BY THE COMMONWEALTH IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section 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 and directed to lease to the town of Framingham or its designee for a term of ninety-nine years and upon such other terms as the parties agree the following parcel of land:

The land in the town of Framingham, containing twenty-nine acres, more or less, situated on Merchant Road, bounded on the west by land described as Parcel One in section two of chapter twenty-one of the acts of nineteen hundred and ninety-three, to the north along Course Brook and land described in section one of said chapter twenty-one and by land owned by the commonwealth and formerly used by the Massachusetts Correctional Institution, Framingham, to the east by Merchant Road, and to the southeast by the property line of Hodder Cottage including the land consisting of three acres, more or less, owned by the commonwealth, and to the south by the Framingham-Sherborn town line.

Said parcel is the parcel described as Parcel two in section two of said chapter twenty-one of the acts of nineteen hundred and ninety-three, and is the parcel formerly conveyed to the town of Framingham under the provisions of section three of chapter four hundred and nineteen of the acts of nineteen hundred and eighty-five.

SECTION 2. The parcel of land described in section one shall be used for recreational purposes only and, in the event said parcel of land ceases to be used at any time for recreational purposes, said parcel of land shall revert to the care and control of the division of capital planning and operations and any further disposition of said parcel of land shall be subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws.

SECTION 3. The lease price paid by the town of Framingham or its designee for said parcel shall be the full and fair market value of the property as determined by independent appraisal, for its use as described herein. The inspector general shall review and approve such appraisal and such review shall include a review of the methodology utilized for such appraisal. Said inspector general shall prepare a report of his review and file said report with the commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration in accordance with the provisions of section six. Said town of Framingham or its designee shall pay such lease price in accordance with the terms of the agreement.

SECTION 4. The town of Framingham or its designee shall be responsible for any costs for appraisals, surveys, and other expenses relating to the transfer of property authorized by section one, or for any costs and expenses of any nature and kind for its development or for its maintenance.

SECTION 5. The lease price paid pursuant to section one shall be deposited in the General Fund of the commonwealth.

SECTION 6. The commissioner of the division of capital planning and operations shall, forty-five days before the execution of any agreement authorized by this act or any subsequent amendment thereof, submit such agreement or amendment and a report thereon to the inspector general for his review and comment. Said inspector general shall issue his review and comment within fifteen days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of said inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least fifteen days prior to execution.

Approved January 3, 1995.

Chapter 281. AN ACT RELATIVE TO STATE POLICE PROMOTIONAL EXAMINATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 22C of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out clause (2).

SECTION 2. Said section 26 of said chapter 22C, as so appearing, is hereby further amended by striking out, in lines 22 and 23, the words "nine; performance evaluation, four" and inserting in place thereof the following word:- twelve.

Approved January 3, 1995.

Chapter 282. AN ACT PROVIDING FOR THE ALLEVIATION OF HARDSHIP OF CERTAIN TENANTS.

Be it enacted, etc., as follows:

SECTION 1. Declaration of Purpose.

The purpose of this act is to establish a uniform statewide policy for ending rent control, as hereinafter defined. This act shall apply notwithstanding the provisions of chapter forty O of the General Laws, or any general or special law to the contrary.

SECTION 2. Effective Date.

The provisions of this act shall be retroactive and shall take effect as of January first,

nineteen hundred and ninety-five.

SECTION 3. Definitions.

When used in this act, unless the context otherwise requires, the following words or phrases shall have the following meanings:

(a) "Board" means any rent control board, rent equity board or other agency or official authorized to administer any system of rent control.

(b) "Controlled Rental Unit" shall mean any unit which was subject to rent control in any respect as of November eighth, nineteen hundred and ninety-four.

(c) "Covered Rental Unit" shall mean any Controlled Rental Unit not exempt from rent control pursuant to section four which is occupied by an Income Eligible tenant who was protected by rent control as of November eighth, nineteen hundred and ninety-four.

(d) "Income Eligible" shall mean having an income which when combined with the incomes of all other persons residing in the same unit, is sixty percent or less of the median income for the Boston Primary Metropolitan Statistical Area as set forth in or determined based upon regulations promulgated from time to time by the United State Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937 as amended, and calculated pursuant to said regulations, provided that in the case of households which include at least one tenant who was an occupant of a covered rental unit as of November eighth, nineteen hundred and ninety-four, and who had reached the age of sixty-two years on or before said date, or one tenant who is physically or mentally disabled, the applicable percentage shall be eighty percent; and provided further that no full-time student eighteen years of age or older, regardless of income, shall be considered Income Eligible under the provisions of this act.

(e) "Rent control" means any controls, restrictions or other regulations imposed by any city or town with respect to the rents which may be charged for any residential housing accommodations, the conversion of such housing accommodations to the condominium or cooperative form of ownership, or the removal of such housing accommodations from the rental market, including without limitation those regulatory schemes currently in effect in the City of Boston pursuant to Chapter 797 of the Acts of 1969, Chapter 863 of the Acts of 1970, Chapter 843 of the Acts of 1971, Chapter 45 of the Acts of 1987, and chapter 504 of the Acts of 1987, all as amended, in the Town of Brookline pursuant to Chapter 843 of the Acts of 1970 and Chapter 601 of the Acts of 1981, each as amended, and in the City of Cambridge pursuant to Chapter 36 of the Acts of 1976, as amended, but excluding Chapter 527 of the Acts of 1983. For purposes hereof, the term "residential housing accommodations," as used in the preceding sentence, shall not be deemed to include mobile homes or publicly-owned dwelling units, nor shall the provisions of this act be deemed to limit the operation and enforceability of agreements (other than inclusionary housing contracts, so-called, applicable to units located in the Town of Brookline) entered into by landlords in connection with the procuring of any subsidy or other form of financial assistance from a governmental agency.

(f) "Voluntarily Vacates" shall refer to a vacancy created when a tenant permanently and of his or her own free will, unconstrained by interference by the landlord, leaves a unit.

A vacancy shall not be deemed voluntary when a tenant leaves as a result of the landlord's engaging in any of the following conduct:

- (1) harassment, coercion or forcible conduct;
- (2) wilful interruption of heat, utilities or other essential housing services;
- (3) locking the tenant out of the unit; or
- (4) failure to correct code violations materially impairing the health or safety of the tenant within a reasonable time after written notice thereof.

SECTION 4. Exemptions.

(a) Any Controlled Rental Unit not occupied by an Income Eligible tenant who was protected by Rent Control as of November eighth, nineteen hundred and ninety-four shall be exempt from Rent Control on January first, nineteen hundred and ninety-five.

(b) Any Controlled Rental Unit classified at any time on or after November eighth, nineteen hundred and ninety-four as a vacancy decontrolled housing accommodation, so-called, pursuant to any existing system of Rent Control, shall be exempt from Rent Control on January first, nineteen hundred and ninety-five.

(c) Any Covered Rental Unit in a building containing no more than three units shall be exempt from Rent Control if the tenant voluntarily vacates or is lawfully evicted, or on December thirty-first, nineteen hundred and ninety-five, whichever occurs first.

(d) Any Covered Rental Unit in an owner-occupied building of at least four, but not more than twelve units shall be exempt from Rent Control if the tenant voluntarily vacates or is lawfully evicted, or on December thirty-first, nineteen hundred and ninety-five, whichever occurs first.

(e) Any Covered Rental Unit which is a condominium unit shall be exempt from Rent Control if the tenant voluntarily vacates or is lawfully evicted or on December thirty-first, nineteen hundred and ninety-five, whichever occurs first.

(f) Any Covered Rental Unit in a building of four or more units, none of which is occupied by the owner thereof, shall be exempt from Rent Control if the tenant voluntarily vacates or is lawfully evicted, or in accordance with the sunset provision of section nine of this act, whichever occurs first.

(g) Any Controlled Rental Unit which is or becomes exempt as a result of the provisions of this statute may not be re-controlled as a result of a change in future status of the residents or the rental units during the duration of this statute.

SECTION 5. Rents.

For all Covered Rental Units, rents shall be subject to Rent Control to the same extent and on the same terms and conditions otherwise lawfully prescribed by any city or town as of November eighth, nineteen hundred and ninety-four, including without limitation any provision for decontrol or exemption after such date, provided however that, commencing as of January first, nineteen hundred ninety-five, landlords shall be entitled to increase the rent for each such Unit annually in order to ensure that (a) such rent exceeds the amount previously charged by five percent and (b) such rent constitutes no less than thirty percent of the combined incomes of all persons residing in such unit, calculated pursuant to regulations promulgated from time to time by the United States Department of Housing and

Urban Development pursuant to Section 8 of the Housing Act of 1937 as amended.

SECTION 6. *Evictions.*

(a) No person may recover possession of a Covered Rental Unit, in any proceeding pursuant to Chapter 239 of the General Laws or otherwise, unless the court finds that:

(1) the tenant has failed to pay the rent to which the landlord is entitled;

(2) the tenant has violated an obligation or covenant of his or her tenancy not inconsistent with Chapter 93A of the General Laws, or this act, or the regulations issued pursuant thereto, other than the obligation to surrender possession upon proper notice; and the tenant has failed to cure such violation after having received written notice thereof from the landlord;

(3) the tenant is committing or permitting to exist a nuisance in or is causing substantial damage to the Covered Rental Unit, or is creating a substantial interference with the comfort, safety or enjoyment of the landlord or other occupants of the same or any adjacent accommodations;

(4) the tenant has used or permitted a Covered Rental Unit to be used for any illegal purposes;

(5) the tenant, who had a written lease or rental agreement which terminated, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and on such terms that are not inconsistent with or violative of any provision of Chapter 93A of the General Laws, or of this act;

(6) the tenant has refused the landlord reasonable access to the unit for the purpose of making necessary repairs or improvements required by the laws of the commonwealth or any political subdivision thereof, or for the purpose of inspection as permitted or required by such tenant's rental agreement or by law, or for the purpose of showing the rental unit to any prospective purchaser or mortgagee;

(7) the person holding at the end of a lease term is a subtenant not approved by the landlord;

(8) the landlord seeks to recover possession in good faith of a unit which is a Covered Rental Unit for his or her own use and occupancy or for the use and occupancy by his or her spouse, children, grandchildren, great grandchildren, parents, grandparents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law; or

(9) the landlord seeks to recover possession for any other just cause, provided that his or her purpose is not in conflict with the provisions and purposes of Chapter 93A of the General Laws or this act.

(b) A landlord seeking to recover possession of a Covered Rental Unit need not apply to the Board for a certificate of eviction.

SECTION 7. *Severability.*

If any provision of the act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SECTION 8: *Other Laws:*

Notwithstanding any general or special law to the contrary, no city or town shall have authority to enact, implement, maintain, administer or enforce rent control except to the extent expressly set forth in this act, and all such authority shall cease upon the expiration of this act pursuant to section nine. No provision of this act shall be deemed to authorize the reimposition of any form of control, restriction or regulation on any units which have been decontrolled or exempted pursuant to any existing system of rent control or pursuant to this act.

SECTION 9: *Sunset.*

Sections four, five and six of this act shall cease to be effective on December thirty-first, nineteen hundred and ninety-six.

Emergency Letter: January 4, 1995 @ 10:31 A.M.

Approved January 4, 1995.

Chapter 283. AN ACT RELATIVE TO LIMITING STRATEGIC LITIGATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 231 of the General Laws is hereby amended by inserting after section 59G, as appearing in the 1992 Official Edition, the following section:-

Section 59H. In any case in which a party asserts that the civil claims, counterclaims, or cross claims against said party are based on said party's exercise of its right of petition under the constitution of the United States or of the commonwealth, said party may bring a special motion to dismiss. The court shall advance any such special motion so that it may be heard and determined as expeditiously as possible. The court shall grant such special motion, unless the party against whom such special motion is made shows that: (1) that the moving party's exercise of its right to petition was devoid of any reasonable factual support or any arguable basis in law and (2) that the moving party's acts caused actual injury to the responding party. In making its determination, the court shall consider the pleadings and supporting and opposing affidavits stating the facts upon which the liability or defense is based.

The attorney general, on his behalf or on behalf of any government agency or subdivision to which the moving party's acts were directed, may intervene to defend or otherwise support the moving party on such special motion.

All discovery proceedings shall be stayed upon the filing of the special motion under this section; provided, however, that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery shall remain in effect until notice of entry of the order ruling on the special motion.

Said special motion to dismiss may be filed within sixty days of the service of the complaint or, in the court's discretion, at any later time upon terms it deems proper.

If the court grants such special motion to dismiss, the court shall award the moving party costs and reasonable attorney's fees, including those incurred for the special motion

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and any related discovery matters. Nothing in this section shall affect or preclude the right of the moving party to any remedy otherwise authorized by law.

As used in this section, the words "a party's exercise of its right of petition" shall mean any written or oral statement made before or submitted to a legislative, executive, or judicial body, or any other governmental proceeding; any written or oral statement made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other governmental proceeding; any statement reasonably likely to encourage consideration or review of an issue by a legislative, executive, or judicial body or any other governmental proceeding; any statement reasonably likely to enlist public participation in an effort to effect such consideration; or any other statement falling within constitutional protection of the right to petition government.

SECTION 2. The provisions of this act shall apply to all claims, counterclaims, and cross claims that have not been fully adjudicated on, or subsequent to, the effective date of this act. Notwithstanding the provisions of section one of this act, a party may file a special motion to dismiss a claim, counterclaim, or cross claim in existence on the effective date of this act within sixty days of the effective date of this act.

This bill was returned by the Governor to the House of Representatives, the branch in which it originated, with his objections thereto. Said bill was passed by the House on December 29, 1994 and in concurrence by the Senate on December 29, 1994, the objections of the Governor notwithstanding and in the manner prescribed by the Constitution and thereby has the force of law.

Chapter 284. AN ACT PROVIDING INSURANCE COVERAGE FOR LICENSED HOSPICE SERVICES FOR TERMINALLY ILL PATIENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section 17A, inserted by section 5 of chapter 458 of the acts of 1993, the following section:-

Section 17B. The commission shall provide to any active or retired employee of the commonwealth, who is insured under the group insurance commission, coverage for licensed hospice services to terminally ill patients with a life expectancy of six months or less, as set forth and regulated by the provisions of section fifty-seven D of chapter one hundred and eleven and as authorized by a duly licensed physician.

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47P, inserted by section 142 of chapter 60 of the acts of 1994, the following section:-

Section 47Q. Any individual policy of accident and sickness insurance issued pursuant to section one hundred and eight, and any group blanket policy of accident and sickness insurance issued pursuant to section one hundred and ten, shall provide coverage for licensed hospice services to terminally ill patients with a life expectancy of six months or less, as set forth and regulated by the provisions of section fifty-seven D of chapter one

hundred and eleven and as authorized by a duly licensed physician.

SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section 8 O, inserted by section 144 of said chapter 60, the following section:-

Section 8P. Any contract between a subscriber and the corporation under an individual or group hospital service plan that shall be delivered, issued, or renewed in the commonwealth shall provide, as benefits to all individual subscribers or members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage for licensed hospice services for terminally ill patients with a life expectancy of six months or less, as set forth and regulated by the provisions of section fifty-seven D of chapter one hundred and eleven and as authorized by a duly licensed physician.

SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after section 4P, inserted by section 146 of said chapter 60, the following section:-

Section 4Q. Any subscription certificate under an individual or group medical service agreement that shall be delivered, issued or renewed in the commonwealth shall provide as a benefit for all individual subscribers or members within the commonwealth and all group members having a principal place of employment within the commonwealth, coverage for licensed hospice services to terminally ill patients with a life expectancy of six months or less, as set forth and regulated by the provisions of section fifty-seven D of chapter one hundred and eleven and as authorized by a duly licensed physician.

SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after section 4G, inserted by section 149 of said chapter 60, the following section:-

Section 4H. Any group health maintenance contract shall provide coverage for hospice services as defined in section fifty-seven D of chapter one hundred and eleven, during the life of the patient, to terminally ill patients with a life expectancy of six months or less; provided, however, that such services are determined to be appropriate and authorized by the patient's primary care or treating physician and are equivalent to those services provided by a licensed hospice program regulated by the department of public health.

Approved January 4, 1995.

Chapter 285. AN ACT RELATIVE TO THE GRANTING OF CERTAIN PENSIONS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty-six of chapter thirty-two of the General Laws or any other general or special law, rule or regulation to the contrary, the rating board established in said section twenty-six is hereby authorized and directed to hold a hearing for former state police officer, Robert E. Fitzgerald, of the city of Springfield for the purpose of determining whether said Robert E. Fitzgerald should be entitled to a disability pension due to physical or mental incapacity as provided in said section twenty-

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six. If said rating board so finds such physical or mental incapacity then the said board shall notify the state board of retirement of such physical or mental incapacity and the state board of retirement shall be authorized to grant such retirement and pay a retirement allowance to said Robert E. Fitzgerald according to law.

Approved January 6, 1995.

Chapter 286. AN ACT RELATIVE TO STOCK PLANS OF STATE-CHARTERED STOCK BANKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the establishment of certain stock plans by state-chartered stock 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 25 of chapter 172 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "its", in line 2, the second time it appears, the following words:- directors, officers and.

SECTION 2. Said chapter 172 is hereby further amended by inserting after section 25 the following section:-

Section 25A. Such corporation may establish stock purchase plans, restricted stock purchase plans and stock grant plans for employees, officers and directors thereof, whether such director is an employee or non-employee of the corporation. Any such plan shall be subject to such terms and conditions as shall be approved by the board of directors of the corporation, by the holders of two-thirds of the stock thereof entitled to vote with respect thereto, and by the commissioner; provided, however, that any such plans established by a savings bank or a cooperative bank which has converted from mutual to stock form pursuant to section thirty-four C of chapter one hundred and sixty-eight and section twenty-six C of chapter one hundred and seventy, respectively, shall conform to regulations promulgated by federal bank regulatory agencies pursuant to 12 U.S.C. 1464 or other applicable law governing similar plans. In the absence of fraud, the sufficiency of consideration as so approved shall be conclusively presumed. Notwithstanding the provisions of subsection C of section twenty-four, stock may be issued for intangible property or services if permitted by the plan approved as provided in this section, without the approval of the specific form of such non-cash consideration by the commissioner.

Approved January 6, 1995.

Chapter 287. AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO REIMBURSE CERTAIN TAX PAYMENTS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eight of chapter fifty-eight of the General Laws or any general or special law to the contrary, the town of Plymouth is hereby authorized to pay one thousand eight hundred and fifty-nine dollars and eight cents to Surfside Home and Lot Associates, Inc. for reimbursement of certain taxes paid for fiscal years nineteen hundred and eighty-five to nineteen hundred and ninety, inclusive.

Approved January 6, 1995.

Chapter 288. AN ACT AUTHORIZING THE TOWN OF SANDWICH TO EXTEND A CERTAIN LEASE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapters thirty B and forty of the General Laws to the contrary, the town of Sandwich is hereby authorized to extend an existing lease between said town and the Clark-Haddad Post 188, American Legion, of certain parcels of land located in said town and identified as Lots 001, 003 and 005 on Assessors Map #86 upon such terms and conditions as the board of selectmen of said town shall determine.

Approved January 6, 1995.

Chapter 289. AN ACT DESIGNATING A CERTAIN PARKING LOT IN THE CITY OF NEWBURYPORT AS THE WILLIAM JOSEPH PELLETIER PARKING LOT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the parking lot located in the Plum Island section of the city of Newburyport shall be designated and known as the William Joseph Pelletier Parking Lot, in honor of William Joseph Pelletier's many years of service to the city of Newburyport.

The department of environmental management shall erect suitable markers bearing such designation in compliance with the standards of said department.

Approved January 6, 1995.

Chapter 290. AN ACT RELATIVE TO THE SALE OF "READY-TO-EAT FOOD".

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 94 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the definition of "Paint", the following definition:-

"Ready-to-eat Food", a restaurant style food offered or exposed for sale, whether in restaurants, supermarkets or similar food service establishments, that is ready for consumption, though not necessarily on the premises where sold. Ready-to-eat food shall not include luncheon products, such as meat, poultry or cheese, when sold separately.

SECTION 2. Section 176 of said chapter 94, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- As defined in section one, ready-to-eat food sold from bulk or in single servings packed on the premises, may be sold by weight, measure or count; provided, however, that count shall include servings.

Emergency Letter: January 10, 1995 @ 9:32 A.M.

Approved January 6, 1995.

Chapter 291. AN ACT FACILITATING THE LEASE OF LAND OF PLYMOUTH COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Plymouth county on behalf of said county, are hereby authorized to lease, pursuant to the provisions of section sixteen of chapter thirty B of the General Laws, a certain parcel of land or any portion thereof, located on High street in the town of Hanson, and being the former site of the Plymouth county hospital, also known as Cranberry specialty hospital of Plymouth county, which parcel consists of approximately fifty acres, for a period not to exceed twenty years and for a purpose to be determined by said county commissioners.

SECTION 2. Any design, construction and equipment, construction management, development or financing relating to the lease authorized by section one and any contract relating directly or indirectly to said design, construction and equipment, construction management, development or financing of said lease, shall be exempt from the provisions of sections thirty-eight A½ to thirty-eight O, inclusive, clause (c) of section thirty-nine B, sections forty A to forty C, inclusive, section forty-one B and the second and fourth paragraphs of section forty-two C of chapter seven of the General Laws, section thirty-nine M of chapter thirty of the General Laws and sections forty-four A to forty-four M, inclusive, of chapter one hundred and forty-nine of the General Laws.

SECTION 3. Notwithstanding the provisions of the first paragraph of section fourteen of chapter thirty-four of the General Laws, Plymouth county shall not be required to offer the real estate for the project for sale or lease to the commonwealth or the town of Hanson nor shall said county be required to further comply with the notification, publication or public hearing requirements of said section fourteen of said chapter thirty-four.

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SECTION 4. Notwithstanding the provisions of section thirty-four of chapter thirty-five of the General Laws, the lease for the project may be entered into for a period not to exceed twenty years.

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

Approved January 9, 1995.

Chapter 292. AN ACT FURTHER AMENDING THE CAMPAIGN FINANCE AND LOBBYING LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately amend and clarify the campaign finance and lobbying laws 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. Section 39 of chapter 3 of the General Laws, as appearing in section 1 of chapter 43 of the acts of 1994, is hereby amended by striking out the definition of "Legislative agent" and inserting in place thereof the following definition:-

"Legislative agent", any person who for compensation or reward does any act to promote, oppose, or influence legislation, or to promote, oppose, or influence the governor's approval or veto thereof or to influence the decision of any member of the Executive branch where such decision concerns legislation or the adoption, defeat, or postponement of a standard, rate, rule or regulation pursuant thereto. The term "legislative agent" shall include a person who, as any part of his regular and usual employment and not simply incidental thereto, attempts to promote, oppose or influence legislation or the governor's approval or veto thereof, whether or not any compensation in addition to the salary for such employment is received for such services.

SECTION 2. Said section 39 of said chapter 3 is hereby further amended by striking out the definition of "Legislative agent", as amended by section 1 of this act, and inserting in place thereof the following definition:-

"Legislative agent", a person who for compensation or reward does any act to promote, oppose or influence legislation, or to promote, oppose or influence the governor's approval or veto thereof. The term "legislative agent" shall include a person who, as part of his regular and usual employment and not simply incidental thereto, attempts to promote, oppose or influence legislation, or the governor's approval or veto thereof, whether or not any compensation in addition to the salary for such employment is received for such services; provided, however, that for purposes of this definition a person shall be presumed to engage in activity covered by this definition in a manner that is only incidental to his regular and usual employment if he spends less than five percent of his working hours on any matter covered by this definition during a calendar year.

SECTION 3. Section 43 of said chapter 3, as appearing in section 1 of chapter 43 of the acts of 1994, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, no executive or legislative agent shall knowingly offer or knowingly give to any public official or public employee, as defined in section one of chapter two hundred and sixty-eight B, or to a member of such person's immediate family any gift, as defined in said section one of said chapter two hundred and sixty-eight B, of any kind or nature, nor knowingly pay for any meal, beverage, or other item to be consumed by such public official or employee, whether or not such gift or meal, beverage or other item to be consumed is offered, given or paid for in the course of such agent's business or in connection with a personal or social event, provided, however, that an executive or legislative agent shall not be prohibited from offering or giving to a public official or public employee who is a member of his immediate family or a relative within the third degree of consanguinity or of such agent's spouse or the spouse of any such relative any such gift or meal, beverage or other item to be consumed.

SECTION 4. Section 1 of chapter 55 of the General Laws is hereby amended by striking out the definition of "Political action committee", inserted by section 13 of chapter 43 of the acts of 1994 and inserting in place thereof the following definition:-

"Political action committee", a political committee which is not a candidate's committee, a political party committee nor a ballot question committee; provided, however, that a political committee which only receives contributions from individuals in an amount or value of one hundred dollars or less in any calendar year, which has been in existence for six months or more and which contributes to five or more candidates shall not be a political action committee; provided, further, that said one hundred dollar amount shall be indexed biennially for inflation by the director, who, not later than December thirty-first of each odd numbered year, shall calculate and publish such index amount, using the federal consumer price index for the Boston statistical area.

SECTION 5. Said section 1 of said chapter 55 is hereby further amended by striking out the definition of "Political party committee", inserted by section 14 of said chapter 43 and inserting in place thereof the following definition:-

"Political party committee", a political committee organized in accordance with chapter fifty-two on behalf of a political party, as defined in section one of chapter fifty, whether elected or non-elected.

SECTION 6. Section 2 of said chapter 55 is hereby amended by striking out the third paragraph, inserted by section 18 of said chapter 43 of the acts of 1994, and inserting in place thereof the following paragraph:-

In addition to the information otherwise required by this section, a candidate shall keep and preserve accounts including the occupation and employer or employers of each person who has made a contribution in an amount or value of two hundred dollars or more in any one calendar year, and such information for each contribution of less than two hundred dollars, if the aggregate of all contributions received from such contributor within any one calendar year is two hundred dollars or more; provided, however, that a candidate

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shall satisfy such requirement of including said occupation and employer by requesting a contributor's occupation and employer at the time a contribution is solicited and making one additional written request. A candidate shall be allowed to keep any such contribution if such candidate has complied with the provisions of this paragraph.

SECTION 7. Section 9 of said chapter 55, as appearing in the 1992 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No individual, candidate or political committee, or person acting on behalf of said individual, candidate, or political committee, shall accept a contribution of money from any one person or political committee if the aggregate amount contributed in a calendar year exceeds fifty dollars except by check. For the purposes of the preceding sentence the word "check" shall mean a check on which the contributor is directly liable or which is written on a personal, escrow, trust, partnership, business or other account which represents or contains the contributor's funds and shall not mean a certified check, cashier's check, treasurer's check, registered check, money order, traveler's check or other similar negotiable instrument. No individual, candidate, political committee, or person acting on behalf of said individual, candidate, or political committee, shall make an expenditure for an amount exceeding fifty dollars except by check.

SECTION 8. Said chapter 55 is hereby further amended by striking out section 10A, inserted by section 29 of said chapter 43 of the acts of 1994, and inserting in place thereof the following section:-

Section 10A. (a) Contributions made by a person to or on behalf of a particular candidate, including contributions made through an intermediary or conduit, shall be treated as contributions from such person to such candidate.

(b) Contributions made to a candidate, such candidate's agent, such candidate's committee or such candidate's committee's agent, through an intermediary or conduit shall also be treated as contributions from the intermediary or conduit to the candidate, if the intermediary or conduit is:

(1) a political action committee, or an officer, employee or other agent of such political committee;

(2) a legislative or executive agent registered pursuant to section forty-one of chapter three, or a lobbying group or organization registered pursuant to section forty-four of chapter three, or an officer, employee, or agent of such legislative or executive agent or lobbying group or organization acting in its behalf; or

(3) any person charged with the responsibility of delivering individual contributions from a group of officers or employees or a combination thereof of a corporation who have pooled such contributions.

(c) For purposes of this section, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

(1) "Contributions made through an intermediary or conduit", shall mean:

(i) contributions delivered, whether in person or by mail, to a particular candidate or such candidate's authorized committee or agent; and

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(ii) contributions to a particular candidate, such candidate's authorized committee, such candidate's agent, or such candidate's committee's agent, in a manner that identifies in writing the person who arranged the making of the contributions.

(2) "Acting in its behalf", shall include using the name or resources of a person described in paragraph (b).

(d) Nothing in this section shall prohibit:

(1) a bona fide joint fund-raising effort conducted solely for the purpose of sponsorship of a fund-raising reception, dinner, or other event, in accordance with rules prescribed by the director by:

(i) two or more state or local committees of a political party acting on their own behalf, or

(ii) a special committee formed by one or more candidates and one or more state or local committees of a political party on their own behalf, or

(2) a fund-raising effort for the benefit of a candidate that is conducted by another candidate acting in his individual capacity.

(e) In all cases where contributions are made by a person either to or on behalf of a particular candidate through an intermediary or conduit as described in paragraph (b), the intermediary or conduit shall report in writing the original source and the intended recipient of such contribution along with other information required by this chapter to the director and to the intended recipient. A candidate or political committee that fails to receive such notice in writing, or equivalent actual notice of a violation of this section, shall not be civilly or criminally liable for any such violation, except to the extent of returning the excess of any contribution made in violation of this section.

(f) Nothing in this section shall be interpreted to permit a contribution which would otherwise violate the provisions of section ten.

(g) The limitations of this section regarding contributions made through an intermediary or conduit shall not apply when each contribution is one hundred dollars or less; provided, however, that said one hundred dollar amount shall be indexed biennially for inflation by the director, who, not later than December thirty-first of each odd numbered year, shall calculate and publish such indexed amount, using the federal consumer price index for the Boston statistical area.

SECTION 9. Section 18 of said chapter 55, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 16, 21, 30, 40, 54, 100, 101, 115, 122, 134 and 265 the word "tenth", each time it appears, and inserting in place thereof, in each instance, the following word:- twentieth.

SECTION 10. Said section 18 of said chapter 55, as so appearing, is hereby further amended by inserting after the word "candidate", in line 25, the second time it appears, the following words:- required to designate a depository by section nineteen or a candidate.

SECTION 11. Said section 18 of said chapter 55 is hereby further amended by striking out the thirteenth paragraph, inserted by section 32 of chapter 43 of the acts of 1994, and inserting in place thereof the following paragraph:-

In addition, each report required to be filed under the provisions of this section shall

also include the occupation and name of employer or employers for each person whose contribution or contributions in the aggregate equals or exceeds the sum of two hundred dollars within any one calendar year; provided, however, that no candidate or political committee shall be required to include such occupation and employer if, upon compliance with the requirements of section two concerning the inclusion of such occupation and employer, said candidate or political committee has not been able to obtain such information.

SECTION 12. Said section 18 of said chapter 55, as appearing in the 1992 Official Edition, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The provisions of this section requiring city, town and ward committees established under the provisions of chapter fifty-two to file reports shall not apply to any city, town or ward committee which has not received contributions or made expenditures in excess of one hundred dollars during any reporting period, nor incurred liabilities or acquired or disposed of assets in excess of one hundred dollars during any reporting period.

SECTION 13. Subsection (a) of section 19 of said chapter 55 is hereby amended by striking out, in line 5, the words ", mayor or other citywide office in a city with a total population, as determined by the most recent decennial federal census, of one hundred thousand or more persons", inserted by section 34 of chapter 43 of the acts of 1994, and inserting in place thereof the following words:- , mayor or other citywide office except for the office of school committee in a city with a total population, as determined by the most recent decennial federal census, of one hundred thousand or more persons.

SECTION 14. Said section 19 of said chapter 55, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "year", in line 43, the following words:- and, if such contribution is in an amount or value of two hundred dollars or more in the calendar year, such person's occupation and name of employer or employers.

SECTION 15. Subsection (e) of said section 19 of said chapter 55, as appearing in chapter 239 of the acts of 1993, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The cashier or treasurer of the bank, selected by any candidate or committee as above provided, shall file with the director and, if a candidate for nomination or election to the office of mayor or other citywide office except for school committee, shall also file a copy with the city clerk (1) during the last six months of an election year by the fifth day and twentieth day of each month while such account is in existence, and (2) during the first six months of an election year and during non-election years by the fifth day of each month while such account is in existence and has received deposits greater than two hundred and fifty dollars or made withdrawals greater than two hundred and fifty dollars during the preceding month but in any case no less than semiannually on the fifth day of January and July while such account is in existence, the following information, a statement of the balance as of the preceding first day or fifteenth day of the month or as of the last report filed pursuant to this paragraph, whichever is applicable, together with a summary of all of the deposit slips presented to the bank since the last such statement with any deposit of monies to the campaign account of such candidate or committee, listing the names alphabetically and other data as to all donors as it appeared

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on the deposit slip, and a list of all the checks presented to the bank since the last such statement upon which any funds were withdrawn from any such account with the names and addresses of the payees and the amount of each check, and the purposes for which the money was paid as thereon indicated.

SECTION 16. Section 48 of chapter 43 of the acts of 1994 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There is hereby established a special commission to consist of three members of the senate, one of whom shall be the chairman of the joint committee on election laws or his designee who shall serve as co-chairman, one of whom shall be the chairman of the senate committee on ways and means or his designee, and one of whom shall be the senate minority leader or his designee, and three members of the house of representatives, one of whom shall be the chairman of the joint committee on election laws or his designee who shall serve as co-chairman, one of whom shall be the chairman of the house committee on ways and means or his designee, and one of whom shall be the house minority leader or his designee, the governor or his designee, the state secretary or his designee, the attorney general or his designee, the state treasurer or his designee, the commissioner of revenue or his designee, the comptroller or his designee, the director of campaign and political finance or his designee, and six persons to be appointed by the governor, for the purpose of making an investigation and study relative to additional or full public financing of political campaigns.

SECTION 17. Notwithstanding the provisions of chapter forty-three of the acts of nineteen hundred and ninety-four or any other general or special law to the contrary, any provisions of law regulating the registration or activities of executive agents shall not be effective until July first, nineteen hundred and ninety-five.

SECTION 18. Section two of this act shall take effect on July first, nineteen hundred and ninety-five and the remainder of this act shall take effect as of January first, nineteen hundred and ninety-five.

Approved January 9, 1995.

**Chapter 293. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING
AND OPERATIONS TO GRANT CERTAIN EASEMENTS OVER
CERTAIN PARCELS OF LAND IN THE TOWN OF DARTMOUTH.**

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 convey a certain permanent easement over land located at and southerly of the Bristol County Correctional Facility in the town of Dartmouth to the town of Dartmouth, subject to the requirements of sections two, five and six, and to such additional terms and conditions as the commissioner may prescribe. Said easement is bounded and described as follows:

PARCEL ONE

Beginning at a point in a stone wall located S 77 degrees 17' 38" W a distance of 168.76' from a D. H. located at the Southwesterly corner of property now or formerly belonging to Joseph and Irene Sobral and also in the Northerly line of property now or formerly belonging to Lawrence E. Prince, et al;

Thence continuing S 77 degrees 17' 38" W bounding Southeasterly by said Prince property for a distance of 25.65 feet to a corner;

Thence N 25 degrees 35' 38" W for a distance of 483.21 feet to a point;

Thence N 03 degrees 48' 37" W for a distance of 792.08 feet to a point;

Thence N 63 degrees 21' 35" W for a distance of 291.07 feet to a point;

Thence S 87 degrees 05' 23" W for a distance of 263.55 feet to a point;

Thence N 70 degrees 23' 27" W for a distance of 265.44 feet to a point on a stone wall and the Easterly property line of property now or formerly to Margaret M. Smith Trustee, said point also being N 00 degrees 14' 27" E a distance of 126.75 feet from a D. H. located at the Southeasterly corner of said Smith property;

Thence N 00 degrees 14' 27" E along the centerline of a stone wall for a distance of 26.50 feet bounding Westerly by said Smith property to a point;

Thence S 70 degrees 23' 27" E for a distance of 269.25 feet to a point;

Thence N 87 degrees 05' 23" E for a distance of 265.16 feet to a point;

Thence S 63 degrees 21' 35" E for a distance of 296.67 feet to a point;

Thence N 50 degrees 28' 57" E for a distance of 78.14 feet to a point;

Thence N 09 degrees 11' 19" W for a distance of 40.11 feet to a point;

Thence N 80 degrees 48' 41" E for a distance of 25.00 feet to a point;

Thence S 09 degrees 11' 19" E for a distance of 54.45 feet to a point;

Thence S 50 degrees 28' 57" W for a distance of 94.21 feet to a point;

Thence S 03 degrees 48' 37" E for a distance of 788.01 feet to a point;

Thence S 25 degrees 35' 38" E for a distance of 484.12 feet to the point and place of beginning.

The above described easement consists of a strip of land, twenty-five feet in width, and contains 1.29 acres more or less in the town of Dartmouth, as shown on a plan prepared by Olde Boston Land Survey Co., Inc., New Bedford, MA Scale 1" = 60' Dated July 31, 1992 to be recorded in the Bristol county registry of deeds. In the event the 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.

PARCEL TWO

Beginning at Point "A" shown on the plan of land hereinafter described;

THENCE N 12° 42' 22" W for a distance of 25.00 feet to a point on the westerly line of land belonging to the County Commissioners of Bristol County;

THENCE N 77° 17' 38" E for a distance of 200.00 feet to the southwest corner of land belonging to Joseph & Irene Sobral;

THENCE N 77° 16' 54" E by land of the aforesaid Joseph & Irene Sobral for a dis-

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tance of 216.06 feet to the point at the southwest corner of land belonging to Olga Pontes;

THENCE S 9° 01' 52" E by land belonging to the aforesaid Olga Pontes for a distance of 102.91 feet to a point;

THENCE S 8° 44' 26" E by land belonging to the said Olga Pontes for a distance of 449.73 feet to a point;

THENCE S 8° 56' 39" E by land belonging to the said Olga Pontes for a distance of 297.02 feet for a corner;

THENCE N 77° 39' 16" E by said Olga Pontes land for a distance of 98.89 feet to a corner;

THENCE S 24° 46' 11" E by land belonging to the said Olga Pontes for a distance of 258.40 feet to a point;

THENCE S 25° 38' 52" E by land belonging to said Olga Pontes for a distance of 187.91 feet to a corner;

THENCE N 77° 08' 30" E by land belonging to said Olga Pontes for a distance of 121.06 feet to a point;

THENCE N 77° 23' 49" E by land of Olga Pontes for a distance of 211.65 feet, to a point on the westerly street line of Faunce Corner Road;

THENCE S 24° 31' 11" E along said street line of Faunce Corner Road for a distance of 25.55 feet to a point;

THENCE S 77° 23' 49" W for a distance of 216.87 feet to a point;

THENCE S 77° 08' 30" E for a distance of 140.07 feet to a point;

THENCE N 25° 38' 52" W for a distance of 208.06 feet to a point;

THENCE N 24° 46' 11" W for a distance of 238.50 feet to a point;

THENCE S 77° 39' 16" W for a distance of 105.33 feet to a point;

THENCE N 8° 56' 39" W for a distance of 323.59 feet to a point;

THENCE N 8° 44' 26" W for a distance of 449.71 feet to a point;

THENCE N 9° 01' 52" W for a distance of 76.18 feet to a point;

THENCE S 77° 16' 54" W for a distance of 189.40 feet to a point;

THENCE S 77° 17' 38" W for a distance of 200.00 feet to Point "A", the point of beginning.

The above described easement consists of a strip of land twenty-five feet in width and contains fifty-three thousand six hundred and fifty-three square feet in the town of Dartmouth, as shown on a plan to be recorded in the Bristol county registry of deeds. In the event the area so described in this act contradicts or is inconsistent with such area as shown on a plan of land prepared by Fay, Spofford & Thorndike, Inc., Lexington, Mass. Scale 1" = 80' Dated October 1987, then said plan and any subsequent plan of record shall control as to the accuracy and correctness of such description.

SECTION 2. No document conveying by or on behalf of the commonwealth the property described in section one of this act shall be valid unless such document provides that said easement shall be used to install, erect, operate, maintain, test, inspect, replace or remove a sewer line, together with the necessary pipes, conduits, manholes and handholes, along with other fixtures and apparatus deemed by the town of Dartmouth to be appropriate

upon, under, over and across such premises.

SECTION 3. 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 a certain permanent easement over land located at the Bristol county correctional facility in the town of Dartmouth to the Commonwealth Electric Company, subject to the requirements of sections two, five and six, and to such additional terms and conditions as the commissioner may prescribe. Said easement is bounded and described as follows:

Beginning at a point in the west line of Faunce Corner Road, said point being N 07 degrees 48' 38" W 57.00 feet from a concrete bound at the northeast corner of land now or formerly of Gaspar's Linguica Company; thence,

N 07 degrees 48' 38" W by the west line of Faunce Corner Road 63.00 feet to a point; thence,

S 82 degrees 11' 22" W 10.00 feet to a point; thence,

S 07 degrees 48' 38" E 28.00 feet to a point; thence, by a curved line deflecting to the right having a radius of 60.00 feet a distance of 94.25 feet to a point; thence,

S 82 degrees 11' 22" W 299.74 feet to a point; thence,

S 84 degrees 12' 17" W 194.53 feet to a point; thence,

S 78 degrees 10' 00" W 71.30 feet to a point; thence,

N 79 degrees 23' 10" W 111.71 feet to a point; thence,

S 82 degrees 57' 50" W 179.33 feet to a point; thence,

N 07 degrees 02' 10" W 2.50 feet to a point; thence,

S 82 degrees 57' 50" W 60.00 feet to a point; thence,

S 07 degrees 02' 10" E 20.00 feet to a point; thence,

N 82 degrees 57' 50" E 60.00 feet to a point; thence,

N 07 degrees 02' 10" W 2.50 feet to a point; thence,

N 82 degrees 57' 50" E 177.00 feet to a point; thence,

S 79 degrees 23' 10" E 78.26 feet to a point; thence,

S 11 degrees 50' 00" E 13.02 feet to a point; thence,

N 78 degrees 10' 00" E 105.00 feet to a point; thence,

N 84 degrees 12' 17" E 194.00 feet to a point; thence,

N 82 degrees 11' 22" E 330.00 feet to a point; thence, by a curved line deflecting to the left having a radius of 40.00 feet a distance of 62.83 feet to the point of beginning.

The above described easement consists of a strip of land, fifteen feet in width except along the westerly side of Faunce corner road which is variable in width, and contains 0.38 acres more or less in the town of Dartmouth, as shown on a plan prepared by Olde Boston Land Survey Co., Inc., New Bedford, MA Scale 1" = 40' Dated July 31, 1992 to be recorded in the Bristol county registry of deeds. In the event the 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.

SECTION 4. No document conveying by or on behalf of the commonwealth the

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property described in section three of this act shall be valid unless such document provides that said easement shall be used to install, erect, operate, maintain, test, inspect, replace or remove an electrical transformer for the supply of electricity to the commonwealth and its tenants, together with the necessary cables, and conductors installed in the commonwealth, conduits, manholes and handholes, along with other fixtures and apparatus deemed by the Commonwealth Electric Company to be appropriate upon, under, over and across such premises.

SECTION 5. The recipient of said easements shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the commissioner for the granting of such easements.

SECTION 6. In the event that the easements described in sections one and three of this act are not used for the purposes as described in sections two and four, said easements shall revert to the commonwealth upon such terms and conditions as the commissioner may determine.

Approved January 9, 1995.

Chapter 294. AN ACT AUTHORIZING THE CITY OF WESTFIELD TO USE CERTAIN PARK LAND FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Westfield is hereby authorized to divert the use of certain park land to highway use. Said land is shown on a map of the Massachusetts highway department transportation improvement project at North Elm street, Rt 101 and 202, which is on file in the city engineer's office of the city of Westfield.

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

Approved January 9, 1995.

Chapter 295. AN ACT CLARIFYING THE STATUS OF THE WORCESTER CITY CAMPUS CORPORATION.

Be it enacted, etc., as follows:

Section 14 of chapter 138 of the acts of 1992 is hereby amended by adding the following sentence:- The corporation shall not be deemed to be an agency, board, bureau, department, division, commission, authority or other subdivision of the commonwealth for any purpose, and its directors and officers who are not state employees as of December twenty-second, nineteen hundred and ninety-four shall not be considered to be state employees for any purpose including but not limited to purposes of chapters two hundred and sixty-eight A and two hundred and sixty-eight B.

Approved January 9, 1995.

Chapter 296. AN ACT RELATIVE TO THE FORM OF GOVERNMENT OF THE TOWN OF STONEHAM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 26 of the acts of 1981 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:-

Section 1. To the extent that the provisions of this act modify or repeal existing General Laws and special acts or that body of law which constitutes the town charter under section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern. For the purposes of this act, all references to officers, employees or other persons shall be read as applying equally to males and females, regardless of the gender of pronoun used.

Section 2. The selectmen shall appoint their administrative employees, the town administrator, town accountant, town counsel and the members of multi-member boards, committees and commissions except those appointed by the moderator or elected under Article 1 of the annual town meeting.

If the moderator does not make an appointment within sixty days after notification of a vacancy in a position for which the moderator is the appointing authority or within sixty days after a committee is created by the town meeting for which he is the appointing authority, the board of selectmen shall have authority and responsibility for making such appointment.

SECTION 2. Said chapter 26 is hereby further amended by striking out sections 4 to 9, inclusive, and inserting in place thereof the following six sections:-

Section 4. A member of the board of selectmen, the school committee, or the finance and advisory board shall, during the term for which he was elected or appointed, be ineligible either by election or appointment to hold any other town office. A person appointed by the town administrator to a town office under the provisions of this act or under any general or special law shall be eligible during the term of such office for appointment to any other town office; provided, however, that the town accountant shall not be eligible to hold the position of town treasurer or the position of town collector. The town administrator, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office which he is authorized to fill by appointment if legally qualified.

Section 5. The selectmen elected as provided herein shall appoint, as soon as practicable, for an indefinite term, a town administrator who shall be a person especially fitted by education, training and experience to perform the duties of said office. The town administrator shall be appointed without regard to his political beliefs. Such town administrator shall not be required to be a resident of the town or of the commonwealth when appointed, but shall become a resident of the commonwealth within one year and live within a reasonable distance of the town of Stoneham. Such administrator shall possess a college degree at the bachelor level and shall have had five years of full-time paid experience as a government manager or in a private administrative management position. A masters degree may substitute for not more than two years of such paid experience. Such admin-

istrator shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed or approved by the selectmen. Such administrator shall serve under contract in accordance with the provisions of law applicable to employment contracts for town administrators and receive a performance review within six months of his employment and annually thereafter. No contract shall affect the removal powers of the board of selectmen over the town administrator appointed hereunder, grant tenure to the town administrator, nor provide the town administrator with any contractual or other right to compensation upon termination pursuant to section eight, greater than the severance pay provided in said section, but may provide for severance pay for situations other than removal pursuant to said section eight. At least one hundred and twenty days prior to the expiration of the town administrator's contract the board of selectmen shall notify the town administrator, in writing, of its intention to retain or not retain him. Failure to retain the town administrator pursuant to such notification provision, shall not entitle the town administrator to severance pursuant to said section eight but shall not prohibit severance otherwise agreed to by contract.

Section 6. Any vacancy in the office of town administrator shall be filled as soon as possible by the selectmen. Pending the appointment of a town administrator, the selectmen shall, within seven working days, appoint a suitable person to perform the duties of said office.

Section 7. The town administrator may designate, by letter filed with the town clerk, an officer or department head of the town to perform his duties during his temporary absence or temporary disability not to exceed thirty consecutive days. In the event of failure of the administrator to make such designation, the selectmen may, by resolution, designate an officer or department head of the town to perform the duties of the administrator until he shall return or until his temporary disability shall cease.

In the event the town administrator does not or cannot appoint a person, or if an appointment by the town administrator, would exceed thirty consecutive days, the selectmen shall designate a suitable person to perform the duties of the town administrator until he shall return or his temporary disability ceases.

Section 8. The selectmen, by three concurring votes at a meeting of the board, may move removal of the town administrator. At least twenty days before such proposed removal shall become effective, the selectmen shall file a preliminary written resolution with the town clerk setting forth in detail the specific reasons for such proposed removal, a copy of which resolution shall be delivered to the town administrator. The administrator may, within ten days of service of such resolution, reply in writing and may request a public hearing. Service shall be deemed to have been accomplished by leaving a copy of such resolution at the administrator's last known address. If the administrator so requests, the board of selectmen shall hold a public hearing not earlier than ten days nor later than twenty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of twenty days following the filing of the preliminary resolution, and after full consideration, the selectmen by a three-fifths vote of the full membership of the board, may adopt a final resolution of removal. In the preliminary resolution, the selectmen may suspend the admin-

istrator from duty and such suspension shall be treated as a temporary absence. The town administrator shall continue to receive his compensation until final adjudication as provided herein. Upon the adoption of a final resolution of removal, the selectmen shall pay the administrator in the amount equal to one month's pay up to one full year of service to the town an additional month for each additional full year of service to the town, but in no event more than an amount equal to three month's pay; provided, however, that the cause for such removal is a criminal act all severance pay shall be withheld.

Section 9. The town administrator shall receive such compensation for his services as the selectmen shall determine, but compensation funded directly by the town shall not exceed the amount appropriated therefor by town meeting.

SECTION 3. Said chapter 26 is hereby further amended by striking out section 10, as most recently amended by section 4 of chapter 120 of the acts of 1987, and inserting in place thereof the following two sections:-

Section 10. In addition to specific powers and duties provided in this act, the town administrator shall have the general powers and duties enumerated in this section:

(a) The town administrator shall supervise and direct all departments, commissions, boards and offices, excluding elected officials, the employees of the board of selectmen, election officers, library personnel, multimember boards appointed by the board of selectmen, registrars of voters, the finance and advisory board, the town counsel, the town accountant, but not excluding departments and employees under such.

(b) The town administrator, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary, and may transfer the powers and duties of one department, commission, board or office to another upon fifteen days notice to the board of selectmen.

(c) In carrying out the activities related to personnel, the town administrator shall be governed by all applicable aspects of the personnel by-laws, which shall be updated biennially. In matters relating to hours and working conditions and related functions, those set out in the personnel by-laws or those covered by collective bargaining agreements shall be adhered to by all officials.

(d) Notwithstanding the provisions of section one hundred and eight of chapter forty-one of the General Laws, but subject to all applicable provisions of chapter thirty-one of the General Laws, the town administrator shall fix the compensation of all town officers and employees appointed by him, and all employees of elected bodies, except the school department, town counsel, town accountant and administrative employees of the board of selectmen.

(e) The town administrator shall attend all regular meetings of the board of selectmen.

(f) The town administrator shall keep full and complete records of his office and shall render to selectmen a full report of employment operations, issues and concerns at regular selectmen's meetings or as they arise.

(g) The town administrator shall keep the selectmen fully advised as to the needs of the town. The town administrator shall recommend to the selectmen for adoption all such measures requiring action by them or by the town.

(h) The town administrator shall have jurisdiction over the leasing, rental and use of all town land and buildings, except land and buildings under the control of the school committee, library trustees and the conservation commission.

Agreements, including leases and rentals, for the use of town-owned land and buildings under the control of the town administrator shall not exceed twelve months and shall not be extended or renewed without a vote of the town meeting.

The town administrator shall be responsible for the maintenance and repair of all town buildings, except land and buildings under the control of the school committee, library trustees and conservation commission. Said administrator shall be responsible for the preparation of plans and supervision of work on existing buildings or the construction of new buildings under his control as recommended by a vote of the town meeting.

(i) The town administrator shall be the awarding authority and chief procurement officer for the purchase of all supplies, materials, equipment and services, except purchases of the school committee and library trustees for which said committee and board shall be the awarding authority and chief procurement officer, respectively. The town administrator shall only approve the award of contracts for departments not under his supervision only upon requisition duly signed by the head of each such department.

Annually the town administrator shall secure before December first, a list of all equipment under control of each department in the town.

(j) The town administrator shall administer, either directly or through a person appointed by him in accordance with this act, all provisions of general and special laws applicable to said town and all by-laws and regulations and policies established by the selectmen. The town administrator shall perform such other duties consistent with the office, as may be required of him by the by-laws of the town or by vote of the selectmen or the town meeting.

(k) The town administrator shall have the authority to prosecute, defend and compromise all litigation which the town is a party, and shall be the executive officer of the town as referred to in chapter two hundred and fifty-eight of the General Laws pertaining to the processing of claims against said town.

(l) The town administrator shall be the selectmen's agent for collective bargaining and may employ special counsel to assist him in the performance of such duties.

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

Section 10A. The board of public works and the personnel board are hereby abolished. The town administrator shall succeed to all powers heretofore possessed by said boards.

SECTION 4. Said chapter 26 is hereby further amended by striking out sections 12 to 16, inclusive, as appearing in section 5 of said chapter 120 of the acts of 1987 and inserting in place thereof the following five sections:-

Section 12. 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 provisions of section fifty-six of chapter forty-one of the General Laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer but the selectmen shall approve all warrants in the event of a vacancy in the office of town administrator.

Section 13. The town administrator shall appoint the town treasurer, tax collector and all other town officials whose appointment or election is not specifically provided for herein. The town administrator shall appoint, and may remove subject to the civil service laws where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in this act. Appointments to permanent positions made by the town administrator shall become effective seven working days following the date on which the notice of appointment is filed with the board of selectmen, unless the board of selectmen shall, within such period, by a four-fifths vote of the full board, vote to reject any such appointment.

Section 14. After the acceptance of this act, the registered voters of the town of Stoneham shall, in accordance with any applicable laws, by-laws and votes of the town continue to elect the following officers for the following terms:

<u>Office</u>	<u>Term</u>	<u>Members</u>
a. moderator	2 yrs.	1
b. board of selectmen	3 yrs.	5
c. school committee	3 yrs.	5
d. planning board	5 yrs.	5
e. board of health	3 yrs.	3
f. board of assessors	3 yrs.	3
g. library trustees	3 yrs.	6
h. representative to northeast metropolitan regional vocational school	4 yrs.	1
i. housing authority	5 yrs.	5
j. constables	3 yrs.	3
k. town clerk	3 yrs.	1

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

Such officers shall be available to the administrator for consultation, conference and discussion on matters relating to their respective offices.

Section 15. At least seventy-five days prior to the annual town meeting, the town administrator shall submit to the selectmen a careful, detailed estimate, in writing, of the probable expenditures of the town government for the ensuing fiscal year, stating the amount

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required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the town for the same purposes in the preceding year and an estimate of the expenditures for the current year. He shall also submit a statement showing all revenues received by the town in the preceding fiscal year together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. He shall report the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise said amount. For the purpose of enabling the town administrator to make up the annual estimates of expenditures, all boards, officers and committees of the town shall, at least ninety days prior to the annual town meeting furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal years.

Section 16. The selectmen shall consider the tentative budget submitted by the town administrator and make such recommendations relative thereto as they deem expedient and proper in the interests of the town. On or before the fifty-fifth day prior to the annual town meeting, the selectmen shall transmit a copy of the budget, together with the recommendations, to the finance and advisory board.

SECTION 5. Said chapter 26 is hereby further amended by striking out section 17.

Approved January 9, 1995.

Chapter 297. AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN EMPLOYEES OF THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Lowell is hereby authorized to include Gerald Kilbride and James L. Hurley in the early retirement incentive program accepted by said city on July eighth, nineteen hundred and ninety-two pursuant to the provisions of section forty-eight of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two. Said Gerald Kilbride and James L. Hurley shall be entitled to all the benefits contained in said incentive program.

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

Approved January 9, 1995.

Chapter 298. AN ACT ESTABLISHING A SICK LEAVE BANK FOR CHERYL D'ANDREA, AN EMPLOYEE OF THE DEPARTMENT OF MENTAL HEALTH.

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 mental health, therefore 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 mental health is hereby authorized and directed to establish a sick leave bank for Cheryl D'Andrea, an employee of said department. 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 Cheryl D'Andrea.

Approved January 9, 1995.

Chapter 299. AN ACT RELATIVE TO THE RETIREMENT OF A CERTAIN EMPLOYEE OF THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Lowell is hereby authorized to include John J. Sheehan in the early retirement incentive program accepted by said city effective on July twenty-eighth, nineteen hundred and ninety-two pursuant to the provisions of section forty-eight of chapter one hundred and thirty-three of the acts of nineteen hundred and ninety-two. Said John J. Sheehan shall be entitled to all benefits contained in said incentive program.

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

Approved January 9, 1995.

Chapter 300. AN ACT AUTHORIZING THE CITY OF MELROSE TO GRANT AN EASEMENT OVER CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The city of Melrose is hereby authorized to grant a permanent easement on certain conservation land located in said city to Karl Geller of said city for no consideration. Said easement is shown on a plan entitled "Easement Exhibit, 68 Hawley Road, Melrose, Mass., prepared for Karl Geller", by Otte and Dwyer, Inc. Land Surveyors, Saugus, Mass., dated October 7, 1994, to be recorded in the south Middlesex registry of

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deeds.

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

Approved January 9, 1995.

Chapter 301. AN ACT RELATIVE TO THE RETIREMENT RIGHTS OF ELIZABETH TULLY.

Be it enacted, etc., as follows:

Notwithstanding the failure of Elizabeth A. Tully to complete two consecutive years of employment as required by paragraph (e) of subdivision (6) of section three of chapter thirty-two of the General Laws, the Massachusetts teachers' retirement board is hereby authorized and directed to process an application for a superannuation retirement for Elizabeth A. Tully.

Approved January 9, 1995.

Chapter 302. AN ACT PROVIDING THIRD PARTY REIMBURSEMENT FOR SERVICES OF CERTAIN HEALTH CARE WORKERS.

Be it enacted, etc., as follows:

SECTION 1. Section forty-seven M of chapter one hundred and seventy-five of the General Laws, inserted by section one of chapter three hundred and thirty-two of the acts of nineteen hundred and three, is hereby repealed.

SECTION 2. Said chapter 175 is hereby further amended by inserting after section 47P, inserted by section 142 of chapter 60 of the acts of 1994, the following section:-

Section 47Q. All individual or group accident and health insurance policies and health service contracts delivered, issued or renewed by an insurer or nonprofit health service corporation which provide benefits to individual subscribers and members within the commonwealth or to all group members having a principal place of employment within the commonwealth shall provide benefits for services rendered by a certified registered nurse anesthetist or nurse practitioner designated as such certified registered nurse anesthetist or nurse practitioner by the board of registration in nursing pursuant to the provisions of section eighty B of chapter one hundred and twelve; provided, however, that the following conditions are met: (1) the service rendered is within the scope of the certified registered nurse anesthetist's license or the nurse practitioner's authorization to practice by the board of registration in nursing; and (2) the policy or contract currently provides benefits for identical services rendered by a provider of health care licensed by the commonwealth.

SECTION 3. Section eight O of chapter one hundred and seventy-six A of the General Laws, inserted by section two of chapter three hundred and thirty-two of the acts of

nineteen hundred and ninety-three, is hereby repealed.

SECTION 4. Said chapter 176A is hereby amended by inserting after section 8 O, inserted by section 144 of chapter 60 of the acts of 1994, the following section:-

Section 8P. Any contract between a subscriber and the corporation under an individual or group hospital service plan delivered, issued or renewed in the commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth for services rendered by a certified registered nurse anesthetist or nurse practitioner designated as such certified registered nurse anesthetist or nurse practitioner by the board of registration in nursing pursuant to the provisions of section eighty B of chapter one hundred and twelve; provided, however, that the following conditions are met: (1) the service rendered is within the scope of the certified registered nurse anesthetist's license or nurse practitioner's authorization to practice by the board of registration in nursing; and (2) the policy or contract currently provides benefits for identical services rendered by a provider of health care licensed by the commonwealth.

SECTION 5. Section four M of chapter one hundred and seventy-six B of the General Laws, inserted by section three of chapter three hundred and thirty-two of the acts of nineteen hundred and ninety-three, is hereby repealed.

SECTION 6. Said chapter 176B is hereby further amended by inserting after section 4P, inserted by section 146 of chapter 60 of the acts of 1994, the following section:-

Section 4Q. Any subscription certificate under an individual or group medical service agreement delivered, issued or renewed in the commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth for services rendered by a certified registered nurse anesthetist or nurse practitioner designated as such a certified registered nurse anesthetist's license or nurse practitioner by the board of registration in nursing pursuant to the provisions of section eighty B of chapter one hundred and twelve; provided, however, that the following conditions are met: (1) the service rendered is within the scope of the certified registered nurse anesthetist's license or nurse practitioner's authorization to practice by the board of registration in nursing; and (2) the policy or contract currently provides benefits for identical services rendered by a provider of health care licensed by the commonwealth.

SECTION 7. The first paragraph of section 4 of chapter 176G of the General Laws, is hereby amended by striking out the last sentence, added by section 4 of chapter 332 of the acts of 1993, and inserting in place thereof the following sentence:- Such health maintenance contract shall also provide coverage for services rendered by a certified registered nurse anesthetist or nurse practitioner, as set forth in section forty-seven Q of chapter one hundred and seventy-five, subject to the terms of a negotiated agreement between the health maintenance organization and the provider of health care services.

Approved January 9, 1995.

Chapter 303. AN ACT RELATIVE TO THE ANNUAL MEETINGS OF MUTUAL FIRE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

The third paragraph of section 76 of chapter 175 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following two sentences:- A mutual fire insurance company may hold its annual meeting at a location other than its home office; provided, however, that such other location shall be within the Commonwealth; and, provided further, that the commissioner of insurance shall be informed in writing of such other location at least thirty days prior to the annual meeting. When the location of the annual meeting has been established, notice thereof shall be prominently posted in the company's home office within five business days prior to such meeting.

Approved January 9, 1994.

Chapter 304. AN ACT RELATIVE TO CERTAIN VETERANS WHO ARE LONG-TERM RESIDENTS OF STATE-AIDED LOW RENT HOUSING PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately protect certain veterans who are long-term residents of state-aided low rent housing 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 32 of chapter 121B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "is", in line 196, the first time it appears, the following words:- a veteran or.

Approved January 9, 1995.

Chapter 305. AN ACT AUTHORIZING AND DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN PITTSFIELD.

Be it enacted, etc., as follows:

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

SECTION 2. The commissioner of the division of capital planning and operations is hereby directed, notwithstanding the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to lease for a term not to exceed ninety-nine years, a

parcel of state-owned land with a building located thereon, known as the William Russell Allen House, located at 359 East street in the city of Pittsfield to the Pittsfield Art League for the purposes of advancing the arts and for use by the Pittsfield Art League, subject to the requirements of section three and to such additional terms and conditions as the commissioner may prescribe.

SECTION 3. The sale or lease price paid by the Pittsfield Art League for said parcel shall be the full and fair market value of the property determined by the independent appraisal, for its use as described herein. The inspector general shall review and approve said appraisal and said review shall include a review of the methodology utilized for said appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner for submission to the house and senate committees on ways and means and chairmen of the joint committee on state administration in accordance with section six of this act. The Pittsfield Art League shall pay said sale or lease price in accordance with the terms of the agreement.

SECTION 4. The Pittsfield Art League shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of property, or for any costs and liabilities and expenses of any nature and kind for its development, maintenance or operation. In the event said parcel of land ceases to be used at any time for the purposes contained herein said parcel of land shall revert to the care and control of the division of capital planning and operations and any further disposition of said parcel of land shall be subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws.

SECTION 5. The sale or lease price paid pursuant to section two shall be deposited in the general fund of the commonwealth.

SECTION 6. The commissioner shall, thirty days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within fifteen days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least fifteen days prior to execution.

Approved January 9, 1995.

Chapter 306. AN ACT ESTABLISHING AN INCOME ACCOUNT FOR THE QUINCY SCHOOL DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four and section three of chapter forty of the General Laws or any other general or spe-

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cial law to the contrary, the city of Quincy is hereby authorized to establish a revolving fund for the Quincy school department to be known as the "Quincy Public School Department Income Account", which shall be kept separate and apart from all other monies by the city treasurer in an interest-bearing account and into which shall be deposited the payments received from Quincy college for rental of the land, together with the buildings, fixtures and equipment thereon, located in said city of Quincy, known as fifty and fifty-eight Saville avenue and Coddington hall. Accrued interest shall be added to and become a part of said account.

SECTION 2. Expenditures from said account shall be made by the superintendent of schools with the approval of the Quincy school committee without appropriation and only for the following purposes:

(a) The implementation, operation and maintenance of a foreign language program for grades six, seven and eight within the Quincy public schools.

(b) The operation, maintenance and improvements to the technical and computer education programs of the Quincy public schools.

(c) Implementation, operation and maintenance of an athletic program for grades six, seven and eight within the Quincy public schools.

SECTION 3. Upon submission of the annual operating budget of the Quincy school department to the city council, the superintendent of schools shall submit also to the city council, a written report relative to the anticipated expenditures from the account established under the provisions of section one for the ensuing fiscal year. Said report shall be reviewed by the city council and the city council shall approve, disapprove or take no action on said report; provided, however, that:

(a) no expenditures shall be made for the ensuing fiscal year from said account if the city council disapproves the report,

(b) expenditures shall be made for the ensuing fiscal year if the city council approves the report,

(c) if by June first, the city council has not disapproved the report, then the report shall be deemed to have been approved by the city council as if there had been an affirmative vote approving same as of that date.

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

Approved January 9, 1995.

Chapter 307. AN ACT AUTHORIZING THE CITY OF NORTHAMPTON TO ACQUIRE BY CONVEYANCE LAND BELONGING TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

Be it enacted, etc., as follows:

Chapter 86 of the acts of 1994 is hereby amended by inserting after section 15 the following section:-

Section 15A. The division of capital planning and operations is hereby authorized and directed to convey by deed, approved as to form by the attorney general a parcel of land at Northampton state hospital, containing approximately twelve acres of land, to the city of Northampton, for municipal purposes, including but not limited to, a school, a public safety facility or an athletic field complex. Said parcel is known as "Parcel C", and the precise configuration of said parcel shall be established in a land survey accompanying the memorandum of agreement. The city of Northampton may, prior to the capital improvement of said site, use said parcel for temporary municipal services, including but not limited to athletic fields. Any athletic fields on said parcel shall be used in the following order of priority: for the Northampton soccer club; senior league baseball; little league baseball; farm league baseball; T-ball league baseball; Lassie league softball; Lassiette league softball and youth football.

The consideration for the conveyance of said parcel shall be the acceptance by the city of Northampton that said conveyance is the full and complete compensation or discharge of any obligation, whether said obligation be monetary, moral or of any kind or nature, that the city of Northampton may be owed by the commonwealth for the closure of the Northampton state hospital. In the event said parcel of land ceases to be used at any time for the municipal purposes contained herein said parcel of land shall revert to the care and control of the division of capital planning and operations and any further disposition of said parcel of land shall be subject to the provisions of section forty E to forty J, inclusive of chapter seven of the General Laws.

The city of Northampton shall be responsible for any costs for appraisals, surveys, and other expenses relating to the transfer of said parcel or any costs or expenses of any nature and kind for its development or for its maintenance and liabilities.

Approved January 9, 1995.

Chapter 308. AN ACT RELATIVE TO REDUCTION IN RANK FOR EMPLOYEES OF THE FIRE FORCE OF THE TOWN OF WEYMOUTH.

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 town of Weymouth serving in any position in a title above the lowest title on such force is to be separated from such a position because of lack of money or abolition of such a position, 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

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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 9, 1995.

Chapter 309. AN ACT EXEMPTING CERTAIN DOCUMENTS FILED IN RELATION TO THE NANTUCKET ISLAND LAND BANK FROM THE DEFINITION OF PUBLIC RECORDS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 669 of the acts of 1983 is hereby amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. (a) The commission shall keep a full and accurate account of its actions including a record as to when, from or to whom, and on what account money has been paid or received relative to this act, and as to when, from and to whom, and for what consideration real property interests have been acquired, improved, or disposed of. Said records and accounts shall be subject to examination by the director of accounts or his agent pursuant to section forty-five of chapter thirty-five of the General Laws.

The county treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the commission and the land bank. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

(b) Schedules of beneficiaries of trusts, list of stockholders of corporations and lists of partnerships filed with the commission for the purpose of determining or fixing the amount of the fee imposed under section ten or for the purpose of determining the existence of any exemption under section twelve shall not be public records for the purposes of section ten of chapter sixty-six of the General Laws.

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

Approved January 9, 1995.

Chapter 310. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF NEW BEDFORD AS THE SERGEANT JOSEPH R. PAULETTE BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway route 140 over Shawmut Avenue in the city of New

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Bedford shall be designated and known as the Sergeant Joseph R. Paulette memorial bridge. A suitable marker bearing said designation shall be attached thereto by the department of highways in compliance with the standards of said department.

Approved January 9, 1995.

Chapter 311. AN ACT AUTHORIZING THE TOWN OF ANDOVER TO CONVEY A CERTAIN PARCEL OF LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Andover, acting by and through its board of selectmen, is hereby authorized to convey a certain parcel of land located in said town to Genetics Institute, Inc. Said parcel is shown as Lot A on a plan entitled, "Plan of Land in Andover, Massachusetts," prepared for the Town of Andover, scale: 1" = 40', dated January twelfth, nineteen hundred and ninety-four by Martinage Engineering Associates, Inc., Civil-Environmental Engineers & Land Surveyors, 131 Main Street, Reading, MA, and contains .990 acres, more or less. Said Lot A is to be conveyed subject to the rights of others, if any, in the existing brook which crosses the premises as shown on said plan and subject to such further restrictions as the board of selectmen deem advisable in the interest of the town of Andover.

SECTION 2. In consideration for the conveyance authorized in section one, said Genetics Institute, Inc. shall convey a certain parcel of land located in said town to the town of Andover for conservation purposes pursuant to section eight C of chapter forty of the General Laws. Said parcel is shown as Lot Y on a plan entitled, "Plan of Land in Andover, Massachusetts," prepared for Genetics Institute, scale: 1" = 40', dated January eleventh, nineteen hundred and ninety-four by Martinage Engineering Associates, Inc., Civil-Environmental Engineers & Land Surveyors, 131 Main Street, Reading, MA, and contains 1.112 acres, more or less. Said Lot Y is to be conveyed subject to: (1) all easements and encumbrances of record; (2) an easement in favor of Genetics Institute, its successors and assigns, for drainage and slope purposes; and (3) subject to such further restrictions and reservations as the board of selectmen deem in the interest of said town of Andover.

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

Approved January 9, 1995.

Chapter 312. AN ACT RELATIVE TO VOTING IN THE TOWN OF ROCKPORT.

Be it enacted, etc., as follows:

SECTION 1. The town of Rockport shall be exempt from the provisions of section six of chapter fifty-four of the General Laws regarding the establishment of voting precincts.

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

Approved January 9, 1995.

Chapter 313. AN ACT RELATIVE TO THE PAYMENT BY THE METHUEN FIREFIGHTERS' RELIEF ASSOCIATION, INC. OF CERTAIN RETIREMENT BENEFITS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for payment by the Methuen Firefighters' Relief Association, Inc. of certain retirement benefits, therefore 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 191 of the acts of 1959 is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of any law to the contrary, any member in good standing of the Methuen Firefighters' Relief Association, Inc. who retires from active duty in the Methuen fire department shall apply to the board of directors, in writing, within sixty days of said retirement, for the purpose of receiving a percentage of the full retirement benefit based upon years of membership in said association as follows: less than five years zero percent; five years or more, but less than ten years, ten percent; ten years or more, but less than fifteen years, twenty-five percent; fifteen years or more, but less than twenty years, fifty percent; twenty years or more, but less than twenty-five years, eighty percent; twenty-five years or more, one hundred percent, and he shall thereupon cease to be a member of said association and he shall no longer be entitled to any benefits therefrom.

Approved January 9, 1995.

Chapter 314. AN ACT RELATIVE TO THE RETIREMENT RIGHTS OF LOUIS BARTOLINI.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the retirement rights of Louis Bartolini, therefore 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 clause (iv) of paragraph (a) of subdivision (2) of section three of chapter thirty-two of the General Laws or any other general or special law

to the contrary, the town of Brookline retirement board is hereby authorized and directed to allow Louis Bartolini of the town of Southborough to be a member in service in such retirement system and to allow him, upon appropriate payment, to purchase creditable service for the period of service of said Louis Bartolini with the town of Southborough as selectman from January first, nineteen hundred and sixty-three to December thirty-first, nineteen hundred and seventy-seven and January first, nineteen hundred and seventy-nine to December thirty-first, nineteen hundred and eighty-two and the period of service of said Louis Bartolini with the town of Brookline from June tenth, nineteen hundred and ninety-two to the present. Said Louis Bartolini shall repay into the annuity savings fund of said system, in one sum or in installments as the board shall determine, an amount equal to the amounts which were withdrawn by him from the retirement system with respect to his aforesaid period of service with the town of Southborough, plus interest thereon, and he shall further pay into said annuity savings fund, in one sum or in installments as the board shall determine, an amount equal to the amount which would have been withheld by the town of Brookline had said Louis Bartolini been a member in service in said system during the aforesaid period of service with the town of Brookline. Upon completion of the payments required herein, said retirement board shall grant to said Louis Bartolini creditable service for the aforesaid periods of time.

Approved January 10, 1995.

Chapter 315. AN ACT ADVANCING FINANCIAL MANAGEMENT THROUGH TECHNOLOGY.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 7A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the first paragraph the following three paragraphs:-

This authority shall pertain to all accounts and funds of the commonwealth unless specifically exempted by general or special law.

The comptroller may exclude from such certificate any amount otherwise due to any person owing an overdue debt to the commonwealth or any agency thereof, provided, however, that the head of such agency has filed with the comptroller an affidavit specifying 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, subject to regulations promulgated by the comptroller. Such regulations shall include but not be limited to the following requirements:

(1) that said agency issue four written notices to the debtor over a one hundred and twenty day period prior to requesting exclusion of such overdue amounts from such certificate;

(2) that such notices advise the debtor of his right to a hearing before said agency,

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and;

(3) that, unless otherwise provided by law, said agency shall hold a hearing pursuant to the provisions of chapter thirty A upon timely written application of the debtor.

Said regulations may authorize the comptroller to waive requirements at the request of an agency head provided that all waivers shall be in writing and state the reasons therefor.

SECTION 2. Said chapter 7A is hereby further amended by striking out sections 5 and 5A, as so appearing, and inserting in place thereof the following two sections:-

Section 5. All bills and vouchers on which money has been or may be paid from the treasury upon the certificate of the comptroller or the warrant of the governor shall be kept in the office of the comptroller; and all departments, offices, commissions and institutions authorized to make contracts under which money may be payable from the treasury shall file as directed by the comptroller, before payment, certified copies thereof. The comptroller shall publish regulations prescribing the medium, and the central repository location of such copies; provided, that such regulations shall ensure that the house and senate committees on ways and means have full access to such copies. The comptroller is authorized and directed to establish a vendor payment schedule which may be revised from time to time. Notwithstanding any general or special law to the contrary such schedule shall be based on sound business principles as determined by the comptroller and shall provide for maximum utilization of discounts allowed for prompt payment.

Section 5A. The comptroller shall adopt rules and regulations, providing for the payment by the commonwealth of penalty interest in accordance with the provisions of section twenty-nine B of chapter twenty-nine and the U.S. Cash Management Improvement Act of 1990, 31 U.S.C. 650, et seq.

SECTION 3. Section 7 of said chapter 7A, as so appearing, is hereby amended by adding the following sentence:- Such instructions will pertain to the financial accounting of assets, liabilities, fund equities, revenues, and expenses of all funds unless specifically exempted by general or special law.

SECTION 4. Said chapter 7A, as so appearing, is hereby further amended by striking out section 8 and inserting in place thereof the following section:-

Section 8. The comptroller shall keep all general books of account and determine the extent and character of subsidiary accounts to be kept by all departments, offices, commissions and institutions of the commonwealth. He shall have full authority to prescribe, regulate and make changes in the method of keeping and rendering accounts. He shall establish in each such department, office, commission and institution a proper system of accounts, which shall be uniform so far as is practicable, and a proper system of accounting for supplies, materials and fixed assets. He shall provide such safeguards and systems of checking as will ensure, so far as possible, the proper collection of all revenue due the commonwealth. The comptroller shall review at least annually all accounting systems related to nontax revenue for conformity to and compatibility with the standards of performance embodied in the state accounting system. Based on such reviews, the comptroller is authorized to direct state departments to implement such changes in such accounting systems as he deems necessary to meet statewide standards. Such direction shall

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govern all commonwealth funds and accounts unless specifically exempted by general or special law.

The comptroller is further authorized to direct departments to withhold services, exclusive of those related to health, welfare or public safety which are mandated by law, from any debtor as defined in section one of chapter sixty-two D subject to regulations promulgated by the comptroller. Such regulations shall include but not be limited to the following requirements:

(1) that the creditor agency issue four written notices to the debtor over a one hundred and twenty day period prior to requesting withholding of such services;

(2) that such notices advise the debtor of his right to a hearing before said agency; and

(3) that, unless otherwise provided by law, said agency shall hold a hearing pursuant to the provisions of chapter thirty A upon timely written application of the debtor.

Said regulations may authorize the comptroller to waive requirements at the request of an agency head provided that all waivers shall be in writing and state the reasons therefor.

The comptroller shall set the late charge rate provided for under section twenty-nine H of chapter twenty-nine semiannually on January first and July first each year; provided, however, that said rate be equal to twice the discount rate charged on said dates by the Federal Reserve Bank of Boston.

SECTION 5. Said chapter 7A is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following two sections:-

Section 9. The comptroller shall keep a distinct account, under appropriate headings, of all revenues and expenses. He shall keep an account of all funds and of other public property and of all debts and obligations due to and from the commonwealth; and for such purpose he shall have free access to the books and papers of all departments, offices, commissions and institutions for all accounts and funds of the commonwealth unless specifically exempted by general or special law.

Section 9A. The comptroller is hereby authorized and directed to work with the state auditor's office and other audit entities as appropriate to ensure the audit of commonwealth financial operations in conformity to generally accepted auditing standards and generally accepted governmental auditing standards. In the performance of the state auditor's or other audit entity's functions relative to audit, the records, resources, and full cooperation of the office of the comptroller shall be available.

The comptroller shall review, revise and publish internal control guidelines mandated by chapter six hundred and forty-seven of the acts of nineteen hundred and eighty-nine. In making such revisions he shall consult with the office of the state auditor to ensure the guidelines accurately reflect the role of the office of state auditor in the review and oversight of internal control practices.

SECTION 6. Chapter 29 of the General Laws is hereby amended by inserting after section 29G, as so appearing, the following two sections:-

Section 29H. Except as otherwise provided by law, the officer having charge of any state agency is hereby authorized to assess and collect a late charge against any person ow-

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ing an overdue payment to the commonwealth subject to the following provisions:

(1) that the required payment date shall be the date on which payment is due under the laws, rules or regulations administered by such agency;

(2) that the late charge rate provided for under this section shall not exceed that computed as prescribed in section eight of chapter seven A but a lower rate or a flat fee or both may be applied; and

(3) that notice of intent to assess and collect that late charge shall be provided to the debtor prior to collection.

Any state agency is authorized to adopt rules and regulations to implement the provisions of this section.

Any state agency collecting late charges under the provisions of this section shall deposit all amounts collected in the revenue account that pertains to the original accounts receivable.

The comptroller shall include in the annual financial report a summary report on any late charges collected under this section during the preceding fiscal year. Such report shall include the number, amounts, and frequency of late charges collected, summarized by state agency and secretariat, where applicable.

Section 29I. The comptroller shall develop and implement a payment system and regulations for interdepartmental fiscal transactions including interdepartmental service agreements and interdepartmental chargebacks. The chargeback system and regulation shall require state agencies that purchase legislatively authorized goods or services from approved chargeback departments to remit fiscal obligations within thirty days of receipt of notice of said obligation. The comptroller shall submit periodic reports on request to the house and senate committees on ways and means listing those agencies which do not meet the thirty day payment schedule. Said report shall also include but not be limited to the identification of the agency receiving said goods or services and the agency providing said goods or services; provided, that said identification includes the name of the agency and the item number, the goods or services provided, and the amount of outstanding obligation. The comptroller is authorized to take such action as he deems necessary to ensure compliance with the payment obligations under this section.

SECTION 7. Section 1 of chapter 62D of the General Laws, as so appearing, is hereby amended by inserting after the word "sum", in line 20, the following words:- or any liquidated sum, certified by the comptroller as due and owing to any state agency, as defined in section one of chapter twenty-nine.

SECTION 8. Said section 1 of said chapter 62D, as so appearing, is hereby further amended by inserting after the word "corporation", in line 26, the following words:- or any individual or entity owing a debt as defined herein.

SECTION 9. Said section 1 of said chapter 62D, as so appearing, is hereby further amended by striking out, in line 32, the word "individuals".

SECTION 10. Section 4 of said chapter 62D, as so appearing, is hereby amended by inserting after the word "loan", in line 6, the following words:- or with respect to any other debt as defined in section one, the name of the agency owed as the subject matter and

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amount of the debt.

SECTION 11. Section 13 of said chapter 62D, as appearing in section 8 of chapter 460 of the acts of 1993, is hereby amended by striking out the words "and (v) the board of regents of higher education" and inserting in place thereof the following words:- (v) the higher education coordinating council; and (vi) other debts as defined in section one in the order certified by the comptroller.

SECTION 12. Section 4 of chapter 268 of the acts of 1990, as amended by section 219 of chapter 138 of the acts of 1991, is hereby further amended by striking out the words "September first" and inserting in place thereof the words:- September fifteenth.

SECTION 12A. Notwithstanding the provisions of any general or special law to the contrary, 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 for the analysis and development of appropriations bills shall not be charged to any item of appropriation of the house of representatives, the senate or any joint legislative account in fiscal year nineteen hundred and ninety-five. For the purposes of this section, computer resources and services shall include, but shall not be limited to, the following: IMAGINE, the data warehouse, so-called, the Massachusetts management accounting and reporting system, and the personnel administrative reporting information system.

SECTION 13. The comptroller initially shall set the late charge authorized by section twenty-nine H, of chapter twenty-nine of the General Laws, inserted by section six of this act, at twice the discount rate charged on the effective date of this act.

SECTION 14. The provisions of section twenty-nine H of chapter twenty-nine of the General Laws as added by section six of this act shall apply to payment obligations incurred after the effective date of this act.

Approved January 10, 1995.

Chapter 316. AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO ENTER INTO CERTAIN CONTRACTS FOR REHABILITATION OF ITS LANDFILL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-nine M of chapter thirty, sections forty-four A to forty-four I, inclusive, of chapter one hundred and forty-nine of the General Laws or any other general or special law or rule or regulation providing for the advertising, bidding, or award of contracts relating to the procurement of services or to improvements to, or the acquisition or disposition of, real or personal property to the contrary, but subject to the provision of chapter thirty B of the General Laws, the town of Fairhaven is hereby authorized to enter into contracts for the rehabilitation, operation, maintenance, repair and management of said town's landfill located off Bridge street in said

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town. Any such contract may provide for, but shall not be limited to, feasibility studies, testing, closure plan development, excavation, installation of liners and leachate collection systems, reclamation and development of space, utilization of the developed space including charging both public and private sources for such use and the operation of the landfill and the payment and provision of services to the town.

SECTION 2. Any contract authorized in section one may be made with a single responsible vendor or joint venture. Such contract shall contain such provisions as may in each case be deemed necessary or appropriate by the town of Fairhaven to provide for the reclamation of and ultimate closure of said landfill.

SECTION 3. Town meeting approval shall be required of any contract entered into pursuant to this act.

SECTION 4. Any contract authorized in section one solicited, evaluated, awarded, executed or performed prior to the effective date of this act are hereby ratified, validated and confirmed, subject to town meeting approval.

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

Approved January 10, 1995.

Chapter 317. AN ACT RELATIVE TO ACADEMIC STANDARDS FOR COMPETENCY DETERMINATION.

Be it enacted, etc., as follows:

Clause (i) of the fourth paragraph of section 1D of chapter 69 of the General Laws, as appearing in section 29 of chapter 71 of the acts of 1993, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The "competency determination" shall be based on the academic standards and curriculum frameworks for tenth graders in the areas of mathematics, science and technology, history and social science, foreign languages, and English, and shall represent a determination that a particular student has demonstrated mastery of a common core of skills, competencies and knowledge in these areas, as measured by the assessment instruments described in section one I.

Approved January 11, 1995.

Chapter 318. AN ACT AMENDING THE LAWS REGARDING THE OPERATION OF CERTAIN WATERCRAFT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 90 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after the definition of "Intersecting way",

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the following two definitions:-

"Like offense", as used in sections twenty-four and twenty-four D, shall mean any violation of subparagraph (1) of paragraph (a) of subsection (1) of section twenty-four, or any violation of paragraph (1) of subsection (a) of section eight of chapter ninety B.

"Like violation", as used in sections twenty-four and twenty-four D, shall mean any violation of subparagraph (1) of paragraph (a) of subsection (1) of section twenty-four, or any violation of paragraph (1) of subsection (a) of section eight of chapter ninety B.

SECTION 2. Section 23 of said chapter 90, as so appearing, is hereby amended by inserting, in line 42, after the words "twenty-four N" the following words:- of this chapter, or pursuant to subsection (a) of section eight, or pursuant to a violation of section eight A or section eight B of chapter ninety B.

SECTION 3. Section 24N of said chapter 90, as amended by section 10 of chapter 25 of the acts of 1994, is hereby further amended by inserting, in line 3, after the words "twenty-four L" the following words:- of this chapter, or a violation of paragraph (1) of subsection (a) of section eight, or a violation of section eight A or section eight B of chapter ninety B.

SECTION 4. Said section 24N of said chapter 90, as so appearing, is hereby further amended by inserting, in line 10, after the words "motor vehicle" the following words:- or vessel.

SECTION 5. Section 1 of chapter 90B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, after the definition of "Horsepower", the following definition:-

"Identification number", - the number awarded to a vessel subject to this chapter and upon approval of an application for a certificate of number.

SECTION 6. Said section 1 of said chapter 90B, as so appearing, is hereby further amended by inserting after the definition of "Length", the following definition:-

"Like offense", - as used in subsection (a) of section eight, shall mean any violation of paragraph (1) of subsection (a) of section eight, or any violation of subparagraph (1) of paragraph (a) of subsection (1) of section twenty-four of chapter ninety.

SECTION 7. Said section 1 of said chapter 90B, as so appearing, is hereby further amended by inserting, after the definition of "Personal flotation devices", the following definition:-

"Registrar", - the registrar of motor vehicles.

SECTION 8. Paragraph (1) of subsection (a) of section 8 of said chapter 90B, as so appearing, is hereby amended by striking out in line 4 the following words "section one of".

SECTION 9. Said paragraph (1) of subsection (a) of section 8 of said chapter 90B, as so appearing, is hereby further amended by adding the following subparagraphs:-

(A) Whoever so operates any vessel 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 two and one-half years, or both.

If the defendant has been previously convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like offense within

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six years preceding the date of the commission of the offense for which he has been convicted, the defendant shall be punished by a fine of not less than three hundred nor more than one thousand dollars and by imprisonment for not less than fourteen days nor more than two and one-half years, provided that the sentence imposed upon such person shall not be reduced to less than fourteen days, nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served fourteen days of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative, to obtain emergency medical or psychiatric services unavailable at said institution, or to engage in employment pursuant to a work release program.

If the defendant has been previously convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like offense two times within six years preceding the date of the commission of the offense for which he has been convicted, the defendant shall be punished by a fine of not less than five hundred nor more than one thousand dollars and by imprisonment for not less than six months nor more than two and one-half years, provided that the sentence imposed upon such person shall not be reduced to less than six months, nor suspended, nor shall any person be eligible for probation, parole, or furlough or receive any rededuction from his sentence for good conduct until he shall have served six months of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program; provided, further, that the defendant shall serve such six month sentence in a correctional facility specifically designated by the department of correction for the incarceration and rehabilitation of those who operate while under the influence of intoxicating liquor.

If the defendant has been previously convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like offense three times within ten years preceding the date of the commission of the offense for which he has been convicted, the defendant shall be punished by a fine of not less than five hundred nor more than one thousand dollars and by imprisonment in the state prison for not less than two and one-half years nor more than ten years or by such fine and imprisonment in a jail or house of correction for not less than one year nor more than two and one-half years; provided, however, that the sentence imposed upon such person shall not be reduced to less than one year nor suspended, nor shall any such person be eligible for probation, parole, or

furlough or receive any deduction from his sentence for good conduct until he shall have served one year of such sentence; provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program.

If the defendant has been previously convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like offense four or more times within ten years preceding the date of the commission of the offense for which he has been convicted, the defendant shall be punished by a fine of not less than one thousand nor more than one thousand five hundred dollars and by imprisonment in the state prison for not less than two and one-half years nor more than ten years, or by such fine and imprisonment in a jail or house of correction for not less than two years nor more than two and one-half years; provided, however, that the sentence imposed upon such person shall not be reduced to less than two years nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served two years of such sentence; provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program.

(B) A prosecution commenced under the provisions of this paragraph shall not be placed on file or continued without a finding. No trial shall be commenced on a complaint alleging a violation of this paragraph, nor shall any plea be accepted on such a complaint, nor shall the prosecution on such a complaint be transferred to another division of the district court or to a jury-of-six session, until the court receives a report from the commissioner of probation pertaining to the defendant's record, if any, of prior convictions of like offenses or of assignment to an alcohol education or rehabilitation program because of a like offense; provided, however, that the provisions of this paragraph shall not justify the postponement of any such trial or of the acceptance of any such plea for more than five working days after the date of the defendant's arraignment. The commissioner of probation shall give priority to requests for such records.

(C) At any time before the commencement of a trial or acceptance of a plea on a complaint alleging a violation of this paragraph, the prosecutor may apply for the issuance of a new complaint pursuant to section thirty-five A of chapter two hundred and eighteen alleging a violation of this paragraph and one or more prior like offenses. If such application is made upon motion of the prosecutor, the court shall stay further proceedings on the origi-

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nal complaint pending the determination of the application for the new complaint. If a new complaint is issued, the court shall dismiss the original complaint and order that further proceedings on the new complaint be postponed until the defendant has had sufficient time to prepare a defense.

(D) If a defendant waives right to a jury trial pursuant to section twenty-six A of chapter two hundred and eighteen on a complaint under this paragraph he shall be deemed to have waived right to a jury trial on all elements of said complaint subject to the right to appeal pursuant to section twenty-seven A of said chapter two hundred and eighteen.

(E) Except as provided herein the provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person charged with a violation of this paragraph if said person has been convicted of or assigned to an alcohol education or rehabilitation program because of a like offense by a court of the commonwealth within a period of six years immediately preceding the commission of the offense with which he is charged.

(F) Notwithstanding the provisions of section six A of chapter two hundred and seventy-nine, the court may order that a defendant convicted of a violation of this subparagraph be actually imprisoned only on designated weekends, evenings or holidays; provided, however, that the provisions of this paragraph shall apply only to a defendant who has not been convicted previously of a like offense or assigned to an alcohol education or rehabilitation program within six years preceding the date of the commission of the offense for which he has been convicted.

SECTION 10. Paragraph (2) of subsection (a) of section 8 of said chapter 90B, as so appearing, is hereby amended by inserting, in line 6, after the number "(2)" the following letter:- (a).

SECTION 11. Said paragraph (2) of said subsection (a) of said section 8 of said chapter 90B, as so appearing, is hereby further amended by striking out lines 62 to 92, inclusive, and inserting in place thereof the following two subparagraphs:-

(A) If a person arrested for operating a vessel while under the influence of intoxicating liquor refuses to submit to such test or analysis, after having been informed that his license, permit or right to operate motor vehicles shall be suspended and his certificate of number may be revoked for a period of one hundred and twenty days for such refusal, no such test or analysis shall be made, but the officer before whom such refusal was made shall immediately prepare a written report of such refusal. Such written report of such refusal shall be endorsed by a third person who shall have witnessed such refusal. Each such report shall be made on a form approved by the registrar, and shall be sworn to under the penalties of perjury by the officer before whom such refusal was made. Each such report shall set forth the grounds for the officer's belief that the person arrested had been operating a vessel while under the influence of intoxicating liquor, and shall state that such person had refused to submit to such chemical test or analysis when requested by such officer to do so. Each such report shall be endorsed by the supervisor of such officer and shall be sent forthwith to the registrar and to the director. Upon receipt of such report, the registrar shall suspend any license or permit to operate motor vehicles issued to such person under chapter ninety

or the right of such person to operate motor vehicles in the commonwealth under section ten for a period of one hundred and twenty days, and the director may revoke the certificate of number of the vessel of such person and may refuse to issue any certificate of number to such vessel for a period of one hundred and twenty days.

(B) Any person whose license, permit or right to operate motor vehicles has been suspended or whose certificate of number has been revoked under this paragraph shall be entitled to a hearing before the registrar which shall be limited to the following issues: (i) did the officer have reasonable grounds to believe that such person had been operating a vessel while under the influence of intoxicating liquor on the waters of the commonwealth, (ii) was such person placed under arrest and (iii) did such person refuse to submit to such test or analysis. If, after such hearing, the registrar finds on any one of the said issues in the negative, the registrar shall reinstate such license, permit or right to operate motor vehicles of such person and shall notify the registrar of such reinstatement. Upon receipt of such notification, the director shall reinstate such certificate of number to the vessel of such person.

Notwithstanding any of the foregoing, any person whose certificate of number has been revoked under this paragraph may at any time apply for and shall, within fifteen days, be granted a hearing before the director for the purpose of requesting the issuance of a certificate of number on the grounds of hardship and the director may, in his discretion, issue such certificate of number under such terms and conditions as he deems appropriate and necessary.

SECTION 12. Said subsection (a) of said section 8 of said chapter 90B, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

(3)(A) Notwithstanding any of the foregoing, any person convicted of or charged with a violation of paragraph (1) and who has not been previously convicted or assigned to an alcohol education or rehabilitation program because of a like offense, may, if he consents, be placed on probation for not more than two years and shall, as a condition of probation, be ordered to complete a boating safety education course, if he has not previously completed one and received a certificate of same and, if deemed necessary by the court, to complete an alcohol education or rehabilitation program provided or sanctioned by the division of alcoholism, and comply with all conditions of said alcohol education or rehabilitation program. Such conditions of probation shall specify a date before which such boating safety education course and alcohol education or rehabilitation program must be attended and completed. Such order of probation shall be in addition to any penalties imposed as provided in paragraph (1) of this subsection.

Notwithstanding any of the above provisions, a judge, before imposing sentence on a defendant who pleads guilty to or is found guilty of a violation of paragraph (1) and who has not been convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like offense two or more times within six years of the date of the commission of the offense for which he has been convicted shall receive a report from the probation staff of the court which shall include, but not be limited to, a copy

of the defendant's operating record, the criminal record of the defendant, if any, and such information as may be available as to the defendant's use of alcohol and may, upon a written finding that appropriate and adequate treatment is available to the defendant and that the defendant would benefit from such treatment and that the safety of the public would not be endangered, with the defendant's consent, place a defendant on probation for two years, provided that a condition of such probation shall be that the defendant be confined for no less than fourteen days in a residential alcohol treatment program, as provided by or sanctioned by the division of alcoholism, pursuant to regulations to be promulgated by said division in consultation with the department of correction and with the approval of the secretary of human services or at any other facility so sanctioned or regulated as may be established by the commonwealth or any political subdivision thereof for the purpose of alcohol or drug treatment or rehabilitation, and comply with all conditions of said residential alcohol treatment program. Such condition of probation shall specify a date before which such residential alcohol treatment program shall be attended and completed.

Failure of the defendant to comply with said conditions and any other terms of probation as imposed under this section shall be reported forthwith to the court and proceedings under the provisions of section three of chapter two hundred and seventy-nine shall be commenced. In such proceedings, such defendant shall be taken before the court and if the court finds that he has failed to attend or complete the residential alcohol treatment program before the date specified in the conditions of probation, the court shall forthwith specify a second date before which such defendant shall attend or complete such program and, unless such defendant shows extraordinary and compelling reasons for such failure, shall forthwith sentence him to imprisonment for not less than two days; provided, however, that such sentence shall not be reduced to less than two days, nor suspended, nor shall such person be eligible for furlough or receive any deduction from his sentence for good conduct until he shall have served two days of such sentence; and provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program. If such defendant fails to attend or complete the residential alcohol education or rehabilitation program before the second date specified by the court, further proceedings pursuant to said section three of said chapter two hundred and seventy-nine shall be commenced, and the court shall forthwith sentence the defendant to imprisonment for not less than fourteen days; provided, however, that such sentence shall not be reduced to less than fourteen days, nor suspended, nor shall such person be eligible for furlough or receive any deduction from his sentence for good conduct until he shall have served fourteen days of such sentence; and provided further that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or of the administrator of a county correctional institu-

tion, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program.

(B) The defendant shall pay for the cost of the services provided by the boating safety education course, the alcohol education or rehabilitation program, and the residential alcohol treatment program; however, no person shall be excluded from said programs for inability to pay, provided that such person files an affidavit of indigency or inability to pay with the court, that investigation by the probation officer confirms such indigency or establishes that the payment of such fee would cause a grave and serious hardship to such individual or to the family of such individual, and that the court enters a written finding thereof. In lieu of waiver of the entire amount of said fee, the court may direct such individual to make partial or installment payments of the cost of said program.

SECTION 13. Said subsection (a) of said section 8 of said chapter 90B, as so appearing, is hereby further amended by adding the following paragraph:-

(4)(a) A conviction of a violation of paragraph (1) shall revoke the license or right to operate motor vehicles and may, in the discretion of the director, revoke the certificate of number of the person so convicted, and no appeal, motion for new trial or exceptions shall operate to stay the revocation of the license, right to operate, or certificate of number. Such revoked license and certificate of number shall immediately be surrendered to the prosecuting officer who shall forward the license to the registrar and the certificate of number to the director. The court shall report immediately any revocation, under this paragraph, of a license or right to operate to the registrar and to the police department of the municipality in which the defendant is domiciled and any revocation, under this paragraph, of a certificate of number to the director.

(b) Where the license, right to operate, or certificate of number has been revoked under this paragraph, and such person has not been convicted of a like offense or has not been assigned to an alcohol education or rehabilitation program because of a like offense by a court of the commonwealth within a period of six years preceding the date of the commission of the offense for which he has been convicted, the registrar shall not restore the license or reinstate the right to operate to such person and the director may refuse to issue a certificate of number to the vessel of such person unless the prosecution of such person has terminated in favor of the defendant, until one year after the date of conviction; provided, however, that if such person has been placed under probation as provided by paragraph (3) of this subsection and has successfully completed all terms of such probation, the registrar shall not restore the license or reinstate the right to operate to such person and the director may refuse to issue a certificate of number to the vessel of such person until forty-five days after the date of conviction.

Where the license, right to operate or certificate of number of a person has been revoked under this paragraph, and such person has been previously convicted of or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because

of a like offense within a period of six years preceding the date of the commission of the offense for which such person has been convicted, the registrar shall not restore the license or reinstate the right to operate and the director may refuse to issue a certificate of number to the vessel of such person unless the prosecution of such person has terminated in favor of the defendant, until two years after the date of the conviction; provided, however, that such person may, after the expiration of one year from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past like offenses have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary.

Where the license, right to operate, or certificate of number of any person has been revoked under this paragraph and such person has been previously convicted or assigned to an alcohol education or rehabilitation program because of a like offense by a court of the commonwealth two times within a period of six years preceding the date of commission of the offense for which he has been convicted or where the license or right to operate has been revoked pursuant to section twenty-three of chapter ninety due to a violation of said section due to a prior revocation for a like offense, the registrar shall not restore the license or reinstate the right to operate and the director may refuse to issue a certificate of number to the vessel of such person, unless the prosecution of such person has terminated in favor of the defendant, until five years after the date of conviction; provided, however, that such person may, after the expiration of two years from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary.

Where the license, right to operate, or certificate of number of a person has been revoked under this paragraph and such person has been previously convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like offense three times within a period of ten years preceding the date of the commission of the offense for which such person has been convicted, the registrar shall not restore the license or reinstate the right to operate and the director may refuse to issue a certificate of number to the vessel of such person unless the prosecution of such person has terminated in favor of the defendant, until ten years after the date of the conviction; provided, however, that such person may, after the expiration of five years from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary.

Where the license, right to operate, or certificate of number of a person has been re-

voked under this paragraph and such person has been previously convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like offense four or more times within a period of ten years preceding the date of the commission of the offense for which such person has been convicted, the registrar shall not restore the license or reinstate the right to operate and the director may refuse to issue a certificate of number to the vessel of such person unless the prosecution of such person has terminated in favor of the defendant, until fifteen years after the date of the conviction; provided, however, that such person may, after the expiration of seven years from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary.

Notwithstanding the foregoing, no new license shall be issued or right to operate be reinstated by the registrar to any person convicted of a violation of paragraph (1) until ten years after the date of conviction in case the registrar determines upon investigation and after hearing that the action of the person so convicted in committing such offense caused an accident resulting in the death of another, nor at any time after a subsequent conviction of such an offense, whenever committed, in case the registrar determines in the manner aforesaid that the action of such person, in committing the offense of which he was so subsequently convicted, caused an accident resulting in the death of another.

Notwithstanding any of the foregoing, any person whose certificate of number has been revoked under this paragraph may at any time apply for and shall within fifteen days be granted a hearing for the purpose of requesting the issuance of a certificate of number on the grounds of hardship and the director may, in his discretion, issue such certificate of number under such terms and conditions as he deems appropriate and necessary.

For the purposes of this subsection, a person shall be deemed to have been convicted if he pleaded guilty or nolo contendere or was found or adjudged guilty by a court of competent jurisdiction, whether or not he was placed on probation without sentence or under a suspended sentence or the case was placed on file, and a license may be revoked under this subsection notwithstanding the pendency of a prosecution upon appeal or otherwise after such a conviction. Where there has been more than one conviction in the same prosecution, the date of the first conviction shall be deemed to be the date of conviction under this paragraph.

SECTION 14. Subsection (b) of said section 8 of said chapter 90B, as so appearing, is hereby amended by striking out, in line 109, the words "operate any motorboat or vessel or".

SECTION 15. Said section 8 of said chapter 90B, as so appearing, is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e)(1) Whoever upon any waters of the commonwealth, operates a vessel recklessly, or operates a vessel negligently so that the lives or safety of the public might be endangered,

or upon a bet or wager or in a race, or whoever operates a vessel for the purpose of making a record and thereby violates any speed regulation, or whoever without stopping and making known his name, residence and the identification number of his vessel goes away after knowingly colliding with or otherwise causing injury to any other vessel or property, or whoever knowingly makes any false statement in an application for a certificate of number of a vessel shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than two years, or both.

Whoever uses a vessel without authority knowing that such use is unauthorized shall, for the first offense be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than two years, or both, and for a second offense by imprisonment in the state prison for not more than five years or in a house of correction for not less than thirty days nor more than two and one-half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment; and whoever is found guilty of a third or subsequent offense of such use without authority committed within five years of the earliest of his two most recent prior offenses shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment for not less than six months nor more than two and one-half years in a house of correction or for not less than two and one-half years nor more than five years in the state prison or by both fine and imprisonment.

Whoever upon any waters of the commonwealth operates a vessel and, without stopping and making known his name, residence and the identification number of his vessel, goes away after knowingly colliding with or otherwise causing injury to any person shall be punished by imprisonment for not less than two months nor more than two years.

A summons may be issued instead of a warrant for arrest upon a complaint for a violation of any provision of this paragraph if in the judgment of the court or justice receiving the complaint there is reason to believe that the defendant will appear upon a summons.

(2) A conviction of a violation of this subsection shall be reported forthwith by the court or magistrate to the registrar, who may in any event, and shall unless the court or magistrate recommends otherwise, revoke immediately the license or right to operate and to the director, who may immediately revoke the certificate of number of the person so convicted, and no appeal, motion for new trial or exceptions shall operate to stay the revocation of such license, right to operate or certificate of number. If it appears by the records of the director that the person so convicted is the owner of a vessel or has exclusive control of any vessel as a manufacturer or dealer or otherwise, the director may revoke the certificate of number of any or all vessels so owned or exclusively controlled.

(3) The registrar, after having revoked the license or right to operate of any person under this subsection, in his discretion, may issue a new license or reinstate the right to operate and the director may issue a new certificate of number, if the prosecution of such person in the superior court has terminated in favor of the defendant or after an investigation or upon hearing, the registrar may issue a new license or reinstate the right to operate and

the director may issue a new certificate of number to a person convicted in any court of the violation of any provision of this subsection; provided, that no license shall be issued by the registrar to any person convicted of going away without stopping and making known his name, residence and the certificate of number of his vessel after having, while operating such vessel upon any such waters, knowingly collided with or otherwise caused injury to any person, or to any person adjudged a delinquent child by reason thereof under the provisions of section fifty-eight B of chapter one hundred and nineteen, until one year after the date of revocation following his original conviction or adjudication if for a first offense or until two years after the date of revocation following any subsequent conviction or adjudication, or to any person convicted of using a vessel knowing that such use is unauthorized, until one year after the date of revocation following his original conviction or adjudication if for a first offense or until three years after the date of revocation following any subsequent conviction or adjudication, or to any person convicted of violating any other provision of this subsection until sixty days after the date of revocation following his original conviction if for a first offense, or one year after the date of revocation following any subsequent conviction within a period of three years. But the registrar, after investigation, may at any time rescind the revocation of a license or right to operate revoked because of a conviction of operating a vessel upon any such waters negligently so that the lives or safety of the public might be endangered and the director, after investigation, may at any time rescind the revocation of a certificate of number revoked because of a conviction of operating a vessel upon any such waters negligently so that the lives or safety of the public might be endangered.

Notwithstanding any of the foregoing, any person whose certificate of number has been revoked under this subsection may at any time and shall within fifteen days be granted a hearing for the purpose of requesting the issuance of a certificate of number on the grounds of hardship and the registrar may, in his discretion, issue such certificate of number under such terms and conditions as he deems appropriate and necessary.

(4) The prosecution of any person for the violation of any provision of this subsection, if a subsequent offense, shall not, unless the interests of justice require such disposition, be placed on file or otherwise disposed of except by trial, judgment and sentence according to the regular course of criminal proceedings; and such a prosecution shall be otherwise disposed of only on motion in writing stating specifically the reasons therefor and verified by affidavits if facts are relied upon. If the court or magistrate certifies in writing that it is satisfied that the reasons relied upon are sufficient and that the interests of justice require the allowance of the motion, the motion shall be allowed and the certificate shall be filed in the case. A copy of the motion and certificate shall be sent by the court or magistrate forthwith to the director.

SECTION 16. Said section 8 of said chapter 90B, as so appearing, is hereby further amended by adding the following subsection:-

(f) In any prosecution commenced pursuant to this section, introduction into evidence of a prior conviction or prior finding of sufficient facts by either original court papers or certified attested copy of original court papers, accompanied by a certified attested copy of the biographical and informational data from official probation office records, shall

be prima facie evidence that a defendant has been convicted previously or assigned to an alcohol education or rehabilitation program because of a like offense by a court of the commonwealth one or more times within a period of six years preceding the date of commission of the offense for which said defendant is being prosecuted.

SECTION 17. Said chapter 90B is hereby amended by inserting after said section 8, as so appearing, the following two sections:-

Section 8A. (1) Whoever operates a vessel on the waters of the commonwealth while under the influence of intoxicating liquor, or marihuana, narcotic drugs, depressants, or stimulant substances, all as defined in chapter ninety-four C, or the vapors of glue, and so operates said vessel recklessly or negligently so that the lives or safety of the public might be endangered, and by any such operation so described causes serious bodily injury, shall be punished by imprisonment in the state prison for not less than two and one-half years nor more than ten years and by a fine of not more than five thousand dollars, or by imprisonment in a jail or house of correction for not less than six months nor more than two and one-half years and by a fine of not more than five thousand dollars.

The sentence imposed upon such person shall not be reduced to less than six months, nor suspended, nor shall any person convicted under this paragraph be eligible for probation, parole, or furlough or receive any deduction from his sentence until such person has served at least six months of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program. Prosecutions commenced under this paragraph shall neither be continued without a finding nor placed on file.

The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person charged with a violation of this section.

(2) Whoever operates a vessel on the waters of the commonwealth while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in chapter ninety-four C, or vapors of glue, and by any such operation causes serious bodily injury, shall be punished by imprisonment in a jail or house of correction for not less than thirty days nor more than two and one-half years, or by a fine of not less than three thousand dollars, or both.

(3) For the purposes of this section "serious bodily injury" shall mean bodily injury which creates a substantial risk of death or which involves either total disability or the loss or substantial impairment of some bodily function for a substantial period of time.

(4) The registrar shall revoke the license or right to operate and the director shall revoke the certificate of number of a person convicted of a violation of this section for a period of two years after the date of conviction. No appeal, motion for new trial or exception shall operate to stay the revocation of said license, right to operate or certificate of number provided, however, that such license, right to operate and certificate of number shall be re-

stored if the prosecution of such person ultimately terminates in favor of the defendant.

Notwithstanding the foregoing, any person whose certificate of number has been revoked under this section may at any time apply for and shall within fifteen days be granted a hearing for the purpose of requesting the issuance of a certificate of number on the grounds of hardship and the director may, in his discretion, issue such certificate of number under such terms and conditions as he deems appropriate and necessary.

Section 8B. (1) Whoever operates a vessel on the waters of the commonwealth while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants, or stimulant substances, all as defined in chapter ninety-four C, or the vapors of glue, and so operates said vessel recklessly or negligently so that the lives or safety of the public might be endangered, and by any such operation so described causes the death of another person, shall be guilty of homicide by a vessel while under the influence of an intoxicating substance, and shall be punished by imprisonment in the state prison for not less than two and one-half years nor more than fifteen years and a fine of not more than five thousand dollars, or by imprisonment 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 more than five thousand dollars. The sentence imposed upon such person shall not be reduced to less than one year, nor suspended, nor shall any person convicted under this paragraph be eligible for probation, parole, or furlough or receive any deduction from his sentence until such person has served at least one year of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program. Prosecutions commenced under this section shall neither be continued without a finding nor placed on file.

The provisions of section eighty-seven of chapter two hundred and seventy-six, shall not apply to any person charged with a violation of this section.

(2) Whoever operates a vessel on the waters of the commonwealth while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in chapter ninety-four C, or the vapors of glue, or whoever operates a vessel recklessly or negligent so that the lives or safety of the public might be endangered and by any such operation causes the death of another person, shall be guilty of homicide by a vessel and shall be punished by imprisonment in a jail or house of correction for not less than thirty days nor more than two and one-half years, or by a fine of not less than three hundred nor more than three thousand dollars, or both.

(3) The registrar shall revoke the license or right to operate and the director shall revoke the certificate of number of a person convicted of a violation of this section for a period of ten years after the date of conviction for a first offense. The registrar shall revoke the license or the right to operate and the director shall revoke the certificate of a person con-

victed for a subsequent violation of this section for the life of such person. No appeal, motion for a new trial or exceptions shall operate to stay the revocation of the license, right to operate, or certificate provided, however, such license, right to operate and certificate of number shall be restored if the prosecution of such person ultimately terminates in favor of the defendant.

Notwithstanding the foregoing, any person whose certificate of number has been revoked under this section may at any time apply for and shall within fifteen days be granted a hearing for the purpose of requesting the issuance of a certificate of number on the grounds of hardship and the director may, in his discretion, issue such certificate of number under such terms and conditions as he deems appropriate and necessary.

SECTION 18. Section 12 of said chapter 90B, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Whoever attempts to prevent any such officer from boarding such motorboat for the purpose of inspecting, or whoever attempts to prevent such officer from making an inspection of such boat, shall be punished as provided in section thirty-eight.

SECTION 19. Said chapter 90B, as so appearing, is hereby amended by striking out section 13 and inserting in place thereof the following section:-

Section 13. Any officer empowered to enforce this chapter may arrest without a warrant any person who the officer has probable cause to believe has violated or is violating any provision of this chapter or any rule or regulation made under authority hereof. All officers empowered to enforce this chapter may in the performance of their duties enter upon and pass through or over private lands and property whether or not covered by water.

SECTION 20. Subsection (b) of section 14 of said chapter 90B, as so appearing, is hereby amended by striking out, in line 31, the following words:- section twelve.

SECTION 21. Said section 14 of said chapter 90B is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) Whoever violates any provision of subsections (b), (c), or (d) of section eight or any rules or regulations pertaining to section eight shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

SECTION 22. Said chapter 90B, as so appearing, is hereby further amended by adding the following two sections:-

Section 37. Upon conviction of any violation of the provisions of this chapter, the defendant shall be provided a statement in writing, in easy to understand language, of the statutory provisions that apply to any subsequent violations of like offenses.

Section 38. Any person who, while operating or in charge of a vessel shall refuse, when requested by any officer empowered to enforce this chapter, to give his name and address or the name and address of the owner of such vessel or who shall give a false name or address, or who shall refuse or neglect to stop when signaled or requested to do so by any such officer, or who refuses, on demand of such officer, to produce his certificate of number, or to permit such officer to take the certificate in hand for the purpose of examination, or who refuses, on demand of such officer, to sign his name in the presence of such officer, and any person who on the demand of such officer without a reasonable excuse fails to deliver

the certificate of number of any vessel operated or owned by him, or who refuses or neglects to produce such certificate when requested by a court or trial justice, shall be punished by a fine of one hundred dollars.

SECTION 23. Section 26 of chapter 218 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting, in line 10, after the word "in" the following words:- paragraph (1) of subsection (a) of section eight of chapter ninety B, subparagraph (1) of paragraph (a) of subdivision (1) of section twenty-four,.

Approved January 11, 1995.

Chapter 319. AN ACT RELATIVE TO ASSESSMENTS FOR ENERGY CONSERVATION DEVICES IN CONDOMINIUMS.

Be it enacted, etc., as follows:

SECTION 1. Clause (ii) of subsection (a) of section 6 of chapter 183A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the first sentence the following nine sentences:- Notwithstanding the provisions of clause (i), the organization of unit owners may assess to each unit owner the direct cost of any energy conservation device installed in a unit, not already separately metered for water and utilities, including but not limited to the installation of separate water meters, low-flow toilets and showerheads, faucet aerators, windows and storm windows; provided, however, that a unit owner required to install such energy conservation device hereunder may appeal to the board of trustees of the organization of unit owners or if there is no board of trustees, the entity performing its duties. Said board or entity of said organization, in its sole and reasonable discretion, may grant to such unit owner a waiver of such required installation upon such terms and conditions as the organization of unit owners shall deem fit. The cost thereof shall be collected in the same manner as common expense assessments under this chapter. The organization of unit owners may assess to each unit owner his proportionate share of the costs for water and other utilities, as measured by the meter attached to the unit; provided however, that the board of trustees of the organization of unit owners receives the approval of the majority of unit owners in attendance at a meeting, for which notice was duly given and which was held for the purposes of issuing such an assessment. A unit owner assessed costs hereunder may appeal the assessment to said board or entity of said organization of unit owners. Such appeal shall be in writing and shall set forth a clear and concise statement of reasons for an exemption from the assessment for the unit owners. Said board or entity of said organization, in its sole and reasonable discretion, may grant to said unit owner a waiver of the assessment provided herein upon such terms and conditions as the organization of unit owners shall deem fit. In the event of a conflict between this subsection and the master deed, trust, or bylaws, and any amendment thereto, of any condominium submitted to the provisions of this chapter, the provisions of this subsection shall control. Notwithstanding the aforesaid, nothing contained herein shall be construed to

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be in conflict with the provisions of the state sanitary code.

SECTION 2. Subsection (b) of section 10 of said chapter 183A, as so appearing, is hereby amended by adding the following clause:-

(6) To require or cause the installation of energy saving devices in all units, not already separately metered for water and utilities, and common areas in the condominium. Such devices shall include, but not be limited to, separate meters for each unit that will monitor the use of water and other utilities for the unit to which it is attached, low-flow toilets and showerheads, faucet aerators, windows and storm windows; provided, however, that such devices shall not be considered to be an improvement for purposes of section eighteen; and provided further, that the board of trustees of the organization of unit owners or if there is no board of trustees, the entity performing its duties receives the approval of the majority of unit owners in attendance at a meeting, for which notice was duly given and which was held for the purposes of voting on the installation of such energy conservation devices. The cost of installation of such energy conservation devices shall be an expense of the organization of unit owners, which may be assessed to the individual unit owners as a special assessment, the amount of which, in an instance where such energy conservation device has been installed in each individual unit, or in substantially all of the units in the condominium, may be attributable to each unit owner in the amount of the cost of the item installed. The organization of unit owners may assess to each unit owner his proportionate share of the costs for water and other utilities, as measured by the meter attached to the unit. In the event of a conflict between this clause and the master deed, trust, or bylaws, and any amendment thereto, of any condominium submitted to the provisions of this chapter, the provisions of this clause shall control. Notwithstanding the aforesaid, nothing contained herein shall be construed to conflict with the provisions of the state sanitary code.

Approved January 11, 1995.

Chapter 320. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF SHEFFIELD.

Be it enacted, etc., as follows:

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

SECTION 2. Any one hundred registered voters of the town of Sheffield may file an affidavit with the town clerk containing the name of the officer sought to be recalled and a statement of the grounds of the recall. The town clerk shall thereupon deliver to said voters copies of printed form petition blanks addressed to the selectmen demanding such recall. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated, and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit and demand the election of a successor to the said office. The recall petition shall be return-

ed and filed with the town clerk within twenty days after the filing of the affidavit, with signatures, names and street addresses of at least twenty-five percent of the registered voters of the town. Within forty-eight hours of receipt, the town clerk shall submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town. If the petition shall be found and certified by the town clerk to be sufficient, it shall be submitted with his certificate to the selectmen without delay.

SECTION 3. The board of selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five days thereafter, the board of selectmen shall order a recall election to be held on a date fixed by them not less than sixty nor more than seventy-five days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to occur within ninety days after the date of the certificate, the board of selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. An officer whose recall is sought may be a candidate to succeed himself. The number of signatures of qualified voters required to place the name of a candidate on the official ballot for use at a recall election shall not be less than twenty-five. The publication of the warrant for the recall election and the conduct of the same shall be in accordance with the provision of law regulating elections, unless otherwise provided in this act.

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

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

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. If the majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative the ballots for candidates need not be counted.

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

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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 the election at which his recall was submitted to the voters.

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

SECTION 9. All holders of elective office as of the effective date of this act shall be subject to the provisions set forth herein.

Approved January 11, 1995.

**Chapter 321. AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO
REGULATE THE DIMENSIONS AND NUMBER OF CERTAIN
MOTOR VEHICLES DRIVEN OR OPERATING IN SAID TOWN.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Nantucket is hereby authorized to adopt by-laws regulating the length, height and width of buses, tour buses, charter buses, common carriers of passengers by motor vehicles, or other such vehicles of more than ten passengers being driven or operating within the limits of said town.

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

Approved January 11, 1995.

**Chapter 322. AN ACT DESIGNATING A CERTAIN COMMUTER RAIL BRIDGE
AS THE JOSEPH R. HAROLD, SR. MEMORIAL COMMUTER RAIL
BRIDGE.**

Be it enacted, etc., as follows:

The Massachusetts Bay Transportation Authority's Neponset River Commuter Rail Bridge, connecting the city of Boston and the city of Quincy, shall be designated and known as the Joseph R. Harold, Sr. Memorial Commuter Rail Bridge. Suitable signs bearing said designation shall be erected thereat by the Massachusetts Bay Transportation Authority in compliance with the standards of said Authority.

Approved January 11, 1995.

Chapter 323. AN ACT RELATIVE TO THE TRUSTEES OF CERTAIN INSTITUTIONS.

Be it enacted, etc., as follows:

Section 87 of chapter 111 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "years", in line 11, the following words:- ; provided, however, that one of the appointees of the Norfolk county advisory board shall reside in the town of Braintree.

Approved January 11, 1995.

Chapter 324. AN ACT RELATIVE TO INCURRING INDEBTEDNESS IN THE TOWN OF IPSWICH.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the action by which the town of Ipswich at its annual town meeting on April fourth, nineteen hundred and ninety-four voted to amend chapter II of its general by-laws by deleting section six and inserting in place thereof a new section six is hereby ratified, validated and confirmed.

Approved January 11, 1995.

Chapter 325. AN ACT ESTABLISHING THE LOWELL ARENA COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared that there is an urgent need within the city of Lowell to provide suitable, additional structures and facilities for large public and private gatherings which are civic, cultural, athletic, commercial or entertainment in nature, including facilities which will accommodate indoor athletic and sporting events and training, performing arts and cultural events, entertainment, education, convention exhibitions, trade shows, large meetings and banquets and that the provision of suitable, additional facilities rapidly and at reasonable cost will enhance development within the city, increase the general welfare of the public, increase the level of employment and increase assessed commercial property values and that the provision of such structures and facilities is a proper public and municipal purpose.

SECTION 2. For the purpose of this act, the term "civic arena" shall mean a multi-purpose civic arena consisting of one or more single or multi-purpose structures and facilities designed and constructed to provide accommodations for large public and private gatherings which are civic, cultural, athletic, commercial or entertainment in nature including facilities which will accommodate indoor athletic and sporting events and training,

performing arts and cultural events entertainment, education, conventions, exhibitions, trade shows, large meetings and banquets and similar and related activities. Such structures and facilities shall be publicly owned and either publicly or privately operated, and the same may be open to the public use with or without charge and to private use for a fee.

SECTION 3. (a) The city of Lowell, upon recommendation of the city manager and approval of the city council, is hereby authorized to establish a commission, to be known as the Lowell arena commission, hereinafter called the commission, for the purpose on behalf of the city of planning, designing, constructing, operating and maintaining, as herein provided, a civic arena within the city. The commission shall consist of five members, residents of the city except as herein provided, three of whom shall be appointed by the city manager with the approval of the city council and two of whom shall be appointed by the chancellor of the University of Massachusetts at Lowell, hereinafter called the university, in accordance with the procedures set forth in this act. A record of such appointments by the city and as designated in writing by the university shall be filed with the city clerk and thereupon be effective. The chairperson of the commission shall be designated by the city manager.

(b) The members of the commission appointed by the university, shall either be residents of the city or officers or employees of the university. A vacancy in the commission shall be filled through the procedures set forth in paragraph (a). Any member of the commission appointed by the university may vote or act on any matter concerning or related to the university brought before the commission.

(c) The members of the commission shall serve for terms of five years unless sooner removed; provided, however, that the initial appointees of the chancellor of university shall serve for terms of two and three years, respectively, the term of each to be designated by the chancellor at the time of appointment; the remaining initial appointees of the city shall serve for terms of one, four, and five years respectively, the term of each to be designated by the city manager at the time of appointment. Members, unless sooner removed, shall serve until the appointment of their successors. Vacancies other than by reason of expiration of a term shall be filled by appointment by the appropriate appointing authority for the balance of the unexpired term. A member of the commission may be removed for cause for misfeasance, malfeasance or wilful neglect of duty by a unanimous vote of each, of the city, acting through the city council, and the university, acting through the chancellor, who may appoint a designee for this purpose, pursuant to reasonable notice to the member in question which shall include a statement of facts forming the basis for consideration of removal, and a public hearing conducted before the council and the university representative, unless such hearing is expressly waived by the member in question in writing. Removal for cause may be initiated by either the city or the university.

(d) The commission shall adopt by-laws, rules and regulations, which are consistent with the provisions hereof or of any applicable statute or ordinance, for conducting its business and meetings and otherwise carrying out, the purpose of this act. Three members of the commission shall constitute a quorum and the affirmative vote of at least three members shall be necessary and shall suffice for any action taken by the commission includ-

ing the adoption of such by-laws, rules and regulations.

(e) Members of the commission shall serve without compensation, but shall be allowed their reasonable and necessary expenses incurred in the performance of their duties as such members.

SECTION 4. (a) The commission, in cooperation with federal, state, municipal or private agencies or persons, natural or corporate, including without limitation the university, is hereby authorized for and on behalf of the city to plan, design, locate, acquire property, construct, equip, furnish, alter, enlarge and repair structures and facilities of a civic arena, whenever and to the extent that the commission deems such facilities to be necessary or desirable in the city.

(b) Notwithstanding any other provision hereof to the contrary, the commission shall take no action described below without the approval of the city council of the city in each instance upon written request of the city council by the commission: (i) adoption of annual capital and annual operating budgets, (ii) the acquisition by purchase or lease of real property, (iii) the disposition of real property, and (iv) the exercise of eminent domain.

(c) The commission is authorized to contract with the university, Lowell memorial auditorium or any other person, persons or entities, public or private, to provide the commission with feasibility, financial and other studies, plans and specifications and other professional services including legal and accounting services, and including those necessary to determine the characteristics, quality, financing, design and time schedule for the construction of the civic arena, and the university and other person, persons or entities may pay all or any portion of the cost of such studies, plans, specifications or other services. The commission shall reimburse the city for up to two hundred and fifty thousand dollars for expenses incurred by the city for project management, engineering, design and site assessment, legal and appraisal services, including feasibility and economic projections, pertaining to the civic arena prior to the enactment of this act and the appropriation of funds for the construction of the civic arena.

(d) Notwithstanding the provisions of sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws or any other general or special law to the contrary, the commission is authorized to contract with one or more persons to design and to manage the construction of the civic arena or to design and construct the same, provided that the selection process by the commission shall be in accordance with the requirements of section six of chapter thirty B of the General Laws and to the extent applicable shall be governed by the provisions of sections two, three, seven, eight, nine, ten, twelve, thirteen, fourteen, seventeen and nineteen of said chapter thirty B.

SECTION 5. (a) The commission, upon the approval of the city council as provided in paragraph (b) of section four, is hereby authorized to acquire in the name and on behalf of the city for the purposes of this act private or public, real or personal property rights above, at or below the surface of the earth, which it deems necessary or desirable for a civic arena by purchase, gift, lease, bequest, devise or grant, and the city may transfer to the jurisdiction of the commission for such purpose any such property acquired by the city by purchase, gift, lease, bequest, devise, grant or the exercise of eminent domain under any

provision of law. Wherever possible and practicable, real property acquired under the provision of this act shall be acquired in fee simple.

(b) The commission, upon the approval of the city council as set forth in paragraph (b) of section four, may sell, lease, exchange, demolish or otherwise dispose of property and property rights acquired under this act, if in so doing it deems that the interest of the city will be best served and that the same are no longer needed for purposes of the civic arena.

Section sixteen of chapter thirty B of the General Laws shall not apply to this section.

SECTION 6. For the purposes of making surveys, planning, acquiring land for, erecting, equipping of a civic arena, the city acting by and through the commission is authorized to accept and use such federal, commonwealth and university funds, grants, appropriations, credits and benefits as may now or hereafter be available for the same, including without limitation any funds available to the city or the commission in accordance with chapter four hundred and eighty-six of the acts of nineteen hundred and eighty, and to secure the benefits in regard to the civic arena of the applicable provisions of federal or commonwealth law, or that which may be restricted by referendum for initial construction.

SECTION 7. Notwithstanding the provisions of any general or special law or ordinance to the contrary, the commission for and on behalf of the city is hereby authorized and empowered:

(a) To maintain, operate, insure, promote, repair and improve a civic arena for such uses as are provided in this act.

(b) To provide through employees of the city under the commission's supervision or by the grant of one or more contracts or concessions to the university or to private persons or entities for the furnishing of services and materials for the accommodation of persons admitted to or using the civic arena or any part, facility or function thereof.

(c) To establish rules, regulations and policies, and fix penalties for violation thereof, for the use and occupancy of the civic arena in accordance with the purposes provided for in this act and to revise the same from time to time. Penalties enforced or other damages recovered by judicial process or otherwise shall be collected for the account of the city and paid over to the commission.

(d) To fix and revise from time to time and charge and collect fees, rates, rentals and other charges for admission to, or the use or occupancy of the civic arena or any part thereof, and for the grant of concessions therein and for things furnished or services rendered by the commission or by the university or any other person holding a concession from the commission, whether the facilities are operated by the commission or under a contract or lease with the university or any other persons or entities. The commission shall fix such fees, rates, rentals or other charges for the admission to, or the use and occupancy of the civic arena under this act as in its judgment are best suited to insure maximum income to meet the expenses of the commission as established in its annual budget and to provide such facilities at reasonably low cost. The fees, rates, rentals and other charges fixed by the commission shall not be subject to supervision or regulation of any department, division, commission, board, bureau or agency of the commonwealth or of the city except as other-

wise provided herein.

(e) To contract with the university and any other person, persons or entities, public or private, with respect to the use and occupancy by the university or such person, persons or entities by lease, rental or otherwise of all or any portion of the civic arena under such terms and conditions, for such fees, rentals or other charges, and for such period, not exceeding three years, as the commission shall deem in the best interest of the city, except that a contract with the university for university use may be for a period in excess of three years. Any such contract with the university may include provision for the payment by the university directly or by contribution to the commission through the city of a portion of the capital costs of design, construction and operation of the civic arena, and the university may enter into any such contract with the commission and make any such payment or contribution from any monies of the university available for such purpose notwithstanding any general or special law to the contrary.

(f) To contract with a private professional manager or management firm, hereinafter called the "general manager", which may be the same as the management agent for Lowell memorial auditorium, wherein the commission may delegate such duties and authority to the general manager in regard to supervising the design, construction and equipping, furnishing, repairing, operating and maintaining of the civic arena as the commission deems proper, but any such contract shall provide for the termination of the same by the commission for cause and may provide for the termination of the same at the convenience of the commission.

(g) To engage accounting, management, legal, financial, consulting and other professional services, and to employ such other employees and agents, as may be necessary to carry out the provisions and purposes of this act.

(h) Except as otherwise provided herein, all contracts made pursuant to this act shall be in accordance with the provisions of section twenty-nine of chapter forty-three of the General Laws.

(i) Members of the commission shall not be employees of the city and the provisions of chapter thirty-one of the General Laws shall not apply to any persons employed by the commission.

SECTION 8. (a) The commission is hereby authorized to maintain and operate a civic arena or to contract with the university, or to contract with any person acting jointly with the university or any other person, public or private for the maintenance and operation of the civic arena or any portion thereof, provided, however, that any such contract shall not exceed a term of three years and shall be subject to the limitations and procedures established by section twenty-nine of chapter forty-three of the General Laws.

(b) Any such contract may provide for advance reservations of the multi-purpose civic arena or of a facility thereof and shall be on such terms and conditions as the commission deems proper. Notwithstanding the provisions of any general or special law or ordinance to the contrary, contracts executed pursuant to this clause shall be valid and binding on both parties thereto when executed by any such person and upon approval by a majority of the members of the commission. The commission's power to execute contracts under this clause may be delegated by it to the general manager of the civic arena.

SECTION 9. The commission shall have no independent authority to incur debt. All debt in the form of notes or bonds, if any, incurred in connection with the civic arena shall be debt of the city and shall be incurred by the city in accordance with applicable laws and procedures and on such terms and conditions as determined by the city from time to time.

(b) Subject to the approval of the finance advisory board, if such board shall then be in existence, the city, upon recommendation of the city manager and the approval of the city council may appropriate to the commission such funds as it deems necessary for the purposes of managing, operating, promoting, maintaining, repairing and improving the multi-purpose civic arena or any of its facilities. The provisions of chapter four hundred and eighty-six of the acts of nineteen hundred and eighty to the extent not inconsistent with the provisions of this act, shall apply to the city and the commission acting under the provisions of this act.

(c) Any receipts from the operation of the multi-purpose civic arena shall be kept in a separate fund by the city treasurer apart from any other money, funds, or other property of the city, and may be used subject to the recommendation of the city manager and the approval of the city council for the purpose of managing, operating, promoting, maintaining, repairing and improving the civic arena and for the payment of bond and note indebtedness as provided in this act and for a capital reserve fund among other things. The provisions of section fifty-three F½ of chapter forty-four of the General Laws shall apply to the civic arena which shall be deemed to be an enterprise under said provisions.

SECTION 10. (a) Notwithstanding any limitation on the number of licenses which may be issued under the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing commissioners of the city may issue to the university or to any other person, persons or entities operating the civic arena under a lease pursuant to paragraph (a) of section eight or who has been granted a concession by the commission for the sale of food and alcoholic beverages pursuant to paragraph (b) of section seven a license or licenses as a common victualler to serve all alcoholic beverages to be drunk on the premises of the civic arena or any part thereof and the provisions of section twelve A and sixteen C of said chapter one hundred and thirty-eight shall not apply to such premises. The licensee shall not be required by said licensing board under the provisions of section twelve of said chapter one hundred and thirty-eight to have the licensed premises open during any hours when there is no activity being conducted in the civic arena nor shall the licensee be permitted to serve food or alcoholic beverages to strangers, travelers or members of the general public who are not attending any activity then being conducted in the civic arena.

(b) Notwithstanding any general or special law or ordinance to the contrary, said licensing commissioners are authorized to issue to the university or to any other person or persons operating the multi-purpose civic arena under a lease pursuant to paragraph (a) of section eight or who has been granted a concession by the commission for the sale of food or beverages pursuant to said paragraph (b) of section seven a common victualler's license for the premises of the civic arena or any part thereof pursuant to section two of chapter one

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hundred and forty of the General Laws, and the provisions of section five of said chapter one hundred and forty shall not apply to the license so issued.

(c) Any licenses issued under this section shall not be transferable to any other location and such licenses shall be renewed annually subject to the provisions of chapter one hundred and thirty-eight of the General Laws.

(d) Any license issued under this section shall expire and be returned by the licensee to the licensing commissioner upon the termination of the licensee's lease or concession to carry out a permitted purpose of this act.

SECTION 11. Notwithstanding any provision in this act to the contrary, any planning, designing, site determination, land acquisition, project management or any other action and any contracts related thereto pertaining to the civic arena, performed or made by or on behalf of the city prior to the passage of this act and the establishment of the commission shall be deemed to be ratified and confirmed by the commission upon its establishment without further action by the commission.

SECTION 12. The commission shall prepare and submit to the city manager and city council an annual report within three months of the end of the city's fiscal year.

SECTION 13. This act shall take effect upon its passage.

Approved January 11, 1995.

Chapter 326. AN ACT RELATIVE TO THE MASHPEE WATER DISTRICT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the district treasurer of the Mashpee Water District may retain such funds as have been deposited or invested on behalf of any person entitled to damages awarded pursuant to section six of chapter seventy-nine of the General Laws and shall not be required to transfer said funds to the state treasurer pursuant to chapter two hundred A of the General Laws where the name of said person could not be determined after reasonable investigation, including publication of the name and last known address of the person so entitled at least once a week for two consecutive weeks in a newspaper of general circulation in the town of Mashpee. Said water district may, by majority of voters present at an annual or special meeting, vote to authorize the district treasurer to transfer said funds to the district stabilization fund for future appropriation for capital expenditures.

Approved January 11, 1995.

Chapter 327. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized, notwithstanding the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to release and convey by deed for the consideration stated in section two, to Byron K. O'Donnell and Raymond E. Leach, trustees of the Knowles Family Trust, under declaration of trust dated August first, nineteen hundred and eighty-three, recorded with Plymouth county registry of deeds in Book 5513, Page 466, and all those claiming by, through or under them by instruments of record, all of the commonwealth's right, title and interest, if any, in and to a certain parcel of land in the Town of Plymouth. Said parcel is shown as Lot 1 on a plan entitled, "Plan of Land, Plymouth, Mass., Drawn for: P.T.P. Realty Trust/John Padula, Supplement Plan for Land Court Case #42133A", dated July 30, 1990, by McGlone Engineering, Inc. and filed with the land court engineering department in the city of Boston as a part of Confirmation Case #42133.

SECTION 2. In consideration of and simultaneously with such conveyance, the Knowles Family Trust shall pay to the commonwealth the sum of ninety-three thousand one hundred dollars. The Knowles Family Trust shall be responsible to pay for an appraisal and all recording and other expenses in connection with the conveyance, as deemed necessary by the commissioner. The inspector general shall review and approve said appraisal and said review shall include a review of the methodology utilized for said appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration in accordance with section three of this act.

SECTION 3. The commissioner shall, forty-five days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within fifteen days of receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least fifteen days prior to execution.

Approved January 11, 1995.

Chapter 328. AN ACT RELATIVE TO VOTING PRECINCTS IN THE CITY OF CHICOPEE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any special or general law to the contrary, Ward six, Precinct A of the city of Chicopee shall be one precinct for the purpose of forming congressional, representative, senatorial or councillor districts, and presidential preference elections, but shall have two polling places for the purpose of any state or municipal election; provided, however, that one said polling place shall be located to the south of the Champion drive or Sheridan Circle area, to serve voters residing in Ward six, Precinct A south of said drive and the other polling place shall be located to the north of the Champion drive, to serve voters residing in Ward six, Precinct A north of said drive or off the Westover Air Force base area or housing previously owned by the Westover Air Force base.

SECTION 2. The city clerk of the city of Chicopee and the board of registrars of the city of Chicopee are hereby authorized to take all necessary actions to assure compliance herewith, including but not limited to such actions as will assure the accuracy of the voting lists as located at each such polling place.

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

Approved January 11, 1995.

Chapter 329. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER CERTAIN PARCELS OF LAND IN THE TOWNS OF WESTBOROUGH AND NORTHBOROUGH AND THE CITY OF WORCESTER.

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 or any other general or special law to the contrary, to transfer care and control of certain parcels of land located in the towns of Northborough and Westborough currently under the care and control of the department of mental health for agricultural and other purposes to the department of food and agriculture for agricultural purposes, subject to such terms and conditions as the commissioner of the division of capital planning and operations may prescribe in consultation with the commissioner of the department of mental health.

Said parcels are located on the campus of the Westborough state hospital, adjacent to the westerly side of Lyman street, containing approximately 51.10 acres, more or less, and the easterly side of Lyman street, containing approximately 22.70 acres, more or less, which have been used as active agricultural land, all acres being southerly of the intersection of Lyman street and Talbot street.

SECTION 2. 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 or any other general or special law to the contrary, to

transfer care and control of certain parcels of land located in the towns of Northborough and Westborough currently under the care and control of the department of mental health for agricultural and other purposes to the division of fisheries and wildlife for use by said division of fisheries, wildlife and law enforcement for fish and wildlife conservation, natural habitat protection and associated public recreation purposes, subject to such terms and conditions as the commissioner of the division of capital planning and operations may prescribe in consultation with the commissioner of the department of mental health. Said parcels are located on the campus of the Westborough state hospital, adjacent to the westerly side of Lyman street, containing approximately 232.20 acres, more or less, and the easterly side of Lyman street, containing approximately 235.00 acres, more or less. The department of mental health shall reserve the right to access, utilize, maintain, replace and repair the water tanks located on said parcels.

SECTION 3. 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 or any other general or special law to the contrary, to convey a permanent easement through an approximately twelve acre, more or less, portion of a certain parcel of land shown on the Westborough Assessors' Map 32, as parcel 14 in the town of Westborough currently under the care and control of the division of fisheries and wildlife for fish and wildlife conservation, natural habitat protection and associated public recreation purposes to the town of Westborough for water supply purposes, including the right to pump water to provide a municipal water supply and the right to install, maintain, repair and replace wells, pipes and related equipment on such terms and conditions as the commissioner of the division of capital planning and operations may prescribe in consultation with the division of fisheries and wildlife. Said terms shall include the assumption by the town of all costs and liabilities associated with the exercise of its rights under the easement. The exact location on said parcel of the approximately twelve acres, more or less, easement is as shown on a plan prepared by Geologic Services Corporation on file at the town of Westborough and is in the area of said parcel which is located southwesterly of Chauncy Lake and approximately one thousand two hundred feet north of the intersection of Oak street and Chauncy street.

SECTION 4. 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 or any other general or special law to the contrary, to transfer care and control of a certain parcel of land located in the city of Worcester, known as Parcel B in section two of chapter three hundred and seventeen of the acts of nineteen hundred and eighty-three currently under care and control of the department of food and agriculture to the division of capital planning and operations, provided that said parcel shall continue to be used for the purposes of and in accordance with the terms established by said chapter three hundred and seventeen.

Approved January 11, 1995.

Chapter 330. AN ACT CONVERTING THE JOINT UNDERWRITING ASSOCIATION INTO THE MEDICAL PROFESSIONAL MUTUAL INSURANCE COMPANY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately assure the continued availability of professional liability insurance for health care professionals, 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 seventh paragraph of section 8E of chapter 26 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commissioner is authorized to make an assessment against medical malpractice insurers licensed, admitted, authorized or approved by the commissioner to pay for the rating bureau's expenses as they relate to medical malpractice insurance.

SECTION 2. Said seventh paragraph of said section 8E of said chapter 26, as so appearing, is hereby further amended by adding the following sentence:- The assessments authorized under this paragraph shall be allocated on a fair and reasonable basis among all medical malpractice insurers licensed, admitted, authorized or approved by the commissioner.

SECTION 3. Said chapter 26, as so appearing, is hereby further amended by striking out section 8I and inserting in place thereof the following section:-

Section 8I. There shall be established within the division a medical malpractice analysis bureau which shall analyze and collect data and advise the commissioner on requests filed by a medical malpractice insurer licensed, admitted, authorized or approved by the commissioner for changes in risk classifications, premiums, rates and such other matters as may be reviewed or approved by the commissioner. Said bureau may employ at least the following persons: an actuary, an attorney, a person with expertise in the area of health care systems and policies, two senior actuarial assistants and such secretarial and clerical assistance as may be necessary to carry out the purposes of this section. The commissioner shall appoint all employees of said bureau who shall be exempt from the provisions of section nine A of chapter thirty and chapter thirty-one and shall serve at the pleasure of the commissioner.

The commissioner is hereby authorized to make and collect an assessment against medical malpractice insurers licensed, admitted, authorized or approved by the commissioner to pay for the expenses of said bureau. Said assessment shall be made at a rate sufficient to produce five hundred thousand dollars annually. In addition to said amount, the assessment shall also include an amount, to be credited to the General Fund, equal to the total amount of funds estimated by the secretary for administration and finance to be expended from the General Fund for indirect and fringe benefit costs attributable to the personnel costs of said bureau; provided, however, that if the commissioner shall fail to expend for the costs and expenses of said bureau in any fiscal year the total amount of five

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hundred thousand dollars for the purposes set forth in this section, any 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. The assessment shall be allocated on a fair and reasonable basis among all medical malpractice insurers licensed, admitted, authorized or approved by the commissioner. The funds produced by said assessments shall be expended by the division, in addition to any other funds which may be appropriated, to assist in defraying the general operating expenses of said bureau, and may be used to compensate consultants retained by said bureau. A medical malpractice insurer licensed, admitted, authorized or approved by the commissioner shall pay the amount so assessed against it within thirty days after the date of the notice of assessment from the commissioner.

SECTION 4. Chapter 175 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after section 193T, the following new section:-

Section 193U. Every medical malpractice insurer shall make available to every eligible health care provider every medical malpractice insurance coverage which it provides to any eligible health care provider; provided, however, that only a medical malpractice insurer may cede any medical malpractice insurance policy issued to an eligible health care provider to the Massachusetts medical malpractice reinsurance plan.

No medical malpractice insurer shall discriminate against any eligible health care provider based upon the specialty practiced by health care providers within such category; provided, however, that nothing herein shall prohibit a medical malpractice insurer from establishing reasonable classifications of risks and premium charges based upon the relative risk associated with practice in a particular specialty. If, after a hearing, the commissioner determines that a medical malpractice insurer has discriminated against any eligible health care provider in violation of this section, the commissioner shall take such action as is necessary to eliminate the effect of the discrimination and to prevent further violations, including, without limitation, the suspension or revocation of the medical malpractice insurer's license, admission, authorization or approval to write medical malpractice insurance on risks within the commonwealth.

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

"Eligible health care provider," any category of health care provider that was authorized to obtain medical malpractice insurance from the joint underwriting association established by section six of chapter three hundred and sixty-two of the acts of nineteen hundred seventy-five as of December thirty-first, nineteen hundred and ninety-four.

"Health care provider", a doctor of medicine, osteopathy or dental science licensed under the provisions of chapter one hundred and twelve of the General Laws, an intern, fellow or medical officer licensed under the provisions of section nine of said chapter one hundred and twelve or a licensed hospital or clinic and its agents and employees.

"Medical malpractice insurer," any corporation or association that is licensed, admitted, authorized or approved and that has received a certificate of authority from the commissioner to write medical malpractice insurance on risks within the commonwealth on a direct basis. The term "medical malpractice insurer" shall not include: (i) a corporation

or other entity that is formed under the laws of any jurisdiction other than a state of the United States or the District of Columbia and that is engaged in writing (a) medical malpractice insurance for the members, shareholders or owners of such corporation or other entity, including affiliates of such members, shareholders, owners and persons employed by, affiliated with or providing professional services to such members, shareholders, owners or affiliates, and any servicing carrier thereof; or (b) reinsurance on medical malpractice insurance written by a fronting company for the members, shareholders or owners of such corporation or other entity, including affiliates of such members, shareholders or owners and persons employed by, affiliated with or providing professional services to such members, shareholders, owners or affiliates, and any servicing carrier thereof; (ii) a trust maintained by the University of Massachusetts to self fund medical malpractice risks; or (iii) a risk retention group, as that term is defined in the Liability Risk Retention Act of 1986, 15 U.S.C. 3902, as amended from time to time, which is affiliated or under common ownership or control with a corporation or other entity described in subparagraphs (i) or (ii) of this sentence or which insures the risks of those members, shareholders, owners, affiliates or persons described in subparagraph (i) of this sentence.

"Massachusetts medical malpractice reinsurance plan," the nonprofit entity known as the medical malpractice reinsurance plan as approved by the commissioner.

SECTION 5. Section 5A of chapter 175A of the General Laws, as so appearing, is hereby repealed.

SECTION 6. Said chapter 175A, as so appearing, is hereby further amended by striking out section 5C, as inserted by section 1 of chapter 667 of the acts of 1989, and inserting in place thereof the following section:-

Section 5C. (a) (1) The medical professional mutual insurance company approved by the commissioner is hereby authorized to establish an experience review plan for all physicians insured by it. Such experience review plan shall be administered by an experience review committee established by the insurer. The said committee (i) shall consist of an even number of standing voting members, not to be less than six; and (ii) shall include physicians licensed to practice in the Commonwealth as one-half of the standing voting members. The said committee shall include as physician members only physicians appointed by the insurer from a list of nominees provided by the Massachusetts medical society, which nominees shall not all be members of said Massachusetts medical society. An additional representative of the medical professional mutual insurance company may sit as a member of the committee but shall vote only in the event of a tie vote of the other members.

(2) Said committee is hereby authorized to review the medical malpractice claim experience of insured physicians and any other relevant information obtained by the medical professional mutual insurance company through its risk management or underwriting activities. The purpose of this review is for the committee to determine, on the basis of the physician's experience, whether remedial action may reduce the possibility that the physician's practice may result in future incidents of medical malpractice, and, if so, to implement the remedial action or actions which the committee determines are indicated. If

the committee determines remedial action should be implemented, it shall implement secondary remedial actions only if the committee determines (i) that primary remedial action has not or is unlikely to reduce the possibility that the physician's practice may result in future incidents of medical malpractice, or (ii) that the physician has failed or refused to comply with remedial actions implemented by the committee. Primary remedial actions are those listed in subsection (a)(3) which are not designated secondary remedial actions, and remedial actions not listed in paragraph (3) which are not designated secondary when approved for use by the commissioner. Secondary remedial actions are those listed in clauses (vi), (vii) and (viii) of said paragraph (3); similarly stringent actions not listed shall be designated secondary remedial actions when approved for use by the commissioner. In determining whether to impose remedial action, and in determining the remedial action or actions to be imposed, the experience review committee shall make its determinations solely with reference to this subsection, which is the complete and exclusive standard for such determinations by the experience review committee.

(3) The said committee is authorized to recommend and implement remedial action as provided in this subsection with respect to an insured whose medical malpractice claim experience has been reviewed. The following committee remedial actions are hereby authorized: (i) consultation with the medical professional mutual insurance company's risk management staff; (ii) audits by the medical professional mutual insurance company's risk management staff; (iii) required additional education, including residency or other training programs; (iv) ineligibility for risk management, limited practice or other applicable medical malpractice insurance discounts; (v) required consultation with or supervision by another physician; (vi) restriction of coverage to exclude coverage for a particular specialty, procedure, or medical setting; (vii) imposition of a co-payment with respect to claims asserted against the physician involving a particular specialty or procedure; provided, however, that in no event shall the committee established by the medical professional mutual insurance company impose a co-payment which is less than a minimum set out in the experience review plan or more than fifty percent per claim or in excess of fifty thousand dollars per claim for any co-payment; (viii) imposition of added charges; provided, however, that in no event shall the committee established by the medical professional mutual insurance company impose an added charge on an insured less than a minimum set out in the experience review plan or more than fifty percent of the insured's total limits premium; and (ix) any other remedial action as the commissioner may approve which is consistent with the provisions of this section. In the event the experience review committee adopts a remedial action of a type not specified in the experience review plan, the committee shall, at least thirty days before the effective date of such remedial action, advise the commissioner of the particular terms of the proposed remedial action and indicate how it is consistent with this section. Unless the commissioner disapproves the proposed remedial action before it goes into effect, such remedial action shall be deemed approved.

(4) Prior to adopting any remedial action with respect to an insured, the committee shall provide written notice to the insured of remedial action determined by it, the reasons supporting the committee's determination, and the commencement date for the remedial ac-

tion, which shall not be less than thirty days from the date of the notice. The notice shall advise the insured that he may meet with the committee to obtain a further explanation of the committee's determination and to respond to the determination, and shall specify the time within which such a meeting may be requested, which shall not be less than ten business days from the insured's receipt of the notice. If the insured does not request a meeting with the committee within the time specified, he shall be deemed to have accepted the proposed remedial action, and to have waived his right to further review of the remedial action by the committee or pursuant to paragraph (6). If the insured requests a meeting with the committee, the committee shall hold a meeting prior to implementing any remedial action with respect to the insured.

(5) The medical professional mutual insurance company approved by the commissioner is hereby authorized to issue endorsements to the insured's medical malpractice insurance policy and to take such other action as is necessary to implement the remedial action adopted by said committee. In no event shall the experience review committee established by the medical professional mutual insurance company deny all coverage to a duly licensed physician based upon review under the plan if the company is required to make medical malpractice insurance coverage available to such physician pursuant to section one hundred and ninety-three T of chapter one hundred and seventy-five of the General Laws; provided, however, that the medical professional mutual insurance company may require completion of any recommended remedial actions as a condition of continued coverage. The failure to pay a co-payment or an added charge imposed by the committee shall constitute a failure to pay premium due to the medical professional mutual insurance company which may result in cancellation of insurance or the denial of coverage by the Massachusetts medical malpractice reinsurance plan approved by the commissioner. The medical professional mutual insurance company is authorized to implement remedial actions which shall continue to apply automatically to renewals of the insured's policy as provided in the experience review plan.

(6) Any person aggrieved by a final determination of the committee under this section may, within thirty days from the notice of such final determination, file a complaint in the superior court for the county of Suffolk for a review of such determination. An order of notice returnable not later than twenty days from the filing of such complaint shall forthwith issue and be served upon the medical professional mutual insurance company. Within ten days after the return of said order of notice the complaint will be assigned for a speedy hearing on the merits without a jury. Unless the court orders otherwise, imposition of remedial action by the insurer shall be stayed pending review by the court. The court shall have jurisdiction to modify, amend, annul, reverse or affirm the final determination of the committee, shall review all questions of fact and law involved therein and may make any appropriate judgment. The decision of the court shall be final and conclusive on the parties. The court may make such order as to costs as it deems equitable. The court may make such rules or orders as it deems proper, governing proceedings under this section to secure prompt and speedy hearings and to expedite final decisions thereon.

(7) Within thirty days from the effective date of this section the medical professional

mutual insurance company shall file a proposed experience review plan with the commissioner; provided, however, that said insurer which becomes subject to this section more than thirty days after the effective date of this section, shall be required to file a proposed experience review plan within thirty days from the date said insurer becomes subject to this section. The commissioner shall either approve, disapprove or approve with modifications such plan following comment at a public hearing so that the plan is consistent with the requirements of this section. The commissioner shall sign a memorandum approving, disapproving, or approving with modifications the proposed plan in such form as he may prescribe within sixty days of the filing of such plan by the medical professional mutual insurance company and file the same in his office and cause a duly certified copy of such memorandum to be transmitted forthwith to the insurer and other parties to the public hearing. Any person who participates in the public hearing and who is aggrieved by the decision of the commissioner may, within twenty days from the filing of such decision thereof in his office, file a complaint in the supreme judicial court for the county of Suffolk for a review of such action, order, finding or decision. An order of notice returnable not later than seven days from the filing of such complaint shall forthwith issue and be served upon the commissioner. Within ten days after the return of said order of notice, the complaint shall be assigned for a speedy and summary hearing on the merits. The action, order, finding or decision of the commissioner shall remain in full force and effect pending the final decision of the court unless the court or a justice thereof after notice to the commissioner shall by a special order or otherwise direct. The court shall have jurisdiction to modify, amend, annul, reverse or affirm such action, order, finding or decision, shall review all questions of fact and of law involved therein and may make any appropriate judgment. The decision of the court shall be final and conclusive on the parties. The court may make such order as to costs as it deems equitable. The court shall make such rules or orders as it deems proper, governing proceedings under this section to secure prompt and speedy hearings and to expedite final decisions thereon.

(8) Except as otherwise indicated in this section, any modifications to or termination of the experience review plan previously approved by the commissioner shall be subject to the following:

(i) The approved experience review plan shall continue indefinitely until terminated or modified; provided, however, that an approved plan may contain a self-termination provision.

(ii) Starting on July first, nineteen hundred and ninety-two, and on July first of every even-numbered year thereafter, the commissioner may, if he issues a request for public comment before September fifteenth of the preceding year, undertake a review of any experience review plan previously approved by him. Following such a request, he shall terminate such plan unless he finds it in accordance with this section.

(iii) Starting on August first, nineteen hundred and ninety-one, and on August first of every odd-numbered year thereafter, any party interested in the experience review plan previously approved by the commissioner, including the medical professional mutual insurance company to which the plan applies, may submit proposed changes in the plan to

the commissioner and the insurer whether or not public comment is formally requested under subparagraph (ii). In addition to stating the revised language of the plan, such a proposal shall contain supporting documents and discuss the reasons for the proposed changes. Only portions of a plan for which changes have been so proposed are subject to revision. After comment at a public hearing, the commissioner shall either maintain the plan in effect without change, terminate the plan, or adopt modifications to one or more portions of the plan for which changes have been proposed. Any such modifications to the plan shall be consistent with the requirements of this section, and shall not be implemented before July first of the year following the submission of the proposed change. A modification to the medical professional mutual insurance company's plan proposed by a party other than said insurer may be approved only if, on the basis of all of the materials and information which are in the record of the public hearing, the record demonstrates that the modification will the first sentence improve the effectiveness of the previously approved plan in carrying out the purposes of this section, and that such improvements will not cause costs or administrative burdens to the insurer or its policyholders which are unreasonable in relation to the benefits of the improvements.

(iv) If the commissioner and the medical professional mutual insurance company agree on a proposed change, the proposed change may be made at any time, following public notice and an opportunity for comment, to become effective upon the commissioner's order.

(v) Decisions under subparagraph (ii) to (iv), inclusive, shall be subject to judicial review in the supreme judicial court as provided in paragraph (7).

(9) There shall be no liability on the part of, and no cause of action of any nature shall rise against, the commissioner or his authorized representatives for any statements made in good faith by them in any report or communications concerning matters covered by this section.

(10) No experience review committee, medical professional mutual insurance company, individual or institution reporting, providing information, opinion, counsel or services to the experience review committee or participating in the procedures required by this section or any experience review plan approved hereunder, shall be liable in a suit for damages or subject to a cause of action of any kind by reason of having furnished such information, opinion, counsel or services or by reason of such participation; provided, however, that such individual or institution acted in good faith with a reasonable belief that said actions were warranted in connection with or in furtherance of the functions of the experience review committee or the procedures required by this section or the experience review plan approved hereunder.

(b)(1) The proceedings, records and reports of the experience review committee established pursuant to this section shall be confidential and treated as described in paragraphs (2) to (9), inclusive. The records and report described in paragraphs (5) and (6) shall be exempt from disclosure as public records pursuant to section seven of chapter four of the General Laws.

(2) Except in connection with an appeal provided in paragraph (6) of subsection (a), or a suit against any individual or institution to establish a cause of action pursuant to para-

graph (10) of said subsection (a), documents identified in paragraphs (1), (5) and (6) of this subsection shall not be subject to subpoena or discovery, or introduced into evidence in any medical staff proceeding or administrative proceeding or in any judicial action; provided, however, that documents, reports or records otherwise available from original sources shall not be immune from subpoena, discovery or use in any judicial or administrative proceeding merely because they were presented to an experience review committee in connection with its proceedings. A court or administrative body may place reasonable restriction on the use which may be made of the information to which subsection (b) applies, including any decision rendered as the first sentence provided in paragraph (6) of subsection (a), so as to maintain so far as necessary or practicable the confidentiality of such information.

(3) Except in connection with an appeal provided in paragraph (6) of subsection (a), or a suit against any individual or institution to establish a cause of action pursuant to paragraph (10) of said subsection (a), no person who was in attendance at the meeting of an experience review committee shall be permitted or required to testify in any medical staff proceeding or administrative proceeding or in any judicial action as to the committee's or any member's findings, recommendations, evaluations, opinion, deliberations or other actions.

(4) A person who provides information to the experience review committee or who is a member of the committee shall not be prevented from testifying as to matters known to such person independent of the committee's proceedings; provided, however, that such person may not be questioned in any proceedings about the identity of any person furnishing information or opinions to the committee, opinions formed by the testifying person as a result of such committee proceedings, or about the deliberations of the experience review committee.

(5) In the event of an appeal under paragraph (6) of subsection (a), the record on appeal shall be confidential and treated as provided in paragraph (2) of this subsection.

(6) The medical professional mutual insurance company shall only report to the board of registration in medicine the imposition of voluntary or involuntary remedial actions described in clauses (vi) or (vii) of paragraph (3) of subsection (a). Such person shall be considered confidential information subject to the requirements of section five of chapter one hundred and twelve. Such reports shall also be provided to the medical staff of any hospital or clinic at which such physician has privileges and to members and employed doctors of any partnership or professional corporation of which the insured is a member or employee. Any hospital or clinic receiving such a report may use the report to investigate or review the privileges available to such physician; provided, however, that any such report shall be maintained as confidential by any hospital or clinic and members or employed doctors of any partnership or professional corporation who receive it, and shall be treated as provided in paragraph (2) of this subsection.

(7) On or before September first nineteen hundred and ninety and on or before April first of each year thereafter, the medical professional mutual insurance company shall submit to the division of insurance a list of insureds who have been reviewed under the experience review plan including insureds currently subject to remedial action. Such submission shall set forth each remedial action taken by the committee, if any, and such other information as

shall be specified in the plan, consistent with the provisions of this section. Such submissions may be introduced in any hearing pursuant to paragraph (7) of subsection (a); provided, however, that information that identifies an individual physician in this report to the division of insurance shall be maintained as confidential and shall not be made part of any public record or proceeding.

(8) No proceeding, report or record of an experienced review committee obtained hereunder in an appeal pursuant to paragraph (6) of subsection (a), any proceeding or appeal pursuant to paragraph (8) of said subsection (a), any action pursuant to paragraph (10) of said subsection (a), or a report pursuant to paragraph (6) or (7) of this subsection, shall be subject to subpoena or discovery, or introduced into evidence in judicial or administrative proceedings other than proceedings specified in paragraphs (6), (8) and (10) of said subsection (a), and paragraphs (6) and (7) of this subsection.

(9) Nothing in this section shall be deemed to alter or amend any requirements that the medical professional mutual insurance company provide records or information not prepared in connection with the experience review committee to the board of registration in medicine or the commissioner of insurance, including, but not limited to, the reporting requirements set forth in section five C of chapter one hundred and twelve of the General Laws or as otherwise required by law.

(c) As used in this section, the term "medical malpractice insurance" shall mean insurance coverage against the legal liability of the insured for loss, damage or expense incident to a claim rising out of the death or injury of any person as the result of negligence or malpractice in rendering professional services by any doctor of medicine or osteopathy licensed under section two of chapter one hundred and twelve of the General Laws.

SECTION 7. Section 6 of chapter 175A of the General Laws, as so appearing, is hereby amended by striking out the third sentence of subsection (a) and inserting in place thereof the following sentence:-

The commissioner may by order delay the effective date for not more than thirty additional days in any case where he determines such delay is needed to properly examine the filing and any supporting information filed as requested or to permit a hearing thereon; provided further, however, that, if such filing is made by a medical malpractice insurer with respect to medical malpractice insurance, the commissioner may further delay the effective date of such filing for not more than ninety additional days.

SECTION 8. Section 13 of chapter 362 of the acts of 1975, as most recently amended by section 11 of chapter 65 of the acts of 1992, is hereby further amended by striking out the second sentence of said section and inserting in place thereof the following sentence:- Section six of this act shall terminate upon the conversion of the joint underwriting association into the medical professional mutual insurance company.

SECTION 9. The Medical Professional Mutual Insurance Company.

Section 1. As used in this act the following words shall have the following meanings:

"Association," the joint underwriting association established pursuant to section six of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five.

"Medical malpractice insurance," insurance coverage against the legal liability of the insured for loss, damage or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any health care provider.

"Medical malpractice insurer," any corporation or association that is licensed, admitted, authorized or approved and that has received a certificate of authority from the commissioner to write medical malpractice insurance on risks within the commonwealth on a direct basis. The term "medical malpractice insurer" shall not include: (i) a corporation or other entity that is formed under the laws of any jurisdiction other than a state of the United States or the District of Columbia and that is engaged in writing (a) medical malpractice insurance for the members, shareholders or owners of such corporation or other entity, including affiliates of such members, shareholders, owners and persons employed by, affiliated with or providing professional services to such members, shareholders, owners or affiliates, and any servicing carrier thereof; or (b) reinsurance on medical malpractice insurance written by a fronting company for the members, shareholders or owners of such corporation or other entity, including affiliates of such members, shareholders or owners and persons employed by, affiliated with or providing professional services to such members, shareholders, owners or affiliates, and any servicing carrier thereof; (ii) a trust maintained by the University of Massachusetts to self fund medical malpractice risks; or (iii) a risk retention group, as that term is defined in the Liability Risk Retention Act of 1986, 15 U.S.C. 3902, as amended from time to time, which is affiliated or under common ownership or control with a corporation or other entity described in subparagraphs (i) or (ii) of this sentence or which insures the risks of those members, shareholders, owners, affiliates or persons described in subparagraph (i) of this sentence.

"Net direct premiums," gross direct premiums written on risks within the commonwealth on medical malpractice, including the medical malpractice insurance component of multiple peril package policies, as computed by the commissioner less all premiums and dividends credited or returned to policyholders of the unused or unabsorbed portions of premiums deposits.

"Health care provider", a doctor of medicine, osteopathy or dental science licensed under the provisions of chapter one hundred and twelve of the General Laws, an intern, fellow or medical officer licensed under the provisions of section nine of said chapter one hundred and twelve or a licensed hospital or clinic and its agents and employees.

"Eligible health care provider," any category of health care provider that was authorized to obtain medical malpractice insurance from the joint underwriting association established by section six of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five prior to the effective date of this act.

"Massachusetts medical malpractice reinsurance plan," the medical malpractice reinsurance plan established by section ten of this act.

Section 2. The commissioner of insurance is hereby authorized and directed to approve the conversion of the association and the association is hereby converted into a mutual insurance company to be known as the medical professional mutual insurance com-

pany, which shall succeed to and assume all of the assets and liabilities of the association. All rights, interests and properties of the association shall, without any further act or deed, be the property of the resulting mutual company, and the resulting mutual company shall remain bound by all obligations and liabilities of the association including, without limitation, the rights and obligations of the association under the policies of insurance issued by it. No contracts, claims, suits or other rights of or against the association shall be affected by this conversion.

Section 3. The medical professional mutual insurance company shall be authorized to transact any and all kinds of medical malpractice insurance and other lines of insurance for which it may be licensed that relate directly to the delivery of health care services, as the commissioner may approve subject to the restrictions of section forty-eight A of chapter one hundred seventy-five of the General Laws; provided, however, that said company shall not be authorized to issue policies of insurance to a doctor of optometry, podiatry or chiropractic or a registered nurse licensed under the provisions of chapter one hundred and twelve of the General Laws or a licensed nursing home and its agents and employees. Except as provided herein, or in its articles of organization or by-laws, such company shall have all powers conferred upon a mutual insurance company incorporated in the commonwealth. Except as provided herein, such company shall be subject to all provisions of the General Laws which are now or may in the future be applicable to such companies; and provided further that nothing in this act shall diminish the regulatory authority of the commissioner of insurance as set forth in chapter two hundred and twenty-six of the acts of nineteen hundred and ninety-three with respect to such company.

Section 4. The medical professional mutual insurance company shall be governed by a board of directors which shall, notwithstanding any other provisions of law, be constituted and selected in the manner set forth in the company's by-laws. Notwithstanding any other provision of law, the officers of the company shall be authorized on behalf of the board to solicit proxies from the members and to vote such proxies without limitation as to number of votes so cast.

Section 5. Notwithstanding any other provision of any general or special law, the medical professional mutual insurance company shall:

(a) have in lieu of guarantee capital a guaranty fund in an amount as the commissioner shall initially determine. Said guaranty fund shall be considered surplus for the purpose of all provisions of chapter one hundred and seventy-five of the General Laws. Said guaranty fund shall not be subject to the provision of chapter one hundred and seventy-five of the General Laws providing for voting rights by share holders in any such guaranty capital.

(b) not be subject to the provision of sections seventy-three, ninety A, ninety A, ninety-two, ninety-three A and ninety-three B of said chapter one hundred and seventy-five, insofar as they relate to subscriptions for insurance or securing initial applications for insurance;

(c) be authorized to issue nonassessable policies.

Section 6. Upon approval of the commissioner, the medical professional mutual in-

insurance company may for any purposes, including, but not limited to the fixing of separate percentages of dividends under section eighty of chapter one hundred and seventy-five, consider the business of each category of health care provider as a separate line of business; provided further, however, that the doctor of dental science category of insured shall continue to be treated as a separate line of business to the extent required by chapter ninety-two of the acts of nineteen hundred and ninety-one, and any excess surplus of the association, as determined by the commissioner, attributable to the doctor of dental science category of business as of the effective date of the conversion shall be paid as a dividend by the mutual company for the benefit of the association's doctor of dental science policyholders, as of that date. Such policyholders may elect to continue to be insured by the mutual company by assigning said dividend back to the mutual company.

Following the conversion, any excess surplus as determined by the commissioner of the medical professional mutual insurance company allocable to the doctor of dental science category of insureds shall be paid annually as a dividend to those persons, firms and entities entitled thereto. No portion of such excess surplus as determined by the commissioner shall be used or allocated for any other purpose or purposes and upon the payment of such dividend, there shall be no excess surplus allocable to the doctor of dental science category of insureds. The medical professional mutual insurance company shall annually notify each insured under the doctor of dental science category of insureds who or which is entitled to the payment of a dividend.

Section 7. The medical professional mutual insurance company shall be subject to the provisions of chapter one hundred seventy-five A of the General Laws to the extent that those provisions otherwise apply to a mutual insurance company incorporated in the commonwealth.

The medical professional mutual insurance company shall provide written notice and an opportunity for comment, for a period not to exceed forty-five days from the date of such notice, to the Massachusetts medical society, the Massachusetts hospital association, the American College of Nurse-midwives, Massachusetts Chapter, and the Massachusetts dental society prior to (a) making any filing, either directly or through any rating organization, with the commissioner of insurance required by section six of chapter one hundred and seventy-five A of the General Laws which affects the rates or risk classifications applicable to members of that professional association or (b) taking any action with respect to the surplus of the company, subject to the requirements of section five, for which the company's by-laws require an affirmative vote of more than a majority of the directors. The Massachusetts medical society, the Massachusetts hospital association, the American College of Nurse-midwives, Massachusetts Chapter and the Massachusetts dental society are each hereby authorized to provide advice and recommendations to the company regarding such filing or action with respect to surplus and shall be provided with reasonable and timely access to such rate-making data and other relevant information during the period specified herein for comment as is reasonably necessary to provide such advice and recommendations; provided, however, that any information obtained pursuant to this section shall be used solely for the purpose of providing advice and recommendations to the com-

pany as authorized in this section. Each such professional association shall use reasonable efforts to assure that any information it obtains pursuant to this section that is designated as proprietary or confidential by the company is not disclosed to any insurer or other entity providing insurance in the commonwealth. If, after a hearing, the commissioner determines that any such professional association has disclosed any proprietary or confidential information obtained pursuant to this section in violation of this section, the commissioner may suspend the authority of such professional association to obtain such information, and may suspend the license or authority of the recipient of any such information to provide insurance in the commonwealth, in each instance for such period as the commissioner determines is appropriate, but in no instance for a period longer than two years; provided, however, that if the commissioner determines that a professional association knowingly or intentionally disclosed proprietary or confidential information to any insurer or entity providing insurance in the commonwealth in violation of this section, the commissioner shall revoke the authority of such professional association to obtain such information in the future and shall revoke the license or authority of the recipient of the information to provide insurance in the commonwealth.

The Massachusetts medical society, the Massachusetts hospital association, the American College of Nurse-midwives, Massachusetts Chapter, and the Massachusetts dental society shall be an organization aggrieved under section seven of chapter one hundred and seventy-five A of the General Laws with respect to any filing that affects its members. The Massachusetts medical society, the Massachusetts hospital association, the American College of Nurse-midwives, Massachusetts Chapter, and the Massachusetts dental society shall each be an authorized representative under section eleven of chapter one hundred and seventy-five A of the General Laws with respect to any rate or rating system that affects its members.

Section 8. The medical professional mutual insurance company shall offer medical malpractice insurance on both a claims made and occurrence basis to eligible health care providers so that eligible health care providers may select either form of insurance at their option.

SECTION 10. There is hereby established a nonprofit entity to be known as the "Massachusetts medical malpractice reinsurance plan". All medical malpractice insurers, as defined by section nine of this act shall, on or after April first, nineteen hundred and ninety-five, be members of the reinsurance plan.

Such plan shall be prepared and administered by a governing committee appointed by the governor for terms of three years consisting of five members representing medical malpractice insurers. At least three members of the governing committee shall be representatives of any domestic medical malpractice insurer(s). At least one member shall be a representative of a non-domestic medical malpractice insurer. The governing committee shall be responsible for the hiring of the employees of the plan.

On or before March thirty-first, nineteen hundred and ninety-five, the governing committee shall submit to the commissioner a plan of operation. The commissioner shall, after notice and hearing, approve or disapprove the plan of operation. Subsequent amend-

ments to such plan shall be deemed approved by the commissioner if not expressly disapproved in writing by the commissioner within thirty days from the date of the filing.

Meetings of the governing committee of the plan shall be conducted in accordance with the provisions of section eleven A of chapter thirty A.

Premium rates charged for coverage reinsured by the plan shall be established by the governing board. Any health care provider ceded to the plan shall be an aggrieved health care provider under section seven of chapter one hundred and seventy-five A of the General Laws with respect to any filing. Any health care provider ceded to the plan shall be an authorized representative under section eleven of chapter one hundred and seventy-five A of the General Laws with respect to any rate or rating system that affects its members.

To control the size of the population of the plan, the plan shall annually provide for high risk classification credits for those insurers voluntarily writing medical malpractice insurance within those high risk classifications that would otherwise be disproportionately represented in the plan.

The plan shall reinsure coverage for both claims made and occurrences policies.

Following the close of each fiscal year, the governing committee shall determine the premiums charged for reinsurance coverage, the reinsurance plan expenses for administration, and the incurred losses, if any, for the year, taking into account investment income and other appropriate gains and losses. Any net loss for the year shall be recouped by assessment of the members. Said assessment shall be apportioned in the proportion that the net direct premiums written by each member during the preceding calendar year bears to the aggregate net direct premiums written in the commonwealth by all medical malpractice insurers during the preceding calendar year. Deficit assessments shall be included as an appropriate factor in determining rates.

Except as otherwise provided for proceedings under chapter one hundred and seventy-five A, any medical malpractice insurer and any other person aggrieved by any unfair, unreasonable or improper act or practice resulting from the operation of the plan, or as a result of the conduct of any other medical malpractice insurer, may request relief from the governing committee in the manner set forth in the plan. Any such person may appeal to the commissioner from any ruling or decision of the governing committee with respect to the operation of the plan, and the governing committee may on behalf of the plan apply to the commissioner for relief with respect to any act or practice of any medical malpractice insurer with respect to the operation of the plan.

Any ruling, order or decision of the commissioner under authority of this act shall be subject to review by appeal to the superior court department of the trial court of Suffolk county at the instance of any party in interest, which appeal shall be on the basis of the record of the proceeding before the commissioner. Said court shall have the jurisdiction to modify, amend, annul, review or affirm such action, order, finding or decision, shall review all questions of fact and of law involved therein, and may make any other appropriate order or decree. Said court shall determine whether the filing of the appeal shall operate as a stay of any such ruling, order or decision of the commissioner.

SECTION 11. The provisions of this act are severable and if any of its provisions

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shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not impair any of the remaining sections.

Approved January 11, 1995.

**Chapter 331. AN ACT RELATIVE TO ESTABLISHING A FUNDING SCHEDULE
FOR THE PLYMOUTH COUNTY RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of the second paragraph of subdivision (1) of section twenty-two D of chapter thirty-two of the General Laws or any other general or special law to the contrary, the Plymouth county retirement system is hereby deemed to have accepted the provisions of said section twenty-two D of said chapter thirty-two upon the acceptance by the Plymouth county retirement board advisory council.

SECTION 2. The public employee retirement administration shall not impose a cost of benefits standard to be used in determining said funding schedule; provided, however that, said schedule may only be disapproved by the actuary if said schedule does not meet the actuarial standards established under subdivision (1) of section twenty-two D of chapter thirty-two of the General Laws.

SECTION 3. This act shall take effect as of July first, nineteen hundred and ninety-four.

Approved January 11, 1995.

**Chapter 332. AN ACT AUTHORIZING THE APPOINTMENT OF PAUL J.
GALLAGHER, JR. AS A POLICE OFFICER IN THE TOWN OF
BILLERICA.**

Be it enacted, etc., as follows:

The personnel administrator of the division of personnel administration shall examine and certify Paul J. Gallagher, Jr. for appointment as a police officer in the town of Billerica according to the grade he received in an examination for police officer notwithstanding the fact he has attained the maximum age for said position; provided, however, that the said Paul J. Gallagher, Jr. fulfills all other requirements for certification and appointment as a police officer.

Approved January 11, 1995.

Chapter 333. AN ACT RELATIVE TO POLICE TRAINING IN THE COMMONWEALTH OF MASSACHUSETTS.

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by striking out section 96B, as appearing in the 1992 Official Edition, and inserting in place thereof the following section:-

Section 96B. Every person who receives an appointment to a position on a full-time basis in which he will exercise police powers in the police department of any city or town, shall, prior to exercising police powers, be assigned to and satisfactorily complete a prescribed course of study approved by the department of criminal justice training. The provisions of chapter thirty-one and any collective bargaining agreement notwithstanding, any person so attending such a school shall be deemed to be a student officer and shall be exempted from the provisions of chapter thirty-one and any collective bargaining agreement for that period during which he is assigned to a municipal police training school, provided that such person shall be paid the regular wages provided for the position to which he was appointed and such reasonable expenses as may be determined by the appointing authority and be subject to the provisions of chapter one hundred and fifty-two.

Every police officer on a full-time basis in any such municipal police department, shall be assigned to and shall attend a prescribed course of study approved by the department of criminal justice training for in-service officers training at such intervals and for such periods as said department may determine. Any such police officer who receives an appointment to a position of higher rank shall, in addition, complete such other courses of supervisory training as said department may determine. While attending such school or completing such courses, such persons shall be paid his regular wages as a police officer and shall receive such reasonable expenses as may be determined by the appointing authority.

Each person appointed as a reserve, or intermittent police officer, in a city or town shall, prior to exercising police powers, satisfactorily complete a course of study prescribed by said department.

Upon petition to the department of criminal justice training by the appointing authority, a person appointed to a position on a full-time basis in which he will exercise police powers in the police department of any city or town may be exempted by said department, in whole or in part, from the provisions of this section prior to his exercising police powers. The requirement that training be completed prior to exercising any police powers may be waived by said department.

Failure of an appointed person to comply with the provisions of this section prior to his exercising police powers, shall result in the appointed person's removal by the appointing authority, provided said person has not been exempted therefrom by said department as herein provided. Failure of an appointed person to satisfactorily complete the prescribed course of study may result in his removal by the appointing authority.

Approved January 11, 1995.

Chapter 334. AN ACT EXEMPTING CERTAIN VEHICLES FROM CERTAIN WIDTH, WEIGHT AND SPEED LIMITATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow overweight and overweight vehicles to remove snow during a snow emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 19G the following two sections:-

Section 19I. Notwithstanding any provisions of this chapter or any other law to the contrary, the maximum vehicle width as provided in section nineteen, maximum vehicle weight as provided in section nineteen A and any minimum speed limit on any way shall not apply to any vehicle being operated on a public way within two hundred yards of the work site of said vehicle, if said vehicle is being used in the performance of duties pursuant to a contract with the commonwealth, any political subdivision thereof or any state authority regarding construction on a public way.

Section 19J. Notwithstanding any provision of this chapter or any other law to the contrary, the maximum vehicle width as provided in section nineteen, the maximum axle weights as provided in section nineteen A and any minimum speed limit on any way shall not apply to any vehicle being operated on any public way in the performance of municipality, county or state contracted snow clearing duties.

Approved January 11, 1995.

Chapter 335. AN ACT RELATIVE TO THE TERRITORIAL JURISDICTION OF CERTAIN DIVISIONS OF THE JUVENILE COURT DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 57 of chapter 218 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the eighth subparagraph and inserting in place thereof the following two subparagraphs:-

Franklin and Hampshire 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 Northampton, with the same territorial limits as are prescribed for the criminal jurisdiction of the Northampton and Ware divisions of the district court department, as the chief justice of the juvenile court department may determine.

Berkshire and Hampden Counties

held at Pittsfield, within the same territorial limits as are prescribed for the criminal

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jurisdiction of the Pittsfield division of the district court department, as the chief justice of the juvenile court department may determine.

held at North Adams and Adams, within the same territorial limits as are prescribed for the criminal jurisdiction of the Northern Berkshire division of the district court department, as the chief justice of the juvenile court department may determine.

held at Great Barrington, within the same territorial limits as are prescribed for the criminal jurisdiction of the Southern Berkshire division 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.

SECTION 1A. Said section 57 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 71, the word "division" and inserting in place thereof the following:- and Falmouth divisions.

SECTION 2. Section 58 of said chapter 218, as so appearing, is hereby amended by striking out, in lines 57 and 58, the words "Hampden counties division shall consist of four justices" and inserting in place thereof the following words:- Hampshire counties division shall consist of one justice.

SECTION 3. Said section 58 of said chapter 218, as so appearing, is hereby further amended by striking out, in lines 62 and 63, the words "Hampshire counties division shall consist of one justice" and inserting in place thereof the following words:- Hampden counties division shall consist of four justices.

Approved January 11, 1995.

**Chapter 336. AN ACT RELATIVE TO THE CONVEYANCE OF CERTAIN LAND
BY THE WATER SUPPLY DISTRICT OF ACTON.**

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 Water Supply District of Acton, acting by and through its board of water commissioners, is hereby authorized to convey to Brewster Conant the fee in a certain parcel of vacant land containing about 2.4 acres, more or less, and being a portion of land described in Order of Taking dated January 16, 1974, filed with Middlesex south registry of deeds, Book 12582, Page 076, and located on Nagog Hill Road. Said conveyance shall include a perpetual deed restriction that the land conveyed may not be improved with a dwelling or other building thereon but may be used for roadway and utilities serving Parcel 24 containing fifty-four acres, as shown on a plan recorded in

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Middlesex south registry of deeds as Plan No. 1083 of 1993. Reserving to the district a perpetual easement for the existing sixteen inch water main from the storage tank to Nagog Hill Road; and further reserving also a temporary right of way currently in use by the district and located on, over and within the above described premises to be conveyed by the district.

SECTION 2. In consideration of the conveyance in section one, Brewster Conant shall convey to the Water Supply District of Acton and the Water Supply District of Acton is hereby authorized to accept the fee in a parcel of land containing about 24.1 acres, more or less, located in the town of Acton, and being a portion of land described in a deed to said Brewster Conant on file with the Middlesex South registry of deeds, Book 13793, Page 584, and located off Brook street; and containing a major water supply source developed by the Water Supply District of Acton and shall be used for municipal water supply purposes.

Approved January 11, 1995.

**Chapter 337. AN ACT AUTHORIZING THE TOWN OF ROCKPORT TO LEASE
A CERTAIN BUILDING FOR SIXTY-FIVE YEARS.**

Be it enacted, etc., as follows:

Chapter 72 of the acts of 1993 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. Notwithstanding the provisions of section three of chapter forty of the General Laws or any other general or special law to the contrary, the town of Rockport is hereby authorized to lease for a term not exceeding sixty-five years, the school administration building, so-called, located on Broadway in said town, for the purposes of low and moderate income elderly housing.

Approved January 11, 1995.

**Chapter 338. AN ACT ESTABLISHING A DEPARTMENT OF MUNICIPAL
FINANCE FOR THE TOWN OF GEORGETOWN.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-one of the General Laws or any other general or special law to the contrary, the by-laws of the town of Georgetown are hereby amended by adding the following:-

Article 2.1 Department of Municipal Finance By-Law

Department of Municipal Finance By-Law

Section 1. Creation of a Department of Municipal Finance:

The department of municipal finance is hereby established in the town of Georgetown. In accordance with section two, a finance director shall be appointed to imple-

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ment and coordinate said department. Said department and the finance director shall have all of the duties provided in section three of this by-law and such duties as may be prescribed by the board of selectmen with the approval of town meeting.

Section 2. Hiring and Selection Process:

The finance director shall be hired based upon qualifications to be developed by the personnel board using guidelines from the commonwealth and models from other communities.

There shall be a selection committee to consist of five members to be appointed, one by each of the following boards and committees, as their representative: board of selectmen, school committee, board of assessors, personnel board and the finance and advisory committee. The selection committee shall supervise a search and recruitment process advertising in regional newspapers and professional publications. The selection committee shall interview the most qualified applicants, recommending not more than three suitable candidates to the board of selectmen in a prioritized order. The board of selectmen shall have the ultimate authority over the finance director for the purpose of hiring or dismissing for cause; provided, however, that the board of selectmen shall make their choice from the selection committee's list and shall make written report of justification to the selection committee if they make their choice different from the prioritized order. The foregoing selection procedure shall be implemented whenever the position of finance director is required to be filled.

The board of selectmen shall enter into a formal written contract with the finance director that details responsibilities, goals and objectives for performance, evaluation criteria, salary, and fringe benefits for not longer than a three year term. The expiration date of any term of appointment for the position of finance director shall be on December thirty-first of the given year. The board of selectmen shall have the option of providing for a probation period within the term of appointment if they should deem it appropriate.

Section 3. Duties and Responsibilities:

The finance director, as treasurer and budget officer shall be responsible for coordinating the fiscal management procedures of the office of the treasurer, the office of the tax collector and the position of town accountant, and he shall be the administrator of budgeting, including financial reporting, accountability and control, as well as an advisor on financial and programmatic implications of current and future policies to all town departments and the board of selectmen. The finance director shall be responsible for coordinating all financial tasks upon the dates specified in the Massachusetts Department of Revenue Municipal Calendar, as amended. The finance director shall oversee and develop guidelines to be followed by all town departments for purchasing supplies and equipment, including acting as the chief procurement officer for said town; data processing including the utilization of uniform hardware and software for all town departments; personnel administration and risk management; all subject to the applicable laws of the commonwealth.

Section 4. Implementation:

Upon the assumption of office by the finance director, the terms of the existing town treasurer and tax collector and the town accountant shall terminate. The persons who were

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in such elected or appointed offices as of the effective date of the special act shall continue as employees of the department of municipal finance under the direction and supervision of the finance director at least until the expiration of their terms of office. Said employees shall maintain the same salary and benefits. Upon termination of an office as aforesaid, the finance director shall assume the powers and duties of the treasurer and said finance director shall appoint the persons to direct the divisions of town accountant, tax collector, purchasing, personnel and data processing, subject to the approval of the board of selectmen.

Section 5. Departmental Budgets:

Pursuant to the provisions of section fifty-nine of chapter forty-one of the General Laws, the board of selectmen and all boards, committees, heads of departments or other officers of the town authorized to expend money shall furnish to the town accountant and the finance director, on a date in January of each year as specified by the finance director and the board of selectmen, detailed estimates of the amounts necessary for the property maintenance of the departments under their jurisdiction for the ensuing fiscal year, with explanatory statements as to any changes from the amounts appropriated for the same purposes in the preceding fiscal year, an estimate of the amounts necessary for outlays or permanent improvements and estimates of any income likely to be received by the town during the ensuing fiscal year in connection with the town's business or property entrusted to their care. Such budget requests and income estimates shall be consolidated by the finance director and, together with the recommendations shall be submitted to the finance and advisory committee not later than the third Monday in March of each year.

Section 6. Enabling Clause:

Article 2-1 of the by-laws of the town of Georgetown shall become effective as of the effective date of the act authorizing said by-law.

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

Approved January 11, 1995.

**Chapter 339. AN ACT TO ESTABLISH AN EARLY RETIREMENT INCENTIVE
FOR EMPLOYEES OF THE MINUTEMAN REGIONAL VOCA-
TIONAL TECHNICAL SCHOOL DISTRICT CONTRIBUTORY RE-
TIREMENT SYSTEM.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty-two of the General Laws or of any general or special law to the contrary, the Minuteman Regional Vocational Technical School District Contributory Retirement Board shall establish and implement a retirement incentive program for nonteaching employees of the Minuteman Regional Vocational Technical School district, 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 active employee of the Minuteman Regional Vocational Technical School District on January One, Nineteen Hundred and Ninety-Four; (ii) shall be classified in Group 1, Group 2 or Group 4 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 of subdivision (1) of section ten of said chapter thirty-two upon the date of the written application with said board (iv) shall have filed such written application with said board within twenty days of the effective date of this act 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 later than forty-five days after the effective date of this act. Said program shall be administered by the Minuteman Regional Vocational Technical School District Contributory Retirement System, which shall also promulgate regulations to implement the provisions of said program.

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 the Minuteman Regional School District 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 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 School Committee of the Minuteman Regional Vocational Technical School 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 provisions 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 the employee's regular compensation received during any period of three consecutive years of creditable service for which the rate of compensation with the highest

or of the average annual rate of the employee's regular compensation received during the periods, whether or not consecutive, constituting the employee's last three years of creditable service preceding retirement, whichever is greater.

The commissioner of the public employee retirement administration shall analyze, study, and value 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 the Minuteman Regional Vocational Technical School District 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-Four, and shall send a copy thereof to the School Committee Chairman of the Minuteman Regional Vocational Technical School District; 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-Four. The Minuteman Regional Vocational Technical School District 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 Minuteman Regional Vocational Technical School District Retirement System's additional pension liability attributable to such costs and liabilities to zero on or before June Thirtieth, Two Thousand and Ten; provided, that in preparing such schedule, the board shall consider the analysis of the commission 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 Ten. 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-Five, 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 Minuteman Regional Vocational Technical School District to fund such liability and there shall be appropriated to the Minuteman Regional Vocational Technical School District pension reserve fund in each such fiscal year the amount required by the funding schedule and the updates thereto.

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

Approved January 11, 1995.

Chapter 340. AN ACT RELATIVE TO TEACHERS OF ENGLISH AS A SECOND LANGUAGE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the following provisions shall apply to teachers of English as a Second Language, hereinafter

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referred to as ESL. Every teacher of ESL shall either hold the ESL certificate or shall be teaching under a waiver requested by the school district and granted by the department of education. Any teacher of ESL, who is not currently certified in ESL but who holds an elementary education or secondary English certificate granted prior to September first, nineteen hundred and eighty-two which qualified the teacher to teach ESL, shall have up to three years to meet the current requirements for ESL certification. This three year time period shall commence on the date the teacher receives from the department of education notice of the specific certification requirements which the teacher must satisfy. For each school year during this time period, the employing school district shall request, and said department shall grant, a waiver for employment of the teacher, according to said department's standards and procedures for waivers, on an annual renewal basis, provided that the teacher has, in the judgment of said department, made sufficient progress each year toward completing the certification requirement.

Approved January 11, 1995.

Chapter 341. AN ACT RELATIVE TO FORECLOSURE OF MORTGAGES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 244 of the General Laws is hereby amended by striking out section 15, as appearing in the 1992 Official Edition, and inserting in place thereof the following section:-

Section 15. The person selling, or the attorney duly authorized by a writing or the legal guardian or conservator of such person, shall, after the sale, cause a copy of the notice and his affidavit, fully and particularly stating his acts, or the acts of his principal or ward, to be recorded in the registry of deeds for the county or district where the land lies, with a note or reference thereto on the margin of the record of the mortgage deed, if it is recorded in the same registry. If the affidavit shows that the requirements of the power of sale and of the statute have in all respects been complied with, the affidavit or a certified copy of the record thereof, shall be admitted as evidence that the power of sale was duly executed.

SECTION 2. Section one shall apply to powers of sale exercised prior to, on or after the effective date of this act.

Emergency Letter: January 17, 1995 @ 3:55 P.M.

Approved January 11, 1995.

Chapter 342. AN ACT RELATIVE TO MAKING CORRECTIVE CHANGES IN CERTAIN TAX LAW PROVISIONS.

Be it enacted, etc., as follows:

SECTION 1. Subsection (a) of section 17 of chapter 62C of the General Laws, as

appearing in the 1992 Official Edition, is hereby amended by striking out the first sentence, and inserting in place thereof the following sentences:- An executor, as defined in chapter sixty-five C, of the estate of a resident or nonresident decedent, shall, within nine months after the date of the decedent's death, make a return with respect to the tax imposed by chapter sixty-five C if, in the case of a decedent dying on or before December thirty-first, nineteen hundred and ninety-six, the Massachusetts gross estate exceeds the amount of the exemption afforded by subsection (a) of section three of chapter sixty-five C, or in the case of a decedent dying thereafter, the estate is liable for any amount of tax under chapter sixty-five C. For purposes of this section the Massachusetts gross estate of a nonresident decedent shall be computed as if the decedent had been a resident.

SECTION 2. Section 3 of chapter 65C of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) An exemption equal to the Massachusetts net estate shall be allowed 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; and 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; provided, that the exemption shall not exceed an amount equal to the smallest federal taxable estate that absorbs the allowable federal credit under section two thousand and ten of the Internal Revenue Code as amended and in effect as of the date of death of the decedent. Except for purposes of the final clause of subsection (a) of section two of chapter sixty-five C, if the Massachusetts net estate exceeds the amount of the exemption, no exemption shall apply.

SECTION 3. Said section 3 of said chapter 65C, as so appearing, is hereby further amended by inserting after the word "estate" in line 26 the following words:- ; provided, however, that the deduction for property which has passed or passes to a surviving spouse shall not be limited by subsection (c) of section two thousand and fifty-six of the Code.

SECTION 4. Section 3A of said chapter 65C, as so appearing, is hereby amended by inserting after the word "spouse" in line 7 the following words:- ; provided, however, that a deduction with respect to such terminable interest property shall not be limited by subsection (c) of section two thousand and fifty-six of the Code.

SECTION 5. Sections one and two of this act shall be effective with respect to estates of decedents dying on or after January first, nineteen hundred and ninety-three. Sections three and four of this act shall be effective with respect to estates of decedents dying on or after July first, nineteen hundred and ninety-four.

Approved January 11, 1995.

Chapter 343. AN ACT RELATIVE TO COUNTY FINANCES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty A of chapter fifty-nine of the General Laws, beginning with the fiscal year commencing on July first nineteen hundred and ninety-three, the limit on Essex county tax on its member cities and towns in any fiscal year may be the limit of the prior fiscal year increased by two and one-half percent.

Approved January 13, 1995.

Chapter 344. AN ACT FURTHER CLARIFYING SMALL CLAIMS PROCEDURE.

Be it enacted, etc., as follows:

Section 23 of chapter 218 of the General Laws is hereby amended by adding the following paragraph:-

A judgment in an action for property damage caused by a motor vehicle commenced under the procedure shall not have a res judicata, collateral estoppel or other preclusive effect on any other action arising out of the same cause of action.

Approved January 13, 1995.

Chapter 345. AN ACT AUTHORIZING AND DIRECTING THE STATE RETIREMENT BOARD TO GRANT CREDITABLE SERVICE TO LUCILLE DEGUIRE.

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 Lucille Deguire, R.N., with an additional four years and two months 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. Eligibility for said creditable service shall be conditioned upon payment to the state employees' retirement system of an amount equal to the contribution she would have otherwise owed for said period of creditable service together with regular interest thereon. Such repayment shall be made in one sum or in installments as the state retirement board shall prescribe.

Approved January 13, 1995.

Chapter 346. AN ACT RELATIVE TO SCHOOL PRINCIPALS.

Be it enacted, etc., as follows:

Section 41 of chapter 71 of the General Laws is hereby amended by striking out the second and third paragraphs, inserted by section 43 of chapter 71 of the acts of 1993, and inserting in place thereof the following two paragraphs:-

School principals, by whatever title their position may be known, shall not be represented in collective bargaining, but every principal shall have the opportunity to meet and discuss individually the terms and conditions of his employment in his school district with such district's superintendent and may be represented by an attorney or other representative, and shall be employed under written contracts of employment. Such contracts shall be for terms of up to three years in length. Failure of the superintendent to notify a principal of the proposed nonrenewal of his contract at least sixty days prior to the expiration date of such contract shall automatically renew the contract for an additional one year period.

Except as provided herein, section forty-two shall not apply to school principals, assistant principals or department heads, although nothing in this section shall deny to any principal, assistant principal or department head any professional teacher status to which he shall otherwise be entitled. A principal, assistant principal, department head or other supervisor who has served in that position in the public schools of the district for three consecutive years shall not be dismissed or demoted except for good cause. Only a superintendent may dismiss a principal. A principal, assistant principal, department head or other supervisor shall not be dismissed unless he has been furnished with a written notice of intent to dismiss with an explanation of the grounds for the dismissal, and, if he so requests, has been given a reasonable opportunity within fifteen days after receiving such notice to review the decision with the superintendent at which meeting such employee may be represented by an attorney or other representative to present information pertaining to the bases for the decision and to such employee's status. A principal, assistant principal, department head or other supervisor may seek review of a dismissal or demotion decision by filing a petition with the commissioner for arbitration. Except as provided herein, the procedures for arbitration, and the time allowed for the arbitrator to issue a decision, shall be the same as that in section forty-two. The commissioner shall provide the parties with the names of three arbitrators who are members of the American Arbitration Association. The arbitrators shall be different from those developed pursuant to section forty-two. The parties each shall have the right to strike one of the three arbitrator's names if they are unable to agree upon a single arbitrator from amongst the three.

Approved January 13, 1995.

Chapter 347. AN ACT RELATIVE TO BULLET PROOF VESTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide bullet proof vests, therefore it is hereby declared to be an emer-

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agency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Item 8100-8958 in section 2C of chapter 85 of the acts of 1994 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For a grant program to provide bullet proof vests, so-called, to police officers subject to the provisions of section ninety-six B of chapter forty-one of the General Laws, full time sworn personnel of the department of state police and certain personnel of other agencies within the executive office of public safety as determined by the secretary of public safety to be administered by the executive office of public safety; provided, further, that all bullet proof vests purchased from this item shall meet or exceed the current national institute of justice standards for type two, two A or three A police body armor; provided, further, that each officer receiving a bullet proof vest attend a mandatory education and training session to be conducted by the executive office of public safety in conjunction with the department of state police and the criminal justice training council; and provided, further, that reimbursement shall be made available from the grant program to any municipal police department which had purchased such bullet proof vests after January first, nineteen hundred and ninety-four upon written proof of purchase.

Approved January 13, 1995.

Chapter 348. AN ACT RELATIVE TO THE OFFICE OF AUDITOR OF THE TOWN OF BECKET.

Be it enacted, etc., as follows:

Section 2 of chapter 662 of the acts of 1989 is hereby amended by striking out clauses (k) and (l) and inserting in place thereof the following clause:-

(k) constables.

Approved January 13, 1995.

Chapter 349. AN ACT ESTABLISHING A BOARD OF WATER COMMISSIONERS IN THE TOWN OF WEST STOCKBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the town of West Stockbridge a board of water commissioners, consisting of five members who shall be appointed by the board of selectmen, one until the expiration of five years, one until the expiration of four years, one until the expiration of three years, one until the expiration of two years and until the expira-

tion of one year and thereafter one such commissioner shall be appointed annually for a term of five years. No less than three members shall be users of the water system.

Said board shall have all the powers and duties of water commissioners as provided in section sixty-nine B of chapter forty-one of the General Laws and said board shall have the power of eminent domain.

The board shall, subject to the approval of the board of selectmen, annually fix and collect just and equitable prices and rates for the use of the water system and determine the number and compensation of all employees necessary to operate the water system.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of West Stockbridge at an annual or special town meeting in the form of the following question which shall be placed on the official warrant:- "Shall an act passed by the general court in the year nineteen hundred and ninety-four, entitled 'An Act establishing a board of water commissioners in the town of West Stockbridge', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall take full effect, but not otherwise.

Approved January 13, 1995.

Chapter 350. AN ACT RELATIVE TO THE REVISION OF TERMS OF CERTAIN MORTGAGES.

Be it enacted, etc., as follows:

SECTION 1. Paragraph B. of section 2 of chapter 167E of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out paragraph 7A and inserting in place thereof the following two paragraphs:-

7A. *Excess of Ninety-five Percent of Value.* - A mortgage loan in excess of ninety-five percent of the value of the real estate in order to refinance an existing mortgage loan; provided, however, that any such mortgage loan is written pursuant to an agreement and in accordance with the requirements of the Federal National Mortgage Association and has been accepted for purchase, without recourse, by said association. The provisions of paragraph 4 of section six relative to loan to value ratio shall not apply to any such mortgage loan.

7B. *Open-End Mortgage Loans.* - Mortgage loans not exceeding in the aggregate eighty percent of the value of the real estate pursuant to an agreement to make loans to the mortgagor from time to time. The aggregate outstanding loans of this class pursuant to a single such agreement shall not exceed one and one-quarter percent of the deposits of such corporation or fifty thousand dollars, whichever is greater. An agreement pursuant to this paragraph shall be deemed a note for the purposes of this section.

SECTION 2. Section 63A of chapter 183 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A mortgagee may, at the request of the owner of the equity of redemption, revise

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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 (a) in accordance with section twenty-eight A, or (b) for the payment of delinquent principal and interest on the original indebtedness to the extent that the aggregate amount outstanding at any one time when added to the balance due on the original indebtedness shall not exceed the amount originally secured by the mortgage or the sum of the outstanding balance due and three delinquent periodic payments of principal and interest, whichever is greater; 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.

SECTION 3. Section 70 of chapter 93 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

In connection with the granting of any loan or credit to be secured by a purchase money first mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor, an attorney acting for or on behalf of the mortgagee shall render a certification of title to the mortgaged premises to the mortgagor and to the mortgagee.

Approved January 13, 1995.

Chapter 351. AN ACT AUTHORIZING ARREST WITHOUT WARRANT IN MISDEMEANOR DOMESTIC VIOLENCE CASES.

Be it enacted, etc., as follows:

Section 28 of chapter 276 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- Said officer may arrest, without a warrant, and detain a person whom the officer has probable cause to believe has committed a misdemeanor involving abuse as defined in section one of chapter two hundred and nine A or has committed an assault and battery in violation of section thirteen A of chapter two hundred and sixty-five against a family or household member as defined in section one of chapter two hundred and nine A.

Approved January 13, 1995.

Chapter 352. AN ACT RELATIVE TO ALTERNATIVE PROCEDURES FOR DETERMINING COMPETENCY TO TESTIFY AND FOR TAKING TESTIMONY OF A WITNESS WITH MENTAL RETARDATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 233 of the General Laws is hereby amended by inserting after section 23D the following section:-

Section 23E. (a) For the purposes of this section, the following words shall have the following meanings, unless the context clearly requires otherwise:-

"Witnesses with mental retardation", a witness in a proceeding whom the presiding justice has found after hearing, as provided in paragraph (1) of subsection (b), to have mental retardation.

"Mental retardation", substantial limitations in present functioning manifesting before age eighteen and characterized by significantly subaverage intellectual functioning, existing concurrently with related limitations in two or more of the following applicable skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work.

(b) (1) In any judicial proceeding in which a witness with mental retardation will testify, the court, on its own motion or on motion of the proponent of the witness with mental retardation and after hearing on the witness's competency to testify, may order the use of alternative procedures for taking testimony of the witness with mental retardation; provided, however, that the court finds at the time of the order, by clear and convincing evidence in the case of a criminal proceeding, and by a preponderance of the evidence in the case of a noncriminal proceeding, that the witness with mental retardation is likely, as a result of submitting to usual procedures for determining competency or as a result of testifying in open court, as the case may be, (i) to suffer severe psychological or emotional trauma; or (ii) to suffer a temporary loss of or regression in cognitive or behavioral functioning or communicative abilities, such that his ability to testify will be significantly impaired. If the court so finds, the court may order the use of alternative procedures for determining competency to testify or for taking testimony of the witness with mental retardation including, but not limited to, the following:

(i) permitting a person familiar to the witness, such as a family member, clinician, counselor, social worker or friend, to sit near or next to such witness;

(ii) permitting the witness with mental retardation to testify in court but off the witness stand; provided, however, that if the proceeding is a bench proceeding, testimony may be taken at another location within the courthouse but outside the courtroom; and, provided further, that if the proceeding is a jury trial, testimony may be taken on videotape out of the presence of the jury or in a location chosen by the court or by agreement of the parties; or

(iii) combining alternative procedures provided in clauses (i) and (ii).

(c) When the proceedings are not criminal or juvenile delinquency related, testimony taken by videotape pursuant to an order under paragraph (1) of subsection (b) shall be taken in the presence of the judge, counsel for all parties and such other persons as the court may

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allow. Counsel shall be given the opportunity to examine or cross-examine the witness with mental retardation to the same extent as he would be permitted if ordinary procedures had been followed.

(d) When the proceedings are criminal or juvenile delinquency related, the defendant shall have the right to be present during the taking of the testimony, to have an unobstructed view of the witness with mental retardation, and to have the witness's view of the defendant be unobstructed.

(e) If the court orders that the testimony of the witness with mental retardation be videotaped out of the presence of the jury, the videotape shall be shown in court to the jury in the presence of the judge, the parties and the parties' counsel. The videotape shall be marked as an exhibit and retained by the court as part of the record of the case.

(f) Testimony taken by alternative procedures authorized by this section shall be admissible as substantive evidence to the same extent as and in lieu of live testimony by the witness in any proceeding in which such testimony is taken.

(g) The witness requesting that testimony be taken by videotape shall bear the responsibility of producing an acceptable videotape of the testimony. The commonwealth shall reimburse such witness for reasonable costs of producing such videotape. Each party shall be afforded an opportunity to view the recording before it is shown in the courtroom.

(h) The fact that the witness with mental retardation has been found in a court proceeding to be incompetent to make informed decisions of a personal, medical or financial nature or that he is under a guardianship or conservatorship shall not preclude such witness from testifying if he is found to be competent to testify and shall not preclude a determination of competency to testify.

(i) A witness shall not be denied the benefit of appropriate alternative procedures provided by this section and the court shall allow such additional time or continuances to permit application of such procedures.

(j) A person with expertise in mental retardation may be called by the proponent of the witness to testify in all relevant matters, including the competency determination of such witness.

(k) Nothing in this section shall be construed to prohibit a court from using other appropriate means consistent with this section and any other general or special law and with the defendant's rights to accomplish the purposes of this section.

SECTION 2. Section sixteen E of chapter two hundred and seventy-eight of the General Laws is hereby repealed.

Approved January 13, 1995.

Chapter 353. AN ACT RELATIVE TO DAILY POLICE LOGS.

Be it enacted, etc., as follows:

SECTION 1. Section 98F of chapter 41 of the General Laws, as appearing in the

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1992 Official Edition, is hereby amended by inserting after the word "times", in line 10, the words:- ; provided, however, that any entry in a log which pertains to a handicapped individual who is physically or mentally incapacitated to the degree that said person is confined to a wheelchair or is bedridden or requires the use of a device designed to provide said person with mobility, shall be kept in a separate log and shall not be a public record nor shall such entry be disclosed to the public.

SECTION 2. The first paragraph of section 4 of chapter 51 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The police department of the city or town shall, upon request, have access to said lists.

SECTION 3. Said section 4 of said chapter 51, as so appearing, is hereby further amended by inserting after the word "schools", in line 17, the following words:- or police department.

SECTION 4. The second paragraph of said section 4 of said chapter 51, as so appearing, is hereby further amended by adding the following sentence:- The police department of the city of Boston shall, upon request, have access to said lists.

Approved January 13, 1995.

Chapter 354. AN ACT ESTABLISHING ASSISTED LIVING RESIDENCES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make immediate changes in the law relative to assisted living residences, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. The purpose of this act is to promote the availability of services for elderly or disabled persons in a residential environment; to encourage the development of residential alternatives that promote the dignity, individuality, privacy and decision-making ability of such persons; to provide for the health, safety, and welfare of residents in assisted living residences; to promote continued improvement of such residential alternatives; to encourage the development of innovative and affordable residential alternatives for such persons; and to encourage the provision of economic, social and health services to residents through such residential alternatives by sponsors of assisted living residences and community agencies. The general court recognizes that assisted living residences are an important part of the spectrum of living alternatives for the elderly in the commonwealth. The general court further recognizes that assisted living residences should be operated and regulated as residential environments with supportive services and not as medical or nursing facilities. In support of the goal of aging in place, the services available in these residential alternatives, either directly or through contract or agreement, are added, increased or adjust-

ed to compensate for the physical or cognitive impairment of the individual while maximizing the individual's dignity and independence. Regulations governing these residences shall be sufficiently flexible to allow assisted living residences to adopt policies and methods of operation which enable residents to age in place. Implementation of the aforesated purposes of this act shall be subject to appropriation.

SECTION 2. Section 15 of chapter 19A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the word "agency", in line 6, the following words:- or manager of an assisted living residence.

SECTION 3. The General Laws are hereby amended by inserting after chapter 19C the following chapter:-

CHAPTER 19D. ASSISTED LIVING.

Section 1. When used in this chapter, unless the context otherwise requires, the following terms shall have the following meanings:

"Applicant", any person applying to the department for original certification as a sponsor.

"Assistance with activities of daily living", physical support, aid or assistance with bathing, dressing/grooming, ambulation, eating, toileting or other similar tasks.

"Assistance with" or "Supervision of instrumental activities of daily living", providing support, aid, assistance, prompting, guidance, or observations of meal preparation, housekeeping, clothes laundering, shopping for food and other items, telephoning, use of transportation and other similar tasks.

"Assisted living residence" or "Residence", any entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

1. provides room and board; and
2. provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and
3. collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance with the activities of daily living or arranges for the same.

"Department", the executive office of elder affairs.

"Elderly housing", any residential premises available for lease by elderly or disabled individuals which is financed or subsidized in whole or in part by state or federal housing programs established primarily to furnish housing rather than housing and personal services, as set forth in a listing established by the secretary of elder affairs, and which was never licensed under chapter one hundred and eleven.

"Manager", the individual who has general administrative charge of an assisted living residence.

"Personal services", assistance with or supervision of activities of daily living, self-administered medication management, or other similar services specified by regulation, but not including concierge services, recreational or leisure services, or assistance with instrumental activities of daily living.

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"Resident", an adult who resides in an assisted living residence and who receives housing and personal services and, when the context requires or permits, such individual's legal representative.

"Self-administered medication management", reminding residents to take medication, opening containers for residents, opening prepackaged medication for residents, reading the medication label to residents, observing residents while they take medication, checking the self-administered dosage against the label of the container, and reassuring residents that they have obtained and are taking the dosage as prescribed.

"Skilled nursing care", the skilled services described in 106 CMR 456.252 as revised on July first, nineteen hundred and ninety-one.

"Sponsor", the person who is named in the certification of an assisted living residence.

"Supervision of activities of daily living", reminding residents to engage in personal hygiene and other self-care activities and, when necessary, observing or assisting residents while they attend to activities such as bathing or dressing to assure their health, safety or welfare.

"Unit", a portion of an assisted living residence designed for and occupied pursuant to residency agreements by one or more individuals as the private living quarters of such individuals.

Section 2. Every sponsor of an assisted living residence shall:

- (i) obtain and maintain certification as provided in sections three and four;
- (ii) be subject to oversight as provided in sections five and seven;
- (iii) afford residents the rights set forth in section nine;
- (iv) provide self-administered medication management as set forth in section ten;
- (v) provide services to residents in accordance with service plans developed through a process by which staff of the residence discuss the service plan and the needs of the resident with the resident and his representative or designee in such a way that the consequences of a decision, including any inherent risk, are understood by all parties and reviewed periodically in conjunction with the service plan, taking into account changes in the resident's status and the ability of the residence to respond accordingly, and as set forth in section twelve;
- (vi) coordinate and provide personal services and other services required under service plans as set forth in section twelve;
- (vii) maintain a written progress report on each person who receives such services which describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health;
- (viii) enter into a residency agreement with each resident as set forth in section fourteen; and
- (ix) meet the minimum management and staffing qualifications as set forth in section fifteen.

Section 3. Assisted Living Residences to be Certified; Exemptions. No person shall advertise, operate or maintain an assisted living residence without the certification required

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by this chapter, including assisted living residences sponsored by the following entities; provided, however, that the provisions of this chapter shall not apply to such entities for the original facilities and services for which said entities were originally licensed or organized to provide:

- (1) convalescent homes, nursing homes, rest homes, charitable homes for the aged or intermediate care facilities for the mentally retarded licensed pursuant to section seventy-one of chapter one hundred and eleven;
- (2) hospices licensed pursuant to the provisions of section fifty-seven D of chapter one hundred and eleven;
- (3) facilities providing continuing care to residents as defined by section seventy-six of chapter ninety-three;
- (4) congregate housing authorized by section thirty-nine of chapter one hundred and twenty-one B;
- (5) group homes operating under contract with the department of mental health or the department of mental retardation; or
- (6) housing operated for only those duly ordained priests, or for the members of the religious orders of the Roman Catholic church in their own locations, buildings, residences or headquarters to provide care, shelter, treatment and medical assistance for any of the said duly ordained priests or members of the said religious orders.

The provisions of this chapter shall not apply to elderly housing.

Section 4. The department shall issue for a term of two years, and shall renew for like terms, a certification, subject to revocation by it for cause, to any person whom it reasonably determines to meet the regulatory requirements promulgated by the department in accordance with this chapter. Such certification shall not be transferable or assignable and shall be issued only to the person and for the premises named in the application. The certificate shall be posted in a conspicuous place on the approved premises.

Upon applying for initial certification or certification renewal, an applicant shall pay the department a fee based on the number of units at the assisted living residence. Said fee for initial application and renewal shall be established by the secretary of administration pursuant to the provisions of section three B of chapter seven of the General Laws; provided, however, that a minimum fee shall be established notwithstanding the number of units at the residence; and provided further, that said fees are sufficient to support the entire cost of the department's administration of this chapter. Monies collected from said fee may be appropriated for the purpose of supporting said administration, including expansion of the ombudsman program provided for by section seven.

If an application for renewal is filed at least thirty days before the stated expiration date of the certification, such certification shall not expire on such date but the assisted living residence shall be deemed to be certified until such time as the department may notify the sponsor that the application for renewal has been denied.

Each applicant for initial certification shall file with the department an operating plan which includes the following information:

1. the number of units for which certification is sought and the number of residents

per unit;

2. the location of resident units, common spaces and egresses by floor;
3. the base fee to be charged for each such unit;
4. the services to be offered and arrangements for providing such services, including linkages with hospital and nursing facilities if any;
5. the number of staff to be employed in the operation of said residence;
6. such other information as the department may reasonably require or the applicant may choose to provide as affirmative evidence of ability to comply with the regulations and provisions of this chapter.

Applicants and sponsors shall file all material changes to said operating plans prior to their effective date and as may otherwise be required by the department. A sponsor shall file annually on a date established by and on a form prescribed by the department a statement and a professional opinion prepared by a certified public account or comparable reviewer indicating whether the assisted living residence is in sound fiscal condition and is maintaining sufficient cash flow and reserves to meet the requirements of the service plans established for its residents.

Each applicant for initial certification and each sponsor applying for renewal of certification shall disclose the name and address of each officer, director, and trustee, and the names and addresses of limited partners or shareholders with more than twenty-five percent interest in the assisted living residence. The applicant or the sponsor shall furnish assurances that none of such individuals has ever been found in violation of any local, state or federal statute, regulation, ordinance, or other law by reason of that individual's relationship to an assisted living residence; and the applicant shall list, for each such individual, all multifamily housing or health care facilities or providers in the commonwealth or in other states in which she or he has been or is an officer, director, trustee, or general partner.

With respect to those persons who then have or have had within the previous five years before the date of such application an interest in an entity licensed under chapter one hundred and eleven of the General Laws, or a medical provider licensed under other applicable state statutes, or a home health agency certified under Title XVIII of the Social Security Act, as amended, the applicant shall furnish evidence from the department of public health that such facility or agency has substantially met applicable criteria for licensure or certification and, if applicable, has corrected all cited deficiencies without delicensure or decertification being imposed. The department may in its discretion deny certification to any applicant hereunder who has directly or indirectly had an ownership interest in an entity licensed under chapter one hundred and eleven, or a medical provider licensed under other applicable state statutes, or a home health agency certified under Title XVIII of the Social Security Act, as amended, that (i) has been the subject of a patient care receivership action, (ii) has ceased to operate such an entity as a result of (a) a settlement agreement arising from a decertification action or (b) a settlement agreement in lieu of a patient care receivership, or (c) a delicensure action or involuntary termination of participation in either the medical assistance program or the medicare program, or (iii) has been the subject of a substantiated

case of patient abuse or neglect involving material failure to provide adequate protection or services for the resident in order to prevent such abuse or neglect, or (iv) has over the course of its operation been cited for repeated, serious and willful violations of rules and regulations governing the operation of said health care facility that indicate a disregard for resident safety and an inability to responsibly operate an assisted living residence.

Section 5. (a) The department or its authorized designee, shall make or cause to be made at least a biennial review of all assisted living residences. Said authorized designees shall not be sponsors of assisted living residences, and may include, but shall not be limited to, a non-profit agency, one or more home care corporations as defined in clause (c) of section four of chapter nineteen A of the General Laws, a combination of such home care corporations as determined by the department or a separate state agency. A review shall also be conducted prior to the issuance of the sponsor's initial certification, and may be conducted at any time the department has probable cause to believe that an assisted living residence is in violation of a regulation or provision of this chapter. The purpose of such reviews shall be to determine whether the assisted living residence is in compliance with the provisions of this chapter and the department's regulations. A review shall include an inspection of every part of the common areas of the assisted living residence and the living quarters of any resident, but only with the resident's prior consent, and an examination of the operating plan and any resident's service plan and written progress reports, but only with the resident's consent. Said review shall also include resident satisfaction surveys. An inspector shall have authority to interview the sponsor, manager, staff and residents. Interviews with residents shall be confidential and conducted privately.

(b) Whenever a review is conducted, the department shall prepare a written report summarizing all pertinent information obtained during the review and shall not disclose confidential, private, proprietary or privileged information obtained in connection with such review. If the department finds that the applicant or the sponsor is in compliance with this chapter and applicable regulations, a copy of the report shall be mailed to the applicant or the sponsor within ten days after the review of the assisted living residence. If the department finds that the applicant or the sponsor is not in compliance with this chapter or regulations, a copy of the report shall be delivered to the sponsor together with a notice describing such noncompliance with particularity within ten days after completion of the review of the assisted living residence. The applicant or the sponsor shall have the right to submit a written response to such notice within ten days after receipt thereof. The department shall establish an administrative procedure by regulation for resolving disputes regarding findings prior to final departmental action. All completed reports, responses and notices of final action may be made available to the public at the department during business hours together with the responses of the applicants or the sponsors thereto.

Section 6. The department may deny, suspend or revoke a certification in any case in which it finds there has been a failure or refusal to comply with the requirements established under this chapter or the regulations promulgated thereunder. Notice of denial, revocation, suspension or modification and the sponsor's or applicant's right to an adjudicatory proceeding shall be governed by the provisions of chapter thirty A.

Section 7. Subject to the appropriation of funds therefore, the department may expand the scope of the ombudsman program defined in chapter nineteen A for the purpose of receiving and mediating complaints filed by assisted living residents, individuals acting on their behalf or an organization or government agency that has reason to believe that an assisted living residence has engaged in activities, practices or omissions that constitute violations of applicable statutes or regulations or that may have an adverse effect upon the health, safety, welfare or rights of residents of such residences. Any expansion of said program shall be defined by regulations that may include, but shall not be limited to, administrative procedures for the receipt, investigation and resolution of complaints, access to consenting residents and their records in such facilities, prevention of interference with the duties of the ombudsman program and a requirement that assisting the ombudsman program in its duties is a condition to maintaining certification as an assisted living residence. The nature and type of complaints handled by the ombudsman shall be made available to the department and its authorized designee, if applicable, as part of the certification review process established in section five.

Section 8. (a) Any person operating an assisted living residence without certification under this chapter shall be subject to liability for a civil penalty of not more than five hundred dollars for each day of such violation assessable by the superior court. Any such violation also shall constitute grounds for refusing to grant or renew, modifying or revoking the certification of the assisted living residence or of any part thereof. Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the commonwealth for an injunction or other process against any person to restrain or prevent the operation of an assisted living residence without certification under this chapter.

(b) No person shall knowingly refer an individual for residency to an uncertified assisted living residence. Any person who violates this subsection shall be subject to a civil penalty of not more than five hundred dollars for each such violation assessable by the superior court.

Section 9. (a) Every resident of an assisted living residence shall have the right to:

- (1) Live in a decent, safe, and habitable residential living environment.
- (2) Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy.
- (3) Privacy within the resident's unit, subject to rules of the assisted living residence reasonably designed to promote the health, safety and welfare of residents.
- (4) Retain and use his own personal property, space permitting, in the resident's living area so as to maintain individuality and personal dignity.
- (5) Private communications, including receiving and sending unopened correspondence, access to a telephone, and visiting with any person of her or his choice.
- (6) Freedom to participate in and benefit from community services and activities and to achieve the highest possible level of independence, autonomy, and interaction within the community.
- (7) Directly engage or contract with any licensed health care professionals and pro-

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viders to obtain necessary health care services, in the resident's unit or in such other space in the assisted living residence as may be made available to residents for such purposes to the same extent available to persons residing in private homes.

(8) Manage his own financial affairs.

(9) Exercise civil and religious liberties.

(10) Present grievances and recommended changes in policies, procedures, and services to the sponsor, manager or staff of the assisted living residence, government officials, or any other person without restraint, interference, coercion, discrimination, or reprisal. This right includes access to representatives of the ombudsman program under section seven hereof.

(11) Upon request, to obtain from the residence in charge of his care the name of the service coordinator or any other persons responsible for his care or the coordination of his care.

(12) To confidentiality of all records and communications to the extent provided by law.

(13) To have all reasonable requests responded to promptly and adequately within the capacity of the residence.

(14) Upon request, to obtain an explanation as to the relationship, if any, of the residence to any health care facility or educational institution insofar as said relationship relates to his care or treatment.

(15) To obtain from a person designated by the residence a copy of any rules or regulations of the residence which apply to his conduct as a resident.

(16) To privacy during medical treatment or other rendering of services within the capacity of the residence.

(17) To informed consent to the extent provided by law.

(18) To not be evicted from the assisted living residence except in accordance with the provisions of landlord tenant law as established by chapter one hundred and eighty-six or chapter two hundred and thirty-nine.

(b) The manager shall ensure that a written notice of the rights, obligations and prohibitions set forth in this chapter is posted in a prominent place in the assisted living residence. This notice shall include the name, address, and telephone numbers of the ombudsman office and the department where complaints may be lodged.

Section 10. (a) The sponsor of the assisted living residence shall provide or arrange for the provision of the following:

(1) Opportunities for socializing and access to community resources.

(2) For all residents whose service plans so specify, such services, supervision of and assistance with activities of daily living including, at a minimum, assistance with bathing, dressing and ambulation.

(3) Up to three meals daily.

(4) Housekeeping.

(5) For all residents whose service plans so specify, self-administered medication management by personnel meeting standards for professional qualifications and training set

forth in the regulations.

(6) Ability to provide timely assistance to residents and to respond to urgent or emergency needs, by the presence of twenty-four hour per day on-site staff capability, by the provision of personal emergency response devices for all residents or similar means for the purpose of signaling such staff, and by such other means as the department may deem necessary for each assisted living residence, taking into account the service plans of its residents.

(7) Laundry services at a fee if necessary.

(b) The sponsor of the assisted living residence may provide or arrange for the provision of additional services, including the following:

(1) Barber/beauty services, sundries for personal consumption, and other amenities.

(2) Local transportation for medical and recreational purposes.

(3) Assistance with and supervision of instrumental activities of daily living.

(c) The sponsor may arrange for, but may not use assisted living residence staff for, unless such staff is specifically licensed for the provision of ancillary services for health-related care, such as physician, pharmacist, restorative therapies, podiatry, hospice, home health.

(d) No personnel of an assisted living residence shall control or manage the funds or property of an assisted living resident. If the resident is unable to manage their funds or property, money management and other financial arrangements should be made with an independent party.

Section 11. No assisted living residence shall admit any resident who requires twenty-four hour skilled nursing supervision. No assisted living residence shall provide, or admit or retain any resident in need of skilled nursing care unless all of the following are the case:

1. The care will be provided by a home health agency certified under Title XVIII of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended or an entity licensed under chapter one hundred and eleven, on a part-time, intermittent basis for not more than a total of ninety days in any twelve-month period, or by a licensed hospice.

2. The certified home health agency, entity licensed under chapter one hundred and eleven of the General Laws, or hospice does not train assisted living residence staff to provide the skilled nursing care.

3. The individual to whom the skilled nursing care is provided is suffering from a short-term illness. For the purposes of this section "short-term illness" is defined as either a medical condition for which recovery can be expected to occur with not more than ninety consecutive days of skilled nursing care or a medical condition requiring skilled nursing care on a periodic, scheduled basis. For the purposes of this section, nursing services provided by a certified home health agency or entity licensed under chapter one hundred and eleven such as injection of insulin or other drugs used routinely for maintenance therapy of a disease, or licensed hospice care may be provided without respect to the ninety day limitation.

Section 12. (a) Each assisted living residence shall develop and maintain together

with each resident, an individualized plan for each resident describing in lay terms the needs of the resident for personal services and the providers, or intended providers thereof, and the frequency and duration of such services, and containing such other information as the department may reasonably require by regulation. Such plan shall be confidential, shall be in writing signed by the resident and available for inspection by the resident, the department and its authorized designees under subsection (a) of section five. For residents receiving assistance under chapter one hundred and eighteen E, such service plans shall be developed in consultation with the pre-screening assessor as set forth in section thirteen of this chapter.

(b) Each assisted living residence shall designate one or more persons to help coordinate the preparation and periodic review and revision of service plans for each resident as service coordinator. The service coordinator may be an employee of the sponsor. The service coordinator shall be qualified by experience and training to develop, maintain and implement or arrange for the implementation of individualized service plans.

(c) Each assisted living residence shall maintain written policies and procedures for the initial evaluation and periodic reassessment of the functional and health status and service requirements of each consenting resident, until such time that the department establishes regulations for uniform requirements relative to said evaluation and periodic reassessments.

Section 13. All elderly residents or residents with special needs who seek admission to an assisted living residence and who are eligible for the medical assistance program under chapter one hundred and eighteen E, shall:

1. Be afforded the opportunity to apply for assisted living residence services, and be informed about the eligibility requirements and his or her rights and obligations under the program.

2. Have an initial pre-screening assessment conducted for the purposes of determining eligibility for and need of assisted living services. Such assessment shall consider the appropriateness of assisted living services for said resident, and other community-based alternatives that are appropriate and available.

3. Have a service plan monitoring assessment conducted by an assessor at the site of the assisted living resident annually from the date of initial occupancy. Said monitoring assessment shall determine if the services provided to the resident are meeting his or her needs as determined in the service plan, the assessor shall report any instances of resident abuse or neglect pursuant to section fifteen of chapter nineteen A and section seventy-two G of chapter one hundred and eleven of the General Laws. With the consent of the division of medical assistance, the secretary may contract for the purpose of administering subparagraphs 1 to 3, inclusive, with one or more non-profit agencies, one or more home care corporations as defined in clause (c) of the third paragraph of section four of chapter nineteen A of the General Laws, a combination of such home care corporations as determined by the department, or a state agency. Privately paying elderly residents or residents with special needs who are not eligible for medical assistance under chapter one hundred and eighteen E of the General Laws, may be offered the services specified in said subparagraphs 1 to 3, inclusive, on a fee for service basis; provided, however, that the execu-

tive office of elder affairs shall promulgate such regulations as are necessary to carry out the provisions of this section.

Section 14. The sponsor shall enter into a written residency agreement with each resident clearly describing the rights and responsibilities of the resident and the sponsor, including all requirements in section two of this chapter. The residency agreement shall be signed by the sponsor or the sponsor's authorized agent and by the resident and shall include the agreement of the sponsor to provide personal services and other services and goods, lodging and meals, the charges, expenses and other assessments for personal services, lodging and meals, the agreement of the resident to make payment of such charges, expenses and other assessments and the arrangements for such payment, a grievance procedure, the sponsor's covenant to comply with applicable federal and state laws and regulations regarding consumer protection and protection from abuse, neglect and financial exploitation of the elderly and disabled, the conditions under which the agreement may be terminated by either party, reasonable rules for conduct and behavior, and such other similar provisions as the department may reasonably require by regulation.

Section 15. (a) The manager of an assisted living residence shall be at least twenty-one years of age, qualified by education or experience to be responsible for the operation of the residence in conformance with the applicable laws and regulations, and of good moral and responsible character, and shall never have been convicted of a felony.

(b) The sponsor may employ staff directly, in which case it shall comply with department's standards for personal care homemaker services and personnel as from time to time in effect. The sponsor may also engage an agency approved by the department to offer personal care homemaker services. All personnel providing personal care shall be qualified by training or experience to assist with activities of daily living and to provide self-administered medication management.

(c) The department shall promulgate regulations concerning the education, training and experience of the manager and staff, including the service coordinator, necessary to carry out the purposes and requirements of this chapter.

Section 16. Any assisted living residence shall meet the requirements of all applicable federal and state laws and regulations, including, but not limited to, the state sanitary code, state building and fire safety codes and regulations, and laws and regulations governing handicapped accessibility. In order to facilitate compliance with these laws and regulations, the department, in consultation with the executive office of communities and development and the executive office of public safety, shall compile and make available a list of all such applicable laws and regulations.

In order to ensure the maximum residential setting possible, any assisted living residence shall provide only single or double living units with lockable doors on the entry door of each unit. All newly constructed assisted living residences shall provide a private bathroom for each living unit which is equipped with one lavatory, one toilet, and one bath tub or shower stall. All other assisted living residences shall provide at a minimum a private half bathroom for each living unit which is equipped with one lavatory and one toilet, and shall provide at least one bathing facility for every three residents. All assisted living resi-

dences shall provide at a minimum either a kitchenette or access to cooking capacity for all living units. The secretary of elder affairs may, when the secretary determines that public necessity and convenience require and to prevent undue economic hardship, waive the requirements relative to bathrooms and the bathing facilities; provided, however, that the secretary finds that the residence will otherwise meet the purposes of assisted living to provide a home-like residential environment, which promotes privacy, dignity, choice, individuality and independence for its residents.

Section 17. Notwithstanding any general or special law to the contrary, there shall be established an assisted living advisory council within the executive office of elder affairs. Said advisory council shall advise the secretary of elder affairs relating to the regulations authorized under this chapter. Said advisory council shall be comprised of the secretary of elder affairs or his designee who shall serve as chairperson, the secretary of communities and development or her or his designee; the secretary of health and human services or his designee, and six members to be appointed by the governor upon nomination by the secretary of elder affairs, three of whom shall represent resident consumer interests and two of whom shall represent sponsors and managers of assisted living residences. The advisory council shall by majority vote establish its own rules and procedures. Members of the council shall be appointed for terms of one year each. The council shall meet not less than on a quarterly basis, and it shall prepare a report of its activities, not less than annually, that shall be made available to the public and the general court.

Section 18. (a) Assisted living residences shall not be subject to the provisions of sections twenty-five B to twenty-five H, inclusive, section fifty-one and sections seventy E to seventy-three B, inclusive, of chapter one hundred and eleven or the seventh full paragraph of section nine of chapter forty A of the General Laws.

(b) No person or residential facility offering, providing or arranging for the provision of assistance with or supervision of instrumental activities of daily living only shall be required to obtain certification under this chapter or a license pursuant to section seventy-one of chapter one hundred and eleven of the General Laws.

(c) For the purposes of this chapter, and any other general or special law classifying real estate property for the purpose of taxation, and notwithstanding the provisions of section twenty-seven C of chapter twenty-nine of the General Laws, a municipality shall classify the portion of any building operated as an assisted living residence in the same category as property held or used for human habitation.

(d) Regardless of the designation of an assisted living residence as a residential, institutional or other use under any zoning ordinance, assisted living residences certified under this chapter shall be regarded as residential uses for the purposes of the state building code and shall be so regarded by the building inspectors of each city and town in the commonwealth.

SECTION 4. Subsection (cc) of section 6 of chapter 64H of the General Laws, as most recently amended by section 22 of chapter 495 of the acts of 1993, is hereby further amended by inserting after the words "section seventy-six of chapter ninety-three" the following words:- , meals served in an assisted living residence certified pursuant to the pro-

visions of chapter nineteen D of the General Laws.

SECTION 4A. Chapter 118E of the General Laws, as most recently amended by chapter 161 of the acts of 1993, is hereby further amended by striking out section 28 and inserting in place thereof the following section:-

Section 28. In determining the eligibility of an institutionalized individual, as defined by Title XIX, the division shall impose a period of ineligibility, consistent with said Title XIX, against any such individual if said individual or his spouse disposes of resources for less than fair market value. In determining the eligibility of a non-institutionalized individual, as defined in said Title XIX, the division may impose a period of ineligibility as permitted by said Title XIX.

SECTION 5. Every elderly housing owner or manager which is directly providing by its employees or through arrangements with another organization which the owner, or manager or an affiliate either controls or in which they have a financial interest, assistance with activities of daily living shall file an annual report with the secretary of the executive office of elder affairs in such form as said secretary may prescribe including, but not limited to, the following information: the number of persons assisted, the number of residents in the building or complex, the types of assistance provided, any state or federal programs being utilized, charges for such personal services, whether such assistance is provided by certified or licensed individuals, the name of any agency providing personal services by contract with the elderly housing owner or manager, and whether there is any staff available on a twenty-four hour basis on the premises. At the request of said secretary the owner or manager shall provide copies of any evaluations prepared for or reports filed with any state or federal agency with respect to the services provided.

The said secretary shall annually compile said reports and shall file such information with the joint committees on health care, housing and urban development, and human services and elderly affairs. The secretary shall, within eighteen months of the effective date of this act, submit a report to said committees which shall include the extent to which entities owning or managing elderly housing are directly through their employees or through contract with an organization which they control or in which they have a financial interest, providing assistance with activities of daily living, the types of assistance being provided, whether such assistance is being provided pursuant to a federal or state program or by certified or licensed individuals. Said report shall also contain recommendations for any action that may be necessary to ensure that any assistance with activities of daily living is being provided in a manner which is safe and ensures quality service, and whether additional oversight is required to protect the public health, safety and welfare of residents.

To facilitate compliance with this act, the said secretary in consultation with the federal department of housing and urban development, the executive office of communities and development, and the state and federal offices of health and human services shall establish a listing of all state and federal housing programs established primarily to furnish housing rather than housing and personal services for the purpose of determining what constitutes elderly housing as defined by this act. The executive office of communities and development shall provide such assistance as may be required in implementing the provi-

sions of this section including sending notices to owners or managers of elderly housing informing them of the possible applicability of this section.

SECTION 6. (a) Notwithstanding any general or special law to the contrary, upon the effective date of this act, the commonwealth hereby eliminates the optional supplement living arrangement category for assisted living from the commonwealth's participation in the supplemental security income program under the provisions of title XVI of the federal Social Security Act and amendments thereto, 42 U.S.C. {{1381 *et seq.* Upon the effective date of this act, the department of public welfare shall cease making expenditures for state supplementary payments pursuant to chapter one hundred and eighteen A of the General Laws for the supplemental security income program optional supplement living arrangement category for assisted living, and the division of medical assistance shall cease making expenditures for the group adult foster care program to the extent that benefits under said program are made available to persons in conjunction with the supplemental security income program optional supplement living arrangement category for assisted living; provided, however, that notwithstanding said termination and after its effective date, persons already notified of their eligibility for said supplemental security income program benefit for assisted living or the group adult foster care benefits provided in conjunction with said supplemental security income program benefits, shall not have the services obtained under such benefits reduced or terminated but shall receive equivalent services funded at state expense provided that any such person's eligibility for such equivalent services does not change from the initial qualifying criteria and eligibility determination established for said terminated benefits; provided further, that funding for said equivalent services shall be made from item 4405-2000 of section two of chapter sixty of the acts of nineteen hundred and ninety-four for the purpose of the supplemental security income program benefit for assisted living and from item 4000-0600 of said act for the purpose of the group adult foster care benefit provided in conjunction with said supplemental security income program benefit for assisted living; and provided further, that expenditures for said equivalent services at state expense shall be made from the same said items in the fiscal year ending June thirtieth, nineteen hundred and ninety-six. Upon receipt of the report mandated in subsection (b), the general court may consider whether to reestablish the optional supplement living arrangement category for assisted living.

(b) (1) The division of medical assistance is hereby authorized and directed to prepare a report, consisting of a fiscal and program analysis, on the implementation of the group foster care benefit in conjunction with the enhanced supplemental security income benefit in assisted living residences. Said report shall reflect an analysis for fiscal years nineteen hundred and ninety-five, nineteen hundred and ninety-six and nineteen hundred and ninety-nine. The division may contract with an independent vendor to comprise said report. Said report shall be based upon extrapolation from the division's experience with the administration of said benefits in fiscal year nineteen hundred and ninety-four, the experience of other states with similar programs and relevant information such as marketing surveys conducted by the assisted living industry.

(2) Said report shall include a detailed description of the means by which the divi-

sion will manage the availability of said benefit including but not limited to the following options:

- (i) rules and procedures regarding clinical criteria, the specifics of said criteria and the division's mechanism for adjusting said criteria to control admissions;
- (ii) licensing of group adult foster care providers;
- (iii) limits on the maximum percentage of residents who may receive such benefits at any facility;
- (iv) standards or regulations that may be used to control rates of reimbursement to providers of said benefits.

(3) Said report shall include the following data for each of said fiscal years and shall be designed to analyze and predict the demographics and utilization of a potential assisted living program:

- (i) the total potential number of individuals eligible for such benefits based on income and disability characteristics of the commonwealth's elderly population;
- (ii) the total projected number of individuals expected to be approved for such benefits and the average income of such recipients;
- (iii) the projected proportion of such individuals who qualify for said benefits upon discharge from a nursing home, from another provider of institutional care, through participation in the section 2176 home and community-based waiver program, or coming from the community;
- (iv) the projected number of nursing home admissions delayed or completely avoided for private-pay individuals who except for the availability of assisted living would likely have been admitted to a nursing home and become eligible for medicaid;
- (v) the projected number of such individuals who, but for the availability of such benefits, would otherwise have been admitted or be eligible for admission to a nursing home;
- (vi) the average number of years such benefits are projected to delay expected nursing home admissions;
- (vii) the projected number of assisted living facilities expected to become certified group adult foster care providers and the total number of housing units expected to be available for individuals eligible for such benefits;
- (viii) the projected geographic distribution of such providers and units.

(4) Based upon the data mentioned in paragraph (3), said report shall also include the following fiscal analysis of the program for each fiscal year mentioned:

- (i) the cost of said benefits to the medicaid and state supplemental security income programs;
- (ii) any estimated savings to the medicaid or welfare programs of said potential program.

(5) If any part of the data mentioned in paragraph (3) is not obtainable, the division shall report the reasons said data cannot be obtained. The report required by this subsection shall be filed with the clerks of the house of representatives and the senate and the house and senate committees on ways and means not later than March first, nineteen hundred and ninety-five.

SECTION 7. In keeping with the intent that assisted living shall be a residential option for all eligible elders regardless of income, the executive office of elder affairs, in consultation with the division of medical assistance and the executive office of communities and development, shall study and analyze financing alternatives to enable low and moderate income persons to reside in assisted living residences. Said alternatives shall include but not be limited to the availability of enhanced federal financing. The secretary of elder affairs shall periodically report to the general court on the progress of said studies and analyses.

SECTION 8. An assisted living residence which, on or before the effective date of the regulations promulgated by the executive office of elder affairs under this act, has commenced construction or operation, or has received official action approval for tax-exempt financing by a governmental issuer, or has received a site approval and market acceptance letter for a loan insured by the Federal Housing Administration, shall, in order to commence or continue operations, file an initial application under section four of chapter nineteen D of the General Laws, inserted by section three of this act within thirty days after the effective date of such regulations. Such residence shall be deemed to be certified from the effective date of this act or the residence's commencement of operations, whichever is later, until such time as the department notified the residence that its application is denied.

Any assisted living residence having received construction loan financing insured by the Federal Housing Administration through the federal Department of Housing and Urban Development as a board and care facility under Section two hundred and thirty-two of the National Housing Act, as amended, and which residence was occupied and operating as of April first, nineteen hundred and ninety-four pursuant to validly issued municipal permits for premises which have met the requirements of chapter eight hundred and two of the acts of nineteen hundred and seventy-two, may be certified by the executive office of elder affairs notwithstanding the provisions of section sixteen of chapter nineteen D of the General Laws as inserted by this act.

SECTION 9. The department of public health is hereby authorized and directed to track the number of nursing facilities and rest homes that apply for bed delicensure in order to convert all or part of such facilities to assisted living residences. The department is hereby authorized to require that any such application for delicensure indicate whether it is for the purpose of converting to assisted living.

The department shall report to the executive office of elder affairs the names, locations and number of beds of any nursing facility or rest home all or part of which are delicensed by the department and whenever said purpose of conversion to assisted living has been so indicated. The secretary of said executive office shall report annually to the joint committees on health care, housing and urban development, and human services and elder affairs by the first Wednesday in October on former nursing facilities and rest homes all or part of which have been certified as assisted living residences. Said report shall describe for the prior year the number of assisted living units created by such conversions, the number of proposed conversions rejected for assisted living certification, the number of converted residences with substantial physical plant modifications and the number with minimal physical plant modifications. The secretary shall recommend in said report any changes to

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existing law or regulations that may be necessary to further ensure that any facility, building, institution or other structure that seeks to convert in whole or in part to assisted living is sufficiently altered to promote the health, safety and welfare of assisted living residents in a home-like environment that furthers the purposes of assisted living established by this act.

SECTION 10. The secretary of the executive office of elder affairs shall promulgate regulations necessary to implement the provisions of chapter nineteen D of the General Laws, as added by section three of this act, not later than June first, nineteen hundred and ninety-five.

Approved January 13, 1995.

Chapter 355. AN ACT RELATIVE TO UNDERGROUND STORAGE TANK REMOVAL.

Be it enacted, etc., as follows:

Section 38A of chapter 148 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following two paragraphs:-

Abandoned underground residential tanks, as defined by the board, utilized exclusively for area heating or the heating of domestic water on the premises where stored shall be drained and cleaned properly and filled with clean sand, pea gravel, or a concrete slurry or removed from the ground as directed by the head of the fire department. The board may from time to time, adopt, amend or repeal regulations, in accordance with the provisions of chapter thirty A, to insure that the removal, abandonment, or decommissioning of underground storage tanks which have been used for the keeping or storage of flammable or combustible fluids is done in a manner which protects public health, safety, welfare and the environment. Any violation of any regulation adopted by the board shall be presumed to constitute irreparable harm to public health, safety, welfare and the environment. Any person who violates any provisions of this section or any regulation, rule, order, permit or approval issued or adopted under the provisions of this section shall be subject to the penalties specified in section thirty-eight H of chapter one hundred and forty-eight; provided, however, that such person shall have thirty days upon notification of the violation to begin compliance procedures with such provisions before any penalty may be imposed.

Upon abandonment of a tank, notice of such abandonment shall be reported to the board of health for the city or town in which such tank is located.

Approved January 13, 1995.

Chapter 356. AN ACT RELATIVE TO THE UNDERGROUND STORAGE TANK PRODUCT CLEANUP PROGRAM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately improve the underground storage tank product cleanup program, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 21J of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the definition of "Unobligated balance" and inserting in place thereof the following definition:-

"Unobligated balance", the amount determined by subtracting from the cash balance at the end of each month the following sums:- (a) the sum of the total monies allocated to cover the expenses of the board, the department, and the department of environmental protection, pursuant to clauses (b), (c) and (d) of section four; (b) the total amount of applications for reimbursement for any claims of any nature pursuant to clause (2) of clause (a) of section four; (c) until December thirty-first, nineteen hundred and ninety-four, the sum of all potential claims against the fund for reimbursement of costs of responding to release of petroleum product from an underground storage tank or underground storage tank system, said sum to be determined by the board with reference to the most recent department of environmental protection list of locations to be investigated but at a cost not to exceed fifteen thousand dollars per claim; (d) on and after January first, nineteen hundred and ninety-five and until June thirtieth, nineteen hundred and ninety-five, the sum of all claims against the fund determined by the board, after investigation and certification pursuant to rules and regulations promulgated by said board, to be claims eligible for reimbursement of costs of responding to release of petroleum product from an underground storage tank or underground storage tank system; and (e) on and after July first, nineteen hundred and ninety-five, the sum of the total balances remaining on all contracts entered into by a person described in clause (1) or (5) of paragraph (a) of section five of chapter twenty-one E in order to undertake an action in response to the release of a petroleum product from an underground storage tank or underground storage tank system.

SECTION 2. Paragraph (c) of section 4 of said chapter 21J, as so appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

Grants provided pursuant to section thirty-seven A of chapter one hundred and forty-eight, not to exceed, subject to appropriation, two million dollars per year; provided, that the board may establish priorities for the allocation of said amount among the various entities and purposes as provided in said section thirty-seven A, in the event that the aggregate amount of funds requested in qualified applications for such grants exceeds said amount.

SECTION 3. Chapter 148 of the General Laws is hereby amended by striking out section 37A, as so appearing, and inserting in place thereof the following section:-

Section 37A. As used in this section, the term "fuel storage tank" shall mean an underground tank used or designed to be used for the storage of gasoline, oil, or other fuel, or other flammable liquids; provided, that such tank does not have an acceptable form of leak detection and does not have a spill containment manhole and an overfill prevention device.

The underground storage tank petroleum cleanup fund administrative review board, established pursuant to section eight of chapter twenty-one J, herein referred to as "the board", shall establish and administer a program to provide grants to cities, towns, districts, and other bodies politic, not to include agencies or authorities of the commonwealth, for the purpose of removing or replacing or both, fuel storage tanks that they own or operate, subject to the following conditions:

(1) No grant shall be awarded for the removal or replacement of any fuel storage tank unless the city, town, district, or other body politic, not to include agencies or authorities of the commonwealth, that owns or operates the tank files with the board, within six months after the initial publication in the Massachusetts Register of regulations implementing this section, a statement that it has removed or replaced such tank on or after April first, nineteen hundred and ninety-one.

(2) A city, town, district or other body politic, not to include agencies or authorities of the commonwealth, which removes or replaces a fuel storage tank after the effective date of implementation of said regulations may file an application for a grant with the board within one year after removing or replacing such tank. This clause shall not be construed to limit the board's authority to accept application from a city, town, district, or other body politic, not to include agencies or authorities of the commonwealth, that intends to remove or replace a fuel storage tank.

(3) A grant for the removal or replacement of a fuel storage tank may be made either in a single payment or in annual partial payments for a period not to exceed ten years, as the board shall determine, provided that no grant, whether issued as a single payment or in annual partial payments, shall exceed fifty percent of the total cost of the removal of the fuel storage tank which is the subject of the grant.

All annual payments made to cities and towns pursuant to this section may be made as part of annual local aid distribution to cities and towns.

Nothing in this section shall be construed to affect the rights, responsibilities, or liability of any person pursuant to any other law.

No person who has responsibility or liability pursuant to any other law shall avoid or delay such responsibility or liability, or be excused from such responsibility or liability, because of reliance or grants provided for in this section or because of any failure or delay to provide grants or grant payments pursuant to this section.

The board shall promulgate regulations for the proper implementation of this section, including, without limitation, regulations for filing grant applications and for filing the statements provided for in this section.

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, if, by December, thirty-first, nineteen hundred and ninety-four, the underground

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storage tank petroleum cleanup fund administrative review board, established pursuant to section eight of chapter twenty-one J of the General Laws, has not promulgated rules and regulations to implement, at a minimum, clauses (3), (4), and (5) of said section eight, and the state fire marshal or his designee has not dispensed, upon written order, subject to appropriation, monies from the underground storage tank petroleum product cleanup fund, established pursuant to section two S of chapter twenty-nine of the General Laws, for the purposes of carrying out, at a minimum, clauses (1) and (2) of subsection (a) of section four of said chapter twenty-one J, the secretary of the executive office of public safety shall submit, on or before March first, nineteen hundred and ninety-five, a written report to the joint committee on natural resources and agriculture and the house and senate committees on ways and means detailing the status of the programs and administrative activities established pursuant to said chapter twenty-one J, including, but not limited to, a schedule for disbursing reimbursements to eligible parties, the amount of revenue collected within said fund, and the number of parties seeking reimbursement from said fund.

SECTION 5. The provisions of the definition of "unobligated balance" within section 1 of chapter 21J of the General Laws as inserted by section 1 of this act shall take effect as of April eleventh, nineteen hundred and ninety-four.

Approved January 13, 1995.

**Chapter 357. AN ACT FURTHER REGULATING THE POSTING OF NUMBERS
ON BUILDINGS.**

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 59 of chapter 148 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following sentence:- Said number shall be of a nature and size and shall be situated on the building so that, to the extent practicable, it is visible from the nearest street or road providing vehicular access to such building.

SECTION 2. Chapter 148 of the General Laws is hereby amended by inserting after section 37A the following section:-

Section 37B. Notwithstanding the provisions of section thirty-seven A, grants authorized pursuant to said section thirty-seven A may be awarded for either the removal or replacement of a fuel storage tank; provided, however, that no such grant shall exceed fifty percent of the total cost of any such removal or replacement.

Approved January 13, 1995.

Chapter 358. AN ACT RELATIVE TO VISITATION RIGHTS OF CERTAIN GRANDPARENTS OF UNMARRIED MINOR CHILDREN.

Be it enacted, etc., as follows:

Section 39D of chapter 119 of the General Laws is hereby amended by adding the following paragraph:-

A petition for grandparents visitation authorized under this section shall, where applicable, be filed in the county within the commonwealth in which the divorce or separate support complaint or the complaint to establish paternity was filed. If the divorce, separate support or paternity judgment was entered without the commonwealth but the child presently resides within the commonwealth, said petition may be filed in the county where the child resides.

Approved January 13, 1995.

Chapter 359. AN ACT DIRECTING THE RETIREMENT BOARD OF THE CITY OF PITTSFIELD TO CREDIT CERTAIN MONIES FOR RETIREMENT PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary and in order to promote the public good, the retirement board of the city of Pittsfield is hereby authorized and directed to credit Dennis H. Hall with the creditable service he would have received had he been employed by the city of Pittsfield's department of public works for the calendar years nineteen hundred and eighty-nine through nineteen hundred and ninety-two, 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; provided, however, that before the date any retirement allowance becomes effective, said Dennis H. Hall shall pay into the annuity savings fund of the city of Pittsfield retirement 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 the calendar years nineteen hundred and eighty-nine through nineteen hundred and ninety-two. In addition to the payment of the amount required by the preceding sentence, said Dennis H. Hall shall also pay into the annuity savings fund an amount of interest such that upon the completion of such payments the value of his accumulated payments under this paragraph, together with interest thereon, shall equal the value of his accumulated regular deductions for such period which would have resulted if such deductions had actually been made.

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

Approved January 13, 1995.

Chapter 360. AN ACT RELATIVE TO THE ISSUANCE OF INJUNCTIONS AGAINST UNLICENSED HEALTH AND MENTAL HEALTH PROFESSIONALS.

Be it enacted, etc., as follows:

Chapter 12 of the General Laws is hereby amended by inserting after section 11K, inserted by section 1 of chapter 478 of the acts of 1993, the following section:-

Section 11L. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Former patient", any person who obtained a professional consultation, diagnostic or therapeutic service from an unlicensed health professional or unlicensed mental health professional within one year prior to sexual contact with the unlicensed health professional or unlicensed mental health professional.

"Health services", shall include the rendering or offering to render services for the purpose of treating or diagnosing physical disorders or distress.

"Mental health services", shall include the rendering or offering to render services for the purpose of treating, diagnosing or assessing mental or emotional disorders or distress, modifying behaviors, or alleviating problems pertaining to interpersonal relationships, work and life adjustment, and personal effectiveness which are caused by mental or emotional disorders or distress.

"Patient", any person who obtains a professional consultation, diagnostic, or therapeutic service from an unlicensed health professional or unlicensed mental health professional.

"Sexual contact", shall include the following, whether or not occurring with the consent of a patient or former patient:

(1) sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the patient's or former patient's body by any object used by the unlicensed health professional or unlicensed mental health professional for that purpose, or any intrusion, however slight, into the genital or anal openings of the body of the unlicensed health professional or unlicensed mental health professional by any part of the patient's or former patient's body or by any object used by the patient or former patient for that purpose, if consented to by the unlicensed health professional or unlicensed mental health professional;

(2) sustained kissing of the mouth or kissing or intentional touching by the unlicensed health professional or unlicensed mental health professional of the patient's or former patient's genital area, groin, inner thigh, buttocks, or breast or the clothing covering any of these body parts; or sustained kissing of the mouth or kissing or intentional touching by the patient or former patient of the unlicensed mental health professional's or unlicensed health professional's genital area, groin, inner thigh, buttocks or breast or the clothing covering any of these body parts if the unlicensed mental health professional or unlicensed health professional consents to the kissing or intentional touching. The term sexual contact, shall not include conduct described in the definition of sexual contact that is in accordance with practices generally recognized as legitimate by the health or mental health professions,

casual social contact not intended to be sexual in character, or inadvertent or unintentional touching.

"Unlicensed health professional", a person who is not licensed or registered to provide health services by a board of registration duly authorized to grant licenses or registration to persons engaged in the practice of providing health services or whose license or registration to provide health services has been returned or revoked by such board.

"Unlicensed mental health professional", a person who is not licensed or registered to provide mental health services by a board of registration duly authorized to grant licenses or registration to persons engaged in the practice of providing mental health services or whose license or registration to provide mental health services has been returned or revoked by such board.

(b) Whenever the attorney general has probable cause to believe that an unlicensed mental health professional or unlicensed health professional is having or has had sexual contact with one or more patients or clients while such health professional or mental health professional was licensed or unlicensed, or former patients or clients, and that said unlicensed health professional or unlicensed mental health professional poses a threat to the health, safety, or welfare of members of the public who are or may be patients or clients of the unlicensed health or unlicensed mental health professional, the attorney general may bring an action in the name of the commonwealth against said unlicensed health professional or unlicensed mental health professional to restrain by temporary restraining order or preliminary or permanent injunction said unlicensed health professional or unlicensed mental health professional from providing, offering to provide, or representing himself as being able to provide health services or mental health services.

At least five days prior to the commencement of any action brought under this section, except when a temporary restraining order is sought, the attorney general shall notify the unlicensed health professional or unlicensed mental health professional of his intended action, and give said unlicensed health professional or unlicensed mental health professional an opportunity to confer with the attorney general or his representative in person or by counsel or other representative as to the proposed action.

Such notice shall be given by mail, postage prepaid, to his usual place of business, or if he has no usual place of business, to his last known address.

(c) The action may be brought either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the unlicensed health professional or unlicensed mental health professional resides or has his principal place of business.

Said court may issue temporary restraining orders or preliminary or permanent injunctions and make such other orders or judgments as it may deem appropriate.

(d) No injunction shall be issued pursuant to this section unless the court finds that the defendant has had an opportunity for an evidentiary hearing as to all contested material issues of fact. Issues decided in a prior evidentiary hearing in a court or in an administrative proceeding may be applied to a proceeding pursuant to this section in compliance with the Massachusetts Civil Rules of Procedure.

The court issuing an injunction against an unlicensed health professional or unlicensed mental health professional pursuant to this section shall retain jurisdiction, and the cause shall be continued. Any unlicensed health professional or unlicensed mental health professional who is restrained as a result of an action brought pursuant to this section may petition the court for a modification or termination of the injunction, upon ten days notice to the attorney general.

(e) Any district attorney or other law enforcement office receiving notice of any alleged violation of this section or violation of an injunction or order issued in an action brought under this section shall immediately forward written notice of the same together with any information that he may have to the office of the attorney general.

(f) In an action brought pursuant to this section, whenever the court issues a temporary restraining order or a preliminary or permanent injunction, ordering a defendant to refrain from certain conduct or activities, the order issued shall contain the following statement:

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

The clerk shall transmit two certified copies of each such order issued under this section to each appropriate law enforcement agency having jurisdiction over locations where such defendant is alleged to have committed the act giving rise to the action, and such law enforcement agency shall serve one copy of the order upon the defendant. Unless otherwise ordered by the court, service shall be by delivering a copy in hand to the defendant.

After any such order has been served upon the defendant, any violation of such order shall be punishable by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two and one-half years in a house of correction, or both such fine and imprisonment.

Law enforcement agencies shall establish procedures adequate to ensure that all officers responsible for the enforcement of the order are informed of the existence and terms of such order. Whenever any law enforcement officer has probable cause to believe that such defendant has violated the provisions of this section, such officer shall have the authority to arrest said defendant.

Whenever the court vacates a temporary restraining order or a preliminary or permanent injunction issued under this section, the clerk shall promptly notify in writing each appropriate law enforcement agency which has been notified of the issuance of the order and shall direct each such agency to destroy all record of such vacated order, and such agency shall comply with such directive.

(g) Nothing contained herein shall prohibit the attorney general in his discretion from beginning an action for civil contempt rather than seeking criminal charges for an alleged violation of an order issued under this section. A court making a finding that an unlicensed health professional or unlicensed mental health professional is in civil contempt by reason of an alleged violation of an injunction or the order entered under this section shall assess a civil penalty of not more than ten thousand dollars for each such violation found.

Approved January 13, 1995.

Chapter 361. AN ACT REGULATING THE CONDUCT OF AUCTIONEERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred of the General Laws is hereby amended by striking section 2 and inserting in place thereof the following section:

Section 2. Except as otherwise provided, no person shall engage in the business of or act as an auctioneer in the commonwealth, directly or indirectly, either temporarily or as an incident to any other transaction, unless licensed under the provisions of this chapter.

SECTION 2. Chapter one hundred of the General Laws is hereby further amended by striking section three and inserting in place thereof the following sections:

Section 3. Any person desiring to be licensed as an auctioneer shall make written application, under oath, to the director on a form provided by him. Said application shall set forth the name and address of the applicant and of any other person having a financial interest, direct or indirect, in the business to be conducted by the applicant. Said application shall be accompanied by evidence satisfactory to the director that the applicant is a citizen of the United States, has attained the age of eighteen years, has successfully completed a course of study at a school recognized by the National Auctioneers Association, and has successfully completed a written examination in accordance with the provisions of section three A of this chapter. Said application shall be accompanied by a license fee in the amount of one hundred dollars, or such other amount as the secretary of administration and finance pursuant to the provisions of section three B of chapter seven shall establish, together with two letters of recommendation for licensure signed by a licensed auctioneer, and elected public official, or member of the Massachusetts bar.

Said application shall be further accompanied by a bond upon the applicant in the sum of ten thousand dollars, or such other amount as provided by regulation, payable to the director or his successors with sureties approved by the director, and conditioned upon applicant's compliance with the provisions of this chapter. Said bond shall guarantee the payment of all fines and penalties incurred by applicant as a licensee for his violations of the said provisions, and also guarantee the payment or satisfaction of any final judgements on claims by creditors against the licensee arising in connection with business conducted under a license granted under this chapter. All such payments under said bond being limited to the amount of said bond. Such a creditor's claim, however, must have been duly filed by giving written notice to the director prior to the expiration of sixty days from the return or surrender of said license or date of the filing of an affidavit of loss of the license held by the licensee against whom the claim is made.

The acceptance by an applicant of a license issued by the director to him as a licensee shall be deemed equivalent to an appointment by the licensee of the director, or his successors in office, to be the licensee's true and lawful attorney upon whom may be served all lawful process in any action or proceeding against him under said license. Any process against the licensee so served shall, if said licensee is notified as hereinafter provided, be of the same legal force and validity as if served on him personally, and the mailing by the director of a copy of such process to said licensee at his last address, as appearing on the director's records, shall be sufficient notice to him of such service. Service of such process

shall be made by delivering or mailing duplicate copies thereof together with a fee of two dollars to the office of the director, and the director shall forthwith send one of said copies by mail, postage prepaid, addressed to the defendant licensee named in such process at his last address as appearing on the director's records.

An affidavit of the director, or of any person authorized by him to send such copy, that such copy has been mailed shall be prima facie evidence thereof. One of the duplicates of such process, certified by the director as having been delivered to the office of the director, shall be sufficient evidence of service upon him as attorney for the licensee named as defendant in the process.

Section 3A. There shall be a written examination process to license auctioneers in the commonwealth. Such examination shall be administered by an independent testing service designated by the director. All fees and costs required for examination shall be paid by the applicant directly to the independent testing service. Such examination shall be administered no less than one time per year at a location to be determined by the designated independent testing service subject to the approval of the director. Such examination shall be conducted by the designated independent testing service under the direct supervision of the director. No license shall be issued to any person who has not demonstrated through said written examination that he possesses the following:

(1) appropriate knowledge of technical terms commonly used in or related to auctioneering;

(2) an understanding of the problems likely to be encountered in carrying out an auction;

(3) appropriate reading comprehension, writing and spelling skills, knowledge of basic mathematics;

(4) understanding of the types of misconduct for which disciplinary proceedings may be initiated against a state licensed auctioneer;

provided, however, that an auctioneer licensed by the commonwealth prior to the effective date of this act shall conform to all pertinent provisions of this chapter to retain his license within two years of the effective date of this act, provided, further, that if said auctioneer does not conform to said pertinent provisions of this chapter, said license shall be revoked and said individual shall not engage in the business of or act as an auctioneer in the commonwealth, directly or indirectly, either temporarily or as an incident to any other transaction.

Section 3B. A nonresident individual may be licensed as an auctioneer upon conforming to all pertinent provisions of this chapter, provided that the division may exempt from the written examination prescribed in section three A an auctioneer duly licensed in any other state of the United States under the laws of which there are equivalent requirements for licensure.

Section 3C. A license shall be valid for a period of three years from the date of issue unless sooner suspended or revoked and shall be renewed by the division biennially thereafter, without examination, upon payment of the fee prescribed in section three, provided, that the application for renewal is made not later than one year from the expiration

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of the license. Applications for renewals of licenses shall be signed and sworn to by the applicant and shall be made on forms furnished by the division. Such application forms shall be mailed by the division to each auctioneer registered with the division, together with notice of the expiration of his license, not less than thirty days prior to such expiration.

SECTION 3. Section four of chapter one hundred of the General Laws is hereby amended by striking the first sentence and inserting in place thereof the following sentence: No license application conforming to the requirements of sections three and three A shall be denied except after a public hearing held by the director in accordance with and subject to the provisions of chapter thirty A.

SECTION 4. Section nine of chapter one hundred of the General Laws is hereby amended by adding the following clause:

(h) knowingly allow any individual who is not licensed to call for bids; provided, however, that an auctioneer may allow an individual who is not licensed to call for bids when such individual is under the direct supervision of an auctioneer licensed in accordance with the provisions of this chapter.

SECTION 5. Chapter one hundred of the General Laws is hereby further amended by adding the following section:-

Section 13. The division may make and, from time to time alter, amend or repeal rules and regulations for the conduct of auctioneers in the commonwealth not inconsistent with this chapter or any other general or special law.

Approved January 13, 1995.

Chapter 362. AN ACT PROVIDING FOR THE REINSTATEMENT OF MARY TIERNEY AS A MEMBER IN SERVICE OF THE STATE BOARD OF RETIREMENT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of paragraph (F) of subdivision (2) of section three of chapter thirty-two of the General Laws, the state board of retirement is hereby authorized and directed to allow Mary Tierney to be a member in service in such retirement system and to allow her, upon appropriate payment, to purchase creditable service for the period of service with the commonwealth from October first, nineteen hundred and eighty-three to September thirtieth, nineteen hundred and ninety, inclusive. Said Mary Tierney shall repay into the annuity savings fund of said system, in one sum or in installments as said board shall determine, an amount equal to the amounts which were withdrawn by her from the retirement system with respect to the aforesaid period of service with the commonwealth, plus interest thereon and she shall further pay into said annuity fund, in one sum or in installments as said board shall determine, an amount equal to that which would have been withheld by said board had said Mary Tierney been a member in service during the aforesaid period with the commonwealth. Upon completion of payments required herein, said board

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shall grant to said Mary Tierney creditable service for the aforesaid period of time.

Approved January 13, 1995.

Chapter 363. AN ACT RELATIVE TO OFF-STREET PARKING FACILITIES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 263 of the acts of 1929 is hereby amended by inserting after section 1B the following section:-

Section 1C. There is hereby established within the transportation department a body known as the off-street parking facilities board, hereinafter called the board, consisting of the commissioner of transportation, ex-officio, who shall be chairman of the board, the commissioner of property management, ex-officio, and the executive officer of said board who shall be appointed by the mayor and serve at his pleasure. The board shall have all of the powers and duties provided in chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six.

SECTION 2. Section 1 of chapter 474 of the acts of 1946, as most recently amended by section 1 of chapter 608 of the acts of 1986, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The city of Boston, hereinafter called the city, acting by the off-street parking facilities board hereinafter called the board shall forthwith proceed with the establishment of such public off-street parking facilities in the city as the board may deem necessary.

SECTION 3. Said section 1 of said chapter 474 is hereby further amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) The power to use for the purposes of this act any property now or hereafter within the custody, management and control of the board by virtue of chapter four hundred and thirty-four of the acts of nineteen hundred and forty-three which the board shall have determined should be devoted to the purposes of this act.

SECTION 4. Said section 1 of said chapter 474 is hereby further amended by striking out clause (e), as most recently amended by section 14 of chapter 608 of the acts of 1986, and inserting in place thereof the following clause:-

(e) The power to lease to any person any property acquired or used for the purposes of this act, to be used by the lessee for the parking of motor vehicles but for no other purpose, for such period, not exceeding forty years, and upon such terms as the board shall determine; provided, however, that every lease shall contain schedules of maximum rates to be charged by the lessee for the use by the public of the property thereby demised, and also regulations with respect to the use, operation and occupancy of such property; provided, also, that no lease shall be modified or cancelled, but nothing herein shall be construed to prevent the termination of any lease by the lessor, in accordance with its provisions, for the breach of any covenant or condition thereof; and provided, further, that any lease for a period

exceeding five years shall be upon the express condition, and shall contain a covenant on the part of the lessee, that within such period, not exceeding three years, after its execution as the board shall fix the lessee shall construct, or cause to be constructed, upon the demised premises at the expense of the lessee and without cost to the city such structures and facilities for parking as the board shall determine, which shall at least double the number of motor vehicles the demised premises can accommodate, shall be constructed according to plans and specifications prepared under the supervision of the board, shall forthwith upon construction become the property of the city, and shall, while the lease is in force, be kept in good order and condition by the lessee; and any such lease for a period exceeding five years shall provide for the immediate reimbursement of the city for the cost of the plans and specifications and shall further provide for the payment of such annual rental as the board shall determine to be reasonable but in no event less than four percent of the total cost to the city, as ascertained by the board, of the demised premises including any improvement thereof made prior to the execution of the lease.

SECTION 5. Said section 1 of said chapter 474 is hereby further amended by striking out clause (*e*¹/₂), as most recently amended by section 2 of chapter 801 of the acts of 1975, and inserting in place thereof the following clause:-

(*e*¹/₂) The power to construct, maintain and operate, on any property acquired for the purposes of this act after January first, nineteen hundred and sixty-three, or determined after said date to be devoted to such purposes under clause (*b*), and to lease to any person, including the Massachusetts Bay Transportation Authority, for operation for such period, not exceeding five years, and upon such terms as the board shall determine, such terminal for buses of said authority or of common carriers of passengers for hire, and such facilities accessory and incidental thereto, as the board shall determine; also the power to sell, lease or otherwise convey to any person for non-parking purposes upon such terms and conditions as the board shall determine, the whole or any part of the airspace, or any other space deemed to be surplus by the board because it is unnecessary or inappropriate for parking purposes, above, within or contiguous to any public parking facility constructed under this act for such uses as said board, giving due consideration to the maximum use of the parking facility, shall determine, and the power to include in any deed, lease or other instrument suitable provisions for the construction and maintenance of such structures within, over or adjacent to any such parking facility. The provisions of section three to the contrary notwithstanding, structures and other things erected or affixed pursuant to the lease of any such airspace shall be taxed to the lessee thereof or his assigns in the same manner and to the same extent as if such lessee or his assigns were the owners of the land in fee; provided, that no part of the value of either the land or the off-street parking facility, except the fact of the proximity of such facility, shall be included in any such assessment or considered in determining valuation for the purpose of any such assessment; and, provided, further, that for the purpose of enforcing the payment of any such tax the leasehold interest of the lessee or his assigns may be sold or taken by the collector-treasurer of said city in the manner provided by law for the sale or taking of real estate for the non-payment of taxes, and said collector-treasurer shall have for the collection of any such tax all other remedies provided

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by law for the collection of taxes on real estate.

SECTION 6. Clause (f) of said section 1 of chapter 474 is hereby amended by striking out, in lines 4 and 5, the words ", with the approval of the planning board and the traffic commission,".

SECTION 7. Said chapter 474 is hereby further amended by striking out section 2, as most recently amended by section 1 of chapter 316 of the acts of 1950, and inserting in place thereof the following section:-

Section 2. No contract for construction or work of any kind in connection with any parking facility, the estimated cost of which amounts to ten thousand dollars or more, shall be awarded by the board under this act unless proposals for the same shall have been invited by advertisements in at least one daily newspaper published in the city, once a week for at least two consecutive weeks, the last publication to be at least seven days before the time specified for the opening of said proposals, and then only to the lowest responsible bidder as determined by the board. Such advertisements shall state the time and place where plans and specifications of proposed construction or work may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the board the right to reject all proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this section. All contracts made by the board hereunder where the amount involved is one thousand dollars or more shall be in writing.

Any contract made as aforesaid may be required to be accompanied by a bond with sureties satisfactory to the board, or by a deposit of money, certified check or other security for the faithful performance thereof, and such bonds or other securities shall be deposited with the city auditor until the contract has been carried out in all respects; and no such contract shall be altered except by written agreement of the contractor, the sureties on his bond and the board.

Any amounts received as a result of the failure of faithful performance required in any contract hereunder shall be credited to the Parking Facilities Fund established in section four.

SECTION 8. Section 4 of said chapter 474 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The board may expend from the fund without appropriation for the purposes of this act; provided, however, that if the amount in the fund at any time exceeds the total amount of indebtedness incurred under this act and then outstanding, together with interest thereon, so much of the excess as the board, shall determine is no longer required for the purposes of this act, may be used for general municipal purposes.

SECTION 9. Section 1 of chapter 456 of the acts of 1974 is hereby amended by striking out, in lines 8 and 9, the words "real property board of the city of Boston, as successor to the board of real estate commissioners of said city" and inserting in place thereof the following words:- off-street parking facilities board.

SECTION 10. Section 2 of said chapter 456 is hereby amended by striking out, in lines 6 and 7, the words "real property" and inserting in place thereof the following words:-

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off-street parking facilities.

SECTION 11. Section 1 of chapter 801 of the acts of 1975 is hereby amended by striking out, in lines 6, 7 and 8, the words "real property board of the city of Boston, as successor to the board of real estate commissioners of said city" and inserting in place thereof the following words:- off-street parking facilities board.

SECTION 12. There shall be established within the transportation department, subject to chapter thirty-one of the General Laws, three new job titles: the executive officer of the off-street parking facilities board; the executive assistant to the off-street parking facilities board; and the administrative assistant to the off-street parking facilities board. The following positions in the property management department and the employees in said positions shall be transferred to the transportation department: the incumbent division engineer responsible for public off-street parking facilities for the property management department shall be transferred to the position of executive officer of the off-street parking facilities board; the incumbent executive secretary to the real property board shall be transferred to the position of executive assistant to the off-street parking facilities board; and the incumbent administrative assistant in the parking division shall be transferred to the position of administrative assistant to the off-street parking facilities board. Each of the aforementioned positions shall be subject to the direction, control and supervision of the commissioner of transportation, and as provided in chapter four hundred and eighty-six of the acts of nineteen hundred and nine, each such employee who immediately prior to such transfer held an office or position subject to the civil service laws and rules shall be appointed without examination or registration and shall upon such appointment retain all rights to retirement with pension that shall have or would have accrued, and each such employee's service shall be deemed continuous to the same extent as if this reorganization had not taken place.

SECTION 13. This act shall take effect upon its passage.

Approved January 13, 1995.

Chapter 364. AN ACT PERMITTING REGISTERS OF PROBATE TO ISSUE CERTIFICATES OF APPOINTMENT TO VOLUNTARY ADMINISTRATORS AND VOLUNTARY EXECUTORS.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 195 of the General Laws, as most recently amended by section 29 of chapter 161 of the acts of 1993, is hereby further amended by adding the following paragraph:-

Upon payment of the proper fee, the register of probate may issue a certificate of appointment to said administrator, with a copy of the statement annexed thereto.

SECTION 2. Section 16A of said chapter 195, as most recently amended by section 31 of said chapter 161, is hereby further amended by adding the following paragraph:-

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Upon payment of the proper fee, the register of probate may issue a certificate of the appointment to said executor, with a copy of the statement annexed thereto.

Approved January 13, 1995.

Chapter 365. AN ACT RELATIVE TO CERTAIN COMMON AREAS AND FACILITIES AND EASEMENTS IN CONDOMINIUMS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 183A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the definition of "Leasehold condominium" the following definition:-

"Limited common areas and facilities", a portion of the common areas and facilities allocated by the master deed or any amendment thereto for the exclusive use of one or more but fewer than all of the units.

SECTION 2. Section 5 of chapter 183A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The percentage of the undivided interest of each unit owner in the common areas and facilities as expressed in the master deed shall not be altered without the consent of all unit owners whose percentage of the undivided interest is affected, expressed in an amended master deed duly recorded. The organization of unit owners shall have the power, as attorney in fact on behalf of all unit owners and their successors in title, to grant, modify or amend easements through or over the common areas and facilities and to accept easements benefiting the condominium or any portion thereof, including, without limitation, easements for public or private utility purposes, including cable television; provided, however, that at the time of creation of such easement and at the time of the modification or amendment of any such easement, such easement and any such modification and amendment shall not be inconsistent with the peaceful and lawful use and enjoyment of the condominium property by the owners thereof. Said organization shall further have the power to grant to any unit owner an easement for the exclusive use of any limited common area and facility, or a portion thereof. The actions of the organization of unit owners in granting such easements shall not require the joinder of any unit owner, except for an easement for the use of a limited common area and facility; such easement shall only be granted upon the written consent of the owner or owners of the unit or units directly abutting the limited common area and facility or whose unit or units are directly affected thereby and upon the payment by the unit owner to whom the easement is being granted of the reasonable costs of the preparation, execution and the recordation thereof. Except as expressly provided herein, the provisions hereof may not be varied by agreement and rights conferred hereby may not be waived. The percentage of the undivided interest in the common areas and facilities shall not be separated from the unit to which it appertains, and shall be deemed to be conveyed or encumbered with

the unit even though such interest is not expressly mentioned or described in the conveyance or other instrument.

The organization of unit owners, upon the affirmative vote of seventy-five percent of the holders of the undivided interest in the common areas and facilities, shall have the right to extend, for a specified period of time, the rights of the declarant to continue to exercise its development rights.

In the event of a conflict between this subsection and the master deed, or declaration of trust, or bylaws of any condominium submitted to the provisions of this chapter, the language hereof shall control.

SECTION 3. Subsection (c) of said section 5 of said chapter 183A, as so appearing, is hereby amended by inserting after the first sentence the following five sentences:- The use of limited common areas and facilities may be designated by the organization of unit owners in the same manner as set forth herein relative to the granting of easements; provided, however, that such designation shall take the form of an amendment to the master deed, executed by said organization and the unit owner or owners to whom the designation is made, upon the written consent of the owner or owners of the unit or units directly abutting the limited common area and facility or whose unit or units are directly affected thereby and upon the payment by the unit owner to whom the designation is being granted of the reasonable costs of the preparation, execution and the recordation thereof. Said amendment shall be recorded in the appropriate registry of deeds or land registration office in the names of the parties and the condominium. Nothing contained herein shall be construed to require the consent of one hundred percent of the beneficial interest and the mortgagees to the granting of an easement by the organization of unit owners, or the designation or allocation of limited common areas and facilities. Except as expressly provided herein, the provisions hereof may not be varied by agreement and rights conferred hereby may not be waived. In the event of a conflict between this section and the master deed, or declaration of trust, or bylaws of any condominium submitted to the provisions of this chapter, the language hereof shall control.

SECTION 4. Clause (ii) of subsection (a) of section 6 of said chapter 183A, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Notwithstanding the provisions of clause (1), the organization of unit owners may assess the cost of maintaining, repairing or replacing a limited common area and facility, solely to the owner of the unit to which a limited common area and facility is appurtenant, allocated, or designated, and such assessment shall be enforceable as a common expense assessment under this chapter; in the alternative, the organization of unit owners may require the owner of the unit to which a limited common area and facility is appurtenant, allocated, or designated to maintain, repair, or replace such limited common area and facility without the intervention of the organization of unit owners.

SECTION 5. This act shall take effect on January first, nineteen hundred and ninety-six.

Approved January 13, 1995.

Chapter 366. AN ACT PROVIDING FOR ADDITIONAL LIFE INSURANCE BENEFITS.

Be it enacted, etc., as follows:

Section 11A of chapter 32B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 54 and 59, the word "seventy", each time it appears, and inserting in place thereof, in each instance, the following word:- seventy-five.

Approved January 13, 1995.

Chapter 367. AN ACT RELATIVE TO POST-RETIREMENT EMPLOYMENT FOR PUBLIC RETIREES.

Be it enacted, etc., as follows:

SECTION 1. Section 91 of chapter 32 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 88 and 89, the words "one hundred and twenty days, or".

SECTION 2. Said section 91 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 99 and 100, the words "days exceeds one hundred and twenty or if the number of".

Approved January 13, 1995.

Chapter 368. AN ACT TO PROHIBIT RENT CONTROL IN MASSACHUSETTS, EXCEPT WHERE VOLUNTARY, FOLLOWING AN INITIAL 6-MONTH PERIOD.

Be it enacted by the People, and by their authority, as follows:

SECTION ONE. The General Laws are hereby amended by inserting after chapter 40N the following chapter 40 O:

Chapter 40 O

The Massachusetts Rent Control Prohibition Act

Section 1. *Title.* This chapter shall be known as "The Massachusetts Rent Control Prohibition Act."

Section 2. *Purpose.* The purpose of this chapter is to establish a uniform statewide policy that broadly prohibits any regulatory scheme based upon or implementing rent control, except where, following an initial 6-month period, compliance with such a scheme is voluntary and uncoerced on the part of property owners. Even when voluntary, rent control should be severely restricted in scope. This policy is based on the belief that the public is best served by free-market rental rates for residential properties and by unrestricted

home ownership. The terms of this chapter shall be liberally construed to effect this purpose.

Section 3. *Definition of Rent Control.* For the purposes of this chapter, the term "rent control" shall mean:

(a) any regulation that in any way requires below-market rents for residential properties; and

(b) any regulation that is part of a regulatory scheme of rent control as defined in subsection (a), including the regulation of occupancy, services, evictions, condominium conversion and the removal of properties from such a rent control scheme; except that

(c) this definition does not include the regulation of, or agreements affecting, publicly owned housing, publicly subsidized housing, federally assisted housing, or mobile homes.

Section 4. *General Prohibition; Exception.* No city or town may enact, maintain or enforce rent control of any kind, except that any city or town that accepts this chapter may adopt rent control regulation that provides:

(a) after six (6) months from the date of the initial adoption of rent control regulation by a particular city or town, compliance on the part of property owners as to the rent control regulation or any subsequently adopted rent control regulation shall be entirely voluntary and uncoerced, and the property of a person or entity declining to have his or its property subjected to such regulation shall be wholly unaffected by any aspect of the rent control regulation or any subsequently adopted rent control regulation;

(b) such regulation may not include the regulation of occupancy, services, evictions, condominium conversion or the removal of properties from such regulation, nor may such regulation apply to any rental unit that is owned by a person or entity owning less than ten rental units or that has a fair market rent exceeding \$400; and

(c) a municipality adopting such regulation shall compensate owners of rent-controlled units for each unit in the amount of the difference between the unit's fair-market rent and the unit's below-market, rent-controlled rent, with such compensation coming from the municipality's general funds, so that the cost of any rent control shall be borne by all taxpayers of a municipality and not by the owners of regulated units only.

Section 5. *Preemption.* Because rent control is a matter of statewide concern, this chapter shall preempt, supersede or nullify any inconsistent, contrary or conflicting state or local law.

Section 6. *Severability.* The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, the remainder of this chapter shall continue to be valid and in effect.

SECTION TWO. *Effective Date.* This act shall become effective on January 1, 1995.

This law was approved by the people at the November 8, 1994 election under the provisions of Article XLVIII of the Amendments to the Constitution.

Chapter 1. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE FEASIBILITY OF MERGERS OR ACQUISITIONS OF INVESTOR-OWNED ELECTRIC AND GAS UTILITIES.

RESOLVED, That the special commission, established by section three hundred and eighty-five of chapter one hundred and ten of the acts of nineteen hundred and ninety-three, is hereby revived and continued until December thirty-first, nineteen hundred and ninety-four.

Approved June 22, 1994.

Chapter 2. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO A VOLUNTARY NEONATAL HOME VISITING PROGRAM.

RESOLVED, That the special commission, established by section three hundred and seventy-seven of chapter one hundred and ten of the acts of nineteen hundred and ninety-three, is hereby revived and continued.

Approved October 27, 1994.

Chapter 3. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY OF THE FEASIBILITY OF ESTABLISHING REGIONAL BOARDING SCHOOLS AND OTHER EDUCATIONAL ALTERNATIVES IN THE COMMONWEALTH FOR SCHOOL DROPOUTS AND DISRUPTIVE STUDENTS.

RESOLVED, That the special commission, established by section eighty-seven of chapter seventy-one of the acts of nineteen hundred and ninety-three, is hereby revived and continued.

Approved December 29, 1994.

Chapter 4. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES.

RESOLVED, There is hereby established a special commission to consist of the house and senate chairman of the committee on government regulations or his designated representatives, the secretary of public safety or his designated representative, the chairman

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of the alcoholic beverage control commission, the president of the Massachusetts Convenience Store Association, the president of the Massachusetts Food Association, the president of the Massachusetts Package Store Association, the president of the Massachusetts Wholesalers of Malt Beverages, the president of the Massachusetts Wine and Spirits Wholesalers, a representative of the Massachusetts Municipal Association and a consumer appointed by the governor, for the purpose of studying the process by which the commonwealth and the alcoholic beverage control commission approves the issuance of licenses for the sale of beer and wine to convenience stores. The commission shall be co-chaired by the chairman of the house and senate committees on government regulations.

Said commission shall study the present day process of issuance of beer and wine licenses, in Massachusetts, and in particular such issuance to convenience stores, as well as the process used in other states, and the updating of such process.

Said commission shall file its final report with the clerk of the house of representatives on or before May thirty-first, nineteen hundred and ninety-five.

Said commission may hold public hearings and meetings.

Approved January 13, 1995.

Chapter 5. **RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE FEASIBILITY OF MERGERS OR ACQUISITIONS OF INVESTOR-OWNED ELECTRIC AND GAS UTILITIES.**

RESOLVED, That the special commission, established by section three hundred and eighty-five of chapter one hundred and ten of the acts of nineteen hundred and ninety-three, is hereby revived and continued until July twelfth, nineteen hundred and ninety-five.

Approved January 13, 1995.

NUMBER OF ACTS AND RESOLVES APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HIS VETO, ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER AUTHORITY OF THE CONSTITUTION AND LAWS REPEALED AND APPROVED BY THE PEOPLE AT THE STATE ELECTION.

During the second session of the General Court held in 1994 368 Acts and five Resolves were enacted of which 340 Acts and all Resolves received the Governor's approval.

Four Acts, chapters 193, 230, 231, and 368 respectively, were initiative laws adopted by the people at the November 8, 1994 state election under Article XLVIII of the Amendments to the Constitution and have been so certified.

Section 64 of Chapter 110 of the Acts of 1993 was repealed by the people at the November 8, 1994 election under Article XLVIII of the Amendments to the Constitution and has been so certified.

23 Acts were not approved by the Governor within the ten days prescribed by the Constitution. Since they were not returned to either branch during the ten days with his reasons for disapproval in writing and the General Court had not prorogued during that time, these Acts have the force of law and have been so certified. These Acts are chapters 7, 8, 9, 13, 22, 32, 35, 41, 70, 87, 134, 144, 148, 158, 159, 160, 181, 183, 185, 186, 187, 188 and 248.

Chapter 283 was returned by the Governor to the House, the branch in which said Act originated, with his objections in writing thereto. Said Chapter 283 was passed by the House and in concurrence by the Senate on December 29, 1994 and therefore has the force of law and has been so certified.

12 Acts were declared to be emergency laws by the Governor under Article XLVIII of the Amendments to the Constitution. These are chapters 5, 15, 24, 29, 51, 68, 116, 197, 246, 282, 290 and 341.

The 1994 session of the General Court was dissolved at midnight on Tuesday, January 3, 1995 the session having lasted 364 days.

January 25, 1995



William Francis Galvin,
Secretary of the Commonwealth.

I hereby certify that Section 64 of Chapter 110 of the Acts of 1993 was submitted to the people at the November 8, 1994 state election under Article XLVIII of the Amendments to the Constitution, the Initiative, part V, section I, as amended, and was thereby repealed, by voters equal in number to at least thirty per cent of the total number of ballots cast at such state election and also by a majority of the voters voting on such law, according to the determination of the Governor and Council dated December 14, 1994.

I further 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 the 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 M.G.L. c.3, § 52.



William Francis Galvin,
Secretary of the Commonwealth.

TABLE OF CHANGES

SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE 1992 OFFICIAL EDITION, HAVE BEEN AFFECTED BY THE LEGISLATION PASSED BY THE GENERAL COURT SINCE JANUARY FIRST, NINETEEN HUNDRED AND NINETY FOUR.

CHAPTER 1 - Jurisdiction of the Commonwealth and of the United States.

CHAPTER 2 - Arms, Great Seal and Other Emblems of the Commonwealth.

§ 37 added, 1993, 59.

§ 38 added, 1993, 81.

§ 39 added, 1994, 65.

CHAPTER 3 - The General Court.

§ 9 amended, 1993, 50 § 3; 110 § 39; 1994, 230 §§ 2, 3. (*See 1994, 230 § 12.*)

§ 9B amended, 1994, 230 § 3; first paragraph revised, 1994, 192 § 5. (*See 1994, 192 § 13.*)

§ 9C added, 1994, 60 § 17. (*See 1994, 60 § 315.*)

§ 10A added, 1994, 60 § 18; first and second sentences revised, 1994, 126 § 3. (*See 1994, 60 § 315; 126 § 75.*)

§§ 39 - 44 revised, 1994, 43 § 1. (*See 1994, 43 § 51.*)

§ 39, definition of "Legislative agent" revised, 1994, 292 §§ 1, 2. (*See 1994, 292 § 44.*)

§ 43, last paragraph revised, 1994, 292 § 3. (*See 1994, 292 § 18.*)

§ 45 amended, 1994, 43 §§ 2, 3. (*See 1994, 43 § 51.*)

§ 46 amended, 1994, 43 § 4. (*See 1994, 43 § 51.*)

§ 47 revised, 1994, 43 § 5. (*See 1994, 43 § 51.*)

§ 48 amended, 1994, 43 § 6. (*See 1994, 43 § 51.*)

CHAPTER 4 - Statutes.

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.

§ 1 amended, 1994, 192 § 6. (*See 1994, 191 § 13.*)

§ 2 amended, 1994, 192 § 7; paragraph inserted, 1994, 230 § 4. (*See 1994, 230 §§ 12, 13.*)

§ 3, paragraph inserted, 1994, 230 § 5. (*See 1994, 230 § 12.*)

§ 4, paragraph inserted, 1994, 230 § 6. (*See 1994, 230 § 12.*)

§ 12VV added, 1993, 349.

§ 15RRR added, 1993, 171.

§ 22 **repealed**, 1993, 110 § 40.

§ 23 **repealed**, 1993, 110 § 40.

§ 24 **repealed**, 1993, 110 § 40.

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§ 25 repealed, 1993 110 § 40.
§ 48 revised, 1993, 50 § 4.
§ 108 revised, 1993, 145 § 1.
§ 115A amended, 1993, 495 § 3.
§ 119, paragraph added, 1994, 60 § 19. (See 1994, 60 § 315.)
§ 129 amended, 1993, 110 § 41.
§ 168 amended, 1993, 432 § 7.
§ 168A added, 1993, 432 § 8.
§ 179 amended, 1993, 495 § 4; third paragraph amended, 1993, 495 § 5.
§ 182A revised, 1993, 470.
§ 182B revised, 1993, 470.
§ 182C added, 1993, 470.
§ 196, second paragraph revised, 1994, 60 § 20. (See 1994, 60 § 315.)
§ 205 added, 1994, 60 § 20A. (See 1994, 60 § 315.)
§ 206 added, 1994, 60 § 20A. (See 1994, 60 § 315.)
§ 207 added, 1994, 60 § 20A. (See 1994, 60 § 315.)
§ 208 added, 1994, 60 § 20A. (See 1994, 60 § 315.)
§ 209 added, 1994, 60 § 20A. (See 1994, 60 § 315.)

CHAPTER 6A - Executive Offices.

§ 9A revised, 1994, 60 § 21. (See 1994, 60 § 315.)
§ 16A added, 1993, 161 § 1.
§ 18 ¾ added, 1993, 432 § 9.

CHAPTER 6B - ACUTE HOSPITAL FINANCE.

New chapter inserted, 1991, 495 § 12.

CHAPTER 7 - Executive Office for Administration and Finance. (Former title, Commission on Administration and Finance).

§ 1, paragraph added, 1994, 265 § 1. (See 1994, 265 § 4.)
§ 3B amended, 1994, 60 § 22; fifth paragraph stricken out, 1994, 60 § 23. (See 1994, 60 § 315.)
§ 4A amended, 1994, 60 § 24. (See 1994, 60 § 315.)
§ 4G amended, 1993, 110 § 49.
§ 4M added, 1993, 110 § 50.
§ 4N added, 1993, 110 § 50.
§ 4Q added, 1993, 110 § 50.
§ 6A repealed, 1994, 60 § 25. (See 1994, 60 § 315.)
§ 9A added, 1993, 110 § 51.
§ 22 amended, 1994, 60 § 26. (See 1994, 60 § 315.)
§§ 22C - 22F added, 1994, 265 § 2. (See 1994, 265 § 4.)
§ 38C, subsection (e), sentence added, 1994, 60 § 27. (See 1994, 60 § 315.)
§ 38K, subsection (e) added, 1994, 60 § 28. (See 1994, 60 § 315.)
§ 40G amended, 1993, 110 § 53.
§ 43J added, 1993, 110 § 54.

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§ 43K added, 1993, 110 § 54.
§ 52 added, 1993, 296 § 1; section amended, 1993, 495 § 6.
§ 53 added, 1993, 296 § 1.
§ 54 added, 1993, 296 § 1; paragraph (7) amended, 1993, 495 § 6.
§ 55 added, 1993, 296 § 1. (*See 1994, 60 § 315.*)

CHAPTER 7A - OFFICE OF THE COMPTROLLER.

§ 3, three paragraph inserted after first paragraph, 1994, 315 § 1.
§ 5 revised, 1994, 315 § 2.
§ 5A revised, 1994, 315 § 2.
§ 7, sentence added, 1994, 315 § 3.
§ 8 revised, 1994, 315 § 4.
§ 9 revised, 1994, 315 § 5.
§ 9A added, 1994, 315 § 5.
§ 16 added, 1994, 60 § 30. (*See 1994, 60 § 315.*)

CHAPTER 7B - ASSET MANAGEMENT BOARD.

New chapter added, 1990, 150 § 220A. Repealed, 1993, 151 § 4.

CHAPTER 8 - State Superintendent of Buildings, and State House.

§ 20 revised, 1993, 495 § 8.

CHAPTER 9 - Department of the State Secretary.

§ 1 amended, 1994, 192 § 8; paragraph inserted, 1994, 230 § 7. (*See 1994, 230 §§ 12, 13.*)

CHAPTER 10 - Department of the State Treasurer.

§ 1 amended, 1994, 191 § 9; paragraph inserted, 1994, 230 § 8. (*See 1994, 191 § 13; 230 § 12.*)
§ 10 amended, 1993, 110 § 55; second paragraph revised, 1994, 60 § 32. (*See 1994, 60 § 315.*)
§ 25, second paragraph stricken out, 1994, 60 § 33; last paragraph, first sentence amended, 1993, 71 § 1. (*See 1994, 60 § 315.*)
§ 28 amended, 1993, 460 § 1.
§ 28A added, 1993, 460 § 2.
§ 35D amended, 1993, 110 §§ 56, 57.
§ 35J revised, 1993, 110 § 58.
§ 38 amended, 1993, 110 § 59.
§ 43, subparagraphs (a) and (b) revised, 1994, 43 § 7. (*See 1994, 43 § 51.*)
§ 49 amended, 1993, 110 60.
§ 52, first paragraph, first and second sentences revised, 1994, 60 § 34. (*See 1994, 60 § 315.*)
§ 59 added, 1993, 110 § 61; last sentence revised, 1994, 60 § 35. (*See 1994, 60 § 315.*)
§ 60 added, 1993, 490 § 1; third sentence amended, 1994, 60 § 36. (*See 1994, 60 § 315.*)
§ 61 added, 1993, 490 § 1; second and third sentences revised, 1994, 126 § 5; third sentence revised, 194, 60 § 37. (*See 1994, 60 § 315.*)

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CHAPTER 11 - Department of the State Auditor.

§ 1 amended, 1994, 191 § 10; paragraph inserted, 1994, 230 § 9. (*See 1994, 191 § 13; 230 § 12.*)

CHAPTER 12 - Department of the Attorney General, and the District Attorneys.

§ 1 amended, 1994, 192 § 11; paragraph inserted, 1994, 230 § 10. (*See 1994, 192 § 13; 230 § 10.*)

§ 11E amended, 1990, 60 § 38. (*See 1994, 60 § 315.*)

§ 11K added, 1993, 478.

§ 11L added, 1994, 360.

CHAPTER 12A - OFFICE OF THE INSPECTOR GENERAL.

CHAPTER 12B - STATE GAMBLING ADVISORY COMMISSION.

New chapter inserted, 1994, 60 § 39.

CHAPTER 13 - Department of Civil Service and Registration.

§ 13 revised, 1993, 459 § 1.

§ 14 revised, 1993, 459 § 2.

§ 14A revised, 1993, 459 § 3.

CHAPTER 14 - Department of Revenue.

§ 1A, first paragraph, sentence added, 1993, 460 § 3.

CHAPTER 15 - Department of Education.

§ 1F added, 1993, 71 § 2; last paragraph revised, 1993, 151 § 5.

§ 1G added, 1993, 71 § 3; first paragraph revised, 1993, 151 § 6; **section amended**, 1993, 110 § 62; paragraph added, 1993, 405; **section amended**, 1993, 495 § 9; first paragraph revised, 1994, 60 § 40; paragraph inserted after tenth paragraph, 1994, 60 § 41. (*See 1994, 60 § 315.*)

§ 1H **repealed**, 1993, 71 § 4.

§ 1K **repealed**, 1993, 71 § 5.

§ 1M **repealed**, 1993, 71 § 6.

§ 1N **repealed**, 1993, 71 § 6.

§ 1O **repealed**, 1993, 71 § 6.

§ 1P **repealed**, 1993, 71 § 6.

§ 1Q **repealed**, 1993, 71 § 6.

§ 1S **repealed**, 1993, 71 § 7.

§ 1T **repealed**, 1993, 71 § 7.

§ 4A **repealed**, 1993, 71 § 8.

§ 6B **repealed**, 1993, 71 § 9.

§ 6C **repealed**, 1993, 71 § 6.

§ 53 **repealed**, 1993, 71 § 11.

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§ 56 repealed, 1993, 71 § 12.

§ 61 repealed, 1993, 71 § 13.

§ 62 repealed, 1993, 71 § 13.

CHAPTER 15A - PUBLIC EDUCATION

§ 2 amended, 1993, 71 § 14.

§ 3, second paragraph, first sentence amended, 1993, 71 § 15; third paragraph amended, 1993, 71 § 16.

§ 3A added, 199, 71 E 17.

§ 4, first paragraph, first sentence amended, 1993, 71 § 18; second paragraph, last sentence amended, 1993, 71 § 19; nineteenth paragraph stricken out, 1993, 151 § 7.

§ 6, first paragraph amended, 1993, 71 § 20.

§ 9, paragraph added, 1994, 60 § 42. (*See 1994, 60 § 315.*)

§ 9A added, 1993, 484.

§ 15, first paragraph amended, 1993, 71 § 21.

§ 15C added, 1993, 110 § 63.

§ 15D added, 1993, 110 § 63.

§ 19A added, 1993, 71 § 22.

§ 29, paragraphs (a), (b) and (c) revised, 1993, 110 § 64.

§ 33 amended, 1993, 151 § 8.

§ 39 added, 1993, 71 § 23.

§ 40 added, 1993, 495 § 10.

CHAPTER 15B - THE NEW ENGLAND EDUCATIONAL LOAN MARKETING CORPORATION ACT.

Chapter repealed, 1982, 356 § 2.

CHAPTER 15C - MASSACHUSETTS COLLEGE STUDENT LOAN AUTHORITY.

§ 26A added, 1993, 110 § 65; section repealed, 1993, 495 § 11.

CHAPTER 16 - DEPARTMENT OF HIGHWAYS. (Formerly, DEPARTMENT OF PUBLIC WORKS.)

inserted, 1992, 286 § 59.

CHAPTER 17 - Department of Public Health.

CHAPTER 18 - Department of Public Welfare.

§ 2 amended, 1993, 161 §§ 2, 3; subsection (D) amended, 1994, 60 § 43. (*See 1994, 60 § 315.*)

§ 5C amended, 1993, 161 § 4; last sentence revised, 1993, 161 § 5.

§ 5G amended, 1993, 161 §§ 6, 7; second paragraph, sentence added, 1993, 161 § 8; third paragraph amended, 1993, 161 § 9.

§ 6 amended, 1993, 161 § 10.

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§ 10 amended, 1993, 161 §§ 11, 12.

§ 16A repealed, 1993, 460.

CHAPTER 18A - Department of Youth Services.

CHAPTER 18B - Department of Social Services.

§ 7 amended, 1993, 161 § 13.

CHAPTER 19 - DEPARTMENT OF MENTAL HEALTH.

§ 2, paragraph inserted, 1993, 161 § 14.

CHAPTER 19A - Department of Elder Affairs.

§ 15 amended, 1993, 338; 1994, 354 § 2.

§ 37 added, 1993, 306.

CHAPTER 19B - Department of Mental Health. (Former title, Department of Mental Diseases.)

§ 2, paragraph inserted, 1993, 161 § 15.

CHAPTER 19C - DISABLED PERSONS PROTECTION COMMISSION.

New chapter inserted, 1987, 465 § 11.

§ 5, paragraph (1), three paragraph added, 1993, 429.

CHAPTER 19D - ASSISTED LIVING.

New chapter inserted, 1994, 354 § 3.

CHAPTER 20 - DEPARTMENT OF FOOD AND AGRICULTURE.

§ 6F revised, 1993, 182 § 1.

§ 6F½ added, 1993, 182 § 2.

§ 6I revised, 1993, 182 § 3.

§ 20, paragraph added, 1993, 110 § 66.

§ 22 added, 1994, 126 § 6.

§ 53A added, 1993, 110 § 67.

CHAPTER 21 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

§ 53A revised, 1994, 60 § 44. (*See 1994, 60 § 315.*)

CHAPTER 21A - Executive Office of Environmental Affairs.

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§ 11 amended, 1993, 110 § 68; second paragraph. first sentence revised, 1993, 110 § 69.
§ 18 amended, 1993, 494 §§ 9, 10, 11.
§ 18A added, 1993, 110 § 70; section amended, 1993, 151 § 9; section revised, 1993, 151 § 10.
§ 147 amended, 1994, 72 §§ 1, 2. (See 1994, 72 § 3.)

CHAPTER 21B - MINING REGULATION AND RECLAMATION.

CHAPTER 21C - Massachusetts Hazardous Waste Management Act.

§ 15 amended, 1994, 60 § 45. (See 1994, 60 § 315.)
§ 19 amended, 1994, 60 § 46. (See 1994, 60 § 315.)

CHAPTER 21D - Massachusetts Hazardous Waste Facility Citing Act.

CHAPTER 21E - MASSACHUSETTS OIL AND HAZARDOUS MATERIAL RELEASE PREVENTION AND RESPONSE ACT.

§ 2 definition of "Household hazardous waste collection" inserted, 1993, 409 § 1; section amended, 1994, 252 §§ 2, 3, 4, 5, 6, 7, 8, 9.
§ 5 paragraph (a) amended, 1993, 409 §§ 2, 3.

CHAPTER 21F - Coastal Facilities Improvement.

CHAPTER 21G - MASSACHUSETTS WATER MANAGEMENT ACT.

CHAPTER 21H - SOLID WASTE FACILITIES.

New chapter inserted, 1987, 584 § 3.

CHAPTER 21I - MASSACHUSETTS TOXICS USE REDUCTION ACT.

New chapter inserted, 1989, 265 § 3.

CHAPTER 21J - UNDERGROUND STORAGE TANK PETROLEUM PRODUCT CLEANUP FUND.

New chapter inserted, 1990, 524 § 1.
§ 1, definition of "Unobligated balance" revised, 1994, 356 § 1. (See 1994, 356 § 5.)
§ 4, paragraph (c), introductory paragraph revised, 1994, 356 § 2. (See 1994, 356 §§ 4, 5.)

CHAPTER 22 - Department of Public Safety.

§ 20 added, 1993, 151 § 11.

CHAPTER 22A - CENTRAL REGISTER FOR MISSING CHILDREN.

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Chapter repealed, 1991, 412 § 21.

CHAPTER 22C - THE DEPARTMENT OF STATE POLICE.

New chapter inserted, 1991, 412 § 22. (*See 1991, 412 § 139.*)

§ 26, clause (2) stricken out, 1994, 281 § 1; section amended, 1994, 281 § 2.

CHAPTER 23 - Department of Labor and Industries.

§ 79 amended, 1994, 274 § 3. (*See 1994, 274 § 6.*)

CHAPTER 23A - Department of Commerce and Development. (Former title, Department of Commerce.)

§ 2, paragraph (a) added, 1993, 19 § 3.

§ 3B, second sentence amended, 1993, 447.

§ 3A-3H added, 1993, 19 § 4.

§ 3E, paragraph (5) revised, 1993, 110 § 76; sentence added, 1994, 126 § 7.

§ 10A added, 1993, 19 § 5.

§ 14 revised, 1993, 110 § 77.

§ 28A amended, 1993, 19 § 6.

§ 30, subsection (b) amended, 1993, 19 §§ 7, 7A.

§ 34A added, 1993, 19 § 8.

§ 34B added, 1993, 19 § 8.

§ 35 amended, 1993, 474 § 1.

§ 56 added, 1993, 19 § 9.

§ 57 added, 1993, 19 § 9.

§ 58 added, 1993, 19 § 9.

CHAPTER 23B - Department of Community Affairs.

Chapter repealed, 1993, 482 § 1.

CHAPTER 23C - BOARD OF CONCILIATION AND ARBITRATION.

CHAPTER 23D - MASSACHUSETTS INDUSTRIAL SERVICE PROGRAM.

§ 11, paragraph (a), sentence inserted after first sentence, 1993, 19 § 10.

§ 13, paragraph (a), clause (1A) inserted, 1993, 19 § 11.

CHAPTER 23E - DEPARTMENT OF INDUSTRIAL ACCIDENTS.

CHAPTER 23F - THE ECONOMIC DIVERSIFICATION PROGRAM.

New chapter inserted, 1990, 525.

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§§ 1 - 8 revised, 1993, 495 § 13.

§ 9 added, 1993, 495 § 13.

CHAPTER 24 - Department of Industrial Accidents.

Chapter repealed, 1953, 314 § 14.

CHAPTER 25 - Department of Public Utilities.

CHAPTER 25A - DIVISION OF ENERGY RESOURCES.

(Formerly, Executive Office of Energy Resources.)

(Title revised, 1992, 286 § 71.)

§ 3, definition of "Energy management services" inserted, 1994, 60 § 47. (*See 1994, 60 § 315.*)

§ 11C added, 1994, 60 § 48. (*See 1994, 60 § 315.*)

CHAPTER 25B - MASSACHUSETTS APPLIANCE EFFICIENCY STANDARDS ACT.

CHAPTER 26 - Department of Banking and Insurance.

§ 8E, second paragraph revised, 1993, 110 § 80; fifth paragraph revised, 1993, 110 § 81; seventh paragraph, first sentence revised, 1994, 330 § 1; sentence added, 1994, 330 § 2.

§ 8F revised, 1994, 60 § 49. (*See 1994, 60 § 315.*)

§ 8I revised, 1994, 330 § 3.

CHAPTER 27 - Department of Correction.

CHAPTER 28 - Metropolitan District Commission.

CHAPTER 28A - Office For Children.

CHAPTER 29 - State Finance.

§ 1 amended, 1994, 231 § 4.

§ 2J amended, 1993, 151 § 12.

§ 2T amended, 1993, 110 § 82; paragraph (e) amended, 1993, 393 § 1.

§ 2W revised, 1993, 110 § 84.

§ 2Y added, 1993, 110 § 83; second sentence stricken out and three sentences inserted, 1994, 60 § 49A. (*See 1994, 60 § 315.*)

§ 2Y added, 1993, 110 § 85.

§ 2Z added, 1993, 110 § 86.

§ 2AA added, 1994, 60 § 50. (*See 1994, 60 § 315.*)

§ 3 amended, 1993, 50 § 5; first paragraph revised, 1993, 151 § 13.

§ 4 revised, 1993, 50 § 6; 151 § 14.

§ 5B amended, 1993, 110 § 89; first sentence revised, 1994, 60 § 51; sixth paragraph revised, 1994, 60 § 52. (*See 1994, 60 § 315.*)

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§ 5F revised, 1993, 50 § 7; 151 § 15.
§ 5G added, 1993, 151 § 15.
§ 6 amended, 1993, 110 § 8.
§ 6D, third paragraph revised, 1993, 110 § 92.
§ 7H amended, 1994, 60 §§ 53, 54. (See 1994, 60 § 315.)
§ 7N added, 1993, 50 § 9.
§ 8B revised, 1993, 345.
§ 9B amended, 1993, 50 § 10; first paragraph amended, 1993, 151 §§ 16, 17, 18; fourth paragraph amended, 1993, 151 § 19.
§ 23A revised, 1994, 60 § 55. (See 1994, 60 § 315.)
§ 27 amended, 1993, 50 § 11; 151 § 20; second and third sentences revised, 1994, 60 § 56. (See 1994, 60 § 315.)
§ 27C, subsection (h) amended, 1993, 71 § 24.
§ 29, first sentence amended, 1993, 50 § 12; section revised, 1993, 151 § 21; first paragraph, four sentences added, 1994, 60 § 57. (See 1994, 60 § 315.)
§ 29E, two sentences inserted after first sentence, 1994, 60 § 58. (See 1994, 60 § 35.)
§ 29H added, 1994, 231 § 6.
§ 29I added, 1994, 231 § 6.
§ 31E added, 1993, 71 § 25; first sentence revised, 1993, 151 § 22; 1994, 126 § 8.
§ 53A amended, 1994, 126 § 9.

CHAPTER 29A - Financing the Judicial System.

CHAPTER 29B - STATE REVENUE GROWTH CONTROL.

§ 1 amended, 1994, 231 § 5.

CHAPTER 29C - WATER POLLUTION ABATEMENT REVOLVING LOAN PROGRAM.

New chapter inserted, 1989, 275 § 8.

CHAPTER 30 - General Provisions Relative to State Departments, Commissions, Officers and Employees.

§ 39K amended, 1993, 151 § 23.
§ 39R amended, 1994, 126 § 10; paragraph (1), subsection (a) amended, 1994, 126 § 11; paragraph (2), subsection (a) amended, 1994, 126 § 12; section amended, 1994, 60 § 59; subsection (a), paragraphs (1) and (2) revised, 1994, 60 § 60. (See 1994, 60 § 315.)
§ 45, first sentence amended, 1993, 151 § 24; paragraph (4) amended, 1993, 50 § 14; section amended, 1993, 151 § 25; clause (4) revised, 1993, 151 § 26.
§ 46 amended, 1994, 242.

CHAPTER 30A - State Administrative Procedure.

§ 11A amended, 1994, 118 § 1.

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CHAPTER 30B - UNIFORM PROCUREMENT ACT.

New chapter inserted, 1989, 687 § 3.

§ 1, paragraph (b) amended, 1994, 180. (*See 1994, 60 § 315.*)

§ 2 amended, 1994, 60 § 62. (*See 1994, 60 § 315.*)

CHAPTER 31 - Civil Service.

§ 39 amended, 1993, 290.

CHAPTER 31A - MUNICIPAL PERSONNEL SYSTEMS.

CHAPTER 32 - Retirement Systems and Pensions.

§ 3 amended, 1993, 100 § 1; 139; subdivision (4A) revised, 1994, 60 § 63. (*See 1994, 60 § 315.*)

§ 4 amended, 1994, 197.

§ 19, last paragraph revised, 1993, 442.

§ 22, subdivision (6), paragraph (a), clause (iii) amended, 1993, 110 § 98.

§ 23, subdivision (1) paragraph (a) revised, 1994, 60 § 64; paragraph (d) amended, 1993, 474 § 2; subdivision (2), paragraph (g), clause (ii) amended, 1993, 474 § 3; subdivision (2A), paragraph (h) amended, 1993, 474 § 4; subdivision (5) added, 1993, 474 § 5. (*See 1994, 60 § 315.*)

§ 28N added, 1994, 36.

§ 91 amended, 1994, 278 § 2; 367 §§ 1, 2.

§ 94B amended, 1993, 312 § 1. (*See 1993, 312 § 2.*)

§ 100A added, 1994, 69 § 1. (*See 1994, 69 § 2.*)

CHAPTER 32A - Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

§ 17A added, 1993, 384 § 1.

§ 17A added, 1993, 458 § 5.

§ 17B added, 1994, 284 § 1.

§ 19 revised, 1993, 110 § 99.

CHAPTER 32B - Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and their Dependents.

§ 3, first paragraph, sixth and seventh sentences amended, 1993, 110 § 100.

§ 10A added, 1993, 363.

§ 11A amended, 1994, 366.

§ 15 amended, 1993, 110 § 102.

§ 19 added, 1993, 110 § 103; first paragraph, subsection (d) amended, 1993, 151 § 27; fifth paragraph amended, 1993, 495 § 14.

CHAPTER 33 - Militia.

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CHAPTER 34 - Counties and County Commissioners.

CHAPTER 34A - COUNTY CHARTER PROCEDURES.

CHAPTER 35 - County Treasurers, State Supervision of County Accounts and County Finances.

CHAPTER 36 - Registers of Deeds.

CHAPTER 37 - Sheriffs.

§ 17 amended, 1994, 191 § 1. (*See 1994, 191 § 11.*)

CHAPTER 38 - Medical Examiners.

§ 4A added, 1993, 275.

CHAPTER 39 - Municipal Government.

§ 3, definition of "Legislative agent" revised, 1994, 292 § 1. (*See 1994, 292 § 18.*)
§ 23B amended, 1993, 455; fourth paragraph, clause (9) added, 1994, 259.

CHAPTER 40 - Powers and Duties of Cities and Towns.

§ 3 amended, 1993, 151 § 28.

§ 5F, paragraph added, 1993, 142.

§ 8D amended, 1993, 336.

§ 8J, first paragraph, first sentence amended, 1993, 214 § 1. (*See 1993, 214, § 2.*)

§ 21D revised, 1993, 182 O 4.

§ 39L, second sentence revised, 1994, 60 § 65. (*See 1994, 60 § 315.*)

§ 42K added, 1994, 60 § 66. (*See 1994, 60 § 315.*)

§ 57, first paragraph, first sentence amended, 1993, 408 § 1; first paragraph, paragraph (6), first sentence amended, 1993, 408 § 2.

§ 59 added, 1993, 19 § 12; clause (iii) revised, 1993, 110 § 104.

CHAPTER 40A - Zoning Regulations.

§ 3, first paragraph, two sentences added, 1993, 450; **section amended**, 1994, 276 §§ 1, 2.

§ 6 amended, 1994, 60 § 67. (*See 1994, 60 § 315.*)

§ 9A, first paragraph, sentence inserted after second sentence, 1994, 60 § 69; second paragraph, definitions of "Adult paraphernalia store" and "Adult video store" added, 1994, 60 § 70; paragraph added, 1994, 60 § 71. (*See 1994, 60 § 309.*)

CHAPTER 40B - Regional Planning.

CHAPTER 40C - Historic Districts.

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CHAPTER 40D - Industrial Development of Cities and Towns.

§ 12 amended, 1993, 474 § 6.

CHAPTER 40E - Massachusetts Industrial Development Authority.

CHAPTER 40F - The Massachusetts Community Development Finance Corporation.

CHAPTER 40G - Massachusetts Technology Development Corporation.

§ 4B added, 1993, 110 § 105.

CHAPTER 40H - Community Economic Development Assistance Corporation.

CHAPTER 40I - THE BAY STATE SKILLS CORPORATION ACT.

§ 5, clauses (p) and (q) amended, 1993, 19 § 13.

§ 7F added, 1993, 19 § 34.

CHAPTER 40J - Massachusetts Technology Park Corporation.

CHAPTER 40K - MASSACHUSETTS PRODUCT DEVELOPMENT CORPORATION.

CHAPTER 40L - AGRICULTURAL INCENTIVE AREAS.

CHAPTER 40M - GOVERNMENTAL UNITS POOLED INSURANCE.

CHAPTER 40N - MODEL WATER AND SEWER COMMISSION.

New chapter inserted, 1992, 343 § 2.

§ 9, paragraph (c) amended, 1993, 50 § 15; paragraph (d) amended, 1993, 50 § 16.

CHAPTER 40O - BUSINESS IMPROVEMENT DISTRICTS.

New chapter inserted, 1994, 173.

CHAPTER 41 - Officers and Employees of Cities, Towns and Districts.

§ 6, subsection (cc) amended, 1994, 354 § 4.

§ 48 amended, 1994, 223.

§ 81O, second paragraph revised, 1994, 169.

§ 96B revised, 1994, 333.

§ 98F amended, 1994, 353 § 1.

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CHAPTER 410 - The Massachusetts Rent Control Prohibition Act.

New chapter inserted, 1994, 368 § 1. (*See 1994, 368 § 2.*) (Voted by the people under Art. 48)

CHAPTER 42 - Boundaries of Cities and Towns.

CHAPTER 43 - City Charters.

§ 48, first paragraph revised, 1994, 292 § 16. (*See 1994, 292 § 18.*)

CHAPTER 43A - Standard Form of Representative Town Meeting Government.

CHAPTER 43B - Home Rule Procedures.

CHAPTER 43C - OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.

New chapter inserted, 1987, 756.

CHAPTER 44 - Municipal Finance.

§ 7, clause (6) revised, 1993, 413; clause (18) revised, 1993, 110 § 106.

§ 53E½, second paragraph, last sentence revised, 1994, 60 § 72; third paragraph, sentence added, 1994, 60 § 73. (*See 1994, 60 § 309, 315.*)

§ 53I added, 1993, 198.

§ 72 added, 1993, 50 § 17.

CHAPTER 44A - QUALIFIED BOND ACT.

CHAPTER 45 - Public Parks, Playgrounds and the Public Domain.

CHAPTER 46 - Return and Registry of Births, Marriages and Death.

§ 1 amended, 1993, 460 § 5.

§ 3C added, 1993, 460 § 6.

§ 9 paragraph added, 1993, 495 § 15; third and fourth paragraphs stricken out and one paragraph inserted, 1994, 267.

CHAPTER 47 - Infirmarys.

CHAPTER 48 - Fires, Fire Departments and Fire Districts.

§ 77A added, 1993, 141.

CHAPTER 49 - Fences, Fence Viewers, Pounds and Field Drivers.

CHAPTER 49A - Use of Certain Animals for Scientific Investigation, Experiment or Instruction.

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CHAPTER 50 - General Provisions relative to Primaries, Caucuses and Elections.

§ 1, definitions of "Family member" and "Federal act" inserted, 1993, 475 § 1; definitions of "Registration agency" and "Specially qualified voter" inserted, 1993, 475 § 2.

CHAPTER 51 - Voters

§ 4 amended, 1993, 475 § 2A, 3; first paragraph, sentence inserted after first sentence, 1994, 353 § 2; section amended, 1994, 353 § 3; second paragraph, sentence added, 1994, 353 § 4.

§ 4A added, 1993, 475 § 4.

§ 12, first sentence amended, 1993, 475 § 5.

§ 26 amended, 1993, 475 § 6.

§ 27 repealed, 1993, 475 § 7.

§ 28 revised, 1993, 475 § 8.

§ 29 repealed, 1993, 475 § 9.

§ 29A repealed, 1993, 475 § 9.

§ 29B repealed, 1993, 475 § 9.

§ 30 repealed, 1993, 475 § 9.

§ 31, last sentence stricken out, 1993, 475 § 10.

§ 34 amended, 1993, 475 § 11.

§ 36 revised, 1993, 475 § 12.

§ 37 amended, 1993, 475 § 13.

§ 37A added, 1993, 475 § 14.

§ 42 amended, 1993, 475 § 15.

§ 42B repealed, 1993, 475 § 16.

§ 42E revised, 1993, 475 § 17.

§ 42F revised, 1993, 475 § 18.

§ 42G added, 1993, 475 § 19.

§ 42H added, 1993, 475 § 19.

§ 44 revised, 1993, 475 § 20.

§ 46A amended, 1993, 475 § 21.

§ 47C added, 1993, 475 § 22.

§ 50 amended, 1993, 475 § 23.

§ 59 amended, 1993, 475 § 24.

§ 60 amended, 1993, 475 § 25.

CHAPTER 52 - Political Committees.

CHAPTER 53 - Nominations, Questions to be Submitted to the Voters, Primaries and Caucuses.

§ 9, two sentences added, 1994, 43 § 8. (*See 1994, 43 § 51.*)

§ 35A, last two sentences revised, 1994, 129.

§ 37, first paragraph, third and fourth sentences amended, 1993; 475 § 26.

§ 37A, first sentence revised, 1993, 475 § 27; second and third paragraphs amended, 1993 475 § 28.

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§ 38, first three sentences amended, 1993, 475 § 29; section amended, 1993, 475 §§ 30, 31.
§ 48 amended, 1994, 230 § 1. (*See 1994, 230 § 12.*)

CHAPTER 54 - Elections.

§ 35A amended, 1994, 129.
§ 86 amended, 1993, 475 §§ 32, 33.
§ 87, first paragraph, clause (b) stricken out, 1993, 475 § 34; section amended, 1993, 475 § 35.
§ 89 revised, 1993, 475 § 36.
§ 89A repealed, 1993, 475 § 37.
§ 91 amended, 1993, 475 § 38; third sentence stricken out, 1993, 475 § 39.
§ 91A added, 1993, 475 § 40.
§ 91B added, 1993, 475 § 40.
§ 92 revised, 1993, 475 § 41.
§ 94, first paragraph, second and third sentences revised, 1993, 475 § 42; fifth sentence revised, 1993, 475 § 43.
§ 95 amended, 1993, 475 § 44.
§ 100 amended, 1993, 475 § 45.
§ 103B repealed, 1993, 475 § 46.
§ 103C repealed, 1993, 475 § 46.
§ 103D repealed, 1993, 475 § 46.
§ 103P, first sentence revised, 1993, 475 § 47.
§ 103Q amended, 1993, 475 § 48.

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.

§ 1, definitions of "Ballot question committee" inserted, 1994, 43 § 9; definition of "Candidate's committee" inserted, 1994 43 § 10; definition of "Contribution" amended, 1994, 43 § 11; definition of "Executive agent" inserted, 1994, 43 § 12; definitions of "Legislative agent" and "Political action committee" inserted, 1994, 43 § 13; definition of "Political action committee" revised, 1994, 292 § 4; definition of "Political party committee" inserted, 1994, 43 § 14; definition of "Political party committee" revised, 1994, 292 § 5; paragraph added, 1994, 43 § 15. (*See 1994, 43 § 51; 292 § 18.*)

§ 2, clause (1) amended, 1994, 43 § 16; clauses (2) to (8), inclusive, stricken out and three clauses inserted, 1994, 43 § 17; paragraph inserted after second paragraph, 1994, 43 § 18; third paragraph revised, 1994, 292 § 6. (*See 1994, 43 § 51; 292 § 18.*)

§ 3, fifth paragraph revised, 1993, 110 § 107; paragraph added, 1994, 43 § 19. (*See 1994, 43 § 51.*)

§ 5, second paragraph, clause (1) revised, 1994, 43 § 20; clause (3) revised, 1994, 4321; eleventh paragraph inserted, 1993, 328 § 1. (*See 1994, 43 § 51.*)

§ 5A added, 1994, 43 § 22. (*See 1994, 43 § 51.*)

§ 5B added, 1994, 43 § 22. (*See 1994, 43 § 51.*)

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§ 6 amended, 1994, 43 § 23; third paragraph, first and second sentences revised, 1994, 43 § 24; fifth and sixth sentences revised, 1994, 43; **section amended**, 1994, 43 § 25. (*See 1994, 43 § 51.*)

§ 6A added, 1994, 43 § 26. (*See 1994, 43 § 51.*)

§ 6B added, 1994, 43 § 26. (*See 1994, 43 § 51.*)

§ 7 revised, 1994, 43 § 27. (*See 1994, 43 § 51.*)

§ 7A added, 1994, 43E § 27. (*See 1994, 43 § 51.*)

§ 8A added, 1994, 43 § 28. (*See 1994, 43 § 51.*)

§ 9, first paragraph revised, 1994, 292 § 7. (*See 1994, 292 § 18.*)

§ 10A added, 1994, 43 § 29; **section revised**, 1994, 292 § 8. (*See 1994, 43 § 51; 292 § 18.*)

§ 16B added, 1994, 43 § 30. (*See 1994, 43 § 51.*)

§ 18, eleventh paragraph revised, 1994, 43 § 31; paragraph inserted after twelfth paragraph, 1994, 43 § 32; **section amended**, 1994, 292 §§ 9, 10; thirteenth paragraph revised, 1994, 292 § 11; last paragraph amended, 1994, 292 § 12. (*See 1994, 43 § 51; 292 § 18.*)

§ 18B added, 1994, 43 § 33. (*See 1994, 43 § 51.*)

§ 19, subsection (a) amended, 1994, 43 § 34; 292 § 13; subsection (c) revised, 1993, 239; first sentence revised, 1994, 292 15; **section amended**, 1994, 292 § 14.

§ 29 revised, 1994, 43 § 35. (*See 1994, 43 § 51.*)

CHAPTER 55A - Limited Public Financing of Campaigns for Statewide Elective Office.

§ 1A added, 1994, 43 § 36. (*See 1994, 43 § 50.*)

§ 4 amended, 1994, 43 § 37; last paragraph, last sentence revised, 1994, 43 38. (*See 1994, 43 § 51.*)

§ 5 amended, 1994, 43 § 39. (*See 1994, 43 § 51.*)

§ 6 amended, 1994, 43 § 40; second paragraph, last sentence revised, 1994, 43 § 41. (*See 1994, 43 § 51.*)

§ 7 amended, 1994, 43 § 42. (*See 1994, 43 § 51.*)

§ 8 amended, 1994, 43 § 43. (*See 1994, 43 § 51.*)

CHAPTER 55B - The State Ballot Law Commission.

CHAPTER 56 - Violations of Elections Laws.

§ 5 revised, 1993, 475 § 49.

§ 8 revised, 1993, 475 § 50.

§ 26 revised, 1993, 475 § 51.

§ 28 revised, 1993, 475 § 52.

§ 33 revised, 1994, 43 § 44. (*See 1994, 43 § 51.*)

CHAPTER 57 - Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives.

§ 1 amended, 1993, 274 § 1.

§ 2 revised, 1993, 274 § 2; clause Second revised, 1994, 12 § 1; clause Fourth revised, 1994, 12 § 2. (*See 1994, 12 § 4.*)

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CHAPTER 58 - General Provisions relative to Taxation.

§ 18D revised, 193, 110 § 108; section amended, 1993, 495 § 16.

CHAPTER 58A - Appellate Tax Board. (Former title, Board of Tax Appeals.)

§ 1 amended, 1994, 60 § 75. (*See 1994, 60 § 315.*)

§ 10, two sentences inserted after first sentence, 1994, 60 § 75. (*See 1994, 60 § 315.*)

CHAPTER 59 - Assessment of Local Taxes.

§ 5, clause Twenty-second E, paragraph added, 1993, 110 § 110; clause Fifty first added, 1993, 19 § 14; clause Fifty-second added, 1993, 110 § 111.

§ 5I added, 1993, 110 § 112.

§ 21C amended, 1993, 110 § 113; paragraph (n) amended, 1993, 110 § 114.

§ 59 amended, 1993, 110 § 116.

CHAPTER 59A - Classification of Real Property.

CHAPTER 60 - Collection of Local Taxes.

§ 3C, first paragraph amended, 1994, 60 § 76; three paragraphs amended, 1993, 71 § 26. (*See 1994, 60 § 76.*)

§ 23, second paragraph revised, 1994, 60 § 77; paragraph added, 1993, 110 § 117. (*See 1994, 60 § 315.*)

CHAPTER 60A - Excise Tax on Registered Motor Vehicles in Lieu of Local Property Tax.

§ 2A amended, 1993, 151 § 29.

CHAPTER 60B - Excise on Boats, Ships and Vessels in Lieu of Local Property Tax.

§ 4 amended, 1994, 60 § 78. (*See 1994, 60 § 315.*)

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.

§ 1, subdivision (d), paragraph (1) amended, 1994, 43 § 45; subsection (m) revised, 1994, 195 § 5. (*See 1994, 43 § 51.*)

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§ 2 amended, 1993, 495 §§ 17, 18, 19, 20; subsection (b) amended, 1994, 195 § 6; paragraph (1) amended, 1994, 195 § 7; paragraph (1), subparagraph C added, 1994, 195 § 8; paragraph (2) revised, 1994, 195 § 9; paragraph added, 1994, 195 § 10; subsection (c) amended, 1994, 195 § 11; paragraph 2 and 3 revised, 1994, 195 § 12; subsection (d), paragraph (M) added, 1994, 195 § 13; paragraph (1), subparagraph (L) added, 1994, 43 § 45; subsection (e) added, 1994, 195 § 14; amended, 1994, 195 § 15; subsection (f) amended, 1994, 195 § 16; subsection (h) added, 1994, 195 § 17; subsection (g) stricken out and subsection (i) inserted, 1994, 195 § 18. (*See 1994, 43 § 51.*)

§ 3, Part B, paragraph (a), subparagraph (10) added, 1993, 19 § 15; subsection (b) amended, 1993, 19 § 15; section amended, 1993, 495 § 21; section amended, 1994, 195 §§ 1, 2, 3; subsection (c) added, 1994, 195 § 19; section amended, 1994, 60 § 79; Part (B), paragraph (b), subparagraph 1A inserted, 1994, 60 § 80. (*See 1994, 60 § 315.*)

§ 4, subsection (c) added, 1994, 195 § 20.

§ 5, subsection (a) revised, 1994, 195 § 4; amended, 1994, 195 § 21; 1994, 60 § 81. (*See 1994, 60 § 315.*)

§ 5A, subsection (a) amended, 1994, 195 § 22.

§ 6, subsection (a) amended, 1994, 195 §§ 23, 24; subsection (c) revised, 1993, 482 § 2; subsections (g) and (i) added, 1993, 19 § 16.

§ 6C, first and second paragraphs stricken out and one paragraph inserted, 1994, 43 § 46; last paragraph revised, 1994, 43 § 47. (*See 1994, 43 § 51.*)

§ 6D, two sentences added, 1993, 110 § 121.

§ 8, subsection (a) amended, 1994, 195 § 25; subsection (b) amended, 1994, 195 § 26.

§ 10, subsection (g) amended, 1994, 195 § 27.

§ 17, subsection (a), first sentence stricken out and two sentences inserted, 1994, 342 § 1; subsection (c), clauses (1) and (2) revised, 1994, 195 § 28. (*See 1994, 342 § 5.*)

CHAPTER 62A - Simplified Method of Computing Individual Income Taxes.

CHAPTER 62B - Withholding of Taxes on Wages and Declaration of Estimated Income Tax.

CHAPTER 62C - Administrative Provisions Relative to State Taxation.

§ 5 amended, 1994, 60 § 82. (*See 1994, 60 § 315.*)

§ 17, subsection (a) amended, 1994, 342 § 1. (*See 1994, 342 § 5.*)

§ 21, subsection (b), clause (13) amended, 1993, 460 § 7.

§ 37 amended, 1993, 110 § 122.

§ 83, subsection (a) amended, 1993, 386 § 1; subsection (c) amended, 1993, 386 § 2; subsection (d) amended, 1993, 386 § 3; subsection (e) amended, 1993, 386 § 4; subsection (f) amended, 1993, 386 § 5; subsection (g) amended, 1993, 386 § 6; subsection (h) amended, 1993, 386 § 7; subsection (i) amended, 1993, 386 § 8; subsection (n) added, 1993, 386 § 9. (*See 1993, 386 § 10.*)

§ 84 added, 1993, 110 § 123.

CHAPTER 62D - SET-OFF DEBT COLLECTION.

§ 1 amended, 1994, 315 §§ 7, 8, 9.

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§ 4 amended, 1994, 315 § 10.

§ 13 revised, 1993, 460 § 8; section amended, 1994, 315 § 11.

CHAPTER 62E - WAGE REPORTING SYSTEM.

§ 1, definition of "Internal Revenue Code or Code" amended, 1993, 460 § 9.

§ 2, last sentence revised, 1993, 460 § 10; sentence inserted after first sentence, 1994, 260 § 2.
(See 1994, 260 § 8.)

§ 3, first paragraph revised, 1993, 460 § 11.

§ 4 amended, 1993, 460 § 12.

§ 10 revised, 1993, 460 § 13.

§ 11 amended, 1993, 460 § 14.

§ 12, first paragraph amended, 1993, 460 § 15.

§ 13 amended, 1993, 460 § 16.

§ 14 added, 1993, 460 § 17.

CHAPTER 62F - LIMITATION ON THE GROWTH OF STATE TAX REVENUES.

CHAPTER 63 - Taxation of Corporations.

§ 31A, paragraph (a), paragraph added, 1994, 60 § 83; paragraphs (i), (j), (k), (l) and (m) amended, 1993, 19 § 17; paragraph (i), paragraph added, 1994, 60 § 84; paragraphs (k) and (l) revised, 1994, 60 § 85. (See 1994, 60 § 315.)

§ 38L, first paragraph, two sentences added, 1993, 110 § 124.

§ 38N added, 1993, 19 § 18.

§ 38O added, 1993, 19 § 18.

CHAPTER 63A - Taxation of Certain Corporations, Associations and Organizations Engaged in the Sale of Alcoholic Beverages.

CHAPTER 63B - Declaration of Estimated Tax by Corporations.

CHAPTER 63C - Taxation of Income of Certain Corporations.

Chapter repealed, 1985, 593 § 24.

CHAPTER 64 - Taxation of Stock Transfers.

CHAPTER 64A - Taxation of Sales of Gasoline. (Former Title, Taxation of Sales of Gasoline and Certain other Motor Vehicle Fuel.)

§ 13, subsection (a) amended, 1994, 231 § 2; subsection (b) stricken out, 1994, 231 § 1; subsection (d), clause inserted, 1994, 231 § 3.

CHAPTER 64B - Excise upon Charges for Meals served to the Public.

CHAPTER 64C - Cigarette Excise.

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- 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.
- CHAPTER 64H -** Tax on Retail Sales of Certain Tangible Personal Property.
- § 6, paragraph (h), paragraph inserted, 1993, 10 § 125; section amended, 1993, 110 § 126; 151 § 30; section amended, 1993 474 § 7; 495 § 22; paragraph (cc) amended, 1994, 354 § 4; paragraph (rr) added, 1993, 495 § 23.
§ 34 added, 1994, 273 § 25.
- CHAPTER 64I -** Tax on storage, Use or Other Consumption of Certain Tangible Personal Property.
- CHAPTER 64J -** TAXATION OF FUELS USED IN THE PROPULSION OF AIRCRAFT.
- CHAPTER 64K -** Controlled Substances Tax
- New Chapter inserted, 1993, 110 § 127. (*See 1993, 110 § 390.*)
§ 9, first paragraph, first sentence revised, 1993, 151 § 31.
- 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.
- § 3, subsection (a) revised, 1994, 342 § 2; section amended, 1994 342 § 3. (*See 1994, 342 § 5.*)
§ 3A amended, 1994, 342 § 4. (*See 1994, 342 § 5.*)
- CHAPTER 66 -** Public Records.
- § 17A amended, 1993, 460 § 18.
- CHAPTER 66A -** Fair Information Practices.
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CHAPTER 68 - Donations and Conveyances for Pious and Charitable Uses.

CHAPTER 68A - Limitations Upon the Conduct of Certain Trusts and Corporations Having Charitable Interests.

CHAPTER 69 - Powers and Duties of the Department of Education.

§ 1 amended, 1993, 71 § 27.
§ 1A amended, 1993, 71 § 28.
§ 1B-1L added, 1993, 71 § 29.
§ 1C, paragraph added, 1994, 60 § 87.
§ 1D, fourth paragraph clause (i), first sentence revised, 1994, 317.
§ 1F amended, 1994, 60 § 89.
§ 3 repealed, 1993, 71 § 30.
§ 35 repealed, 1993, 71 § 31.

CHAPTER 70 - School Funds and State Aid for Public Schools. (Former title, School Funds and Other State Aid for Public Schools.)

Chapter revised, 1993, 71 § 32.
§ 2, definition of "Base aid" amended, 1993, 110 § 128; definition of "Equity gap" amended, 1993 151 § 32; second sentence amended, 1993, 151 § 33; definition of "Gross overburden amounts", first sentence amended, 1994, 60 § 90; definition amended, 1994, 60 § 91; definition of "Minimum required local contribution" revised, 1993, 151 § 34; definition of "Municipal revenue growth factor" revised, 1993, 151 § 35; definition of "Preliminary local contribution" revised, 1993, 151 § 36; first sentence revised, 1994, 60 § 92; definition of "Standard of effort" revised, 1993, 151 § 37; definition of "Standard of effort gap" revised, 1993, 151 § 38.

CHAPTER 70A - EQUAL EDUCATIONAL OPPORTUNITY GRANTS.

Chapter repealed, 1993, 71 § 33.

CHAPTER 71 - Public Schools.

§ 16D subsections (e), (f), and (g) added, 1993, 71 § 34; subsection (e) revised, 1993, 110 § 263; subsection (e) amended, 1993, 495 § 24.
§ 37 amended, 1993, 71 § 35.
§ 37H amended, 1993, 71 § 36; 495 § 25; paragraph (c), second paragraph revised, 1994, 51.
§ 37H½ added, 1993, 380 § 2. (*See 1993, 380 § 3.*)
§ 37L, three paragraphs added, 1993, 71 § 37.
§ 38, first and second paragraphs amended, 1993, 71 § 38; third paragraph amended, 1993, 71 § 39; fifth paragraph amended, 1993, 71 § 40.
§ 38G amended, 1993, 71 § 41; section revised, 1993, 495 § 26.
§ 38Q added, 1993, 71 § 42.
§ 41, first paragraph amended, 1993, 71 § 43; second and third paragraphs revised, 1994, 346.
§ 41A revised, 1993, 362; second paragraph revised, 1994, 60 § 94.
§ 41B added, 1993, 362.

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§ 42 amended, 1993, 71 § 44.
§ 42A **repealed**, 1993, 71 § 45.
§ 42B added, 1993, 71 § 46.
§ 42D added, 1993, 71 § 47.
§ 43 added, 1993, 71 § 48.
§ 43A **repealed**, 1993, 71 § 49.
§ 43B **repealed**, 1993, 71 § 49.
§ 47A amended, 1993, 71 § 50.
§ 48 amended, 1993, 71 § 51.
§ 59, second sentence stricken out, and four sentences added, 1993, 71 § 52.
§ 59B revised, 1993, 71 § 53; first paragraph amended, 1994, 60 § 95.
§ 59C added, 1993, 71 § 53; **section amended**, 1993, 495 § 27.
§ 59D added, 1993, 71 § 53.
§ 67, paragraph added, 1993, 71 § 54.
§ 89 added, 1993, 71 § 55.

CHAPTER 71A - TRANSITIONAL BILINGUAL EDUCATION.

CHAPTER 71B - CHILDREN WITH SPECIAL NEEDS.

§ 5, first paragraph, first sentence revised, 1993, 50 § 19.

CHAPTER 72 - School Registers and Returns.

CHAPTER 73 - State Colleges and Community Colleges. (Former title, State Teachers Colleges and Community Colleges.)

CHAPTER 74 - Vocational Education.

§ 1 amended, 1993, 71 § 56.
§ 2, second paragraph amended, 1993, 71 § 57.
§ 7C added, 1993, 110 § 129.
§ 8 **repealed**, 1993, 71 § 58.
§ 21A **repealed**, 1993, 71 § 59.
§ 22E amended, 1993, 71 § 60.
§ 37C, second sentence amended, 1993, 110 § 130.

CHAPTER 75 - University of Massachusetts. (Former title, Massachusetts State College.)

§ 35, paragraph added, 1993, 52 § 10.
§ 36C added, 1993, 110 § 131.
§§ 38 - 42 added, 1994, 60 § 96.

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CHAPTER 75A - University of Lowell. (Former title, Lowell Technological Institute of Massachusetts.)

Chapter repealed, 1991, 142 § 23. See 1991, 142 § 4, 50.

CHAPTER 75B - Southeastern Massachusetts University. (Former title, South Eastern Massachusetts University) (Former title Southeastern Massachusetts Technological Institute.)

Chapter repealed, 1991, 142 § 24. (*See 1991, 142 § 49, 50.*)

CHAPTER 75C - Private Correspondence Schools.

CHAPTER 75D - Private Business Schools.

CHAPTER 76 - School Attendance.

§ 5, second sentence revised, 1993, 282.

§ 12B amended, 1993, 71 § 61; second sentence amended, 1993, 151 § 39; subsection (f), third sentence amended, 1994, 60 § 97; subsection (g) amended, 1993, 151 § 40; first sentence amended, 1994, 60 § 98; subsection (j) amended, 1994, 60 § 99; subsection (n) revised, 1993, 151 § 41.

§ 12C added, 1994, 60 § 100.

CHAPTER 77 - School Offenders and County Training Schools.

CHAPTER 78 - Libraries.

§ 11 amended, 1994, 85 § 17.

§ 19, fourth sentence inserted, 1993, 110 § 134.

§ 19H amended, 1994, 85 § 18.

§ 19L added, 1994, 85 § 19.

CHAPTER 78A - YOUTH CONSERVATION AND SERVICE CORPS.

Chapter inserted 1993, 19 § 19.

CHAPTER 79 - Eminent Domain.

§ 8A amended, 1993, 110 § 135.

§ 37 amended, 1993, 110 § 136; two paragraphs added, 1993, 110 § 137.

§ 39 amended, 1993, 110 § 138.

CHAPTER 79A - Relocation Assistance.

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CHAPTER 80 - Betterments.

§ 12, two sentences inserted after second sentence, 1994, 138.

CHAPTER 80A - Eminent Domain Takings and Betterment Assessments by Judicial Proceedings.

CHAPTER 81 - State Highways.

CHAPTER 82 - The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

CHAPTER 83 - Sewers Drains and Sidewalks.

CHAPTER 84 - Repair of Ways and Bridges.

CHAPTER 85 - Regulations and By Laws to Ways and Bridges.

§ 11B, second paragraph, clause (2) revised, 1993, 278 § 1; section amended, 1993, 278 § 2. (See 1993, 278 § 4.)

§ 11C revised, 1993, 182 § 5.

§ 11D amended, 1993, 278 § 3. (See 1993, 278 § 4.)

CHAPTER 86 - Boundaries of Highways and Other Public Places, and Encroachments Thereon.

CHAPTER 87 - Shade Trees.

CHAPTER 88 - Ferries, Canals and Public Landings.

CHAPTER 89 - Law of the Road.

§ 7A, sentence inserted after third sentence, 1994, 156.

CHAPTER 90 - Motor Vehicles and Aircraft.

§ 1, definition of "Articulated bus" inserted, 1993, 305 § 1; definition of "Saddlemount combination" inserted, 1994, 305 § 2; definition of "Fullmount" inserted, 1993, 305 § 3; definitions of "Like offense" and "Like violation" inserted, 1994, 318 § 1.

§ 2 amended, 1993, 110 § 139; 327; thirteenth paragraph amended, 1993, 490 § 2; eighth paragraph amended, 1993, 495 § 28.

§ 7A revised, 1993, 490 § 3; first paragraph, first sentence amended, 1994, 33 § 1. (See 1994, 3 § 2.)

§ 7W revised, 1993, 490 4.

§ 8, paragraph added, 1993, 316.

§ 8L added, 1993, 475 53.

§ 13A added, 1993, 387 § 1. (See 1993, 387 §§ 2, 9.)

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- § 17A added, 1993, 404 § 1.
§ 18A revised, 1993, 182 § 6.
§ 19, first paragraph amended, 1993, 305 § 4; second paragraph, last sentence amended, 1993, 305 § 5.
§ 19C **repealed**, 1993, 305 § 6.
§ 19F amended, 1993, 305 §§ 7, 8, 9, 10, 11, 12.
§ 19G revised, 1993, 305 § 13.
§ 19I added, 1994, 334.
§ 19J added, 1994, 334.
§ 22, paragraph (g) added, 1993, 460 § 19; paragraph (h) added, 1994, 247 § 1. (*See 1994, 247 § 7.*)
§ 23, first paragraph amended, 1994, 25 § 1; **section amended** 1994, 318 § 2; first paragraph, sentence added, 1994, 25 § 2.
§ 24, subdivision (1), subparagraph (1), second paragraph amended, 1993, 110 § 140; paragraphs (a) and (b) revised, 1994, 25 § 3; paragraph (a) subparagraph (1), second paragraph, first sentence revised, 1994, 60 § 101; paragraph (c), subparagraphs (1), (2), (3), (3½) revised, 1994, 25 § 4; paragraph (e), fourth sentence amended, 1994, 60 § 102; paragraph (f), subparagraph (1), fourth sentence amended, 1994, 60 § 103; clause (ii) revised, 1994, 60 § 104; clause (iii) amended, 1994, 60 § 105; subparagraph (2), paragraph inserted after second paragraph, 1994, 60 § 108; clause (ii) amended, 1994, 60 § 106; clause (iii) amended, 1994, 60 § 107; subparagraph (3¼) inserted, 1994, 25 § 4; paragraph (g), second paragraph amended, 1994, 60 § 109; subdivision (2), subparagraph (1), second paragraph amended, 1993, 110 § 140; paragraphs (e), (f) and (g) revised, 1994, 25 § 5; **section amended**, 1994, 25 § 6. (*See 1994, 60 § 315.*)
§ 24D, first three paragraphs stricken out and two paragraphs inserted, 1994, 25 § 7; **section amended**, 1994, 25 § 8.
§ 24J revised, 1994, 25 § 9.
§ 24N revised, 1994, 25 § 10; **amended**, 1994, 318 §§ 3, 4; 60, 110. (*See 1994, 60 § 315.*)
§ 24O revised, 1994, 25 § 11.
§ 24P added, 1994, 25 § 11; first sentence amended, 1994, 60 § 111; second paragraph amended, 1994, 60 § 112. (*See 1994, 60 § 315.*)
§ 33, last paragraph revised, 1993, 50 § 20.
§ 34, three sentences inserted before first sentence, 1994, 231 § 6; clause inserted, 1994, 231 § 7; paragraph added, 1993, 110 § 141; subdivision (a), clause (2), first paragraph, first two sentences revised, 1994, 85 § 20; clause (1) (a) inserted, 1994, 231 § 8.

CHAPTER 90A - The Highway Safety Act.

CHAPTER 90B - Motorboats and Other Vessels.

- § 1, definition of "Identification number" inserted, 1994, 318 § 5; definition of "Like offense" inserted, 1994, 318 § 6; definition of "Registrar" inserted, 1994, 318 § 7.
§ 5B added, 1994, 237.
§ 8, subsection (a), paragraph (1) amended, 1995, 318 § 8; subparagraphs A to F, inclusive, inserted, 1995, 318 § 9; paragraph (2) amended, 1994, 318 § 10; subparagraphs A and B inserted, 1994, 318 § 11; paragraph (3) revised, 1994, 318 § 12; paragraph added, 1994, 318 § 13;

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subsection (b) amended, 1994, 318 § 14; subsection (e) revised, 1994, 318 § 15; subsection (f) added, 1994, 318 § 16.

§ 8A added, 1994, 318 § 17.

§ 8B added, 1994, 318 § 17.

§ 12, last sentence revised, 1994, 318 § 18.

§ 13 revised, 1994, 318 § 19.

§ 14, revised, 1993, 182 § 7; subsection (b) amended, 1994, 318 § 20; subsection (c) revised, 1994, 318 § 21.

§ 37 added, 1994, 318 § 22.

§ 38 added, 1994, 318 § 22.

CHAPTER 90C - Procedure against Violators of Motor Vehicle Laws.

CHAPTER 90D - Motor Vehicle Certificate of Title.

CHAPTER 90E - Bikeways.

CHAPTER 90F - UNIFORM OPERATION OF COMMERCIAL MOTOR VEHICLES ACT.

New chapter inserted, 1990, 246 § 2.

CHAPTER 90G - CIVIL INFRACTIONS.

New chapter inserted, 1992, 133 § 452. (*See 1992, 133 § 598.*)

Chapter repealed, 1993, 182 § 8.

CHAPTER 90H - GATEWAY ROADS PROGRAM.

New chapter inserted, 1994, 273 § 26.

CHAPTER 91 - Waterways.

§ 11A amended, 1994, 60 § 113. (*See 1994, 60 § 315.*)

CHAPTER 91A - Port of Boston Commission.
(Former title, Port of Boston Authority.)

CHAPTER 92 - Metropolitan Sewers, Water and Parks.

§ 37, three sentences inserted after first sentence, 1994, 273 § 27.

§ 108 amended, 1993, 50 § 21.

CHAPTER 92A - Commonwealth Zoological Corporation

New chapter inserted, 1991, 6 § 24. (*See 1991, 6 § 58.*)

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CHAPTER 92B - COMMONWEALTH ZOOLOGICAL CORPORATION.

New chapter inserted, 1992, 286 § 165.

CHAPTER 93 - Regulation of Trade and Certain Enterprises.

§ 70, first paragraph revised, 1994, 350 § 3.

§ 106 added, 1993, 388.

CHAPTER 93A - Regulation of Business Practices for Consumers Protection.

CHAPTER 93B - Regulation of Business Practices Between Motor Vehicle Manufactures, Distributors and Dealers.

CHAPTER 93C - Protection of Consumers Against Careless and Erroneous Billings.

CHAPTER 93D - Control of Outdoor Advertising Adjacent to the Interstate and Primary Systems.

CHAPTER 93E - Regulation of Dealers' Agreements for the Sale of Gasoline.

CHAPTER 93F - Regulating Certain Business Practices Between Motion Picture Distributors and Exhibitors.

CHAPTER 94 - Inspection and Sale of Food, Drugs and Various Articles.

§ 1, definition of "Ready-to-eat" inserted, 1994, 290 § 1.

§ 176 amended, 1994, 290 § 2.

CHAPTER 94A - MILK CONTROL.

§ 24, two paragraphs added, 1993, 370 § 2.

CHAPTER 94B - Hazardous Substances.

CHAPTER 94C - Controlled Substances Act.

§ 9, subsection (b), last two paragraphs revised, 1993, 47 § 1. (*See 1993, 47 § 2.*)

§ 20 amended, 1993, 224 § 1.

§ 27, subsection (e) added, 1993, 110 § 142; section amended, 1993, 224 § 2.

§ 32J amended, 1993, 335.

§ 47, subsection (d), third paragraph, last sentence stricken out and two sentences inserted, 1994, 60 § 114.

CHAPTER 94D - Controlled Substances Therapeutic Research Act.

New chapter inserted, 1991, 480 § 1.

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CHAPTER 95 -	Measuring of Leather.
CHAPTER 96 -	Measurement of Lumber.
CHAPTER 97 -	Surveying of Land.
CHAPTER 98 -	Weights and Measures.
CHAPTER 99 -	The Metric System of Weights and Measures.
CHAPTER 100 -	Auctioneers.

§ 2 revised, 1994, 361 § 1.
§ 3 revised, 1994, 361 § 2.
§§ 3A - 3C added, 1994, 361 § 2.
§ 4, first sentence revised, 1994, 361 § 3.
§ 9, clause (h) added, 1994, 361 § 4.
§ 13 added, 1994, 361 § 5.

CHAPTER 100A - MOTOR VEHICLE DAMAGE REPAIR SHOPS.

New chapter inserted, 1988, 273 § 32. (*See 1988, 273 § 77.*)

CHAPTER 101 -	Transient Vendors, Hawkers and Peddlers.
CHAPTER 102 -	Shipping and Seamen, Harbors and Harbor Masters.
CHAPTER 103 -	Pilots.

§ 21 revised, 1993, 212 § 1.
§§ 22 - 27 repealed, 1993, 212 § 2.
§ 23 repealed, 1993, 212 § 2.
§ 24 repealed, 1993, 212 § 2.
§ 25 repealed, 1993, 212 § 2.
§ 26 repealed, 1993, 212 § 2.
§ 27 repealed, 1993, 212 § 2.
§ 28 revised, 1993, 212 § 3.
§ 30 repealed, 1993, 212 § 4.
§ 31 revised, 1993, 150 § 1; first paragraph revised, 1993, 150 § 2. (*See 1993, 150 § 3.*)
§ 32 repealed, 1993, 212 § 5.
§ 35 amended, 1993, 212 § 6.

CHAPTER 104 -	Agents, Consignees and Factors.
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CHAPTER 105 -	Public Warehouses.

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CHAPTER 105A - SELF-STORAGE FACILITIES.

CHAPTER 106 - Uniform Commercial Code.

CHAPTER 107 - Money and Registration, Issuance and Redemption of Bonds and other Securities, Facsimile Signatures.
(Former title, Money and Negotiable Instruments.)

CHAPTER 107A - Assignments of Accounts Receivable.

CHAPTER 108 - Criminal Offences Relative to Bills of Lading.
(Former title, Bills of Lading.)

CHAPTER 108A - Partnerships.

CHAPTER 109 - Limited Partnerships.

CHAPTER 109A - FRAUDULENT TRANSFERS OF REAL AND PERSONAL PROPERTY.

CHAPTER 110 - Labels, Trade Marks, Names and Registration thereof.

CHAPTER 110A - Uniform Securities Act.

§ 201, paragraph (c) revised, 1993, 492 § 1.

§ 202, paragraphs (a) to (d) amended, 1993, 492 § 2.

§ 203, paragraphs (a) and (b) amended, 1993, 492 § 3; paragraph (e) added, 1993, 492 § 4.

§ 203A added, 1993, 492 § 5.

§ 204, subsection (a), introductory paragraph revised, 492, § 6; clause (E) revised, 1993, 492 § 7; clause (J) revised, 1993, 492 § 8; subsection (b), paragraphs (2), (3) and (4) revised, 1993, 492 § 9; paragraphs (5) and (6) added, 993, 492 § 9; subsections (c) to (f), inclusive, revised, 1993, 492 § 10; paragraphs (m) and (n) added, 1993, 492 § 11.

CHAPTER 110B - Registration and Protection of Trademarks.

CHAPTER 110C - Regulation of Take-over Bids in the Acquisition of Corporations.

CHAPTER 110D - REGULATION OF CONTROL SHARE ACQUISITIONS.

New chapter inserted, 1987, 272 § 1. (*See 1987, 272 § 3.*)

CHAPTER 110E - REGULATION OF CONTROL SHARE ACQUISITIONS OF FOREIGN CORPORATIONS.

New chapter inserted, 1987, 272 § 2.

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CHAPTER 110F - BUSINESS COMBINATIONS WITH INTERESTED SHAREHOLDERS.

New chapter inserted, 1989, 242 § 8.

CHAPTER 111 - Public Health.

§ 1 amended, 1993, 297; 309 §§ 1, 2.; 415 § 1.

§ 2, paragraph inserted, 1993, 161 § 16.

§ 5R added, 1993, 124 § 1.

§ 24D, paragraph added, 1994, 60 § 115. (*See 1994, 60 § 315.*)

§ 25B amended, 1993, 350 § 1. (*See 1993, 350 § 7.*)

§ 25C, second paragraph inserted, 1993, 350 § 2; revised, 1993, 350 § 3; **section amended**, 1993, 350 § 4. (*See 1993, 350 § 7.*)

§ 25C½, subsection (c) amended, 1993, 350 § 5. (*See 1993, 350 § 7.*)

§ 51, fifth paragraph revised, 1993, 495 § 29, 30; **section amended**, 1994, 126 § 13.

§ 53, seventh sentence amended, 1993, 266.

§ 70, seventh paragraph added, 1993, 111 § 146.

§ 87 amended, 1994, 323.

§ 127B½ added, 1994, 60 § 116. (*See 1994, 60 § 315.*)

§ 142J, three paragraphs added, 1993, 490 § 5; **section repealed**, 1993, 490 § 8. (*See 1993, 490 § 9.*)

§ 142M added, 1993, 490 § 6; subsection (e), third paragraph revised, 1994, 126 § 14. (*See 1993, 490 § 9.*)

§ 150A, fifteenth paragraph revised, 1993, 110 § 147.

§ 189A added, 1993, 482 § 3.

§ 190 revised, 1993, 482 § 3.

§ 192B added, 1993, 482 § 4.

§ 194 revised, 1993, 482 § 5.

§ 194A **repealed**, 1993, 482 § 6.

§ 195, second paragraph, second sentence amended, 1993, 482 § 7.

§ 197 revised, 1993, 482 § 8.

§ 197A revised, 1993, 482 § 9.

§ 197B, subsection (a) amended, 1993, 482 § 10; first paragraph amended, 1993, 482 § 11; subsection (a) amended, 1993, 482 § 11A; subsection (b), paragraph (1) amended, 1993, 482 § 12; subsection (b) amended, 1993, 482 § 12A.

§ 197C added, 1993, 482 § 13.

§ 197D added, 1993, 482 § 13.

§ 197E added, 1993, 482 § 13.

§ 198, first paragraph revised, 1993, 482 § 14; fourth paragraph amended, 1993, 482 § 15.

§ 199 revised, 1993, 482 § 16.

§ 199A, paragraph (a) revised, 1993, 482 § 17.

§ 199B added, 1993, 482 § 18.

§ 215 added, 1993, 110 § 148.

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CHAPTER 111A - Drug Addiction Rehabilitation.

Chapter repealed, 1969, 889 § 23A.

CHAPTER 111B - Alcoholism.

CHAPTER 111C - Emergency Medical Care.

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.

§ 4A, subsection (c) amended, 1993, 428 § 5.

CHAPTER 111I - WOMEN'S, INFANTS AND CHILDREN PROGRAM

Chapter Inserted, 1992, 414 § 3.

§ 7 revised, 1994, 60 § 116A. (*See 1994, 60 § 315.*)

CHAPTER 112 - Registration of Certain Professions and Occupations.

§ 2 amended, 1993, 495 § 31.

§ 12B revised, 1993, 446.

§ 12CC added, 1993, 283.

§ 74 revised, 1993, 459 § 4.

§ 74A revised, 1993, 459 § 5.

§ 76B revised, 1993, 237.

§ 77 revised, 1993, 459 § 6.

§ 80B revised, 1993, 459 § 7.

§ 81 amended, 1993, 495 § 32.

§ 135A, second paragraph, clause (f) stricken out, 1993, 339 § 1.

§ 135B, fourth paragraph, clauses (e) and (f) amended, 1993, 339 § 2.

CHAPTER 113 - Promotion of Anatomical Science.

CHAPTER 114 - Cemeteries and Burials.

CHAPTER 115 - Veteran's Benefits.

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CHAPTER 116 - Settlement.

CHAPTER 117 - Support by the Commonwealth.
(Former title, Support by the Cities and Towns.)

CHAPTER 117A - SUPPORT BY THE COMMONWEALTH.

New chapter inserted, 1991, 255 § 4. (*See 1991, 255 § 7.*)

CHAPTER 118 - Aid to Families with Dependent Children.
(Former title, Aid to Dependent Children.)

§ 2, last sentence stricken out, 1993, 460 § 20.

§ 3 amended, 1993, 110 § 153, 154, 155.

CHAPTER 118A - Assistance to the Aged and Disabled.
(Former title, Old Age Assistance and Medical Assistance for the Aged.)

CHAPTER 118B - The Merit System in the Administration of Aid to Families with Dependent Children and Old Age Assistance.

CHAPTER 118C - Coverage of Certain Employees under the Federal Social Security Act.

CHAPTER 118D - Assistance to Persons who are Disabled.

CHAPTER 118E - Medical Care and Assistance.

Chapter revised, 1993, 161 § 17.

§ 21A added, 1994, 60 § 117. (*See 1994, 60 § 313.*)

§ 28 revised, 1994, 354 § 4A.

§ 47, first paragraph, first sentence revised, 1994, 60 § 118. (*See 1994, 60 § 313.*)

CHAPTER 118F - DEPARTMENT OF MEDICAL SECURITY.

New chapter added, 1988, 23 § 45. (*See 1988, 23 § 45.*)

§ 9B, second paragraph, first sentence revised, 1993, 263 § 1.

§ 16, paragraph (d) amended, 1993, 393 § 2; **section amended**, 1994, 60 § 119. (*See 1994, 60 § 315.*)

§ 17A, subsection (i) amended, 1993, 393 § 3; second paragraph, clause (iii) revised, 1993, 50 § 22; **section amended**, 1994, 60 § 120. (*See 1994, 60 § 315.*)

§ 17B added, 1993, 110 § 157; **section revised**, 1993, 393 § 4; **section revised**, 1994, 60 § 121. (*See 1994, 60 § 315.*)

§ 19 amended, 1994, 274 §§ 1, 2. (*See 1994, 274 § 6.*)

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CHAPTER 119 - Protection and Care of Children, and Proceedings against Them.

- § 23, paragraph A, paragraph added, 1993, 486 § 1; paragraph C, paragraph added, 1993, 486 § 2.
- § 26, second paragraph, clause (5) inserted, 1993, 486 § 3.
- § 39D, paragraph added, 1994, 358.
- § 51A amended, 1993, 50 § 23.
- § 51B, clause (4), first paragraph amended, 1993, 303.
- § 55 amended, 1993, 110 § 158.
- § 58, paragraph added, 1993, 110 § 159.
- § 84 amended, 1993, 110 § 160.

CHAPTER 119A - CHILD SUPPORT ENFORCEMENT.

- § 1 amended, 1993, 460 § 21; sentence added, 1993, 460 § 22.
- § 2 amended, 1993, 460 § 23, 24; second paragraph amended, 1993, 460 § 25.
- § 2A added, 1993, 460 § 26.
- § 3, first paragraph amended, 1993, 460 § 27.
- § 5, second paragraph inserted, 1993, 460 § 28.
- § 6, subsection (a) amended, 1993, 460 § 29, 30; subsection (b) revised, 1993, 460 § 31.
- § 12, subsection (a) amended, 1993, 460 § 32; subsection (b), second sentence amended, 1993, 460 § 33; third sentence amended, 1993, 460 § 34; **section amended**, 1993, 460 § 35-40; subsection (c) amended, 1993, 460 § 41; **section amended**, 1993, 460 § 43; subsection (d), two sentences added, 1993, 460 § 44; subsection (e), paragraph (2) amended, 1993, 460 § 45; **section amended**, 1993, 460 § 46, 47, 48, 49; subsection (f), paragraph 3 amended, 1993, 460 § 50; **section amended**, 1993, 460 § 51; subsections (k), (l), (m) and (n) added, 1993, 460 § 52.
- § 13 subsections (b), (c) and (d) amended, 1993, 460 § 53.
- § 14 revised, 1993, 460 § 54.

CHAPTER 120 - Department of Youth Services and Massachusetts Training Schools. (Former title, Youth Service Board and Massachusetts Training Schools.)

- § 5 amended, 1993, 110 § 161.

CHAPTER 121 - Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

CHAPTER 121A - Urban Redevelopment Corporations.

CHAPTER 121B - Housing and Urban Renewal.

- § 32, seventh paragraph added, 1993, 494 § 12; **section amended**, 1994, 34.
- § 39 amended, 1993, 494 § 3; paragraph added, 1994, 60 § 122. (*See 1994, 60 § 315.*)

CHAPTER 121C - Economic Development and Industrial Corporations.

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(Former title, Tewksbury State Hospital and Infirmary and State Infirmary.)

CHAPTER 123 - Treatment and Commitment of Mentally Ill and Mentally Retarded Persons.

CHAPTER 123A - Care, Treatment and Rehabilitation of Sexually Dangerous Persons.
(Former title, Care, Treatment and Rehabilitation of Sexual Offenders and Victims of such Offenders.)

§ 1 revised, 1993, 489 § 1.

§ 2 revised, 1993, 489 § 2.

§ 2A added, 1993, 489 § 3.

§ 6A revised, 1993, 489 § 4.

§ 8 repealed, 1993, 489 § 5.

§ 9 revised, 1993, 489 § 7.

§ 9A repealed, 1993, 489 § 5.

§ 9B repealed, 1993, 489 § 5.

§ 10 repealed, 1993, 489 § 6.

§ 11 repealed, 1993, 489 § 6.

CHAPTER 123B - MENTAL HEALTH.

§ 16 amended, 1994, 60 § 123, 124. (*See 1994, 60 § 315.*)

CHAPTER 124 - Powers and Duties of the Department of Correction.

CHAPTER 125 - Correctional Institutions of the Commonwealth.
(Former title, Penal and Reformatory Institutions of the Commonwealth.)

CHAPTER 126 - Jails, Houses of Correction and Reformation, and County Industrial Farms.

CHAPTER 127 - Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.

§ 3, second sentence stricken out and two sentences inserted, 1994, 60 § 125 (*See 1994, 60 § 315.*)

§ 48A, second paragraph, sentence inserted after first sentence, 1994, 60 § 126; sentence added, 1994, 60 § 128. (*See 1994, 60 § 315.*)

§ 86F, third paragraph, first sentence revised, 1994, 60 § 127. (*See 1994, 60 § 315.*)

§ 87 revised, 1994, 60 § 129. (*See 1994, 60 § 315.*)

§ 129 repealed, 1993, 432 § 10.

§ 133 amended, 1993 § 340 § 1; section revised, 1993, 432 § 11.

§ 133B amended, 1993, 432 § 12.

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CHAPTER 128 - Agriculture.

§ 2E added, 1994, 89 § 1.

§ 11A **repealed**, 1994, 202.

§ 70, second sentence stricken out and two sentences inserted, 1994, 60 § 130. (*See 1994, 60 § 315.*)

CHAPTER 128A - Horse and Dog Racing Meetings.

CHAPTER 128B - Conservation of Soil and Soil Resources and Prevention and Control of Erosion.

CHAPTER 128C - SIMULCAST WAGERING OF HORSE AND DOG RACING.

New chapter inserted, 1992, 101 § 5.

§ 2, fifth paragraph amended, 1993, 473 § 1; section amended, 1994, 60 § 131. (*See 1993, 473 § 4; 1994, 60 § 315.*)

§ 4 amended, 1994, 60 § 132. (*See 1994, 60 § 315.*)

§ 7 revised, 1994, 60 § 134. (*See 1994, 60 § 315.*)

CHAPTER 129 - Livestock Disease Control. (Former title, Animal Industry.)

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.)

§ 57, first paragraph stricken out and eight paragraphs inserted, 1994, 60 § 135A; second paragraph amended, 1994, 126 § 15. (*See 1994, 60 § 315.*)

§ 65 revised, 1994, 60 § 135B. (*See 1994, 60 § 315.*)

§ 68A **repealed**, 1994, 60 § 135. (*See 1994, 60 § 315.*)

CHAPTER 131 - Inland Fisheries and Game and Other Natural Resources. (Former title, Powers and Duties of the Division of Fisheries and Game.)

§ 2B added, 1993, 495 § 33.

§ 11 revised, 1993, 495 § 34.

§ 40 amended, 1993, 472 § 1. (*See 1993, 472 § 2.*)

§ 64 revised, 1993, 217 § 1.

§ 69 revised, 1993, 217 § 2.

§ 77A added, 1993, 406 § 1.

§ 87, sentence added, 1993, 182 § 10.

§ 89, three sentences inserted, 1993, 182 § 9.

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§ 90, first paragraph revised, 1993, 182 § 11; section amended, 1993, 182 § 12, 13, 14, 15, 16; thirteenth paragraph, clause (d) amended, 1993, 182 § 17; section amended, 1993, 182 § 18, 19; fifteenth paragraph inserted, 1993, 182 § 20; section amended, 1993, 182 § 21; 406 § 2.

CHAPTER 131A - MASSACHUSETTS ENDANGERED SPECIES ACT.

New chapter added, 1990, 408 § 4. (*See 1990, 408 § 5.*)

CHAPTER 132 - Forestry.

§ 47 added, 1993, 385.

§ 48 added, 1993, 385.

§ 49 added, 1993, 385.

§ 50 added, 1993, 385.

CHAPTER 132A - State Recreation Areas outside of the Metropolitan Parks District. (Former title, State Parks and Reservations outside of the § Metropolitan Parks District.)

§ 2D, paragraph (4) added, 1993, 151 § 42.

§ 7A revised, 1993, 182 § 22.

CHAPTER 132B - Massachusetts Pesticide Control Act.

§ 1, paragraph added, 1994, 264.

§ 10 amended, 1993, 110 § 163.

CHAPTER 133 - Disposition of Old and Infirm Animals.

CHAPTER 134 - Lost Goods and Stray Beasts.

CHAPTER 135 - Unclaimed and Abandoned Property.

§ 1, third paragraph, first sentence revised, 1993, § 1. (*See 1993, 421 § 2.*)

CHAPTER 136 - Observance of a Common Day of Rest and Legal Holidays. (Former title, Observance of the Lord's Day and Legal Holidays.)

§ 16 added, 1994, 193.

CHAPTER 137 - Gaming.

CHAPTER 138 - Alcoholic Liquors. (Former title, Intoxicating Liquors and Certain Non-intoxicating Beverages.)

§ 1 amended, 1993, 481 § 1.

§ 12, paragraph added, 1993, 481 § 2.

§ 15D added, 1993, 313 § 1; section repealed, 1993, 313 § 2. (*See 1993, 313 § 3.*)

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§ 15E added, 1993, 313 § 1; **section repealed**, 1993, 313 § 2. (*See 1993, 313 § 3.*)
§ 22, second paragraph revised, 1993, 416.
§ 34A, first paragraph, two sentences added, 1994, 25 § 12.
§ 34B amended, 1994, 48 § 1; paragraph inserted after second paragraph, 1994, 48 § 2.
§ 34C, last sentence revised, 1994, 25 § 13.

CHAPTER 139 - Common Nuisances.

CHAPTER 140 - Licenses.

§ 32B, second sentence inserted, 1993, 145 § 2.
§ 32D amended, 1993, 145 § 3.
§ 32E amended, 1993, 145 § 4; paragraph added, 1993, 145 § 4A.
§ 32G, third sentence revised, 1993, 145 § 5.
§ 32I amended, 1993, 145 § 6.
§ 32J amended, 1993, 145 § 7; paragraph added, 1993, 145 § 8.
§ 32L, paragraph (3) revised, 1993, 145 § 9; paragraph (5), first sentence revised, 1993, 145 § 10; sentence added, 1993, 145 § 11; paragraph (7), first sentence amended, 1993, 145 § 12; paragraph (7A) amended, 1993, 145 § 13, 15; fifth to eighth sentences stricken out and eleven sentences inserted, 1993, 145 § 14; paragraphs (8) and (9) revised, 1993, 145 § 16. (*See 1993, 145 § 21.*)
§ 32N amended, 1993, 145 § 17.
§ 32P revised, 1993, 145 § 18.
§ 32R revised, 1993, 145 § 19.
§ 32S added, 1993, 145 § 20.
§ 114B, first paragraph, last sentence revised, 1993, 151 § 43; third paragraph, sentence added, 1993, 151 § 44.
§ 129B amended, 1994, 24 § 1, 2. (*See 1994, 24 § 11.*)
§ 131 amended, 1994, 24 § 3. (*See 1994, 24 § 11.*)
§ 131E amended, 1994, 24 § 4. (*See 1994, 24 § 11.*)
§ 173A revised, 1993, 182 § 23.

CHAPTER 140A - Regulation of Certain Credit Transactions.

CHAPTER 140B - Control of Certain Junkyards.

CHAPTER 140C - Consumer Credit Cost Disclosure.

Chapter repealed, 1981, 733 § 1.

CHAPTER 140D - CONSUMER CREDIT COST DISCLOSURE.

New chapter inserted, 1981, 733 § 2.

CHAPTER 140E - CONSUMER ACCOUNT DISCLOSURE.

CHAPTER 141 - Supervision of Electricians.

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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.*

§ 3L amended, 1993, 325.

§ 3Z added, 1993, 324.

§ 51, second and third sentences stricken out, 1993, 151 § 45; 495 § 35.

CHAPTER 144 - Tenement Houses in Cities.

CHAPTER 145 - Tenement Houses in Towns.

CHAPTER 146 - Inspection of Boilers, Air Tanks, etc., Licenses of Engineers, Firemen, and Operators of Hoisting Machinery.

§ 81 amended, 1994, 87.

CHAPTER 147 - State and Other Police, and Certain Power and Duties of the Department of Public Safety.

§ 21A amended, 1994, 72 §§ 1, 2. (*See 1994, 72 § 3.*)

CHAPTER 148 - Fire Prevention.

§ 26G, first paragraph amended, 1994, 256.

§ 37A revised, 1994, 356 § 3.

§ 37B added, 1994, 357 § 2.

§ 38A, two paragraphs added, 1994, 355.

§ 59, first paragraph amended, 1994, 357 § 1.

CHAPTER 149 - Labor and Industries.

§ 6A, sentence added, 1994, 279 § 1.

§ 6C, paragraph added, 1994, 279 § 2.

§ 44A, subsection (2), second paragraph, last sentence revised, 1994, 126 § 16; sentence added, 1994, 60 § 136. (*See 1994, 60 § 315.*)

§ 44J amended, 1994, 126 § 17; 60 § 137. (*See 1994, 60 § 315.*)

§ 54 revised, 1993, 110 § 180.

§ 148, fourth paragraph stricken out, 1993, 110 § 181.

§ 148B amended, 1993, 151 § 46.

§ 185 added, 1993, 471.

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CHAPTER 150 - Conciliation and Arbitration of Industrial Disputes.

CHAPTER 150A - Labor Relations.

CHAPTER 150B - Peaceful Settlement of Industrial Disputes Dangerous to Public Health and Safety.

CHAPTER 150C - Collective Bargaining Agreements to Arbitrate.

CHAPTER 150D - Registration of Labor Replacements of Strike Breakers.

CHAPTER 150E - Labor Relations; Public Employees.

§ 1, second sentence amended, 1993, 7162; definition of "Employer" or "Public employer" amended, 1993, 495 § 36.

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.

§ 1, subsection (a), first paragraph revised, 1994, 260 § 2A, 2B; paragraph inserted after first paragraph, 1994, 260 § 3; paragraph added, 1993, 263 § 17; amended, 1993, 19 § 20; paragraph (3) revised, 1993, 1993, 19 § 21; subsection (c) amended, 1993, 263 § 3, 4; paragraphs (7) and (8) amended, 1993, 263 § 5. (See 1993, 263 § 17; 1994, 260 § 6.)

§ 6, subsection (a) revised, 1993, 253 § 6.

§ 14, subsection (d), paragraph (3) amended, 1993, 263 § 7; subsection (f), paragraph 3, first sentence amended, 1993, 263 § 8. (See 1993, 263 § 17.)

§ 14A, subsection (b), paragraph (3) added, 1993, 263 § 9.

§ 14G, subsection (i) amended, 1993, 263 § 10; subsection (k) amended, 1993, 263 § 11.

§ 24, subsection (a) revised, 1993, 263 § 12; first paragraph revised, 1994, 260 § 4. (See 1993, 263 § 17; 1994, 260 § 5.)

§ 25, subsection (b) revised, 1993, 88 § 1. (See 1993, 88 § 2.)

§ 29, subsection (c), sentence added, 1993, 263 § 13; section amended, 1994, 260 § 5.

§ 30A, subsection (3), paragraphs (b), (c), (d) and (e) amended, 1993, 263 § 14.

§ 31 revised, 1993, 263 § 15. (See 1993, 263 § 17.)

§ 64A added, 1993, 110 § 187.

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.)

CHAPTER 151C - Fair Education Practices.

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CHAPTER 151D - Health, Welfare and Retirement Funds.

CHAPTER 151E - Prohibition of Certain Discrimination by Business.

CHAPTER 152 - Workmen's Compensation.

§ 13 amended, 1993, 151 §§ 47, 48.

§ 25A amended, 1993, 495 § 37.

§ 46A, first paragraph amended, 1993, 161 §§ 18, 19, 20, 21; second paragraph, first sentence amended, 1993, 161 § 22.

§ 47 amended, 1993, 161 §§ 23, 24, 55.

CHAPTER 153 - Liability of Employers to Employees for Injuries not resulting in Death.

CHAPTER 154 - Assignment of Wages.

CHAPTER 155 - General Provisions Relative to Corporations.

CHAPTER 156 - Business Corporations.

CHAPTER 156A - Professional Corporations.

CHAPTER 156B - Certain Business Corporations.

CHAPTER 157 - Co-operative Corporations.

CHAPTER 157A - EMPLOYEE COOPERATIVE CORPORATIONS.

CHAPTER 157B - Cooperative Housing Cooperations.

CHAPTER 158 - Certain Miscellaneous Corporations.

CHAPTER 159 - Common Carriers.

§ 101 amended, 1994, 273 § 28.

CHAPTER 159A - Common Carriers of Passengers by Motor Vehicle.

CHAPTER 159B - Carriers of Property by Motor Vehicle.

§ 13, first sentence revised, 1993, 110 § 189.

CHAPTER 160 - Railroads.

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CHAPTER 161 - Street Railways.

§ 19 amended, 1994, 273 § 29.

§ 31, first paragraph revised, 1993, 150 § 2.

CHAPTER 161A - Massachusetts Bay Transit Authority.

§ 19, amended, 1994, 273 § 29; first paragraph, subparagraph (i) revised, 1994, 273 § 31.

§ 23, third paragraph revised, 1994, 102 § 13.

§ 28 amended, 1994, 102 § 14.

§ 33 added, 1993, 175 § 1.

§ 34 added, 194, 102 § 15.

§ 35 added, 1994, 273 § 31.

CHAPTER 161B - Transportation Facilities, Highway Systems and Urban Development Plan.

§ 17 amended, 1994, 102 § 16.

CHAPTER 161C - Rail Transportation in the Commonwealth.

CHAPTER 161D - THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM.

CHAPTER 162 - Electric Railroads.

CHAPTER 163 - Trackless Trolley Companies.

CHAPTER 164 - Manufacture and Sale of Gas and Electricity.

CHAPTER 164A - New England Power Pool.

CHAPTER 165 - Water and Aqueduct Companies.

§ 2B added, 1993, 110 § 195; section amended, 1994, 60 § 140. (*See 1994, 60 § 315.*)

CHAPTER 166 - Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

CHAPTER 166A - Community Antenna Television Systems.

§ 2, paragraph added, 1993, 110 § 197.

CHAPTER 167 - Supervision of Banks.

§ 38 amended, 1993, 110 § 198.

§ 48 added, 1993, 482 § 19.

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CHAPTER 167A - Bank Holding Companies.

§ 2 amended, 1993, 110 § 199; first paragraph, first sentence amended, 1993, 300 § 1.
§ 4A repealed, 1993, 300 § 2.

CHAPTER 167B - ELECTRONIC BRANCHES AND ELECTRONIC FUND TRANSFERS.

§ 3, third paragraph, last sentence stricken out and two sentences inserted, 1994, 246 § 1; fifth paragraph stricken out, 1994, 246 § 2; ninth paragraph amended, 1994, 246 § 3.

CHAPTER 167C - BANK LOCATIONS.

CHAPTER 167D - DEPOSITS AND ACCOUNTS.

CHAPTER 167E - MORTGAGES AND LOANS.

§ 2, paragraph B., paragraph 7A stricken out and two paragraphs inserted, 1994, 350 § 1.
§ 3 revised, 1993, 420 § 1.

CHAPTER 167F - INVESTMENTS AND OTHER POWERS.

§ 2 amended, 1993, 19 § 22.
§ 2A amended, 1993, 19 § 23.

CHAPTER 167G - TRUST DEPARTMENT.

CHAPTER 167H - MUTUAL HOLDING COMPANIES.

New chapter inserted, 1987, 630.

CHAPTER 168 - Savings Banks.

§ 19 amended, 1993, 269 § 1.
§ 20 revised, 1993, 269 § 2.
§ 23 revised, 1993, 269 § 3.
§ 23A added, 1993, 269 § 4.
§ 34C amended, 1993, 300 § 3.
§ 39 revised, 1994, 246 § 4.

CHAPTER 169 - Deposits with Others than Banks.

Chapter revised, 1991, 337 § 1.

CHAPTER 169A - LICENSING OF CHECK CASHERS.

New chapter inserted, 1993, 308 § 1. (*See 1993, 308 § 2.*)

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CHAPTER 170 - Co-operative Banks.

§ 17 revised, 1993, 269 § 5.

§ 19 amended, 1993, 269 § 6; second and third paragraphs revised, 1993, 269 § 7; paragraph inserted, 1993, 269 § 7.

§ 19A added, 1993, 269 § 8.

§ 26C amended, 1993, 300 § 4.

CHAPTER 171 - Credit Unions.

§ 11, second paragraph amended, 1993, 235.

§ 30, first paragraph, second sentence revised, 1993, 244.

§ 59A, third paragraph revised, 1993, 488.

§ 65, first paragraph, second sentence revised, 1993, 445.

§ 75, fourth paragraph amended, 1993, 337.

§ 75A added, 1993, 270 § 1.

CHAPTER 172 - Trust Companies.

§ 15 amended, 1993, 369 § 1.

§ 16 amended, 1993, 369 § 2.

§ 18 amended, 1993, 269 § 9; second and third paragraphs revised, 1993, 269 § 10; paragraph inserted, 1993, 269 § 10.

§ 25 amended, 1994, 286 § 1.

§ 25A added, 1994, 286 § 2.

§ 26B added, 1993, 300 § 5.

CHAPTER 172A - Banking Companies.

CHAPTER 173 - Mortgage Loan Investment Companies.

CHAPTER 174 - BOND AND INVESTMENT COMPANIES.

Chapter repealed, 1950, 822 § 1.

CHAPTER 174A - Regulation of Rates for Fire, Marine and Inland Marine Insurance, and Rating Organizations.

CHAPTER 174B - Regulation of Automobile Clubs.

CHAPTER 175 - Insurance.

§ 4 revised, 1993, 226 § 1.

§ 9 amended, 1993, 226 §§ 2, 3, 4; subdivision 4 amended, 1993, 226 § 5; section amended, 1993, 226 § 6; subdivision 8 amended, 1993, 226 § 7; section amended, 1993, 226 § 8; paragraph added, 1993, 226 § 9.

§ 9B added, 1993, 226 § 10. (*See 1993, 226 § 54.*)

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- § 11 revised, 1993, 226 § 11.
- § 11A added, 1993, 226 § 12.
- § 14, first paragraph, fifteenth clause inserted, 1993, 226 § 13.
- § 15 repealed, 1993, 226 § 14.
- § 19E revised, 1993, 226 § 14A.
- § 20, first paragraph, two sentences added, 1993, 226 § 15; second paragraph stricken out, 1993, 226 § 16; sixth and seventh paragraphs stricken out, 1993, 226 § 16A; paragraph added, 1993, 226 § 17.
- § 20A added, 1993, 226 § 18. (*See 1993, 226 § 55.*)
- § 21 revised, 1993, 226 § 19.
- § 24D added, 1993, 460 § 56. (*See 1993, 460 § 106.*)
- § 25, second paragraph revised, 1993, 226 § 20; four paragraphs added, 1993, 226 § 21.
- § 26 amended, 1993, 226 § 22.
- § 47I revised, 1993, 384 §§ 2, 3. (*See 1993, 384 § 11.*)
- § 47M added, 1993, 332 § 1; **section repealed**, 1994, 302 § 1.
- § 47M added, 1993, 458 § 1.
- § 47N added, 1994, 60 § 141. (*See 1994, 60 § 315.*)
- § 47O added, 1994, 60 § 142. (*See 1994, 60 § 315.*)
- § 47Q added, 1994, 284 § 2.
- § 47Q added, 1994, 302 § 2.
- § 48, first paragraph, paragraph inserted, 1993, 226 § 23; third paragraph stricken out and eight paragraphs inserted, 1993, 226 § 24.
- § 48A, paragraph added, 1993, 226 § 25.
- § 49A added, 1993, 226 § 25A.
- § 51, paragraph added, 1993, 226 § 26.
- § 54, paragraph added, 1993, 226 § 27.
- § 63A added, 1993, 226 § 28.
- § 66, first paragraph, second sentence revised, 1993, 226 § 29; fourth paragraph amended, 1993, 226 § 30.
- § 73 amended, 1993, 226 § 31.
- § 74 amended, 1993, 226 § 32.
- § 76, third paragraph, two sentences amended, 1994, 303.
- § 79 amended, 1993, 226 § 33; second sentence revised, 1993, 226 § 34.
- § 85A amended, 1993, 226 § 35.
- § 86 amended, 1993, 226 § 36.
- § 90A amended, 1993, 226 § 37.
- § 90B amended, 1993, 226 § 38; second paragraph amended, 1993, 226 § 39; **section amended**, 1993, 226 § 41.
- § 90C amended, 1993, 226 § 42; fifth paragraph revised, 1993, 226 § 43.
- § 93 amended, 1993, 226 § 44.
- § 93E, first sentence amended, 1993, 226 E 45.
- § 108, subdivision 10 added, 1993, 110 § 200; paragraph 10 amended, 1993, 495 § 38.
- § 108F repealed, 1993, 110 § 201.
- § 110A revised, 1993, 466.
- § 111H added, 1993, 482 § 2.
- § 151, second clause revised, 1993, 226 § 46.
- § 174F added, 1993, 226 § 47.

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§ 174G added, 1993, 226 § 47.
§ 174H added, 1993, 226 § 47.
§ 174I added, 1993, 226 § 47.
§ 174J added, 1993, 226 § 47.
§ 174K added, 1993, 226 § 47.
§ 177F added, 1993, 226 § 48.
§ 177G added, 1993, 226 § 48.
§ 177H added, 1993, 226 § 48.
§ 177I added, 1993, 226 § 48.
§ 177J added, 1993, 226 § 48.
§ 177K added, 1993, 226 § 48.
§ 177L added, 1993, 226 § 48.
§ 177M added, 1993, 226 § 48.
§ 177N added, 1993, 226 § 48.
§ 177O added, 1993, 226 § 48.
§ 177P added, 1993, 226 § 48.
§ 177Q added, 1993, 226 § 48.
§ 177R added, 1993, 226 § 48.
§ 177S added, 1993, 226 § 48.
§ 177T added, 1993, 226 § 48.
§ 177U added, 1993, 226 § 48.
§ 177V added, 1993, 226 § 48.
§ 177W added, 1993, 226 § 48.
§ 193L **repealed**, 1993, 226 § 49.
§ 193M **repealed**, 1993, 226 § 49.
§ 193N **repealed**, 1993, 226 § 49.
§ 193Q **repealed**, 1993, 226 § 50.
§ 193S **repealed**, 1993, 226 § 50A.
§ 193U added, 1994, 330 § 4.
§ 195 amended, 1994, 60 § 143. (*See 1994, 60 § 315.*)
§ 206 added, 1993, 226 § 51. (*See 1993, 226 § 256.*)
§ 206A added, 1993, 226 § 51. (*See 1993, 226 § 256.*)
§ 206B added, 1993, 226 § 51. (*See 1993, 226 § 256.*)
§ 206C added, 1993, 226 § 51. (*See 1993, 226 § 256.*)
§ 206D added, 1993, 226 § 51. (*See 1993, 226 § 256.*)
§ 207 added, 1993, 226 § 51. (*See 1993, 226 § 51.*)
§ 208 added, 1993, 226 § 51. (*See 1993, 226 § 256.*)

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.

§ 5A **repealed**, 1994, 330 § 5.
§ 5C revised, 1994, 330 § 6.
§ 6, subsection (a), third sentence revised, 1994, 330 § 7.
§ 10A amended, 1993, 110 § 202.

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CHAPTER 175B - Unauthorized Insurer's Process Act.

CHAPTER 175C - Urban Area Insurance Placement Facility.

CHAPTER 175D - Massachusetts Insurers Insolvency Fund.

CHAPTER 175E - Regulation of Rates for Optional Motor Vehicle Insurance.

CHAPTER 175F - Medical Malpractice Self-Insurance Trust Funds.

CHAPTER 175G - POLLUTION LIABILITY REINSURANCE CORPORATION.

New chapter inserted, 1987, 650 § 2.

CHAPTER 175H - FALSE HEALTH CARE CLAIMS.

New chapter inserted, 1988, 295.

CHAPTER 175I - INSURANCE INFORMATION AND PRIVACY PROTECTION.

New chapter inserted, 1991, 516 § 1. (*See 1991, 516 § 6.*)

CHAPTER 175J - ADMINISTRATIVE SUPERVISION AND HAZARDOUS FINANCIAL CONDITIONS OF INSURITIES.

New chapter inserted, 1993, 226 § 52.

CHAPTER 176 - Fraternal Benefit Societies.

§ 80 repealed, 1994, 302 § 3.

§ 94, sentence inserted after first sentence, 1994, 290 § 2.

CHAPTER 176A - Non Profit Hospital Service Corporations.

§ 1A, third paragraph stricken out, 1993, 110 § 203.

§ 4M repealed, 1994, 302 § 5.

§ 4P added, 1994, 60 § 145. (*See 1994, 60 § 315.*)

§ 6 amended, 1993, 110 § 204; second paragraph amended, 1993, 445 § 39; third paragraph stricken out, 1993, 110 § 205.

§ 8, paragraph (8) added, 1993, 110 § 206; section amended, 1993, 495 § 40.

§ 8L revised, 1993, 384 § 4, 5. (*See 1993, 384 § 11.*)

§ 8O added, 1993, 332 § 2; section repealed, 1994, 302 § 3.

§ 8O added, 1993, 458 § 2.

§ 8O added, 1994, 60 § 144. (*See 1994, 60 § 315.*)

§ 8P added, 1994, 302 § 4.

§ 8P added, 1994, 60 § 145. (*See 1994, 60 § 315.*)

§ 10 amended, 1993, 110 § 207.

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CHAPTER 176B - Medical Service Corporations.

§ 4, second paragraph amended, 1993, 495 § 41; third and fourth paragraphs amended, 1993, 495 § 42; section amended, 1993, 110 § 208, 209; paragraph added, 1993, 110 § 210; last paragraph amended, 1993, 495 § 43.

§ 4K revised, 1993, 384 § 6, 7. (*See 1993, 384 § 11.*)

§ 4M added, 1993, 332 § 3.

§ 4O added, 1993, 458 § 3.

§ 4Q added, 1994, 284 § 4.

§ 4Q added, 1994, 302 § 6.

§ 6, paragraph added, 1993, 110 § 211; last paragraph amended, 1993, 495 § 44.

CHAPTER 176C - Non-Profit Medical Service Plans.

CHAPTER 176D - UNFAIR PRACTICES AND UNFAIR DECEPTION ACTS AND PRACTICES IN THE BUSINESS OF INSURANCE.

§ 3A amended, 1993, 110 § 212.

§ 3B added, 1994, 1994, 60 § 148. (*See 1994, 60 § 315.*)

CHAPTER 176E - Dental Service Corporations.

CHAPTER 176F - Optometric Service Corporations.

CHAPTER 176G - Health Maintenance Organizations.

§ 4, first paragraph, sentence added, 1993, 332 § 4; sentence revised, 1994, 302 § 7.

§ 4D added, 1993, 384 § 8; section revised, 1993, 384 § 9. (*See 1993, 384 § 11.*)

§ 4F added 1993, 458 § 4.

§ 4G added, 1994, 60 § 149. (*See 1994, 60 § 315.*)

§ 4H added, 1994, 284 § 5.

§ 16, paragraph added, 1993, 110 § 213.

§ 18 repealed, 1993, 110 § 214.

CHAPTER 176H - Legal Service Plans.

CHAPTER 176I - PREFERRED PROVIDER ARRANGEMENTS.

New chapter inserted, 1988, 23 § 65. (*See 1988, 23 § 92.*)

CHAPTER 176J - SMALL GROUP HEALTH INSURANCE.

New chapter inserted, 1991, 495 § 42.

CHAPTER 176K - MEDICARE SUPPLEMENT INSURANCE PLANS.

New chapter inserted, 1993, 495 § 45.

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CHAPTER 176L - RISK RETENTION AND RISK PURCHASING GROUPS.

New chapter inserted, 1993, 226 § 53.

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.*)

§ 3, paragraph added, 1994, 118 § 2. (*See 1994, 118 § 6.*)

§ 4 revised, 1994, 118 § 3. (*See 1994, 118 § 6.*)

§ 7, fourth paragraph, second sentence stricken out, 1993, 270 § 2.

§ 10, sentence inserted after fourth sentence, 1994, 118 § 4. (*See 1994, 118 § 6.*)

§ 11 added, 1994, 118 § 4. (*See 1994, 118 § 6.*)

CHAPTER 179 - Proprietors of Wharves, Real Estate lying in Common, and General Fields.

CHAPTER 180 - Corporations for Charitable and Certain Other Purposes.

CHAPTER 180A - Management of Institutional Funds.

CHAPTER 181 - Foreign Corporations.

CHAPTER 182 - Voluntary Associations and Certain Trusts.

CHAPTER 183 - Alienation of Land.

§ 60, first three paragraphs amended, 1993, 420 § 2.

§ 63 revised, 1994, 245 § 1, 2. (*See 1994, 245 § 2.*)

§ 63A, first sentence revised, 1994, 350 § 2.

§ 63B added, 1994, 245 § 2A.

CHAPTER 183A - Condominiums.

§ 1, definition of "Limited common areas and facilities" inserted, 1994, 365 § 1. (*See 1994, 365 § 5.*)

§ 5, subsection (b) revised, 1994, 365 § 2; subsection (c), five sentences inserted after first sentence, 1994, 365 § 3. (*See 1994, 365 § 5.*)

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§ 6, subsection (a), clause (ii), nine sentences inserted after first sentence, 1994, 319 § 1; sentence inserted after first sentence, 1994, 365 § 4; subsection (c), paragraph added, 1993, 1 1. (See 1994, 365 § 5.)
§ 10, subsection (b), clause (6) added, 1994, 319 § 2.

CHAPTER 183B - REAL ESTATE TIME-SHARES.

New chapter inserted, 1987, 760 § 1. (See 1987, 760 § 2.)

CHAPTER 184 - General Provisions relative to Real Property.

CHAPTER 184A - The Rule against Perpetuities.

CHAPTER 184B - SHORT FORM TERMS FOR WILLS AND TRUSTS.

CHAPTER 185 - The Land Court and Registration of Title to Land.

§ 78 amended, 1993, 460 § 57.

§ 80 amended, 1993, 460 § 58.

CHAPTER 185A - Housing Court of the City of Boston, Jurisdiction and Powers.

CHAPTER 185B - Housing Court of the County of Hampden, Jurisdiction and Powers.

CHAPTER 185C - Housing Court Department.

CHAPTER 186 - Estates for Years and at Will.

CHAPTER 187 - Easements.

CHAPTER 188 - Homesteads.

CHAPTER 189 - Dower and Curtesy.

CHAPTER 190 - Descent and Distribution of Real and Personal Property.

§ 7 amended, 1993, 460 § 59.

CHAPTER 190A - Effect of Apparently Simultaneous Deaths Upon Devolution and Disposition of Property, including Proceeds of Insurance.

CHAPTER 191 - Wills.

CHAPTER 191A - Disclaimer of Certain Property Interest Act.

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CHAPTER 191B - UNIFORM STATUTORY WILL ACT.

New chapter inserted, 1987, 319 § 2.

CHAPTER 192 - Probate of Wills and Appointment of Executors.

CHAPTER 193 - Appointment of Administrators.

§ 7, subsection (c) amended, 1993, 161 § 25.

CHAPTER 194 - Public Administrators.

§ 4 amended, 1993, 161 § 26.

§ 6 amended, 1993, 161 § 27.

CHAPTER 195 - General Provisions relative to Executors and Administrators.

§ 16 amended, 1993, 161 §§ 28, 29; paragraph added, 1994, 364 § 1.

§ 16A amended, 1993, 161 §§ 30, 31; paragraph added, 1994, 364 § 2.

CHAPTER 196 - Allowances to Widows and Children, and Advancements.

CHAPTER 197 - PAYMENT OF DEBTS, LEGACIES AND DISTRIBUTIVE SHARES.

§ 9A, paragraph added, 1993, 319.

CHAPTER 198 - Insolvent Estates Of Deceased Persons.

§ 1 amended, 1993, 161 § 32.

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.

§ 6B, subsection (a) revised, 1994, 60 § 151. (*See 1994, 60 § 315.*)

CHAPTER 201 - Guardians and Conservators.

§ 38, second paragraph revised, 1993, 480 § 1; section amended, 1993, 480 §§ 2, 3.

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CHAPTER 201A - UNIFORM TRANSFER TO MINORS ACT. (Former title, Uniform Gifts to Minors Act.)

(Title revised, 1987, 465 § 57.)

CHAPTER 201B - UNIFORM DURABLE POWER OF ATTORNEY ACT.

CHAPTER 201C - STATUTORY CUSTODIANSHIP TRUSTS.

CHAPTER 201D - HEALTH CARE PROXIES.

New chapter inserted, 1990, 332 § 1. Title inserted, 1992, 286 § 252.

CHAPTER 202 - Sales, Mortgages and Leases of Real Estate by Executors, Administrators, Guardians and Conservators.

CHAPTER 203 - Trusts.

CHAPTER 203A - Uniform Common Trust Fund Act. (Former title, Collective Investment of Small Trust Funds.)

CHAPTER 203B - UNIFORM CUSTODIAL TRUST ACT.

New chapter inserted, 1993, 434 § 1. (*See* 1993, 434 §§ 2, 3.)

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.

CHAPTER 208 - Divorce.

§ 28 amended, 1993, 460 § 60; third paragraph, sentence added, 1993, 460 § 61; paragraph added, 1993, 460 § 62.

§ 28A amended, 1993, 460 § 63.

CHAPTER 209 - Husband and Wife.

§ 32 amended, 1993, 460 § 64.

§ 32F, subsection (a) revised, 1993, 460 § 65.

§ 37, six sentences inserted, 1993, 460 § 66; paragraph added, 1993, 460 § 67.

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CHAPTER 209A - Abuse Prevention.

§ 3B added, 1994, 24 § 6. (*See 1994, 24 § 11.*)
§ 3C added, 1994, 24 § 6. (*See 1994, 24 § 11.*)
§ 7 amended, 1994, 24 § 7. (*See 1994, 24 § 11.*)
§ 10 added, 1993, 110 § 217; section amended, 1993, 151 § 49.

CHAPTER 209B - Massachusetts Child Custody Jurisdiction Act.

CHAPTER 209C - CHILDREN BORN OUT OF WEDLOCK.

§ 2 amended, 1993, 46 § 68.
§ 3, subsection (b) amended, 1993, 460 § 69; subsection (d) amended, 1993, 460 § 70.
§ 6, subsections (b) and (c) added, 1993, 46 § 71.
§ 8, second sentence inserted, 1993, 460 § 72.
§ 9, subdivision (a) amended, 1993, 460 § 73; section amended, 1993, 460 § 74; subsection (c) revised, 1993, 460 § 75; subsection (f) amended, 1993, 75A.
§ 10, subsection (b) amended, 1993, 460 § 76.
§ 11, subsection (a) revised, 1993, 460 § 77; subsection (d) amended, 1993, 460 § 78.
§ 12, last sentence amended, 1993, 460 § 79.
§ 17 amended, 1993, 460 § 80, 81; fifth sentence inserted, 1993, 460 § 82.
§ 20, sentence added, 1993, 460 § 83.
§ 22, subsection (a) revised, 1993, 460 § 84.

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§ 22, first sentence revised, 1994, 191 §§ 2, 3, 4. (*See 1994, 191 § 11.*)

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§ 2, first sentence revised, 1994, 191 §§ 5, 6, 7. (*See 1994, 191 § 11.*)

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§ 4, first three paragraphs revised, 1994, 191 §§ 8, 9, 10. (*See 1994, 191 § 11.*)
§ 9 amended, 1993, 495 §§ 46, 47, 48, 49.
§ 10 amended, 1993, 495 § 50.

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§ 12, two sentences inserted, 1993, 110 § 221.

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§ 3, paragraph added, 1993, 71 § 63.

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§ 4 amended, 1993, 460 § 85.

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§ 29C added, 1993, 110 § 222.

§ 29D added, 1993, 110 § 223.

§ 29E added, 1994, 60 § 156. (*See 1994, 60 § 315.*)

§ 29F added, 1994, 126 § 18.

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§ 1 amended, 1994, 60 §§ 157, 158; third paragraph revised, 1994, 60 § 159. (*See 1994, 60 § 315.*)

§ 8, second paragraph, first sentence amended, 1993, 50 § 24.

§ 10 amended, 1993, 495 §§ 51, 52, 53, 54, 55, 56, 57; first seven paragraphs revised, 1994, 60 § 160. (*See 1994, 60 § 315.*)

§ 23, paragraph added, 1994, 344.

§ 26 amended, 1994, 24 § 5; 318 § 23. (*See 1994, 24 § 11.*)

§ 27A, sentence added, 1993, 151 § 50.

§ 43D repealed, 478 § 2. (*See 1993, 478 § 7.*)

§ 57, eighth subparagraph stricken out and two subparagraphs inserted, 1994, 335 § 1; section amended, 1994, 60 § 162; 335 § 1A. (*See 1994, 60 § 315.*)

§ 58 amended, 1994, 335 §§ 2, 3.

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§ 62C, first paragraph, clause (i) stricken out, 1993, 182 § 24.

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§ 5A, two sentences inserted after second sentence, 1994, 60 § 166; sentence added, 1994, 60 § 167. (*See 1994, 60 § 315.*)

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§ 27, subsection B, clause (1) amended, 1993, 151 § 51; clause (3) amended, 1993, 151 § 52.

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§ 4, second paragraph revised, 1993, 479.

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§ 4 amended, 1993, 478 § 4.
§ 6 revised, 1993, 110 § 228; last sentence revised, 1994, 60 § 168. (*See 1994, 60 § 315.*)
§ 8, first paragraph, last sentence stricken out and two sentences inserted, 1994, 60 § 169; second paragraph, sentence inserted after first sentence, 1994, 60 § 170; paragraph added, 1994, 60 § 171. (*See 1994, 60 § 315.*)
§ 9 amended, 1993, 478 § 5.

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§ 6 revised, 1993, 495 § 58.
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§ 7, paragraph added, 1993, 301 § 1.

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§ 10E added, 1994, 24 § 8. (*See 1994, 24 § 11.*)

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§ 16, second paragraph revised, 1993, 182 § 25.
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§ 43, last sentence revised, 1993, 460 § 87.

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§ 43A revised, 1993, 175 § 2.
§ 99, paragraph D, subparagraph 1, clause (e) added, 1993, 432 § 13.
§ 103 repealed, 1993, 279.

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§ 1, second paragraph, first sentence stricken out, 1993, 340 § 3; section amended, 1993, 460 § 88.
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- § 15 amended, 1993, 460 § 91.
- § 15A amended, 1993, 460 §§ 92, 93, 94, 95.
- § 16 revised, 1993, 460 § 96.

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- § 1 amended, 1993, 460 §§ 97, 98, 99.
- § 3A added, 1993, 460 § 100.
- § 10, fourth paragraph stricken out, 1993, 460 § 101.
- § 10A added, 1993, 460 § 102.
- § 15B added, 1993, 460 § 103.

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- § 23A added, 1994, § 60 § 175; revised, 1994, 247 § 3. (*See 1994, 247 § 7; 60 § 315.*)
- § 28, sentence inserted after first sentence, 1994, 351.
- § 29-32 revised, 1994, 247 § 4. (*See 1994, 247 § 7.*)
- § 58, first paragraph revised, 1994, 68 § 1; section amended, 1994, 68 §§ 2, 3; third paragraph, three sentences inserted after fifth sentence, 1994, 68 § 4; paragraph added, 1994, 68 § 5.
- § 58A added, 1994, 68 § 6.
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- § 67 repealed, 1994, 247 § 5. (*See 1994, 247 § 7.*)
- § 82A amended, 1994, 68 § 7.
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- § 127, sentence added, 1994, 168 § 4.
- § 58A½ added, 1994, 168 § 5.
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- § 16E added, 1993, 417; section repealed, 1994, 352 § 2.

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§ 18 repealed, 1993, 432 § 15. (*See 1993, 432 § 21.*)

§ 24 revised, 1993, 432 § 16.

§ 28 repealed, 1993, 432 § 17. (*See 1993, 432 § 21.*)

§ 31 repealed, 1993, 432 § 18. (*See 1993, 432 § 21.*)

§ 32 repealed, 1993, 432 § 19. (*See 1993, 432 § 21.*)

§ 33 repealed, 1993, 432 § 20. (*See 1993, 432 § 21.*)

§ 42, second paragraph revised, 1993, 182 § 27.

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§ 6, second and third paragraphs revised, 1991, 138 214; section revised, 1994, 247 § 6. (*See 1994, 247 § 7.*) (*See 1991, 214 § 393.*)

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